

## TITLE 3. TRIBAL COURTS

### Chapter 3.2

#### JURISDICTION AND APPLICABLE LAW

##### Sections:

- 3.2.1 Subject Matter Jurisdiction.
- 3.2.2 Jurisdiction Over Persons.
- 3.2.3 Territorial Jurisdiction.
- 3.2.4 Exclusive and Concurrent Jurisdiction.
- 3.2.5 Jurisdiction in Aid of Powers.
- 3.2.6 Appellate Jurisdiction.

**3.2.1. Subject Matter Jurisdiction.** The Suquamish Tribal Court is a court of general jurisdiction. Its subject matter jurisdiction extends to all cases and controversies within the Suquamish Tribe's territorial jurisdiction, 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 Tribal Court's jurisdiction 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 Tribal Court's territorial jurisdiction and also over all persons who consent to the Tribal Court's jurisdiction.

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

- (1) Any business transaction;
- (2) Any tortious act;
- (3) Ownership, use, or possession of any real or personal property situated within the Court's territorial jurisdiction;

(4) Conceiving a child;

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

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

(7) Any crime.

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

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

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

(3) Any other act or series of acts that establish minimal contacts with the Court's territorial jurisdiction, 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 Suquamish Tribal Court's territorial jurisdiction embraces:

(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 that is subject to a federal restriction against alienation or in which the United States owns an interest in trust for the Suquamish Tribe's use and benefit;

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

(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 Suquamish tribal members hold a significant property interest, or make up 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 federal law provides otherwise, the Suquamish Tribal Court has 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 will not be construed as a waiver of any tribal defendant's sovereign immunity.

(b) Where state, federal, or other tribal courts have jurisdiction over matters which also fall within the Suquamish Tribal Court's jurisdiction, the Tribal Court's jurisdiction is 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 will exercise jurisdiction in accordance with Chapter 3.4. (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; amended by Res. 2022-011, passed February 7, 2022)

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)