

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
FILED

DEC 15 2000

IN THE MATTER OF:

FORFEITURE OF COLLATERAL
IN LIEU OF APPEARANCE IN CERTAIN
PETTY OFFENSE CASES

ROBERT H. SHEM WELL, CLERK
BY _____ DEPUTY

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 Western 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:

**FINES (COLLATERAL FORFEITURE) FOR VIOLATIONS OF CODE OF REGULATIONS
GOVERNING PUBLIC USE OF WATER RESOURCE DEVELOPMENT PROJECTS
ADMINISTERED BY THE CHIEF OF ENGINEERS, CORPS OF ENGINEERS,
DEPARTMENT OF THE ARMY
36 CFR PART 327**

36 CFR PART 327	
36 CFR 327.1 Policy	FINE
(d) Discrimination in the conduct of operation under a lease, license, or concession contract	Mandatory Appearance
36 CFR 327.2 Vehicles	
(b)(01) Parking in violation of posted restrictions	50
(b)(02) Parking as to block/obstruct/impede traffic	50
(b)(03) Parking as to endanger person, property, or environmental feature	100
(c)(01) Traveling on unauthorized or undesignated routes	50
(c)(02) Operation of a vehicle off roadways	100

(d)(01) Operation in violation of posted restrictions (traffic signs, speed limit, no helmet)	100
(e)(01) Careless, negligent, or reckless operation of vehicle	200
(e)(02) Vehicle excessive acceleration	100
(e)(03) Following another vehicle too closely	50
(e)(04) Failure to keep vehicle under control	100
(e)(05) Driving on the wrong side of the road	50
(e)(06) Failure to give right-of-way to vehicle	50
(e)(07) Failure to give right-of way to pedestrian	50
(e)(08) Failure to give right-of-way to emergency vehicle	75
(e)(09) Impeding traffic	50
(f)(01) Cruising	50
(g)(01) Defective or improper exhaust	50
36 CFR 327.3 Vessel	
(b)(01) Operating a boat for fee or profit without authorization	100
(c)(01) Operation in violation of posted restrictions	100
(c)(02) Operating an unregistered or unnumbered vessel	50
(c)(03) No boat registration certificate in possession	50
(c)(04) Improper running lights	100
(c)(05) Failure to comply with towing regulations (skiing w/o spotter, or at night)	50
(d)(01) Operating in a careless, negligent or reckless manner	200
(d)(02) Violation of rules of the road	75
(d)(03) Improper riding in or on a vessel by operator/passenger (riding on bow, sides or transom w/o rail)	50
(d)(04) Operating vessel too close to swimmers	50
(d)(05) Operating vessel as to obstruct another vessel	75

(d)(06) Failure to wear approved PFD on PWC	50
(d)(07) Operating of PWC at restricted time (night)	50
(d)(08) Unsafe speed of PWC within 100' of an object	50
(e)(01) Improper or inadequate flotation devices	100
(e)(02) Improper of inadequate fire extinguisher, flame arrestor or ventilation	50
(e)(03) Improper use of PWC engine safety equipment (engine cut off lanyard)	50
(f)(01) Habitation of vessel	100
(g)(01) Using skis, parasails in a restricted zone or recklessly	50
(g)(02) Failure of skier to wear PFD	50
(h)(01) Mooring in unauthorized area	50
(h)(02) Attaching vessel or interfering with buoy or other navigation aide	50
(i)(01) Vessel not in compliance with Federal Safety Boating Act	Mandatory Appearance
(j)(01) Operating Vessel without proper muffler	50
36 CFR 327.4 Aircraft	
(b)(01) Operating in undesignated areas	100
(c)(01) Operating in careless, negligent or reckless manner	Mandatory Appearance
(e)(01) Air delivery of person/object without permission	300
(f)(03) Operating seaplane contrary to U.S. Coast Guard navigation rules for power boats or vessels	100
(f)(04a) Mooring seaplane in prohibited area	100
(f)(04b) Mooring seaplane in manner as to damage rights of the government or members of the public	100
(f)(04c) Leaving seaplane unattended	100
(f)(05) Unauthorized commercial operation	100
(f)(06) Unauthorized operation between sunset and sunrise	100

36 CFR 327.5 Swimming	
(a)(01) Swimming/diving/snorkeling/scuba diving in prohibited area	50
(b)(01) Failure to display diving flag	50
(c)(01) Diving/jumping/swinging from bridge, tree or other structure	50
36 CFR 327.7 Camping	
(a)(01) In undesignated area	50
(b)(01) Exceeding 14 day limit	50
(c)(01) Reserving a campsite	100
(d)(01) Digging or leveling to construct a campsite	50
(e)(01) Occupying or placement of equipment at reserved site w/o authorization	100
36 CFR 327.8 Hunting, fishing and trapping	
(a)(01) Hunting in closed and/or prohibited area	500
(b)(01) Trapping in closed and/or prohibited area	500
(c)(01) Fishing in closed and/or prohibited area	500
36 CFR 327.9 Sanitation	
(a)(01) Improper disposal of refuse	100
(b)(01) Disposal of unauthorized household or commercial refuse	100-500
(c)(01) Discharge of contaminants or pollutants	Mandatory Appearance
(c)(02) Dumping of waste from trailer or vehicle	100
(d)(01) Litter/debris on an occupied site	100
(d)(02) Failure to remove equipment and clean site on departure	100
(e)(01) Discharge of waste/pollutants from vessel	250

