

**UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**



**LOCAL CRIMINAL RULES
SEPTEMBER 18, 2018**

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RULE 1.1 - ADOPTION OF RULES: EFFECTIVE DATE

(a) Pursuant to Rule 57 of the Federal Rules of Criminal Procedure, the following criminal rules of the United States District Court for the Eastern District of Pennsylvania are adopted this 29th day of February, 1972¹ and shall become effective the 1st day of March, 1972. These rules shall apply to all cases pending on that date to the extent feasible.

(b) These Rules may be cited and referred to as "Local Criminal Rules" or abbreviated as "L.C.R."

(c) Unless otherwise indicated, reference to these rules to the Judge shall mean the Judge to whom the case is assigned, (or in his or her absence the Emergency Judge) and to the Magistrate Judge shall mean the United States Magistrate Judge to whom the case is assigned.

(d) Unless otherwise indicated, reference in these Rules to the United States Attorney shall also mean the Assistant United States Attorney, Assistant Attorneys General or Special Government Attorneys assigned to a case.

(e) In cases where defendants proceed pro se, reference to defendant's attorney applies to defendant.

Effective January 1, 1998.

¹ **Note:** Except as otherwise noted.

RULE 1.2 - APPLICABILITY AND EFFECT OF LOCAL RULES

The following Local Civil Rules shall be fully applicable in all criminal proceedings: Rule 5.1, Appearances; Rule 5.1.2, Electronic Case Filing; Rule 7.1(g), Motions for Reconsideration or Reargument; Rule 7.4, Notices, Stipulations; Rule 40.1.1, Emergency Judge; Rule 40.3, Calendar Control, Operating Procedures; Rule 40.3.1, Calendar Review; Rule 43.1.l, Attachments for Witnesses; Rule 45.1, Subpoenas for Trial; Rule 45.1.1, Appearance of a Judicial Office of this Court as a Character Witness; Rule 48.1(a), Challenges to Array; Rule 67.1, Bail, Sureties and Security; Rule 72.1, United States Magistrate Judges; Rule 83.3, Broadcasting, Filming and Recording in Courtroom and Appurtenant Areas; Rule 83.5, Admissions to Practice; Rule 83.5.2, Associate Counsel; Rule 83.6, Rules of Disciplinary Enforcement; and Rule 83.6.1, Expedition of Court Business.

Effective January 1, 1998

RULE 6.1 - THE GRAND JURY

(a) Empaneling of Grand Jury. The emergency judge shall empanel and charge each grand jury at the commencement of its terms, and provide whatever services it may require including a convenient place for its deliberations.

(b) Assignment of Legal Proceedings Arising Out of Grand Jury Matters. At the time of issuance of the initial affidavit, notice, motion, or grand jury subpoena, the United States Attorney shall designate in the initial document the matter to which it relates. This designation shall be accomplished by an endorsement of the subpoena as follows:

In Re: Grand Jury Matter (Calendar Year); (Numerical designation of the matter);

SAMPLE: In Re: Grand Jury Matter 80-1

The subpoena shall note that any affidavit, motion or other document filed of record with the clerk of court concerning a grand jury matter shall bear that numerical designation in the caption of the grand jury matter and that papers filed by any person with respect to any grand jury matter are subject to the secrecy requirements of Rule 6.1(c). At the time of the filing of the initial affidavit, motion, notice, or other document arising out of a grand jury matter, the clerk of court shall assign at random from the block of assignment cards said initial affidavit, notice, motion or other document to the calendar of a judge of this court. All grand jury matters arising out of an investigation of the same criminal transaction or series of transactions are deemed related. The assignment of grand jury numerical designations by the United States Attorney shall be in accordance with the written statement of policy of the United States Attorney on file in the office of the clerk of court. Each document filed after the initial document relating to the same grand jury matter shall be deemed related and assigned to the calendar of the judge to whom the

initial document was assigned. The relationship shall be determined by the clerk on the basis of the numerical designation which shall be set forth in the caption of grand jury matter.

In order to assure that each particular witness or party before the grand jury has secrecy in respect to the witness's own matters, the grand jury docket shall identify, as stated above, each matter only by calendar year and numerical designation of the investigation; but in respect to each separate witness or party whose matter comes before the court, all of the affidavits, notices, motions, orders or other documents relating to that witness or party shall be assigned a separate sequential case number by the clerk of court.

For Example:

80-4-1 (This is the 4th grand jury matter for 1980.

Witness John Smith has been given the designation "1" in regard to all matters concerning him before this particular grand jury. Only he and his attorney and the United States Attorney will receive copies of documents pertaining to his matters so designated.)

80-4-2 (Same as above except that these matters concern a different witness or party, designated by the clerk as "2").

80-4 (This is a general designation for any matters in respect to grand jury #4 that do not particularly apply only to a separate witness or party.)

1. In the case of motions filed by the government to preclude notice under 18 U.S.C. § 2705(b), the attorney for the government may take such a motion to the duty magistrate judge.

(c) Grand Jury Secrecy. In legal proceedings relating to grand jury investigations, including, but not limited to, motions to quash, limit, modify or enforce a grand jury subpoena or for a protective order with respect thereto, motions to furnish

identifying characteristics to the grand jury or its agent, or to compel testimony before the grand jury, and motions for an order of immunity:

1. The United States (whether acting as a party or as counsel for the grand jury) shall not disclose the identity of any grand jury witness, person under investigation or specific grand jury investigative subject area in any affidavit, motion or other paper filed in the public record, nor in the caption thereof, except in camera, under seal, or where the paper is already subject to an order of impoundment; provided, however, that the United States may disclose in such affidavit, motion or other paper, the identity of a grand jury witness or person under investigation who, pursuant to leave of court, has previously disclosed his, her or its own identity in relation to the same proceedings in any publicly filed paper, or where such disclosure has been expressly authorized by an order of this Court; and provided further that this rule shall not prohibit attorneys for the government from the use of such matters as are necessary for the performance of their duties in accordance with Federal Criminal Rule 6(e).

2. No person shall disclose in any affidavit, motion or other paper filed in the public record, nor in the caption thereof, the identity of any grand jury witness, or person under investigation or specific grand jury investigative subject area, other than that of himself, herself, or itself unless in camera, under seal, or where the paper is already subject to an order of impoundment, except where the grand jury witness or person under investigation has, pursuant to leave of court, disclosed his, her or its own identity in relation to the same proceedings in any publicly filed paper, or where such disclosure has been expressly authorized by an order of this Court.

3. In order to facilitate implementation of this rule, any motion, affidavit or other paper relating to matters or proceedings before the grand jury may be filed anonymously or pseudonymously, with the name or information thus protected provided to the Court in camera and under seal.

4. In order to facilitate implementation of this rule, and to avoid inadvertent disclosures of the identity of any grand jury witness, person under investigation, or specific grand jury investigation subject area, all motions, affidavits or other papers relative to legal proceedings relating to grand jury investigations shall be automatically impounded, i.e. filed under seal, by the Clerk of Court. The Clerk of Court shall thereupon forthwith transmit the motions, affidavits, or other papers to the assigned judge. Any grand jury witness or person under investigation who desires to have his, her or its name disclosed upon the public record shall file with the assigned judge a motion for authorization to make such disclosure. Leave to disclose shall be freely given, subject to appropriate provision protecting grand jury secrecy as to other persons and matters.

(d) Deputy Clerk to Assist Grand Jury. The Clerk of Court shall designate a deputy to serve as Clerk to the Grand Jury. Such Deputy Clerk shall keep a docket and appropriate records relating to grand jury proceedings and assist in providing whatever services the Grand Jury may require.

(e) Return of Grand Jury Indictments. Grand Jury returns shall be made to the duty magistrate judge and in his or her absence, to the emergency judge.

Effective September 18, 2018

RULE 10.1 - ARRAIGNMENT AND PLEA

Arraignments shall be conducted before a Magistrate Judge or Judge. The United States Attorney shall furnish the Courtroom Deputy of the Judge with a copy of the indictment for each defendant and the name of the defendant's attorney if known. The Courtroom Deputy shall thereupon send a copy of the indictment or information to the defendant and said attorney together with notice of the time and place of the arraignment, unless the United States Attorney has reason to believe that defendant will become a fugitive, in which event a copy shall be served upon the defendant within a reasonable time after his or her arrest and prior to his or her arraignment before a Magistrate Judge or a Judge.

When, at the arraignment before a Magistrate Judge, a defendant expresses a desire to plead guilty, the Magistrate Judge shall refer this matter immediately to the Judge, or in his or her absence to the Emergency Judge for the purpose of accepting the plea only.

At any preliminary hearing before a Magistrate Judge, the defendant shall be given a copy of the complaint.

Effective January 1, 1998.

RULE 12.1 - PRETRIAL MOTION PRACTICE

Motions required under Fed.R.Crim.P. 12 to be raised prior to trial shall be filed within fourteen (14) days after arraignment, unless otherwise provided by the Court. All motions shall be filed with the Clerk of Court, copies being sent to the Deputy Clerk of the Judge, and shall be accompanied by a brief or memorandum of law containing a concise statement of the legal contentions and authorities relied upon in support of said motion. A copy of each such motion and memorandum or brief shall be filed of record and served upon the opposing party. Within seven (7) days after the receipt of such motion, any party desiring to oppose such motion shall file and serve on the opposing party in the aforementioned manner an answer and a legal memorandum in opposition thereto. If the Court determines that oral argument is necessary, it shall advise counsel of the date and time that such argument is to be provided.

Effective January 1, 1998.

RULE 16.1 - PRETRIAL DISCOVERY AND INSPECTION

(a) Pretrial Conference. Within seven (7) days after the arraignment, or within such other period as the Court may set, counsel for the Government and for the defendant shall confer; and at such conference ("counsel's conference"), upon request of the defendant, the Government shall comply, or if compliance is then impossible, agree to comply as soon as possible with the requirements of Fed.R.Crim.P. 16(a)(1)(A-D).

(b) Disclosure of Evidence by the Defendant. If at the counsel's conference the defendant requests disclosure under subparagraph (a)(1)(C) or (D) of Fed.R.Crim.P. 16, upon compliance with such request by the Government, the defendant, upon request of the Government, shall comply with Fed.R.Crim.P. 16(b)(1)(A) and (B).

(c) Regulation of Discovery.

(1) If, in the judgment of the attorney for either party, the requested discovery is beyond the scope of Rule 16 or if the attorney has reasonable grounds to believe that a protective order should be entered regarding such a discovery request, disclosure may be declined. A declination of any requested disclosure shall be in writing, directed to opposing counsel, and shall specify the types of disclosure that are declined and the reasons therefor.

(2) If the defendant or the Government desires to contest such declination or seeks additional discovery not specified in these rules, its attorney shall promptly confer with opposing counsel with a view to satisfying these requests in a cooperative atmosphere without recourse to the Court.

(3) In the event that the conference prescribed by subparagraph (c)(2) does not resolve the dispute concerning discovery of items not specifically mentioned in

Rule 16, the party seeking disclosure may file a motion for such additional discovery on or before the date set for filing of pretrial motions under Fed.R.Crim.P. 12 and Local Rule 12.1. If the requested discovery materials are specifically mandated by Rule 16, then the declining party must move for a protective order on or before the date set for filing of pretrial motions under Fed.R.Crim.P. 12 and Local Rule 12.1. The motion papers for additional discovery or a protective order shall contain:

- (A) the statement that the prescribed counsel's conference was held;
- (B) the date of said conference;
- (C) the name of opposing counsel with whom the conference was held;
- (D) the statement that agreement could not be reached concerning the discovery or inspection that is the subject of the motion; and
- (E) a request for a hearing to resolve the dispute, or a waiver of argument and a suggestion that the Court rule by reference to the motion papers alone, or a request that the party be permitted to make its showing, in whole or in part, in the form of a written statement to be inspected by the Judge alone. The answer to any motion under this subparagraph may contain a request for a hearing, or a statement of that party's opposition to any request for an ex parte showing.

