



Criminal Jurisdiction in Non-PL 280 States¹

Offender	Victim	Jurisdiction
Non-Indian	Non-Indian	State jurisdiction is exclusive of federal and tribal jurisdiction.
Non-Indian	Indian	Federal jurisdiction under the General Crimes Act is exclusive of state and tribal jurisdiction.
Indian	Non-Indian	If listed in the Major Crimes Act, there is federal jurisdiction, exclusive of the state, but probably not of the Nation. If not listed in the Major Crimes Act, there is federal jurisdiction, exclusive of the state, but not of the Nation, under the General Crimes Act. If the offense is not defined and punished by a statute applicable within the special maritime and territorial jurisdiction of the United States, state law is used in federal courts under 18 U.S.C. § 13.
Indian	Indian	If the offense is listed in the Major Crimes Act, there is federal jurisdiction, exclusive of the state, but not of the Nation. If the listed offense is not otherwise defined and punished by federal law applicable in the special maritime and territorial jurisdiction of the United States, state law is used in federal courts. See section 1153(b). If not listed in the Major Crimes Act, tribal jurisdiction is exclusive.
Non-Indian	Victimless	State jurisdiction is exclusive, although federal jurisdiction may attach if an impact on individual Indian or tribal interest is clear.
Indian	Victimless	There may be both federal and tribal jurisdiction. Under the Indian Gaming Regulatory Act, all state gaming laws, regulatory as well as criminal, are assimilated into federal law and exclusive jurisdiction is vested in the United States.

¹ Carrie Garrow and Sarah Deer, TRIBAL CRIMINAL LAW AND PROCEDURE, TRIBAL LEGAL STUDIES TEXTBOOK SERIES 93 (AltaMira Press 2004).