



Ordinance Adopting Law and Order Code  
and Creating Tribal Court

ORDINANCE OF THE CONFEDERATED TRIBES

of the

GOSHUTE RESERVATION

ORDINANCE NO. \_\_\_\_\_

Pursuant to the authority set forth in Article VII and Article VIII of the Constitution and Bylaws of the Confederated Tribes of the Goshute Reservation, approved November 25, 1940, and amended on February 7, 1964, as organized under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984),

BE IT ENACTED BY THE BUSINESS COUNCIL OF THE CONFEDERATED TRIBES OF THE GOSHUTE INDIAN RESERVATION, UTAH/NEVADA, AS FOLLOWS:

Part 1 - Effective Date

This ordinance shall be in full force and effect from the time of its enactment by the Goshute Business Council and the review and approval of the ordinance by the Secretary of the United States Department of Interior or said Secretary's duly authorized representative.

Part 2 - Creation of Tribal Court

The Tribes do hereby create the Tribal Courts of The Confederated Tribes of the Goshute Reservation, (hereinafter referred to as "the courts"). All civil and criminal actions shall, after the effective date of this ordinance, be filed in and determined by, and all judicial power of the Confederated Tribes of the Goshute Reservation, shall be vested in the said courts, which shall be the courts of justice for the Confederated Tribes.

Part 3 - Exercise of Jurisdiction

The Tribes do hereby assume and exercise, and shall assert, all civil and criminal jurisdiction and all regulatory and adjudicatory powers which are not inconsistent with the laws of the United States. The courts shall exercise subject matter and personal jurisdiction to the fullest extent possible, including, but not limited to, jurisdiction as set forth herein, in Part 6, and civil jurisdiction over all persons found within the Goshute Reservation and over all persons or entities who commit a tortious act or transact business within the territorial jurisdiction of the court.

Part 4 - Applicable Law

The Courts of the Confederated Tribes of the Goshute Reservation shall apply the ordinances adopted by the tribes and the statutory law and applicable regulations of the United States of America.

Part 5 - Appointment and Recall of Judges

The Business Council of the Confederated Tribes of the Goshute Reservation shall appoint a Chief Judge and such other Judges as are needed, each of whom shall serve for a term of four years. All Judges so appointed shall be graduates of accredited law schools, admitted to practice in the courts of not less than one state or in a United States District Court, and shall have not less than five (5) years experience as lawyers in the field of Indian Law. No person shall serve as a Judge who has ever been convicted of a felony or who, within one year of the date of service or application, has been convicted of a misdemeanor. A Judge may be recalled from office by the procedure for the recall of a Business Council member set forth in Article VI Section 3 of the Constitution and Bylaws of the Confederated Tribes of the Goshute Reservation.

Part 6 - Adoption of 25 CFR Part 11

The Confederated Tribes of the Goshute Reservation hereby adopt and promulgate as the Goshute Law and Order Code, Sections 11.100 (d), (e), and (f); Sections 11.102 and 11.103; Sections 11.200 and 11.203; and, Sections 11.205 through 11.1115 of Title 25 of the Code of Federal Regulations of the United States (hereinafter "CFR"), which sections are set out in their entirety as Part 8 of this ordinance, together with all ordinances previously adopted by the Tribes and approved by the Secretary of the United States Department of the Interior or said Secretary's duly appointed representative, provided however that in all cases where the said CFR refers to "magistrate," it shall mean and be read as "The Judge or Judges of the Courts of the Confederated Tribes of the Goshute Reservation," which judges shall be appointed or elected by the Tribes, and all references to the "Court of Indian Offenses" shall mean and be read as the "The Court or Courts of the Confederated Tribes of the Goshute Reservation."

Part 7 - 25 CFR Part 11 As Adopted

SUBPART A - Application; Jurisdiction

25 C.F.R. s 11.100 (d), (e), (f)

Definition of Indian, legal  
effect and tribal custom.

(d) For the purposes of the enforcement of the regulations in this part, an Indian is defined as a person who is a member of an Indian tribe which is recognized by the federal government as eligible for services from the BIA, and any other individual who is an "Indian" for purposes of 18 U.S.C. 1152-1153.

(e) The governing body of each tribe occupying the Indian country over which a Court of Indian Offenses has jurisdiction may enact ordinances which, when approved by the Assistant Secretary--Indian Affairs or his or her designee, shall be enforceable in the Court of Indian Offenses having jurisdiction over the Indian country occupied by that tribe, and shall supersede any conflicting regulation in this part.

(f) Each Court of Indian Offenses shall apply the customs of the tribe occupying the Indian country over which it has jurisdiction to the extent that they are consistent with the regulations of this part.