

1981 Assembly Bill 825

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CHAPTER 369 , Laws of 1981

AN ACT to create 806.245 of the statutes, relating to extending full faith and credit to the acts and court documents of the Menominee Indian tribe.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 806.245 of the statutes is created to read:

806.245 Indian tribal documents: full faith and credit. (1) Subject to subs. (2), (3) and (4), copies of judicial acts, records, proceedings and valid judgments of the Menominee Indian tribe of Wisconsin and acts of the Menominee Indian tribal legislature shall have the same full faith and credit in the courts of this state as do the acts, records, judicial proceedings and judgments of any other governmental entity, if the court of the Indian tribe grants full faith and credit to the judicial acts, records, proceedings and valid judgments of the courts of this state and to the acts of other governmental entities in this state.

(2) To qualify for admission as evidence in the courts of this state:

(a) Copies of acts of a tribal legislature shall be authenticated by the certificate of the tribal chairperson and tribal secretary.

(b) Copies of records, judicial proceedings and judgments of a tribal court of record shall be authenticated by the attestation of the clerk of the court. The seal, if any, of the court shall be affixed to the attestation, together with a certification by a judge of the court that the clerk's attestation is in proper form.

(3) In determining whether a tribal court is a court of record, the circuit court shall determine that:

(a) The court keeps a permanent record of its proceedings.

(b) Either a transcript or an electronic recording of the proceedings is available.

(c) Final judgments of the court are reviewable by a superior court.

(d) The court has authority to enforce its own orders through contempt proceedings.

(4) In determining whether a tribal court judgment is a valid judgment, the circuit court shall examine the tribal court record to assure that:

(a) The tribal court had jurisdiction of the subject matter and over the person named in the judgment.

(b) The judgment is final under the laws of the rendering court.

(c) The judgment is on the merits.

(d) The judgment was procured without fraud, duress or coercion.

(e) The judgment was procured in compliance with procedures required by the rendering court.

(f) The proceedings of the tribal court comply with the Indian civil rights act of 1968 under 25 USC 1301 to 1341.

(5) No lien or attachment based on a tribal court judgment may be filed, docketed or recorded in this state against the real or personal property of any person unless the judgment has been given full faith and credit by a circuit court under this section.
