

CHAPTER 4

SENTENCES

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CHAPTER 4

SENTENCES

Section 1. Nature of Sentence.

A. Any person who has been convicted by the Tribal Court of a violation of a provision to work for the Blackfeet Law and Order Code shall be sentenced by the Court to work for the benefit of the Tribe for any period found by the Court to be appropriate but the period fixed shall not exceed the maximum period set for the sentence. During the period of sentence the convicted Indian may be confined in the Tribal Jail or such other place of confinement as shall be directed by the Tribal Court.

B. Whenever any convicted Indian shall be unable or unwilling to work, the Court shall, in its discretion, sentence him to imprisonment for the period of the sentence or to pay a fine equal to Two Dollars (\$2.00) a day for the same period. Such fine shall be paid in cash, or in commodities valued by the Court, or other personal property of the required value as may be directed by the Court.

C. In addition to any other sentence, the Court may require an offender who has inflicted injury upon the person or property of any individual to make restitution or to compensate the party injured, through the surrender of property, the payment of money damages, or the performance of any other act for the benefit of the injured party.

D. In determining the character and duration of the sentence which shall, be imposed, the Court shall take into consideration the previous conduct of the defendant, the circumstances under which the offense was committed, and whether the offense was malicious or willful and whether the offender has attempted to make amends, and shall give

due consideration to the extent of the defendant's resources and the needs of his dependents. The penalties listed in Chapter 5 of this Code are maximum penalties to be inflicted only (*NOTE: REST OF THIS SENTENCE NOT INCLUDED IN OFFICIAL CODE OF 1967).

Section 2. Probation.

A. Where sentence has been imposed upon any person, the Tribal Court may, in its discretion, suspend the sentence imposed and allow the offender his freedom on probation, upon his signing a pledge of good conduct during the period of the sentence upon the form provided therefore and made a part of this code.

B. Any person who shall violate his probation pledge shall be required to serve the original sentence plus an additional half of such sentence as penalty for the violation for his pledge.

Section 3. Parole.

Any person committed by the Tribal Court for a period of sixty (60) days or more to the Tribal Jail, and who shall have served one-half of said sentence imposed by the Court, shall be eligible to parole. Parole shall be granted only after a hearing and subsequent approval by the Board of Pardons and Parole. No person committed to the Tribal Jail for a period of time less than 60 days shall be entitled to apply for parole.

(This section amended by Ordinance No. 45, Adopted by the Blackfeet Tribal Business Council on December 13, 1974. The Amendment limits any parole application to those persons sentenced to 60 days or more in the Tribal Jail, who have served at least one-half of such sentence.)

Section 4. Board of Pardons and Parole.

The Board of Pardons and Parole shall have the power to pardon or parole persons under court sentence or court conviction, in compliance with Section 3, above and the rules and regulations adopted by the Blackfeet Law Enforcement Commission and approved by the Blackfeet Tribal Business Council. This Board shall consist of three (3) persons, all of whom must be enrolled members of the Blackfeet Tribal Business Council. Any pardon or parole granted by this Board must be by a majority vote of the members thereof.

(This Section amended by Ordinance No. 45, adopted by the Blackfeet Tribal Business Council on December 13, 1974. This amendment changes the composition of the Board and adds the provision that the Board will follow procedures laid down by the Law Enforcement Commission.)

Section 5. Deposit and Disposition of Fines.

A. All money fines imposed for the commission of an offense shall be paid to the Clerk of the Tribal Court, and by him paid over to the Treasurer of the Tribe to be held as a special account. The said Treasurer shall pay out of such account, upon the order of the Clerk of the Tribal Court, signed by a Judge of the Court, specified fees to specified jurors or witnesses authorized under the Law and Order Code of the Blackfeet Tribe. The Clerk of the Tribal Court shall keep an accounting of all such deposits and withdrawals for the inspection of any persons interested. Whenever such fund shall exceed the amount necessary with a reasonable reserve for the payment of the Court expenses before mentioned, the Tribal Business Council and Law and

Order Committee shall designate further expenses of the work of the Court or other public expenses, which shall be paid from these funds.

B. Whenever a fine is paid in property, the property shall be turned over under the supervision of the Clerk of the Tribal Court to the custody of the Treasurer of the Tribe, to be sold, or if the Tribal Business Council so directs, to be disposed of in other ways for the benefit of the Tribe. The proceeds of any sale of such property shall be deposited and distributed in the same manner as money fines.