(d) Failure to Comply. The failure of a party to comply with this Rule or with Fed.R.Crim.P. 16 may be brought to the attention of the Court at any time, whereupon the Court may take such action as is prescribed by Fed.R.Crim.P. 16(d), or such other action that the Court deems proper under the circumstances.

Effective January 1, 1998.

RULE 17.1.1 - STATUS CALLS AND PRETRIAL CONFERENCES: COMPLEX CASES

Each Judge may schedule status reports and pretrial conferences as he or she deems appropriate. Attendance at such reports and conferences shall be mandatory and failure to attend without just cause shall subject counsel to disciplinary proceedings.

If at any time, it appears to the Judge that the case is a complex one, the Judge may, with the consent of the parties, adapt to the needs of the case pretrial techniques aimed at simplifying the issues and reducing trial time, including but not limited to the taking of depositions of expert or other witnesses, the filing of pretrial memoranda, and pretrial identification and marking of all exhibits.

Effective January 1, 1998.

RULE 24.1 - CONTACT WITH JURORS

(a) Before the trial of a case, no attorney, party or witness shall communicate or cause another to communicate with anyone the lawyer, party or witness knows to be a member of the venire from which the jury will be selected for the trial of the case.

(b) During the trial of a case, no attorney, party or witness shall communicate with or cause another to communicate with any member of the jury.

(c) After the conclusion of a trial no attorney, party or witness shall communicate with or cause another to communicate with any member of the jury without first receiving permission of the Court.

Effective January 1, 1998.

RULE 32.1 - LOAN OF PRESENTENCE INVESTIGATION REPORT TO U.S. PAROLE COMMISSION AND U.S. BUREAU OF PRISONS

Any copy of a presentence report which the court makes available to the United States Parole Commission or the Bureau of Prisons constitutes a confidential court document and shall be presumed to remain under the continuing control of the court during the time it is in the temporary custody of these agencies. Such copy shall be loaned to the Parole Commission and the Bureau of Prisons only for the purpose of enabling those agents to carry out their official functions and shall be returned to the court immediately after such use.

Note: This rule is enacted in order to place a presentence report outside the "agency record" definition set forth in United States v. Carson, 631 F.2d 1088 (D.C. Cir. 1980).

Effective January 1, 1998.

RULE 32.2 - SENTENCE LIEN ON BAIL DEPOSIT

Whenever a defendant has been sentenced to pay a fine or a fine and costs, the sentence shall constitute a lien in favor of the United States on the bail deposit, if any, which can be removed only by the Judge.

Effective January 1, 1998.

RULE 32.3 - PRESENTENCE INVESTIGATIONS AND TIME LIMITS

It is hereby **ORDERED** that the following standing order is adopted for use in criminal cases in which sentences are imposed under the Sentencing Reform Act of 1984:

1. Sentencing will occur without unnecessary delay and not less than one hundred (100) days following the date on which a defendant pleads guilty, nolo contendere, or is found guilty, unless an individual judge directs that the sentence be imposed on an earlier or later date.

2. At the time the presentence investigation and report are ordered, a sentencing hearing date will be fixed by the sentencing judge; and, the attorney for the Government will make available to the probation officer all investigative and file material relevant to the case. The sentencing hearing date may be continued if necessary.

3. Not less than thirty-five (35) days before the sentencing hearing, the probation officer must furnish the presentence report to the defendant, the defendant's counsel, and the attorney for the Government. The probation officer's recommendation for the sentence will not be disclosed unless directed by an individual judge.

4. Within fourteen (14) days after receiving the presentence report, the parties shall deliver in writing to the probation officer, and to each other, any objections to any material information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the presentence report. If no objections will be filed, the probation officer shall be so notified in writing within the aforesaid time limits. Any objection not filed will be deemed waived unless the Court finds good cause for allowing it to be raised.

5. Should the attorney for the Government intend to file a motion for a downward departure under the United States Sentencing Guidelines Section 5K1.1, or under a statutory mandatory minimum, the probation officer will be notified in writing on or before the submission date set for the filing of objections, and be provided with whatever information supports the motion.

6. Not later than seven (7) days before the sentencing hearing, the probation officer must submit the presentence report to the Court, together with an addendum setting forth any unresolved objections, the grounds for these objections, and the probation officer's comments on the objections. At the same time, the probation officer must furnish the revisions of the presentence report and the addendum to the defendant, the defendant's counsel, and the attorney for the government.

This rule takes into account the amendments to Rule 32 of the Federal Rules of Criminal Procedure which have an effective date of December 1, 1994.

Effective January 1, 1998

RULE 40.1 - PROCEEDINGS IN REMOVAL CASES

In cases where a defendant has been brought before the Magistrate Judge on a warrant originating in another federal jurisdiction and the defendant has been ordered held to this Court for removal to the originating jurisdiction pursuant to Rule 40, Federal Rules of Criminal Procedure, the petition for removal by the United States Attorney shall be presented to the Magistrate Judge who shall be authorized to issue a warrant or removal. The petition and any order or warrant of removal by the Magistrate Judge may be by minute order. In case of a defendant not in custody, the defendant shall be given a copy of the order of removal, which copy shall specify the place of his or her required appearance in the prosecuting jurisdiction.

Effective January 1, 1998.

RULE 41.1 - WIRE INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS

In addition to the procedural requirements of 18 U.S.C. § 2510 et seq., the following procedures shall be followed in all criminal cases in which the Government has secured or wishes to secure evidence pursuant to that statute:

(a) Filing and Docketing of Orders. Applications made, orders, and inventories pursuant to 18 U.S.C. § 2518(8)(b) shall be filed with and docketed by the Clerk of Court. The applications, orders and all inventories filed pursuant thereto and the dockets relating thereto shall be retained by the Clerk of Court in a separate file which shall be impounded and shall not be available for inspection except by order of Court. Disclosure of any fact relating to such application, order or inventory to any person not authorized by the statute or these rules to have access to them shall be a violation of these rules and shall be punishable by contempt in accordance with 18 U.S.C. § 2518(8)(c).

(b) Assignment of Applications; Motions to Suppress

All applications for wire interceptions shall be assigned on a random basis to each Judge of the Court, or in his or her absence the Emergency Judge, in accordance with the provisions of Local Civil Rule 40.1. Any motion by an aggrieved party, as defined in 18 U.S.C. §2510(11), attacking the validity or sufficiency of an order authorizing or approving the interception of a wire or oral communication issued by a Judge of this Court shall be heard by the judge. Any other motion attacking such interception shall be heard by the Judge to whom the case is assigned.

(c) Transcription of Intercepted Communications. In any case involving the interception of oral or wire communications, the Judge may by appropriate pretrial order require the following:

(1) Disclosure to defense counsel within a reasonable time before trial of the original recordings of such oral or wire communications together with transcripts identifying the names of the persons who are speaking.

(2) As to any such oral or wire communication which the Government proposes to use in court, the preparation by the Government of a detailed exhibit consisting of an accurate transcript of any recording believed to be relevant, identifying so far as is reasonably possible the names of the persons who are speaking. Within a reasonable time before trial, the Court may rule preliminarily upon the admissibility of such evidence, whereupon all communications to be admitted may, as the Court directs, be recorded on a single tape together with a sufficient number of transcripts for the Court, counsel and each member of the jury. If only part of a conversation is offered in evidence by the Government, the Court may require the introduction of all of it which is relevant to the part proposed to be introduced, if in its discretion fairness so requires, and the defense may introduce any other parts.

Effective January 1, 1998.

RULE 44.1 - FILING APPEARANCES OF ATTORNEYS

An attorney representing a defendant in any criminal proceedings pending in this Court shall file an appearance which shall include the attorney's name, local address, city (including zip code) and local telephone number. A copy of the appearance shall be served on the United States Attorney.

The appearance must be filed prior to or simultaneously with the initial Court appearance or the filing of any motion, brief or other document with this Court, whichever occurs first. This appearance shall constitute a representation to the Court that counsel so appearing shall represent the defendant until final disposition of the case in this Court. No appearances may be withdrawn except by leave of Court.

Effective January 1, 1998.

RULE 47.1 - MOTIONS FOR JUDGMENT OF ACQUITTAL, NEW TRIAL AND ARREST OF JUDGMENT

Post-trial motions for a judgment of acquittal, new trial or an arrest of judgment pursuant to Rule 29, 33 and 34, Federal Rules of Criminal Procedure shall be supported by memoranda filed within the time provided by such rules, or such additional time as the Court shall allow.

Effective January 1, 1998

RULE 50.1- ASSIGNMENT OF CRIMINAL BUSINESS

(a) All criminal cases in this jurisdiction shall be divided into the following categories:

- (1) Antitrust.
- (2) Income Tax and other Tax Prosecutions.
- (3) Commercial Mail Fraud.
- (4) Controlled Substances.
- (5) Violations of 18 U.S.C. Chapters 95 and 96 (Sections 1951- 55 and 1961068) and Mail Fraud other than commercial.
- (6) General Criminal.

(b) All grand jury litigation shall be designated as follows:

- (1) Grand Jury Matters.

(c) Except for the assignment of grand jury matters, where it appears from the designation form filed by counsel, or from the indictment, information or other pleading in a criminal case, that a defendant resides in or that events which are the subject matter of the indictment occurred in the counties of Berks, Lancaster, Lehigh or Northampton, said case shall be assigned or reassigned for trial and pretrial procedures to a judge stationed in Reading, Lancaster, Easton or Allentown, who shall be given appropriate credit by category for any case so assigned, reassigned or transferred and, unless otherwise directed by the court, all trial and pre-trial procedures with respect thereto shall be held in Reading, Lancaster, Easton or Allentown. All other cases, unless otherwise directed by the court, shall be tried in Philadelphia. As each case is filed, it shall be assigned to a judge, who shall thereafter have charge of the case for all purposes. In respect to grand jury matters, the

assignment of the judge shall not in any way be dependent upon the location of the residence of anyone, or the location of any incident or a transaction which is the subject of the grand jury investigation.

(d) The assignment shall take place in the following manner:

(1) There shall be a separate block of assignment cards for each category of criminal cases and for grand jury matters. In each block of assignment cards, the name of each active judge shall appear an equal number of times in a non-sequential manner except that the name of the chief judge shall appear one-half the number of times of each of the other active judges. The sequences of judges' names within each block shall be kept secret and no person shall directly or indirectly ascertain or divulge or attempt to ascertain or divulge the name of the judge to whom any case may be assigned before the assignment. The case number shall be stamped on the assignment card at the time of filing and assignment, and all assignment cards shall be preserved.

(2) The assignment clerk shall stamp on the indictment information, complaint, petition, or other initial paper of every case filed, and on the file jacket, the number of the case and the initials (or other designation) of the judge to whom it is assigned. The numbering and assignment of each case shall be completed before processing of the next case is begun.

(3) At the time of filing any criminal indictment or information, counsel for the government shall indicate whether a case is related to any other prior or pending action in this court. Criminal cases are deemed related if a defendant or defendants are alleged to have participated in the same action or transaction, or in the same series of acts or transaction, constituting an offense or offenses.

(4) If the fact of relationship is indicated on the appropriate form at the time of filing, the assignment clerk shall assign the case to the same judge to whom the earlier numbered related case is assigned. If the judge receiving the later case determines that the relationship does not exist, the judge shall refer the case to the assignment clerk for reassignment by random selection in the same manner as if it were a newly filed case.

