

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

FILED  
U.S. DIST. COURT  
MIDDLE DIST. OF LA.

01 MAY -9 PM 3:58

IN THE MATTER OF FORFEITURE :  
OF COLLATERAL IN LIEU OF :  
APPEARANCE IN CERTAIN : GENERAL ORDER # 2001-03  
PETTY OFFENSE CASES :

SIGN \_\_\_\_\_  
by DEPUTY CLERK

ORDER

Pursuant to Federal Rule of Criminal Procedure 58(d)(1), it is hereby ordered that:

In the interest of justice, efficient court administration, and effective law enforcement concerning the petty offenses listed below, occurring within the territorial jurisdiction of the United States District Court for the Middle District of Louisiana, collateral in the amount prescribed below may be posted in lieu of the appearance of the offender;

Upon the election of the person charged with such an offense to post said collateral in lieu of appearance before the United States Magistrate Judge for trial of said offense, the collateral in the amount listed below opposite the offense shall be forfeited to the United States. The posting of such collateral shall signify that the offender neither contests the charge nor requests a hearing before the United States Magistrate Judge, and

FJ JVP  
RET JJB  
SCE CN DW  
INTK DG DS  
USA

said collateral shall be administratively forfeited to the United States. If the collateral is forfeited, such action shall be tantamount to a finding of guilty.

There shall be maintained in the Office of the Clerk a current list of the petty offenses and finds applicable thereto for which collateral may be accepted;

Pursuant to the foregoing provisions, the offenses for which collateral may be posted in lieu of the appearance of the person charged therewith are:

See Attachment No. 1

Nothing in the above schedule of violations is meant to preclude a federal officer or official from filing a complaint against a violator and having that violator appear before an appropriate magistrate. If a person charged with an offense in the attached sections of the Schedule of this rule fails to post and forfeit collateral, any punishment, including fine, imprisonment, or probation, may be imposed within the limits established by law upon conviction by plea or after trial.

This Order shall constitute the Court's policies with regard to collateral forfeiture in the listed petty offense matters and

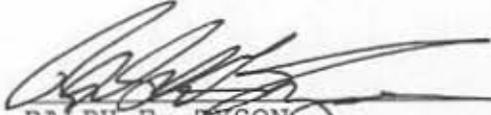
shall supplant any previous orders in that regard.

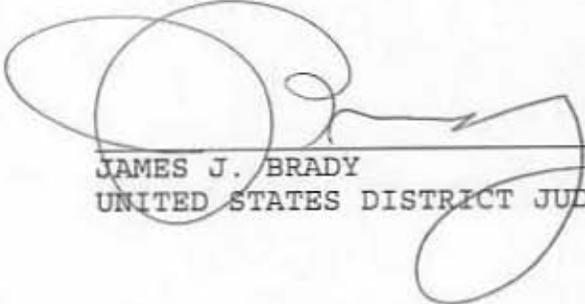
Baton Rouge, Louisiana, this 9<sup>th</sup> day of May,  
2001.

BY THE COURT:

  
FRANK J. POLOZOLA, CHIEF JUDGE  
UNITED STATES DISTRICT COURT

  
JOHN V. PARKER  
UNITED STATES DISTRICT JUDGE

  
RALPH E. TYSON  
UNITED STATES DISTRICT JUDGE

  
JAMES J. BRADY  
UNITED STATES DISTRICT JUDGE

**U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT**  
**FORFEITURE OF COLLATERAL SCHEDULE FOR PETTY OFFENSES**  
**U.S. DISTRICT COURTS OF LOUISIANA, AUGUST 2000**

**327.1 Policy**

D01 Discrimination against person ..... M/A

**327.2 Vehicles**

B01 Parking in violation of posted restrictions and regulations .....\$50.00

B02 Parking as to block/obstruct/impede traffic .....\$50.00

B03 Parking as to endanger person, property, or environmental feature .....\$100.00

C01 Traveling on unauthorized or undesignated routes .....\$50.00

C02 Operation of vehicle off roadways .....\$100.00

D01 Operation in violation of posted restrictions and regulations .....\$100.00  
 (traffic signs, speed limit, no helmet)

E01 Careless, negligent, or reckless operation of vehicle .....\$200.00

E02 Vehicle excessive acceleration .....\$100.00

E03 Following another vehicle too closely .....\$50.00

E04 Failure to keep vehicle under proper control .....\$100.00

E05 Driving on wrong side of road .....\$50.00

E06 Failure to give right-of-way to vehicle .....\$50.00

E07 Failure to give right-of-way to pedestrian .....\$50.00

E08 Failure to give right-of-way to emergency vehicle .....\$75.00

E09 Stopped on road impeding traffic .....\$50.00

F01 Cruising .....\$50.00

G01 Defective or improper exhaust .....\$50.00

**327.3 Vessels**

B01 Operating a boat for fee or profit without authorization .....\$100.00

C01 Operation in violation of posted restrictions .....\$100.00

C02 Operating unregistered or unnumbered vessel .....\$50.00

C03 No boat registration certificate in possession .....\$50.00

C04 Improper running lights .....\$100.00

C05 Failure to comply with towing regulations (skiing w/o spotter,  
 or at night .....\$50.00

