

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 ENROLLED ACT No. 1441

---

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

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

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

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

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

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

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

**Sec. 4. The judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts of a tribal court are recognized, have the same effect, and are subject to the same procedures, fees, defenses, and proceedings as judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts of any court of record in Indiana, subject to the provisions of this chapter.**

**Sec. 5. The recognition described in section 4 of this chapter applies only if the tribe or tribal court enacts an ordinance, court rule, or other binding measure that obligates the tribal court to**

HEA 1441 — Concur



enforce the judgments, decrees, orders, warrants, subpoenas, records, and other judicial acts of the courts of Indiana.

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

- (1) tribal court lacked personal or subject matter jurisdiction;**
- or**
- (2) judgment, decree, order, warrant, subpoena, record, or other judicial act of the tribal court:**
  - (A) was obtained by fraud, duress, or coercion;**
  - (B) was obtained without a fair notice or hearing;**
  - (C) is repugnant to the public policy of the state of Indiana;**
  - or**
  - (D) is not final under the laws and procedures of the tribal court.**



---

Speaker of the House of Representatives

---

President of the Senate

---

President Pro Tempore

---

Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**HEA 1441 — Concur**

