

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

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

ORDER

Pursuant to Federal Rule of Criminal Procedure 58(d)(1) and Local Criminal Rule 58.2W of the Uniform Local Rules for the United States District Court for the Western District of Louisiana,

IT IS 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 Western District of Louisiana, the collateral in the amount prescribed in accordance with the Forfeiture of Collateral Schedule for Migratory Game Bird Hunting and National Wildlife Refuge Violations 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 District or 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 District or 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;

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

**FORFEITURE OF COLLATERAL SCHEDULE FOR
MIGRATORY GAME BIRD HUNTING AND
NATIONAL WILDLIFE REFUGE VIOLATIONS**

16 USC 701 et seq.

Migratory Bird Treaty Act

50 CFR 20: Migratory Game Bird Hunting

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
20.21(a)	Take or attempt to take migratory game birds with a trap, snare, net, rifle, pistol, swivel gun, shotgun larger than 10 gauge, punt gun, battery gun, machine gun, fish hook, poison, drug, explosive, or stupefying substance:	\$500.00
20.21(b)	Take or attempt to take migratory game birds with a shotgun capable of holding more than three shells:	\$300.00
20.21(c)	Take or attempt to take migratory game birds from or by means, aid, or use of a <i>snorkel or any other type of low floating device, having a depression affording the hunter a means of concealment beneath the surface of the water:</i>	\$300.00
20.21(d)	Take or attempt to take migratory game birds from or by means, aid or use of any motor vehicle, motor-driven conveyance, or aircraft of any kind:	\$300.00 (Plus Value/ Bird)
20.21(e)	Take or attempt to take migratory game birds from or by means of any motorboat or other craft having a motor attached and under power:	\$300.00 (Plus Value/ Bird)

20.21(f)	Take or attempt to take migratory game birds with the aid or use of live birds as decoys or in an area where live ducks or geese were present:	\$500.00 (Plus Value/ Bird)
20.21(g)	Take or attempt to take migratory game birds with the aid or use of recorded or electronically amplified bird calls or sounds:	\$500.00 (Plus Value/ Bird)
20.21(h)	Take or attempt to take migratory game birds by concentrating, driving, rallying, or stirring up, with a motor driven conveyance:	\$400.00 (Plus Value/ Bird)
20.21(j)	Take or attempt to take migratory game birds while possessing unapproved shot:	\$400.00
20.22	Take or attempt to take migratory game birds during the closed season:	\$300.00 (Plus Value/ Bird)
20.23	Take or attempt to take migratory game birds before or after legal shooting hours: 1 - 15 minutes 16 - 30 minutes More than 30 minutes	 \$200.00 \$300.00 \$400.00
20.24	Take or attempt to take migratory game birds in one calendar day more than the daily bag limit or aggregate daily bag limit, which ever applies:	\$300.00 (Plus Value/ Bird)
20.25	Kill or cripple migratory game birds without making a reasonable effort to retrieve such birds, or fail to maintain custody of migratory game birds in the field where taken:	\$300.00 (Plus Value/ Bird)

20.31	Possess or have in custody any migratory game bird or part thereof taken in violation of subpart C of the migratory game bird hunting regulations:	\$300.00 (Plus Value/ Bird)
20.32	Possess freshly killed migratory game bird(s) during the closed season:	\$300.00 (Plus Value/ Bird)
20.33	Possess more migratory game birds taken in the United States than the possession limit or the aggregate possession limit, whichever applies:	\$300.00 (Plus Value/ Bird)
20.34	Possess on opening day of the season freshly killed migratory game birds in excess of the daily bag limit or aggregate daily bag limit, whichever applies:	\$300.00 (Plus Value/ Bird)
20.35	Possess, have in custody, or transport, in the field, more than the daily bag limit or aggregate daily bag limit, whichever applies, of migratory game birds:	\$300.00 (Plus Value/ Bird)
20.36	Violation of tagging requirement:	\$100.00 (Plus \$20/bird)
20.37	Custody of migratory game bird(s) of another:	\$100.00 (Plus \$20/bird)
20.38	Possession of live migratory game bird wounded by hunting and reduced to possession:	\$200.00 (Plus Value/ Bird)