U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT  
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**327.3 Vessels**

D01	Operating in a careless, negligent or reckless manner.....	\$200.00
D02	Violation of rules of the road.....	\$75.00
D03	Improper riding in or on vessel by operator/passenger (riding on bow, sides, or transom w/o rail).....	\$50.00
D04	Operating vessel too close to swimmers.....	\$50.00
D05	Operating vessel as to obstruct another vessel .....	\$75.00
D06	Failure to wear approved PFD on PWC .....	\$50.00
D07	Operation of PWC at restricted time (night).....	\$50.00
D08	Unsafe speed of PWC within 100' of an object .....	\$50.00
E01	Floatation devices improper/inadequate .....	\$100.00
E02	Fire extinguisher, flame arrestor, ventilation improper/inadequate .....	\$50.00
E03	Improper use of PWC engine safety equipment (engine cut off lanyard) .....	\$50.00
F01	Habitation of vessel .....	\$100.00
G01	Using skis, parasails in a restricted zone or recklessly .....	\$50.00
G02	Failure of skier to wear PFD .....	\$50.00
H01	Mooring in unauthorized area .....	\$50.00
H02	Attaching vessel to or interfering with buoy, or other navigation aide .....	\$50.00
I01	Vessel not in compliance with Federal Safe Boating Act .....	M/A
J01	Operating vessel without proper muffler .....	\$50.00

**327.4 Aircraft**

B01	Operating in undesignated areas .....	\$100.00
C01	Operating in careless, negligent or reckless manner .....	M/A
E01	Air delivery of person/ object without permission .....	\$300.00
F03	Operating seaplane contrary to U.S. Coast Guard navigation rules for power boats or vessels .....	\$100.00
F04a	Mooring seaplane in a prohibited area.....	\$100.00

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**327.4 Aircraft**

F04b	Mooring seaplane, damage rights .....	\$100.00
F04c	Leaving seaplane unattended .....	\$100.00
F05	Unauthorized commercial operation.....	\$100.00
F06	Unauthorized operation between sunset and sunrise .....	\$100.00

**327.5 Swimming**

A01	Swimming/diving/snorkeling/scuba diving in prohibited areas .....	\$50.00
B01	Failure to display diving flag .....	\$50.00
C01	Diving/jumping/swinging from bridge, trees or other structures .....	\$50.00

**327.6 Picnicking**

A01	In prohibited areas .....	\$50.00
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**327.7 Camping**

A01	In undesignated area .....	\$50.00
B01	Exceeding 14 day limit .....	\$50.00
C01	Reserving a campsite .....	\$100.00
D01	Digging/leveling to construct campsite .....	\$50.00
E01	Occupying or placement of equipment at reserved site w/o authorization.....	\$100.00

**327.8 Hunting, Fishing, and Trapping**

A01	Hunting in a closed and/or prohibited area.....	\$500.00
B01	Trapping in a closed and/or prohibited area .....	\$500.00
C01	Fishing in a closed and/or prohibited area.....	\$500.00

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**327.9 Sanitation**

A01	Disposal of refuse improperly.....	\$100.00
B01	Disposal of unauthorized household or commercial refuse.....	\$100.00 to \$500.00
C01	Discharge of contaminants or pollutants .....	M/A
C02	Dumping of waste from trailer or vehicle.....	\$100.00
D01	Litter/debris on an occupied site.....	\$100.00
D02	Failure to remove equipment and clean site on departure .....	\$100.00
E01	Discharge of waste/pollutants from vessel .....	\$250.00

**327.10 Fires**

A01	Unauthorized storage of fuels .....	\$50.00
B01	Fire in undesignated area .....	\$75.00
B02	Unattended fire .....	\$100.00
B03	Failure to extinguish fire properly upon departure .....	\$100.00
B04	Fires that produce toxic fumes.....	\$100.00
C01	Improper disposal of lighted/smoking material.....	\$100.00

**327.11 Control of Animals**

A01	Pet not on leash or under restraint .....	\$50.00
A02	Pet on leash more than six feet long .....	\$50.00
A03	Allowing animals to impede/restrict/disturb others.....	\$50.00
A04	Allowing animals into prohibited areas .....	\$50.00
B01	Failure to dispose of animal waste.....	\$50.00
C01	Horse, cattle, livestock in recreation areas or trails .....	\$75.00
D01	Unauthorized livestock on project lands.....	\$100.00

**U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT**  
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**327.11 Control of Animals**

G01 Restricted/aggressive/nuisance animals on project lands and waters.....\$100.00

