

# Calendar No. 579

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 1763

[Report No. 112-265]

To decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2011

Mr. AKAKA (for himself, Mr. FRANKEN, Mr. UDALL of New Mexico, Mr. INOUE, Mr. BEGICH, Mrs. MURRAY, Mr. JOHNSON of South Dakota, Mr. BINGAMAN, Mr. TESTER, Mr. BAUCUS, Mr. CONRAD, Mr. REID, Ms. MURKOWSKI, Mr. CRAPO, and Mr. SANDERS) introduced the following bill; which was read twice and referred to the Committee on Indian Affairs

DECEMBER 27, 2012

Reported by Mr. AKAKA, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

To decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes com-

mited against Indian women are held accountable for that criminal behavior, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
5 “Stand Against Violence and Empower Native Women  
6 Act” or the “SAVE Native Women Act”.

7 (b) **TABLE OF CONTENTS.**—The table of contents for  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—GRANT PROGRAMS**

Sec. 101. Grants to Indian tribal governments.

Sec. 102. Tribal coalition grants.

Sec. 103. Consultation.

Sec. 104. Analysis and research on violence against women.

Sec. 105. Definitions.

**TITLE II—TRIBAL JURISDICTION AND CRIMINAL OFFENSES**

Sec. 201. Tribal jurisdiction over crimes of domestic violence.

Sec. 202. Tribal protection orders.

Sec. 203. Amendments to the Federal assault statute.

Sec. 204. Effective dates; pilot project.

Sec. 205. Other amendments.

**TITLE III—INDIAN LAW AND ORDER COMMISSION**

Sec. 301. Indian Law and Order Commission.

9 **TITLE I—GRANT PROGRAMS**

10 **SEC. 101. GRANTS TO INDIAN TRIBAL GOVERNMENTS.**

11 Section 2015(a) of title I of the Omnibus Crime Con-  
12 trol and Safe Streets Act of 1968 (42 U.S.C. 3796gg-  
13 10(a)) is amended—

1           (1) in paragraph (2), by inserting “sex traf-  
2           ficking,” after “sexual assault,”;

3           (2) in paragraph (4), by inserting “sex traf-  
4           ficking,” after “sexual assault,”;

5           (3) in paragraph (5), by inserting “sexual as-  
6           sault, sex trafficking,” after “dating violence,”;

7           (4) in paragraph (7)—

8                 (A) by inserting “sex trafficking,” after  
9                 “sexual assault,” each place it appears; and

10                (B) by striking “and” at the end;

11           (5) in paragraph (8)—

12                 (A) by inserting “sex trafficking,” after  
13                 “stalking,”; and

14                 (B) by striking the period at the end and  
15                 inserting a semicolon; and

16           (6) by adding at the end the following:

17                 “(9) provide services to address the needs of  
18                 youth who are victims of domestic violence, dating  
19                 violence, sexual assault, sex trafficking, or stalking  
20                 and the needs of children exposed to domestic vio-  
21                 lence, dating violence, sexual assault, sex trafficking,  
22                 or stalking, including support for the nonabusing  
23                 parent or the caretaker of the child; and

24                 “(10) develop and promote legislation and poli-  
25                 cies that enhance best practices for responding to

1 violent crimes against Indian women, including the  
 2 crimes of domestic violence, dating violence, sexual  
 3 assault, sex trafficking, and stalking.”.

4 **SEC. 102. TRIBAL COALITION GRANTS.**

5 Section 2001 of title I of the Omnibus Crime Control  
 6 and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is  
 7 amended by striking subsection (d) and inserting the fol-  
 8 lowing:

9 “(d) **TRIBAL COALITION GRANTS.**—

10 “(1) **PURPOSE.**—The Attorney General shall  
 11 award a grant to each established tribal coalition for  
 12 purposes of—

13 “(A) increasing awareness of domestic vio-  
 14 lence and sexual assault against Indian women;

15 “(B) enhancing the response to violence  
 16 against Indian women at the Federal, State,  
 17 and tribal levels;

18 “(C) identifying and providing technical  
 19 assistance to coalition membership and tribal  
 20 communities to enhance access to essential serv-  
 21 ices to Indian women victimized by domestic  
 22 and sexual violence, including sex trafficking;  
 23 and

24 “(D) assisting Indian tribes in developing  
 25 and promoting legislation and policies that en-

1           hance best practices for responding to violent  
 2           crimes against Indian women, including the  
 3           crimes of domestic violence, dating violence,  
 4           sexual assault, sex trafficking, and stalking.

5           “(2) GRANTS.—

6                   “(A) IN GENERAL.—Subject to subpara-  
 7           graph (B), the Attorney General shall award  
 8           grants on annual basis under paragraph (1)  
 9           to—

10                   “(i) each tribal coalition that—

11                           “(I) meets the criteria of a tribal  
 12                           coalition under section 40002(a) of  
 13                           the Violence Against Women Act of  
 14                           1994 (42 U.S.C. 13925(a));

15                           “(II) is recognized by the Office  
 16                           on Violence Against Women; and

17                           “(III) provides services to Indian  
 18                           tribes; and

19                   “(ii) organizations that propose to in-  
 20           corporate and operate a tribal coalition in  
 21           areas where Indian tribes are located but  
 22           no tribal coalition exists.

23                   “(B) RESTRICTION.—An organization de-  
 24           scribed in subparagraph (A)(ii) shall use a  
 25           grant under this subsection to support the plan-

1           ning and development of a tribal coalition, sub-  
 2           ject to the condition that any amounts provided  
 3           to the organization under this subsection that  
 4           remain unobligated on September 30 of each  
 5           fiscal year for which amounts are made avail-  
 6           able under paragraph (3) shall be redistributed  
 7           in the subsequent fiscal year by the Attorney  
 8           General to tribal coalitions described in sub-  
 9           paragraph (A)(i).

10           ~~“(3) USE OF AMOUNTS.—For each of fiscal~~  
 11           ~~years 2013 through 2017, of the amounts appro-~~  
 12           ~~priated to carry out this subsection—~~

13                   ~~“(A) 10 percent shall be made available to~~  
 14                   ~~organizations described in paragraph (2)(A)(ii);~~  
 15                   ~~and~~

16                   ~~“(B) 90 percent shall be made available to~~  
 17                   ~~tribal coalitions described in paragraph~~  
 18                   ~~(2)(A)(i), which amounts shall be distributed~~  
 19                   ~~equally among each eligible tribal coalition for~~  
 20                   ~~the applicable fiscal year.~~

21           ~~“(4) DURATION.—A grant under this sub-~~  
 22           ~~section shall be awarded for a period of 1 year.~~

23           ~~“(5) ELIGIBILITY FOR OTHER GRANTS.—Re-~~  
 24           ~~ceipt of an award under this subsection by a tribal~~  
 25           ~~coalition shall not preclude the tribal coalition from~~

1 receiving additional grants under this title to carry  
2 out the purposes described in paragraph (1).

3 “(6) MULTIPLE PURPOSE APPLICATIONS.—  
4 Nothing in this subsection prohibits any tribal coalition  
5 or organization described in paragraph (2)(A)  
6 from applying for funding to address sexual assault  
7 or domestic violence needs in the same application.”.

8 **SEC. 103. CONSULTATION.**

9 Section 903 of the Violence Against Women and De-  
10 partment of Justice Reauthorization Act of 2005 (42  
11 U.S.C. 14045d) is amended—

12 (1) in subsection (a)—

13 (A) by striking “and the Violence Against  
14 Women Act of 2000” and inserting “, the Violence  
15 Against Women Act of 2000”; and

16 (B) by inserting “, and the Stand Against  
17 Violence and Empower Native Women Act” be-  
18 fore the period at the end;

19 (2) in subsection (b)—

20 (A) in the matter preceding paragraph (1),  
21 by striking “the Secretary of the Department of  
22 Health and Human Services and” and inserting  
23 “the Secretary of Health and Human Services,  
24 the Secretary of the Interior, and”; and



1 (C) by adding at the end the following:

2 “(vi) sex trafficking.”;

3 (3) in paragraph (4), by striking “this Act” and  
4 inserting “the Stand Against Violence and Empower  
5 Native Women Act”; and

6 (4) in paragraph (5), by striking “this section  
7 \$1,000,000 for each of fiscal years 2007 and 2008”  
8 and inserting “this subsection \$1,000,000 for each  
9 of fiscal years 2012 and 2013”.

