

## TITLE 7. PUBLIC PEACE, MORALS, AND WELFARE

### Chapter 7.32

### SENTENCING

#### Sections:

- 7.32.1 Authorized Sentences of Offenders.
- 7.32.2 Restitution.

**7.32.1. Authorized Sentences of Offenders.** (a) **Felony.** Every person convicted of an offense defined as a felony will be punished by imprisonment for a maximum term fixed by the Court of not more than three (3) years or by a fine in an amount fixed by the Court of not more than fifteen thousand dollars (\$15,000) or both. A defendant will not be subject to felony sentencing unless he or she:

(1) has been convicted of an offense comparable to an offense that would be punishable by more than one year of imprisonment if an individual were charged in Federal Court or any State Court; or

(2) has been previously convicted of the same or a comparable offense by any jurisdiction in the United States, including a tribal court.

(b) **Gross Misdemeanor.** Every person convicted of a gross misdemeanor will be punished by imprisonment for a maximum term fixed by the Court of not more than twelve (12) months or by a fine in an amount fixed by the Court of not more than five thousand dollars (\$5,000) or both.

(c) **Misdemeanor.** Every person convicted of a misdemeanor will be punished by imprisonment for a maximum term fixed by the Court of not more than six (6) months or by a fine in an amount fixed by the Court of not more than two thousand and five hundred dollars (\$2,500) or both.

(d) **For multiple offenses:** A total term of imprisonment for any criminal proceeding may not exceed a maximum term of imprisonment of nine (9) years, a fine of fifteen thousand dollars (\$15,000), or both. (Res. 93-025 (part), passed Mar. 8, 1993; amended by Res. 2017-202, passed Oct. 9, 2017)

**7.32.2. Restitution.** If a person has gained money or property or caused a victim to lose money or property through the commission of a crime, upon conviction of that crime, the Court may order the defendant to pay an amount fixed by the Court, not to exceed double the amount of the defendant's gain or victim's loss to provide restitution to the victim. If restitution is requested, a separate hearing must be held to determine the amount of the defendant's gain or victim's loss. (Res. 93-025 (part), passed Mar. 8, 1993; amended by Res. 2017-202, passed Oct. 9, 2017)

Note: A typographical error in the numbering of 7.32.1(a) was corrected, and subsections 7.32.1(2)-(3) changed to 7.32.1(b)-(c) for consistency. (Res. 2016-090, Jun. 20, 2016)