

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA

In Re:

SCHEDULE OF COLLATERAL
FORFEITURES FOR FOREST
SERVICE AND DEPARTMENT
OF THE INTERIOR LANDS

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File No.: 2017-03

STANDING ORDER

IT IS HEREBY ORDERED that the Forfeiture of Collateral Schedule in Misdemeanor and Petty Offenses, attached hereto as Appendix A, shall be adopted and incorporated for offenses arising on USDA Forest Service or Department of the Interior lands located within the Macon and Athens Divisions of the United States District Court for the Middle District of Georgia, including the Oconee National Forest, Piedmont National Wildlife Refuge, Bond Swamp National Wildlife Refuge, and Ocmulgee National Monument.

SO ORDERED, this 8th day of December, 2017.



Charles H. Weigle
United States Magistrate Judge

APPENDIX A

**FORFEITURE OF COLLATERAL SCHEDULE
IN MISDEMEANOR AND PETTY OFFENSES**

**FOR USDA FOREST SERVICE AND
DEPARTMENT OF THE INTERIOR LANDS**

**IN THE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA**

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**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA**

**FORFEITURE OF COLLATERAL SCHEDULE IN
MISDEMEANOR AND PETTY OFFENSES**

**FOR USDA FOREST SERVICE AND
DEPARTMENT OF THE INTERIOR LANDS**

INTRODUCTION

(a) For misdemeanor and petty offenses listed below, whether originating under the applicable Federal Statute or regulation or applicable State Statute by virtue of the Assimilated Crimes Act (18 U.S.C. § 13), occurring within the lands of the USDA Forest Service and the lands of the Department of the Interior in the territorial jurisdiction of the United States Magistrate Judge, it is hereby ordered that collateral may be posted in lieu of the appearance of the offender, unless otherwise specified in this rule.

(b) Upon the failure of the person charged with an offense or offenses listed below to appear before the United States Magistrate Judge for trial of the offense or offenses listed below, except those offenses denominated “mandatory appearance,” and not aggravated, as provided below, the collateral in the amount listed opposite the offense shall be forfeited to the United States. The posting of said collateral does not equate to a finding of guilt; it shall signify that the offender neither contests the charge nor requests a hearing before the United States magistrate judge, and said collateral shall be administratively forfeited.

(c) When MCA* (mandatory court appearance) is inserted next to the listed violation, no forfeiture will be permitted, nor will a forfeiture be permitted on violations contributing to an accident with personal injury or property damage in excess of \$1000.00.

(d) This collateral schedule covers any federal enforcement agencies working within the lands of the USDA Forest Service and the lands of the Department of the Interior in the Middle District of Georgia, including the Oconee National Forest, Piedmont National Wildlife Refuge, Bond Swamp National Wildlife Refuge, and Ocmulgee National Monument. It is the responsibility of the

agencies and issuing officers to correlate the appropriate charge with the most similar collateral provided.

(e) Notwithstanding the collateral schedule attached hereto, the issuing officer shall be authorized to determine whether the circumstances of the offense are so aggravated that a mandatory appearance should be required, in which case the issuing officer shall be authorized to fix the offense as a mandatory appearance offense.

(f) Whenever a check is returned to the clerk as uncollectible for any reason within the control of the payer, the offense for which the collateral was posted shall become a mandatory appearance offense, and shall be referred immediately to the appropriate magistrate judge for a mandatory hearing.

(g) When the offender fails to pay the specified collateral and/or fails to answer a summons to appear, the magistrate judge may consider and treat the offense as a mandatory appearance offense, and thereafter refuse any tender of the collateral payment and set the case for hearing, or in his/her discretion increase the collateral.

(h) The Clerk of Court and each United States Magistrate Judge shall maintain a current list of the misdemeanor and petty offenses and fines applicable thereto for which forfeiture of collateral security may be accepted.

(i) The collateral schedule shall be composed of two parts. Part A addresses miscellaneous Title 18 violations, assimilated crimes, and regulations implemented by the National Park Service (36 C.F.R. Parts 1-199); the U.S. Forest Service (36 C.F.R. Parts 200-299); the Army Corps of Engineers (36 C.F.R. Parts 300-end); the Department of Veterans Affairs (38 C.F.R. Parts 0-17); the United States Postal Service (39 C.F.R. Parts 1-999); and the Federal Protective Service (41 C.F.R. Parts 102-1--102-299). Part A also addresses regulations implemented by the U.S. Fish and Wildlife Service under the National Wildlife Refuge System Improvement Act and the Recreation Act, 50 C.F.R. Parts 25, 26, 27, 31, and 32. Part B addresses various wildlife statutes and related regulations of the Fish and Wildlife Service. Provided their enforcement authority allows them to do so, officers of the federal agencies listed herein may issue citations for violations under the statutes listed in Part B. The collateral amount for these violations shall be as stated in Part B, under either the applicable statute or the Fish and Wildlife regulations.

Unless otherwise specifically ordered by a United States Court of the Middle District of Georgia, any wildlife or property which has been seized within the jurisdiction of the Middle District of Georgia under the authority of the Migratory Bird Treaty Act, 16 U.S.C. §§ 703-712; the National Wildlife Refuge System Improvement Act, 16 U.S.C. §§ 668dd-668ee; the Bald and Golden Eagle Protection Act, 16 U.S.C. §§ 668-668d; the Endangered Species Act, 16 U.S.C. §§ 1531-1544; the Migratory Bird Hunting Stamp Act, 16 U.S.C. §§ 718-718k; the Airborne Hunting Act, 16 U.S.C. §§ 742j-1; the Marine Mammal Protection Act, 16 U.S.C. §§ 1361-1407; the Lacey Act, 18 U.S.C. § 42, or the Lacey Act Amendments of 1981, 16 U.S.C. §§ 3371-3378, where 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 property shall be forfeited to the U.S. Government and disposed of by the U.S. Fish and Wildlife Service in such a manner as described by Title 50, Code of Federal Regulations, Part 12.*

The attached Appendix, which consists of various federal statutes and rules, is provided for the reader's convenience. Because this Appendix is not updated, any amendments to those statutes or rules which may occur after its effective date are not reflected herein. Accordingly, the reader should not rely on this Appendix.

The offenses for which collateral may be posted in lieu of appearance by the person charged with said offenses follow.

COLLATERAL SCHEDULE

Part A

Violation

Collateral

AIRCRAFT

Air delivery without authorization or permit.....	\$250.00
Operation in careless, reckless, or negligent manner.....	MCA*
Operation on lands or water without authorization or permit	500.00

BICYCLES

Riding in undesignated area.....	50.00
Riding in wilderness, wild and scenic corridor, or on Appalachian Trail (“AT”) or National Park Service (“NPS”) Area	100.00

BOATING

Accidents

Failure to render aid.....	MCA*
Failure to report.....	300.00

Alcohol and Drug

Under the influence (BUI)	MCA*
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Equipment

Improper, insufficient, unsafe (<i>personal flotation device ("PFD"), fire extinguisher, horn, engine cut-off, distress, flame arrester, ventilation, muffler, etc.</i>)	100.00 + 25.00 ea
Improper lights.....	100.00
Without lights at night	250.00

Registration

Expired registration / no registration card	150.00
Numbers or decal not displayed.....	150.00
Operating unregistered.....	250.00

Rules of Road

All rules	125.00
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Safe Operation

Attempting to elude police	MCA*
Careless or without due care	150.00
Child PFD requirements.....	100.00
Disregard of regulatory marker or navigational aid	150.00
Entering boating safety zone	300.00
Improper riding	100.00
Interference with regulatory marker or navigational aid.....	500.00
Operating prohibited vessel or watercraft	500.00
Operating personal watercraft (“PWC”) at restricted time (night).....	150.00
Operating PWC by underage person or without supervision	100.00
Operating watercraft above idle speed when within 100 feet of another vessel, shore, or dock (“100' Rule”).....	100.00
Overloaded vessel.....	100.00
Reckless operation	MCA*
Skiing violation.....	100.00

Other Boating Violations

Violations not specifically covered	150.00
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CONTROLLED SUBSTANCES

Possession or Distribution of Narcotics or Controlled Substances

Possession of marijuana - less than one ounce	500.00
Possession of marijuana (greater than one ounce) or distribution of marijuana	MCA*
Possession or distribution of any other narcotic or controlled substance	MCA*

DISORDERLY CONDUCT

Creating or maintaining hazardous condition.....	300.00
Exhibiting pornographic material.....	100.00
Fighting.....	200.00
Offensive communication, profanity, or acts.....	150.00
Public indecency.....	MCA*
Public nudity.....	300.00
Public urination or defecation.....	100.00
Solicitation for immoral purpose.....	MCA*
Unreasonable noise / disturbance / nuisance.....	100.00

