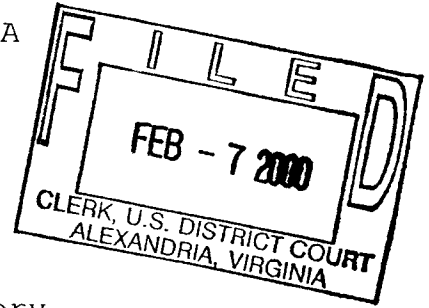


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

In Re: Forfeiture of Collateral in Lieu of
Appearance in Certain Misdemeanor Cases

AND

Assessing Collateral for Certain Mandatory
Appearances in Certain Misdemeanor Cases



ORDER REVISING FORFEITURE OF COLLATERAL LIST

Rule 58(d)(1) of the Rules of Criminal Procedure provides as follows:

Forfeiture of Collateral. When authorized by local rules of the district court, payment of a fixed sum may be accepted in suitable cases in lieu of appearance and as authorizing the termination of the proceedings. Local rules may make provision for increases in fixed sums not to exceed the maximum fine which could be imposed.

Local Criminal Rule 58 authorizes the payment and forfeiture of collateral and provides that the amount of the collateral may be increased or decreased from time to time.

It appearing to the Court that the current list of offenses for which payment of a fixed sum (the total of the collateral amount and the special assessment) may be accepted in lieu of the appearance of the defendant consists of the Forfeiture Collateral List attached to Order of this Court dated and filed on May 1, 1978, (consisting of 46 pages) as supplemented and amended by Orders of this Court dated May 11, 1978; November 17, 1980; June 10, 1985; September 19, 1991; and October 1, 1992; and

It further appearing that a revision of such list for the Alexandria Division is desirable; and

It further appearing that the Court desires to establish specified collateral in certain cases for the purpose of suspension of one's license to operate a motor vehicle when that person fails to appear in the United States District Court for the Eastern District of Virginia pursuant to the issuance of a citation or citations requiring a mandatory court appearance, and after the driver has been given notice that his/her license may be suspended if payment is not made or a new court date is not requested; it is

ORDERED that as of the effective date hereof, the aforesaid Forfeiture of Collateral List and all amendments thereto (whether or not listed in the preceding paragraph) is amended and supplemented by the forfeiture of collateral schedules listed below and attached hereto consisting of five (5) pages.

<u>Schedule</u>	<u>Legislative Source of Prohibited Conduct</u>
A	Title 46.2, Code of Virginia (1950) Assimilated into Federal law by 36 C.F.R. §4.2 (National Park Service)
B	Title 46.2, Code of Virginia (1950) Assimilated into Federal law by 18 U.S.C. §13 and 32 C.F.R. §634.4c) (4) (Military Reservations)
C	Title 36, Code of Federal Regulations Pertaining to Parks, Forests and Public Property (Chapter I - National Park Service)
D	Title 36, Code of Federal Regulations Pertaining to Parks, Forests and Public Property

(Chapter III - Corps of Engineers)

- E Title 41, Code of Federal Regulations Pertaining to Public Contracts and Property Management (Subpart 101-20.3 - Conduct on Federal Property)
- F Title 16, United States Code and Title 50, Code of Federal Regulations (Wildlife and Fisheries)
- G Title 38, Code of Federal Regulations, §1.218 (Veterans Administration Facilities)
- H Title 32, Code of Federal Regulations, Part 1903 Pertaining to Regulations to Implement Section 401 of the Intelligence Authorizations Act
- I Title 32, Code of Federal Regulations §553.22 (Arlington Cemetery)
- J Title 49, Code of Federal Regulations (Motor Carrier Safety Inspection Regulations)
- K Title 32, Code of Federal Regulations, Part 40b (The Pentagon Reservation)
- L Title 39, Code of Federal Regulations, §232.1 (Postal Property)
- M Title 29.1, Code of Virginia (1950), and Park 325, Virginia Regulations, all adopted pursuant to 36 C.F.R. §§2.2(b)(4), 2.3(a), and 3.1(a) (National Park Service) (Pertaining to Boating, Hunting, and Fishing)
- N Title 29.1, Code of Virginia (1950) and Park 325, Virginia Regulations, both assimilated under 18 U.S.C. §13; and Title 18, United States Code (Military Installations) (Pertaining to Boating, Hunting, and Fishing)

A law enforcement officer issuing a violation notice may designate mandatory appearance rather than an optional appearance with forfeitable collateral for any offense listed in these

schedules.

If a defendant declines to forfeit collateral and fails to appear for trial after notice, a judicial officer may increase the forfeitable collateral for the offense alleged to any amount deemed appropriate (not to exceed the maximum fine plus special assessment which could be imposed upon conviction) in connection with the issuance of further notices or process to obtain appearance of such defendant. See Rule 58 (d), Fed.R.Crim.P.

The effective date of this Order shall be February 15, 2000

The Clerk shall mail a certified copy of this Order to each United States District Judge and to each United States Magistrate Judge in the Eastern District of Virginia. The Clerk shall further mail a certified copy of this Order to the United States Attorney for the Eastern District of Virginia.

DATED: February 7, 2000
Alexandria, Virginia