



PUEBLO OF JEMEZ TRIBAL COUNCIL RESOLUTION 2026 - 12

**AUTHORIZING AN AMENDMENT TO THE PUEBLO OF JEMEZ TRIBAL CODE
TITLE I GENERAL PROVISIONS, CHAPTER 2
BY ADDING SECTION 1-2-7 JEMEZ LAW ENFORCEMENT AIDES**

At a duly called meeting of the Tribal Council of the Pueblo of Jemez on the 17th day of April 2026, the following resolution was adopted:

- WHEREAS**, the Pueblo of Jemez is a federally recognized sovereign tribal government with a Governor and Tribal Council empowered to exercise all government powers, fiscal authority and tribal sovereignty; and
- WHEREAS**, the Pueblo of Jemez is a federally recognized sovereign tribal government with a Governor and Tribal Council empowered to initiate and carry out programs for the benefit of the Jemez tribal members; and
- WHEREAS**, a Tribal Code Committee was established comprised of the Jemez Pueblo Tribal Court Judge and Court staff, Jemez Pueblo legal counsel, Tribal Administration staff, including the Governor and 1st and 2nd Lieutenant Governors, to review and suggest proposed amendments to the Pueblo of Jemez Tribal Code; and
- WHEREAS**, the Pueblo of Jemez Tribal Council pursuant to Resolution No. 2025-51 adopted the Tribal Code Committee's amendments to Title I - General Provisions on December 11th, 2025; and
- WHEREAS**, due to recent developments in the involvement of certain Tribal Officials in assisting Tribal Courts and the Tribal Police Department as Law Enforcement Aides, the Tribal Code Committee, in consultation with Tribal Courts and Tribal Police Department, recommends the addition of Section 1-2-7 Jemez Law Enforcement Aides to the Title I - General Provisions; and
- WHEREAS**, this proposed Amendment to Title I - General Provisions will afford the Tribal Officials serving as Jemez Law Enforcement Aides the protection under the Federal Tort Claims Act and any applicable liability coverage while performing their official duties under Section 1-2-7; and
- WHEREAS**, the Tribal Code Committee recommends the Tribal Council approve and adopt the following Amendment to Title I - General Provisions.

Office of the Governor

4471 Highway 4, Box 100 • Jemez Pueblo • New Mexico • 87024
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SECTION 1-2-7 JEMEZ LAW ENFORCEMENT AIDES

1. Jemez Law Enforcement Aides (JLEA) are those appointed Tribal Officials who are selected or that elect to serve in the capacity of a limited authority Law Enforcement Aide for the Jemez Pueblo Police or Tribal Court. Only those individuals appointed as Tribal Sheriff, Governors' Aides and Fiscales and Fiscales' Aides and who meet the requirements of this section will serve as Jemez Law Enforcement Aides. Nothing in this section is intended to limit, restrict or diminish these Tribal Officials' traditional, religious and cultural responsibilities and duties.

2. The duties of a Jemez Law Enforcement Aide are the following: Detainment of Suspects, In-custody Transports, Civil Process Services, Traffic Control, Road Closures, Crowd Control, Crime Scene Perimeter Security, Search and Rescue, or responding to an active crime scene.

3. To effectively carry out the duties of a Jemez Law Enforcement Aide, all Tribal Officials who are selected or are tasked with these duties will attend mandatory training in January in which the Tribal Officials will receive classroom and practical hands-on training (hands-on training may be outsourced) from the Jemez Police Department and Tribal Court. Upon successful completion of the training, each Tribal Official will receive a certificate of completion, and a Limited Law Enforcement Authority Commission Card valid for one year.

4. The training costs will be provided as necessary and upon successful completion of the training, proper equipment will be issued to the Jemez Law Enforcement Aides. As deemed necessary, tribal vehicle(s) will be provided to complete their duties.

5. JLEAs are not Academy Trained Commissioned Law Enforcement Officers and do not have arrest authority but are authorized to detain suspects and transport adult inmates only. JLEAs do not have the authority to transport juveniles and can only detain a juvenile if there is an incident in which there exists a threat to the safety of the public or the JLEA is in immediate danger. Policies for JLEA program will be included in the Jemez Police Department Law Enforcement Standard Operating Procedures and will be provided to all JLEAs.

6. All JLEA training and commission records will be maintained by the Jemez Pueblo Police Department.

NOW THEREFORE BE IT RESOLVED THAT the Pueblo of Jemez Tribal Council hereby approves and adopts the addition of Section 1-2-7 Jemez Law Enforcement Aides to Title I - General Provisions of the Jemez Pueblo Tribal Code as laws of the Pueblo, which shall become effective immediately and shall be incorporated into the Pueblo of Jemez Tribal Code.

FURTHER, BE RESOLVED THAT the Pueblo of Jemez Tribal Council authorizes the Governor, Tribal Administration and Tribal Court and Jemez Police Department staff to implement the adopted amendments.

Office of the Governor

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CERTIFICATION


I, THE UNDERSIGNED, as Governor of the Pueblo of Jemez do hereby certify that the Jemez Tribal Council at a duly called meeting which was convened and held on the 17th day of April 2026, at the Pueblo of Jemez, New Mexico, approved the foregoing resolution that a quorum was present and that 9 voted for and 0 opposed and 0 abstained.


Governor John Galvan


ATTEST: 1st Lieutenant Governor

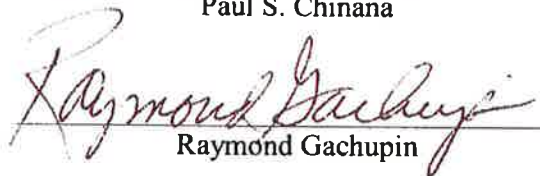
TRIBAL COUNCIL:

Joe Cajero


Peter Madalena



Paul S. Chinana

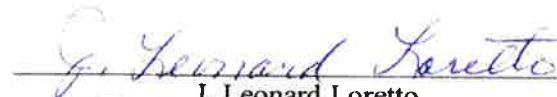
James Roger Madalena

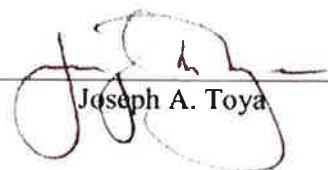

Raymond Gachupin

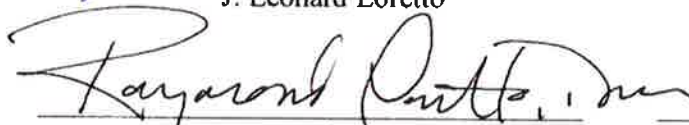

George Shendo, Jr.