FIRE

Burning without authorization.....	300.00
Escape of control.....	500.00
Improper disposal of lighted or smoking material.....	100.00
Unattended / un-extinguished.....	100.00
Unauthorized storage of fuels.....	100.00
Undesignated area or without proper isolation.....	100.00
Violation of restrictions or bans.....	250.00

FISH AND WILDLIFE

Fishing & Hunting Licenses

Lending, borrowing, altering, falsifying.....	500.00
Not on person / failure to display upon request.....	50.00
Unsigned stamp or Harvest Information Program (“HIP”) permit.....	50.00
Waterfowl stamp.....	200.00
Hunt or Fish w/o permit.....	200.00

Nonresident

Hunting / Fishing Basic License.....	200.00
Big game, Alligator, Trapping.....	500.00
WMA License.....	150.00
Dog Hunting License.....	50.00
Trout.....	100.00

Resident

Hunting / Fishing Basic License	100.00
Big game, Alligator, Trapping	300.00
WMA License	100.00
Dog Hunting License	50.00
Trout.....	75.00

General Importation and Transportation

Marking containers	100.00 + 75.00 ea
Symbol marking.....	100.00

Limits and Unlawful Taking

Bear / alligator.....	1,500.00 + 500.00 ea
Big game (<i>deer, turkey, hog</i>).....	700.00 + 300.00 ea
Careless use of firearm or archery tackle while hunting	750.00
Commercialization / sale / purchase of wildlife.....	MCA*
Concealing unlawful taking	
Fish / Small Game.....	300.00
Big Game / Alligator / Hog	500.00
Continuing to fish after obtaining limit	150.00
Continuing to hunt after obtaining limit.....	300.00
Dove and non-waterfowl	350.00 + 25.00 ea
Failure to make reasonable effort to retrieve game	
Small game.....	150.00
Big Game	400.00
Migratory Bird	300.00 + 50.00 ea
Failure to record deer harvest	150.00
Failure to supervise child while hunting	300.00
Failure to tag or report bear kill.....	500.00
Fishing (over limit, size, illegal possession)	100.00 + 25.00 ea
Fishing outside of hours.....	100.00
Fishing out of season	200.00
Fishing prohibited area or closed area.....	200.00
Fishing for trout with live baitfish.....	300.00
Fishing for trout more than one pole	75.00
Hunting from aircraft.....	1500.00
Hunting from permanent stand.....	200.00
Hunting from road, boat, vehicle.....	800.00

Hunting / Shooting in safety zone / unauthorized area	750.00
Hunting over bait	800.00
Hunting without orange when required.....	200.00
Hunting without permission / unauthorized hunting.....	500.00
Hunting under the influence	MCA*
Illegal hunting / training with dogs.....	300.00
Interference with lawful taking.....	500.00
Introduction of wildlife / fishing without permit (each animal)	200.00
Night hunting	1000.00
Placing bait (see Migratory Bird Treaty exception).....	300.00
Possession of bait on artificial stream	200.00
Shooting from / across road or in prohibited area.....	750.00
Small game / non-game wildlife.....	100.00 + 25.00 ea
Spotlighting.....	500.00
Transporting loaded firearm, crossbow in vehicle.....	200.00
Trapping violations	400.00
Unlawful ammunition.....	200.00 + 25.00 ea shell
Unlawful device, equipment, substance, or weapon.....	500.00
Unlawful transportation of wildlife / fish.....	400.00
Waterfowl	300 .00+ 50.00 ea

INTERFERENCE WITH OFFICER OR EMPLOYEE

Failure to follow directions of officer directing traffic	200.00
Failure to follow lawful order.....	300.00
Failure to provide proper identification.....	100.00
False information or report	200.00
Fleeing officer.....	500.00
Interfering with government employee / agency function.....	400.00
Interfering with park attendant	200.00
Physical / threatening.....	MCA*
Profanity toward officer.....	150.00

LIVESTOCK

Unauthorized possession, without permit, free range	500.00
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OFF ROAD VEHICLES (ATVs and Off-Highway Vehicles)

Attempting to elude police on ATV	400.00
Driving under the influence	MCA*
On roadway	150.00
Possessing in wilderness or wild & scenic corridor or on Appalachian Trail	500.00
Undesignated or closed area	300.00
Violations not specifically covered	100.00

PERMITS

Commercial operation / activities without permit /authorization.....	1000.00
Commercial advertising	200.00
Distribution / posting / etc. of printed materials without permit or Authorization	150.00
Failure to allow inspection.....	500.00
Failure to display as required.....	50.00
Failure to obtain permit / authorization when required (other than parking- related).....	400.00
Falsifying / altering permit.....	500.00
Violating terms / conditions of permits	150.00

PROPERTY AND PUBLIC USE

Abandoning property on government land Vehicle, vessel, trailer	200.00
Other personal property	100.00
Building or maintaining any structure, trail, road, etc.	500.00
Climbing on statues	150.00
Contributing to delinquency of minor	500.00
Discharging fireworks	200.00
Entering closed area.....	300.00
Failure to pay parking fee or display pass, 1st Offense	25.00
2nd Offense	100.00
3rd Offense	MCA*
Failure to pay camping or visitor use fee	100.00
Failure to report injury or damage to person / property.....	300.00
Fraudulent use of Golden Age, Access Passport, or America Beautiful....	MCA*

Gambling.....	100.00
Holding campsite without permission	100.00
Horse violations	125.00
Illegal camping (<i>undesigned area, hours, stay limits, etc.</i>)	200.00
Improper use of comfort station.....	200.00
Interfering with use of road, trail, gate	400.00
Loitering.....	100.00
Metal detector violations.....	500.00
No dive flag.....	100.00
Obstructing entry, use, or access of facility (<i>protest, etc.</i>)	200.00
Pet violations (<i>each animal, first offense</i>)	50.00
Pet violations (<i>each animal, second offense</i>).....	100.00
Pet violations (<i>each animal, third offense</i>).....	150.00
Picnicking in prohibited area	100.00
Possessing or using government land / facilities for residential purpose.....	800.00
Possession of alcohol in closed / prohibited area	300.00
Possession of alcohol by underage person.....	350.00
Possession of fireworks.....	100.00
Possession of non-tax paid liquor (<i>small quantity</i>)	500.00
Projectile firing device (<i>air gun, bow & arrow</i>).....	200.00
Providing alcohol to underage person.....	500.00
Soliciting alms, monies, contributions.....	100.00
Swimming and beach violations.....	100.00
Swimming, diving, snorkeling, scuba in prohibited area	100.00
Theft < \$50.....	100.00
Theft >\$50, <300	300.00
Trespassing.....	300.00
Under the influence or drunk in public (<i>non-DUI</i>).....	300.00
Unlawful weapon or device	500.00
Vandalism to signs, property	800.00
Vandalism, tampering with boundary marker or sign	1000.00
Vandalism to other structures	1000.00
Violating posted instructions, rules, orders or sign	100.00
Violating quite hours.....	100.00
Wrong sex using comfort station	100.00

SANITATION

Dumping (<i>trash, refuse, sewage</i>).....	1000.00
Failure to properly store food or refuse	150.00
Littering.....	300.00
Unlawful use of government trash receptacles	150.00

TIMBER AND NATURAL RESOURCES AND PRODUCTS

Cutting or damaging	
For firewood	200.00
Violations causing greater than \$1,000 worth of property damage.....	1500.00
Violations causing \$100 - \$1,000 worth of property damage	350.00
Violations causing \$0 - \$100 worth of property damage	100.00
Using earth moving equipment.....	3000.00
Damaging, digging, transporting, etc., any historic, prehistoric, or archaeological resource	1000.00 + 50.00 ea
Removing / possessing without authorization	300.00 + 50.00 ea
Unauthorized planting of vegetation.....	300.00

VEHICLES

Accidents

Failure to report.....	300.00
Hit and run	MCA*

Alcohol and Drug

DUI.....	MCA*
DUI child endangerment.....	MCA*
Open container	150.00

Driver's License

Allowing another to operate contrary to law	200.00
Allowing unlicensed person to drive	200.00
Displaying false, fictitious, or altered driver's license / ID	MCA*
Driving without a license	200.00

Driving without a license on person	50.00
Failure to obtain Georgia driver's license within 30 days.....	100.00
Possessing false, fictitious, or altered driver's license / ID	400.00
Possessing more than one valid driver's license.....	200.00
Violation of license conditions	150.00

Insurance

No insurance	500.00
No proof of insurance	25.00

Other Violations

Cell phone / electronic device use while driving.....	100.00
Commercial vehicles / trucks in restricted areas	500.00
Cruising (repetitive entry / exit).....	100.00
Damaging roadway or trail	500.00
Off road in wilderness or wild & scenic corridor or on AT	500.00
Undesignated, closed area or off road.....	300.00
Violations not specifically covered for vehicles.....	200.00
Window tinting, excessive	150.00

