

includes a term of imprisonment of 1 or more years.

(C) Custody conditions

The imprisonment by the Bureau of Prisons shall be subject to the conditions described in section 5003 of title 18, regarding the custody of State offenders, except that the offender shall be placed in the nearest available and appropriate Federal facility, and imprisoned at the expense of the United States.

(D) Cap

The Bureau of Prisons shall confine not more than 100 tribal offenders at any time.

(3) Rescinding requests

(A) In general

The applicable tribal government shall retain the authority to rescind the request for confinement of a tribal offender by the Bureau of Prisons under this paragraph at any time during the sentence of the offender.

(B) Return to tribal custody

On rescission of a request under subparagraph (A), a tribal offender shall be returned to tribal custody.

(4) Reassessment

If tribal court demand for participation in this program exceeds 100 tribal offenders, a representative of the Bureau of Prisons shall notify Congress.

(Pub. L. 111-211, title II, § 234(c), July 29, 2010, 124 Stat. 2281; Pub. L. 117-103, div. W, title VIII, § 803, Mar. 15, 2022, 136 Stat. 898.)

Editorial Notes

REFERENCES IN TEXT

Section 1302 of this title (as amended by this section), referred to in par. (1), is section 1302 of this title, as amended by section 234 of Pub. L. 111-211.

CODIFICATION

Section was formerly set out as a note under section 1302 of this title.

Section was enacted as part of the Tribal Law and Order Act of 2010, and not as part of the Indian Civil Rights Act of 1968 which comprises this subchapter.

AMENDMENTS

2022—Pub. L. 117-103, § 803(1), (2), struck out “pilot” before “program” in section catchline and wherever appearing in text.

Par. (1). Pub. L. 117-103, § 803(3), substituted “Not later than 120 days after March 15, 2022” for “Not later than 120 days after July 29, 2010”.

Par. (2)(B). Pub. L. 117-103, § 803(4), substituted “1 or more years” for “2 or more years”.

Pars. (5), (6). Pub. L. 117-103, § 803(5), struck out pars. (5) and (6) which read as follows:

“(5) REPORT.—Not later than 3 years after the date of establishment of the pilot program, the Attorney General shall submit to Congress a report describing the status of the program, including recommendations regarding the future of the program, if any.

“(6) TERMINATION.—Except as otherwise provided by an Act of Congress, the pilot program under this paragraph shall expire on the date that is 4 years after the date on which the program is established.”

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definition of “tribal government” as used in this section, see section 203(a) of Pub. L. 111-211, set out as a note under section 2801 of this title.

§ 1303. Habeas corpus

The privilege of the writ of habeas corpus shall be available to any person, in a court of the United States, to test the legality of his detention by order of an Indian tribe.

(Pub. L. 90-284, title II, § 203, Apr. 11, 1968, 82 Stat. 78.)

§ 1304. Tribal jurisdiction over covered crimes

(a) Definitions

In this section:

(1) Assault of Tribal justice personnel

The term “assault of Tribal justice personnel” means any violation of the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs that involves the use, attempted use, or threatened use of physical force against an individual authorized to act for, or on behalf of, that Indian tribe or serving that Indian tribe during, or because of, the performance or duties of that individual in—

(A) preventing, detecting, investigating, making arrests relating to, making apprehensions for, or prosecuting a covered crime;

(B) adjudicating, participating in the adjudication of, or supporting the adjudication of a covered crime;

(C) detaining, providing supervision for, or providing services for persons charged with a covered crime; or

(D) incarcerating, supervising, providing treatment for, providing rehabilitation services for, or providing reentry services for persons convicted of a covered crime.

(2) Child

The term “child” means a person who has not attained the lesser of—

(A) the age of 18; and

(B) except in the case of sexual abuse, the age specified by the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs.

(3) Child violence

The term “child violence” means the use, threatened use, or attempted use of violence against a child proscribed by the criminal law of the Indian tribe that has jurisdiction over the Indian country where the violation occurs.

(4) Coercion; commercial sex act

The terms “coercion” and “commercial sex act” have the meanings given the terms in section 1591(e) of title 18.

(5) Covered crime

The term “covered crime” means—

(A) assault of Tribal justice personnel;

(B) child violence;

(C) dating violence;

(D) domestic violence;

(E) obstruction of justice;

(F) sexual violence;

(G) sex trafficking;

(H) stalking; and

(I) a violation of a protection order.

(6) Dating violence

The term “dating violence” means any violation of the criminal law of the Indian tribe