(5) If the relationship does not become known until after the case is assigned, the judge receiving the later case may refer it to the Chief Judge for reassignment to the judge to whom the earlier related case is assigned. If the Chief Judge determines that the cases are related, the Chief Judge shall transfer the later case to the judge to whom the earlier case is assigned. Otherwise, the Chief Judge shall return the later case to the judge to whom it was originally assigned.

Effective: February 1, 2010

RULE 50.2 - UNITED STATES MAGISTRATE JUDGES

I. In criminal matters, each United States magistrate judge of this district is authorized to exercise all powers and perform all duties conferred or imposed upon them or United States commissioners by law, by the Federal Rules of Criminal Procedure, by the Local Criminal Rules, or by orders or decisions of the United States Supreme Court, Third Circuit Court of Appeals, or the United States District Court for the Eastern District of Pennsylvania. These shall include, but are not limited to, all powers and duties conferred or imposed upon them under:

(a) The following statutes: 18 U.S.C § 3041, **Powers of Courts and Magistrates**; 18 U.S.C. § 3060, **Preliminary Examination**; 18 U.S.C. §§ 3121-3127, **Pen Registers and Trap and Trace Devices**; 18 U.S.C. §§ 3141-3156, **Release and Detention Pending Judicial Proceedings**; 18 U.S.C. §§ 3181-3196, **Extradition**; 18 U.S.C. §§ 3401-3402, **Trial by United States Magistrates**; 18 U.S.C. §§ 4100-4115, **Transfer to or From Foreign Countries**; 28 U.S.C. § 636, **Jurisdiction, Powers, and Temporary Assignment**.

(b) The following Federal Rules of Criminal Procedure: Fed. R. Crim. P.3, **The Complaint**; Fed. R. Crim. P. 4, **Arrest Warrant or Summons Upon Complaint**; Fed. R. Crim. P. 5, **Initial Appearance Before the Magistrate Judge**; Fed. R. Crim. P. 5.1, **Preliminary Examination**; Fed. R. Crim. P. 6, **The Grand Jury**; Fed. R. Crim. P.9, **Warrant or Summons Upon Indictment or Information**; Fed. R. Crim. P. 17, **Subpoena**; Fed. R. Crim. P. 32.1, **Revocation or Modification of Probation or Supervised Release**; Fed. R. Crim. P. 40, **Commitment to Another District**; Fed. R. Crim. P. 41, **Search and Seizure**; Fed. R. Crim. P. 54, **Application and Exception**; Fed. R. Crim. P.58, **Procedure for**

Misdemeanors and Other Petty Offenses.

(c) The following Local Rules of Criminal Procedure: L.R.Crim.P. 6.1, **The Grand Jury**; L.R.Crim.P. 10.1, **Arraignment and Plea**; L.R.Crim.P. 58.1, **Forfeiture of Collateral in Lieu of Appearance and Mandatory Court Appearance.**

II. In a criminal matter, each United States magistrate judge of this district is authorized to exercise the following powers and duties when requested by the district judge assigned to the criminal matter:

(a) Supervise the criminal calendar, conduct status calls, conferences, and hear and determine any pretrial motion or matter permitted by 28 U.S.C. § 636(b)(1)(A).

(b) Hear and submit proposed findings of fact and recommendations for any motion permitted by 28 U.S.C. § 636(b)(1) (B).

(c) Select a petit jury with the express voluntary consent and waiver of all counsel, the government, and the defendant.

(d) Perform such additional duties as are legally proper.

III. Criminal matters shall be assigned to the United States magistrate judge of this district under the following procedures:

(a) (Felony Cases) Upon the return of an indictment, or the filing of an information, all felony cases shall be assigned by the Clerk to a duty magistrate judge for the purpose of conducting an arraignment unless the district judge assigned to that case otherwise directs.

(b) (Misdemeanor cases) Upon the filing of an information, complaint, violation notice, or return of an indictment, all misdemeanor cases shall be assigned by the Clerk to a particular magistrate judge who shall proceed in accordance with the provisions

of 18 U.S.C. § 3401 and the applicable Rules of Criminal Procedure.

IV. Reconsideration and Appeal in Criminal Matters.

(a) Reconsideration of pretrial matters - 28 U.S.C. § 636(b)(1)(A).

A defendant or the government may object to a magistrate judge's order determining a motion or matter under 28 U.S.C. § 636 (b)(1)(A) within fourteen (14) days after issuance of the magistrate judge's order, unless a different time is prescribed by the magistrate judge or a judge. The party objecting shall file with the Clerk of Court, and serve on the magistrate judge and all parties, a brief, along with a written statement of objections which shall specifically designate the order, or part thereof, subject to the objections and the basis for such objections. The District Court may upon the filing of objections or *sua sponte* reconsider, affirm, reject, modify, or recommit any pretrial motion or matter handled by a magistrate judge.

(b) Review of Proposed Findings and Recommendations - 28 U.S.C. § 636(b)(1)(B).

A defendant or the government may object to a magistrate judge's proposed findings, recommendations or report under 28 U.S.C. § 636(b)(1)(B) within fourteen (14) days after being served with a copy thereof by following the procedure set forth in 28 U.S.C. § 636(b)(1) (C). The party objecting shall file with the Clerk of Court and serve on the magistrate judge and all parties, a brief, along with written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objections are made and the basis for such objections.

(c) Appeal of Misdemeanor Convictions - 18 U.S.C. §3402.

A defendant may appeal from a magistrate judge's judgment of conviction of a misdemeanor under 18 U.S.C. §3402 within fourteen (14) days after the entry of judgment. The party appealing shall file with the Clerk of Court, and serve on the magistrate judge and all parties, a brief, along with a notice of appeal which shall set forth the basis for such appeal. The scope of appeal shall be the same as in an appeal from the District Court to the Court of Appeals.

Effective January 1, 1999

**RULE 53.1 - RELEASE OF INFORMATION BY ATTORNEYS AND COURT HOUSE
PERSONNEL IN CRIMINAL CASES**

(a) The Duty of Attorneys.

(1) It is the duty of the lawyer not to release or authorize the release of information or opinion for dissemination by any means of public communication, in connection with pending or imminent criminal litigation with which the lawyer is associated, if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.

(2) With respect to a grand jury or other pending investigation of any criminal matter, a lawyer participating in the investigation shall refrain from making any extrajudicial statement for dissemination by any means of public communication, that goes beyond the public record or that is not necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers, or otherwise to aid in the investigation.

(3) From the time of arrest, issuance of an arrest warrant or the filing of a complaint, information, or indictment in any criminal matter until the commencement of trial or disposition without trial, a lawyer associated with the prosecution or defense shall not release or authorize the release of any extrajudicial statement for dissemination by any means of public communication, relating to that matter and concerning:

A. The prior criminal record (including arrests, indictments, or other charges of crime), or the character or reputation of the accused, except that the lawyer may make a factual statement of the accused's name, age, residence, occupation, and family status, and if the accused has not been apprehended, a lawyer associated with the prosecution may release any information necessary to aid in his or her apprehension or to warn the public of any dangers the accused may present;

B. The existence of contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;

C. The performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;

D. The identity, testimony, or credibility of prospective witnesses, except that the lawyer may announce the identity of the victim if the announcement is not otherwise prohibited by law;

E. The possibility of a plea of guilty to the offense charged or a lesser offense;

F. Any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.

The foregoing shall not be construed to preclude the lawyer during this period, in the proper discharge of the lawyer's official or professional obligations, from announcing the fact and circumstances of arrest (including time and place of arrest, resistance, pursuit, and use of weapons), the identity of the investigation and arresting officer or agency, and length of the investigation; from making an announcement

at the time of seizure of any physical evidence other than a confession, admission or statement, which is limited to a description of the evidence seized; from disclosing the nature, substance, or text of the charge, including a brief description of the offense charged; from quoting or referring without comment to public records of the court in the case; from announcing the scheduling or result of any stage in the judicial process; from requesting assistance in obtaining evidence; or from announcing without further comment that the accused denies the charges made against him, her or it.

(4) During the trial of any criminal matter, including the period of selection of the jury, no lawyer associated with the prosecution or defense shall give or authorize any extrajudicial statement or interview, relating to the trial or the parties or issues in the trial for dissemination by any means of public communication, except that the lawyer may quote from or refer without comment to public records of the court in the case.

(5) After the completion of a trial or disposition without trial of any criminal matter, and prior to the imposition of sentence, a lawyer associated with the prosecution or defense shall refrain from making or authorizing any extrajudicial statement for dissemination by any means of public communication if there is a reasonable likelihood that such dissemination will affect the imposition of sentence.

(6) Nothing in this rule is intended to preclude the formulation or application of more restrictive rules relating to the release of information about juvenile or other offenders, to preclude the holding of a hearing or the lawful issuance of reports by legislative, administrative, or investigative bodies, or to preclude any lawyer from replying to charges of misconduct that are publicly made against him or her.

(b) The Duty of Courthouse Personnel. All courthouse personnel, including among others, marshals, deputy marshals, court clerks, law clerks, bailiffs, court reporters, and secretaries are prohibited from disclosing any information relating to a pending criminal case that is not part of the public records, unless authorized by the court. The rule precludes disclosure of any information whether acquired at a formal or informal proceeding.

Effective January 1, 1998.

Rule 53.2 - Electronic Case File Privacy

In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, and in order to promote electronic access to documents in the criminal case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the court:

- a. Social Security numbers. If an individual's Social Security number must be included, only the last four digits of that number should be used.
- b. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of the child should be used.
- c. Dates of birth. If an individual's date of birth must be included, only the year should be used.
- d. Financial account numbers. If financial account numbers are relevant, only the last four digits of the number should be used.
- e. Home addresses. If a home address must be included, only the city and state should be listed.

In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers listed above may file an unredacted document under seal. This document shall be retained by the court as part of the record. The court, may, however, still require the party to file a redacted copy for the public file. Trial exhibits may be safeguarded by means other than redaction, and the court may modify this rule to fit the requirements of particular cases.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The Clerk need not review filings for compliance with this rule.

Effective October 1, 2004

RULE 58.1 - FORFEITURE OF COLLATERAL IN LIEU OF APPEARANCE AND MANDATORY COURT APPEARANCE

(A) For petty offenses listed in the general or special schedules discussed below, whether originating under the applicable state statute by virtue of the Assimilated Crimes Act (18 U.S.C. § 13) occurring within the territorial jurisdiction of the United States Magistrate Judge, including areas within the boundaries of the United States military installations, bases, hospitals and outposts, it is hereby ordered that collateral may be posted in lieu of the appearance of the offender. Upon the failure of the person charged with an offense or offenses to appear before the designated United States Magistrate Judge for trial of the offenses listed below (except those offenses designated by an asterisk (*) which require the mandatory appearance of the person charged) the collateral in the amount listed in the general special schedules shall be forfeited to the United States and the posting of said collateral shall signify that the offender does not contest the charge nor request a hearing before the designated United States Magistrate Judge. Either the Clerk or Magistrate Judge shall certify the record of any conviction of a traffic violation as required by the applicable state statute to the proper state authority.

Where an asterisk (*) is inserted next to the listed violation, no forfeiture will be permitted and the person charged must appear before the designated United States Magistrate Judge. No forfeiture will be permitted on violations contributing to an accident with personal injury, or property damage in excess of \$100.00. No forfeiture of collateral will be permitted for a subsequent offense or offenses not arising out of the same facts or sequence of events resulting in the original offense or offenses.

All offenses which occur in Hopewell Village National Historic Site, Elverson, Pa., and in the Blue Marsh Lake Recreation Area which require a mandatory court appearance shall be presented to the United States Magistrate Judge at Reading, Pa.