10 **SEC. 105. DEFINITIONS.**

11 Section 40002(a) of the Violence Against Women Act  
12 of 1994 (42 U.S.C. 13925(a)) is amended—

13 (1) by redesignating paragraphs (18) through  
14 (22) and (23) through (37) as paragraphs (19)  
15 through (23) and (25) through (39), respectively;

16 (2) by inserting after paragraph (17) the fol-  
17 lowing:

18 “(18) **NATIVE VILLAGE.**—The term ‘Native vil-  
19 lage’ has the meaning given that term in section 3  
20 of the Alaska Native Claims Settlement Act (43  
21 U.S.C. 1602).”;

22 (3) in paragraph (22) (as redesignated by para-  
23 graph (1))—

24 (A) in subparagraph (A), by striking “or”  
25 at the end;

1           (B) in subparagraph (B), by striking the  
2           period at the end and inserting “; or”;

3           (C) by adding at the end the following:

4           “(C) an area or community under the ju-  
5           risdiction of a federally recognized Indian  
6           tribe.”;

7           (4) by inserting after paragraph (23) (as redesi-  
8           gnated by paragraph (1)) the following:

9           “(24) SEX TRAFFICKING.—The term ‘sex traf-  
10          ficking’ means any conduct proscribed by section  
11          1591 of title 18, United States Code, regardless of  
12          whether the conduct occurs in interstate or foreign  
13          commerce or within the special maritime and terri-  
14          torial jurisdiction of the United States.”; and

15          (5) by striking paragraph (31) (as redesignated  
16          by paragraph (1)) and inserting the following:

17          “(31) TRIBAL COALITION.—The term ‘tribal eo-  
18          alition’ means an established nonprofit, nongovern-  
19          mental Indian organization established to provide  
20          services on a statewide, regional, or customary terri-  
21          tory basis that—

22                  “(A) provides education, support, and tech-  
23                  nical assistance to Indian service providers in a  
24                  manner that enables the providers to establish  
25                  and maintain culturally appropriate services; in-

1 including shelter and rape crisis services, de-  
2 signed to assist Indian women and the depend-  
3 ents of those women who are victims of domes-  
4 tic violence, dating violence, sexual assault, and  
5 stalking;

6 “(B) is comprised of board and general  
7 members that are representative of—

8 “(i) the service providers described in  
9 subparagraph (A); and

10 “(ii) the tribal communities in which  
11 the services are being provided;

12 “(C) serves as an information clearing-  
13 house and resource center for Indian programs  
14 addressing domestic violence and sexual assault;

15 “(D) supports the development of legisla-  
16 tion, policies, protocols, procedures, and guid-  
17 ance to enhance domestic violence and sexual  
18 assault intervention and prevention efforts in  
19 Indian tribes and communities to be served;  
20 and

21 “(E) has expertise in the development of  
22 Indian community-based, linguistically, and cul-  
23 turally specific outreach and intervention serv-  
24 ices for the Indian communities to be served.”.

1 **TITLE II—TRIBAL JURISDICTION**  
 2 **AND CRIMINAL OFFENSES**

3 **SEC. 201. TRIBAL JURISDICTION OVER CRIMES OF DOMES-**  
 4 **TIC VIOLENCE.**

5 Title II of Public Law 90-284 (25 U.S.C. 1301 et  
 6 seq.) (commonly known as the “Indian Civil Rights Act  
 7 of 1968”) is amended by adding at the end the following:

8 **“SEC. 204. TRIBAL JURISDICTION OVER CRIMES OF DOMES-**  
 9 **TIC VIOLENCE.**

10 “(a) **DEFINITIONS.**—In this section:

11 “(1) **DATING VIOLENCE.**—The term ‘dating vio-

12 lence’ means violence committed by a person who is

13 or has been in a social relationship of a romantic or

14 intimate nature with the victim, as determined by

15 the length of the relationship, the type of relation-

16 ship, and the frequency of interaction between the

17 persons involved in the relationship.

18 “(2) **DOMESTIC VIOLENCE.**—The term ‘domes-

19 tic violence’ means violence committed by a current

20 or former spouse of the victim, by a person with

21 whom the victim shares a child in common, by a per-

22 son who is cohabitating with or has cohabitated with

23 the victim as a spouse, or by a person similarly situ-

24 ated to a spouse of the victim under the domestic or

25 family violence laws of the Indian tribe that has ju-

1 jurisdiction over the Indian country where the violence  
2 occurs.

3 “(3) INDIAN COUNTRY.—The term ‘Indian  
4 country’ has the meaning given the term in section  
5 1151 of title 18, United States Code.

6 “(4) PARTICIPATING TRIBE.—The term ‘partici-  
7 pating tribe’ means an Indian tribe that elects to ex-  
8 ercise special domestic violence criminal jurisdiction  
9 over the Indian country of that Indian tribe.

10 “(5) PROTECTION ORDER.—The term ‘protec-  
11 tion order’ means any injunction, restraining order,  
12 or other order issued by a civil or criminal court for  
13 the purpose of preventing violent or threatening acts  
14 or harassment against, sexual violence against, con-  
15 tact or communication with, or physical proximity  
16 to, another person, including any temporary or final  
17 order issued by a civil or criminal court, whether ob-  
18 tained by filing an independent action or as a  
19 pendente lite order in another proceeding, so long as  
20 the civil or criminal order was issued in response to  
21 a complaint, petition, or motion filed by or on behalf  
22 of a person seeking protection.

23 “(6) SPECIAL DOMESTIC VIOLENCE CRIMINAL  
24 JURISDICTION.—The term ‘special domestic violence  
25 criminal jurisdiction’ means the criminal jurisdiction

1 that a participating tribe may exercise under this  
2 section but could not otherwise exercise.

3 “(7) SPOUSE OR INTIMATE PARTNER.—The  
4 term ‘spouse or intimate partner’ has the meaning  
5 given the term in section 2266 of title 18, United  
6 States Code.

7 “(b) NATURE OF THE CRIMINAL JURISDICTION.—

8 “(1) IN GENERAL.—Notwithstanding any other  
9 provision of law, in addition to all powers of self-gov-  
10 ernment recognized and affirmed by this Act, the  
11 powers of self-government of a participating tribe in-  
12 clude the inherent power of that tribe, which is here-  
13 by recognized and affirmed, to exercise special do-  
14 mestic violence criminal jurisdiction over all persons.

15 “(2) CONCURRENT JURISDICTION.—A partici-  
16 pating tribe shall exercise special domestic violence  
17 criminal jurisdiction concurrently, not exclusively.

18 “(3) APPLICABILITY.—Nothing in this sec-  
19 tion—

20 “(A) creates or eliminates any Federal or  
21 State criminal jurisdiction over Indian country;  
22 or

23 “(B) affects the authority of the United  
24 States, or any State government that has been  
25 delegated authority by the United States, to in-

1           investigate and prosecute a criminal violation in  
2           Indian country.

3           “(e) CRIMINAL CONDUCT.—A participating tribe may  
4           exercise special domestic violence criminal jurisdiction over  
5           a defendant for criminal conduct that falls into 1 or more  
6           of the following categories:

7           “(1) DOMESTIC VIOLENCE AND DATING VIO-  
8           LENCE.—An act of domestic violence or dating vio-  
9           lence that occurs in the Indian country of the par-  
10          ticipating tribe.

11          “(2) VIOLATIONS OF PROTECTION ORDERS.—  
12          An act that—

13                 “(A) occurs in the Indian country of the  
14                 participating tribe; and

15                 “(B) violates the portion of a protection  
16                 order that—

17                         “(i) prohibits or provides protection  
18                         against violent or threatening acts or har-  
19                         assment against, sexual violence against,  
20                         contact or communication with, or physical  
21                         proximity to, another person; and

22                         “(ii)(I) was issued against the defend-  
23                         ant;

24                         “(II) is enforceable by the partici-  
25                         pating tribe; and

1                   “(III) is consistent with section  
2                   2265(b) of title 18, United States Code.

3                   “(d) DISMISSAL OF CERTAIN CASES.—

4                   “(1) DEFINITION OF VICTIM.—In this sub-  
5                   section and with respect to a criminal proceeding in  
6                   which a participating tribe exercises special domestic  
7                   violence criminal jurisdiction based on a criminal  
8                   violation of a protection order, the term ‘victim’  
9                   means a person specifically protected by a protection  
10                  order that the defendant allegedly violated.

11                  “(2) NON-INDIAN VICTIMS AND DEFEND-  
12                  ANTS.—In a criminal proceeding in which a partici-  
13                  pating tribe exercises special domestic violence crimi-  
14                  nal jurisdiction, the case shall be dismissed if—

15                         “(A) the defendant files a pretrial motion  
16                         to dismiss on the grounds that the alleged of-  
17                         fense did not involve an Indian; and

18                         “(B) the participating tribe fails to prove  
19                         that the defendant or an alleged victim is an  
20                         Indian.

