

TITLE 10 - CRIMINAL OFFENSES

Section 1. Short Title

This Title may be cited as the Tribal Criminal Code.

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 2. Application

(a) This Title shall apply to all Indian persons violating its provisions within the territorial jurisdiction of the Tribe, provided, that the provisions of Chapter Four of this Title shall apply to all members of the Tribe and all Indian residents of the jurisdiction of the Tribe where ever such violation may occur, if such violation has any actual or intended effect upon the political integrity or political or economic security of the Tribe.

(b) This Title shall apply to non-Indians to the extent not inconsistent with Federal law and to the extent that any person found to have violated any provision of this Title may be banished from the jurisdiction of the Tribe for a period of not more than ten years, or for such longer term as may be imposed by the Section violated, in a civil proceeding brought by the Attorney General. The non-Indian, in such cases, shall have all the procedural rights of a criminal defendant, and such cases shall be tried by the rules of criminal procedure.

[History: PUBLIC LAW #SF-85-62, June 21, 1985.]

Section 3. Penalties

(a) Misdemeanors. Upon conviction of a misdemeanor, the following penalties may be imposed:

(1) Class I Misdemeanor shall be shall be punishable by imprisonment in jail not exceeding Three (3) months, or by a fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

(2) Class II Misdemeanor shall be shall be punishable by imprisonment in jail not exceeding Six (6) months, or by a fine of not more than Two Thousand Five Hundred Dollars (\$2500.00), or by both such fine and imprisonment.

(3) Class III Misdemeanor shall be shall be punishable by imprisonment in jail not exceeding one year, or by a fine of not more than Five Thousand Dollars (\$5000.00), or by both such fine and imprisonment.

(b) Felonies. Upon conviction of a Felony, the following penalties may be imposed:

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(1) Class I Felony shall be shall be punishable by imprisonment in jail not exceeding Two (2) years, or by a fine of not more than Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

(2) Class II Felony shall be shall be punishable by imprisonment in jail of not more than three (3) years, or by a fine of not more than Fifteen Thousand Dollars (\$15,000.00), or by both such fine and imprisonment.

(3) If federal law prohibits imposition of a felony sentence for the charged crime, the crime shall be punishable as a Class III Misdemeanor.

(c) Minimum Sentence. The maximum sentence of incarceration shall be as stated in this section for each of the classes of Misdemeanors and Felonies. No minimum jail sentence shall be required unless specifically stated in the terms of the crime.

(d) Banishment. Banishment, its terms, conditions and duration shall be as specified in the particular offense subject to any other limitations as maybe imposed by law or the courts of competent jurisdiction.

[History: PUBLIC LAW #SF-15-24, December 11, 2014.]