Parking

Blocking road or gate.....	150.00
Fire hydrant	150.00
General violations	50.00
Handicapped space	150.00

Passing and Lanes

Moving violations	125.00
Passing violations.....	125.00
Passing school bus illegally	300.00

Radio

Plainly Audible at 100 Feet	50.00
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Registration

Expired license plate	150.00
Improperly displayed	150.00
Improperly transferred plate.....	150.00
Unlawful use or altered license plate	MCA*
Unregistered / expired camping trailer	150.00

Unregistered other trailers.....	75.00
Unregistered vehicle	300.00

Safe Driving

Attempting to elude police.....	MCA*
Basic speed rule	100.00
Careless, dangerous, or without due care, proper control.....	150.00
Child restraint (< 15 yrs old).....	100.00
Device that impairs vision or hearing.....	75.00
Emergency vehicle “move over law”.....	200.00
Following emergency vehicle	150.00
Passenger riding outside of vehicle	100.00
Racing on highway (<i>laying drags</i>)	300.00
Reckless driving.....	MCA*
Running over fire hose.....	150.00
Seatbelt.....	50.00
Speeding.....	10.00 per mile
Speeding in occupied work zone or safety zone.....	100.00 + 10.00 per mile
Speeding (85 mph on multilane highway).....	200.00 added to speeding fine
Speeding (75 mph on two lane highway)	200.00 added to speeding fine

Traffic Control Device

Closed road	200.00
Failure to obey sign.....	100.00
Failure to obey signal.....	125.00

Rights of way

Failure to yield to pedestrian.....	75.00
Failure to yield to emergency vehicle.....	400.00
Failure to yield to other vehicle	100.00
Obstructing roadway	150.00

Vehicle equipment

Lights, muffler, windshield, signals, muffler, tires, motorcycle helmet, etc.	125.00
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Part B

**BALD AND GOLDEN EAGLE PROTECTION ACT
16 U.S.C. § 668(a)**

50 CFR PART 22— Eagle Permits

22.11	Knowingly take, possess, or transport a bald or golden eagle, parts, nest or eggs.....	1,500 + 100 per part
22.12	Knowingly sell, purchase, trade, barter, export or import a bald or golden eagle (all except “sell”) to knowingly sell a bald or golden eagle	1,500 + 100 per part MCA*
22.21	Knowingly violate eagle permit requirements for scientific or exhibition purposes	500.00
22.22	Knowingly violate eagle permit requirements for Indian religious purposes.....	500.00
22.23	Knowingly violate eagle permit requirements for depredation purposes.....	500.00
22.24	Knowingly violate eagle permit requirements for falconry purposes.....	500.00
22.32	Knowingly violate eagle permit requirements for taking depredating golden eagles	500.00

**AIRBORNE HUNTING ACT
16 U.S.C. § 742j-1**

50 CFR PART 19—Airborne Hunting

19.11 (a)(1)	Shoot from an aircraft for the purpose of capturing or killing wildlife.....	1500.00
19.11 (a)(2)	Use aircraft to harass wildlife.....	.500.00

19.11 (a)(3) Knowingly participate in using an aircraft to shoot or harass
wildlife.....500.00

MARINE MAMMAL PROTECTION ACT
16 U.S.C. § 1372

50 CFR PART 18—Marine Mammals

18.11(a) Knowingly take marine animals on the high seas except as provided
Commercial 1,000 + 25 per specimen
Non-commercial 500 + 25 per specimen

18.11(b) Knowingly take marine mammals in waters or on lands under
the jurisdiction of the United States except as provided
Commercial 1,000 + 25 per specimen
Non-commercial 500 +25 per specimen

18.12(a-c) Knowingly import marine mammals except as provided
Commercial 1,000 + 25 per specimen
Non-commercial 500 +25 per specimen

18.13 Knowingly transport, possess, sell or import any illegally
taken marine mammal or marine mammal provided
Commercial 1,000 + 25 per specimen
Non-commercial 500 +25 per specimen

ENDANGERED SPECIES ACT OF 1973
16 U.S.C. § 1538

50 CFR PART 17—Endangered and Threatened Wildlife and Plants

- 17.21(a) Knowingly attempt to violate endangered wildlife prohibitions
 - Commercial 1,500 + 25 per specimen
 - Non-commercial 1,000 + 25 per specimen

- 17.21(b) Knowingly import or export endangered species
 - Commercial 1,500 + 25 per specimen
 - Non-commercial 1,000 + 25 per specimen

- 17.21(c) Knowingly take an endangered species
 - Commercial 1,500 + 25 per specimen
 - Non-commercial 1,000 + 25 per specimen

- 17.21(d) Knowingly possess, sell, transport an unlawfully taken
 - endangered species
 - Commercial 1,500 + 25 per specimen
 - Non-commercial 1,000 + 25 per specimen

- 17.21(e) Knowingly transport an endangered species in activity interstate or
 - foreign commerce..... 500 + 25 per specimen

- 17.21(f) Knowingly sell or offer for sale an endangered species in interstate
 - or foreign commerce 1,500 + 25 per specimen

- 17.21(g) Knowingly violate captive-bred endangered species
 - regulations 500 + 50 per specimen

- 17.22 Knowingly violate requirements for endangered species
 - permits 500 + 50 per specimen

- 17.23 Knowingly violate requirements for endangered species economic
 - hardship permit..... 500 + 50 per specimen

- 17.31 Knowingly violate threatened wildlife prohibitions
 Commercial 1,000 + 25 per specimen
 Non-commercial 750 + 25 per specimen
- 17.40 Knowingly violate special regulations for threatened mammals
 Commercial 1,000 + 25 per specimen
 Non-commercial 750 + 25 per specimen
- 17.41 Knowingly violate special regulations for threatened birds
 Commercial 1,000 + 25 per specimen
 Non-commercial 750 + 25 per specimen
- 17.42 Knowingly violate special regulations for threatened reptiles
 Commercial 1,000 + 25 per specimen
 Non-commercial 750 + 25 per specimen
- 17.43 Knowingly violate special regulations for threatened amphibians
 Commercial 1,000 + 25 per specimen
 Non-commercial 750 + 25 per specimen
- 17.44 Knowingly violate special regulations for threatened fishes
 Commercial 1,000 + 25 per specimen
 Non-commercial 750 + 25 per specimen
- 17.46 Knowingly violate special regulations for threatened crustaceans
 Commercial 1,000 + 25 per specimen
 Non-commercial 750 + 25 per specimen
- 17.61 Knowingly violate endangered plant regulations
 Commercial 1,000 + 25 per specimen
 Non-commercial 750 + 25 per specimen
- 17.71 Knowingly violate threatened plant regulations
 Commercial 1,000 + 25 per specimen
 Non-commercial 750 + 25 per specimen

**ENDANGERED SPECIES CONVENTION
50 CFR PART 23**

23.13(a) Knowingly import, export, or re-export or engage in trade
in Appendix I, II, or III species of CITES

Appendix I..... Commercial 1,000 + 50 per animal
Non-commercial 500 + 50 per specimen

Appendix II and III..... Commercial 750 + 50 per specimen
Non-commercial 350 + 50 per specimen

23.13(b) Knowingly introduce from the sea any specimen of a species
listed in Appendix I or II or CITES

Appendix I..... Commercial 1,000 + 50 per animal
Non-commercial 500 + 50 per specimen

Appendix II Commercial 750 + 50 per specimen
Non-commercial 350 + 50 per specimen

23.13(c) Knowingly possess unlawfully imported, exported,
or re-exported Appendix I, II or III species

Appendix I..... Commercial 1,000 + 50 per animal
Non-commercial 500 + 50 per specimen

Appendix II and III..... Commercial 750 + 50 per specimen
Non-commercial 350 + 50 per specimen

23.11(a) Knowingly attempt to violate the endangered species convention
prohibitions.....750.00

**IMPORTATION AND EXPORTATION OF PLANTS
50 CFR PART 24**

24.11 Import, export, or re-export plants at a non-designated port..... 250 + 15 per plant

**NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT ACT
16 U.S.C. § 688dd**

(c) Disturb, injure, cut, burn, remove, destroy, or possess any real property of the United States, or take or possess any fish, bird, mammal or other wild vertebrate or invertebrate animals or part or nest or egg thereof, or enter, use or otherwise occupy any such area for any purpose without a permit or authorization..... 1000

**LACEY ACT (1981 AMMENDMENTS)
16 U.S.C. § 3372**

3372(a)(1) Knowingly import/export, transport, sell, receive, acquire or purchase fish or plants taken, law or regulations of possessed, transported, or sold in violation of any law, treaty, or regulation of the United States or violations of any Indian tribal law ***
(Refer to table next page)

