

REN-19-011: Calling Upon Congress Promptly to Enact Legislation Recognizing the Jurisdiction of Alaska Native Tribes to Prosecute Domestic Violence, Sexual Violence, Child Abuse, and Related Crimes in Alaska Native Villages

Sponsor: Mike Williams

Summary:

- The resolution addresses the unique public safety challenges in Alaska and the exclusion of Alaska Native tribal governments from the important jurisdictional reforms included in VAWA 2013.
- It calls on Congress to pass legislation creating a framework for the exercise of criminal and civil jurisdiction over all persons by Alaska Native tribes.
- This Resolution adds specificity to a provision included in ECWS 19-005 that called on Congress to “Identify and address the unique barriers to safety for Alaska Native women, based upon meaningful findings, and provide access to all programs.”

Issue:

Tribal jurisdiction is severely limited in Alaska under current federal law and the tribes are largely dependent on the state for policing and prosecution. The state has neglected its obligations for decades and many Alaska Native villages have no police presence at all. This has resulted in exceptionally high criminal victimization rates in many communities and a perception of lawlessness. Because of a Supreme Court case holding that Alaska Native villages do not constitute “Indian country” as a matter of federal law, Indian tribes in Alaska have been left out of the criminal jurisdiction provision included in VAWA 2013.

Action:

Amended REN-19-011 urges Congress to enact legislation recognizing the concurrent criminal and civil territorial jurisdiction of federally recognized tribes in Alaska over all lands and persons within Alaska Native villages in connection with matters concerning domestic and dating violence, sex trafficking, sexual violence, stalking, obstruction of justice, and assault upon law enforcement and corrections officers (all as listed in H.R. 1585, the proposed House-passed VAWA amendments), and drug-, alcohol- and child-abuse-related offenses, such jurisdiction either to be automatic for any village having at least 75 percent Alaska Native population or to be recognized on an expedited pilot project basis of no fewer than five tribes per year for the next 10 years.

For additional information, please contact Virginia Davis at vdavis@ncai.org or Jacob Schellinger at jschellinger@ncai.org.

Resolution Action Plan: REN-19-011

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Action Plan:

- 30 Days:
 - Share resolution with Senator Murkowski who is developing relevant legislation addressing these issues.
 - Share draft language with small group of legal experts to discuss best approach.
 - Provide feedback to Senator Murkowski on draft bill for introduction after August recess.
- 60 Days:
 - Share language with Senators Feinstein and Ernst for possible inclusion in Senate VAWA bill.
 - Send out information about the issue to NCAI member tribal nations that explains the unique needs and challenges in Alaska.
 - Update public safety/VAWA leave-behinds to include Murkowski bill.
- 90 Days:
 - Update Task Force on Violence Against Women at Annual and discuss next steps taking into account developments on Murkowski bill/VAWA.
- 120 Days:
 - Continue implementation of the plan.