

APR - 4 2008

Stephan Harris, Clerk
Casper

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

ORDER AMENDING COLLATERAL FINE SCHEDULE

It appearing to the Court that it is necessary to amend the collateral fine schedules presently in effect in the District of Wyoming in order to insure that collateral fines are more uniform throughout the District, and being fully advised in the premises, it is hereby

ORDERED that in the event a violator fails to forfeit collateral, the United States Magistrate Judge shall require the preparation of a written complaint or other document containing a probable cause statement, and may, within said Judge's discretion, require that the bond on said petty offenses complaint be set at not more than a sum equal to twice the amount of the fine. The amount of bond the Magistrate Judge requires shall be plainly stated on the Complaint; and it is further

ORDERED that the attached lists for the National Park Service, Bureau of Land Management, United States Forest Service and United States Fish & Wildlife comprises those statutes that shall be enforced by the said federal agencies throughout the District. Included herein is the applicable collateral forfeiture/appearance bond fee schedule for each offense listed which shall be uniformly levied by law enforcement personnel throughout the District. It should be understood that if not governed by this schedule, the decision whether to (1) take an accused violator into custody; (2) allow him/her to forfeit collateral; or (3) merely issue a warning shall be within the sound discretion of the law enforcement personnel. In addition, should a violator appear before a

United States Magistrate Judge, said Magistrate Judge may impose a fine or imprisonment or both, up to the statutory maximum without regard to this schedule.

(1) Mandatory Appearance Where Bail is Required:

Some of the offenses contained herein have been deemed by the United States District Court to require that an accused violator be detained and brought before an available United States Magistrate Judge. In the event a Magistrate Judge is not immediately available, and in the interest of preventing undue detention, an amount of bail has been established, which the accused violator may tender to the person authorized to accept bail for the Magistrate Judge. This bail is intended to insure the appearance of the violator at the time and place noted on the violation notice and is **not** forfeitable. If the violator is unable to make the required bail, he/she shall be placed in proper custody, and he/she shall remain in such custody until he/she makes bail or is released by the Magistrate Judge.

Throughout the schedule, these offenses are denoted by the required appearance and a set bail amount. In each case where so indicated, the above procedure shall be followed.

(2) Mandatory Appearance Where No Bail is Required:

In all cases where a mandatory appearance is required but no bail amount has been set, the violator may be allowed to go free, but he/she must be advised to appear on the date indicated on the violation notice, and under **no** circumstances may he/she forfeit collateral. In the event the violator

fails to appear on the date indicated on the violation notice, the United States Magistrate Judge may, pursuant to Rule 58(d)(3), issue a summons or warrant for arrest of the violator.

(3) Offenses Where Collateral May Be Forfeited:

In those instances where a collateral amount has been set and no mandatory appearance is required, the accused may be allowed to plead guilty without an appearance before a United States Magistrate Judge and forfeit the collateral amount applicable to the offense charged. The law enforcement officer under any circumstances may require the violator to deposit the collateral in the United States Mail in the presence of said officer.

IT IS FURTHER ORDERED that in the event an offense occurs to which no reference has been made in this Schedule, the law enforcement agency involved shall immediately contact the United State's Attorney's Office in Cheyenne, Wyoming, at (307) 772-2124, or the United States Attorney's Office in Casper, Wyoming, at (307) 261-5434, for advice and consultation.

DATED this 4th day of April, 2008.


CHIEF JUDGE
UNITED STATES DISTRICT COURT