

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

APR 29 1997

ROBERT H. SHENWEL  
BY \_\_\_\_\_

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), 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.

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 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 8 day of April, 1997.

COPY SENT

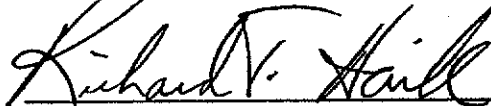
DATE 4-29-97

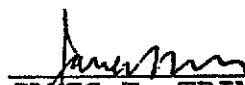
BY BGJ


TO: All Deputy Clerks  
all district judges  
all Mag. Judges  
Mr. Skinner

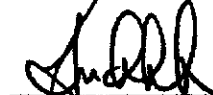
  
\_\_\_\_\_  
F. A. LITTLE, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT

  
\_\_\_\_\_  
DONALD E. WALTER  
UNITED STATES DISTRICT JUDGE

  
\_\_\_\_\_  
RICHARD T. HAIK  
UNITED STATES DISTRICT JUDGE

  
\_\_\_\_\_  
JAMES F. TRIMBLE, JR.  
UNITED STATES DISTRICT JUDGE

  
\_\_\_\_\_  
REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE

  
\_\_\_\_\_  
TUCKER L. MELANCON  
UNITED STATES DISTRICT JUDGE

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:

16 USC 668dd  
 16 USC 460k-3

National Wildlife Refuge Administration Act  
 Recreation Act

| <u>Section Number</u> | <u>Offense</u>   | <u>Collateral</u> |
|-----------------------|--|-------------------|
| 16 USC 668dd          | Unauthorized possession of animals, plants or property . . . . . | \$ 100.00         |

50 CFR 25: Administrative Provisions

| <u>Section Number</u> | <u>Offense</u>  | <u>Collateral</u> |
|-----------------------|---|-------------------|
| 25.22                 | Failure to turn in lost & found articles or money . . . . . | \$ 100.00         |
| 25.42                 | Failure to exhibit permit upon request.                     | 100.00            |
| 25.56                 | Entrance Fee Area Violations. . . . .                       | 100.00            |
| 25.71                 | Failure to comply with safety regulations                   | 100.00            |
| 25.72                 | Failure to report an accident . . . . .                     | 100.00            |
| 25                    | All other administrative provision 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   | \$ 100.00         |
| 26.21(b)              | Permit unconfined domestic animals to enter or roam at large on a National Wildlife Refuge . . . . . | \$100.00/animal   |
| 26                    | All other public entry and use regulations . . . . .   | 50.00             |

50 CFR 27: Prohibited Acts

| <u>Section Number</u> | <u>Offense</u>   | <u>Collateral</u>                     |
|-----------------------|--|---------------------------------------|
| 27.21                 | Take any animal or plant w/o authorization . . . . .               | \$200.00+\$25.00/item or market value |
| 27.31                 | Travel in or use a motorized vehicle in unauthorized area. . . . . | 75.00                                 |
| 27.31(a)              | Operate a vehicle in violation of State law . . . . .              | 75.00                                 |

50 CFR 27: Prohibited Acts (cont'd.)

| <u>Section Number</u>             | <u>Offense</u>   | <u>Collateral</u> |
|-----------------------------------|--|-------------------|
| 27.31(b)                          | Operate a vehicle under the influence of alcohol or controlled substance. . . \$ | 300.00            |
| 27.31(c)                          | Operate a vehicle carelessly or heedlessly. . . . .                              | 150.00            |
| 27.31(d)                          | Exceed 25 mph or posted speed limit . . .  | 50.00             |
| 27.31(i)                          | Failure to obey traffic control officer's order . . . . .                        | 150.00            |
| 27.31(k)                          | Moving a vehicle involved in an accident   | 150.00            |
| 27.31(e) thru<br>27.31(m)         | Violation of all other established vehicle requirements. . . . .                 | 50.00             |
| 27.32(a)                          | Unauthorized use of a boat. . . . .  | 100.00            |
| 27.32(b) (1) (i)                  | Operate a boat in violation of U.S. Coast Guard regulations . . . . .            | 50.00             |
| 27.32(b) (1) (ii)                 | Operate a boat in violation of State law . . . . .                               | 50.00             |
| 27.32(b) (2)                      | Operate a boat in a reckless or negligent manner. . . . .                        | 150.00            |
| 27.32(b) (3)                      | Operate a boat while under the influence of alcohol or controlled substance. . . | 300.00            |
| 27.32(b) (4) thru<br>27.32(b) (8) | Other boating violations. . . . .  | 50.00             |
| 27.33                             | Unauthorized waterskiing. . . . .  | 50.00             |
| 27.34                             | Unauthorized operation of an aircraft on or over a NWR . . . . .                 | 250.00            |
| 27.41                             | Possession, use or transportation of firearms or fireworks . . . . .             | 75.00             |
| 27.43                             | Possession of other weapons . . . . .  | 50.00             |
|                                   | Use of other weapons . . . . .   | 100.00            |
| 27.51                             | Disturb, injure, damage animals on NWR . . . . .                                 | \$200.00+value    |
|                                   | Disturb, injure, damage plants on NWR . . . . .                                  | \$100.00+value    |
| 27.52                             | Introduction of plants or animals on NWR . . . . .                               | \$75.00/specimen  |
| 27.61                             | Destruction or removal of property on or from a NWR. . . . .                     | 200.00            |
| 27.62                             | Search for or remove objects of antiquity . . . . .                              | 100.00            |
| 27.63                             | Unauthorized search for valued objects; no permit . . . . .                      | 200.00            |
| 27.64                             | Unauthorized prospecting or mining on NWR. . . . .                               | 500.00            |
| 27.65                             | Tamper with vehicles or equipment . . . .  | 200.00            |

