

TITLE 3. TRIBAL COURTS

Chapter 3.2

JURISDICTION AND APPLICABLE LAW

Sections:

- 3.2.1 Subject Matter Jurisdiction.
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- 3.2.3 Territorial Jurisdiction.
- 3.2.4 Exclusive and Concurrent Jurisdiction.
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3.2.1. Subject Matter Jurisdiction. The Suquamish Tribal Court shall be a court of general jurisdiction. Its subject matter jurisdiction shall extend to all cases and controversies within the territorial jurisdiction of the Suquamish Tribe, including but not limited to:

- (a) All crimes committed by Indians;
- (b) All actions under the civil regulatory laws of the Tribe;
- (c) All civil actions involving any Indian person, tribe, organization, or property;

and

(d) All other matters placed within the jurisdiction of the Tribal Court by action of the Suquamish Tribal Council or the Congress of the United States. (Prior code Ch. I, Art. I, §2: amended and renumbered by Res. 94-156 (part), passed Nov. 21, 1994)

3.2.2. Jurisdiction over Persons. (a) The Suquamish Tribal Courts have personal jurisdiction over all persons who are domiciled or resident within, or served with process within, or conduct continuous and substantial business within the territorial jurisdiction of the Courts and also over all persons who consent to the jurisdiction of the Tribal Courts.

(b) The Tribal Courts shall also have personal jurisdiction over any person for any actions arising from the commission by that person, personally or through an agent, of any of the following acts within the territorial jurisdiction of the Court:

- (1) The transaction of any business;
- (2) The commission of a tortious act;
- (3) Ownership, use, or possession of any real or personal property situated within said territory;

(4) Conceiving a child;

(5) Living in a marital relationship, so long as either the petitioning party or the respondent is domiciled within the territorial jurisdiction of the Court at the time the action is commenced;

(6) Any violation of a tax law or licensing or other civil regulatory law, of the Tribe; or

(7) Any crime.

(c) The Suquamish Tribal Courts shall also have personal jurisdiction over any person for any actions arising from the commission by that person, in any place, of any of the following acts:

(1) Contracting for the delivery of any goods into the territorial jurisdiction of the Court, or for the performance of any services or with respect to any person or property therein;

(2) Any act that causes injury to a person or property located within the territorial jurisdiction of the Court at the time the injury occurs; or

(3) Any other act or series of acts that establish minimal contacts with the territorial jurisdiction of the Court, or that are otherwise sufficient to confer personal jurisdiction consistent with due process. (Res. 82-053 §8.13.010, passed June 3, 1982 and prior code Ch. I, Art. III, §3(g). Note: former §10.1.17, was moved here for the 1991 recodification: amended and renumbered by Res. 94-156 (part), passed Nov. 21, 1994)

3.2.3. Territorial Jurisdiction. The territorial jurisdiction of the Suquamish Tribal Courts shall embrace:

(a) All land and property within the exterior boundaries of the Port Madison Indian Reservation;

(b) All land, wherever located, in which the Suquamish Tribe owns an interest subject to a federal restriction against alienation or in which the United States owns an interest in trust for the use and benefit of the Suquamish Tribe;

(c) All land within Kitsap County, Washington, in which a member of the Suquamish Tribe owns an interest which is subject to a federal restriction against alienation or in which the United States owns an interest in trust for a member of the Suquamish Tribe;

(d) All usual and accustomed fishing grounds and stations of the Suquamish Tribe, for actions arising under Suquamish laws that regulate the exercise of treaty

fishing rights;

(e) All of the State of Washington and any other place which was within Washington Territory on January 22, 1855, for actions arising under the Suquamish laws that regulate the exercise of treaty hunting and gathering rights; and

(f) Any other place which is Indian country within the meaning of 18 USC §1151 and in which members of the Suquamish Tribe hold a significant property interest, or constitute a significant portion of the Indian people residing on, doing business on, or using such place. (Res. 91-018, passed Mar. 11, 1991: amended and renumbered by Res. 94-156 (part), passed Nov. 21, 1994)

3.2.4. Exclusive and Concurrent Jurisdiction. (a) Unless provided otherwise by federal law, the Suquamish Tribal Court shall have exclusive jurisdiction over the following matters:

(1) All claims against the Suquamish Tribe, tribal officers, branches and agencies of the tribal government, and tribally owned enterprises, unless the Tribal Council has explicitly consented by formal resolution or ordinance to suit in another forum; and

(2) Actions in which the validity of the tribal constitution or a tribal law or regulation is questioned or in which tribal law provides the rule of decision, provided that this section shall not be construed as a waiver of the sovereign immunity of any tribal defendant.

(b) Where state, federal, or other tribal courts have jurisdiction over matters which also fall within the jurisdiction of the Suquamish Tribal Courts, the jurisdiction of the Tribal Court shall be concurrent with that of the other tribal, federal, or state court. (Prior code Ch. I, Art. III, §3 (h): amended and renumbered by Res. 94-156 (part), passed Nov. 21, 1994)

3.2.5. Jurisdiction in Aid of Powers. The Suquamish Tribal Court has power to issue any order or writ necessary and proper to the complete exercise of its jurisdiction. (Prior code Ch. I, Art. III, §3(f): renumbered by Res. 94-156 (part), passed Nov. 21, 1994)

3.2.6. Appellate Jurisdiction. The Court of Appeals shall have jurisdiction to hear and determine appeals from final judgments of the trial court of the Suquamish Tribe, and all such appeals shall be tried on the record. The chief appellate judge shall have power to issue any order or writ necessary and proper to the complete exercise of the jurisdiction of the Court of Appeals. (Prior code Ch. I, Art. II, §2; amended by Res. 89-007 (part), passed Jan. 17, 1989: renumbered by Res. 94-156 (part), passed Nov. 21, 1994)

Note: The following subsections renumbered for consistency.

3.2.2(1) changed to 3.2.2(a)

3.2.2(2)(a-g) changed to 3.2.2(b)(1)-(7)
3.2.2(3)(a-c) changed to 3.2.2(c)(1)-(3)