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**OGLALA SIOUX TRIBE JUSTICE DEPARTMENT
OST DEPARTMENT OF CORRECTIONS BAIL SCHEDULE PROPOSED**

CLASS SECTION		OFFENSE	PENALTY	BAIL
CLASS 1 MISDEMEANORS				
1	109.3	Street Gang Crime (72-HR Hold)	1 year / 365 days and/or fine not more that \$5,000; assess for Victims' Compensation; and also assessed for the cost of this action.	non-bondable
1	109.4	Prohibiting Encouragement to Minors to Participate in Street Gang Crime	1 year / 365 days and/or fine not more that \$5,000 or both such fines and imprisonment with ALL accrued costs including Victims' Compensation.	non-bondable
1	101	Arson in the 1st Degree	\$500 to \$1,000 fine or jail to less than (6) to (12) months or both	non-bondable
1	201	Assault in the 1st Degree	\$1,000 fine and/or (12) months in jail	non-bondable
1	211	Homicide in the 1st Degree	\$1,000 fine and/or (12) months in jail	non-bondable
1	231	Rape in the 1st Degree	\$1,000 fine and/or (12) months in jail	non-bondable
1	408	Perjury in the 1st Degree	\$1,000 fine and/or (12) months in jail	non-bondable
1	537	Manufacture and Transportation of Alcoholic Beverages	\$1,000 fine and/or (12) months in jail	non-bondable
1	564	Criminal Defamation	\$1,000 fine and/or (12) months in jail	non-bondable
1	565	Gambling	\$1,000 fine and/or (12) months in jail	non-bondable
CLASS 2 MISDEMEANORS				
2	63(A)(B)	Child Abuse	\$500 fine and/or (6) months in jail	non-bondable
2	95-07	Elder Abuse (formerly 89-05)	\$500 fine AND (6) months in jail	non-bondable
2	XXXV	Failure to Stop on Signal or Eluding Police Vehicle as Public Offense	\$500 fine and/or (6) months in jail or both	\$100.00
2	102	Arson in the 2nd Degree	\$250 to \$500 fine or (6) months or both	\$100.00
2	110	Burglary	\$250 fine and/or (3) to (6) months in jail	\$100.00
2	120	Larceny	\$500 fine and/or (6) months in jail	\$100.00
2	121	Extortion	\$500 fine and/or (6) months in jail	\$100.00
2	122	False Pretenses	\$500 fine and/or (6) months in jail	\$100.00
2	123	Embezzlement	\$500 fine and/or (6) months in jail	\$100.00

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CLASS	SECTION	OFFENSE	PENALTY	BAIL
2	124	Receiving Stolen Property	\$500 fine and/or (6) months in jail	\$100.00
2	125	Theft of Property, Lost, Mislaid, or Delivered by Mistake	\$500 fine and/or (6) months in jail	\$100.00
2	126	Theft of Services	\$500 fine and/or (6) months in jail	\$100.00
2	136	Forgery	\$500 fine and/or (6) months in jail	\$100.00
2	137	Criminal Simulation	\$500 fine and/or (6) months in jail	\$100.00
2	138	Fraudulent Handling of Recordable Instruments	\$500 fine and/or (6) months in jail	\$100.00
2	139	Tampering with Records	\$500 fine and/or (6) months in jail	\$100.00
2	140	Bad Checks	\$500 fine and/or (6) months in jail	\$100.00
2	141	Fraudulent Use of Credit Card	\$500 fine and/or (6) months in jail	\$100.00
2	151	Unlawful Dealing with Property by a Fiduciary	\$500 fine and/or (6) months in jail	\$100.00
2	152	Making a False Credit Report	\$500 fine and/or (6) months in jail	\$100.00
2	202	Assault in the 2nd degree	\$500 fine and/or (6) months in jail	non-bondable
2	203	Mayhem	\$500 fine and/or (6) months in jail	non-bondable
2	204	Verbal or Written Assault	\$500 fine and/or (6) months in jail	\$100.00
2	205	Adultery	\$360 fine and/or (6) months in jail	\$100.00
2	212	Homicide in the 2nd Degree	\$500 fine and/or (6) months in jail	non-bondable
2	213	Causing a Suicide	\$500 fine and/or (6) months in jail	\$100.00
2	214	Aiding or Soliciting a Suicide	\$500 fine and/or (6) months in jail	\$100.00
2	217	Assault and Battery	\$360 fine and/or (6) months in jail	\$100.00
2	221	Kidnapping	\$500 fine and/or (6) months in jail	\$100.00
2	223	Criminal Coercion	\$500 fine and/or (6) months in jail	\$100.00
2	232	Rape in the 2nd Degree	\$500 fine and/or (6) months in jail	non-bondable
2	233	Deviate Sexual Intercourse	\$500 fine and/or (6) months in jail	non-bondable
2	234	Sexual Assault	\$500 fine and/or (6) months in jail	non-bondable
2	241	Robbery	\$500 fine and/or (6) months in jail	\$100.00
2	401	Bribery	\$500 fine and/or (6) months in jail	\$100.00

