

AUG 24 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

IN THE MATTER OF

ORDER OF AMENDMENT OF SCHEDULE E
GOVERNING PROCEDURES IN PETTY
OFFENSE CASES

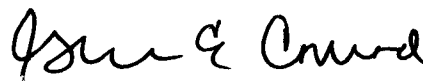
STANDING ORDER 2010-10

It appearing proper so to do, it is hereby ORDERED that upon motion of the United States, Schedule E - General Services Administration, filed April 30, 1984, governing collateral forfeiture in lieu of appearance in petty offense cases, is hereby amended in full by the attached replacement Schedule E - United States Federal Protective Service, effective as of the date of this order.

The Clerk is directed to send certified copies of this order and the replacement Schedule E to all United States Magistrate Judges of this court; to each place of holding court in this district; to the office of the United States Federal Protective Service in Roanoke, Virginia; to the United States Attorney, and to the Central Violations Bureau, San Antonio, Texas. The Clerk shall further post the updated Schedule E on the court's website.

ENTER this 24th day of August, 2010.

FOR THE COURT:



Chief United States District Judge

Schedule E - United States Federal Protective Service

* A charging officer may, in his/her discretion, require a mandatory appearance for any offense listed in this schedule that is noted with an asterisk, or for any person who has been convicted of the same offense within in the last 12 months.

Title 41, Code of Federal Regulations, Chapter 102:

Public Contracts and Property Management – Federal Management Regulation

Admission to Property:

<u>Section</u>	<u>Offense</u>	<u>Fine/Penalty</u>
74.375(c)	Failure to record presence or departure in non-public area	\$25
74.375(c)	Failure to display identification documents at the request of federal police officers or other authorized individuals in a non-public area	\$150

Preservation of Property:

<u>Section</u>	<u>Offense</u>	<u>Fine/Penalty</u>
74.380(a)	Improper disposal of rubbish on property	\$100
74.380(b)	Willful destruction or damage of property	Mandatory Appearance
74.380(c)	Stealing property	Mandatory Appearance
74.380(d)	Creating any hazard on property to person or things	\$250*
74.380(e)	Throwing articles of any kind from or at a building	\$75*
74.380(e)	Climbing on statues, fountains or any part of a building	\$75*

Conformity With Signs and Directions:

<u>Section</u>	<u>Offense</u>	<u>Fine/Penalty</u>
74.385	Failure to comply with signs, directions	\$75
74.385	Failure to comply with lawful direction of federal police officers, other authorized individuals	\$250*

Disturbances:

<u>Section</u>	<u>Offense</u>	<u>Fine/Penalty</u>
74.390(a)	Exhibition of conduct on property that creates loud or unusual noise or nuisance	\$100*
74.390(b)	Unreasonable obstruction of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots	\$100*
74.390(c)	Exhibition of conduct on property that impedes or disrupts the performance of official duties by government employees	\$250*
74.390(d)	Exhibition of conduct on property that prevents the public from obtaining administrative services provided on the property in a timely manner	\$250*

Gambling:

<u>Section</u>	<u>Offense</u>	<u>Fine/Penalty</u>
74.395(a)	Participation in games for money or other personal property	\$50
74.395(b)	Operation of gambling devices	\$50
74.395(c)	Conducting a lottery or pool	\$50
74.395(d)	Sale or purchase of numbers tickets	\$50

Narcotics/Other Drugs:

<u>Section</u>	<u>Offense</u>	<u>Fine/Penalty</u>
74.400(a)	Being under the influence of any narcotic drugs such as hallucinogens, barbiturates, amphetamines, or marijuana; or possessing 2 ounces or more of marijuana	Mandatory Appearance
	Being in possession of less than 2 ounces of marijuana	\$250*
74.400(b)	Operation of a motor vehicle on the property while under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines	Mandatory Appearance

Alcoholic Beverages:

