

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

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

97 AUG 18 AM 11:02

SIGN _____
RICHARD T. MARTIN
CLERK

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

GENERAL ORDER #97-6

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

COMES NOW, the United States Attorney's Office, by and through the United States Attorney for the Middle District of Louisiana, who requests this Honorable Court, pursuant to Federal Rules of Criminal Procedure 58(d)(1), to amend its Local Rules and adopt the attached Collateral Forfeiture Schedule promulgated by the Department of the Army, Corps of Engineers.

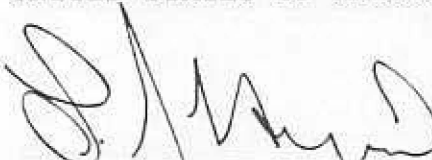
Through the use of the attached Schedule, the United States Attorney's Office seeks to alleviate the burden on the Court by punishing certain specified petty offenses through established fines in lieu of personal appearance. The attached Schedule is a proposed Collateral Schedule for violations of Title 36, Code of Federal Regulations, Chapter III, Part 327. There is currently no Collateral Schedule in use by the Department of the Army, Corps of Engineers.

As the Court is aware, once the Collateral Forfeiture Schedule is approved by this Court, Corps of Engineer personnel may circumscribe an appearance at this Court and directly fine individuals whom they have probable cause to believe have violated certain specified provisions of the Code of Federal Regulations. Of course, individuals charged with these offenses would have the right to appear should they wish to challenge a Corps of Engineers' decision.

The attached Collateral Forfeiture Schedule has been approved and adopted by the United States District Courts for the Eastern and Western Districts of Louisiana.

For the above reasons, the United States Attorney's Office requests this Court to sign the attached Order approving and enacting the Department of the Army, Corps of Engineers' Collateral Forfeiture Schedule.

UNITED STATES OF AMERICA, by



L. J. HYMEL
UNITED STATES ATTORNEY
777 Florida Street, Suite 208
Baton Rouge, LA 70801
Telephone: (504) 389-0443

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

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ORDER

Pursuant to Federal Rules 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 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 fines 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:

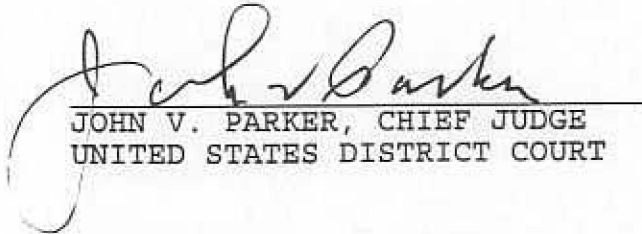
See Attachment No. 1.

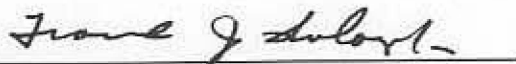
Nothing in the above schedule of violations is meant to preclude a federal officer or official from filing a complaint against a violator and having that violator appear before an appropriate magistrate. If a person charged with an offense in the attached sections of the Schedule of this rule fails to 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 15th day of August, 1997.

BY THE COURT:


JOHN V. PARKER, CHIEF JUDGE
UNITED STATES DISTRICT COURT


FRANK J. POLOZOLA
UNITED STATES DISTRICT JUDGE

ATTACHMENT NO. 1

U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
FORFEITURE OF COLLATERAL SCHEDULE FOR PETTY OFFENSES
MIDDLE DISTRICT OF LOUISIANA 03/97

327.1 Policy

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

327.2 Vehicles

B01 Parking contrary to signs..... \$50.00

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

B03 Parking as to endanger person, property, or environmental feature..... \$25.00

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

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

D01 Violation of posted traffic control signs..... \$50.00

E01 Careless, negligent, or reckless operation of vehicle..... \$100.00

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

E03 Following another vehicle too closely..... \$25.00

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

E05 Driving on wrong side of road..... \$25.00

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 Violation of posted restrictions..... \$50.00

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

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

C04 Improper running lights..... \$50.00

C05 Failure to comply with towing regulations (skiing w/o mirror/spotter, or at night)..... \$25.00

U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
FORFEITURE OF COLLATERAL SCHEDULE FOR PETTY OFFENSES
MIDDLE DISTRICT OF LOUISIANA 03/97

327.3 Vessels

D01	Operating in a careless 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.....	\$25.00
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.....	\$50.00
E02	Fire extinguisher, flame arrestor, ventilation improper/inadequate.....	\$50.00
E03	Improper use of PWC engine safety equipment (engine cut off lanyard).....	\$25.00
F01	Habitation of vessel.....	\$100.00
G01	Using skis, parasails in a restricted zone or recklessly.....	\$25.00
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 national 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 and reckless manner.....	M/A
E01	Air delivery of person/ object without permission.....	\$300.00
F03	Operating seaplane contrary to marine rules of road for power boats or vessels.....	\$100.00
F04a	Mooring seaplane in a restricted area.....	\$100.00
F04b	Mooring seaplane, damage rights.....	\$100.00
F04c	Leaving seaplane unattended.....	\$100.00

U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
FORFEITURE OF COLLATERAL SCHEDULE FOR PETTY OFFENSES
MIDDLE DISTRICT OF LOUISIANA 03/97

327.4 Aircraft

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.....	\$25.00
A02	Diving/jumping from bridge or other structures.....	\$50.00
B01	Failure to display diving flag.....	\$25.00

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

327.8 Hunting, Fishing, and Trapping

A01	Hunt, fish, trap 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
C01	Discharge of contaminants or pollutants.....	MA
C02	Dumping of waste from trailer or vehicle.....	\$100.00

U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
FORFEITURE OF COLLATERAL SCHEDULE FOR PETTY OFFENSES
MIDDLE DISTRICT OF LOUISIANA 03/97

327.9 Sanitation

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.....	\$25.00
A02	Pet on leash more than six feet long.....	\$25.00
A03	Animals on swimming beach	\$25.00
A04	Allowing animals into sanitary facility.....	\$25.00
B01	Failure to dispose of animal waste.....	\$50.00
C01	Horse, cattle, livestock in recreation area.....	\$75.00
D01	Unauthorized livestock on project lands.....	\$100.00

327.12 Restrictions

A01	Violation of posted restrictions.....	\$75.00
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

U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
FORFEITURE OF COLLATERAL SCHEDULE FOR PETTY OFFENSES
MIDDLE DISTRICT OF LOUISIANA 03/97

327.12 Restrictions

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

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
A03 Unauthorized possession of fireworks..... \$50.00

327.13 Explosives, Firearms, Other Weapons and Fireworks

A04 Explosion of fireworks without written permission..... \$50.00
A05 Unauthorized possession or use of explosives..... M/A

327.14 Public Property

A01 General injury to trees, shrubs, plants, grass, etc..... \$100.00
A02 Unauthorized clearing of vegetation..... \$100.00
A03 Unauthorized alteration of project land with earth moving equipment..... \$300.00
A04 Unauthorized planting of grass or shrubs..... \$100.00
A05 Destruction, alteration/tampering with boundary marker..... \$200.00
A06 Tampering, marring, destroying signs..... \$200.00
A07 Tampering, marring, destroying historical and/or archaeological sites..... \$100.00

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

U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
FORFEITURE OF COLLATERAL SCHEDULE FOR PETTY OFFENSES
MIDDLE DISTRICT OF LOUISIANA 03/97

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 fees..... \$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

327.23 Recreation Use Fees

C01 Failure to pay user fee..... \$50.00

C02 Unauthorized use of a Golden Age 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

NOTES: M/A DENOTES MANDATORY COURT APPEARANCE