3372(a)(2)(A) Import/Export, transport, sell, receive, acquire or purchase in interstate or foreign commerce 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..... ***

3372(a)(2)(B) Import/Export transport, sell, receive, acquire, or purchase in interstate or foreign commerce any plant taken, possessed, transported, or sold in violation of any law or regulation of any state ***

- 3372(a)(2)(C) CAPTIVE WILDLIFE SAFETY ACT: Import/Export, transport, sell, receive, acquire or purchase in interstate or foreign commerce any prohibited wildlife species***
- 3372(a)(3)(A) Within the special maritime and territorial jurisdiction of the United States, to possess any fish or wildlife taken, possessed, transported, or sold in violation of any state, foreign law or Indian tribal law***
- 3372(a)(3)(B) Within the special maritime and territorial jurisdiction of the United States possess any plant taken, possessed, transported or sold in violation of any law or regulation of any state, foreign law or Indian Tribal law***
- 3372(a)(4) To attempt to commit any act described in paragraphs (a)(1)-(a)(3)(B)***

SPECIES	NON-COMMERCIAL	COMMERCIAL
Fish	250 + 50/specimen	500 + 50 per specimen
Big Game*	750 + 500/specimen	1,500 + 500 per specimen
Small Game*	500 + 50/specimen	750 + 50 per specimen
Furbearer*	500 + 50/specimen	750 + 50 per specimen
Bird	500 + 50/specimen	750 + 50 per specimen
Plant	250 + 25/specimen	500 + 25 per specimen
Other	500 + 50/specimen	750 + 50 per specimen
Marine mammal	500 +250/specimen	1,000 + 250 per specimen

*Refer to State’s classification of animal.

- 3372(d)(1) Import, export, transport, sell, purchase or receive from any foreign country fish or wildlife with false identification or by record.....500.00
- 3372(d)(2) Transport in interstate or foreign commerce any fish or wildlife with false identification or by submitting a false record..... 500.00

**IMPORTATION OR SHIPMENT OF INJURIOUS MAMMALS, BIRDS,
FISH
18 U.S.C. § 42**

50 CFR PART 16 Injurious Wildlife

16.3	Import or transport injurious wildlife.....	700 + 25 per specimen
16.11(a)	Import, transport or acquire prohibited species of live animals.....	700 + 25 per specimen
16.11(b)	Release of imported live wild mammals or progeny to the wild without authorization.....	700 + 25 per specimen
16.12(a)	Import, transport or acquire prohibited species of live wild birds or eggs	700 + 25 per bird
16.12(b)	Release of imported live wild game birds or progeny to the wild without authorization	700 + 25 per bird
16.12(c)	Release of imported wild non-game birds or progeny to the wild without authorization	700 + 25 per bird
16.13(a)(1)	Release of imported wild fish, mollusks, crustaceans, or progeny or eggs thereof to the wild.....	700 + 25 per specimen
16.13(a)(2)	Importation, transportation or acquisition of fish or eggs of the family Clariidae, genus Eriochei or genus Dreissena	700 + 25 per specimen
16.13(a)(3)	Import fish from the family Salmonidae without authorization.....	700 + 25 per fish
16.13(b)(1)	Importation of live or dead fish or eggs of the family Salmonidae which are not processed and not accompanied by the required disease free certificate	700 + 25 per fish
16.14	Release of imported live amphibians or progeny or eggs thereof to the wild without authorization.....	700 + 25 per specimen
16.15(a)	Import, transport or acquire specimens of brown tree snake	700 + 25 per specimen

16.15(b)	Release of imported live reptiles or progeny or eggs thereof to the wild without authorization	700 + 25 per specimen
16.22(b)(1)	Failure to properly confine injurious species .	300 + 25 per specimen
16.22(b)(2)	Transfer of injurious species to unauthorized person	300 + 25 per specimen
16.22(b)(3)	Failure to make required notification of the escape of injurious species.....	300.00

DUCK STAMP ACT
16 U.S.C. § 718

718(a)	Hunt migratory waterfowl without a duck stamp	200.00
	Hunt migratory waterfowl with unsigned duck stamp.....	50.00
718e(a)	Loan, transfer or unauthorized use of validated duck stamp ...	250.00

MIGRATORY BIRD TREATY ACT
16 U.S.C. § 703

703	Taking, pursuing, hunting, capturing, killing, or attempt thereof; possess, sell, barter, purchase, ship, export, import, carry, transport, or offer or cause thereof, migratory non-game birds, their parts, eggs, or nests without authorization	600 + 50 per bird MCA*
704(b)(1)	Take by the aid of baiting or on or over any baited area	600 + 25 per bird
704(b)(2)	Place or direct the placement of bait for the purpose of taking migratory game birds.....	1,200 + 25 per bird

705 Ship, transport, carry in interstate or foreign commerce, any bird, part, nest or egg thereof, captured or killed, taken, shipped, transported, or carried contrary to law of the place where taken, killed, shipped, transported or carried.....500 + 50 per bird

50 CFR PART 20 Migratory Bird Hunting

20.20(b)	Hunt without HIP compliance.....	50.00
20.21(a)	Take migratory game birds with illegal device or substance	300 + 50/bird
20.21(b)	Take a shotgun capable holding more than three (3) shells	200.00
20.21(c)	Take by means, aid or by use of a sink box	300 + 50/bird
20.21(d)	Take from, by means, aid or use of a motor driven land conveyance, motor vehicle or aircraft	300 + 50/bird
20.21(e)	Take from, or by means of a motorboat or other craft while under power or sail	300 + 50/bird
20.21 (f)	Take with aid of live birds as decoys	300 + 50/bird
20.21(g)	Take by use or aid or recorded or electronically-amplified bird calls.....	300 + 50/bird
20.21(h)	Take by means or aid of any motor driven conveyance used for driving or rallying.....	300 + 50/bird
20.21(i)	Take by the aid of baiting or on over any baited area	600 - 1200 + 25 per bird
20.21(j)	Take waterfowl while in possession of shot shells containing lead shot in a steel-shot zone.....	250 + 5/shell
20.22	Take birds during a closed season	350 + 50/bird

20.23	Take migratory game birds before or after legal shooting hours	
		(0-15 minutes) 100 + 25/bird
		(16-30 minutes) 200 + 25/bird
		(31-45 minutes) 250 + 25/bird
		(46+ minutes) 300 + 25/bird
20.24	Take birds in excess of daily bag limit.....	350 + 50/bird
	Attempt to take birds in excess of daily bag limit	200.00
20.25	Wanton waste/Failure to retain custody in field	300 + 50/bird
20.31	Possess birds taken in violation of 20.20 — 20.24.....	200 + 25/bird
20.32	Possess any freshly-killed birds during closed season..	350 + 50/bird
20.33	Exceed possession limit of birds taken in U.S.....	300 + 50/bird
20.34	Exceed the possession limit on opening day.....	350 + 50/bird
20.35	Possess or transport birds in excess of field possession limit	300 + 50/bird
20.36	Violation of tagging regulations.....	150 + 25/bird
20.37	Custody of untagged birds of another	150 + 25/bird
20.38	Possession of live, wounded bird	150 + 25/bird
20.40	Gift of untagged birds	150 + 25/bird
20.41	Transport of birds taken in violation of § 20.20 - 20.24	200 + 25/bird
20.42	Transportation of untagged birds of another person	150 + 25/bird
20.43	Transportation of birds with species identification removed	200 + 25/bird
20.44	Mis/unmarked container transported by Postal Service or common carrier.....	100 + 25/bird
20.51	Export birds taken in violation of 20.20 - 20.24.....	200 + 25/bird

20.52	Export birds with species identification removed.....	150 + 25/bird
20.53	Export birds in mis/unmarked container.....	100 + 25/bird
20.61(a)	Import doves in excess of importation limits.....	200 + 25/bird
20.61(b)	Import waterfowl in excess of importation limits.....	200 + 25/bird
20.62	Import birds of another.....	200 + 25/bird
20.63	Import birds with species identification removed.....	150 + 25/bird
20.64	Import, possess or transport birds without required export permit.....	150 + 25/bird
20.65	Import birds not drawn or dressed as required.....	150 + 25/bird
20.66	Import birds in mis/unmarked container.....	200 + 25/bird
20.71	Take, possess, transport, ship or export migratory birds or their parts, eggs, or nest in violation of other Federal laws or regulations.....	150 + 25/bird
20.72	Take, possess, transport, ship or export migratory birds or their parts, eggs, or nest regulations in violation of other state laws or regulation of any state.....	150 + 25/bird
20.72	Take without a State duck stamp.....	150.00
20.73	Take, possess, transport, ship or export migratory birds or their parts, eggs or nests if taken, purchased, sold, transported, shipped, possessed or exported contrary to the law or regulation of the foreign country, state or province thereof.....	150 + 25/bird
20.81	Preservation facility with birds untagged as required by 20.36.....	100 + 25/bird
20.82	Violation of record keeping requirements.....	100 + 25/bird
20.83	Failure to permit premise inspection.....	500.00
20.91(a)	Purchase, sell, barter or offer to purchase, sell or barter of millinery or ornamental use, birds feathers of migratory game.....	500.00