36 CFR 327.10 Fires	
(a) (01) Unauthorized storage of fuels	50
(b)(01) Fire in undesignated area	75
(b)(02) Unattended fire	100
(b)(03) Failure to extinguish fire properly upon departure	100
(b)(04) Fires that produce toxic fumes	100
(c)(01) Improper disposal of lighted/smoking material	100
36 CFR 327.11 Control of Animals	
(a)(01) Pet not on leash or under restraint	50
(a)(02) Pet on leash more than six feet long	50
(a)(03) Allowing animals to impede or restrict otherwise full and free use of project lands and waters by the public	50
(a)(04) Allowing animals into prohibited areas	50
(b)(01) Failure to dispose of animal waste	50
(c)(01) Horse, cattle, livestock in recreation areas or trails	75
(d)(01) Unauthorized livestock on project lands	100
(g)(01) Restricted/aggressive/nuisance animals on project lands and waters	100
36 CFR 327.12 Restrictions	
(a)(01) Violation of posted restrictions	100
(b)(01) Violation of quiet hours (10pm-6am)	50
(c)(01) Disorderly conduct	100
(c)(02) Indecent exposure	Mandatory Appearance
(c)(03) Conduct which impairs safety of visitors	100
(d)(01) Audio or noise producing devices	75
(e)(01) Alcoholic beverages in posted prohibited area	100

(f)(01) Violation of posted no smoking restrictions	100
36 CFR 327.13 Explosives, Firearms, Other Weapons and Fireworks	
(a)(01) Unauthorized possession of loaded firearms/weapons	100
(a)(02) Unauthorized discharge of a firearm/weapon	200
(b)(01) Unauthorized possession of fireworks	50
(b)(02) Explosion of fireworks without written permission	50
(b)(03) Unauthorized possession or use of explosives	Mandatory Appearance
36 CFR 327.14 Public Property	
(a)(01) Destruction, defacement, removal or any alteration of public property	100
(a)(02) General injury to tress, shrub, plants etc	100
(a)(03) Unauthorized clearing of vegetation	100
(a)(04) Unauthorized alteration of project land with earth moving equipment	500
(a)(05) Unauthorized planting of grass or shrubs	100
(a)(06) Destruction, alteration / tampering with boundary marker	500
(a)(07) Tampering with, marring, destroying signs	200
(a)(08) Tampering with, marring, destroying historical and/or archaeological sites	100
(b)(01) Cutting or removing wood without written permission	100
(d)(01) Unauthorized use of metal detector	100
36 CFR 327.15 Abandonment and Impoundment of Personal Property	
(a)(01) Abandoning or leaving unattended for more than 24 hours	50

36 CFR 327.17 Advertisement	
(a)(01) Unauthorized posting of notices, handbills	100
36 CFR 327.18 Commercial Activities	
(a)(01) Engaging in unauthorized business or solicitation	300
(b)(01) Violation of lease/license/agreement conditions	300
36 CFR 327.19 Permits	
(a)(01) Violation of permit conditions and/or fee requirements	100
36 CFR 327.20 Unauthorized Structures	
(a)(01) Unauthorized structure on public property	100
36 CFR 327.21 Special Events	
(a)(01) Event without a permit	100
(a)(02) Charging unapproved fee	100
36 CFR 327.22 Unauthorized Occupation	
(a)(01) Occupying lands, building, and/or vessels for residence	250
(b)(01) Unauthorized use of project lands for agricultural purpose	250
36 CFR 327.23 Recreation Use Fees	
(b)(01) Failure to pay recreation use fee	50
(c)(01) Failure to pay day use fee	50
(c)(02) Failure to properly display, receipt, permit or pass	50
(d)(01) Fraudulent use of Golden Age or Golden Access Passport	50

36 CFR 327.24 Interference with Government Employees	
(a)(01) Physical interference	Mandatory Appearance
(b)(01) Failure to provide identification to an officer	Mandatory Appearance
(b)(02) Failure to comply with a lawful order	200

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 United States 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.

Alexandria, Louisiana, this 11 day of December, 2000.

FOR THE COURT:


 F.A. LITTLE, JR., CHIEF JUDGE
 UNITED STATES DISTRICT COURT