21                  “(3) TEST TO INDIAN TRIBE.—In a criminal  
22                  proceeding in which a participating tribe exercises  
23                  special domestic violence criminal jurisdiction, the  
24                  case shall be dismissed if—

1           “(A) the defendant files a pretrial motion  
2 to dismiss on the grounds that the defendant  
3 and the alleged victim lack sufficient ties to the  
4 Indian tribe; and

5           “(B) the prosecuting tribe fails to prove  
6 that the defendant or an alleged victim—

7           “(i) resides in the Indian country of  
8 the participating tribe;

9           “(ii) is employed in the Indian coun-  
10 try of the participating tribe; or

11           “(iii) is a spouse or intimate partner  
12 of a member of the participating tribe.

13           “(4) WAIVER.—A knowing and voluntary fail-  
14 ure of a defendant to file a pretrial motion described  
15 in paragraph (2) or (3) shall be considered a waiver  
16 of the right to seek a dismissal under this sub-  
17 section.

18           “(e) RIGHTS OF DEFENDANTS.—In a criminal pro-  
19 ceeding in which a participating tribe exercises special do-  
20 mestic violence criminal jurisdiction, the participating  
21 tribe shall provide to the defendant—

22           “(1) all applicable rights under this Act;

23           “(2) if a term of imprisonment of any length is  
24 imposed, all rights described in section 202(c); and

1           “(3) all other rights whose protection is nec-  
2           essary under the Constitution of the United States  
3           in order for Congress to recognize and affirm the in-  
4           herent power of the participating tribe to exercise  
5           criminal jurisdiction over the defendant.

6           “(f) PETITIONS TO STAY DETENTION.—

7           “(1) IN GENERAL.—A person who has filed a  
8           petition for a writ of habeas corpus in a court of the  
9           United States under section 203 may petition that  
10          court to stay further detention of that person by the  
11          participating tribe.

12          “(2) GRANT OF STAY.—A court shall grant a  
13          stay described in paragraph (1) if the court—

14                 “(A) finds that there is a substantial likeli-  
15                 hood that the habeas corpus petition will be  
16                 granted; and

17                 “(B) after giving each alleged victim in the  
18                 matter an opportunity to be heard; finds, by  
19                 clear and convincing evidence that, under condi-  
20                 tions imposed by the court, the petitioner is not  
21                 likely to flee or pose a danger to any person or  
22                 the community if released.

23          “(g) GRANTS TO TRIBAL GOVERNMENTS.—The At-  
24          torney General may award grants to the governments of

1 Indian tribes (or to authorized designees of those govern-  
2 ments)—

3           “(1) to strengthen tribal criminal justice sys-  
4 tems to assist Indian tribes in exercising special do-  
5 mestic violence criminal jurisdiction, including—

6                   “(A) law enforcement (including the capac-  
7 ity to enter information into and obtain infor-  
8 mation from national crime information data-  
9 bases);

10                   “(B) prosecution;

11                   “(C) trial and appellate courts;

12                   “(D) probation systems;

13                   “(E) detention and correctional facilities;

14                   “(F) alternative rehabilitation centers;

15                   “(G) culturally appropriate services and  
16 assistance for victims and their families; and

17                   “(H) criminal codes and rules of criminal  
18 procedure, appellate procedure, and evidence;

19           “(2) to provide indigent criminal defendants  
20 with the effective assistance of licensed defense  
21 counsel, at no cost to the defendant, in criminal pro-  
22 ceedings in which a participating tribe prosecutes a  
23 crime of domestic violence or dating violence or a  
24 criminal violation of a protection order;

1           ~~“(3) to ensure that, in criminal proceedings in~~  
 2           ~~which a participating tribe exercises special domestic~~  
 3           ~~violence criminal jurisdiction, jurors are summoned,~~  
 4           ~~selected, and instructed in a manner consistent with~~  
 5           ~~all applicable requirements; and~~

6           ~~“(4) to accord victims of domestic violence, dat-~~  
 7           ~~ing violence, and violations of protection orders~~  
 8           ~~rights that are similar to the rights of a crime victim~~  
 9           ~~described in section 3771(a) of title 18, United~~  
 10          ~~States Code, consistent with tribal law and custom.~~

11          ~~“(h) SUPPLEMENT, NOT SUPPLANT.—Amounts~~  
 12          ~~made available under this section shall supplement and~~  
 13          ~~not supplant any other Federal, State, tribal, or local gov-~~  
 14          ~~ernment amounts made available to carry out activities de-~~  
 15          ~~scribed in this section.~~

16          ~~“(i) AUTHORIZATION OF APPROPRIATIONS.—There~~  
 17          ~~are authorized to be appropriated to carry out subsection~~  
 18          ~~(g) and to provide training, technical assistance, data col-~~  
 19          ~~lection, and evaluation of the criminal justice systems of~~  
 20          ~~participating tribes such sums as are necessary.”.~~

21          **SEC. 202. TRIBAL PROTECTION ORDERS.**

22          Section 2265 of title 18, United States Code, is  
 23          amended by striking subsection (e) and inserting the fol-  
 24          lowing:

1       “(e) TRIBAL COURT JURISDICTION.—For purposes  
 2 of this section, a court of an Indian tribe shall have full  
 3 civil jurisdiction to issue and enforce protection orders in-  
 4 volving any person, including the authority to enforce any  
 5 orders through civil contempt proceedings, the exclusion  
 6 of violators from Indian land, and other appropriate mech-  
 7 anisms, in matters arising anywhere in the Indian country  
 8 of the Indian tribe (as defined in section 1151) or other-  
 9 wise within the authority of the Indian tribe.”.

10 **SEC. 203. AMENDMENTS TO THE FEDERAL ASSAULT STAT-**  
 11 **UTE.**

12       (a) ASSAULTS BY STRIKING, BEATING, OR WOUND-  
 13 ING.—Section 113(a)(4) of title 18, United States Code,  
 14 is amended by striking “six months” and inserting “1  
 15 year”.

16       (b) ASSAULTS RESULTING IN SUBSTANTIAL BODILY  
 17 INJURY.—Section 113(a)(7) of title 18, United States  
 18 Code, is amended by striking “substantial bodily injury  
 19 to an individual who has not attained the age of 16 years”  
 20 and inserting “substantial bodily injury to a spouse or in-  
 21 timate partner, a dating partner, or an individual who has  
 22 not attained the age of 16 years”.

23       (c) ASSAULTS BY STRANGLING OR SUFFOCATING.—  
 24 Section 113(a) of title 18, United States Code, is amended  
 25 by adding at the end the following:

1           “(8) Assault of a spouse, intimate partner, or  
2           dating partner by strangling, suffocating, or at-  
3           tempting to strangle or suffocate, by a fine under  
4           this title, imprisonment for not more than 10 years,  
5           or both.”.

6           (d) DEFINITIONS.—Section 113(b) of title 18, United  
7 States Code, is amended—

8           (1) by striking “(b) As used in this sub-  
9           section—” and inserting the following:

10          “(b) DEFINITIONS.—In this section—”;

11          (2) in paragraph (1)(B), by striking “and” at  
12          the end;

13          (3) in paragraph (2), by striking the period at  
14          the end and inserting a semicolon; and

15          (4) by adding at the end the following:

16          “(3) the terms ‘dating partner’ and ‘spouse or  
17          intimate partner’ have the meanings given those  
18          terms in section 2266;

19          “(4) the term ‘strangling’ means intentionally,  
20          knowingly, or recklessly impeding the normal breath-  
21          ing or circulation of the blood of a person by apply-  
22          ing pressure to the throat or neck, regardless of  
23          whether that conduct results in any visible injury or  
24          whether there is any intent to kill or protractedly in-  
25          jure the victim; and

1           “(5) the term ‘suffocating’ means intentionally,  
2           knowingly, or recklessly impeding the normal breath-  
3           ing of a person by covering the mouth of the person,  
4           the nose of the person, or both, regardless of wheth-  
5           er that conduct results in any visible injury or  
6           whether there is any intent to kill or protractedly in-  
7           jure the victim.”.

8           (e) INDIAN MAJOR CRIMES.—Section 1153(a) of title  
9 18, United States Code, is amended by striking “assault  
10 with intent to commit murder, assault with a dangerous  
11 weapon, assault resulting in serious bodily injury (as de-  
12 fined in section 1365 of this title)” and inserting “a felony  
13 assault under section 113”.

14 **SEC. 204. EFFECTIVE DATES; PILOT PROJECT.**

15           (a) GENERAL EFFECTIVE DATE.—Except as pro-  
16 vided in subsection (b), the amendments made by this title  
17 shall take effect on the date of enactment of this Act.

18           (b) EFFECTIVE DATE FOR SPECIAL DOMESTIC VIO-  
19 LENCE CRIMINAL JURISDICTION.—

20           (1) IN GENERAL.—Except as provided in para-  
21 graph (2), subsections (b) through (e) of section 204  
22 of Public Law 90-284 (as added by section 201)  
23 shall take effect on the date that is 2 years after the  
24 date of enactment of this Act.

