



January 28, 2020

HOUSE BILL No. 1306

DIGEST OF HB 1306 (Updated January 27, 2020 1:35 pm - DI 123)

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.

Effective: July 1, 2020.

DeLaney, Steuerwald, Dvorak

January 14, 2020, read first time and referred to Committee on Judiciary.
January 28, 2020, amended, reported — Do Pass.

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January 28, 2020

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

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

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

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

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

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

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

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

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

16 or

17 (D) is not final under the laws and procedures of the tribal
18 court.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1306, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 8, delete "of a federally" and insert "**of the federally**".

Page 1, line 9, after "IC 5-33.5-2-1)" insert "**identified as the Pokagan Band of the Potawatomi Indians**".

Page 2, line 3, delete "of a federally" and insert "**of the federally**".

Page 2, line 4, after "tribe" insert "**identified as the Pokagan Band of the Potawatomi Indians**".

and when so amended that said bill do pass.

(Reference is to HB 1306 as introduced.)

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Committee Vote: yeas 12, nays 0.

