

HOUSE BILL No. 1441

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-39-5.

Synopsis: Full faith and credit for tribal court orders. Requires that, under certain circumstances, a court of record in Indiana shall give full faith and credit to judgments and orders of a tribal court affiliated with the Pokagon Band of Potawatomi Indians.

Effective: July 1, 2021.

DeLaney, Steuerwald

January 14, 2021, read first time and referred to Committee on Judiciary.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1441

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-39-5 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]:

4 **Chapter 5. Enforcement of Tribal Court Judgments**

5 **Sec. 1. This chapter does not apply to judgments or orders that**
6 **federal law requires to be given full faith and credit.**

7 **Sec. 2. As used in this chapter, "tribal court" refers to a tribal**
8 **court established by the tribe.**

9 **Sec. 3. As used in this chapter, "tribe" means the Pokagon Band**
10 **of the Potawatomi Indians, a federally recognized Indian tribe (as**
11 **defined by IC 5-33.5-2-1) with tribal headquarters in Dowagiac,**
12 **Michigan.**

13 **Sec. 4. The judgments, decrees, orders, warrants, subpoenas,**
14 **records, and other judicial acts of a tribal court are recognized,**
15 **have the same effect, and are subject to the same procedures,**
16 **defenses, and proceedings as judgments, decrees, orders, warrants,**
17 **subpoenas, records, and other judicial acts of any court of record**



1 in Indiana, subject to the provisions of this chapter.

2 **Sec. 5. The recognition described in section 4 of this chapter**
3 **applies only if the tribe or tribal court enacts an ordinance, court**
4 **rule, or other binding measure that obligates the tribal court to**
5 **enforce the judgments, decrees, orders, warrants, subpoenas,**
6 **records, and other judicial acts of the courts of Indiana.**

7 **Sec. 6. A judgment, decree, order, warrant, subpoena, record,**
8 **or other judicial act of a tribal court that has taken the actions**
9 **described in section 5 of this chapter is presumed to be valid. To**
10 **overcome this presumption, a party asserting an objection must**
11 **demonstrate that the:**

12 **(1) tribal court lacked personal or subject matter jurisdiction;**
13 **or**

14 **(2) judgment, decree, order, warrant, subpoena, record, or**
15 **other judicial act of the tribal court:**

16 **(A) was obtained by fraud, duress, or coercion;**

17 **(B) was obtained without a fair notice or hearing;**

18 **(C) is repugnant to the public policy of the state of Indiana;**

19 **or**

20 **(D) is not final under the laws and procedures of the tribal**
21 **court.**