25           (2) PILOT PROJECT.—

1           (A) IN GENERAL.—At any time during the  
2 2-year period beginning on the date of enact-  
3 ment of this Act, an Indian tribe may ask the  
4 Attorney General to designate the tribe as a  
5 participating tribe under section 204(a) of Pub-  
6 lic Law 90-284 on an accelerated basis.

7           (B) PROCEDURE.—The Attorney General  
8 (or a designee of the Attorney General) may  
9 grant a request under subparagraph (A) after  
10 coordinating with the Secretary of the Interior  
11 (or a designee of the Secretary), consulting with  
12 affected Indian tribes, and concluding that the  
13 criminal justice system of the requesting tribe  
14 has adequate safeguards in place to protect de-  
15 fendants' rights, consistent with section 204 of  
16 Public Law 90-284.

17           (C) EFFECTIVE DATES FOR PILOT  
18 PROJECTS.—An Indian tribe designated as a  
19 participating tribe under this paragraph may  
20 commence exercising special domestic violence  
21 criminal jurisdiction pursuant to subsections (b)  
22 through (e) of section 204 of Public Law 90-  
23 284 on a date established by the Attorney Gen-  
24 eral, after consultation with that Indian tribe,

1 but in no event later than the date that is 2  
 2 years after the date of enactment of this Act.

3 **SEC. 205. OTHER AMENDMENTS.**

4 (a) ASSAULTS.—Section 113(a) of title 18, United  
 5 States Code, is amended—

6 (1) by striking paragraph (1) and inserting the  
 7 following:

8 “(1) Assault with intent to commit murder or  
 9 a felony under chapter 109A, by a fine under this  
 10 title, imprisonment for not more than 20 years, or  
 11 both.”;

12 (2) in paragraph (3) by striking “and without  
 13 just cause or excuse,”; and

14 (3) in paragraph (7), by striking “fine” and in-  
 15 serting “a fine”.

16 (b) REPEAT OFFENDERS.—Section 2265A(b)(1)(B)  
 17 of title 18, United States Code, is amended by inserting  
 18 “or tribal” after “State”.

19 **TITLE III—INDIAN LAW AND**  
 20 **ORDER COMMISSION**

21 **SEC. 301. INDIAN LAW AND ORDER COMMISSION.**

22 Section 15(f) of the Indian Law Enforcement Reform  
 23 Act (25 U.S.C. 2812(f)) is amended by striking “2 years”  
 24 and inserting “3 years”.

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) *SHORT TITLE.*—*This Act may be cited as the*  
 3 *“Stand Against Violence and Empower Native Women Act”*  
 4 *or the “SAVE Native Women Act”.*

5 (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 6 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*TITLE I—GRANT PROGRAMS*

*Sec. 101. Grants to Indian tribal governments.*

*Sec. 102. Tribal coalition grants.*

*Sec. 103. Consultation.*

*Sec. 104. Analysis and research on violence against women.*

*Sec. 105. Definitions.*

*TITLE II—TRIBAL JURISDICTION AND CRIMINAL OFFENSES*

*Sec. 201. Tribal jurisdiction over crimes of domestic violence.*

*Sec. 202. Tribal protection orders.*

*Sec. 203. Amendments to the Federal assault statute.*

*Sec. 204. Effective dates; pilot project.*

*Sec. 205. Assaults; repeat offenders.*

*Sec. 206. Violations of tribal civil protection orders.*

*Sec. 207. High priority performance goal pilot program reporting.*

*TITLE III—INDIAN LAW AND ORDER COMMISSION*

*Sec. 301. Indian Law and Order Commission.*

*TITLE IV—SAFETY ENHANCEMENT STUDY AND DEMONSTRATION  
PROJECTS*

*Sec. 401. Safety enhancement study and demonstration projects.*

7 **TITLE I—GRANT PROGRAMS**

8 **SEC. 101. GRANTS TO INDIAN TRIBAL GOVERNMENTS.**

9 *Section 2015 of title I of the Omnibus Crime Control*  
 10 *and Safe Streets Act of 1968 (42 U.S.C. 3796gg–10) is*  
 11 *amended—*

12 (1) *in subsection (a)—*

1           (A) in paragraph (2), by inserting “sex  
2           trafficking,” after “sexual assault,”;

3           (B) in paragraph (4), by inserting “sex  
4           trafficking,” after “sexual assault,”;

5           (C) in paragraph (5), by inserting “sexual  
6           assault, sex trafficking,” after “dating violence,”;

7           (D) in paragraph (7)—

8                 (i) by inserting “sex trafficking,” after  
9                 “sexual assault,” each place it appears; and

10                (ii) by striking “and” at the end;

11           (E) in paragraph (8)—

12                 (i) by inserting “sex trafficking,” after  
13                 “stalking,”; and

14                 (ii) by striking the period at the end  
15                 and inserting a semicolon; and

16           (F) by adding at the end the following:

17                 “(9) provide services to address the needs of  
18                 youth who are victims of domestic violence, dating vi-  
19                 olence, sexual assault, sex trafficking, or stalking and  
20                 the needs of children exposed to domestic violence,  
21                 dating violence, sexual assault, sex trafficking, or  
22                 stalking, including support for the nonabusing parent  
23                 or the caretaker of the child; and

24                 “(10) develop legislation and policies and pro-  
25                 vide outreach and education that enhance best prac-

1 *tices for responding to violent crimes against Indian*  
 2 *women, including the crimes of domestic violence,*  
 3 *dating violence, sexual assault, sex trafficking, and*  
 4 *stalking.”; and*

5 *(2) by adding at the end the following:*

6 *“(c) ADMINISTRATION.—Notwithstanding any other*  
 7 *provision of law and in addition to any amounts that are*  
 8 *otherwise made available to carry out this section, amounts*  
 9 *made available pursuant to sections 41201(d)(1),*  
 10 *41303(a)(3)(B), and 41305(a)(3)(B) of the Violence Against*  
 11 *Women Act of 1994 (42 U.S.C. 14043c(d)(1), 14043d–*  
 12 *2(a)(3)(B), 14043d–4(a)(3)(B)) shall be made available to*  
 13 *carry out this section.”.*

14 **SEC. 102. TRIBAL COALITION GRANTS.**

15 *Section 2001 of title I of the Omnibus Crime Control*  
 16 *and Safe Streets Act of 1968 (42 U.S.C. 3796gg) is amended*  
 17 *by striking subsection (d) and inserting the following:*

18 *“(d) TRIBAL COALITION GRANTS.—*

19 *“(1) PURPOSE.—The Attorney General shall*  
 20 *award a grant to tribal coalitions for purposes of—*

21 *“(A) increasing awareness of domestic vio-*  
 22 *lence and sexual assault against Indian women;*

23 *“(B) enhancing the response to violence*  
 24 *against Indian women at the Federal, State, and*  
 25 *tribal levels;*

1           “(C) identifying and providing technical  
2 assistance to coalition membership and tribal  
3 communities to enhance access to essential serv-  
4 ices to Indian women victimized by domestic  
5 and sexual violence, including sex trafficking;  
6 and

7           “(D) assisting Indian tribes in developing  
8 legislation and policies and providing outreach  
9 and education that enhance best practices for re-  
10 sponding to violent crimes against Indian  
11 women, including the crimes of domestic vio-  
12 lence, dating violence, sexual assault, sex traf-  
13 ficking, and stalking.

14           “(2) GRANTS.—The Attorney General shall  
15 award grants on annual basis under paragraph (1)  
16 to—

17           “(A) each tribal coalition that—

18           “(i) meets the criteria of a tribal coali-  
19 tion under section 40002(a) of the Violence  
20 Against Women Act of 1994 (42 U.S.C.  
21 13925(a));

22           “(ii) is recognized by the Office on Vio-  
23 lence Against Women; and

24           “(iii) provides services to Indian  
25 tribes; and

1           “(B) organizations that propose to incor-  
2           porate and operate a tribal coalition in areas  
3           where Indian tribes are located but no tribal co-  
4           alition exists.

5           “(3) *USE OF AMOUNTS.*—For each of fiscal years  
6           2013 through 2017, of the amounts appropriated to  
7           carry out this subsection—

8                   “(A) not more than 10 percent may be  
9                   made available to organizations described in  
10                  paragraph (2)(B); and

11                   “(B) not less than 90 percent shall be made  
12                  available to tribal coalitions described in para-  
13                  graph (2)(A), which amounts shall be distributed  
14                  equally among each eligible tribal coalition for  
15                  the applicable fiscal year.

16           “(4) *DURATION.*—A grant under this subsection  
17           shall be awarded for a period of 1 year.

