

Subpart C Jurisdiction of the Tribal Court

C-1 Territorial Jurisdiction of the Tribal Court

Jurisdiction of the Pueblo of Pojoaque Tribal Court shall extend to all territory within the present exterior boundaries of the Pueblo and all roads, water and to any lands which may be added to the Pueblo in the future or which may become subject to the jurisdiction of the Pueblo.

C-2 Personal Jurisdiction

(a) As used in these jurisdictional provisions, the word “person” shall include any individual, firm, company, association, or corporation.

(b) Subject to any contrary provisions, exceptions or limitations contained in either federal law or as expressly stated elsewhere in this Law and Order Code, the Tribal Court shall have jurisdiction over the following persons:

1. Any person residing, located or present within the Pueblo for:
 - A. Any civil cause of action; or
 - B. Any charge of criminal offense prohibited by this code or other ordinance of the Pueblo when the offense is alleged to have occurred within the Pueblo.
2. Any person who transacts, conducts, or performs any business or activity within the Pueblo, either in person or by an agent or representative, for any civil cause of action or charge of criminal offense for any act expressly prohibited by this Law and Order Code or other ordinances adopted by the Tribal Council.
3. Any person who owns, uses or possesses any property within the exterior boundaries of the Pueblo, for any civil cause of action or charge of criminal offense prohibited by this Code of other ordinances of the Tribe arising from such ownership, use or possession.
4. Any person who commits a tortious act or engages in tortious conduct within the exterior boundaries of the Pueblo, either in person or by an agent or representative, for any civil cause of action arising from such act or conduct.
5. Any person who commits a criminal offense prohibited by this code or other ordinance of the Pueblo, by his or her own conduct or the conduct of another for which he is legally accountable, if:
 - A. The conduct occurs either wholly or partly within the Pueblo;
 - B. The conduct which occurs outside the Pueblo constitutes an attempt, solicitation, or conspiracy to commit an offense within the Pueblo, and an act in furtherance of the attempt or conspiracy occurs within the Pueblo; or

C. The conduct which occurs within the Pueblo constitutes an attempt, solicitation, or conspiracy to commit in another jurisdiction an offense prohibited by this Code or ordinances of the Pueblo and such other jurisdiction.

(c) None of the foregoing bases of jurisdiction is exclusive, and jurisdiction over a person may be established upon any one or more of them as applicable.

C-3 Exclusive Original Jurisdiction

(a) The Pueblo Courts shall have exclusive original jurisdiction in all matters in which the Pueblo or its officers or employees are parties in their official capacities.

(b) Nothing contained in Subsection (a) or elsewhere in this Code shall be construed as a waiver of the sovereign immunity of the Pueblo or its officers or enterprises unless specifically denominated as such.

C-4 Actions By or Against Pueblo Officers or Employees

(a) In any action otherwise authorized by or against the Tribe or its officers or employees arising from the performance of their official duties, the following modifications to the rules or procedures set forth in this Law and Order Code shall apply:

1. Neither the Pueblo nor its officers or employees when involved in a civil action arising from the performance of their official duties shall be liable for the payment of the costs or expenses of the opposing party.
2. Neither the Pueblo nor its officers or employees when involved in a civil action arising from the performance of their official duties shall be required to post security by bond or otherwise for any purpose.
3. No civil action brought against the Pueblo or its officers and employees arising from the performance of their official duties shall be tried before a jury. All such actions shall be tried before a Tribal Court Judge.
4. In an action against the Pueblo, service of process may be accomplished by delivering the Petition and the Summons to the offices of the Governor and of the Legal Department during normal business hours.

C-5 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 agent of the seller 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.

C-6 Criminal Jurisdiction

The Tribal Court shall have criminal jurisdiction over all offenses enumerated in this Code and any subsequent ordinance adopted by the Pueblo 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.

C-7 Probate Jurisdiction

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 and the personal property, wherever located, of any member of the Pueblo who is a resident of the Pueblo at the time of death.

C-8 Juvenile Jurisdiction

(a) 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 (18), when such children are residing within the jurisdiction of the Court. Jurisdiction over a juvenile relative to a delinquent act shall be the same as for criminal jurisdiction. Juvenile Jurisdiction shall be exercised consistent with the provisions of the Indian Child Welfare Act of 1978, P.L. 95-608.

(b) 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.

C-9 Service of Process

Service of Process may be made upon any person subject to the Pueblo Court's jurisdiction under this subsection by:

(a) Personally serving the summons upon the respondent who resides outside of the exterior boundaries of the Pueblo, such service having the same force and effect as though service had been made personally within the Pueblo's exterior boundaries;

(b) Certified mail, return receipt requested, upon the respondent who resides outside of the exterior boundaries of the Pueblo; or

(c) Through published notice in a newspapers within the jurisdiction of the respondent's last known address.

(d) Nothing in this subsection limits or affects the right to serve process in any other manner.