

Title 8 – Juveniles
Chapter 12 – Criminal and Other Court
Proceedings Involving Youths

Sec.

8-12.010	Criminal and Other Law Apply to Youths
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Legislative History

Enacted:

Juvenile Code, Ord. 170 (6/30/03), BIA (7/3/03).

Repealed or Superseded:

Juvenile Code, Ord. 68 (12/89), Enacting Res. 89-12-98 (repealing Ord. 40 and all other previous youth ordinances).

Youth Code, Ord. 40 (2/8/83), Enacting Res. 83-2-20, BIA (rescinded 5/5/83, approved 6/25/83) (repealing all previous youth ordinances).

8-12.010 Criminal and Other Laws Apply to Youths.

The criminal and other laws of the Tribe shall apply to youths, subject to the procedures in this Chapter.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).

8-12.020 Rights of Youths.

Youths appearing before the Swinomish Tribal Court shall have the same rights as adults appearing before the Court with the exception of trial by jury, as provided in Section 8-4.300.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).

8-12.030 Notice to Youth and Parents.

In all proceedings before the Swinomish Tribal Court, both civil and criminal, notice of the proceedings shall be given to the youth; his or her parent(s), guardian(s), or

custodian(s); and their attorneys or spokespersons, if any; within the time limits set for a particular proceeding.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).

8-12.040 Age of Capacity in Criminal Cases.

Children under the age of eight (8) years of age are incapable of committing a crime. This Section does not apply to children as witnesses in civil or criminal matters.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).

8-12.050 Concurrent Proceedings - Criminal and Youth in Need of Care.

The Tribal Prosecutor may cause a youth in need of care action to be filed in lieu of, or concurrent with, any criminal action involving a youth.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).

8-12.060 Sentencing of Youth Offenders.

In sentencing a youth offender, the Court may impose any of the following sanctions in lieu of all or part of the fine and/or jail time specified for a particular offense: community service hours, restitution, counseling, treatment, or other alternatives the Court determines are just. The burden of the sanction should fall primarily on the youth rather than on the parent.

[History] Ord. 170 (6/30/03); Ord. 68 (12/89).