18           “(5) *ELIGIBILITY FOR OTHER GRANTS.*—Receipt  
19           of an award under this subsection by a tribal coali-  
20           tion shall not preclude the tribal coalition from re-  
21           ceiving additional grants under this title to carry out  
22           the purposes described in paragraph (1).

23           “(6) *MULTIPLE PURPOSE APPLICATIONS.*—Noth-  
24           ing in this subsection prohibits any tribal coalition or  
25           organization described in paragraph (2) from apply-

1        *ing for funding to address sexual assault or domestic*  
2        *violence needs in the same application.”.*

3        **SEC. 103. CONSULTATION.**

4        *Section 903 of the Violence Against Women and De-*  
5        *partment of Justice Reauthorization Act of 2005 (42 U.S.C.*  
6        *14045d) is amended—*

7                *(1) in subsection (a)—*

8                        *(A) by striking “and the Violence Against*  
9                        *Women Act of 2000” and inserting “, the Vio-*  
10                        *lence Against Women Act of 2000”; and*

11                        *(B) by inserting “, and the Stand Against*  
12                        *Violence and Empower Native Women Act” be-*  
13                        *fore the period at the end;*

14                *(2) in subsection (b)—*

15                        *(A) in the matter preceding paragraph (1),*  
16                        *by striking “the Secretary of the Department of*  
17                        *Health and Human Services and” and inserting*  
18                        *“the Secretary of Health and Human Services,*  
19                        *the Secretary of the Interior, and”; and*

20                        *(B) in paragraph (2), by inserting “sex*  
21                        *trafficking,” after “sexual assault,”; and*

22                *(3) by adding at the end the following:*

23                *“(c) NOTICE.—Not later than 120 days before the date*  
24        *of a consultation under subsection (a), the Attorney General*

1 *shall notify tribal leaders of the date, time, and location*  
 2 *of the consultation.”.*

3 **SEC. 104. ANALYSIS AND RESEARCH ON VIOLENCE AGAINST**  
 4 **WOMEN.**

5 *Section 904(a) of the Violence Against Women and De-*  
 6 *partment of Justice Reauthorization Act of 2005 (42 U.S.C.*  
 7 *3796gg–10 note) is amended—*

8 *(1) in paragraph (1)—*

9 *(A) by striking “The National” and insert-*  
 10 *ing “Not later than 3 years after the date of en-*  
 11 *actment of the Stand Against Violence and Em-*  
 12 *power Native Women Act, the National”;* and

13 *(B) by inserting “, women in Alaska Native*  
 14 *villages, and Native Hawaiian women” before*  
 15 *the period at the end;*

16 *(2) in paragraph (2)(A)—*

17 *(A) in clause (iv), by striking “and” at the*  
 18 *end;*

19 *(B) in clause (v), by striking the period at*  
 20 *the end and inserting “; and”;* and

21 *(C) by adding at the end the following:*

22 *“(vi) sex trafficking.”;*

23 *(3) in paragraph (4), by striking “this Act” and*  
 24 *inserting “the Stand Against Violence and Empower*  
 25 *Native Women Act”;* and

1           (4) in paragraph (5), by striking “this section  
2           \$1,000,000 for each of fiscal years 2007 and 2008”  
3           and inserting “this subsection \$1,000,000 for each of  
4           fiscal years 2012 and 2013”.

5 **SEC. 105. DEFINITIONS.**

6           Section 40002(a) of the Violence Against Women Act  
7 of 1994 (42 U.S.C. 13925(a)) is amended—

8           (1) by redesignating paragraphs (23) through  
9           (37) as paragraphs (24) through (38), respectively;

10          (2) in paragraph (21)—

11                 (A) in subparagraph (A), by striking “or”  
12                 at the end;

13                 (B) in subparagraph (B), by striking the  
14                 period at the end and inserting “; or”; and

15                 (C) by adding at the end the following:

16                         “(C) an area or community associated with  
17                         a federally recognized Indian tribe, regardless of  
18                         whether the land is owned by the Indian tribe.”;

19           (3) by inserting after paragraph (22) the fol-  
20           lowing:

21                         “(23) **SEX TRAFFICKING.**—The term ‘sex traf-  
22                         ficking’ means any conduct proscribed by section  
23                         1591 of title 18, United States Code, regardless of  
24                         whether the conduct occurs in interstate or foreign

1 *commerce or within the special maritime and terri-*  
2 *torial jurisdiction of the United States.”; and*

3 *(4) by striking paragraph (30) (as redesignated*  
4 *by paragraph (1)) and inserting the following:*

5 *“(30) TRIBAL COALITION.—The term ‘tribal coa-*  
6 *lition’ means an established nonprofit, nongovern-*  
7 *mental Indian organization (including a Native Ha-*  
8 *waiian organization) that—*

9 *“(A) is established to provide services to*  
10 *members of the tribal coalition on a statewide,*  
11 *regional, or customary territory basis;*

12 *“(B) provides education, support, and tech-*  
13 *nical assistance to member Indian service pro-*  
14 *viders in a manner that enables those member*  
15 *providers to establish and maintain culturally*  
16 *appropriate services, including shelter and rape*  
17 *crisis services, designed to assist Indian women*  
18 *and the dependents of those women who are vic-*  
19 *tims of domestic violence, dating violence, sexual*  
20 *assault, and stalking;*

21 *“(C) serves as an information clearinghouse*  
22 *and resource center for Indian programs ad-*  
23 *dressng domestic violence and sexual assault;*

24 *“(D) is comprised of board and general*  
25 *members that are representative of—*

1                   “(i) the member service providers de-  
2                   scribed in subparagraph (B); and

3                   “(ii) the tribal communities in which  
4                   the services are being provided;

5                   “(E) supports the development of legisla-  
6                   tion, policies, protocols, procedures, and guid-  
7                   ance to enhance domestic violence and sexual as-  
8                   sault intervention and prevention efforts in In-  
9                   dian tribes and communities to be served; and

10                  “(F) has expertise in the development of In-  
11                  dian community-based, linguistically, and cul-  
12                  turally specific outreach and intervention serv-  
13                  ices for the Indian communities to be served.”.

14                  **TITLE II—TRIBAL JURISDICTION**  
15                  **AND CRIMINAL OFFENSES**

16                  **SEC. 201. TRIBAL JURISDICTION OVER CRIMES OF DOMES-**  
17                  **TIC VIOLENCE.**

18                  *Title II of Public Law 90–284 (25 U.S.C. 1301 et seq.)*  
19                  *(commonly known as the “Indian Civil Rights Act of*  
20                  *1968”)* is amended by adding at the end the following:

21                  **“SEC. 204. TRIBAL JURISDICTION OVER CRIMES OF DOMES-**  
22                  **TIC VIOLENCE.**

23                  “(a) *DEFINITIONS.*—*In this section:*

24                         “(1) *DATING VIOLENCE.*—*The term ‘dating vio-*  
25                         *lence’ means violence committed by a person who is*

1        *or has been in a social relationship of a romantic or*  
2        *intimate nature with the victim, as determined by the*  
3        *length of the relationship, the type of relationship,*  
4        *and the frequency of interaction between the persons*  
5        *involved in the relationship.*

6            “(2) *DOMESTIC VIOLENCE.*—*The term ‘domestic*  
7        *violence’ means violence committed by a current or*  
8        *former spouse of the victim, by a person with whom*  
9        *the victim shares a child in common, by a person who*  
10       *is cohabitating with or has cohabitated with the vic-*  
11       *tim as a spouse, or by a person similarly situated to*  
12       *a spouse of the victim under the domestic or family*  
13       *violence laws of the Indian tribe that has jurisdiction*  
14       *over the Indian country where the violence occurs.*

15            “(3) *INDIAN COUNTRY.*—*The term ‘Indian coun-*  
16       *try’ has the meaning given the term in section 1151*  
17       *of title 18, United States Code.*

18            “(4) *PARTICIPATING TRIBE.*—*The term ‘partici-*  
19       *parting tribe’ means an Indian tribe that elects to ex-*  
20       *ercise special domestic violence criminal jurisdiction*  
21       *over the Indian country of that Indian tribe.*

22            “(5) *PROTECTION ORDER.*—*The term ‘protection*  
23       *order’ means any injunction, restraining order, or*  
24       *other order issued by a civil or criminal court for the*  
25       *purpose of preventing violent or threatening acts or*

1 *harassment against, sexual violence against, contact*  
 2 *or communication with, or physical proximity to, an-*  
 3 *other person, including any temporary or final order*  
 4 *issued by a civil or criminal court, whether obtained*  
 5 *by filing an independent action or as a pendente lite*  
 6 *order in another proceeding, so long as the civil or*  
 7 *criminal order was issued in response to a complaint,*  
 8 *petition, or motion filed by or on behalf of a person*  
 9 *seeking protection.*

