

Fact Sheet:

The Tribal Youth & Community Protection Act

In tribal court, sentences are limited to a maximum of three years per offense, and multiple sentences can be stacked on one another.

If a non-Indian defendant is found guilty, they would serve jail time in a tribal correctional facility that has been approved by the Bureau of Indian Affairs. Tribes are also free to enter into agreement with regional detention facilities that could be located off a reservation—in which case the guilty offender would serve time in that facility.

All defendants suspected of drug crimes on tribal lands will have to appear in tribal court.

The Tribal Youth and Community Protection Act builds on existing federal law that describes the ties a defendant must have to the tribe for the tribal court to hear a case that is not a drug offense.

Individuals suspected of committing crimes against children will need to have ties like those currently applicable to domestic violence crimes, which include:

- Living on the tribe's lands, or
- Being employed by the tribe, or
- Having a relationship (as defined in federal law) with a tribal member or Native American living on the tribe's lands.

The Tribal Youth and Community Protection Act maintains current federal law, which requires tribal courts to provide constitutional protections to defendants when exercising criminal jurisdiction related to the bill.

- These protections provide a check on controversial or uncertain charges against a suspect/defendant.
- Additionally, if a tribal court issues a controversial decision, a defendant can request that a federal court review the legality of his or her detention.

All non-Indian defendants in tribal court will have the same constitutional protections as they would have in federal court, including:

- Right to a speedy and public trial.
- Right to counsel.
- Right to not incriminate oneself.