(B) General Schedule. The general schedule which has been approved by the court specifies the collateral which may be posted for designated petty offenses in violation of laws of the United States (including the Assimilated Crimes Act, where applicable). Section 1 (specified Federal Statutes) applies to all property within the Eastern District of Pennsylvania. Section 2 (Assimilated Crimes Act offenses under specified Pennsylvania statutes) applies to all property within the special maritime and territorial jurisdiction of the United States (see 18 U.S.C. § 7) located in the Eastern District of Pennsylvania. Copies of this schedule shall be available for public inspection at the office of the Clerk of Court, and may be made available for public inspection at the headquarters of each agency issuing violation notices pursuant to this Rule at each site or property upon which such violation notices are issued.

(C) Special Schedules. The below listed agencies have filed special schedules of offenses pursuant to Federal regulations enacted by them, and listing the collateral which may be posted for each offense. These agencies are: Army Corps of Engineers, the National Park Service, the General Services Administration, the Veterans Administration and the United States Fish and Wildlife Services. Each of these special schedules has been approved by the court and applies to all property within the Eastern District of Pennsylvania under the charge and control of the filing agency. Additional agencies may from time to time after the adoption of this amendment apply to the court for approval of a special schedule which, if approved by the court, will become effective as set forth in

paragraph (D) below. Copies of all special schedules shall be available for public inspection at the office of the Clerk of Court. Copies of each special schedule may also be available for public inspection at the headquarters of the filing agency within the Eastern District of Pennsylvania and at each site or property upon which it applies.

(D) Effective Date. The effective date of the General Schedule or any special schedule or any amendments thereto, shall become effective upon the approval of the court, and the filing of the same with the Clerk of Court, unless otherwise set forth by the court in its order approving the same.

Effective January 1, 1998.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: LOCAL RULE OF
CRIMINAL PROCEDURE 58.1**

ORDER

AND NOW, this 18th day of March, 2002, it is hereby ORDERED, pursuant to the Resolution of the Judges of this Court, that the attached amendments to the Forfeiture of Collateral Schedule, made applicable in this district by Local Rule of Criminal Procedure 58.1, are adopted effective immediately.

JAMES T. GILES
Chief Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**RESOLUTION OF
BOARD OF JUDGES**

BE IT RESOLVED AND ENACTED by the Board of Judges of the United States District Court for the Eastern District of Pennsylvania, that Local Criminal Rule 58.1 is Hereby amended by repealing the existing General Schedule Section 1 : Federal Statutes and replacing it with the attached Schedule.

It is noted that General Schedule Section 2: Assimilated Crimes and the Special Schedule for Blue Marsh Lake Recreation Area remain unchanged.

James T. Giles, Chief Judge

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

U.S. FISH AND WILDLIFE SERVICE

VIOLATIONS OF TITLES 16, 18, AND 25, UNITED STATES CODE

AND

TITLE 50, CODE OF FEDERAL REGULATIONS

**LIST OF MINIMUM FINES APPLICABLE THERETO PURSUANT TO
RULES OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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****Fines May Be Doubled for Second and Subsequent Violations****

Persons charged with violations of any offense listed below may, in lieu of appearance, post collateral in the dollar amount indicated for the offense, waive appearance before a Magistrate, and consent to forfeiture of collateral. Persons charged with offenses not listed must appear for trial.

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OFFENSE DESCRIPTION	CITE	COLLATERAL
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1) American Antiquities Act (16 U.S.C. § 433)

Appropriate, excavate, injure, or destroy historic or pre-historic ruin or monument or any object of antiquity.	16 U.S.C. § 433	\$500.00 + Restoration Cost
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2) Archaeological Resource Protection Act (16 U.S.C. §§ 470aa et. seq.)

Knowingly excavate, remove, damage, alter, deface or the attempt thereof, any archaeological resource on public or Indian lands without a permit or exception.	16 U.S.C. § 470ee(a)	\$1,500.00 + Restoration Cost
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Sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange any archaeological resource excavated from public or Indian lands in violation of 16 U.S.C. § 470ee(a) or any other provision of Federal law.	16 U.S.C. § 470ee(b)	\$1,000.00 + Restoration Cost
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Sell, purchase, exchange, transport, receive, or offer to sell, purchase, or exchange in interstate or foreign commerce, any archaeological resource excavated, removed, sold, purchased, exchanged, transported, or received in violation of any provision, rule, regulation, ordinance, or permit in effect under state or local law.	16 U.S.C. § 470ee(c)	\$1,000.00 + Restoration Cost
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3) Bald and Golden Eagle Protection Act (16 U.S.C. §§ 668-668d)

Whoever, knowingly, or with wanton disregard for the consequences of his act, take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import at any time or in any manner, any bald eagle or any golden eagle alive or dead, or any part, nest or egg thereof.	16 U.S.C. § 668	\$1,000.00
	Per item/specimen	\$500.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
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4) Migratory Bird Treaty Act (16 U.S.C. §§ 703-711)

Take, pursue, hunt, capture, kill, or the attempt thereof, possess, sell, barter, purchase, ship, export, import, carry, transport, offer, or cause thereof, migratory birds, their parts, nests, or eggs, except as may be permitted.	16 U.S.C. § 703	\$350.00
	Per item/specimen	\$50.00
Take by aid of baiting, or on or over any baited area.	16 U.S.C. § 704(b)(1)	\$500.00
	Per item/specimen	\$100.00
Place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area.	16 U.S.C. § 704(b)(2)	\$1,000.00
	Per item/specimen	\$200.00
Ship, transport, carry in interstate or foreign commerce, any bird, part, nest, or egg thereof, captured, killed, taken, shipped, transported, or carried contrary to the law of the place where captured, killed, taken, shipped, transported, or carried.	16 U.S.C. § 705	\$500.00
	Per item/specimen	\$50.00

5) Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. §§ 718 et seq.)

Hunt migratory waterfowl without duck stamp.	16 U.S.C. § 718a	\$150.00
Hunt migratory waterfowl with unsigned duck stamp.	16 U.S.C. § 718b	\$50.00
Loan, or transfer migratory waterfowl stamp to another, or use stamp validated by another.	16 U.S.C. § 718e(a)	\$150.00
Alter, mutilate, imitate, or counterfeit duck stamp.	16 U.S.C. § 718e(b)	\$500.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
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6) Airborne Hunting Act (16 U.S.C. § 742j-1)

Shoot from an aircraft for purposes of capturing or killing wildlife.	16 U.S.C. § 742j-1(a)(1)	\$1,000.00
	Per item/specimen	\$100.00
Use aircraft to harass wildlife.	16 U.S.C. § 742j-1(a)(2)	\$500.00
Participate in using aircraft to shoot/harass wildlife.	16 U.S.C. § 742j-1(a)(3)	\$500.00

7) Marine Mammal Protection Act (16 U.S.C. §§ 1361-1407)

Unlawful take of a marine mammal.	16 U.S.C. § 1372(a)	\$2,000.00
	Per item/specimen	\$250.00
Unlawful importation or inhumane taking.	16 U.S.C. § 1372(b)	
	Non-Commercial	\$150.00
	Commercial	\$500.00
	Per item/specimen (Commercial)	\$100.00
Unlawful importation of illegally taken marine mammal.	16 U.S.C. § 1372(c)(1)	
	Non-Commercial	\$300.00
	Commercial	\$750.00
	Per item/specimen (Commercial)	\$100.00
Unlawful importation of marine mammal product.	16 U.S.C. § 1372(c)(2)	
	Non-Commercial	\$150.00
	Commercial	\$500.00
	Per item/specimen (Commercial)	\$100.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
Unlawful importation of fish taken in a manner potentially harmful to marine mammals.	16 U.S.C. § 1372(c)(3)	
	Non-Commercial	\$150.00
	Commercial	\$500.00
	Per item/specimen (Commercial)	\$100.00
8) Endangered Species Act (16 U.S.C. §§ 1531-1543)		
Import or export endangered wildlife.	16 U.S.C. § 1538(a)(1)(A)	\$1,000.00
	Per item/specimen	\$200.00
Take, an endangered species within the U.S.	16 U.S.C. § 1538(a)(1)(B)	\$2,500.00
	Per item/specimen	\$250.00
Take an endangered species upon the high seas.	16 U.S.C. § 1538(a)(1)(C)	\$2,000.00
	Per item/specimen	\$200.00
Possess, sell, deliver, carry, transport, or ship unlawfully taken endangered wildlife.	16 U.S.C. § 1538(a)(1)(D)	\$1,000.00
	Per item/specimen	\$200.00
Deliver, receive, carry, transport, or ship endangered wildlife in interstate/foreign commerce for commercial purposes.	16 U.S.C. § 1538(a)(1)(E)	\$1,000.00
	Per item/specimen	\$200.00
Sell/offer for sale in interstate or foreign commerce any endangered species.	16 U.S.C. § 1538(a)(1)(F)	\$1,000.00
	Per item/specimen	\$200.00
Violate any regulation promulgated for such species or for any listed threatened species.	16 U.S.C. § 1538(a)(1)(G)	\$1,000.00
	Per item/specimen	\$200.00
Violate regulations pertaining to any endangered plant species.	16 U.S.C. §§ 1538(a)(2)(A)	\$500.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
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Violate regulations pertaining to threatened plants.	16 U.S.C. § 1538(a)(2)(E)	\$350.00
	Per item/specimen	\$50.00

Violation of Convention.	16 U.S.C. § 1538(c)	See Part 23
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Engage in business as an importer/exporter of wildlife without authorization.	16 U.S.C. § 1538(d)(1)(A)	\$500.00
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Fail to file a declaration for the importation of fish, wildlife or plants as required.	16 U.S.C. § 1538(e)	
	Non-Commercial	\$150.00
	Commercial	\$400.00

Violate designated port requirements.	16 U.S.C. § 1538(f)(1)	
	Non-Commercial	\$150.00
	Commercial	\$400.00

9) Lacey Act (18 U.S.C. § 42, 16 U.S.C. §§ 3371-3378)

Importation into the U.S. or territories, or shipment between the states or territories, of species listed as injurious.	18 U.S.C. § 42(a)(1)	\$750.00
	Per specimen	\$50.00

Importation of any wild animal or bird under inhumane or unhealthful conditions.	18 U.S.C. § 42(c)	\$500.00
	Per item/specimen	\$50.00

Import, export, transport, sell, receive, acquire, or purchase any fish, wildlife, or plant, taken, possessed, transported, or sold in violation of any law, treaty, or regulation of the U.S. or in violation of any Indian tribal law.	16 U.S.C. § 3372(a)(1)	\$750.00
	Per item/specimen	\$100.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
It is unlawful for any person to:	16 U.S.C. § 3372(a)(2)	
Import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce:		
any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any State or in violation of any foreign law.	16 U.S.C. § 3372(a)(2)(A)	\$750.00
	Per item/specimen	\$100.00
any plant taken, possessed, transported, or sold in violation of any law or regulation of any State or foreign law.	16 U.S.C. §§ 3372(a)(2)(B)(i) thru 3372(a)(2)(B)(iii)	\$500.00
	Per item/specimen	\$50.00
any prohibited wildlife species.	16 U.S.C. § 3372(a)(2)(C)	\$1,000.00
	Per item/specimen	\$250.00
Within the special maritime and territorial jurisdiction of the U.S.:	16 U.S.C. § 3372(a)(3)	
possess any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any state or in violation of any foreign law or Indian tribal law.	16 U.S.C. § 3372(a)(3)(A)	\$500.00
	Per item/specimen	\$100.00
possess any plant taken, possessed, transported, or sold in violation of any law or regulation of any State or any foreign law	16 U.S.C. § 3372(a)(3)(B)(i) Thru 3372(a)(3)(B)(iii)	\$500.00
	Per item/specimen	\$50.00
Attempt to commit any act described in 3372(a) paragraphs (1) through (4).	16 U.S.C. §3372(a)(4)	\$500.00
	Per item/specimen	\$50.00