20.40	Receiving, possessing, or giving to another any freshly killed migratory game bird(s) as a gift at other than the personal abode of the donor or donee without having a tag attached to said bird(s):	\$100.00 (Plus \$20/bird)
20.41	Transport any migratory game bird or part thereof taken in violation of subpart C of the migratory game bird hunting regulations:	\$300.00 (Plus Value/ Bird)
20.42	Transport untagged migratory game bird(s) of another:	\$100.00 (Plus \$20/bird)
20.43	Transportation of migratory game birds without required species identification:	\$100.00 (Plus \$25/bird)
20.44	Transport migratory game birds by Postal Service or common carrier in unmarked package or container:	\$100.00 (Plus \$20/bird)
20.72	Take or attempt to take, possess, transport, or export any migratory game bird, its parts, nests, or eggs in violation of any applicable state law or regulation:	\$200.00
	Take or attempt to take migratory game birds without a valid state license:	\$200.00
	Take or attempt to take migratory game birds without a valid state stamp:	\$200.00

16 USC 718a

Hunting and Conservation Stamp for taking migratory game birds

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
718a	Take or attempt to take migratory game birds without a valid migratory bird hunting stamp:	\$300.00

16 USC 668dd and/or 16 USC 460k

National Wildlife Refuge Administration Act
National Conservation Recreational Act

50 CFR 25: Administrative Provisions

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
25.21	Enter a closed portion of a National Wildlife Refuge	\$150.00
25.31	Failure to comply with special regulations, etc	\$150.00
25.72	Failure to report all accidents	\$150.00
25.	All other administrative provisions regulations	\$100.00

50 CFR 26: Regulations pertaining to Public Entry and Use

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
26.21 (a)	Trespass on a National Wildlife Refuge (NWR)	\$200.00
26.21 (b)	Permit unconfined domestic animals to enter or roam at large upon any NWR	\$100.00 /animal
26.	All other public entry and use regulations	\$75.00

50 CFR 27: Prohibited Acts

Section Number	Offense	Collateral
27.31	Travel on other than a designated route of travel	\$150.00
27.31(a)	Operate a vehicle in violation of state law	\$100.00
27.31(c)	Operate a vehicle carelessly or heedlessly	\$300.00
27.31(d)	Exceed 25 mph or posted speed limit	\$50.00
	11-15 MPH over limit	add \$25.00
	16-20 MPH over limit	add \$35.00
	21-25 MPH over limit	add \$45.00
	26-30 MPH over limit	add \$55.00
27.31(i)	Failure to obey order of traffic control officer	\$200.00
27.31(k)	Moving of a vehicle involved in an accident	\$150.00
27.31(e) thru (m)	Violates all other established vehicle requirements	\$50.00
27.32(a)	Unauthorized use of a boat	\$150.00
27.32(b)	Operate a boat in violation of either U.S. Coast Guard or state law	\$100.00
27.33	Unauthorized waterskiing on NWR	\$50.00
27.34	Unauthorized operation of an aircraft on or over a NWR	\$500.00
27.41	Possession or discharging fireworks, firearms or explosives	\$150.00

27.43	Use or Possession of weapons other than firearms	\$100.00
27.51(a)	Disturb, injure, destroy, or collect any animals	\$200.00 +value
27.51(a)	Disturb, injure, destroy, or collect any plants	\$100.00 +value
27.51(a)	Disturb animals by feeding	\$100.00
27.52	Introduction of plants or animals on NWR	\$100 / specimen
27.61	Destruction or removal of property on or from a NWR	\$400.00
27.62	Search for or remove objects of antiquity	\$400.00
27.63	Unauthorized search for valued objects; no permit	\$300.00
27.64	Unauthorized prospecting or mining on a NWR	\$500.00
27.65	Tamper with vehicles or equipment	\$500.00
27.72	Cause unreasonable disturbances with audio equipment	\$200.00
27.73	Use of artificial light to take wildlife	\$1000.00 + value
27.81	Enter a NWR under the influence of alcohol	\$200.00
27.82(b) (2)	The possessing of a controlled substance on a National Wildlife Refuge (Marijuana less than one ounce)	\$300.00
27.83	Indecency or disorderly conduct	\$200.00
27.84	Interference with persons engaged in authorized activity	\$500.00
27.85	Gambling on a NWR	\$100.00
27.86	Begging or soliciting	\$75.00

27.91	Conducting field trails	\$300.00
27.92	Construct, install, or occupy private structure on NWR	\$500.00
27.93	Abandon private property	\$500.00
27.94(a)	Litter on a NWR	\$200.00
27.94(a)	Gross Litter as defined by LA Title 30:2531.1	\$750.00
27.95(a)	Setting an unauthorized fire on a NWR	\$300.00
	Setting an unauthorized campfire	\$100.00
27.95(b) (c)	Leaving fire unattended/throw burning cigarette	\$100.00
27.95(d)	Smoking violation	\$75.00
27.96	Unauthorized advertising	\$75.00
27.97	Conduct private commercial operation	\$1000.00

