

**CHAPTER 9  
BAIL**

**901. RELEASE PRIOR TO TRIAL**

**Rule 901 RELEASE PRIOR TO TRIAL**

a. Any person charged with an offense shall, at his arraignment, be ordered released pending trial, on his personal recognizance or upon execution of an unsecured appearance bond in an amount specified by the Court subject to the condition that such person shall

1. not attempt to influence, injure, tamper with or retaliate against a juror, witness, informant, or victim or violate any other law; or
2. bail may be denied if the Court determines that such a release will not reasonably assure the appearance of the person as required.

When such determination is made, the Judge shall, either in lieu of or in addition to release on personal recognizance or execution of an unsecured appearance bond, impose one or any combination of the following conditions of release which will reasonably assure the appearance of the person for trial:

1. Place the person in the custody of a designated person or organization agreeing to supervise him;
  2. Place restrictions on the travel, association, or place of abode of the person during the period of release;
  3. Require the execution of an appearance bond in a specified amount in cash or other security as directed, of a sum not to exceed 10% of the amount of the bond, such deposit to be returned upon the performance of the conditions of release;
  4. Require the execution of a bail bond with sufficient solvent sureties;
  5. Impose any other condition deemed reasonably necessary to assure appearance for further proceedings.
- b. In determining which conditions of release will reasonably assure appearance, the Court shall, on the basis of available information, take into account the nature and circumstances of the offense charged, the weight of the evidence against the accused, the accused's family ties, employment, financial resources, character and mental condition, the length of his residence in the community, his record of convictions, and

his record of appearance at Court proceedings or of flight to avoid prosecution or failure to appear at Court proceedings.

- c. A Judge authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, shall inform such person of the penalties applicable to violations of the conditions of his release and shall advise him that a warrant for his arrest will be issued immediately upon any such violation.
- d. A person for whom conditions of release are imposed and who after forty-eight hours from the time of the arraignment continues to be detained as a result of his inability to meet the conditions of release, shall upon application, be entitled to have the conditions reviewed by the Judge who imposed them. Unless the conditions of release are amended and the person is thereupon released, the Judge shall set forth in writing the reasons for requiring the conditions imposed. A person who is ordered released on a condition which requires that he return to custody after specified hours shall, upon application, be entitled to a review by the Judge who imposed the condition. Unless the requirement is removed and the person is thereupon released on another condition, the Judge shall set forth in writing the reasons for continuing the requirement.
- e. The Judge ordering the release of a person on any condition specified in this section may at any time amend his order to impose additional or different conditions of release. Provided, that, if the imposition of such additional or different conditions results in the detention of the person as a result of his inability to meet such conditions or in the release of the person on a condition requiring him to return to custody after specified hours, the provisions of subsection (d) shall apply.
- f. Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence.
- g. Nothing contained in this section shall be construed to prevent the disposition of any case or class of cases by forfeiture of collateral security where such disposition is authorized by the Court, nor to prevent the Court by rule from authorizing and establishing a Policeman's Bail Schedule for certain offenses or classes of offenses through which a person arrested may post bail with the Chief of the Nation Police or his designee for transmittal to the Court Clerk and obtain his release prior to his arraignment before the Judge.

## **902. RELEASE AFTER CONVICTION**

### **Rule 902 RELEASE AFTER CONVICTION**

A person who has been convicted of an offense and is either awaiting sentence or has filed an appeal, shall be treated in accordance with the provisions of Rule 901 unless the Judge has reason to believe that one or more conditions of release will not reasonably assure that the person will not flee or pose a danger, or if it appears that an appeal is frivolous or taken for delay, the person may be ordered detained.

## **903. PENALTIES FOR FAILURE TO APPEAR**

### **Rule 903 PENALTIES FOR FAILURE TO APPEAR**

Whoever, having been released pursuant to this Chapter willfully fails to appear before the Court as required, shall incur a forfeiture of any security which was given or pledged for his release, and in addition, as punishment may be subject to a fine of \$500.00 and a term of imprisonment not to exceed six months.

## **904. PERSONS OR CLASSES PROHIBITED AS BONDSMEN**

### **Rule 904 PERSONS OR CLASSES PROHIBITED AS BONDSMEN**

The following persons or classes shall not be bail bondsmen and shall not directly or indirectly receive any benefits from the execution of any bail bond; jailers, police officers, judges, court clerks and any person having the power to arrest or having anything to do with the control of Nation prisoners.

## **905. AUTHORITY TO ACT AS BAIL BONDMEN**

### **Rule 905 AUTHORITY TO ACT AS BAIL BONDMEN**

Any person authorized to act as bail bondsmen in the federal or state courts shall be qualified to act as bondsmen in the Nation Court, and shall be liable to the same obligations as in their licensing jurisdiction and comply with all orders and rules of the Nation Court.