

## **The Ely Shoshone Tribe Assimilative Crimes Act Short Explanation of Legislative Intent**

The Act shall be known as “The Ely Shoshone Tribe Assimilative Crimes Act” (ACA). It is the intention of the Tribal Council of the Ely Shoshone Tribe that by enacting the Assimilative Crimes Act, the Tribal Government shall make state law applicable to conduct occurring on lands reserved or acquired by the Tribal government, when the act or omission is not made punishable by a statutory enactment of Tribal Council.

Prosecutions instituted under this statute are **not to enforce the laws of the state, but to enforce the laws of the Tribe**, the details of which, instead of being recited, are adopted by reference. In addition to minor violations, the statute has been invoked to cover a number of serious criminal offenses defined by state law that were never enacted or codified by Tribal Council action. However, this Assimilative Crimes Act cannot be used to override other Tribal policies as expressed by acts of the Tribal Council.

State law is assimilated only when no "enactment of the Tribal Government" covers the conduct. This ACA should be interpreted liberally to provide complete coverage of criminal conduct within the Tribe's jurisdiction, even where the offense is generally covered by Tribal law. In so doing, the Tribal Assimilation Statute is keeping with the tenure of The Federal Assimilative Crimes Act, 18 U.S.C. §13, Accord *See, e.g., United States v. Johnson*, 967 F.2d 1431 (10th Cir. 1992).