

RULE 88.3 | PETTY AND CERTAIN MISDEMEANOR OFFENSES

(a) Covered Offenses. This Rule shall apply to petty offenses, as defined in 18 U.S.C. §19, and to certain misdemeanors as shall be identified from time to time by the Court in collateral schedules. Collectively, these petty offenses and identified misdemeanors shall be referred to for purposes of this Rule as "covered offenses."

(b) Collateral and Mandatory Appearance.

(1) Covered offenses that are committed on or within the perimeter of Federally-owned or controlled buildings or within the boundaries of National Parks, Preserves, Historic Sites, or Government Reservations, including but not limited to military installations, and violations under various Treaties and Wildlife Acts, for which collateral may be posted and forfeited in lieu of appearance by the person charged, together with the amount of collateral to be posted and offenses for which a mandatory appearance is required shall be in accordance with schedules which may from time to time be approved by the Court and filed with the Clerk of the Court.

(2) Collateral may not be posted for any covered offense if the alleged violator has previously been convicted of any such offense.

(c) Forfeiture of Collateral.

(1) Any person issued a violation notice for a covered offense for which collateral can be posted may, upon request of the issuing officer, post the required amount by placing cash, personal check or money order in the official violation notice envelope and, after sealing same, delivering it to authorized personnel at a designated office where a receipt will be given. All such envelopes received will be forwarded via mail each day, except for those containing cash which shall be personally delivered to the Clerk of the Court.

(2) The posting of collateral shall signify that the offender does not wish to appear nor request a hearing before the Judge. Collateral so posted shall be forfeited to the United States and the proceedings shall be terminated.



(d) Failure to Post Collateral.

(1) If a person charged with a covered offense for which collateral is required 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.

(2) No person shall be detained for failure to post collateral for a covered offense for which collateral may be posted unless the person is placed under arrest.

(e) Arrest. Nothing contained in these Local Rules shall prohibit a law enforcement officer from arresting an alleged violator for the commission of any offense, including those for which collateral may be posted or mandatory appearance required, and forthwith notifying a Magistrate Judge for the purpose of appearance or setting bail.

(Schedule of fines and mandatory appearance is on file with Clerk's Office and agencies charged with enforcement thereof.)

Effective December 1, 1994. Amended effective April 15, 2006; April 15, 2007; April 15, 2009; April 15, 2010; December 1, 2011, December 1, 2015; December 2, 2019.

Authority

(1993) Former Local Rule 22.

(2011) Amended to merge Local Rule 88.4 into Local Rule 88.3.