Dominic Gachupin


David M. Toledo


J. Leonard Loretto


Joseph A. Toya


Raymond Loretto, DVM

Vincent A. Toya, Sr.


David R. Yepa

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TRIBAL COUNCIL RESOLUTION NO. 2025 - 51

**AMENDING TITLE I - GENERAL PROVISIONS OF THE
PUEBLO OF JEMEZ TRIBAL CODE**

At a duly called meeting of the Tribal Council of the Pueblo of Jemez on the 11th day of December, 2025, the following resolution was adopted:

WHEREAS, the Pueblo of Jemez is a federally recognized sovereign tribal government with a Governor and Tribal Council empowered to exercise all governmental powers, fiscal authority and tribal sovereignty; and

WHEREAS, the Pueblo of Jemez Tribal Council adopted by Resolution No. 1995-17 the Jemez Pueblo Tribal Code and subsequent thereto on July 21st, 2011 amended Title I, II and III by Resolution No. 2011-27; and,

WHEREAS, a Tribal Code Committee was established comprised of Tribal Court Judge and Court staff, legal counsel, tribal administration including Governors to review and suggest proposed amendments to Title I – General Provisions; and

WHEREAS, Title I – General Provisions is in need of amendments due to changes in law, court rules, policies and procedures and to avoid conflicting provisions or misinterpretations of the Tribal Code and to provide for the orderly administration of justice in all judicial forums of the Pueblo of Jemez; and

WHEREAS, the Code Committee has worked on the suggested amendments to Title I and recommends to the Tribal Council to approve and adopt the amended Title I, attached hereto as Exhibit I; and

WHEREAS, the amendments to Title I – General Provisions have been explained and presented to the Tribal Council for consideration and approval and the Tribal Council believes the revisions therein strengthens tribal sovereignty and provides for the orderly administration of justice.

NOW THEREFORE BE IT RESOLVED THAT the Pueblo of Jemez Tribal Council hereby approves and adopts the amendments to TITLE I GENERAL PROVISIONS as laws of the Pueblo which shall become effective January 1, 2026; and

BE IT FURTHER RESOLVED THAT the newly adopted amendments to Title I of the Pueblo of Jemez Tribal Code supersedes all prior code provisions and shall be incorporated into the Pueblo of Jemez Tribal Code.

Office of the Governor

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CERTIFICATION


I, THE UNDERSIGNED, as Governor of Pueblo of Jemez do hereby certify that the Jemez Tribal Council at a duly called meeting which was convened and held on the 11th day of December 2025, at Pueblo of Jemez, New Mexico, approved the foregoing resolution that a quorum was present and that 10 voted for and 0 opposed and 1 abstained.


George Shendo, Jr. Governor

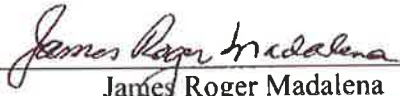
ATTEST: 
Lieutenant Governor

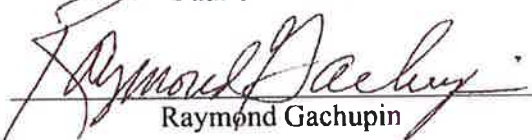
TRIBAL COUNCIL:

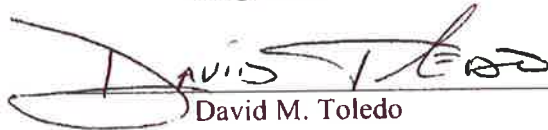

Joe Cajero


Peter Madalena


Paul S. Chinana

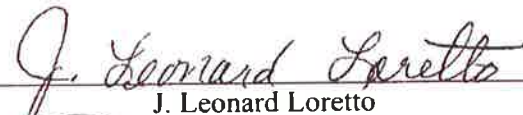

James Roger Madalena

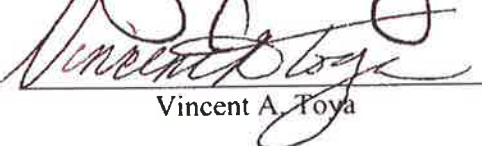

Raymond Gachupin


David M. Toledo

Dominic Gachupin


Joseph A. Toya


J. Leonard Loretto


Vincent A. Toya


Raymond Loretto, DVM

abstained
David R. Yepa

Office of the Governor



TRIBAL COUNCIL RESOLUTION No. 2011- 27

Amending Titles I, II and III of the Pueblo of Jemez Tribal Code

At a duly called meeting of the Tribal Council of the Pueblo of Jemez, the following resolution was passed:

WHEREAS, the Pueblo of Jemez is a federally recognized Indian Tribe with inherent powers of self-government and pursuant to its tribal sovereignty has the powers to legislate, enact and amend tribal laws; and

WHEREAS, the Pueblo of Jemez Tribal Council adopted by Resolution 1995-17, the Jemez Pueblo Tribal Code subject to future amendments as provided for in the Code; and

WHEREAS, the Jemez Pueblo Law Enforcement Services, Tribal Courts and the Pueblo's legal counsel have determined that Titles I, II and III of the Pueblo of Jemez Tribal Code are in need of amendments and have recommended revisions to Titles I, II and III; and

WHEREAS, the Tribal Council has determined that these amendments will continue to strengthen our tribal sovereignty, contribute to the judicial needs of the Pueblo and provide for the orderly administration of tribal justice and assure the maintenance of law and order on the Pueblo of Jemez.

NOW THEREFORE BE IT RESOLVED that the proposed amendments to Titles I, II and III of the Pueblo of Jemez Tribal Code, are hereby approved and adopted as laws of the Pueblo and **shall become effective September 1, 2011,** and

BE IT FURTHER RESOLVED that the newly adopted amendments to Titles I, II and III of the Pueblo of Jemez Tribal Code supersedes all prior code provisions and shall be incorporated into the Pueblo of Jemez Tribal Code.

