



OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

R75-94
BRUCE E. BABBITT
ATTORNEY GENERAL

75-74

April 3, 1975

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Honorable Daniel Peaches
House of Representatives
State Capitol
Phoenix, Arizona 86007

Dear Representative Peaches:

You have asked whether the Arizona Attorney General has the jurisdiction to enforce civil and criminal laws on Indian reservations where such enforcement is requested by the Tribal Government.

Under Title 25 of the U.S. Code, a state may assume civil and criminal jurisdiction within an Indian reservation with the consent of the particular Indian tribe and legislative action by the state in question (25 U.S.C. §§1321, 1322). (Kennerly v. District Court of 9th Judicial District of Montana, 400 U.S. 423 (1971)). The consent of an Indian tribe must be given by a special election held within the Indian reservation (or portion of Indian reservation in which state law is proposed to be applicable), conducted by the Secretary of the Interior. In order to have such an election, it must be requested either by the Tribal Council or twenty percent of the Tribe (25 U.S.C. §1326).

It would certainly be possible for any given piece of state legislation to provide for coverage of Indian reservations, contingent upon official Tribal request. As we discussed, Indian arts and crafts may well be an area where such a joint effort would be desirable.

Sincerely,

Bruce E. Babbitt
Attorney General

BEB:cl

Y
P
O