20.91(b)	Purchase, sell, barter or offer to purchase, sell or barter mounted migratory game birds.....	500.00
20.133	Violation of crow hunting regulations	100 + 25/bird

50 CFR PART 21 Migratory Bird Permit Violations

21.11	Take, possess, transport, sell, purchase, barter any migratory bird, parts, nests or eggs, except under a valid permit or as permitted by regulation (all except “sell”)	600 + 25/bird
	To sell	MCA*
21.12(b)	Acquisition or disposition of migratory birds without authorization	100 + 25/bird
21.13(a)	Take mallard ducks or eggs from the wild without a permit.....	400 + 25/bird
21.13(b)	Possession of unmarked Mallard ducks.....	100 + 25/bird
21.13(c)	Sale, disposal or acquisition of unmarked mallard ducks.....	200 + 25/bird
21.13(d)	Shooting captive reared mallards when unmarked ...	100 + 25/bird
21.13(e)	Possession of unmarked mallards prior to final processing for consumption	100 + 25/bird
21.14(a)	Acquire captive-reared migratory waterfowl from unauthorized source.....	100 + 25/bird
21.14(b)	Possession of unmarked waterfowl after six (6) weeks of age.....	200 + 25/bird
21.14(c)	Dispose of captive-reared migratory waterfowl without authorization.....	100 + 25/bird
21.14(e)	Possession of unmarked captive-reared migratory waterfowl prior to final processing for consumption.....	100 + 25/bird
21.14(f)	Failure to provide 3-186 upon disposal of captive-reared migratory waterfowl	100 + 25/bird

21.22(a)	Capturing, banding or marking migratory birds without a permit	350.00
21.22(c)(4)	Failure to keep required migratory bird banding records	250.00
21.23(a)	Take, transport, or possess migratory birds or parts for scientific or educational purposes without a permit	250 + 25/bird
21.23(c)(4)	Failure to submit annual scientific collecting reports as required.....	250.00
21.24(a)	Perform taxidermy services on migratory birds without a permit.....	250 + 25/bird
21.24(d)(1)	Failure to keep required taxidermy records.....	350.00
21.24(d)(2)	Possess untagged migratory birds of another for taxidermy services	250 + 25/bird
21.25(a)	Sell captive-reared migratory waterfowl without a permit.....	250 + 25/bird
21.25(c)(6)	Failure to keep waterfowl sale and disposal records as required.....	250.00
21.27(a)	Violation of migratory bird special purpose permit.....	100.00
21.27(c)	Take, possess, transport, sell, purchase, barter raptors for falconry purposes without a permit	500 + 100/bird
21.28(a)	Failure to comply with falconry permit conditions.....	250.00
21.28(d)	Failure to comply with falconry permit conditions.....	250.00
21.29	Violate general Federal falconry standards.....	500.00
21.30(a)	Take , possess, transport, sell, purchase, barter or transfer any raptor, raptor eggs or raptor semen for propagation purposes without a permit	500 + 100/specimen
21.30(d)	Failure to comply with raptor propagation permit conditions	250.00

21.30(d)(15)	Failure to maintain complete and accurate records.....	100.00
21.30(d)(16)	Failure to submit annual raptor propagation report	100.00
21.41(a)	Take, possess, transport depredating migratory birds without a permit.....	250 + 25/bird
21.41(c)	Failure to comply with depredation permit conditions	100.00
21.42	Kill depredating migratory birds other than by permitted method	250 + 25/bird
21.43	Violation of the depredating control requirements for crows and blackbirds	100 + 25/bird
21.47	Failure to comply with depredation order conditions for double crested cormorants.....	250 + 25/bird

AFRICAN ELEPHANT CONSERVATION ACT

16 U.S.C. § 4223

4223(1)	Import raw ivory from non-producing country	Commercial	750.00
		Non-commercial	500.00
4223(2)	Export raw ivory from United States	Commercial	750.00
		Non-commercial	500.00
4223(3)	Import raw ivory or worked ivory that was exported from the producing country in violation of that country's laws or CITES Ivory Control system		750.00
4223(4)	Import worked ivory from any country without certification it was derived from a legal source	Commercial	750.00
		Non-commercial	500.00
4223(5)	Import ivory from a country where a moratorium is in effect	Commercial	750.00
		Non-commercial	500.00

WILD BIRD CONSERVATION ACT
16 U.S.C. § 4910

- 4910(a)(1)(A) Import exotic bird in violation of any prohibition,
suspension or quota500 + 50/bird
- 4910(a)(1)(B) Import an exotic bird included on list under section
106500 + 50/bird
- 4910(a)(1)(C) Violate any regulation under 50 CFR Part 15300 + 50/bird

RHINOCEROS AND TIGER CONSERVATION ACT
16 U.S.C. § 5305A

- 5305a(a) Sell, import, export or attempt thereof any product, item or
substance intended for human consumption or application
containing or labeled as containing any substance derived from
any species of rhinoceros or tiger..... Commercial 750.00
Non-commercial 500.00

ANTIQUITIES ACT
16 U.S.C. § 433

- 433 Appropriate, excavate, injure, or destroy historic or prehistoric
ruin or monument or any object of antiquity on lands controlled
by the United States 1000 + 50 ea

ARCHAEOLOGICAL RESOURCES PROTECTION ACT
16 U.S.C. § 470aa

- 470ee(a) Unauthorized excavation, removal, damage, alteration or
defacement on public land 1000 + 50 ea
- 470ee(b) Sell, purchase, exchange, transport, receive or offer to sell,
purchase or exchange any archaeological resource which was
excavated or removed from public lands 1000 + 50ea
- 470ee(c) Sell, purchase, exchange, transport, receive or offer to sell 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 1000 + 50ea

HUNTING, TRAPPING OR FISHING ON INDIAN LANDS
16 U.S.C. § 1165

1165 Knowingly and willfully enter Indian lands to hunt, trap or fish without permission 500.00

HUNTING, FISHING, TRAPPING; DISTURBANCES OR INJURY
18 U.S.C. § 41

41 Hunt, trap, capture, disturb or kill any bird, fish or wild animal or take or destroy eggs or nest..... 500.00

Injure, molest, or destroy property 300.00

50 CFR PART 13 General Permit Violations

13.23(c) Failure to notify of change of name or address of FWS permittee 100.00

13.25 Unauthorized transfer of FWS issued permit..... 250.00

13.43 Unauthorized altering of FWS permit..... 250.00

13.44 Failure to display FWS permit 100.00

13.45 Failure to file reports required by FWS permit 250.00

13.46 Failure to maintain records required by FWS permit..... 250.00

13.47 Failure to allow inspection of activity authorized by FWS permit..... 500.00

13.48 Failure to comply with conditions of permit..... 250.00

50 CFR PART 14 General Regulations for Importation, Exportation and Transportation of Wildlife

14.11	Import or export wildlife at any place other than a designated port of entry	300.00
14.16	Import or export wildlife at a non-designated border port.....	300.00
14.61	Import wildlife without filing a declaration of exported wildlife	300.00
14.63	Knowingly export wildlife without filing a declaration of exported wildlife.....	300.00
14.81	Knowingly import, export or transport in interstate commerce any fish or wildlife in violation of marking requirements	300 + 50/container
14.91	Knowingly import or export wildlife without the required import/export license.....	500.00
14.93(c)(1)	Failure to keep records required by a wildlife import/export license	300.00
14.93(c)(3)	Failure to maintain required import/export records for five (5) years.....	300.00
14.93(c)(4)	Failure to allow examination of import/export records	500.00
14.103	Import, transport, cause or permit to be transported to the United States any wild mammal or bird under inhumane or unhealthful conditions or in violation of any regulation for humane shipment of wildlife	300 + 50/specimen

APPENDIX

(a) **18 U.S.C. § 7**

§ 7. Special maritime and territorial jurisdiction of the United States defined

The term "special maritime and territorial jurisdiction of the United States", as used in this title, includes:

(1) The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

(2) Any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, or any of the waters connecting them, or upon the Saint Lawrence River where the same constitutes the International Boundary Line.

(3) Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

(4) Any island, rock, or key containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States.

(5) Any aircraft belonging in whole or in part to the United States, or any citizen thereof, or to any corporation created by or under the laws of the United States, or any State, Territory, District, or possession thereof, while such aircraft is in flight over the high seas, or over any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

(6) Any vehicle used or designed for flight or navigation in space and on the registry of the United States pursuant to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies and the Convention on Registration of Objects Launched into Outer Space, while that vehicle is in flight, which is from the moment when all external doors are closed on Earth following embarkation until the moment when one such door is opened on Earth for disembarkation or in the case of a forced landing, until the competent authorities take over the responsibility for the vehicle and for persons and property aboard.