10) African Elephant Conservation Act (16 U.S.C. §§ 4201-4245)

Import or export elephant ivory contrary to	16 U.S.C. § 4223(1)
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OFFENSE DESCRIPTION	CITE	COLLATERAL
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16 U.S.C. § 4221 and 16 U.S.C. §4222 thru 4223(5)	Non-Commercial	\$100.00
	Commercial	\$500.00
	Per item (commercial)	\$100.00

11) Federal Cave Resources Protection Act (16 U.S.C. §§ 4301-4310)

Without authorization, knowingly destroys, disturbs, defaces, mars, alters, removes or harms any significant cave or alters the free movement of any animal or plant life into or out of a significant cave located on Federal lands, or enters a significant cave with the intention of committing any crime described in this paragraph.	16 U.S.C. § 4306(a)(1)	\$500.00 + Restoration Cost
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Possess, consume, sell, barter or exchange, any cave resource from a significant cave knowing or having reason to know such resource was removed from a significant cave on Federal lands.	16 U.S.C. § 4306(a)(2)	\$350.00
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Counsel, solicit, procure or employ any other person to violate any provision of this section.	16 U.S.C. § 4306(a)(3)	\$350.00
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12) Wild Bird Conservation Act (16 U.S.C. § 4901-4916)

Import any exotic bird in violation of any prohibition, suspension, or quota on importation.	16 U.S.C. § 4910(a)(1)(A)	\$350.00
	Per item/specimen	\$ 50.00

Import a non-approved species of exotic bird.	16 U.S.C. § 4910(a)(1)(B)	\$350.00
	Per item/specimen	\$ 50.00

Violate any regulation of this chapter.	16 U.S.C. § 4910(a)(1)(C)	\$350.00
	Per item/specimen	\$ 50.00

<u>OFFENSE DESCRIPTION</u>	<u>CITE</u>	<u>COLLATERAL</u>
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13) Rhinoceros and Tiger Conservation Act (16 U.S.C. §§ 5301-5306)

Sell, import or export any product, item or substance intended for human consumption or application containing, or labeled or advertised as containing, any substance derived from any species of rhinoceros or tiger.	16 U.S.C. § 5305(a)	\$500.00
	Per item/specimen	\$ 50.00

14) Assimilative Crimes Act (18 U.S.C. § 13)

Violations of state fish and game statutes and regulations within the special maritime and territorial jurisdiction of the United States.	18 U.S.C. § 13	\$300.00
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15) Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001 & 18 U.S.C. § 1170)

Knowingly sell, purchase, use for profit, or transport for sale or profit, the human remains of a Native American without the right of possession to those remains.	18 U.S.C. § 1170(a)	\$2,000.00 + Restoration/ Repatriation Cost
Knowingly sell, purchase, use for profit, or transport for sale or profit any Native American cultural items obtained unlawfully.	18 U.S.C. § 1170(b)	\$1,000.00 +Restoration/ Repatriation Cost

16) General Fish and Wildlife Service Permit Regulations (16 U.S.C. § 704; 16 U.S.C. § 668a; 16 U.S.C. § 1538(d); 16 U.S.C. § 3373; 50 C.F. R., Part 13)

Engage in activity for which a permit is required without having a valid permit.	50 C.F.R. § 13.1	\$300.00
Unauthorized transfer of a permit.	50 C.F.R. § 13.25	\$200.00

<u>OFFENSE DESCRIPTION</u>	<u>CITE</u>	<u>COLLATERAL</u>
Failure to maintain wildlife possessed pursuant to a permit, under humane and healthful conditions.	50 C.F.R. § 13.41	\$300.00
Failure to adhere to specific authorization of a permit.	50 C.F.R. § 13.42	\$150.00
Alteration of a permit.	50 C.F.R. § 13.43	\$350.00
Failure to display a permit or present for inspection.	50 C.F.R. § 13.44	\$200.00
Failure to file reports required by FWS permit.	50 C.F.R. § 13.45	\$200.00
Failure to maintain records required by FWS.	50 C.F.R. § 13.46	\$200.00
Failure to allow entry to premise for the purpose of inspecting activity authorized by FWS permit.	50 C.F.R. § 13.47	\$500.00
Failure to comply with permit conditions.	50 C.F.R. § 13.48	\$200.00
17) Regulations for Importation, Exportation & Transportation of Wildlife (16 U.S.C. § 3371; 16 U.S.C. §1538; 50 C.F.R., Part 14)		
Import or export wildlife at non-designated port of entry.	50 C.F.R. § 14.11	
	Non-Commercial	\$150.00
	Commercial	\$400.00
Knowingly unload an in-transit shipment within the U.S.	50 C.F.R. § 14.14(b)	\$350.00
Violation of non-designated port conditions.	50 C.F.R. §§ 14.31 thru 14.33	\$250.00

<u>OFFENSE DESCRIPTION</u>	<u>CITE</u>	<u>COLLATERAL</u>
Fail to allow detention and inspection of imported or exported wildlife.	50 C.F.R. § 14.51	
	Non-Commercial Commercial	\$150.00 \$400.00
Failure to obtain FWS clearance prior to release by US Customs of imported/exported wildlife.	50 C.F.R. § 14.52(a)	
	Non-Commercial Commercial	\$150.00 \$400.00
Failure to provide 48 hour prior notice of arrival of live or perishable wildlife shipments.	50 C.F.R. § 14.54(a)	\$300.00
Fail to file completed importation declaration as required.	50 C.F.R. § 14.61	
	Non-Commercial Commercial	\$150.00 \$400.00
Fail to file completed exportation declaration as required.	50 C.F.R. § 14.63	
	Non-Commercial Commercial	\$150.00 \$400.00
Fail to mark a wildlife container shipped in interstate commerce.	50 C.F.R. § 14.81	
	Non-Commercial Commercial	\$150.00 \$250.00
Engage in business as importer/exporter of wildlife without obtaining import/export license.	50 C.F.R. § 14.91	\$500.00
Failure to pay license fees, inspection fees, or other associated costs for wildlife shipments.	50 C.F.R. §§ 14.94(a) thru 14.94(d)	\$400.00
Import/transport wildlife under inhumane/unhealthful conditions or in violation of other legal requirements.	50 C.F.R. § 14.103	\$500.00
	Per item/specimen	\$50.00

<u>OFFENSE DESCRIPTION</u>	<u>CITE</u>	<u>COLLATERAL</u>
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Violate humane transport regulations.	50 C.F.R. §§ 14.104 thru 14.172	\$200.00
	Per item/specimen	\$50.00

18) Captive Wildlife Safety Act Regulations (50 C.F.R. Part 14)

Import, export, transport, sell, receive, acquire, or purchase, in interstate or foreign commerce, any live prohibited wildlife.	50 C.F.R. § 14.253	\$500.00
	Per specimen	\$100.00

19) Regulations for the Importation of Exotic Birds (50 C.F.R., Part 15)

Import exotic bird contrary to regulations.	50 C.F.R. §§ 15.11(a) thru 15.11(e)	\$350.00
	Per item/specimen	\$ 50.00

Violate conditions of exotic bird import permit.	50 C.F.R. § 15.11(f)	\$350.00
	Per item/specimen	\$ 50.00

Violate conditions of wild bird permit other than Section 15.25.	50 C.F.R. §§ 15.21 thru 15.26	\$350.00
	Per item/specimen	\$ 50.00

Violate conditions of pet bird importation permit.	50 C.F.R. § 15.25	\$350.00
	Per item/specimen	\$ 50.00

20) Injurious Wildlife Regulations (50 C.F.R. Part 16)

General restrictions regarding the unauthorized import or transportation of species deemed to be injurious.	50 C.F.R. § 16.3	\$750.00
	Per item/specimen	\$50.00

<u>OFFENSE DESCRIPTION</u>	<u>CITE</u>	<u>COLLATERAL</u>
Importation, transportation, or acquisition of injurious mammals.	50 C.F.R. § 16.11(a)	\$750.00
	Per item/specimen	\$50.00
Importation, transportation, or acquisition of injurious birds.	50 C.F.R. § 16.12(a)	\$750.00
	Per item/specimen	\$50.00
Importation, transportation, or acquisition of injurious fish, mollusks, or crustaceans.	50 C.F.R. § 16.13(a)	\$750.00
	Per item/specimen	\$50.00
Importation, transportation, or acquisition of injurious amphibians.	50 C.F.R. § 16.14	\$750.00
	Per item/specimen	\$50.00
Importation, transportation, or acquisition of injurious reptiles.	50 C.F.R. § 16.15(a)	\$750.00
	Per item/specimen	\$50.00
Fail to properly confine injurious species.	50 C.F.R. § 16.22(b)(1)	\$500.00
	Per item/specimen	\$50.00
Transfer injurious species to an unauthorized person.	50 C.F.R. § 16.22(b)(2)	\$250.00
	Per item/specimen	\$50.00
21) Endangered & Threatened Wildlife & Plant Regulations (50 C.F.R., Part 17)		
Commit, attempt to commit, solicit another to commit, or cause to be committed any prohibited act regarding endangered wildlife.	50 C.F.R. § 17.21(a)	\$1,000.00
	Per item/specimen	\$200.00
Import or export endangered wildlife.	50 C.F.R. § 17.21(b)	\$1,000.00
	Per item/specimen	\$200.00

<u>OFFENSE DESCRIPTION</u>	<u>CITE</u>	<u>COLLATERAL</u>
Take, an endangered species.	50 C.F.R. § 17.21(c)	\$2,500.00
	Per item/specimen	\$250.00
Possess, sell, deliver, carry, transport, or ship unlawfully taken endangered wildlife.	50 C.F.R. § 17.21(d)	\$1,000.00
	Per item/specimen	\$100.00
Deliver, receive, carry, transport, or ship endangered wildlife in interstate/foreign commerce for commercial purposes.	50 C.F.R. § 17.21(e)	\$1,000.00
	Per item/specimen	\$200.00
Sell/offer for sale in interstate or foreign commerce any endangered species.	50 C.F.R. § 17.21(f)	\$1,000.00
	Per item/specimen	\$200.00
Violate captive-bred endangered species regulations.	50 C.F.R. § 17.21(g)	\$500.00
	Per item/specimen	\$100.00
Violate conditions of endangered species scientific permit.	50 C.F.R. § 17.22	\$300.00
Violate conditions of endangered species hardship permit.	50 C.F.R. § 17.23	\$300.00
Threatened Wildlife		
Violate threatened wildlife prohibitions:	50 C.F.R. § 17.31(a)	
Attempt to commit, solicit another to commit, or cause to be committed any prohibited act regarding threatened wildlife.		\$750.00
	Per item/specimen	\$150.00

<u>OFFENSE DESCRIPTION</u>	<u>CITE</u>	<u>COLLATERAL</u>
Import/export threatened wildlife.		\$750.00
	Per item/specimen	\$150.00
Take a threatened species.		\$1,500.00
	Per item/specimen	\$250.00
Possess, sell, deliver, carry, transport, or ship unlawfully taken threatened wildlife.		\$750.00
	Per item/specimen	\$150.00
Deliver, receive, carry, transport, or ship in interstate, or foreign commerce for commercial purposes any threatened wildlife.		\$750.00
	Per item/specimen	\$150.00
Sell/offer for sale in interstate or foreign commerce any threatened species.		\$750.00
	Per item/specimen	\$150.00
Violate captive-bred threatened species regulations.		\$750.00
Violate special regulations for threatened wildlife.	50 C.F.R. §§ 17.40 thru 17.48	\$750.00
Endangered Plants		
Violate endangered plant regulations.	50 C.F.R. § 17.61	\$500.00
	Per item/specimen	\$100.00
Fail to comply with permit conditions	50 C.F.R. § 17.62(c)	\$300.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
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Threatened Plants