Office of the Governor

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TRIBAL COUNCIL RESOLUTION No. 2011- 27
Amending Titles I, II and III of the Pueblo of Jemez Tribal Code

CERTIFICATION

I, the undersigned, as the Governor of the Pueblo of Jemez hereby certify that at a duly called meeting of the Tribal Council held on the 21st day of July, 2011, the foregoing resolution was passed, a quorum being present and that 10 voted for with 0 opposed and 0 abstained.

Michael Toledo Jr.
Michael Toledo Jr., Governor

Attest: George Shendy
1st Lieutenant Governor

TRIBAL COUNCIL:

Joe Cajero
Joe Cajero

Paul S. Chinana
Paul S. Chinana

Raymond Gachupin
Raymond Gachupin

Frank Loretto
Frank Loretto

J. Leonard Loretto
J. Leonard Loretto

Raymond Loretto
Raymond Loretto

Jose E. Magdalena
Jose E. Magdalena

Joshua Madalena
Joshua Madalena

Roger Madalena
Roger Madalena

Jose L. Pecos
Jose L. Pecos

Arthur Sandia
Arthur Sandia

Jose Toledo
Jose Toledo

David M. Toledo
David M. Toledo

Paul Tosa
Paul Tosa

Vincent A. Toya, Sr.
Vincent A. Toya, Sr.

Office of the Governor

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RESOLUTION NO. 95-13

- WHEREAS, The Pueblo of Jemez, a federally recognized Indian Tribe, has the powers of self-government by reason of its original tribal sovereignty, and
- WHEREAS, by virtue of the Pueblo's original tribal sovereignty, the Pueblo of Jemez Tribal Council possesses the power to exercise legislative powers over the activities of all persons, Indian and Non-Indian alike, to protect tribal interests within the lands of Jemez Pueblo, and
- WHEREAS, the Pueblo of Jemez Tribal Council is exercising the power to legislate and enact civil and criminal tribal laws to control the conduct and activities of tribal members and non-tribal members, and
- WHEREAS, the Pueblo of Jemez Tribal Council has considered the benefits, impacts, disadvantages, and advantages to enacting the Pueblo of Jemez Tribal Law & Order Code which also includes "Exclusion & Removal of Persons", "Wildlife Conservation Code and Hunting, Fishing, & Trapping Regulations", "Repossession of Property", "Traffic Code", and "Real Estate",
- WHEREAS, the Tribal Council proclaims that adopting the Pueblo of Jemez Tribal Law & Order Code along with its specific titles as our tribal laws further strengthens our Tribal Sovereignty, protects our land and resources of our Pueblo for ourselves and our children, contributes to the judicial needs of the Pueblo and provides for the orderly administration of tribal justice, and assures the maintenance of law and order on the Pueblo of Jemez, and
- WHEREAS, adopting the Pueblo of Jemez Tribal Law & Order Code with its Titles does not alter, affect, or change the traditional procedures and sanctions used in our Tribal Court and neither is the Code intended to limit the powers of the Governors.
- NOW THEREFORE BE IT RESOLVED that the Pueblo of Jemez Law & Order Code with comprised sections from Title I through Title VIII is hereby adopted as the tribal laws of the Pueblo of Jemez, subject to future amendments as provided in the Code, and
- BE IT FURTHER RESOLVED that the Pueblo of Jemez Law & Order Code with its Titles will become effective on August 23, 1995.

Office Of The Governors

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C E R T I F I C A T I O N

I, the undersigned as Governor of the Pueblo of Jemez do hereby certify that the foregoing resolution was passed at a duly called meeting of the Tribal Council on the 23rd day of February, 1995, in which 6 voted for and 0 voted against.

Paul S. Chinana
Paul S. Chinana, Governor
Pueblo of Jemez

ATTEST: Vicenta A. Lopez

Jose Talero
Councilman
Rosendo Gutierrez
Councilman
Jose L. Lopez
Councilman

Councilman

Paul Lopez
Councilman
Antonio Lopez
Councilman
Jose L. Lopez
Councilman

Councilman

**PUEBLO OF JEMEZ TRIBAL CODE
TITLE I
GENERAL PROVISIONS**

CHAPTER 1 INTRODUCTION

SECTION 1-1-1 PURPOSE

This Code for the Pueblo of Jemez is established for the purpose of strengthening Tribal Self-Government, providing for the judicial needs of the Pueblo, and to assure the maintenance of law and order on the Pueblo of Jemez.

SECTION 1-1-2 CONSTRUCTION

The general rule that a statute is to be strictly construed to its terms does not apply to this Code but that provisions herein are construed according to the fair and plain meaning of its terms to promote justice. This Code shall be interpreted to promote and administer justice fairly and equitably to all persons appearing before the Jemez Pueblo Tribal Court.

SECTION 1-1-3 SEVERABILITY

If any Section, Chapter or Title of the Code or its application to any person or circumstance is held invalid, the remainder of this Code shall not be affected.

SECTION 1-1-4 AUTHORITY

This Pueblo of Jemez Tribal Code was originally adopted pursuant to Tribal Resolution No. 95-13. Pursuant to the Pueblo's inherent sovereign authority to enact laws and to be governed by them, the Jemez Pueblo Tribal Council adopts this Code to preserve internal order within the exterior boundaries of the Pueblo of Jemez.

SECTION 1-1-5 AMENDMENT OF CODE

This Code may be amended, additions made hereto or deletions made after review and consideration by the Tribal Council. Such amendments, additions or deletions shall become effective when passed by duly executed tribal council resolution. Amendments and additions to this Code shall become a part thereof for all purposes and shall be codified and incorporated herein consistently with the numbering and organization of this Code.

SECTION 1-1-6 NAME OF CODE

This Code shall be known as the "Pueblo of Jemez Tribal Code."

SECTION 1-1-7 COPIES OF LAWS

The public shall have access to the Pueblo of Jemez Tribal Code during regular business hours at the office of the Tribal Court, copies of this Code and any amendments thereto plus copies of all laws or rules which are incorporated by reference into this Code. This Code shall also be made available on the Pueblo's Website: www.jemezpuablo.org/government/tribal-court .

