

CHAPTER 1-JURISDICTION OF THE TRIBAL COURT

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SECTION 1.100 **Territorial Jurisdiction of the Tribal Court** Jurisdiction of the Tribal Court shall extend to all territory within the present exterior boundaries of the Colony and Reservation as defined by the Tribe’s Constitution, including trust and non—trust land and all roads, water and bridges and to any lands which may be added to the Colony and Reservation in the future or which may become subject to the jurisdiction of the Tribe by virtue of an Executive Order, a declaration or regulations of the United States Department of the Interior, a declaration or order of a court of competent jurisdiction, or other lawful means.

SECTION 1.200 **Civil Jurisdiction**

(a)The Tribal Court shall have jurisdiction over all civil causes of action.

(b)Personal jurisdiction shall exist over all persons who are Indians, or all persons, who consent to the jurisdiction of the Tribal Court. The act of entry upon territory within the jurisdiction of the court shall conclusively be deemed consent to the jurisdiction of the court with respect to any civil action arising out of such entry.

(c)The act of entry upon territory within the jurisdiction of the court by an off—reservation seller or his agent to deliver goods shall conclusively be deemed consent by the seller to the jurisdiction of the Tribal Court for any dispute arising out of the sales, regardless of where the contract was entered into.

SECTION 1.300 **Criminal Jurisdiction**

The Tribal Court shall have criminal jurisdiction over all offenses enumerated in this Law and Order Code and any subsequent ordinance adopted by the Tribe when committed within the jurisdiction of the court by any Indian, any other person to the fullest extent allowed by any current or future federal or state law, statute, regulation or case.

SECTION 1.400 **Probate Jurisdiction** To the extent permitted by federal law, the Tribal

Court shall have probate jurisdiction over all of the real and personal property located within the jurisdiction of the court at the time of death of a decedent who was a member or Indian or other person and the personal property, wherever located, of any member of the Tribe who is a resident of the Colony and Reservation at the time of death.

SECTION 1.500 **Juvenile Jurisdiction** The Tribal Court shall have original jurisdiction in all proceedings and matters relating to need for supervision, foster care, training, status offenses and other matters not relating to delinquent acts affecting Indians or members under the age of eighteen, when such children are residing within the jurisdiction of the court.

Jurisdiction over a juvenile relative to a delinquent act (One that would be a crime if committed by a person over the age of eighteen) shall be the same as for criminal jurisdiction under 1.300 above.

Juvenile Jurisdiction shall be exercised consistent with the provisions of the Indian Child Welfare Act of 1978, P.L. 95—608.

The Tribal Court shall accept and exercise any portion or incident of jurisdiction transferred to or shared with the Tribal Court, generally or in any particular case by any state, federal or other tribal court.

SECTION 1.600 JURISDICTION, CIVIL SANCTIONS ON NON-INDIANS

SECTION 1.610 **Definition** As to any person not subject to the criminal jurisdiction of the Ely Shoshone Tribe, the violation of such criminal ordinance, shall bear civil sanctions only. For convenience only, persons not subject to criminal jurisdiction, are referred to herein as Non—Indian, without regard to racial origin.

SECTION 1.620 **Arrest under State law**

Any person known to a tribal police officer to be a Non—Indian may be issued a citation or arrested under State Law pursuant to NRS 171.1255.

SECTION 1.630 **Burden of Proof, Powers of Authorities When Non—Indian Status in Doubt** Whenever status as a Non-Indian is not immediately clear or resolved, any person, otherwise subject to arrest, detention, investigation or other action under the law of the Ely Shoshone Tribe may be dealt with by the law enforcement authorities as if jurisdiction existed. The burden of raising the issue of non—jurisdiction (status as a Non—Indian) shall be upon the person claiming the exemption from jurisdiction but the burden of proof of jurisdiction (status as an Indian) remains with the prosecution.

SECTION 1.640 **Civil Process and Sanctions for Offenses** Any person, who, except for Non—Indian status, would be subject to prosecution for a criminal offense under the laws of the Ely Shoshone Tribe, may be subject to civil sanctions, in a case in which the Tribe is plaintiff, including judgment for money damages up to the limits of any fine otherwise provided for the offense and any other remedy or sanction that could be imposed by a court of law or equity. Civil burdens of proof shall apply. At a time that would otherwise correspond with arrest and any time thereafter up to the limit of the civil statute of limitations, if one applies, or if none then for one

year following the date of the discovery of the complained of activity, the police officer or anyone else on behalf of the Ely Shoshone Tribe may serve a summons and complaint upon such person. The service of a Citation or Criminal Complaint upon such person shall serve as a Civil Summons and Complaint if such Citation or Criminal Complaint bears both a notation that it is in lieu of a Civil Summons and Complaint and indicates a court date for appearance or filing an answer.

SECTION 1.650 Registration of Sex Offenders and offenders convicted of a crime against a child; community notification of sex offenders.

The Ely Shoshone Tribe hereby adopts Chapter 179D of the Nevada Revised Statutes with respect to registration of sex offenders and offenders convicted of a crime against a child; community notification of sex offenders.