Violate threatened plant regulations.	50 C.F.R. § 17.71	\$350.00
	Per item/specimen	\$50.00
Violate conditions of threatened plant permit.	50 C.F.R. § 17.72(c)	\$200.00

22) Marine Mammal Regulations (50 C.F.R., Part 18)

Take marine mammals on the high seas.	50 C.F.R. § 18.11(a)	\$1,000.00
	Per item/specimen	\$100.00
Take marine mammals on waters/lands under the jurisdiction of the U.S.	50 C.F.R. § 18.11(b)	\$2,000.00
	Per item/specimen	\$250.00
Import marine mammal/product.	50 C.F.R. § 18.12	
	Non-Commercial	\$150.00
	Commercial	\$500.00
	Per item/specimen (Commercial)	\$100.00
Possess, transport, sell, purchase, transport or import illegally taken marine mammals.	50 C.F.R. § 18.13	
	Non-Commercial	\$300.00
	Commercial	\$750.00
	Per item/specimen (Commercial)	\$100.00

23) Airborne Hunting Regulations (50 C.F.R., Part 19)

Shoot from an aircraft for purposes of capturing or killing wildlife.	50 C.F.R. § 19.11(a)(1)	\$1,000.00
	Per item/specimen	\$100.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
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Use aircraft to harass wildlife.	50 C.F.R. § 19.11(a)(2)	\$500.00
Participate in using aircraft to shoot/harass wildlife.	50 C.F.R. § 19.11(a)(3)	\$500.00
Failure to file annual report.	50 C.F.R. § 19.32	\$200.00

24) Migratory Bird Hunting Regulations (50 C.F.R. Part 20)

Failure to register with the Harvest Information Program and/or failure to carry proof of such registration when hunting migratory birds.	50 C.F.R. § 20.20(b)	\$75.00
Take with illegal device or substance.	50 C.F.R. § 20.21(a)	\$300.00
	Per specimen	\$50.00
Take with shotgun capable of holding more than 3 shells.	50 C.F.R. § 20.21(b)	\$150.00
	Per specimen	\$ 50.00
Take by means, aid or use of sinkbox.	50 C.F.R. § 20.21(c)	\$300.00
	Per specimen	\$50.00
Take via motor driven conveyance or aircraft.	50 C.F.R. § 20.21(d)	\$300.00
	Per specimen	\$50.00
Take by means of motor boat or other craft under power.	50 C.F.R. § 20.21(e)	\$300.00
	Per specimen	\$50.00
Take by use or aid of live birds.	50 C.F.R. § 20.21(f)	\$300.00
	Per specimen	\$50.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
Take by use or aid of recorded or amplified bird calls.	50 C.F.R. § 20.21(g)	\$300.00
	Per specimen	\$50.00
Take by means or aid of motor driven conveyance for concentrating, driving, rallying or stirring up waterfowl.	50 C.F.R. § 20.21(h)	\$300.00
	Per specimen	\$50.00
Take by the aid of baiting or on or over any baited area, knowingly or when one reasonably should have known that said area was baited.	50 C.F.R. § 20.21(i)	\$500.00
	Per specimen	\$100.00
Possession of shot shells loaded with non-approved shot.	50 C.F.R. § 20.21(j)	\$150.00
	Per shell	\$5.00
Take during closed season.	50 C.F.R. § 20.22	\$350.00
	Per specimen	\$50.00
Take before or after legal hours:	50 C.F.R. § 20.23	
	1-15 minutes	\$100.00
	16-30 minutes	\$200.00
	Over 30 minutes	\$350.00
	Per specimen	\$50.00
Exceed daily bag limit.	50 C.F.R. § 20.24	\$300.00
	Per specimen	\$50.00
Wanton waste.	50 C.F.R. § 20.25	\$300.00
	Per specimen	\$50.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
Possession of birds taken in violation of Sections 20.21 through 20.24.	50 C.F.F. § 20.31	\$200.00
	Per specimen	\$50.00
Possess freshly killed migratory bird in closed season.	50 C.F.R. § 20.32	\$200.00
	Per specimen	\$50.00
Exceed possession limit taken in the U.S.	50 C.F.R. § 20.33	\$200.00
	Per specimen	\$50.00
Possession in excess of daily limit on opening day.	50 C.F.R. § 20.34	\$200.00
	Per specimen	\$50.00
Possess or transport in excess of daily field limit.	50 C.F.R. § 20.35	\$200.00
	Per specimen	\$50.00
Leave untagged birds in place or custody of another person.	50 C.F.R. § 20.36	\$150.00
	Per specimen	\$50.00
Receive or have in custody untagged birds of another.	50 C.F.R. § 20.37	\$150.00
	Per specimen	\$50.00
Possess live wounded bird.	50 C.F.R. § 20.38	\$150.00
	Per specimen	\$50.00
Gift of improperly tagged migratory game bird.	50 C.F.R. § 20.40	\$150.00
	Per specimen	\$50.00
Transport birds taken in violation of Section 20.21 thru 20.24.	50 C.F.R. § 20.41	\$200.00
	Per specimen	\$50.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
Transport untagged birds of another person.	50 C.F.R. § 20.42	\$150.00
	Per specimen	\$50.00
Transport birds without species identification.	50 C.F.R. § 20.43	\$200.00
	Per specimen	\$50.00
Mis- or non-marking of package/container with birds transported via Postal Service or common carrier within the U.S.	50 C.F.R. § 20.44	\$200.00
	Per container	\$50.00
Export birds taken in violation of Sections 20.21 thru 20.24.	50 C.F.R. § 20.51	\$200.00
	Per specimen	\$50.00
Export birds with species identification removed.	50 C.F.R. § 20.52	\$200.00
	Per specimen	\$50.00
Mis/non-marking of package/container with birds exported via the Postal Service or common carrier.	50 C.F.R. § 20.53	\$200.00
	Per specimen	\$50.00
Import in excess of importation limits.	50 C.F.R. § 20.61	\$200.00
	Per specimen	\$50.00
Import birds of another.	50 C.F.R. § 20.62	\$200.00
	Per specimen	\$50.00
Import birds with species identification removed.	50 C.F.R. § 20.63	\$200.00
	Per specimen	\$ 50.00
Import, possess, transport, or ship birds without required export permits.	50 C.F.R. § 20.64	\$200.00
	Per specimen	\$50.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
Import birds not drawn or dressed as required.	50 C.F.R. § 20.65	\$200.00
	Per specimen	\$50.00
Mis- or non-marking of package/container with birds imported by Postal Service or common carrier.	50 C.F.R. § 20.66	\$200.00
	Per specimen	\$50.00
Take, possess, transport, ship, or export migratory birds, their parts, eggs, or nest in violation of any other Federal law or regulation.	50 C.F.R. § 20.71	\$200.00
	Per specimen	\$50.00
Take, possess, transport, ship, or export migratory birds, their parts, eggs, or nest in violation of state law or regulation.	50 C.F.R. § 20.72	\$200.00
	Per specimen	\$50.00
Import, possess, transport, or ship any migratory birds, their parts, eggs, or nests if taken, bought, sold, transported, shipped, possessed, or exported contrary to law/regulation of any foreign country, state, or province.	50 C.F.R. § 20.73	\$200.00
	Per specimen	\$50.00
Commercial facility with untagged birds of another as required by 20.36.	50 C.F.R. § 20.81	\$350.00
	Per specimen	\$50.00
Violation of record-keeping requirement.	50 C.F.R. § 20.82	\$200.00
Fail to permit inspection of premise and/or records.	50 C.F.R. § 20.83	\$500.00
Purchase, sell, barter, or offer thereof, for millinery or ornamental use, the feathers of migratory birds.	50 C.F.R. § 20.91(a)	\$350.00
	Per item/specimen	\$50.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
Purchase, sell, barter, or offer thereof, of mounted specimens taken by hunting.	50 C.F.R. § 20.91(b)	\$200.00
	Per specimen	\$50.00
Take migratory game bird for which no season has been established.	50 C.F.R. § 20.100	\$350.00
	Per specimen	\$50.00
Violate crow hunting regulations.	50 C.F.R. § 20.133	\$150.00
	Per specimen	\$50.00
25) Migratory Bird Permit Regulations		
Take, possess, import, export, transport, sell, purchase, barter or offer for sale, or purchase migratory birds or their parts, nests, or eggs without authorization.	50 C.F.R. § 21.11	\$350.00
	Per item/specimen	\$50.00
All other permit violations.	50 C.F.R. §§ 21.12 thru 21.23	\$200.00
Violations of taxidermy permit requirements.	50 C.F.R. § 21.24	\$250.00
	Per item/specimen	\$50.00
Other permit violations.	50 C.F.R. §§ 21.25 thru 21.27	\$250.00
	Per item/specimen	\$50.00
Violation of falconry permit requirement.	50 C.F.R. § 21.28	\$300.00
	Per specimen	\$50.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
Take, possess, transport, sell, purchase raptors for falconry without required permit.	50 C.F.R. § 21.28(a)	\$350.00
	Per specimen	\$50.00
Take, transport, possess golden eagle for falconry without a permit.	50 C.F.R. § 21.28(d)(1)	\$1,000.00
	Per specimen	\$500.00
Practice falconry without required State falconry permit.	50 C.F.R. § 21.28(d)(2)	\$250.00
Unauthorized purchase, barter or sale of raptor.	50 C.F.R. § 21.28(d)(3)	\$350.00
	Per specimen	\$50.00
Take, purchase, receive, or otherwise acquire, sell, barter, transfer, or otherwise dispose of any raptor without submitting Form 3-186A (Migratory Bird Acquisition/Disposition Report).	50 C.F.R. § 21.28(d)(4)	\$250.00
	Per specimen	\$50.00
Possess raptor without the required Form 3-186A.	50 C.F.R. § 21.28(d)(5)	\$250.00
	Per specimen	\$50.00
Take, possess or transport peregrine falcon, gyrfalcon or Harris hawk without the required band.	50 C.F.R. § 21.28(d)(7)	\$350.00
	Per specimen	\$50.00
Sell, purchase, barter raptor without required band.	50 C.F.R. § 21.28(d)(8)	\$350.00
	Per specimen	\$50.00
Propagate raptors without required permit.	50 C.F.R. § 21.28(d)(9)	\$250.00
	Per specimen	\$50.00
Violation of federal falconry standard class regulations.	50 C.F.R. § 21.29(e)	\$250.00
	Per specimen	\$50.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
Failure to meet minimum falconry facility standards.	50 C.F.R. § 21.29(g)	\$250.00
	Per specimen	\$50.00
Violation of falconry marking regulations.	50 C.F.R. § 21.29(h)	\$250.00
	Per specimen	\$50.00
Unauthorized take of raptor for falconry.	50 C.F.R. § 21.29(i)	\$350.00
	Per specimen	\$50.00
Care for raptor belonging to another without authorization.	50 C.F.R. § 21.29(j)(4)	\$150.00
	Per specimen	\$50.00
Retain or exchange molted feathers for other than imping purposes.	50 C.F.R. § 21.29(j)(5)	\$150.00
	Per feather	\$25.00
Take, possess, transport, sell, purchase, barter or transfer any raptor, raptor egg or raptor semen for propagation without authorization.	50 C.F.R. § 21.30(a)	\$350.00
	Per specimen	\$50.00
Violation of raptor propagation permit conditions.	50 C.F.R. § 21.30(d)	\$300.00
	Per specimen	\$50.00
Violation of migratory bird depredation permit requirements thru 21.47.	50 C.F.R. §§ 21.41	\$300.00
	Per specimen	\$50.00
26) Bald and Golden Eagle Protection Act Regulations (50 C.F.R., Part 22)		
Take, possess, or transport a bald or golden eagle, part, nests or eggs thereof.	50 C.F.R. § 22.11	\$1,000.00
	Per item/specimen	\$500.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
Sell, purchase, barter, trade, or offer for sale, purchase, barter or trade, export or import bald or golden eagle or parts, nests, or eggs thereof.	50 C.F.R. § 22.12	\$1,000.00
	Per item/specimen	\$500.00
Violate eagle permit requirements.	50 C.F.R. §§ 22.21 thru 22.32	\$300.00
27) CITES Regulations (50 C.F.R. Parts 23 and 24)		
Import, export, re-export, or engage in international trade with any specimen of a species listed in Appendix I, II, or III of the CITES.	50 C.F.R. § 23.13(a)	
	Appendix I	\$500.00
	Per item/specimen	\$100.00
	Appendix II	\$350.00
	Per item/specimen	\$75.00
	Appendix III	\$200.00
	Per item/specimen	\$50.00
Introduce from the sea any specimen of a species listed in Appendix I, II, or III of the CITES.	50 C.F.R. § 23.13(b)	
	Appendix I	\$500.00
	Per item/specimen	\$100.00
	Appendix II	\$350.00
	Per item/specimen	\$75.00
	Appendix III	\$200.00
	Per item/specimen	\$50.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
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Possess any specimen of a species listed in Appendix I, II, or III of the CITES imported, exported, re-exported, introduced from the sea, or traded contrary to the provisions of the CITES, the ESA, or this part.	50 C.F.R. § 23.13(c)	
	Appendix I	\$500.00
	Per item/specimen	\$100.00
	Appendix II	\$350.00
	Per item/specimen	\$75.00
	Appendix III	\$200.00
	Per item/specimen	\$50.00