10 “(6) *SPECIAL DOMESTIC VIOLENCE CRIMINAL JU-*  
 11 *RISDICTION.—The term ‘special domestic violence*  
 12 *criminal jurisdiction’ means the criminal jurisdiction*  
 13 *that a participating tribe may exercise under this sec-*  
 14 *tion but could not otherwise exercise.*

15 “(7) *SPOUSE OR INTIMATE PARTNER.—The term*  
 16 *‘spouse or intimate partner’ has the meaning given*  
 17 *the term in section 2266 of title 18, United States*  
 18 *Code.*

19 “(b) *NATURE OF THE CRIMINAL JURISDICTION.—*

20 “(1) *IN GENERAL.—Notwithstanding any other*  
 21 *provision of law, in addition to all powers of self-gov-*  
 22 *ernment recognized and affirmed by this Act, the*  
 23 *powers of self-government of a participating tribe in-*  
 24 *clude the inherent power of that tribe, which is hereby*

1       *recognized and affirmed, to exercise special domestic*  
2       *violence criminal jurisdiction over all persons.*

3               “(2) *CONCURRENT JURISDICTION.*—*A partici-*  
4       *parting tribe shall exercise special domestic violence*  
5       *criminal jurisdiction concurrently, not exclusively.*

6               “(3) *APPLICABILITY.*—*Nothing in this section—*

7                       “(A) *creates or eliminates any Federal or*  
8       *State criminal jurisdiction over Indian country;*  
9       *or*

10                      “(B) *affects the authority of the United*  
11       *States, or any State government that has been*  
12       *delegated authority by the United States, to in-*  
13       *vestigate and prosecute a criminal violation in*  
14       *Indian country.*

15               “(c) *CRIMINAL CONDUCT.*—*A participating tribe may*  
16       *exercise special domestic violence criminal jurisdiction over*  
17       *a defendant for criminal conduct that falls into 1 or more*  
18       *of the following categories:*

19                      “(1) *DOMESTIC VIOLENCE AND DATING VIO-*  
20       *LENCE.*—*An act of domestic violence or dating vio-*  
21       *lence that occurs in the Indian country of the partici-*  
22       *parting tribe.*

23                      “(2) *VIOLATIONS OF PROTECTION ORDERS.*—*An*  
24       *act that—*

1           “(A) occurs in the Indian country of the  
2           participating tribe; and

3           “(B) violates the portion of a protection  
4           order that—

5           “(i) prohibits or provides protection  
6           against violent or threatening acts or har-  
7           assment against, sexual violence against,  
8           contact or communication with, or physical  
9           proximity to, another person; and

10           “(ii)(I) was issued against the defend-  
11           ant;

12           “(II) is enforceable by the partici-  
13           pating tribe; and

14           “(III) is consistent with section  
15           2265(b) of title 18, United States Code.

16           “(d) DISMISSAL OF CERTAIN CASES.—

17           “(1) DEFINITION OF VICTIM.—In this subsection  
18           and with respect to a criminal proceeding in which  
19           a participating tribe exercises special domestic vio-  
20           lence criminal jurisdiction based on a criminal viola-  
21           tion of a protection order, the term ‘victim’ means a  
22           person specifically protected by a protection order  
23           that the defendant allegedly violated.

24           “(2) NON-INDIAN VICTIMS AND DEFENDANTS.—  
25           In a criminal proceeding in which a participating

1 *tribe exercises special domestic violence criminal ju-*  
2 *risdiction, the case shall be dismissed if—*

3 *“(A) the defendant files a pretrial motion to*  
4 *dismiss on the grounds that the alleged offense*  
5 *did not involve an Indian; and*

6 *“(B) the participating tribe fails to prove*  
7 *that the defendant or an alleged victim is an In-*  
8 *dian.*

9 *“(3) TIES TO INDIAN TRIBE.—In a criminal pro-*  
10 *ceeding in which a participating tribe exercises spe-*  
11 *cial domestic violence criminal jurisdiction, the case*  
12 *shall be dismissed if—*

13 *“(A) the defendant files a pretrial motion to*  
14 *dismiss on the grounds that the defendant and*  
15 *the alleged victim lack sufficient ties to the In-*  
16 *dian tribe; and*

17 *“(B) the prosecuting tribe fails to prove that*  
18 *the defendant or an alleged victim—*

19 *“(i) resides in the Indian country of*  
20 *the participating tribe;*

21 *“(ii) is employed in the Indian coun-*  
22 *try of the participating tribe; or*

23 *“(iii) is a spouse or intimate partner*  
24 *of a member of the participating tribe.*

1           “(4) *WAIVER.*—*A knowing and voluntary failure*  
2           *of a defendant to file a pretrial motion described in*  
3           *paragraph (2) or (3) shall be considered a waiver of*  
4           *the right to seek a dismissal under this subsection.*

5           “(e) *RIGHTS OF DEFENDANTS.*—*In a criminal pro-*  
6           *ceeding in which a participating tribe exercises special do-*  
7           *mestic violence criminal jurisdiction, the participating*  
8           *tribe shall provide to the defendant—*

9           “(1) *all applicable rights under this Act;*

10           “(2) *if a term of imprisonment of any length is*  
11           *imposed, all rights described in section 202(c); and*

12           “(3) *all other rights whose protection is nec-*  
13           *essary under the Constitution of the United States in*  
14           *order for Congress to recognize and affirm the inher-*  
15           *ent power of the participating tribe to exercise crimi-*  
16           *nal jurisdiction over the defendant.*

17           “(f) *PETITIONS TO STAY DETENTION.*—

18           “(1) *IN GENERAL.*—*A person who has filed a pe-*  
19           *tition for a writ of habeas corpus in a court of the*  
20           *United States under section 203 may petition that*  
21           *court to stay further detention of that person by the*  
22           *participating tribe.*

23           “(2) *GRANT OF STAY.*—*A court shall grant a*  
24           *stay described in paragraph (1) if the court—*

1           “(A) finds that there is a substantial likeli-  
2 hood that the habeas corpus petition will be  
3 granted; and

4           “(B) after giving each alleged victim in the  
5 matter an opportunity to be heard, finds, by  
6 clear and convincing evidence that, under condi-  
7 tions imposed by the court, the petitioner is not  
8 likely to flee or pose a danger to any person or  
9 the community if released.

10       “(g) GRANTS TO TRIBAL GOVERNMENTS.—The Attor-  
11 ney General may award grants to the governments of In-  
12 dian tribes (or to authorized designees of those govern-  
13 ments)—

14           “(1) to strengthen tribal criminal justice systems  
15 to assist Indian tribes in exercising special domestic  
16 violence criminal jurisdiction, including—

17           “(A) law enforcement (including the capac-  
18 ity to enter information into and obtain infor-  
19 mation from national crime information data-  
20 bases);

21           “(B) prosecution;

22           “(C) trial and appellate courts;

23           “(D) probation systems;

24           “(E) detention and correctional facilities;

25           “(F) alternative rehabilitation centers;

1           “(G) culturally appropriate services and as-  
2           sistance for victims and their families; and

3           “(H) criminal codes and rules of criminal  
4           procedure, appellate procedure, and evidence;

5           “(2) to provide indigent criminal defendants  
6           with the effective assistance of licensed defense coun-  
7           sel, at no cost to the defendant, in criminal pro-  
8           ceedings in which a participating tribe prosecutes a  
9           crime of domestic violence or dating violence or a  
10          criminal violation of a protection order;

11          “(3) to ensure that, in criminal proceedings in  
12          which a participating tribe exercises special domestic  
13          violence criminal jurisdiction, jurors are summoned,  
14          selected, and instructed in a manner consistent with  
15          all applicable requirements; and

16          “(4) to accord victims of domestic violence, dat-  
17          ing violence, and violations of protection orders rights  
18          that are similar to the rights of a crime victim de-  
19          scribed in section 3771(a) of title 18, United States  
20          Code, consistent with tribal law and custom.

21          “(h) SUPPLEMENT, NOT SUPPLANT.—Amounts made  
22          available under this section shall supplement and not sup-  
23          plant any other Federal, State, tribal, or local government  
24          amounts made available to carry out activities described  
25          in this section.