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CLASS	SECTION	OFFENSE	PENALTY	BAIL
2	402	Improper Influence of Official Matters	\$500 fine and/or (6) months in jail	\$100.00
2	403	Retaliation for Official Action	\$500 fine and/or (6) months in jail	\$100.00
2	404	Improper Gifts to Public Servants	\$500 fine and/or (6) months in jail	\$100.00
2	405	Unofficial Misconduct	\$500 fine and/or (6) months in jail	\$100.00
2	406	Oppression in Office	\$500 fine and/or (6) months in jail	\$100.00
2	407	Misusing Public Money	\$500 fine and/or (6) months in jail	\$100.00
2	409	Perjury in the 2nd Degree	\$500 fine and/or (6) months in jail	\$100.00
2	410	Tampering with Witnesses	\$500 fine and/or (6) months in jail	\$100.00
2	411	Tampering with Evidence	\$500 fine and/or (6) months in jail	\$100.00
2	412	Tampering with Public Records	\$500 fine and/or (6) months in jail	\$100.00
2	413	Impersonating a Public Servant	\$500 fine and/or (6) months in jail	\$100.00
2	414	Obstructing Governmental Functions	\$500 fine and/or (6) months in jail	\$100.00
2	426	False Arrest	\$500 fine and/or (6) months in jail	\$100.00
2	428	Obstructing Justice	\$500 fine and/or (6) months in jail	\$100.00
2	432	Bail Jumping	\$500 fine and/or (6) months in jail	\$100.00
2	433	Failure to Obey a Lawful Order of the Court	\$500 fine and/or (6) months in jail	non-bondable
2	435	Aiding Return of Removed Persons	\$500 fine and/or (6) months in jail	\$100.00
2	443	Injuring Public Property	\$500 fine and/or (6) months in jail	\$100.00
2	451	Compensation for Past Official Behavior	\$500 fine and/or (6) months in jail	\$100.00
2	452	Official Unlawful Action	\$500 fine and/or (6) months in jail	\$100.00
2	453	Special Influence	\$500 fine and/or (6) months in jail	\$100.00
2	508	Aggravated Weapons Offense	\$500 fine and/or (6) months in jail	\$100.00
2	509	Dangerous Devices	\$500 fine and/or (6) months in jail	\$100.00
2	526	Abusing a Corpse	\$500 fine and/or (6) months in jail	\$100.00
2	527	Prostitution	\$500 fine and/or (6) months in jail	\$100.00
2	541	Dangerous Drug Offense	\$500 fine and/or (6) months in jail	non-bondable
2	568	Trafficking in Children	\$500 fine and/or (6) months in jail	non-bondable