Attempt to commit, solicit another to commit, or cause to be committed any of the activities described in paragraphs (a) through (c) of this section.	50 C.F.R. § 23.13(d)	
	Appendix I	\$500.00
	Per item/specimen	\$100.00
	Appendix II	\$350.00
	Per item/specimen	\$75.00
	Appendix III	\$200.00
	Per item/specimen	\$50.00

28) Importation and Exportation of Plant Regulation (50 C.F.R. 24)

Import, export, re-export plants at non-designated port.	50 C.F.R. § 24.11	\$250.00
	Per item/specimen	\$50.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
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29) National Recreational Areas Act and National Wildlife Refuge (NWR) Administration Act

(16 U.S.C. §§ 460k and 460k-3; 50 C.F.R., Parts 25, 26, 27, 31, and 32)

NWR Administrative Provisions

Failure to immediately turn in lost articles or money found on a NWR.	50 C.F.R. § 25.22	\$100.00
Failure or refusal to display permit or identification upon request.	50 C.F.R. § 25.42	\$150.00
Failure to pay entrance fee or display valid permit upon request.	50 C.F.R. § 25.56	\$150.00
Failure to report accidents.	50 C.F.R. § 25.72	\$250.00
Violation of all other administrative provisions of Part 25.	50 C.F.R. § 25.	\$150.00

30) NWR Public Entry and Use

Trespass on a National Wildlife Refuge (NWR).	50 C.F.R. §26.2(a)	\$100.00
Permit unconfined domestic animal to enter or roam at large upon any NWR.	50 C.F.R. § 26.21(b)	\$100.00
	Per animal	\$50.00
Violation of the conditions of a NWR special use permit.	50 C.F.R. § 26.22(b)	\$150.00
Violation of special regulations.	50 C.F.R. § 26.33	\$150.00
Conduct public assembly, meeting, demonstration, or parade without a permit.	50 C.F.R. § 26.36	\$150.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
Violation of all other entry and use regulations under Part 26.	50 C.F.R. § 26	\$100.00
31) NWR Prohibited Acts		
Take any animal or plant without authorization.	50 C.F.R. § 27.21	\$250.00
	Per item/specimen	\$100.00
Travel in or use of any motorized or other vehicle except on designated route of travel.	50 C.F.R. § 27.31	\$250.00
Operate a vehicle in violation of State Law.	50 C.F.R. § 27.31(a)	\$150.00
Operate motor vehicle while under influence of intoxicating beverage or controlled substance.	50 C.F.R. § 27.31(b)	\$500.00
Operate any vehicle carelessly or heedlessly or with wanton disregard.	50 C.F.R. § 27.31(c)	\$250.00
Exceed posted speed limit:	50 C.F.R. § 27.31(d)	
	Less than 10 MPH over posted limit	\$100.00
	More than 10 MPH over posted limit	\$150.00
	More than 20 MPH over posted limit	\$250.00
Operate any vehicle without muffler or spark arrester.	50 C.F.R. § 27.31(e)	\$150.00
Operate any vehicle without license plate, registration or insurance card.	50 C.F.R. § 27.31(f)	\$150.00
Driving or permitting another person to drive a vehicle without a valid license.	50 C.F.R. § 27.31(g)	\$150.00

<u>OFFENSE DESCRIPTION</u>	<u>CITE</u>	<u>COLLATERAL</u>
Stopping, parking, or leaving any vehicle as to obstruct free movement of other vehicles.	50 C.F.R. § 27.31(h)	\$150.00
Failure to obey orders of traffic control officer.	50 C.F.R. § 27.31(i)	\$150.00
Operate oversized/overweight vehicle on National Wildlife Refuge (NWR).	50 C.F.R. § 27.31(j)	\$150.00
Unauthorized moving of vehicle involved in an accident.	50 C.F.R. § 27.31(k)	\$150.00
Operate vehicle without proper headlights, taillights, brakes or brake lights.	50 C.F.R. § 27.31(l)	\$150.00
Violate all other provisions of vehicle requirements.	50 C.F.R. § 27.31(m)	\$150.00
Unauthorized use of boat.	50 C.F.R. § 27.32(a)	\$150.00
Operate boat in violation of U.S. Coast Guard laws.	50 C.F.R. § 27.32(b)(1)(i)	\$150.00
Operate boat in violation of State laws.	50 C.F.R. § 27.32(b)(1)(ii)	\$150.00
Operate boat in reckless or negligent manner.	50 C.F.R. § 27.32(b)(2)	\$250.00
Operate boat while under the influence of intoxicating beverages or controlled substance.	50 C.F.R. § 27.32(b)(3)	\$500.00
Operate boat so as to interfere with the operation of other boats.	50 C.F.R. § 27.32(b)(4)	\$250.00
Operate boat without proper marine head.	50 C.F.R. § 27.32(b)(5)	\$150.00
Operate sailboat at night without proper lights.	50 C.F.R. § 27.32(b)(6)	\$150.00
Leave boat unattended for 72 hours.	50 C.F.R. § 27.32(b)(7)	\$150.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
Unauthorized use of government-owned dock.	50 C.F.R. § 27.32(b)(8)	\$150.00
Unauthorized waterskiing on NWR.	50 C.F.R. § 27.33	\$150.00
Unauthorized operation of an aircraft on or over a NWR.	50 C.F.R. § 27.34	\$500.00
Carry, possess, or discharge firearm, fireworks, or explosives without authorization.	50 C.F.R. § 27.41	\$250.00
Unauthorized use or possession of weapons other than firearms.	50 C.F.R. § 27.43	\$250.00
Disturb, injure, spear, poison, destroy, collect, or attempt thereto any plant or animal on a NWR.	50 C.F.R. § 27.51	\$500.00
	Per item/specimen	\$100.00
Introduce or liberate onto NWR any animal or plant taken elsewhere.	50 C.F.R. § 27.52	\$150.00
	Per item/specimen	\$50.00
Destruction/removal of property on/from a NWR.	50 C.F.R. § 27.61	\$250.00 + Repair/ Replacement Cost
Search for objects of antiquity on a NWR without authorization.	50 C.F.R. § 27.62	\$250.00 + Restoration Cost
Remove objects of antiquity from a NWR without authorization.	50 C.F.R. § 27.62	\$250.00 + Restoration Cost
Unauthorized search for other valued objects.	50 C.F.R. § 27.63(a)	\$150.00 + Restoration Cost

<u>OFFENSE DESCRIPTION</u>	<u>CITE</u>	<u>COLLATERAL</u>
Conduct archeological studies without authorization.	50 C.F.R. § 27.63(b)	\$250.00 + Restoration Cost
Prospect, locate or file mining claims on a NWR.	50 C.F.R. § 27.64	\$200.00 + Restoration Cost
Tamper with vehicles and/or other equipment on a NWR.	50 C.F.R. § 27.65	\$500.00 + Repair Cost
Take or film motion or sound pictures on a NWR for commercial use without authorization.	50 C.F.R. § 27.71	\$250.00
Operate or use audio devices on a NWR so as to cause disturbance to others.	50 C.F.R. § 27.72	\$150.00
Unauthorized use of artificial lights on a NWR to locate or spot wildlife.	50 C.F.R. § 27.73	\$250.00
Unauthorized use of artificial lights on a NWR for the purpose of taking animals.	50 C.F.R. § 27.73	\$500.00
Entering or remaining on a NWR while under the influence alcohol.	50 C.F.R. § 27.81	\$200.00
Deliver any controlled substance on a NWR.	50 C.F.R. § 27.82(b)(1)	M.A.
Possess any controlled substance on a NWR.	50 C.F.R. § 27.82(b)(2)	M.A.
Presence in a NWR while under the influence of controlled substance.	50 C.F.R. § 27.82(b)(3)	M.A.
Indecency or disorderly conduct on a NWR.	50 C.F.R. § 27.83	\$250.00
Disturbing, molesting, or interfering with an official in performance of duty or, private persons engaged in authorized activity.	50 C.F.R. § 27.84	\$500.00
Gambling on a NWR.	50 C.F.R. § 27.85	\$150.00

<u>OFFENSE DESCRIPTION</u>	<u>CITE</u>	<u>COLLATERAL</u>
Begging or soliciting funds on a NWR.	50 C.F.R. § 27.86	\$100.00
Violation of field trial prohibition.	50 C.F.R. § 27.91	\$150.00
Construct, install, occupy, or maintain private structure on a NWR.	50 C.F.R. § 27.92	\$500.00 + Removal Cost
Abandon private property on a NWR.	50 C.F.R. § 27.93	\$150.00 + Removal Cost
Littering on a NWR.	50 C.F.R. § 27.94(a)	\$250.00
Dumping of refuse or wastes on a NWR.	50 C.F.R. § 27.94(a)	\$500.00 + Clean Up Cost
Depositing any environmental contaminate on a NWR.	50 C.F.R. § 27.94(a)	\$1,000.00 + Clean Up Cost
Violation of sanitary regulations.	50 C.F.R. § 27.94(b)	\$150.00
Setting or causing a fire on a NWR.	50 C.F.R. § 27.95(a)	\$500.00 + Restoration Cost
Unauthorized campfire on a NWR.	50 C.F.R. § 27.95(a)	\$150.00
Unattended campfire/throw lighted substance.	50 C.F.R. § 27.95(b)&(c)	\$150.00
Smoking violations.	50 C.F.R. § 27.95(d)	\$150.00
Unauthorized advertising on a NWR	50 C.F.R. § 27.96	\$150.00 + Removal Cost

