

## **Current Title 2 Law and Order Section 00.03 as of 11-05-2014**

### 2.00.03 Tribal Criminal Jurisdiction

The Tribal Court shall have criminal jurisdiction on the Reservation over:

- a) All Tribal members; and
- b) All other Indians in accordance with applicable Federal Law and U.S. Supreme Court decisions.

Non-Indians must be apprehended and prosecuted in accordance with applicable federal law and consistent with the rule stated in *Oliphant v. Suquamish Tribe*, 435 U.S. 191 (1978) so long as such rule is good law.

## **Suggested Law and Order Revision as of 03-11-2015**

### 2.00.03 Tribal Criminal Jurisdiction

The Shoalwater Bay Tribal Community is a sociopolitical organization consisting of a number of families, clans, and other individuals who share a common ancestry, culture, geographical space, and/or employment. The Tribal Court shall have criminal jurisdiction throughout all Tribal lands over:

- a) All Tribal members; and
- b) All Indians in accordance with applicable Federal Law and U.S. Supreme Court decisions; and
- c) All non-Indians of the Shoalwater Bay Tribal Community who may request and voluntarily consent to the criminal jurisdiction of the Tribal Court, identified as those individuals who live and/or work within the present day reservation and those Tribal lands owned and controlled by the Tribe.

All other non-Indians must be apprehended and prosecuted in accordance with applicable federal law.