

95-21
**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

FILED BY vg D.C.

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IN THE MATTER OF:

COLLATERAL FINES FOR PETTY OFFENSE CASES FOR:

**OFFENSES COMMITTED ON VETERANS
ADMINISTRATION PROPERTY**

95-21

**REVISED ORDER OF THE COURT PROVIDING FOR
FORFEITURE OF COLLATERAL IN LIEU OF APPEARANCE**

In accordance with Rule 58(d)(1), Federal Rules of Criminal Procedure, it is hereby ORDERED that collateral may be posted in lieu of the appearance of the offender in the amount indicated for the offenses listed below, whether originating under the applicable federal statute or federal regulation or applicable state statute by virtue of the Assimilative Crimes Act, 18 U.S.C. §13, and occurring within the territorial jurisdiction of a United States Magistrate Judge. Appearance before a United States Magistrate Judge may be waived, and forfeiture of the collateral may be consented to. Persons charged with offenses listed as "mandatory appearance violations" must appear for trial. Forfeiture will not be permitted on violations contributing to an accident with personal injury or when, in the opinion of the arresting or citing officer or agency, the offense charged was an aggravated offense.

This Order supersedes all prior orders providing for forfeiture of collateral in lieu of appearance that have been promulgated for this District.

Upon the failure of the person charged with an offense or offenses to appear before the United States Magistrate Judge for trial of the offenses listed below, except for those offenses

denominated "mandatory appearance violations," the collateral in the amount listed opposite the offense shall be forfeited to the United States. The posting of collateral shall signify that the offender does not contest the charge nor request a hearing before the designated United States Magistrate Judge.

If a defendant fails to post such collateral, request a hearing or appear in response to a citation or violation notice, the Central Violations Bureau or the Magistrate Judge may issue a notice for the defendant to appear before a Magistrate Judge on a date certain or to post collateral in lieu of appearance in accordance with the following schedules. If a defendant fails to respond to such notice, the Magistrate Judge may issue an arrest warrant or, if no warrant is requested by the attorney for the government, a summons in accordance with 58(d)(3), Federal Rules of Criminal Procedure. Such arrest warrant or summons may provide that the defendant may pay a fixed sum, not to exceed the maximum fine which could be imposed upon conviction, in lieu of personal appearance before the Magistrate Judge.

The Magistrate Judge shall certify the record of any forfeiture of collateral for a moving traffic violation to the proper state authority.

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

OFFENSES COMMITTED ON VETERANS ADMINISTRATION PROPERTY

- (1) Improper disposal of rubbish on property
- (2) Spitting on property
- (3) Throwing of articles from a building or the unauthorized climbing upon any part of a building
- (4) Willful destruction, damage or removal of Government property without authorization . \$500
- (5) Defacement, destruction, mutilation or injury to, or removal, or disturbance of, gravemarker or headstone
- (6) Failure to comply with signs of a directive and restrictive nature posted for safety purposes \$50
- (7) Tampering with, removal, marring, or destruction of posted signs . . .
- (8) Entry into areas posted as closed to the public or others (trespass) . . . \$50
- (9) Unauthorized demonstration or service in a national cemetery or on other VA property \$250
- (10) Creating a disturbance during a burial ceremony \$250
- (11) Disorderly conduct which creates loud, boisterous, and unusual noise, or which obstructs the normal use entrances, exists, foyers, offices, corridors, elevators, and stairways, or which tends to impede or prevent the normal operation of a service or operation of the facility
- (12) Failure to depart premises by unauthorized persons
- (13) Unauthorized loitering, sleeping or assembly on property . \$50
- (14) Gambling---participating in games of chance for monetary gain or personal property; the operation of gambling devices, a pool or lottery; or the taking or giving of bets \$200
- (15) Operation of a vehicle under the influence of alcoholic beverages or nonprescribed narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines
- (16) Entering premises under the influence of alcoholic beverages or nonprescribed narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines
- (17) Unauthorized use on property of alcoholic beverages or narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines
- (18) Unauthorized introduction on VA controlled property of alcoholic beverages or narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines or the unauthorized giving of same to a patient or beneficiary
- (19) Unauthorized solicitation of alms and contributions on premises \$50

Commercial soliciting or vending, or the collection of private debts on property	\$50
Distribution of pamphlets, handbills and flyers	\$25
Display of placards or posting of material on property	\$25
Unauthorized photography on premises	\$50
Failure to comply with traffic directions of [VA] police	\$25
Parking in spaces posted as reserved for physically disabled persons	\$50
Parking in no parking areas, lanes or crosswalks so posted as marked by yellow borders or yellow stripes	\$25
Parking in emergency vehicle spaces, areas and lanes bordered in red or posted as EMERGENCY VEHICLES ONLY or FIRE LANE, or parking within 15 feet of a fire hydrant	\$50
Parking within an intersection or blocking a posted vehicle entrance or posted exit lane	\$25
Parking in spaces posted as reserved or in excess of posted time limit	\$15
Failing to come to a complete stop at a STOP sign	\$25
Failing to yield to a pedestrian in a marked and posted crosswalk	\$25
(32) Driving in the wrong direction on a posted one-way street	\$25
Operation of a vehicle in a reckless or unsafe manner, drag racing, overriding curbs, or leaving the roadway	\$100
Exceeding posted speed limits	
(i) By up to 10 mph	\$25
(ii) By up to 20 mph	\$50
(iii) By over 20 mph	\$100
Creating excessive noise in a hospital or cemetery zone by muffler cutout, excessive use of a horn, or other means	\$50
Failure to yield right-of-way to other vehicles	\$50
Possession of firearms, carried either openly or concealed, whether loaded or unloaded (except by Federal or State law enforcement officers on official business)	\$500
Introduction or possession of explosives, or explosive devices which fire a projectile, ammunition, or combustibles	\$500
Knives which exceed a blade length of 3 inches: switchblade knives; any of the variety of hatchets, clubs, and hand held weapons; and brass knuckles	\$300

The unauthorized possession of any of the variety of incapacitating liquid or gas emitting weapons \$200

(41) Unauthorized possession, manufacture, or use of keys or barrier card type keys to rooms or areas on the property \$200

The surreptitious opening, or attempted opening, of locks or card operated barrier mechanisms on property \$500

Soliciting for, or the act of, prostitution \$250

Any unlawful sexual activity \$250

Jogging, bicycling, sledding or any recreational physical activity conducted on cemetery grounds \$50

Entered this the 25 day of July, 1995

Julia S. Gibbons
JULIA S. GIBBONS
UNITED STATES DISTRICT JUDGE, CHIEF

James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE

Jerome Turner
JEROME TURNER
UNITED STATES DISTRICT JUDGE

Jon Phipps McCalla
JON PHIPPS MCCALLA
UNITED STATES DISTRICT JUDGE

Approved:

Veronica F. Coleman 7/18/95
VERONICA F. COLEMAN
United States Attorney