



Rincon Band of Luiseño Indians

ORDINANCE ESTABLISHING  
TRIBAL COURT JURISDICTION

September 30, 2008

# ORDINANCE ESTABLISHING TRIBAL COURT JURISDICTION

**DATE: September 30, 2008**

BE IT ENACTED BY THE RINCON SAN LUISENO BAND OF MISSION INDIANS AN ORDINANCE ESTABLISHING TRIBAL COURT JURISDICTION OVER CIVIL AND CRIMINAL MATTERS ARISING ON THE RINCON BAND RESERVATION.

## Sec. 1 Title

This ordinance shall be known as the "Tribal Court Jurisdiction Ordinance."

## Sec. 2 Purpose and Policy

- (A) The purpose of this ordinance is to establish jurisdiction in the Intertribal Court of Southern California ("ICSC") over all criminal matter and civil causes of action that arise on the Rincon Reservation.
- (B) It is the Rincon Band's policy and legislative determination that the public interest and the interests of the Rincon Band demand that the Rincon Band provide itself, its members, and other persons living within the territorial jurisdiction of the Band with an effective means of redress in both civil and criminal cases against members and non-members who through either their residence, presence, business dealings, other actions or failures to act, or other significant minimum contacts with this Reservation and/or its residents commit criminal offenses against the Band or incur civil obligations to persons or entities entitled to the Band's protection.
- (C) To insure maximum protection for the Band, its members and other residents of the Reservation, this Ordinance should be applied equally to all persons, members and non-members alike.
- (D) For purposes of the Band's criminal and civil laws, resolutions, and regulations, the term "Tribal Court" means the Intertribal Court of Southern California.

## Sec. 3 Territorial Jurisdiction.

- (A) The Rincon Reservation includes all territory within the Reservation boundaries under the jurisdiction of the United States Government, including any fee lands, restricted fee lands, lands held in trust for the benefit of the Rincon Band, easements, rights-of-way running through the reservation, all Indian allotments the Indian titles to which have not been extinguished, including rights-of-way running through the same, and to such other lands that may hereafter be added to the Reservation or held in trust for the Rincon Band under any law of the United States or otherwise.

- (B) The Rincon Band has criminal and civil legislative, regulatory and adjudicatory jurisdiction over the Reservation, subject to any contrary provisions, exceptions or limitations contained in federal law.

#### Sec. 4. Subject Matter Jurisdiction.

The Tribal Court may exercise subject matter jurisdiction over criminal and civil actions which arise on the Rincon Reservation on any basis consistent with the inherent sovereignty of the Rincon Band, its Articles of Association and laws, and federal law.

#### Sec. 5. Personal Jurisdiction.

- (A) The term “person” as used in this Ordinance means any natural person, corporations, partnerships, associations and governmental entities.
- (B) Any person entering the boundaries of the Rincon Reservation becomes subject to the laws, resolutions and regulations of the Rincon Band.
- (C) The Tribal Court shall have personal jurisdiction over:
  - (1) Any person residing, located or present on the Rincon Reservation;
  - (2) Any member of the Rincon Band;
  - (3) Any person who consents to Rincon Band jurisdiction, whether by contract, implication or otherwise, including marriage to, or co-habitation with, a member of the Rincon Band;
  - (4) Any person appearing in Tribal Court, other than a special appearance for the sole purpose of contesting jurisdiction;
  - (5) Any person contracting or attempting to contract to insure any person, property or risk located within the Reservation, or for the sale, lease, or purchase of any property, goods or services, when such contract is entered into or is to be performed within the exterior boundaries of the Reservation;
  - (6) Any person who transacts, conducts, or performs any business or activity within the Reservation, 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 Rincon Band law, resolution or regulations arising from such business or activity.
  - (7) Any person who owns, uses or possesses any property within the Reservation, for any civil cause of action or charge of criminal offense prohibited by Rincon Band law, resolution, or regulations arising from such ownership, use or possession.

- (8) Any person using or attempting to use, purchasing or attempting to purchase any resource or service of the Rincon Band or the Reservation;
- (9) Any person who commits a tortious act or engages in tortious conduct within the Reservation, either in person or by an agent or representative, for any civil cause of action arising from such act or conduct.

#### Sec. 6. Concurrent Jurisdiction.

The jurisdiction of the Tribal Court shall be concurrent with any valid jurisdiction of the courts of the United States, any state, or any political subdivision thereof.

#### Sec. 7. Jurisdiction over Property

The Tribal Court shall have jurisdiction over any real or personal property located on the Reservation to determine the ownership thereof or rights therein or to determine the application of such property to the satisfaction of a claim for which the owner of the property may be liable.

#### Sec. 8. Rincon Band Sovereign Immunity

Nothing herein shall be construed to be a waiver of the sovereign immunity of the Rincon Band, its officers, employees, agents, enterprises, divisions or political subdivisions or to be a consent to any suit beyond the limits now or hereafter specifically stated by the Rincon Band's law.

#### Sec. 9 Savings Clause

Nothing herein shall constitute an amendment to any existing ordinance, resolution, law or regulation which grants sole jurisdiction to any other body, agency, or forum of the Rincon Band.