1       “(i) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*  
2 *authorized to be appropriated to carry out subsection (g)*  
3 *and to provide training, technical assistance, data collec-*  
4 *tion, and evaluation of the criminal justice systems of par-*  
5 *ticipating tribes such sums as are necessary.”.*

6 **SEC. 202. TRIBAL PROTECTION ORDERS.**

7       *Section 2265 of title 18, United States Code, is amend-*  
8 *ed by striking subsection (e) and inserting the following:*

9       “(e) *TRIBAL COURT JURISDICTION.*—*For purposes of*  
10 *this section, a court of an Indian tribe shall have full civil*  
11 *jurisdiction to issue and enforce protection orders involving*  
12 *any person, including the authority to enforce any orders*  
13 *through civil contempt proceedings, the exclusion of viola-*  
14 *tors from Indian land, and other appropriate mechanisms,*  
15 *in matters arising anywhere in the Indian country of the*  
16 *Indian tribe (as defined in section 1151) or otherwise with-*  
17 *in the authority of the Indian tribe.*

18       “(f) *APPLICABILITY.*—*Nothing in this section limits,*  
19 *alters, expands, or diminishes the civil or criminal jurisdic-*  
20 *tion of the State of Alaska, any subdivision of the State*  
21 *of Alaska, or any Indian tribe in the State of Alaska.”.*

1 **SEC. 203. AMENDMENTS TO THE FEDERAL ASSAULT STAT-**  
2 **UTE.**

3 (a) *ASSAULTS BY STRIKING, BEATING, OR WOUND-*  
4 *ING.*—Section 113(a)(4) of title 18, United States Code, is  
5 amended by striking “six months” and inserting “1 year”.

6 (b) *ASSAULTS RESULTING IN SUBSTANTIAL BODILY*  
7 *INJURY.*—Section 113(a)(7) of title 18, United States Code,  
8 is amended by striking “substantial bodily injury to an in-  
9 dividual who has not attained the age of 16 years” and  
10 inserting “substantial bodily injury to a spouse or intimate  
11 partner, a dating partner, or an individual who has not  
12 attained the age of 16 years”.

13 (c) *ASSAULTS BY STRANGLING OR SUFFOCATING.*—  
14 Section 113(a) of title 18, United States Code, is amended  
15 by adding at the end the following:

16 “(8) Assault of a spouse, intimate partner, or  
17 dating partner by strangling, suffocating, or attempt-  
18 ing to strangle or suffocate, by a fine under this title,  
19 imprisonment for not more than 10 years, or both.”.

20 (d) *DEFINITIONS.*—Section 113(b) of title 18, United  
21 States Code, is amended—

22 (1) by striking “(b) As used in this subsection—  
23 ” and inserting the following:

24 “(b) *DEFINITIONS.*—In this section—”;

25 (2) in paragraph (1)(B), by striking “and” at  
26 the end;

1           (3) *in paragraph (2), by striking the period at*  
2 *the end and inserting a semicolon; and*

3           (4) *by adding at the end the following:*

4           “(3) *the terms ‘dating partner’ and ‘spouse or*  
5 *intimate partner’ have the meanings given those*  
6 *terms in section 2266;*

7           “(4) *the term ‘strangling’ means intentionally,*  
8 *knowingly, or recklessly impeding the normal breath-*  
9 *ing or circulation of the blood of a person by apply-*  
10 *ing pressure to the throat or neck, regardless of wheth-*  
11 *er that conduct results in any visible injury or wheth-*  
12 *er there is any intent to kill or protractedly injure the*  
13 *victim; and*

14           “(5) *the term ‘suffocating’ means intentionally,*  
15 *knowingly, or recklessly impeding the normal breath-*  
16 *ing of a person by covering the mouth of the person,*  
17 *the nose of the person, or both, regardless of whether*  
18 *that conduct results in any visible injury or whether*  
19 *there is any intent to kill or protractedly injure the*  
20 *victim.”.*

21           (e) *INDIAN MAJOR CRIMES.—Section 1153(a) of title*  
22 *18, United States Code, is amended by striking “assault*  
23 *with intent to commit murder, assault with a dangerous*  
24 *weapon, assault resulting in serious bodily injury (as de-*

1 *fined in section 1365 of this title)*” and inserting “a felony  
2 *assault under section 113*”.

3 **SEC. 204. EFFECTIVE DATES; PILOT PROJECT.**

4 (a) *GENERAL EFFECTIVE DATE.*—*Except as provided*  
5 *in subsection (b), the amendments made by this title shall*  
6 *take effect on the date of enactment of this Act.*

7 (b) *EFFECTIVE DATE FOR SPECIAL DOMESTIC-VIO-*  
8 *LENCE CRIMINAL JURISDICTION.*—

9 (1) *IN GENERAL.*—*Except as provided in para-*  
10 *graph (2), subsections (b) through (e) of section 204*  
11 *of Public Law 90–284 (as added by section 201) shall*  
12 *take effect on the date that is 2 years after the date*  
13 *of enactment of this Act.*

14 (2) *PILOT PROJECT.*—

15 (A) *IN GENERAL.*—*At any time during the*  
16 *2-year period beginning on the date of enactment*  
17 *of this Act, an Indian tribe may ask the Attor-*  
18 *ney General to designate the tribe as a partici-*  
19 *parting tribe under section 204(a) of Public Law*  
20 *90–284 on an accelerated basis.*

21 (B) *PROCEDURE.*—*The Attorney General*  
22 *(or a designee of the Attorney General) may*  
23 *grant a request under subparagraph (A) after co-*  
24 *ordinating with the Secretary of the Interior (or*  
25 *a designee of the Secretary), consulting with af-*

1        *fected Indian tribes, and concluding that the*  
 2        *criminal justice system of the requesting tribe*  
 3        *has adequate safeguards in place to protect de-*  
 4        *fendants' rights, consistent with section 204 of*  
 5        *Public Law 90–284.*

6            (C) *EFFECTIVE DATES FOR PILOT*  
 7        *PROJECTS.—An Indian tribe designated as a*  
 8        *participating tribe under this paragraph may*  
 9        *commence exercising special domestic violence*  
 10        *criminal jurisdiction pursuant to subsections (b)*  
 11        *through (e) of section 204 of Public Law 90–284*  
 12        *on a date established by the Attorney General,*  
 13        *after consultation with that Indian tribe, but in*  
 14        *no event later than the date that is 2 years after*  
 15        *the date of enactment of this Act.*

16 **SEC. 205. ASSAULTS; REPEAT OFFENDERS.**

17        (a) *ASSAULTS.—Section 113(a) of title 18, United*  
 18        *States Code, is amended—*

19            (1) *by striking paragraph (1) and inserting the*  
 20        *following:*

21            “(1) *Assault with intent to commit murder or a*  
 22        *felony under chapter 109A, by a fine under this title,*  
 23        *imprisonment for not more than 20 years, or both.”;*

24            (2) *in paragraph (3) by striking “and without*  
 25        *just cause or excuse,”; and*

1           (3) *in paragraph (7), by striking “fine” and in-*  
 2           *serting “a fine”.*

3           (b) *REPEAT OFFENDERS.—Section 2265A(b)(1)(B) of*  
 4           *title 18, United States Code, is amended by inserting “or*  
 5           *tribal” after “State”.*

6           **SEC. 206. VIOLATIONS OF TRIBAL CIVIL PROTECTION OR-**  
 7           **DERS.**

8           *Section 1153 of title 18, United States Code, is amend-*  
 9           *ed by adding at the end the following:*

10          “(c) *VIOLATION OF TRIBAL CIVIL PROTECTION*  
 11          *ORDER.—*

12                 “(1) *DEFINITION OF CIVIL PROTECTION*  
 13                 *ORDER.—In this subsection, the term ‘civil protection*  
 14                 *order’ means an order issued in a civil proceeding by*  
 15                 *a court or other judicial tribunal of an Indian tribe*  
 16                 *for the purpose of protecting a person who resides in*  
 17                 *the Indian country of the Indian tribe from physical*  
 18                 *harm, violent or threatening acts, harassment, or sex-*  
 19                 *ual violence by the respondent, which temporarily or*  
 20                 *permanently prohibits the respondent from approach-*  
 21                 *ing or coming into physical proximity to or contact*  
 22                 *with the person at a specified residence, place, or area*  
 23                 *in such Indian country.*

24                 “(2) *PROHIBITION.—It shall be unlawful for any*  
 25                 *person to violate the terms of a civil protection order*

1       *issued by a court or other judicial tribunal of an In-*  
2       *dian tribe in accordance with paragraph (4).*

3               “(3) *PENALTY.*—*Any person who violates para-*  
4       *graph (2) shall—*

5                       “(A) *be guilty of a crime; and*

6                       “(B)(i) *for the first violation of the civil*  
7       *protection order, fined not more than \$1,000,*  
8       *imprisoned for not more than 1 year, or both;*  
9       *and*

10                      “(ii) *for any subsequent violation of the*  
11       *civil protection order, fined not more than*  
12       *\$5,000, imprisoned for not more than 3 years, or*  
13       *both.*

14               “(4) *REQUIREMENTS.*—*A violation of a civil*  
15       *protection order or a civil exclusion order shall con-*  
16       *stitute an offense under paragraph (2) if the civil*  
17       *protection order—*

18                      “(A) *meets all of the requirements of section*  
19       *2265 relating to full faith and credit; and*

