

**Schedule of criminal penalties for violations of the criminal offenses of the  
Southern Ute Indian Tribe Criminal Code**

Adopted by the Southern Ute Indian Tribal Council by Res. No. 2018-###, on DATE, 2018.

**Class 1 Offenses**

Aggravated Robbery (5-2-104)	Burglary - First Degree (5-2-105)	Sexual Assault (5-4-101)
Assault & Battery on Officer or Other Personnel (5-5-102)	Aggravated Assault and Battery (5-5-103)	Homicide (5-5-106)
Aggravated Kidnapping (5-5-108)	Arson (5-6-101)	Aggravated Child Abuse (5-8-104)

## Class 2 Offenses

Theft (5-2-101)	Robbery (5-2-103)	Burglary - Second Degree (5-2-103)
Fraud (5-2-108)	Extortion (5-2-109)	Embezzlement (5-2-110)
Forgery (5-2-111)	Bribery (5-3-101)	Tampering with Witness (5-3-106)
Retaliation against Judge or Juror (5-3-109)	Providing and Possessing Contraband (5-3-114)	Sexual Exploitation of a Child by Parent, Guardian, or Custodian (5-4-106)
Possession of Child Pornography (More than one offense) (5-4-108)	Human Trafficking of Minor for Sexual Gratification (5-4-109)	Assault and Battery (5-5-101)
Aggravated Menacing (5-5-105)	Kidnapping (5-5-107)	Violation of Custody (5-5-110)
Unlawful Sale or Distribution of a Controlled Substance (5-7-102)	Child Abuse (5-8-103)	Violating a Domestic Violence Protection Order (If conditions in §5-10-104(3) apply) (5-10-104)
Possession of a Firearm by a Previous Offender (5-13-103)		

### Class 3 Offenses

Theft by Receiving Stolen Property (5-2-102)	Burglary - Third Degree (5-2-105)	Illegal Sale or Disposal of Tribal Property (5-2-107)
Misappropriation of Property of an Estate (5-2-112)	Official Oppression (5-3-102)	Official Misconduct (5-3-103)
Perjury (5-3-104)	Tampering with Evidence (5-3-106)	Resisting Arrest (5-3-111)
Obstructing Justice (5-3-112)	Escape (5-3-113)	Trafficking of Child Pornography (5-4-107)
Possession of Child Pornography (5-4-108)	Human Trafficking for Sexual Gratification (5-4-109)	Menacing (5-5-104)
False Imprisonment (5-5-109)	Harassment (5-5-111)	Stalking (Subsequent offense within 7 years after first or other applicable enhancers) (5-5-112)
Unlawful Burning (5-6-102)	Criminal Mischief (5-6-103)	Unlawful Possession or Use of a Controlled Substance (5-7-101)
Abuse of Toxic Vapors (5-7-104)	Unlawfully Possess, Sell, or Distribute Date Rape Drug (5-7-105)	Unlawfully Get Controlled Substance by Fraud or Deceit (5-7-106)
Violation of a Domestic Violence Protection Order (5-10-104)	Firearms & Ammunition Disqualification (5-10-105)	Possession of an Illegal Weapon (5-13-101)
Possession of an Illegal Weapon (5-13-101)	Unlawfully Carrying Concealed Weapon (5-13-106)	Careless Use of a Weapon (5-13-108)

### Class 4 Offenses

Trespass (5-2-106)	False Alarm, False Charge, & False Information (5-3-105)	Impersonating a Peace Officer or Public Official (5-3-108)
Obstructing Governmental Operations (5-3-110)	Incest (5-4-102)	Stalking - First Offense (5-5-112)
Reckless Endangerment (5-5-115)	Unlawfully Possess, Distribute, or Sell Drug Paraphernalia (5-7-103)	Endangering the Welfare of a Child (5-8-101)
Contributing to the Delinquency of a Minor (5-8-102)	Obstruction of Telephone Service (5-10-106)	Accessory to Crime (If offender knows person has been convicted, charged, and if a class 1 or 2 offense) (5-12-102)
Unlawful Possession of a Weapon on School Grounds (5-13-102)	Possession of a Handgun by a Juvenile (5-13-105)	Cruelty to Animals (Multiple offense) (5-14-101)

### Class 5 Offenses

Deceptive Business Practices (5-2-112)	Disobedience to Court Orders (5-3-116)	Violation of a Protection Order (5-3-117)
Introduction of Contraband (5-3-119)	Indecent Exposure (5-4-103)	Prostitution (5-4-109)
Soliciting for Prostitution (5-4-110)	Keeping a Place of Prostitution (5-4-111)	Disorderly Conduct (5-5-113)
Disturbing the Peace (5-5-114)	Defacing Property (5-6-104)	Maintaining a Public Nuisance (5-6-105)
At-Risk Adult or Elder Abuse (5-9-103)	Caretaker Neglect of At-Risk Adult or Elder (5-9-104)	Exploitation of At-Risk Adult or Elder (5-9-105)
Illegally Possess or Consume Alcohol or Marijuana by Person Underage (5-11-101)	Accessory to Crime (5-12-102)	Prohibited Use of a Weapon (5-13-106)
Cruelty to Animals (5-14-101)	Failure to Register Dogs & Cats (5-14-102)	Livestock Offense (5-14-103)
Fence Cutting (5-15-101)	Waters Offense (5-15-102)	Timber Use Policy Violation (5-15-103)
Abuse of Process (5-15-104)		

**\* Note: Attempt can be class 1 - 5, depending on the underlying offense**

## Offenses that Can Enhance or Decrease Sentence Class

<p style="text-align: center;"><b>Enhance One Class</b></p> <p style="text-align: center;">Offense Against At-Risk Adult or Elder Abuse (E.g., Assault and Battery - Class 1) (5-9-106)</p>
<p style="text-align: center;"><b>Decrease One Class</b></p> <p style="text-align: center;">Criminal Conspiracy (5-10-106)</p>

## Schedule of Criminal Penalties

Class	Maximum Sentence
Class 1	365 days jail, \$5,000 fine, or both
Class 2	270 days jail, \$4,000 fine, or both
Class 3	180 days jail, \$3,000 fine, or both
Class 4	90 days jail, \$2,000 fine, or both
Class 5	30 days in jail, \$500 fine, or both