SECTION 1-1-8 SOVEREIGN IMMUNITY

Except as expressly abrogated by act of Congress, or as specifically waived by resolution or ordinance of the Tribal Council specifically referring to such, the Pueblo of Jemez shall be immune from suit in any civil action, and its officers and employees immune from suit for any liability arising from the performance of their official duties.

CHAPTER 2 TRIBAL COURT; COURT PERSONNEL

SECTION 1-2-1 COMPOSITION OF TRIBAL COURT

1. The "Contemporary" Tribal Court shall be comprised of a law trained or licensed attorney employed by the Pueblo to serve as the Tribal Court Judge. The Contemporary Tribal Court shall have jurisdiction over all civil, criminal and juvenile cases that arise or occur within the jurisdiction of the Pueblo of Jemez except if the Traditional Tribal Court asserts its authority to hear a case in accordance with Section 1-2-1(2). The Contemporary Tribal Court shall not have jurisdiction to hear land disputes and land assignments that fall with the exclusive jurisdiction of the Jemez Pueblo Tribal Council.

2. The "Traditional" Tribal Court, hereafter referred to as Governors Court, consists of the Governor, 1st Lieutenant Governor and 2nd Lieutenant Governor. The Governors Court may hear civil cases petitioned by a party in accordance with the procedural rules set forth in Title XV Rules of Civil Procedure. The Governors Court may deny a party's petition to have the Governors Court to hear a case. The Governors Court shall have jurisdiction over civil cases that occur or arise within the jurisdiction of the Pueblo of Jemez.

SECTION 1-2-2 TRIBAL COUNCIL COURT

1. Tribal Council Court means the governing body of the Pueblo of Jemez known as the Tribal Council convened by the Governor for the purpose of hearing cases or disputes for which the Council Court has original or exclusive jurisdiction.

2. The Tribal Council Court has exclusive jurisdiction over all land disputes including land assignments. The Tribal Council Court shall exercise jurisdiction to hear land disputes and land assignments between members, when a Tribal Council Court hearing is requested by a member in accordance with traditional and customary practice. The Governor shall inform the Tribal Council of a member's request for Council Court and schedule a Tribal Council Court hearing.

3. The Tribal Council Court hearing shall be conducted following traditional and customary practices. The parties shall be provided a fair opportunity to present testimony, witnesses and any written or recorded evidence in support of their case.

4. All Tribal Council Court decisions shall be final and shall be issued in writing signed by all tribal councilmen present for the hearing and signed by the presiding Governor. The written decisions shall be filed with the Governor's Office, Tribal Realty Office and copies provided to both parties in the dispute.

SECTION 1-2-3 TRIBAL COURT JUDGES

1. Court Judge; Selection and Compensation

A. Selection : No person shall serve as a Tribal Judge in the Jemez Pueblo Tribal Court unless that person has met the qualifications established by Tribal Council or the Pueblo's Human Resources Department. The selection of a Tribal Judge shall be approved by the Tribal Council.

B. Compensation: The length of employment or service for a tribal judge shall be determined by Tribal Council depending on whether the employment is salaried or on contract basis. The compensation for the salaried judge shall be determined by the Tribal Council through yearly approval of the Court budget.

C. A Tribal Judge, pro tem judge or part time judge may be hired as a Contract Employee as determined by Tribal Council. The compensation for a contract judge shall be determined by the Tribal Council.

D. Investigations or disciplinary actions against a judge shall be performed in accordance with the Code of Judicial Conduct.

2. Applicability

Any person, who is judge, pro tem judge or part time judge is an officer of the Contemporary Court and who performs judicial functions is a judge within the meaning of this Code, regardless of whether the person is employed by the Pueblo or is an independent contractor shall comply with this Code.

SECTION 1-2-4 COURT ADMINISTRATOR; DUTIES

1. Duties of Court Administrator

The Court Administrator of the Tribal Court is charged with the administrative and clerical functions of the Tribal Court. The Court Administrator is to oversee the handling, the managerial duties and administrative functions within the court system. This includes court employee's payroll, balancing the budgets of the court system to include grants and grant writing and making sure that all the

proceedings run smoothly. In addition, the Court Administrator will make sure that each of the courtroom employees and contractor(s) are performing their duties correctly and efficiently. The Court Administrator will work to organize the records and manage the flow of cases so that court activities and trials do not get behind schedule. The Court Administrator will work with the Judge and executives to create professional development strategies to create new procedures and policies to maximize the efficiency of the court. The Court Administrator will do research on legal matters, and prepare legal documents, in conjunction with the Judge, based on the research obtained. On matters pertaining to performance evaluations, the Court Administrator shall be supervised by the Tribal Administrator.

SECTION 1-2-5 COURT CLERK; DUTIES

1. A Court Clerk shall uphold the integrity of the Judiciary and the Tribal Court Clerk's Office. The Court Clerk(s) shall exhibit high standards of conduct and avoid improprieties and the appearance of impropriety in all activities. A Court Clerk should not accept a gift, bequest, favor or loan from any person whose interest has come or is likely to come before the Tribal Court. The Court Clerk should never disclose to any person any confidential information received in the course of official business and must abstain from public comment about a pending proceeding in Tribal Court.

2. The Court Clerk is an administrative position who manages the day-to-day clerical functions related to the court. The Court Clerk will take on a variety of daily tasks and are a fundamental part of the judicial system. The largest part of a Court Clerk's job is handling court records. They process legal documents, schedule cases and hearings, audit files for accuracy and ensure consistent records are always kept. The Court Clerk must also prepare files for storage. The Court Clerks will not handle cash or personal check payments for fees, fines and court costs but will process credit and debit card payments, money orders and cashiers' checks. During a trial, Court Clerks will assume any secondary duties required. The Court Clerk will maintain the court calendars, handle and assemble documents such as subpoenas, judicial orders, writs, injunctions, judgments, and all other forms used in court proceedings. The Court Clerk will review briefs, motions and lawsuits submitted to the court to ensure they are accurate. Court Clerks maintain the docket of scheduled cases and record all information when a case is completed.