(7) Any place outside the jurisdiction of any nation with respect to an offense by or against a national of the United States.

(8) To the extent permitted by international law, any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States.

(9) With respect to offenses committed by or against a national of the United States as that term is used in section 101 of the Immigration and Nationality Act-

(A) the premises of United States diplomatic, consular, military or other United States Government missions or entities in foreign States, including the buildings, parts of buildings, and land appurtenant or ancillary thereto or used for purposes of those missions or entities, irrespective of ownership; and

(B) residences in foreign States and the land appurtenant or ancillary thereto, irrespective of ownership, used for purposes of those missions or entities or used by United States personnel assigned to those missions or entities.

Nothing in this paragraph shall be deemed to supersede any treaty or international agreement with which this paragraph conflicts. This paragraph does not apply with respect to an offense committed by a person described in section 3261(a) of this title.

(b) 18 U.S.C. § 13

§ 13. Laws of States adopted for areas within Federal jurisdiction

(a) Whoever within or upon any of the places now existing or hereafter reserved or acquired as provided in section 7 of this title, or on, above, or below any portion of the territorial sea of the United States not within the jurisdiction of any State, Commonwealth, territory, possession, or district is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State, Territory, Possession, or District in which such place is situated, by the laws thereof in force at the time of such act or omission, shall be guilty of a like offense and subject to a like punishment.

(b)(1) Subject to paragraph (2) and for purposes of subsection (a) of this section, that which may or shall be imposed through judicial or administrative action under the law of a State, territory, possession, or district, for a conviction for operating a motor vehicle under the influence of a drug or alcohol, shall be considered to be a punishment provided by that law. Any limitation on the right or privilege to operate a motor vehicle imposed under this subsection shall apply only to the special maritime and territorial jurisdiction of the United States.

(2)(A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, not more than 5 years, or if death of a minor is caused, not more than 10 years, and an additional fine under this title, or both, if--

(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances described in clause (i).

(B) For the purposes of subparagraph (A), the term "minor" means a person less than 18 years of age.

(c) Whenever any waters of the territorial sea of the United States lie outside the territory of any State, Commonwealth, territory, possession, or district, such waters (including the airspace above and the seabed and subsoil below, and artificial islands and fixed structures erected thereon) shall be deemed, for purposes of subsection (a), to lie within the area of the State, Commonwealth, territory, possession, or district that it would lie within if the boundaries of such State, Commonwealth, territory, possession, or district were extended seaward to the outer limit of the territorial sea of the United States.

(c) 18 U.S.C. § 19

§ 19. Petty offense defined

As used in this title, the term "petty offense" means a Class B misdemeanor, a Class C misdemeanor, or an infraction, for which the maximum fine is no greater than the amount set forth for such an offense in section 3571(b)(6) or (7) in the case of an individual or section 3571(c)(6) or (7) in the case of an organization.

(d) 18 U.S.C. § 3013

§ 3013. Special assessment on convicted persons

(a) The court shall assess on any person convicted of an offense against the United States--

(1) in the case of an infraction or a misdemeanor--

(A) if the defendant is an individual--

(i) the amount of \$5 in the case of an infraction or a class C misdemeanor;

(ii) the amount of \$10 in the case of a class B misdemeanor; and

(iii) the amount of \$25 in the case of a class A misdemeanor;
and

(B) if the defendant is a person other than an individual--

(i) the amount of \$25 in the case of an infraction or a class C misdemeanor;

(ii) the amount of \$50 in the case of a class B misdemeanor; and

(iii) the amount of \$125 in the case of a class A misdemeanor;

(2) in the case of a felony--

(A) the amount of \$100 if the defendant is an individual; and

(B) the amount of \$400 if the defendant is a person other than an individual.

(b) Such amount so assessed shall be collected in the manner that fines are collected in criminal cases.

(c) The obligation to pay an assessment ceases five years after the date of the judgment. This subsection shall apply to all assessments irrespective of the date of imposition.

(d) For the purposes of this section, an offense under section 13 of this title is an offense against the United States.

(e) **18 U.S.C. § 3401**

§ 3401. Misdemeanors; application of probation laws

(a) When specially designated to exercise such jurisdiction by the district court or courts he serves, any United States magistrate judge shall have jurisdiction to try persons accused of, and sentence persons convicted of, misdemeanors committed within that judicial district.

(b) Any person charged with a misdemeanor, other than a petty offense may elect, however, to be tried before a district judge for the district in which the

offense was committed. The magistrate judge shall carefully explain to the defendant that he has a right to trial, judgment, and sentencing by a district judge and that he may have a right to trial by jury before a district judge or magistrate judge. The magistrate judge may not proceed to try the case unless the defendant, after such explanation, expressly consents to be tried before the magistrate judge and expressly and specifically waives trial, judgment, and sentencing by a district judge. Any such consent and waiver shall be made in writing or orally on the record.

(c) A magistrate judge who exercises trial jurisdiction under this section, and before whom a person is convicted or pleads either guilty or nolo contendere, may, with the approval of a judge of the district court, direct the probation service of the court to conduct a presentence investigation on that person and render a report to the magistrate judge prior to the imposition of sentence.

(d) The probation laws shall be applicable to persons tried by a magistrate judge under this section, and such officer shall have power to grant probation and to revoke, modify, or reinstate the probation of any person granted probation by a magistrate judge.

(e) Proceedings before United States magistrate judges under this section shall be taken down by a court reporter or recorded by suitable sound recording equipment. For purposes of appeal a copy of the record of such proceedings shall be made available at the expense of the United States to a person who makes affidavit that he is unable to pay or give security therefor, and the expense of such copy shall be paid by the Director of the Administrative Office of the United States Courts.

(f) The district court may order that proceedings in any misdemeanor case be conducted before a district judge rather than a United States magistrate judge upon the court's own motion or, for good cause shown, upon petition by the attorney for the Government. Such petition should note the novelty, importance, or complexity of the case, or other pertinent factors, and be filed in accordance with regulations promulgated by the Attorney General.

(g) The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title. The magistrate judge may, in the case of any misdemeanor, other than a petty offense, involving a juvenile in which consent to trial before a magistrate judge

has been filed under subsection (b), exercise all powers granted to the district court under chapter 403 of this title. For purposes of this subsection, proceedings under chapter 403 of this title may be instituted against a juvenile by a violation notice or complaint, except that no such case may proceed unless the certification referred to in section 5032 of this title has been filed in open court at the arraignment.

(h) The magistrate judge shall have power to modify, revoke, or terminate supervised release of any person sentenced to a term of

(i) A district judge may designate a magistrate judge to conduct hearings to modify, revoke, or terminate supervised release, including evidentiary hearings, and to submit to the judge proposed findings of fact and recommendations for such modification, revocation, or termination by the judge, including, in the case of revocation, a recommended disposition under section 3583(e) of this title. The magistrate judge shall file his or her proposed findings and recommendations.

(f) **18 U.S.C. § 3559**

§ 3559. Sentencing classification of offenses

(a) **Classification.**--An offense that is not specifically classified by a letter grade in the section defining it, is classified if the maximum term of imprisonment authorized is--

- (1) life imprisonment, or if the maximum penalty is death, as a Class A felony;
- (2) twenty-five years or more, as a Class B felony;
- (3) less than twenty-five years but ten or more years, as a Class C felony;
- (4) less than ten years but five or more years, as a Class D felony;
- (5) less than five years but more than one year, as a Class E felony;
- (6) one year or less but more than six months, as a Class A misdemeanor;

(7) six months or less but more than thirty days, as a Class B misdemeanor;

(8) thirty days or less but more than five days, as a Class C misdemeanor;
or

(9) five days or less, or if no imprisonment is authorized, as an infraction.

(b) Effect of classification.--Except as provided in subsection (c), an offense classified under subsection (a) carries all the incidents assigned to the applicable letter designation, except that the maximum term of imprisonment is the term authorized by the law describing the offense.

(c) Imprisonment of certain violent felons.--

(1) Mandatory life imprisonment.--Notwithstanding any other provision of law, a person who is convicted in a court of the United States of a serious violent felony shall be sentenced to life imprisonment if--

(A) the person has been convicted (and those convictions have become final) on separate prior occasions in a court of the United States or of a State of--

(i) 2 or more serious violent felonies; or

(ii) one or more serious violent felonies and one or more serious drug offenses; and

(B) each serious violent felony or serious drug offense used as a basis for sentencing under this subsection, other than the first, was committed after the defendant's conviction of the preceding serious violent felony or serious drug offense.

