

Public Law 94-297  
94th Congress

An Act

To provide for the definition and punishment of certain crimes in accordance with the Federal laws in force within the special maritime and territorial jurisdiction of the United States when said crimes are committed by an Indian in order to insure equal treatment for Indian and non-Indian offenders.

May 29, 1976  
[S. 2129]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Indian Crimes Act of 1976".

Indian Crimes  
Act of 1976.  
18 USC 1153  
note.

SEC. 2. Section 1153, title 18, United States Code, is amended to read as follows:

“§ 1153. Offenses committed within Indian country

“Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnaping, rape, carnal knowledge of any female, not his wife, who has not attained the age of sixteen years, assault with intent to commit rape, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury, arson, burglary, robbery, and larceny within the Indian country, shall be subject to the same laws and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.

“As used in this section, the offenses of burglary and incest shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.

“In addition to the offenses of burglary and incest, any other of the above offenses which are not defined and punished by Federal law in force within the exclusive jurisdiction of the United States shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.”

SEC. 3. Section 113 of title 18, United States Code, is amended by adding at the end thereof the following new subsection:

Assault,  
penalties.

“(f) Assault resulting in serious bodily injury, by fine of not more than \$10,000 or imprisonment for not more than ten years, or both.”.

Sec. 4. Section 3242, title 18, United States Code, is amended to read as follows:

**“§ 3242. Indians committing certain offenses; acts on reservations**

*Ante*, p. 585.

“All Indians committing any offense listed in the first paragraph of and punishable under section 1153 (relating to offenses committed within Indian country) of this title shall be tried in the same courts and in the same manner as are all other persons committing such offense within the exclusive jurisdiction of the United States.”

Approved May 29, 1976.

“In addition to the offenses of burglary and larceny and any other of the above offenses which are not defined and punished by Federal law in force within the exclusive jurisdiction of the United States shall be defined and punished in accordance with the laws of the State in which such offenses were committed as are in force at the time of such offenses.”

“If a State or Territory has a law which is more lenient than that of the United States in the punishment of any of the offenses of burglary and larceny and any other of the above offenses which are not defined and punished by Federal law in force within the exclusive jurisdiction of the United States shall be defined and punished in accordance with the laws of the State in which such offenses were committed as are in force at the time of such offenses.”

**LEGISLATIVE HISTORY:**

HOUSE REPORT No. 94-1038 (Comm. on the Judiciary).

SENATE REPORT No. 94-620 (Comm. on the Judiciary).

CONGRESSIONAL RECORD, Vol. 122 (1976):

Feb. 4, considered and passed Senate.

May 18, considered and passed House, amended.

May 20, Senate concurred in House amendment.