



Reprinted  
March 23, 2021

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# ENGROSSED HOUSE BILL No. 1441

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DIGEST OF HB 1441 (Updated March 22, 2021 3:33 pm - DI 142)

**Citations Affected:** IC 34-39.

**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.

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## DeLaney, Steuerwald, Dvorak

(SENATE SPONSORS — BROWN L, NIEZGODSKI)

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January 14, 2021, read first time and referred to Committee on Judiciary.  
February 11, 2021, reported — Do Pass.  
February 15, 2021, read second time, ordered engrossed. Engrossed.  
February 17, 2021, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

March 2, 2021, read first time and referred to Committee on Judiciary.  
March 18, 2021, reported favorably — Do Pass.  
March 22, 2021, read second time, amended, ordered engrossed.

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EH 1441—LS 6387/DI 142





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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.

## ENGROSSED HOUSE BILL No. 1441

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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, fees,**  
16 **defenses, and proceedings as judgments, decrees, orders, warrants,**  
17 **subpoenas, records, and other judicial acts of any court of record**

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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.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1441, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1441 as introduced.)

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Committee Vote: Yeas 12, Nays 0

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1441, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1441 as printed February 11, 2021.)

BROWN L, Chairperson

Committee Vote: Yeas 10, Nays 0

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SENATE MOTION

Madam President: I move that Engrossed House Bill 1441 be amended to read as follows:

Page 1, line 15, after "procedures," insert "**fees**,".

(Reference is to EHB 1441 as printed March 19, 2021.)

KOCH