**327.12 Restrictions**

A01 Violation of posted restrictions.....\$100.00

B01 Violation of quiet hours (10pm-6am).....\$50.00

C01 Disorderly conduct.....\$100.00

C02 Indecent exposure .....M/A

C03 Conduct which impairs safety of visitors .....\$100.00

D01 Audio or noise producing devices .....\$75.00

E01 Alcoholic beverages in posted prohibited area.....\$100.00

F01 Violation of posted no smoking restrictions.....\$100.00

**327.13 Explosives, Firearms, Other Weapons and Fireworks**

A01 Unauthorized possession of loaded firearms/weapons.....\$100.00

A02 Unauthorized discharge of a firearm/weapon.....\$200.00

B01 Unauthorized possession of fireworks.....\$50.00

B02 Explosion of fireworks without written permission .....\$50.00

B03 Unauthorized possession or use of explosives.....M/A

**327.14 Public Property**

A01 Destruction, defacement, removal or any alteration of public property.....\$100.00

A02 General injury to trees, shrubs, plants, grass, etc.....\$100.00

A03 Unauthorized clearing of vegetation.....\$100.00

A04 Unauthorized alteration of project land with earth moving equipment.....\$500.00

A05 Unauthorized planting of grass or shrubs .....\$100.00

A06 Destruction, alteration/tampering with boundary marker.....\$500.00

A07 Tampering, marring, destroying signs .....\$200.00

A08 Tampering, marring, destroying historical and/or archaeological sites.....\$100.00

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**327.14 Public Property**

B01 Cutting or removing wood without written permission.....\$100.00

D01 Unauthorized use of metal detector .....\$100.00

**327.15 Abandonment and Impoundment of Personal Property**

A01 Abandoning or leaving unattended for more than 24 hours .....\$50.00

**327.17 Advertisement**

A01 Unauthorized posting of notices, handbills.....\$100.00

**327.18 Commercial Activities**

A01 Engaging in unauthorized business or solicitation .....\$300.00

B01 Violation of lease/license/agreement conditions .....\$300.00

**327.19 Permits**

A01 Violation of permit conditions and/or fee requirements.....\$100.00

**327.20 Unauthorized Structures**

A01 Unauthorized structure on public property .....\$100.00

**327.21 Special Events**

A01 Event without a permit.....\$100.00

A02 Charging unapproved fee.....\$100.00

**327.22 Unauthorized Occupation**

A01 Occupying lands, buildings, and/or vessels for residence .....\$250.00

B01 Unauthorized use of project lands for agricultural purposes .....\$250.00

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**327.23 Recreation Use Fees**

B01	Failure to pay recreation use fee .....	\$50.00
C01	Failure to pay day use fee .....	\$50.00
C02	Failure to properly display receipt, permit or pass .....	\$50.00
D01	Fraudulent use of Golden Age or Golden Access Passport.....	\$50.00

**327.24 Interference with Government Employees**

A01	Physical interference.....	M/A
B01	Failure to provide proper identification to an officer .....	M/A
B02	Failure to comply with a lawful order .....	\$200.00

**M/A DENOTES MANDATORY COURT APPEARANCE**

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

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U.S. DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

DEPUTY CLERK

IN THE MATTER OF FORFEITURE :  
OF COLLATERAL IN LIEU OF :  
APPEARANCE IN CERTAIN :  
PETTY OFFENSE CASES :

**REQUEST OF THE UNITED STATES ATTORNEY'S OFFICE  
FOR APPROVAL TO SUPPLANT THE DEPARTMENT OF THE ARMY,  
CORPS OF ENGINEERS' COLLATERAL FORFEITURE SCHEDULE**

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NOW COMES the United States of America through Brian A. Jackson, United States Attorney, and Lyman E. Thornton III, Assistant United States Attorney, who pursuant to Federal Rule of Criminal Procedure 58 and Local Criminal Rule 58.2 M & W, moves the court to supplant the collateral forfeiture schedule currently in effect regarding certain petty offenses and in support states as follows:

1.

On August 18, 1997, this Honorable Court adopted a collateral fine schedule that applies to certain petty offenses which arise from the administration of certain lands owned, or projects administered by, the United States Army Corps of Engineers and which occur within the territorial jurisdiction of this Court. See General Order #97-6.

2.

On February 11, 2000, updated rules and regulations governing the public use of Corps of Engineers Water Resources Development Projects were published in the Federal Register which said rules and regulations were later amended in May, 2000.

3.

The rules and regulations are administered by the Chief of Engineers and are found at Title 36, Code of Federal Regulations, Chapter III, Part 37.

4.

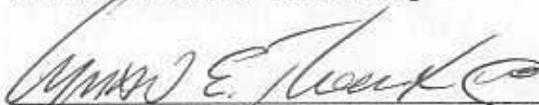
To provide for continued enforcement of the applicable rules and regulations, and to reflect the changes thereto, the United States Attorney's Office requests that the court supplant the 1997 order of collateral forfeiture and adopt a revised collateral fine schedule.

5.

A proposed order, including the incorporated revised fine schedule which is incorporated herein by reference, are submitted for the Court's consideration.

UNITED STATES OF AMERICA

Brian A. Jackson  
United States Attorney



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