SECTION 1-2-6 PROBATION OFFICERS

1. Duties of Probation Officer

- a. Attend arraignments and hearings in Tribal Court for adults and juveniles as requested.
- b. Prepare Probationer's Agreement and advice regarding conditions, reporting compliance and other important information.
- c. Record contacts and maintain case files on probationers for reporting purposes and compliance; make home visits as necessary.
- d. Record and supervise probationers and court-ordered clients placed on community service work. Inform other Departments requesting workers on the requirements of community service work.

- e. Follow-up on non-compliant probationers and file reports or complaints with the court.
- f. Attend staffing\cases on the individual probationers with the Behavioral Health Department and/or Jemez Social Services.

g. The probation officer is to supervise the probation, diversion of people sentenced by the Pueblo of Jemez Tribal Court. The probation officer ensures the defendant is following the orders of the court or prosecutor. This may involve weekly or monthly meetings with the defendant; scheduling psychological, drug or alcohol counseling, education or treatment; ankle monitoring, UAs for drug and/or alcohol use; confirming performance of community service; monitoring the payment of fines; keeping track of the probationer's whereabouts and conduct home checks.

2. The Probation Officer, will provide supervision for pre and post incarceration of adult and juvenile offenders, monitor the progress of persons which are under the jurisdiction of the Tribal Court Adult and juvenile probation services as well as Pre-Trial Services prior to adjudication are provided by the services of the Probation Office. The Probation Officer will attend / monitor court appearances required by the courts. Ensures safety, security and the preservation of life and property by maintaining law and order and enforcing laws and ordinances, including detainment of individuals for safety of officer and others. The Probation Officer's overall mission is to assist the Court in its overall goals that include rehabilitation, transformation, restoration of justice, healthy engagement in society, restitution, penalization, correction, retribution and in its overall work administration of justice.

3. The Probation Officer will also work with outside agencies for courtesy supervision for Jemez Tribal members who are on supervision from outside agencies. The Probation Office operates within the Courts physical interior and location at 139-A Bear Head Canyon Road. The Probation Office also at times provides ancillary services to support the Court's basic operations in addition to providing the Court's non-ancillary support services that directly allow the Court to function such as transportation of inmates/defendants in Jemez Tribal Court.

4. When acting within the duties of the probation officer, the officer is a limited authority law enforcement officer with detention authority but not arresting authority. Any person who refuses to obey a lawful order, assaults, batters or attempts to bribe a probation officer will be charged under section 3-2-75 through 3-2-80 of the tribal criminal code.

SECTION 1-2-7 JEMEZ LAW ENFORCEMENT AIDES

SECTION 1-2-7 JEMEZ LAW ENFORCEMENT AIDES

1. Jemez Law Enforcement Aides (JLEA) are those appointed Tribal Officials who are selected or that elect to serve in the capacity of a limited authority Law Enforcement Aide for the Jemez Pueblo Police or Tribal Court. Only those individuals appointed as Tribal Sheriff, Governors' Aides and Fiscales and Fiscales' Aides and who meet the requirements of this section will serve as Jemez Law

Enforcement Aides. Nothing in this section is intended to limit, restrict or diminish these Tribal Officials' traditional, religious and cultural responsibilities and duties.

2. The duties of a Jemez Law Enforcement Aide are the following: Detainment of Suspects, Incustody Transports, Civil Process Services, Traffic Control, Road Closures, Crowd Control, Crime Scene Perimeter Security, Search and Rescue, or responding to an active crime scene.

3. To effectively carry out the duties of a Jemez Law Enforcement Aide, all Tribal Officials who are selected or are tasked with these duties will attend mandatory training in January in which the Tribal Officials will receive classroom and practical hands-on training (hands-on training may be outsourced) from the Jemez Police Department and Tribal Court. Upon successful completion of the training, each Tribal Official will receive a certificate of completion, and a Limited Law Enforcement Authority Commission Card valid for one year.

4. The training costs will be provided as necessary and upon successful completion of the training, proper equipment will be issued to the Jemez Law Enforcement Aides. As deemed necessary, tribal vehicle(s) will be provided to complete their duties.

5. JLEAs are not Academy Trained Commissioned Law Enforcement Officers and do not have arrest authority but are authorized to detain suspects and transport adult inmates only. JLEAs do not have the authority to transport juveniles and can only detain a juvenile if there is an incident in which there exists a threat to the safety of the public or the JLEA is in immediate danger. Policies for JLEA program will be included in the Jemez Police Department Law Enforcement Standard Operating Procedures and will be provided to all JLEAs.

6. All JLEA training and commission records will be maintained by the Jemez Pueblo Police Department.

SECTION 1-2-8 COURT RECORDS

1. Records required to be kept by the Tribal Court in any criminal or civil proceeding shall be maintained by the Court Clerk and open for public inspection from the date of the final judgment or order except that the files and records for adoptions, incompetency proceedings and Children's Court proceedings shall not be open to public inspection and may be inspected only with prior specific judicial authorization. Any party involved in the proceedings may obtain a certified copy of the Court proceedings from the clerk unless expressly prohibited by the Tribal Court.

2. Public Inspection and Sealing of Court Records

A. **Presumption of public access; scope of rule.** Court records are subject to public access upon written request and with the approval of the Tribal Judge unless sealed by order of the court or otherwise protected from disclosure under the provisions of this rule. This rule does not prescribe the manner in which the court shall provide public access to court records, electronically or otherwise.

B. No person or entity shall knowingly file a court record or knowingly disseminate a court record that discloses material obtained from another court record that is sealed,

conditionally under seal, or subject to a pending motion to seal under the provisions of this rule.

C. **Definitions.** For purposes of this rule the following definitions apply:

- i. “court record” means all or any portion of a document, paper, exhibit, transcript, or other material filed or lodged with the court, and the register of actions and docket entries used by the court to document the activity in a case;
- ii. “lodged” means a court record that is temporarily deposited with the court but not filed or made available for public access;
- iii. “protected personal identifier information” means all but the last four (4) digits of a social security number, taxpayer-identification number, financial account number, or driver’s license number, and the year of a person’s date of birth;
- iv. “public” means any person or entity, except the parties to the proceeding, counsel of record and their employees, and court personnel or a federal agency in support of a federal investigation.
- v. “public access” means the inspection and copying of court record.
- vi. “sealed” means a court record for which public access is limited by order of the court or as required by Paragraph D of this rule and that such record has been noted in the Court’s record system and on the physical file that such record is “not for release due to court order sealing the record”.

