

Rule 6.03 | MISDEMEANOR AND PETTY OFFENSES

(a) Pursuant to 18 U.S.C. Section 3401, any full time United States Magistrate Judge of this District, sitting with or without a jury, shall have jurisdiction to try persons accused of, and sentence persons convicted of, petty offenses. With consent of the parties, any full time United States Magistrate Judge of this District, sitting with or without a jury, shall have jurisdiction to try persons accused of, and sentence persons convicted of a Class A misdemeanor committed within the District whether originating under an applicable Federal statute or regulation or a state statute or regulation made applicable by 18 U.S.C. Section 13. Cases of misdemeanors may, upon transfer into this District under Rule 20, Fed.R.Cr.P., be referred to a full time United States Magistrate Judge of this District for plea and sentence, upon defendant's consent. In a petty offense case involving a juvenile, any full time United States Magistrate Judge of this District may exercise all powers granted to the District Court under Chapter 403 of Title 18 of the United States Code. In cases of any misdemeanor, other than a petty offense involving a juvenile, in which consent to trial before a Magistrate Judge has been filed, a Magistrate Judge may exercise all powers granted to the District Court under Chapter 403 of Title 18 of the United States Code.

(b) Any person charged with a petty offense as defined in 18 U.S.C. Section 19 may, in lieu of appearance post collateral in the amount indicated for the offense, waive appearance before a magistrate judge, and consent to forfeiture of the collateral. The offenses for which collateral may be posted and forfeited in lieu of appearance by the person charged, together with the amounts of collateral to be posted, shall be specified in standing orders of the Court, in each Division of the Court, copies of which shall be maintained in the offices of the Clerk and the magistrate judges, respectively. For all petty offenses not specified in such standing orders, the person charged must appear before a magistrate judge; and further, nothing contained in this rule shall prohibit a law enforcement officer from arresting a person for the commission of any offense, including those for which collateral may be posted and forfeited, and requiring the person charged to appear before a magistrate judge or, upon arrest, taking him immediately before a magistrate judge.

(c) In the trial of all cases pursuant to this rule, Rule 58, Federal Rules of Criminal Procedure, governs practice and procedure.