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CLASS	SECTION	OFFENSE	PENALTY	BAIL
2	605	Driving while Intoxicated	not less than \$250 nor more than \$500 In addition maybe sentenced to (6) months in jail or by (2) years suspended driving privileges or any combination of punishments.	1st Offense: \$250; 2nd or Subsequent Offense: non-bondable
2	606	Duties of Drivers Involved in Accidents Involving Deaths or Personal Injuries	not less than \$100 nor more than \$500 In addition maybe sentenced to (6) months in jail, or by (2) years suspended driving privileges or any combination of punishments	\$100.00
2	99.2	Domestic / Spouse Abuse (72-HR Hold)	1st Offense - Mandatory minimum 30 days, not to exceed 60 days, \$100 fine, costs, & 2 years supervised probation 2nd Offense - Mandatory minimum 90 days, not to exceed 120 days, \$250 fine plus costs, 3 years supervised probation 3rd or subsequent Offense - Mandatory minimum 180 days, \$500 fine plus costs & 5 years supervised probation.	non-bondable
CLASS 3 MISDEMEANORS				
3	99.1	Violence to Policeman or Judge	\$180 fine and/or (90) days NONSUSPENDABLE	non-bondable
3	109.1	Taking Transportation Conveyance for Wrongful Use or Unlawful Tampering	No Less that \$75 nor more than \$150 and imprisoned no less than 30 days nor more than 3 months and shall be liable to the party injured in double the amount of damages sustained.	\$50.00
3	1 Part 2	Chemical Test Required	90 days and/or \$250 fine with costs; driving privileges may be restricted or prohibited for six (6) months.	\$50.00
3	103	Arson in the 3rd Degree	\$150 to \$250 fine or (3) months or both	\$50.00
3	104	Criminal Mischief	\$300 fine and/or (3) months	\$50.00
3	111	Breaking and Entering	\$250 to \$500 fine and/or (3) months	\$50.00
3	112	Criminal Trespass	\$500 fine and/or (3) months in jail	\$50.00
3	147	Deceptive Business Practices	\$500 fine and/or (3) months in jail	\$50.00
3	148	Defrauding Creditors	\$250 fine and/or (3) months in jail	\$50.00
3	149	Securing Execution of Documents by Deception	\$250 fine and/or (3) months in jail	\$50.00

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CLASS	SECTION	OFFENSE	PENALTY	BAIL
3	150	Criminal Usury	\$250 fine and/or (3) months in jail	\$50.00
3 2	221	False Imprisonment	\$250 fine and/or (3) months in jail *unless the detention occurs under circumstances which expose the victim to a risk of serious bodily injury in which case; \$500 fine and/or (6) months in jail	\$50.00/\$100.00
3	222	Custodial Interference	\$300 fine and/or (3) months in jail	
3	427	Refusing to Aid Officer	\$250 fine and/or (3) months in jail	\$50.00
3	429	Providing Contraband	\$250 fine and/or (3) months in jail	\$50.00
3	430	Resisting Lawful Arrest	\$250 fine and/or (3) months in jail	\$50.00
3	431	Escape	\$250 fine and/or (3) months in jail	non-bondable
3	440	False Alarms	\$250 fine and/or (3) months in jail	\$50.00
3	441	Doing Business without a License	\$250 fine and/or (3) months in jail	\$50.00
3	442	Tampering with Public Property	\$250 fine and/or (3) months in jail	\$50.00
3	501	Rioting	\$250 fine and/or (3) months in jail	\$50.00
3	502	Failure to Disperse	\$250 fine and/or (3) months in jail	\$50.00
3	503	Disorderly Conduct	\$250 fine and/or (3) months in jail 2nd or Susequent Offense \$500 fine and/or (3) months in jail	\$50.00
3	504	Harassment	\$250 fine and/or (3) months in jail	\$50.00
3	505	Public Nuisance	\$250 fine and/or (3) months in jail	\$50.00
3	506	Distrupting a Public or Religious Assembly	\$350 fine and/or (3) months in jail	\$50.00
3	507	Weapons Offense	\$250 fine and/or (3) months in jail	\$50.00
3	516	Desecration	\$250 fine and/or (3) months in jail	\$50.00
3	517	Littering	\$500 fine and/or (3) months in jail	\$50.00
3	528	Spreading Veneral Disease	\$250 fine and/or (3) months in jail	\$50.00
3	529	Obscenity	\$500 fine and all obscene material shall be confiscated and destroyed	\$50.00