20                      “(B) *includes the following statement: ‘A*  
21       *violation of this civil protection order may result*  
22       *in criminal prosecution under Federal law and*  
23       *the imposition of a fine, imprisonment, or both.’.*

24               “(5) *EFFECT OF SUBSECTION.*—*Nothing in this*  
25       *subsection limits, modifies, or otherwise affects the ap-*

1        *plication of any provision of sections 2261 through*  
2        *2266.”.*

3        **SEC. 207. HIGH PRIORITY PERFORMANCE GOAL PILOT PRO-**  
4        **GRAM REPORTING.**

5        *Section 3(c) of the Indian Law Enforcement Reform*  
6        *Act (25 U.S.C. 2802(c)) is amended—*

7                *(1) in paragraph (17), by striking “and” after*  
8        *the semicolon;*

9                *(2) in paragraph (18), by striking the period at*  
10        *the end and inserting “; and”; and*

11                *(3) by adding at the end the following:*

12                *“(19) beginning not later than 90 days after the*  
13        *date of enactment of this paragraph, submitting to*  
14        *the appropriate committees of Congress for each fiscal*  
15        *year a report on the high priority performance goal*  
16        *pilot program carried out by the Secretary to reduce*  
17        *violent crime in Indian communities that includes—*

18                *“(A) a list of the Indian tribes partici-*  
19        *pating in the program, including—*

20                *“(i) baseline data on the violent crimes*  
21        *occurring on the reservations of those In-*  
22        *Indian tribes before the high priority perform-*  
23        *ance goal pilot program commenced, includ-*  
24        *ing the quantity and types of violent*  
25        *crimes;*

1                   “(ii) data on the quantity and types of  
2                   violent crimes on the reservations of those  
3                   Indians tribes in each subsequent fiscal  
4                   year; and

5                   “(iii) any barriers to reporting violent  
6                   crimes on the reservations of those Indian  
7                   tribes;

8                   “(B) a projected list of Indians tribes, res-  
9                   ervations, or Indian land that the Secretary an-  
10                  ticipates including in the program, including de-  
11                  tails on when and how the Secretary intends to  
12                  develop the program on the Indian land or res-  
13                  ervations;

14                  “(C) a description of the strategies, commu-  
15                  nity policing activities, tribal consultation, best  
16                  practices, training, technical assistance, and  
17                  community and tribal outreach employed by the  
18                  Office of Justice Services and law enforcement  
19                  personnel;

20                  “(D) for each of the reservations described  
21                  in subparagraphs (A) and (B)—

22                         “(i) baseline data on the quantity of  
23                         law enforcement and court personnel at  
24                         each of the reservations;

1                   “(ii) data on the quantity of law en-  
 2                   forcement and court personnel at each of the  
 3                   reservations at the end of each subsequent  
 4                   fiscal year; and

5                   “(iii) a description of any barriers to  
 6                   hiring law enforcement and court personnel  
 7                   for those reservations;

8                   “(E) a description of the short- and long-  
 9                   term plans of action of the Secretary for reduc-  
 10                  ing violent crime in the tribal communities de-  
 11                  scribed in subparagraphs (A) and (B);

12                  “(F) any feasibility evaluations or studies  
 13                  relating to the expansion of the pilot program to  
 14                  other Indian tribes and Indian land or reserva-  
 15                  tions, which shall include an analysis of the im-  
 16                  pact of such an expansion on existing programs;  
 17                  and

18                  “(G) any other information the Secretary  
 19                  determines to be necessary.”.

20                  **TITLE III—INDIAN LAW AND**  
 21                  **ORDER COMMISSION**

22                  **SEC. 301. INDIAN LAW AND ORDER COMMISSION.**

23                  Section 15(f) of the Indian Law Enforcement Reform  
 24                  Act (25 U.S.C. 2812(f)) is amended by striking “2 years”  
 25                  and inserting “3 years”.

1 **TITLE IV—SAFETY ENHANCE-**  
 2 **MENT STUDY AND DEM-**  
 3 **ONSTRATION PROJECTS**

4 **SEC. 401. SAFETY ENHANCEMENT STUDY AND DEMONSTRATION PROJECTS.**  
 5

6 *Title II of Public Law 90–284 (25 U.S.C. 1301 et seq.)*  
 7 *(commonly known as the “Indian Civil Rights Act of*  
 8 *1968”)* *(as amended by section 201) is amended by adding*  
 9 *at the end the following:*

10 **“SEC. 205. SAFETY ENHANCEMENT STUDY AND DEM-**  
 11 **ONSTRATION PROJECTS.**

12 *“(a) IN GENERAL.—For each of fiscal years 2012*  
 13 *through 2018, the Secretary may select up to 5 Indian*  
 14 *tribes to participate in a demonstration project to carry*  
 15 *out Federal regulatory enforcement activities authorized by*  
 16 *this section.*

17 *“(b) DEMONSTRATION PROJECTS.—For each Indian*  
 18 *tribe selected by the Secretary for a demonstration project*  
 19 *under this section, the Secretary shall—*

20 *“(1) in consultation with the Indian tribe, pro-*  
 21 *mulgate regulations with respect to the management,*  
 22 *use, and public safety of and in Indian country, in-*  
 23 *cluding the property in Indian country; and*

24 *“(2) at the request of the Indian tribe, negotiate*  
 25 *agreements with the Indian tribe that reflect the sta-*

1       *tus of the applicable tribal officers as Federal law en-*  
2       *forcement officers under section 5(f) of the Indian*  
3       *Law Enforcement Reform Act (25 U.S.C. 2804(f)),*  
4       *acting within the scope of the duties described in sec-*  
5       *tion 3(c) of that Act (25 U.S.C. 2802(c)), to allow*  
6       *those tribal officers to enforce regulations promulgated*  
7       *under this section.*

8       “(c) *APPLICATION AND SELECTION.*—

9               “(1) *IN GENERAL.*—Subject to paragraph (2),  
10       *not later than 180 days after the date of enactment*  
11       *of this section, and after consultation with Indian*  
12       *tribes, the Secretary shall publish application require-*  
13       *ments and selection criteria for demonstration*  
14       *projects authorized under this section.*

15               “(2) *CRITERIA.*—In selecting an Indian tribe for  
16       *participation in a demonstration project under this*  
17       *section, the Secretary shall—*

18                       “(A) *ensure that the Indian tribe has noti-*  
19       *fied the applicable State and local governments*  
20       *in which the proposed demonstration project is*  
21       *located; and*

22                       “(B) *give preference to an application for*  
23       *Indian country in which the United States At-*  
24       *torney for the district in which the proposed*

1           *demonstration project is located consents to the*  
2           *proposed project.*

3           “(d) *PENALTIES.*—

4           “(1) *IN GENERAL.*—*Any person who knowingly*  
5           *and willfully violates any regulation promulgated*  
6           *pursuant to this section shall be fined not more than*  
7           *\$1,000, imprisoned for not more than 1 year, or both.*

8           “(2) *MAGISTRATE JUDGES.*—*Any person charged*  
9           *with a violation of a regulation promulgated pursu-*  
10           *ant to this section may be tried and sentenced by any*  
11           *United States magistrate judge who is designated for*  
12           *that purpose by the court in the same manner and*  
13           *subject to the same conditions and limitations as are*  
14           *described in section 3401 of title 18, United States*  
15           *Code*

16           “(e) *EFFECT OF REGULATIONS.*—*Nothing in this sec-*  
17           *tion, including a regulation promulgated by the Secretary*  
18           *under this section—*

19           “(1) *modifies or diminishes the criminal juris-*  
20           *isdiction of any State or local government; or*

21           “(2) *modifies or affects section 1152 of title 18,*  
22           *United States Code.*

23           “(f) *EXPIRATION OF REGULATIONS.*—*A regulation*  
24           *promulgated by the Secretary under this section may re-*

1 *main in effect for a period not to exceed 4 years after the*  
2 *date of expiration of the applicable demonstration project.*

3       “(g) *REPORT.—Not later than September 30, 2016, the*  
4 *Secretary shall submit to Congress a report that describes,*  
5 *as of the date on which the report is submitted—*

6               “(1) *a description of each demonstration project*  
7 *approved under this section; and*

8               “(2) *an assessment of the effectiveness of the dem-*  
9 *onstration projects.”.*

Calendar No. 579

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 1763**

[Report No. 112-265]

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## **A BILL**

To decrease the incidence of violent crimes against Indian women, to strengthen the capacity of Indian tribes to exercise the sovereign authority of Indian tribes to respond to violent crimes committed against Indian women, and to ensure that perpetrators of violent crimes committed against Indian women are held accountable for that criminal behavior; and for other purposes.

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DECEMBER 27, 2012

Reported with an amendment