OFFENSE DESCRIPTION	CITE	COLLATERAL
Soliciting or conducting a commercial enterprise on a NWR.	50 C.F.R. § 27.97	\$250.00
32) NWR Trapping Regulations		
Violation of federal or state trapping laws/regulations.	50 C.F.R. § 31.16	\$150.00
	Each animal unlawfully trapped	\$100.00
33) NWR Hunting & Fishing Regulations		
Hunt without possessing state license.	50 C.F.R. § 32.2(a)	\$250.00
Hunt without federal duck stamp.	50 C.F.R. § 32.2(b)	\$150.00
Hunt in violation of other federal laws or regulations.	50 C.F.R. § 32.2(c)	\$150.00
Failure to comply with state laws and regulations.	50 C.F.R. § 32.2(d)	\$150.00
Failure to comply with terms and conditions authorizing access or use of wildlife refuge areas.	50 C.F.R. § 32.2(e)	\$150.00
Failure to comply with refuge special hunting regulations.	50 C.F.R. § 32.2(f)	\$150.00
Use/possession of drug on arrow for bow hunting on a NWR.	50 C.F.R. § 32.2(g)	\$250.00
Unauthorized use of bait and hunting over bait.	50 C.F.R. § 32.2(h)	\$500.00
	Per Animal	\$50.00
Unauthorized use of nails, wires, bolts to attach a stand to a tree.	50 C.F.R. § 32.2(i)	\$150.00

OFFENSE DESCRIPTION	CITE	COLLATERAL
Use/possession of alcohol while hunting on a NWR.	50 C.F.R. § 32.2(j)	\$500.00
Fishing on a NWR without possessing state license.	50 C.F.R. § 32.5(a)	\$250.00
Violation of Federal, State or refuge specific fishing regulations.	50 C.F.R. §§ 32.5(b) thru 32.5(e)	\$150.00
	Each fish unlawfully kept	\$50.00

34) National Fish Hatchery Act (16 U.S.C. §§ 460k-2; 664; and 668dd; 50 C.F.R., Parts 70 and 71)

National Fish Hatcheries

Violation of Part 27 occurring on a national fish hatchery.	50 C.F.R. § 70.4(a)	See Part 27
Fishing, taking, seining, or attempting to fish, take, seine, any fish, amphibian, or other aquatic animal on any national fish hatchery property without authorization.	50 C.F.R. § 70.4(b)	\$250.00
	Per specimen	\$50.00
Hunting, killing, capturing, taking, or attempting to hunt, kill, capture, or take any animal on any national fish hatchery property without authorization.	50 C.F.R. § 70.4(c)	\$250.00
	Per animal	\$100.00
Disturbing spawning fish or fish preparing to spawn in ponds, raceways, streams, lakes, traps, and below traps, ladders, fish screens, fishways, and racks on any national fish hatchery property.	50 C.F.R. § 70.4(d)	\$250.00

Hunting and Fishing on National Fish Hatchery Areas

Hunting without the required State license.	50 C.F.R. § 71.2(a)	Refer to fines set forth in Part 27
Hunt without a valid Migratory Bird Hunting Stamp.	50 C.F.R. § 71.2(b)	

<u>OFFENSE DESCRIPTION</u>	<u>CITE</u>	<u>COLLATERAL</u>
Fail to comply with other Federal laws and regulations.	50 C.F.R. § 71.2(c)	
Fail to comply with State regulations.	50 C.F.R. § 71.2(d)	
Fail to comply with access conditions of a national fish hatchery.	50 C.F.R. § 71.2(e)	
Fail to comply with special notices regarding hunting.	50 C.F.R. § 71.2(f)	
Fishing without the required State license.	50 C.F.R. § 71.12(a)	
Fail to comply with other applicable laws and regulations.	50 C.F.R. §§ 71.12(b) thru 71.12(e)	

WILDLIFE/PROPERTY FORFEITURE ORDER

Unless otherwise specifically ordered by a United States Court, any fish, wildlife or plant which has been seized under the authority of the Migratory Bird Treaty Act, 16 USC 703-711; the National Wildlife Refuge Systems Administration Act, 16 USC 668dd-668ee; the National Recreation Areas Act, 16 USC 460K; the Upper Mississippi River Wildlife and Fish Refuge Act, 16 USC 721-731; the Eagle Protection Act, 16 USC 668-668e; the Endangered Species Act, 16 USC 1531-1542; the Migratory Waterfowl Hunting Stamp Act, 16 USC 718-718i; the Airborne Hunting Act, 16 USC 742j-1; the Marine Mammal Protection Act, 16 USC 1361-1407; the Tariff Classification Act, 19 USC 1202; the Lacey Act, 18 USC 42; the Lacey Act Amendments of 1981, 16 USC 3371-3378; the American Antiquities Act, 16 USC 433; the African Elephant Conservation Act, 16 USC 4201-4245; the Rhinoceros and Tiger Conservation Act, 16 USC 5301-5306; the Archaeological Resources Protection Act, 16 USC 470aa et seq; or the Native American Graves Protection and Repatriation Act, 25 USC 3001 & 18 USC 1170, where the final disposition of the case has been made by either payment of a forfeiture of collateral or a judgment by the Court on behalf of the government and where so authorized by statute, such wildlife, or plant shall be forfeited to the U.S. Government and disposed of by the U.S. Fish and Wildlife Service in the manner prescribed by Title 50, Code of Federal Regulations, Part 12.

SECTION 2: ASSIMILATED CRIMES

See 18 U.S.C. § 13

PARKING VIOLATIONS	
Park – within intersection	\$15.00
Park – on a crosswalk	\$15.00
Park – within 20 ft. of fire station driveway entrance	\$15.00
Park – within 15 ft. of a fire hydrant	\$15.00
Park – on sidewalk	\$15.00
Park – on street excavation or obstruction	\$15.00
Park – on railroad tracks	\$15.00
Park – obstructing train	\$15.00
Park – overtime	\$15.00
Park – double	\$15.00
Park – where sign prohibits	\$15.00
Park – unattended vehicle	\$5.00
Park – in front of a public driveway or entrance	\$15.00
Park – unauthorized area or space	\$15.00
Park – improper manner – two way highway	\$15.00
Park – improper manner – one way street	\$15.00
Park – improper manner – angle parking	\$15.00
Abandoning MV on street or public property	\$50.00
Park – on limited access street	\$15.00
Driving or permitting to be driven, an unregistered MV	M*
Driving with expired out-of-state registration	\$25.00
Driving with expired PA registration	\$25.00
Failure to carry registration card	\$25.00
Unauthorized use of registration card	M*

LICENSE TAGS	
No license tags	\$25.00
Failure to replace lost tags	\$25.00
Expired license tag	\$25.00
Display or obscured tags	\$25.00
Using or allowing use of tag from another MV	M*
DRIVER'S LICENSE	
Driving without license	\$50.00
No license for type of class of MV being driven	\$25.00
Driving while license suspended or revoked	M*
Driving with expired license	\$25.00
Driving in violation of license restrictions	\$25.00
Using recalled, canceled, suspended, revoked, fictitious or fraudulently altered license	M*
Lending or permitting use of driver's license by another or using another person's license	M*
Driving with foreign license during suspension or revocation	M*
Permitting another to operate MV without license	\$25.00
Failure to exhibit license on demand	\$25.00
MISCELLANEOUS MINOR TRAFFIC VIOLATIONS	
Operating MV without valid inspection certificate	\$25.00
Inspection sticker – use of when counterfeit, issued for another MV, stolen, altered, etc.	M*
Sifting, loose or leaking load	\$25.00
No liability insurance	\$50.00
Throwing or depositing trash on street from vehicles	\$50.00
Failure to immediately remove any trash dropped or thrown on street	\$50.00
Driving with illegal headlight device, no headlights or only one light running	\$25.00
No tag light	\$25.00

Defective taillights	\$25.00
No stop light or turn signal lights	\$25.00
Headlights out of adjustment	\$25.00
Failure to dim lights	\$25.00
Horn – none or defective	\$25.00
Muffler unlawfully modified or defective	\$25.00
Stripping abandoned MV	\$25.00
No rear view mirrors	\$25.00
No bumpers	\$25.00
Defective or worn tires	\$25.00
Windshield wipers – none or defective	\$25.00
Motorcycles – failure of operator or passenger to wear helmet or eye protector	\$25.00
SERIOUS TRAFFIC OFFENSES	
Fleeing or attempting to elude police officer	M*
Driving without lights to avoid identification or arrest	M*
Hit and run involving damage to attended MV or property (no personal injury)	M*
Hit and run involving damage to unattended MV or property	M*
Reckless driving	M*
Racing on highways	M*
Pedestrian carelessly or maliciously interfering with traffic	\$25.00
Intoxicated pedestrian on street	\$25.00
Jaywalking	\$25.00
Disregarding stop sign	\$25.00
Disregarding yield sign	\$25.00
Disregarding steady red signal (running red light)	\$25.00
Disregarding flashing red signal	\$25.00
Failure to first stop and yield before turning right on red (or left from one way street to one way street)	\$25.00

Disregarding marked traffic lanes – changing lanes without caution	\$25.00
Changing traffic lanes when prohibited on a section or roadway	\$25.00
Driving on sidewalk	\$25.00
Driving over fire hose without permission	\$25.00
Driving through or within safety zone	\$25.00
Emergency vehicle – failure to yield right of way to	\$25.00
Failure to signal change of lane	\$25.00
Failure to signal before turning or entering traffic stream from parked position	\$25.00
Failure to yield right of way to MV	\$25.00
Failure to yield right of way to pedestrian	\$25.00
Failure to keep right	\$25.00
Failure of MV being passed to give way to right on signal	\$25.00
Speeding to avoid being passed	\$25.00
Failure to obey police signal (traffic)	\$25.00
Following too closely	\$25.00
Improper right turn	\$25.00
Improper left turn	\$25.00
Improper passing on left	\$25.00
Improper passing on right	\$25.00
Improper passing stopped school bus	\$50.00
Minimum speed--impeding traffic by driving too slow	\$25.00
Motorcycle--exceeding seating capacity-improper riding on	\$25.00
Overloaded MV	\$25.00
One way street - wrong way on	\$25.00
Passing within intersection	\$25.00
Passing on curve or crest of hill	\$25.00
Passing left of center line in unsafe manner	\$25.00

Prohibited turn	\$25.00
Speeding-exceeding posted limits	
Up to 10 MPH in excess of limit	\$25.00
11 to 20 MPH in excess of limit	\$25.00
Over 21 MPH in excess of limit	M*
80 MPH and over	M*
Failure to MV turning left to yield	\$25.00
Improper backing	\$25.00
Operating MV on restricted access street	\$25.00
Driving too fast for conditions	\$25.00
Pedestrian - failure to obey officer or mechanical signal	\$50.00
DISORDERLY CONDUCT	
Curse and abuse	\$25.00
Minor wrestling, scuffling in vicinity of others	\$25.00
Throwing or breaking bottles or other articles	\$25.00
Throwing of stones	\$25.00
Fireworks, explosives - discharging without permit	M*
Audio devices disturbing area	\$25.00
Horn - unnecessary use of	\$25.00
Permitting animal to commit nuisance	\$25.00
Indecent exposure, obscene and indecent acts	M*
Urinating or defecating in a public place	\$25.00
Using obscene language or making obscene gestures	\$25.00
Discharging firearm	M*
Drunkenness - public	M*
Police order - disobedience of order to move on	\$25.00
Private property--intention or reckless injury of (including tampering with MV if damaged) Valued \$500.00 or less	M*
Patronizing prostitutes	M*
Signs - defacing or tampering	\$25.00

Littering--scattering rubbish	\$50.00
Interfering with or disturbing the contents of any rubbish receptacle	\$50.00
Bad checks not exceeding \$200.00	M*

Effective January 1, 1998.