(2) Definitions.--For purposes of this subsection--

(A) the term "assault with intent to commit rape" means an offense that has as its elements engaging in physical contact with another person or using or brandishing a weapon against another person with intent to commit aggravated sexual abuse or sexual abuse (as described in sections 2241 and 2242);

(B) the term "arson" means an offense that has as its elements maliciously damaging or destroying any building, inhabited structure, vehicle, vessel, or real property by means of fire or an explosive;

(C) the term "extortion" means an offense that has as its elements the extraction of anything of value from another person by threatening or placing that person in fear of injury to any person or kidnapping of any person;

(D) the term "firearms use" means an offense that has as its elements those described in section 924(c) or 929(a), if the firearm was brandished, discharged, or otherwise used as a weapon and the crime of violence or drug trafficking crime during and relation to which the firearm was used was subject to prosecution in a court of the United States or a court of a State, or both;

(E) the term "kidnapping" means an offense that has as its elements the abduction, restraining, confining, or carrying away of another person by force or threat of force;

(F) the term "serious violent felony" means--

(i) a Federal or State offense, by whatever designation and wherever committed, consisting of murder (as described in section 1111); manslaughter other than involuntary manslaughter (as described in section 1112); assault with intent to commit murder (as described in section 113(a)); assault with intent to commit rape; aggravated sexual abuse and sexual abuse (as described in sections 2241 and 2242); abusive sexual contact (as described in sections 2244 (a)(1) and (a)(2)); kidnapping; aircraft piracy (as described in section 46502 of Title 49); robbery (as described in section 2111, 2113, or 2118); carjacking (as described in section 2119); extortion; arson; firearms use; firearms possession (as described in section 924(c); or attempt, conspiracy, or solicitation to commit any of the above offenses; and

(ii) any other offense punishable by a maximum term of imprisonment of 10 years or more that has as an element the use, attempted use, or threatened use of physical force against the person of another or that, by its nature, involves a substantial risk that physical force against the person of another may be used in the course of committing the offense;

(G) the term "State" means a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States; and

(H) the term "serious drug offense" means--

(i) an offense that is punishable under section 401(b)(1)(A) or 408 of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), 848) or section 1010(b)(1)(A) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(A)); or

(ii) an offense under State law that, had the offense been prosecuted in a court of the United States, would have been punishable under section 401(b)(1)(A) or 408 of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A), 848) or section 1010(b)(1)(A) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)(A)).

(3) Nonqualifying felonies.--

(A) Robbery in certain cases.--Robbery, an attempt, conspiracy, or solicitation to commit robbery; or an offense described in paragraph (2)(F)(ii) shall not serve as a basis for sentencing under this subsection if the defendant establishes by clear and convincing evidence that--

(i) no firearm or other dangerous weapon was used in the offense and no threat of use of a firearm or other dangerous weapon was involved in the offense; and

(ii) the offense did not result in death or serious bodily injury (as defined in section 1365) to any person.

(B) Arson in certain cases.--Arson shall not serve as a basis for sentencing under this subsection if the defendant establishes by clear and convincing evidence that--

(i) the offense posed no threat to human life; and

(ii) the defendant reasonably believed the offense posed no threat to human life.

(4) Information filed by United States Attorney.--The provisions of section 411(a) of the Controlled Substances Act (21 U.S.C. 851(a)) shall apply to the imposition of sentence under this subsection.

(5) Rule of construction.--This subsection shall not be construed to preclude imposition of the death penalty.

(6) Special provision for Indian country.--No person subject to the

criminal jurisdiction of an Indian tribal government shall be subject to this subsection for any offense for which Federal jurisdiction is solely predicated on Indian country (as defined in section 1151) and which occurs within the boundaries of such Indian country unless the governing body of the tribe has elected that this subsection have effect over land and persons subject to the criminal jurisdiction of the tribe.

(7) Resentencing upon overturning of prior conviction.--If the conviction for a serious violent felony or serious drug offense that was a basis for sentencing under this subsection is found, pursuant to any appropriate State or Federal procedure, to be unconstitutional or is vitiated on the explicit basis of innocence, or if the convicted person is pardoned on the explicit basis of innocence, the person serving a sentence imposed under this subsection shall be resentenced to any sentence that was available at the time of the original sentencing.

(d) Death or imprisonment for crimes against children.--

(1) In general.--Subject to paragraph (2) and notwithstanding any other provision of law, a person who is convicted of a Federal offense that is a serious violent felony (as defined in subsection (c)) or a violation of section 2422, 2423, or 2251 shall, unless the sentence of death is imposed, be sentenced to imprisonment for life, if--

(A) the victim of the offense has not attained the age of 14 years;

(B) the victim dies as a result of the offense; and

(C) the defendant, in the course of the offense, engages in conduct described in section 3591(a)(2).

(2) Exception.--With respect to a person convicted of a Federal offense described in paragraph (1), the court may impose any lesser sentence that is authorized by law to take into account any substantial assistance provided by the defendant in the investigation or prosecution of another person who has committed an offense, in accordance with the Federal Sentencing Guidelines and the policy statements of the Federal Sentencing Commission pursuant to section 994(p) of title 28, or for other good cause.

(e) Mandatory life imprisonment for repeated sex offenses against children.--

(1) In general.--A person who is convicted of a Federal sex offense in which

a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.

(2) Definitions.--For the purposes of this subsection--

(A) the term "Federal sex offense" means an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2244(a)(1) (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), 2251 (relating to sexual exploitation of children), 2251A (relating to selling or buying of children), 2422(b) (relating to coercion and enticement of a minor into prostitution), or 2423(a) (relating to transportation of minors); (B) the term "State sex offense" means an offense under State law that is punishable by more than one year in prison and consists of conduct that would be a Federal sex offense if, to the extent or in the manner specified in the applicable provision of this title--

(i) the offense involved interstate or foreign commerce, or the use of the mails; or

(ii) the conduct occurred in any commonwealth, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country (as defined in section 1151); (C) the term "prior sex conviction" means a conviction for which the sentence was imposed before the conduct occurred constituting the subsequent Federal sex offense, and which was for a Federal sex offense or a State sex offense; (D) the term "minor" means an individual who has not attained the age of 17 years; and (E) the term "state" has the meaning given that term in subsection (c)(2).

(3) Nonqualifying felonies.--An offense described in section 2422(b) or 2423(a) shall not serve as a basis for sentencing under this subsection if the defendant establishes by clear and convincing evidence that--

(A) the sexual act or activity was consensual and not for the purpose of commercial or pecuniary gain;

(B) the sexual act or activity would not be punishable by more than one year in prison under the law of the State in which it occurred; or

(C) no sexual act or activity occurred.

(f) Mandatory minimum terms of imprisonment for violent crimes against children.--- A person who is convicted of a Federal offense that is a crime of violence against the person of an individual who has not attained the age of 18 years shall, unless a greater mandatory minimum sentence of imprisonment is otherwise provided by law and regardless of any maximum term of imprisonment otherwise provided for the offense –

(1) if the crime of violence is murder, be imprisoned for life or for any term of years not less than 30, except that such person shall be punished by death or life imprisonment if the circumstances satisfy any of the subparagraphs (A) through (D) of section 3591(a)(2) of this title;

(2) if the crime of violence is kidnapping (as defined in section 1201) or maiming (as defined in section 114), be imprisoned for life or any term of years not less than 25; and

(3) if the crime of violence results in serious bodily injury (as defined in section 1365), or if a dangerous weapon was used during and in relation to the crime of violence, be imprisoned for life or for any term of years not less than 10.

(g)(1) If a defendant who is convicted of a felony offense (other than offense of which an element is the false registration of a domain name) knowingly falsely registered a domain name and knowingly used that domain name in the course of that offense, the maximum imprisonment otherwise provided by law for that offense shall be doubled or increased by 7 years, whichever is less.

(2) As used in this section--

(A) the term "falsely registers" means registers in a manner that prevents the effective identification of or contact with the person who registers; and

(B) the term "domain name" has the meaning given that term in section 45 of the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes" approved July 5, 1946 (commonly referred to as the "Trademark Act of 1946") (15 U.S.C. 1127).

(g) 18 U.S.C. § 3571

§ 3571. Sentence of fine

(a) In general.--A defendant who has been found guilty of an offense may be sentenced to pay a fine.

(b) Fines for individuals.--Except as provided in subsection (e) of this section, an individual who has been found guilty of an offense may be fined not more than the greatest of--

- (1)** the amount specified in the law setting forth the offense;
- (2)** the applicable amount under subsection (d) of this section;
- (3)** for a felony, not more than \$250,000;
- (4)** for a misdemeanor resulting in death, not more than \$250,000;
- (5)** for a Class A misdemeanor that does not result in death, not more than \$100,000;
- (6)** for a Class B or C misdemeanor that does not result in death, not more than \$5,000; or
- (7)** for an infraction, not more than \$5,000.

