

OPINION  
55-63

April 25, 1955 (OPINION)

INDIANS

RE: Juveniles - Commitment to State Training School

Re: Indian Juveniles Committed by Tribal Court of Indian Offenses

This office acknowledges a receipt of yours of April 21, 1955, inquiring whether or not it is incumbent upon the state board of administration to accept juveniles committed by a tribal court from the Standing Rock Agency at Fort Yates, North Dakota, to the state training school at Mandan, North Dakota.

This is to inform you that there is no provision in our statutes which authorizes such a procedure. You will, of course, also take note of the fact that in two recent decisions by our supreme court it has been determined that the state courts have no jurisdiction over enrolled Indians for any offenses committed upon Indian reservations. This lack of jurisdiction would apply to juveniles as well as to adults.

The only condition that we can determine workable to the contrary would be on the same basis as is used by the federal government in connection with the care and keep of federal prisoners pending the trial of their offenses committed. It is well known that the federal government does make contracts with local county commissioners to make use of the jail facilities for such federal prisoners while awaiting the trial of their cases. It is also made use of at times where such federal prisoners have been sentenced for less than a year to some county jail, IN both instances, the federal government will make a contract with the county to pay certain per diem costs for the keep of such prisoners.

If the federal government should be willing to make a contract for the care and keep of these juveniles, it is our opinion that same may be entered into, but it is further our opinion that the state does not owe such an obligation and may, if it sees fit, refuse to enter such a contract.

LESLIE R. BURGUM

Attorney General