50 CFR 27: Prohibited Acts (cont'd.)

| <u>Section Number</u> | <u>Offense</u>   | <u>Collateral</u> |
|-----------------------|--|-------------------|
| 27.71                 | Unauthorized commercial motion or sound pictures . . . . .           | \$ 50.00          |
| 27.72                 | Cause unreasonable disturbances with audio equipment . . . . .       | 100.00            |
| 27.73                 | Use of artificial light to locate or take wildlife . . . . .         | \$200.00+value    |
| 27.81                 | Enter or remain on NWR under the influence . . . . .                 | 100.00            |
| 27.83                 | Indecency or disorderly conduct . . . . .                            | 200.00            |
| 27.84                 | Interference with persons engaged in authorized activities . . . . . | 500.00            |
| 27.85                 | Gambling. . . . .  | 100.00            |
| 27.86                 | Begging or soliciting . . . . .                                      | 50.00             |
| 27.91                 | Conducting field trials . . . . .                                    | 75.00             |
| 27.92                 | Construct, install or occupy private structure on NWR. . . . .       | 250.00            |
| 27.93                 | Abandon private property. . . . .                                    | 250.00            |
| 27.94                 | Litter on a NWR . . . . .  | 100.00            |
| 27.95(a)              | Setting an unauthorized fire on NWR . . . . .                        | 300.00            |
|                       | Setting an unauthorized campfire. . . . .                            | 100.00            |
| 27.95(b)              | Leaving a fire unattended . . . . .                                  | 50.00             |
| 27.95(c)              | Throw a burning cigarette . . . . .                                  | 50.00             |
| 27.95(d)              | Smoking violation . . . . .  | 50.00             |
| 27.96                 | Unauthorized advertising. . . . .                                    | 50.00             |
| 27.97                 | Conduct a private commercial operation. . . . .                      | 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 permit . . . . .  | \$250.00+value    |
| 31.16                 | Violation of Federal trapping permit regulations, State trapping laws, or other special trapping laws, or other special trapping regulations |                   |
|                       | Violate State law . . . . .  | 100.00            |
|                       | Violate permit conditions . . . . .  | 100.00            |
|                       | Failure to inspect traps. . . . .  | 100.00            |
|                       | Unlawful sets, equipment. . . . .  | 150.00            |
|                       | Animal unlawfully trapped . . . . .  | \$150.00+value    |

50 CFR 32: Regulations pertaining to Hunting and Fishing

| <u>Section Number</u> | <u>Offense</u>   | <u>Collateral</u>     |
|-----------------------|--|-----------------------|
| 32.2(a)               | Hunt without State license. . . . .  | \$ 100.00             |
| 32.2(b)               | Hunting without Federal Duck Stamp. . .  | 100.00                |
| 32.2(c)               | Violate Federal Regulations . . . . .  | 100.00                |
| 32.2(d)               | Violate State Regulations . . . . .  | 100.00                |
| 32.2(e)               | Violate access or use conditions. . . .  | 100.00                |
| 32.2(f)               | Violate special regulations . . . . .  | 100.00                |
| 32.2(g)               | Bow hunt with drug on arrows. . . . .  | 200.00                |
| 32.2(i)               | Use of metal objects to attach a<br>hunting stand . . . . .                                      | 100.00                |
| 32.2(j)               | Possession/use alcohol while hunting. .  | 100.00                |
| 32.5(a)               | Fish without State license. . . . .  | 50.00                 |
| 32.5(b)               | Violate Federal regulations . . . . .  | 100.00                |
| 32.5(c)               | Violate State regulations . . . . .  | \$100.00+\$25.00/item |
| 32.5(d)               | Violate access or use regulations . . .  | 100.00                |
| 32.5(e)               | Violate refuge specific regulations . \$50.00+\$25.00/item<br>(i.e. illegal parking areas, etc.) |                       |
|                       | Exceeding horsepower. . . . .  | 200.00                |
|                       | Undersized fish . . . . .  | 100.00                |