D. Protection of personal identifier information.

- i. The court and the parties shall avoid including protected personal identifier information in court records unless deemed necessary for the effective operation of the court’s judicial function. If the court or a party deems it necessary to include protected personal identifier information in a court record, that is a non-sanctionable decision. Protected personal identifier information shall not be made available on the Contemporary Court website. The court shall not publicly display protected personal identifier information in the courthouse. Any attorney or other person granted electronic access to court records containing protected personal identifier information shall be responsible for taking all reasonable precautions to ensure that the protected personal identifier information is not unlawfully disclosed by the attorney or other person or by anyone under the supervision of that attorney or other person. Failure to comply with the provisions of this subparagraph may subject the attorney or other person to sanctions or the initiation of disciplinary proceedings.
- ii. The court clerk is not required to review documents for compliance with this paragraph and shall not refuse for filing any document that does not comply with this paragraph. The court clerk is not required to screen court records released to the public to prevent disclosure of protected personal identifier information.
- iii. Any person requesting public access to court records shall provide the court with the person’s name, address, and telephone number along with a government-issued form of identification or other acceptable form of identification.

E. Motion to seal court records required. Except as provided in Paragraph D of this rule, no portion of a court record shall be sealed except by court order. Any party or member of the public may file a motion for an order sealing the court record. A copy of the motion shall be served on all parties who have appeared in the case in which the court record has been filed or is to be filed. Any party or member of the public may file a response to the motion to seal. The movant shall lodge the court record with the court pursuant to Paragraph E when the motion is made, unless the court record was previously filed with the court or good cause exists for not lodging the court record pursuant to Paragraph E. Pending the court's ruling on the motion, the lodged court record will be conditionally sealed. If necessary to prevent disclosure, any motion, response or reply, and any supporting documents, shall be filed in a redacted version that will be subject to public access and lodged in a complete, unredacted version that will remain conditionally sealed pending the court's ruling on the motion. If the court denies the motion, the clerk shall return any lodged court records and shall not file them in the court file.

F. Procedure for lodging court records. A court record that is the subject of a motion to seal submitted under Paragraph E of this rule shall be secured in an envelope or other appropriate container by the movant and lodged with the court unless the court record was previously filed with the court or unless good cause exists for not lodging the court record. The movant shall label the envelope or container lodged with the court "CONDITIONALLY UNDER SEAL" and affix to the envelope or container a cover sheet that contains the information which states that the enclosed court record is subject to a motion to seal. On receipt of a lodged court record, the clerk shall endorse the cover sheet with the date of its receipt and shall retain but not file the court record unless the court orders it filed. If the court grants an order sealing a court record, the clerk shall substitute the label provided by the movant on the envelope or container with a label prominently stating, "SEALED BY ORDER OF THE COURT ON (DATE)" and shall attach a file-stamped copy of the court's order. Unless otherwise ordered by the court, the date of the court order granting the motion shall be deemed the file date of the lodged court record.

- G. Requirements for order to seal court records.
- i. The court shall not permit a court record to be filed under seal based solely on the agreement or stipulation of the parties. The court may order that a court record be filed under seal only if the court by written order finds and states facts that establish the following:
 - a. the existence of an overriding interest that overcomes the right of public access to the court record;
 - b. the overriding interest supports sealing the court record;
 - c. a substantial probability exists that the overriding interest will be prejudiced if the court record is not sealed;
 - d. the proposed sealing is narrowly tailored; and

e. no less restrictive means exist to achieve the overriding interest.

ii. The order shall require the sealing of only those documents, pages, or portions of a court record that contain the material that needs to be sealed. All other portions of each document or page shall be filed without limitation on public access. If necessary, the order may direct the movant to prepare a redacted version of the sealed court record that will be made available for public access.

iii. The order shall state whether the order itself, the register of actions, or individual docket entries are to be sealed.

iv. The order shall specify who is authorized to have access to the sealed court record.

v. The order shall specify a date or event upon which it expires or shall explicitly state that the order remains in effect until further order of the court.

vi. The order shall specify any person or entity entitled to notice of any future motion to unseal the court record or modify the sealing order.

H. Motion to unseal court records.

i. A sealed court record shall not be unsealed except by court order or pursuant to the terms of the sealing order itself. A party or member of the public may move to unseal a sealed court record. A copy of the motion to unseal shall be served on all persons and entities who were identified in the sealing order pursuant to Subparagraph (vi) of Paragraph G for receipt of notice. If necessary, to prevent disclosure, the motion, any response or reply, and supporting documents shall be filed in a redacted version and lodged in a complete and unredacted version.

ii. In determining whether to unseal a court record, the court shall consider the matters addressed in Subparagraph (i) of Paragraph G. If the court grants the motion to unseal a court record, the order shall state whether the court record is unsealed entirely or in part. If the court's order unseals only part of the court record or unseals the court record only as to certain persons or entities, the order shall specify the particular court records that are unsealed, the particular persons or entities who may have access to the court record, or both. If, in addition to the court records in the envelope or container, the court has previously ordered the sealing order, the register of actions, or individual docket entries to be sealed, the unsealing order shall state whether those additional court records are unsealed.

I. Failure to comply with sealing order. Any person or entity who knowingly discloses any material obtained from a court record sealed or lodged pursuant to this rule may be held in contempt of court or subject to other sanctions as the court deems appropriate.

J. Expungement of records upon conviction

i. A person convicted of a criminal offense under the Pueblo of Jemez Tribal Code following the completion of the person's sentence and the payment of any fines or fees owed to the Pueblo for the conviction, may petition the Tribal Court for an order to expunge his or her tribal conviction.

ii. After a hearing on a petition, the court shall issue an order within sixty (60) days of the hearing requiring that court records related to the conviction be expunged if the court finds that:

a. No other charge or proceeding is pending against the petitioner.

b. Justice will be served by an order to expunge. To determine whether justice will be served by an order to expunge, the court shall consider:

(i.) The nature and gravity of the offense or conduct that resulted in the petitioner's conviction

(ii.) The petitioner's age, criminal history and employment history.