50 CFR 28: Regulations pertaining to Refuge Special Regulations

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
28.31	Violate any provisions, rules, regulations, signs, or special regulations	\$200.00

50 CFR 31: Regulations pertaining to Commercial Fishing and Trapping

<u>Section Number</u>	<u>Offense</u>	<u>Collateral</u>
31.13	No refuge commercial fishing / crabbing permit	250.00 +value

31.16	Violation of federal trapping permit regulations, state trapping laws, or other special trapping laws, or other special regulations	See Below
	Violate state law	100.00
	Violate permit conditions, etc.	100.00
	Failure to inspect traps	100.00
	Unlawful sets, unlawful equipment	150.00
	Animal unlawfully trapped	150.00 +value

50 CFR 32: Regulations pertaining to Hunting

Section Number	Offense	Collateral
32.2(a)	Hunt without a state license	\$200.00
32.2(b) (c) (e) (f)	Noncompliance with other federal laws or regulations	\$150.00
32.2(d)	Hunt in violation of state law	\$200.00
32.2(g)	Bow hunt with any drug on arrow	\$300.00
32.2(i)	Use of nails, wire, screws, or bolts to attach a tree stand, or hunt from a tree into which a metal object has been driven to support a hunter	\$150.00
32.2(j)	Use or possession of alcoholic beverages while hunting	\$150.00
32.2(k)	Use or possession of toxic shot while hunting small game	\$100.00
32.37	Violation of special regulations on migratory bird hunting	\$200.00

	Violation of special regulations on upland game	\$200.00
	Violation of special regulations on big game	\$200.00

50 CFR 32: Regulations pertaining to Fishing

Section Number	Offense	Collateral
32.5(a)	Fish without a state license	\$100.00
32.5(b) (d) (e)	Noncompliance with other federal laws or regulations	\$200.00
32.5(c)	Fishing in violation of state law	\$200.00
32.37	Violations of special regulations on fishing	\$150.00

Wildlife \$ Values

Migratory game bird \$ Value per bird taken:

Canvasback:	\$500.00	Canada Goose:	\$500.00
Pintail:	\$500.00	White-fronted:	\$500.00
Black duck:	\$500.00	All other geese:	\$100.00
Redhead:	\$250.00	Coots:	\$100.00
Hen Mallard:	\$250.00	Gallinules:	\$50.00
Hooded merganser:	\$500.00	Woodcock:	\$500.00
Wood duck:	\$250.00	Snipe:	\$75.00
Mottled duck or Scaup:	\$175.00	Mourning Doves:	\$75.00
Drake Mallard:	\$125.00	Rails:	\$75.00
All other ducks:	\$100.00		

Big Game Animals

White-tailed Deer	\$1,000/animal
Turkey	\$1,000/animal

Small Game Animals

Squirrel	\$50/animal
Rabbit	\$50/animal
Quail	\$50/animal
Raccoon	\$50/animal

Reptiles

Alligator	\$100/foot
All Other Reptiles	\$50/animal

Plants

Adult Trees (Non Commercial)	\$500/Tree
Saplings (Non Commercial)	\$250/Tree
All Trees (Commercial)	\$1,000/Tree
All Threatened Plants	\$250/Plant
All Endangered Plants	\$500.00/Plant
All Other Plants	\$10/Plant

Fish and Other Aquatic Organisms

Game and Sport Fish (Recreational)	\$10/Fish
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Game and Sport Fish (Commercial)	\$25/Fish
Non-Game Fish (Recreational)	\$3/Fish
Non-Game Fish (Commercial)	\$10/Fish
Mollusk/Mussel/Shellfish (Recreational)	\$5/Organism or \$10 a pound
Mollusk/Mussel/Shellfish (Commercial)	\$10/Organism or \$20 a pound

Amphibians

All Amphibians	\$15/animal
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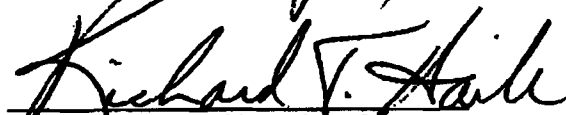
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The above schedule of violations shall apply to first offenders. Nothing in the schedule of violations is meant to preclude the United States Attorney or other federal officer or official from within their discretion from filing a complaint or bill of information against an alleged violator thereby requiring personal appearance before a magistrate judge. 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.

Lafayette, Louisiana, this 26th day of July, 2006.

FOR THE COURT:

A handwritten signature in black ink, appearing to read "Richard T. Haik". The signature is written in a cursive style with a large initial "R".

Richard T. Haik, Chief Judge
United States District Court
Western District of Louisiana