
2) STATE COURTS

a) Indians and non-Indians -- Outside Indian Country

Outside of Indian country, both Indians and non-Indians are subject to a state's general criminal jurisdiction. *See Hagen v. Utah*, 510 U.S. 399 (1994). Additionally, a search warrant based on an alleged offense perpetrated outside of Indian country can be executed in an Indian's home on an Indian reservation. *See Nevada v. Hicks*, 533 U.S. 353 (2001).

b) Inside Indian Country

(1) Non-Indians against non-Indians

A criminal offense perpetrated by a non-Indian upon a non-Indian within Indian country is **exclusively** subject to a state's criminal jurisdiction. *See United States v. McBratney*, 104 U.S. 621 (1882). This principle also applies to victimless crimes perpetrated by non-Indians within Indian country. *See Solem v. Bartlett*, 465 U.S. 463, 465. n.2 (1984).

(2) Non-Indians against Indians

Generally, if a non-Indian perpetrates an offense against an Indian within Indian country, a state lacks jurisdiction over the non-Indian. *See William C. Canby, Jr., American Indian Law*, p. 179 (4th ed. 2004). Only the **federal** government can impose a penalty for this offense. *See Williams v. United States*, 327 U.S. 711 (1946).

(3) Indians against Indians or Non-Indians

Usually, if an Indian perpetrates an offense against an Indian or a Non-Indian within Indian country, a state lacks jurisdiction over the Indian. *See William C. Canby, Jr., American Indian Law*, p. 179 (4th ed. 2004). Either a tribe or the federal government can impose a penalty for this offense. *See Williams v. United States*, 327 U.S. 711 (1946).

(a) State Liquor Law Exception

If, in Indian country, an Indian violates a state law regulating liquor sales there, the state can prosecute the Indian. *See Fort Belknap Indian Community v. Mazurek*, 43 F.3d 428 (9th Cir. 1994).

★ 3) LAW ENFORCEMENT

a) Cross-Commissioning

Cross commissioning (i.e., deputization) is a means by which tribal police and state police can each obtain and exercise the other's respective legal authority in addition to their own existing legal authority.