(iii.) The length of time that has passed since the offense was committed and the related sentence was completed.

(iv.) The specific adverse consequences the petitioner may be subject to if the petition is denied.

(v.) Any reasons to deny expungement of the records submitted by law enforcement and/or Pueblo Prosecutor.

c. The petitioner has fulfilled any victim restitution ordered by the court in connection with the petitioner's conviction.

d. No other criminal conviction of the petitioner has occurred for a period of 10 (ten) years preceding the matter to be expunged. For the purposes of determining the time lapsed since a criminal conviction, time shall be measured from the last date on which a person completed a sentence for a conviction in any jurisdiction.

iii. Expungement cannot be requested for any of the following offenses to include but not limited to: battery, battery on a peace officer, any crime committed against a child, an offense that caused great bodily harm or death to another person, any type of sex offense, fraud, embezzlement, offenses involving driving while under the influence of intoxicating liquor or drugs, and any other type of violent crime.

CHAPTER 3 JURISDICTION

SECTION 1-3-1 JURISDICTION - TRIBAL POLICY

It is hereby declared as a matter of Tribal Policy, that the Pueblo provides its members, and other persons living within the territorial jurisdiction of the Pueblo an effective means of redress by way of Court review and remedy in both civil and criminal cases against members and non-tribal members who, through either their residence, presence, business dealings, or other actions or failures to act, or other significant minimum contacts with this reservation and/or its residents commit criminal offenses against the Pueblo or incurs civil obligations to persons or entities entitled to the Pueblo's protection. This policy is expressed as a result of increased contact and interaction between the Pueblo, its members, and other residents of the reservation, other persons, and entities over which the tribe has not previously elected to exercise jurisdiction.

1. Jurisdiction Over Indians; Exclusivity

- A. The Pueblo has and exercises governmental authority and jurisdiction over all Indians who are found within Pueblo Lands, over all property of such persons when located on Pueblo Lands, and over all transactions in which any such persons are involved that take place on Pueblo Lands.
- B. The jurisdiction recognized by this Section is exclusive as to any assertion of jurisdiction by the State of New Mexico or any of its political subdivisions, and any assertion of civil or criminal authority over any Indian on Pueblo Lands, or over any property owned or controlled by any such person, by the State of New Mexico or any of its political subdivisions, without the express approval of the Tribal Council and in accordance with authority conferred on the State of New Mexico by federal law, shall be considered a wrongful infringement on the sovereignty and jurisdiction of the Pueblo, and shall not be recognized as having any validity in law.

2. Jurisdiction Over Non-Indians

- A. The Pueblo has and exercises civil judicial and regulatory governmental authority and jurisdiction over every non-Indian on Pueblo Lands who has entered into any consensual relationship with the Pueblo, or with any Member, or with any Pueblo Entity. Where the non-Indian person that has entered into the consensual relationship is a corporation, partnership, limited liability company or other legal entity that is not a natural person, moreover, the Pueblo's jurisdiction extends to every person who is an officer, agent, member, partner, or other principal of such entity, and to any employee thereof, who is on Pueblo Lands pursuant to the terms of the consensual relationship, and to any other Person over whom such jurisdiction is agreed to or conferred by the terms of the consensual relationship.
- B. For purposes of this section, the term "consensual relationship" means any agreement between a non-Indian and the Pueblo or any Member or any Pueblo Entity, whose terms may reasonably be interpreted to mean or imply that the non-Indian, in person or through its officers, agents, employees or other representatives, is engaging or will engage in some activity on Pueblo Lands that may affect an interest of the Pueblo, a Member or a Pueblo Entity.

- C. The Pueblo has and exercises civil judicial and regulatory governmental authority and jurisdiction over every non-Indian whose conduct within Pueblo Lands threatens or has some direct effect on the political integrity, the economic security or the health and welfare of the Pueblo, a member or a Pueblo Entity, to the fullest extent allowable under federal law.
- D. The jurisdiction recognized by this section is exclusive as to any conflicting assertion of jurisdiction by the State of New Mexico or any of its political subdivisions, to the fullest extent allowable under applicable federal law.
- E. The Pueblo exercises criminal jurisdiction over certain non-Indians as authorized by the Indian Civil Rights Act (25 U.S.C. § 1301, et seq.) as amended by the Violence Against Women Act of 2013 (Pub. L. 113-4, 127 Stat. 54), as authorized by this Tribal Code, and as may be amended or recodified from time to time, and as authorized by other applicable federal and Pueblo of Jemez law.

SECTION 1-3-2 TERRITORIAL JURISDICTION

The jurisdiction of the Tribal Court of the Pueblo of Jemez shall extend to the territory within the original confines of the Pueblo of Jemez and to such other lands that may hereafter be acquired or added to the reservation held in trust for the Pueblo under any laws of the United States or otherwise.

SECTION 1-3-3 PERSONAL JURISDICTION

1. As used in this jurisdictional provision, the word "person" shall include any individual, firm, company, association, or corporation.
2. Subject to any contrary provision, exceptions or limitations contained in either federal law or as expressly stated elsewhere in this Code, the Tribal Court of the Pueblo of Jemez shall have civil and criminal jurisdiction over the following persons:
 - a. Any person residing or present within the Reservation for any civil cause of action.
 - b. Any person who transacts, conducts, or performs business within the reservation, either in person or by an agent or representative, for any civil cause of action arising from such business or activity.
 - c. Any person who owns, uses or possesses any property within the reservation for any civil cause of action prohibited by this Code or other ordinance of the Tribe arising from such ownership, use or possession.
 - d. Any person who commits a tortuous act or engages in tortuous conduct within the reservation, either in person or by an agent or representative for any civil cause of action arising from such acts or conduct.

e. Any Indian who commits a criminal offense prohibited by this Code or other ordinance of the tribe, by their own conduct or the conduct of another for which they are legally accountable, if the conduct occurs either wholly or partly within the reservation.

SECTION 1-3-4 JURISDICTION OVER PROPERTY

Subject to any contrary provision, exceptions, or limitations contained in either federal laws and tribal laws, the Tribal Court shall have jurisdiction over any real or personal property located on the reservation to determine the ownership 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.

