

**SKOKOMISH CRIMINAL CODE  
SENTENCING, SENTENCING GUIDELINES, AND BAIL SCHEDULE**

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**9.11.010 Sentencing Policy**

It is the policy of the Skokomish Indian Tribe that penalties for convictions under Title 9 of the Skokomish Tribal Code should be based on a restitution program under which the criminal offender is required to repay, as a condition of his or her sentence, the victim and community in money or services.

To this end, fines and jail time, community service and other sentencing alternatives, such as alcohol-abuse counseling, should be balanced to insure that convicted offenders will receive just and adequate sentences that will require them to assume the maximum amount of responsibility for all of the consequences of their criminal acts.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

**9.11.020 Sentencing Guidelines**

Factors that the court shall take into consideration when determining the character and duration of a convicted offender's sentence are: whether the offender has previously appeared before the court as a criminal defendant, and if so, whether the offender appears to the court to be establishing a pattern of criminal conduct; whether the offender has previously been found guilty of a criminal offense before a court of any other jurisdiction; whether the immediate offense was of a willful or malicious nature; whether the offender has attempted to make amends, and if so, the extent of the offender's resources and the needs of his or her dependents, if any, and the needs of any victims.

For offenders that have previously been found guilty of the same or like offense, the sentence the court imposes shall be more severe than the last sentence ordered for that person.

The penalties set forth below are ranges that set the maximum and minimum penalties for each class of offense.

CLASS "A":

Maximum Penalty: 1 year jail time and/or \$5,000.00 fine and/or community service.  
Minimum Penalty: 6 months jail time and/or \$2,500.00 fine and/or community service.

CLASS "B":

Maximum Penalty: 6 months jail time and/or \$2,500.00 fine and/or community service.  
Minimum Penalty: 30 days jail time and/or \$1,000.00 fine and/or community service.

CLASS "C":

Maximum Penalty: 30 days jail time and/or \$1,000.00 fine and/or community service.  
Minimum Penalty: 3 days in jail and/or \$500.00 fine and/or community service.

CLASS "D":

Maximum Penalty: 3 days jail time and/or \$500.00 fine and/or community service.  
Minimum Penalty: \$50.00 fine and community service.

Restitution to be paid through the payment of money damages, the surrender of property, or the performance of any other act for the benefit of the injured party, may be ordered by the court and shall be considered to be in addition to any other penalty based on the class of offense committed and handed down by the court.

**Up to fifty percent (50%) of a fine may be paid through community service work.**

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

**9.11.030 Traditional Peacekeeping**

Upon recommendation of the Tribal Court, any case involving a class D offense may be referred to a tribal traditional peacemaking forum for adjudication. The traditional peacemaking forum shall submit a case report to Tribal Court and all parties involved. The case report shall detail the action taken, specify any restriction imposed on the offender and any condition of release and include any other relevant information. Failure to comply with any of the requirements stated in the case report may be considered as a violation of a court order.

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

**9.11.040 Bail Schedule**

Pursuant to Article V, Sections 1(j), (k), and (u), of the Constitution of the Skokomish Indian Tribe of Washington, and as may be provided by S.T.C. 3.01, Rules of the Skokomish Tribal Court, the Skokomish Tribal Council has the power to prepare and approve a bail schedule for setting the amount of cash bail required for defendant's release in all but exceptional cases and includes a bail forfeiture provision

Reaffirmed by Resolution No. 17-100 (July 5, 2017)

Legislative History prior to July 5, 2017

+Adopted by Resolution No. 95-57 (June 7, 1995)  
+Amended by Resolution No. 98-12 (March 19, 1998)

+Amended by Resolution No. 04-112 (September 8, 2004)  
Reaffirmed by Resolution No. 17-100 (July 5, 2017)

+Ordinance and/or amendments not attached to the resolution in the Skokomish Tribal Archives