

HOUSE BILL No. 1306

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 of a federally recognized Indian tribe.

Effective: July 1, 2020.

DeLaney

January 14, 2020, read first time and referred to Committee on Judiciary.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

HOUSE BILL No. 1306

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

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, 2020]:

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. The judgments, decrees, orders, warrants, subpoenas,**
8 **records, and other judicial acts of a tribal court of a federally**
9 **recognized Indian tribe (as defined by IC 5-33.5-2-1) are**
10 **recognized, have the same effect, and are subject to the same**
11 **procedures, defenses, and proceedings as judgments, decrees,**
12 **orders, warrants, subpoenas, records, and other judicial acts of any**
13 **court of record in Indiana, subject to the provisions of this chapter.**

14 **Sec. 3. The recognition described in section 2 of this chapter**
15 **applies only if the tribe or tribal court enacts an ordinance, court**
16 **rule, or other binding measure that obligates the tribal court to**
17 **enforce the judgments, decrees, orders, warrants, subpoenas,**



1 records, and judicial acts of the courts of Indiana.

2 Sec. 4. A judgment, decree, order, warrant, subpoena, record,
3 or other judicial act of a tribal court of a federally recognized
4 Indian tribe that has taken the actions described in section 3 of this
5 chapter is presumed to be valid. To overcome this presumption, a
6 party asserting an objection must demonstrate that the:

7 (1) tribal court lacked personal or subject matter jurisdiction;

8 or

9 (2) judgment, decree, order, warrant, subpoena, record, or
10 other judicial act of the tribal court:

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

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

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

14 or

15 (D) is not final under the laws and procedures of the tribal
16 court.