SECTION 1-3-5 GENERAL SUBJECT MATTER JURISDICTION; LIMITATIONS

Subject to any contrary provisions, exceptions or limitations in either federal law, the Jemez Tribal Court shall have jurisdiction over all civil causes of action and over all offenses occurring within the jurisdiction of the Pueblo as defined by this Code. The Tribal Court shall not assume jurisdiction over any civil or criminal matter which does not involve either the Pueblo, its officers, its agents, employees, property or enterprises, or a member of the Pueblo or a member of a federally recognized tribe, if some other forum exists for the handling of the matter.

SECTION 1-3-6 EXCLUSIVE ORIGINAL JURISDICTION

1. The Tribal Court of the Pueblo of Jemez shall have exclusive jurisdiction in all matters in which the Pueblo of Jemez or its officers or employees is sued in their official capacities in which the Tribal Court has Territorial Jurisdiction pursuant to Section 1-3-2 and Personal Jurisdiction pursuant to Section 1-3-3.

2. Nothing contained in the preceding paragraph or elsewhere in this Code shall be construed as a waiver of the sovereign immunity of the Pueblo or its officers, agents, employees or its enterprises unless specifically denominated as such.

CHAPTER 4 *PRO SE*, TRIBAL COURT LEGAL ADVOCATE AND PROFESSIONAL ATTORNEYS

SECTION 1-4-1 *PRO SE*

Pro se is a person who represents himself or herself before the Tribal Court. A person can file or defend a complaint in Tribal Court and Governor Court electing self-representation.

SECTION 1-4-2 TRIBAL COURT LEGAL ADVOCATE

A person appearing as a party who has special needs, suffers from a mental disability, is an elder or lacks the education to fully understand the nature of the judicial proceeding before the Jemez Tribal

Court may be represented by a Tribal Court Legal Advocate (not a practicing or licensed attorney) to have such person be a spokesperson or interpreter to assist in the preparation and presentation of his or her case. The Tribal Court Legal Advocate may be a family member, relative, a tribal member of Jemez Pueblo or an advocate employed by a Pueblo's Victim Assistance Program.

SECTION 1-4-3 PROFESSIONAL ATTORNEYSA person appearing as a party in a criminal or civil case before the Tribal Court (attorneys are not allowed to practice within Governors Court) may acquire an attorney at their own expense. An attorney is a person who is qualified by federal, state, the District of Columbia or Pueblo or Tribal Nation bar licensure to offer advice about the law, draft legal documents, or represent individuals in legal matters.

SECTION 1-4-4 ADMISSION TO PRACTICE

1. Upon application, the Tribal Court may issue a one-year authorization to an attorney who:

A. Is admitted to practice law in federal, state, the District of Columbia or another Pueblo or Tribal Nation.

B. Is in good standing to practice law in federal, state, the District of Columbia or Pueblo or Tribal Nation in which the attorney is licensed. The Court requires a current Certificate of Good Standing upon application.

C. Satisfies all authorization requirements as set forth in this chapter.

2. Upon application, the Tribal Court may issue a one-year Legal Advocate authorization to any person who is not a licensed attorney or practicing attorney and who has not been convicted of a felony within the past three (3) years. The Legal Advocate who is not a practicing or licensed attorney, must be 21 years of age or older, of good moral character and must have a thorough knowledge of the laws and rules and regulations of the Pueblo of Jemez.

3. Prior to the issuance of authorization to practice, an attorney applicant shall pay an annual fee of \$150.00, and an advocate applicant shall pay an annual fee of \$100.00; reauthorization fees shall be imposed and collected by January 15th of each year by the Tribal Court and failure to pay such annual fee by January 15th shall result in a late fee of \$100.00 to be paid upon reapplying for an annual authorization; application for renewal of authorization shall be made by the applicant by January 15th of each year. Fee Amounts are minimum amounts and can be increase at anytime by Administrative Order of the Contemporary Judge.

4. The one-year authorization begins and ends on the anniversary date of the Court's permission for the attorney or Legal Advocate to practice in the Contemporary (nontraditional) Tribal Court.

5. Non-profit legal offices, such as New Mexico Legal Aid and DNA Legal Services are not required to pay an annual practice fee. Non-profit attorneys are required to submit an

application and provide a letter of good standing annually as required in 1(A) and 1(B) of this section prior to practicing in the Tribal Court.

6. Any Tribal Attorney employed or contracted by the Pueblo to represent the Pueblo are not required to pay an annual practice fee. Tribal Attorneys are required to submit an application and provide a letter of good standing annually as required in 1(A) and 1(B) of this section prior to practicing in the Tribal Court.

SECTION 1-4-5 LIMITED PRIVILEGE TO PRACTICE

1. A law professor or other law school faculty may practice as an attorney before the court, to the extent necessary to supervise clinical law students in an accredited law program approved by the Tribal Court Judge. Similarly, a clinical law student may practice before the Tribal Court while under the direct supervision of a law professor or other law school faculty. Such law student and supervising professor or faculty shall not be required to pay the yearly \$150.00 practice fee.

2. An attorney or advocate duly licensed and in good standing in another state or tribal jurisdiction may appear for a single Tribal Court matter annually by filing a motion with the Pueblo Court to appear pro hac vice in the matter and by paying an administrative fee of fifty dollars (\$50.00) to the Tribal Court. Fee Amount are minimum amounts and can be increase at any time by Administrative Order of the Contemporary Judge.

SECTION 1-4-6 DISCIPLINE AND REVOCATION OF LICENSE ADMISSION TO PRACTICE IN TRIBAL COURT

1. Any attorney or advocate duly authorized to practice in the Tribal Courts may be disciplined by the Tribal Court Judge for failure to abide by any lawful court order or negligent representation of a client or any violations of any code of ethics applicable to the attorney or advocate under his or her state or tribal license; the presiding judge may apply a fine not to exceed two hundred dollars (\$200.00) for any one (1) practice infraction.

2. The Tribal Court Judge may revoke the authorization of any attorney or advocate upon the finding that the attorney or advocate purposely or knowingly failed to abide by a lawful Tribal Court order or was grossly negligent in the representation of a client or engaged in gross violations of any code of ethics.