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CLASS	SECTION	OFFENSE	PENALTY	BAIL
3	536	Intoxication	\$150 fine and/or (3) months in jail A Judge may order Release of custody and dropping of the charge under this section if he believes further imprisonment is unnecessary for the protection of the individual and the individual is in a sober condition at the time of release. A Judge may commit the Convicted Person to a Facility for treatment if it appears the person is dependent upon intoxicating beverages, drugs, controlled substances or vapor producing substance for a period not to exceed SIX (6) MONTHS	\$50.00
3	538	Sale and Possession of Alcoholic Beverage	\$250 fine and/or (3) months in jail	\$50.00
3	539	Tobacco Offense	\$250 fine and/or (3) months in jail	\$50.00
3	540	Abuse of Psychotoxic Chemical Solvents	\$250 fine and/or (3) months in jail	non-bondable
3	551	Cruelty to Animals	\$250 fine and/or (3) months in jail	\$50.00
3	552	Livestock Offense	\$250 fine and/or (3) months in jail	\$50.00
3	561	False Reports	\$250 fine and/or (3) months in jail	\$50.00
3	562	Emergency Telephone Abuse	\$250 fine and/or (3) months in jail	\$50.00
3	563	Violation of Privacy	\$250 fine and/or (3) months in jail	\$50.00
3	566	Waters Offense	\$250 fine and/or (3) months in jail	\$50.00
3	567	Contributing to the Delinquency of Minor	\$250 fine and/or (3) months in jail	\$50.00
3	569	Curfew Violations	\$250 fine and/or (3) months in jail	\$50.00
3	570	Fireworks Offense	\$250 fine and/or (3) months in jail	\$50.00
3	602	Driving while License is Suspended or Revoked	1st Conviction: not less than \$100 nor more than \$250 2nd Conviction: not less than \$250 nor more than \$500	\$50.00
3	603	Careless Driving	1st Conviction: not less than \$100 nor more than \$250 2nd and subsequent: not less than \$175 nor more than \$350	\$50.00
3	604	Reckless Driving	not less than \$250 nor more than \$350	\$50.00
3	607	Duty upon Striking Unattended Vehicle	not less than \$100 nor more than \$250	\$50.00
3	608	Duty upon Striking Highway Fixtures	not less than \$100 nor more than \$250	\$50.00

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CLASS	SECTION	OFFENSE	PENALTY	BAIL
CLASS 4 MISDEMEANORS -- TRAFFIC OFFENSES + OTHER OFFENSES				
4	79	Failure to Send Children to School	1st Offense - \$20 fine and/or (10) days in jail Subsequent Offense - \$40 fine and/or (20) days in jail	\$50.00
4	609	When Driver Unable to Report	not to exceed \$100	\$50.00
4	610	Driver's License in Possession	not to exceed \$100	\$50.00
4	612	Traffic Control and Signal Devices (b) Failure to properly signal (c) to disobey lawful command or instruction of law enforcement officer	not to exceed \$100	\$50.00
4	613	Following too Closely	not to exceed \$100	\$50.00
4	614	Stopping for School Bus	not to exceed \$100	\$50.00
4	615	Entering Public Road from Private Road	not to exceed \$100	\$50.00
4	616	Right of Way at Intersection	not to exceed \$100	\$50.00
4	617	Failure to Stop at Stop Sign and Yielding Right of Way	not to exceed \$100	\$50.00
4	618	Driving on Right Side	not to exceed \$100	\$50.00
4	619	Passing Oncoming Vehicle	not to exceed \$100	\$50.00
4	620	Passing and Turning on Curve or Crest	not to exceed \$100	\$50.00
4	621	Unsafe Vehicles	not to exceed \$100	\$50.00
4	622	Speed Limits	not to exceed \$1,000	\$50.00
4	623	When Light are Required to be On	not to exceed \$100	\$50.00
4	624	Pedestrians	not to exceed \$100	\$50.00
4	625	Throwing Trash on Roads & Roadways	not to exceed \$100	\$50.00
4	626	Illegal Parking	not to exceed \$100	\$50.00
4	627	Issuance of Citation for Traffic Infractions		\$50.00

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CLASS	SECTION	OFFENSE	PENALTY	BAIL
INCHOATE OFFENSES				
Same as underlying offense	300	Attempts - to engage in conduct constituting a substantial step toward commission of any offense of tribal, federal or state law.	Shall be punishable by the same penalties as the completed crime	depends on the underlying offense
Same as underlying offense	301	Criminal Conspiracy - to agree with one or more persons to engage in performance of conduct with intent to commit any offense	Carries the same possible punishment as the completed offense	depends on the underlying offense
Same as underlying offense	302	Solicitation - entice, advise, incite, order, or otherwise encourage another to commit any offense	\$250 fine and/or (2) months in jail	depends on the underlying offense

NOTE: The defendant must post the appropriate pre-arraignment bond amount per EACH offense to which the defendant is charged. If the defendant is charged with a non-bondable offense in combination with other bondable offenses, the defendant is NOT eligible for pre-arraignment release.