(c) Fines for organizations.--Except as provided in subsection (e) of this section, an organization that has been found guilty of an

- (1)** the amount specified in the law setting forth the offense;
- (2)** the applicable amount under subsection (d) of this section;
- (3)** for a felony, not more than \$500,000;
- (4)** for a misdemeanor resulting in death, not more than \$500,000;
- (5)** for a Class A misdemeanor that does not result in death, not more than \$200,000;
- (6)** for a Class B or C misdemeanor that does not result in death, not more than \$10,000; and
- (7)** for an infraction, not more than \$10,000.

(d) Alternative fine based on gain or loss.--If any person derives pecuniary gain from the offense, or if the offense results in pecuniary loss to a person other than the defendant, the defendant may be fined not more than the greater of twice the gross gain or twice the gross loss, unless imposition of a fine under this subsection would unduly complicate or prolong the sentencing process.

(e) Special rule for lower fine specified in substantive provision.--If a law setting forth an offense specifies no fine or a fine that is lower than the fine otherwise applicable under this section and such law, by specific reference, exempts the offense from the applicability of the fine otherwise applicable under this section, the defendant may not be fined more than the amount specified in the law setting forth the offense.

(h) 18 U.S.C. § 3581

§ 3581. Sentence of imprisonment

(a) **In general.**--A defendant who has been found guilty of an offense may be sentenced to a term of imprisonment.

(b) **Authorized terms.**--The authorized terms of imprisonment are--

- (1) for a Class A felony, the duration of the defendant's life or any period of time;
- (2) for a Class B felony, not more than twenty-five years;
- (3) for a Class C felony, not more than twelve years;
- (4) for a Class D felony, not more than six years;
- (5) for a Class E felony, not more than three years;
- (6) for a Class A misdemeanor, not more than one year;
- (7) for a Class B misdemeanor, not more than six months;
- (8) for a Class C misdemeanor, not more than thirty days; and
- (9) for an infraction, not more than five days.

(i) **Federal Rules of Criminal Procedure, Rule 58**

Rule 58. Petty Offenses and Other Misdemeanors

(a) Scope.

(1) In General. These rules apply in petty offense and other misdemeanor cases and on appeal to a district judge in a case tried by a magistrate judge, unless this rule provides otherwise.

(2) Petty Offense Case Without Imprisonment. In a case involving a petty offense for which no sentence of imprisonment will be imposed, the court may follow any provision of these rules that is not inconsistent with this rule and that the court considers appropriate.

(3) Definition. As used in this rule, the term "petty offense for which no sentence of imprisonment will be imposed" means a petty offense for which the court determines that, in the event of conviction, no sentence of imprisonment will be imposed.

(b) Pretrial Procedure.

(1) Charging Document. The trial of a misdemeanor may proceed on an indictment, information, or complaint. The trial of a petty offense may also proceed on a citation or violation notice.

(2) Initial Appearance. At the defendant's initial appearance on a petty offense or other misdemeanor charge, the magistrate judge must inform the defendant of the following:

(A) the charge, and the minimum and maximum penalties, including imprisonment, fines, any special assessment under 18 U.S.C. § 3013, and restitution under 18 U.S.C. § 3556;

(B) the right to retain counsel;

(C) the right to request the appointment of counsel if the defendant is unable to retain counsel--unless the charge is a petty offense for which the appointment of counsel is not required;

(D) the defendant's right not to make a statement, and that any statement made may be used against the defendant;

(E) the right to trial, judgment, and sentencing before a district judge--unless:

(i) the charge is a petty offense; or

(ii) the defendant consents to trial, judgment, and sentencing before a magistrate judge;

(F) the right to a jury trial before either a magistrate judge or a district judge--unless the charge is a petty offense; and

(G) if the defendant is held in custody and charged with a misdemeanor other than a petty offense, the right to a preliminary hearing under Rule 5.1, and the general circumstances, if any, under which the defendant may secure pretrial release.

(3) Arraignment.

(A) Plea Before a Magistrate Judge. A magistrate judge may take the defendant's plea in a petty offense case. In every other misdemeanor case, a magistrate judge may take the plea only if the defendant consents either in writing or on the record to be tried before a magistrate judge and specifically waives trial before a district judge. The defendant may plead not guilty, guilty, or (with the consent of the magistrate judge) nolo contendere.

(B) Failure to Consent. Except in a petty offense case, the magistrate judge must order a defendant who does not consent to trial before a magistrate judge to appear before a district judge for further proceedings.

(c) Additional Procedures in Certain Petty Offense Cases. The following procedures also apply in a case involving a petty offense for which no sentence of imprisonment will be imposed:

(1) Guilty or Nolo Contendere Plea. The court must not accept a guilty or nolo contendere plea unless satisfied that the defendant understands the nature of the charge and the maximum possible penalty.

(2) Waiving Venue.

(A) Conditions of Waiving Venue. If a defendant is arrested, held, or

present in a district different from the one where the indictment, information, complaint, citation, or violation notice is pending, the defendant may state in writing a desire to plead guilty or nolo contendere; to waive venue and trial in the district where the proceeding is pending; and to consent to the court's disposing of the case in the district where the defendant was arrested, is held, or is present.

(B) Effect of Waiving Venue. Unless the defendant later pleads not guilty, the prosecution will proceed in the district where the defendant was arrested, is held, or is present. The district clerk must notify the clerk in the original district of the defendant's waiver of venue. The defendant's statement of a desire to plead guilty or nolo contendere is not admissible against the defendant.

(3) Sentencing. The court must give the defendant an opportunity to be heard in mitigation and then proceed immediately to sentencing. The court may, however, postpone sentencing to allow the probation service to investigate or to permit either party to submit additional information.

(4) Notice of a Right to Appeal. After imposing sentence in a case tried on a not-guilty plea, the court must advise the defendant of a right to appeal the conviction and of any right to appeal the sentence. If the defendant was convicted on a plea of guilty or nolo contendere, the court must advise the defendant of any right to appeal the sentence.

(d) Paying a Fixed Sum in Lieu of Appearance.

(1) In General. If the court has a local rule governing forfeiture of collateral, the court may accept a fixed-sum payment in lieu of the defendant's appearance and end the case, but the fixed sum may not exceed the maximum fine allowed by law.

(2) Notice to Appear. If the defendant fails to pay a fixed sum, request a hearing, or appear in response to a citation or violation notice, the district clerk or a magistrate judge may issue a notice for the defendant to appear before the court on a date certain. The notice may give the defendant an additional opportunity to pay a fixed sum in lieu of appearance. The district clerk must serve the notice on the defendant by mailing a copy to the defendant's last known address.

(3) Summons or Warrant. Upon an indictment, or upon a showing by one of the other charging documents specified in Rule 58(b)(1) of probable cause to believe that an offense has been committed and that the defendant has committed it, the court may issue an arrest warrant or, if no warrant is requested by an attorney for the government, a summons. The showing of probable cause must be made under oath or under penalty of perjury, but the affiant need not appear before the court. If the defendant fails to appear before the court in response to a summons, the court may summarily issue a warrant for the defendant's arrest.

(e) Recording the Proceedings. The court must record any proceedings under this rule by using a court reporter or a suitable recording device.

(f) New Trial. Rule 33 applies to a motion for a new trial.

(g) Appeal.

(1) From a District Judge's Order or Judgment. The Federal Rules of Appellate Procedure govern an appeal from a district judge's order or a judgment of conviction or sentence.

(2) From a Magistrate Judge's Order or Judgment.

(A) Interlocutory Appeal. Either party may appeal an order of a magistrate judge to a district judge within 14 days of its entry if a district judge's order could similarly be appealed. The party appealing must file a notice with the clerk specifying the order being appealed and must serve a copy on the adverse party.

(B) Appeal from a Conviction or Sentence. A defendant may appeal a magistrate judge's judgment of conviction or sentence to a district judge within 14 days of its entry. To appeal, the defendant must file a notice with the clerk specifying the judgment being appealed and must serve a copy on an attorney for the government.

(C) Record. The record consists of the original papers and exhibits in the case; any transcript, tape, or other recording of the proceedings; and a certified copy of the docket entries. For purposes of the appeal, a copy of the record of the proceedings must be made available to a defendant who establishes by affidavit an inability to pay or give security for the record. The Director of the Administrative Office of the United States Courts must pay for those copies.

(D) Scope of Appeal. The defendant is not entitled to a trial de novo by a district judge. The scope of the appeal is the same as in an appeal to the court of appeals from a judgment entered by a district judge.

(3) Stay of Execution and Release Pending Appeal. Rule 38 applies to a stay of a judgment of conviction or sentence. The court may release the defendant pending appeal under the law relating to release pending appeal from a district court to a court of appeals.