<u>Section</u>	<u>Offense</u>	<u>Fine/Penalty</u>
74.405	Being under the influence or using alcoholic beverages on federal property (public intoxication)	\$150*
74.405	Possession of or allowing to be present alcoholic beverages without exemption in writing for appropriate official use of alcoholic beverages	\$50

Soliciting/Vending/Debt Collection:

<u>Section</u>	<u>Offense</u>	<u>Fine/Penalty</u>
74.410	Soliciting, vending or debt collection without federal authorization	\$100

Posting, Distributing Materials:

<u>Section</u>	<u>Offense</u>	<u>Fine/Penalty</u>
74.415(a)	Distribution of free samples of tobacco products in/around federal buildings	\$100
74.415(b)	Posting, affixing materials such as pamphlets, handbills, flyers on bulletin boards or elsewhere on federal property without federal authorization	\$100 plus removal of items*
74.415(c)	Distribution of materials such as pamphlets, handbills, flyers on bulletin boards in a non-public area; or in a public area without prior authorization	\$100

Photographs for News, Ads, Commercial or Non-Commercial Purposes:

<u>Section</u>	<u>Offense</u>	<u>Fine/Penalty</u>
74.420(a)-(b)	Photography of space occupied by an agency for commercial/non-commercial purposes without permission of the occupying agency	\$100*
74.420(c)	Photography for news purposes of building entrances, lobbies, foyers, corridors or auditoriums where prohibitions are in force under security regulations, rules, orders or directives or court order	\$100*

Dogs and Other Animals:

<u>Section</u>	<u>Offense</u>	<u>Fine/Penalty</u>
74.425	Bringing dogs or other animals on federal property for other than official purposes, excluding seeing-eye dogs, guide dogs and other animals being trained to assist an individual	\$40

Vehicular, Pedestrian Traffic:

<u>Section</u>	<u>Offense</u>	<u>Fine/Penalty</u>
74.430(a)	Failure to drive in careful, safe manner at all times	\$150*
74.430(b)	Failure to comply with the signals, directions of federal police officers or authorized individuals	\$250*
74.430(c)	Failure to comply with all posted traffic signs	\$50
74.430(d)	Failure to comply with any additional federally approved traffic directives	\$50
74.430(e)	Blocking entrances, driveways, walks, loading platforms or fire hydrants	\$50 plus removal or tow*
74.430(f)	Parking on federal property without a permit, parking in unauthorized locations, parking in locations reserved for others, parking in locations contrary to the direction of posted signs, parking where warning signs are posted	\$50 for handicap*; \$25 for all others

Explosives:Section

74.435

Offense

Carrying or possessing explosives or items intended to be used to fabricate an explosive or incendiary devices, either openly or concealed, excluding materials for official purposes

Fine/Penalty

Mandatory Appearance

Weapons:Section

74.440

Offense

Possession of firearms or other dangerous weapons in federal facilities and federal court facilities by persons not specifically authorized by 18 U.S.C. 930.

Fine/Penalty

Mandatory Appearance

Discrimination:

Section

74.445

Offense

Discrimination by segregation or otherwise against any person(s) because of race, creed, religion, age, sex, color, disability, or national origin in furnishing or refusing to furnish such person(s) the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided on the property

Fine/Penalty

\$50*

Title 18, United States Code

Assault:

<u>Section</u>	<u>Offense</u>	<u>Fine/Penalty</u>
113(a)(4)	Assault by striking, beating or wounding	Mandatory Appearance
113(a)(5)	Simple assault	\$100*
113(a)(5)	Simple assault if victim is not yet 16	Mandatory Appearance

Forged Identification:

<u>Section</u>	<u>Offense</u>	<u>Fine/Penalty</u>
701	Manufacturing, selling or possessing any forged federal badge, identification or insignia	Mandatory Appearance

Title 18, United States Code, Section 13(a) *incorporating*

<u>Va. Crim. Code Section:</u>	<u>Offense</u>	<u>Fine/Penalty</u>
18.2-268.3	Refusing to take a test breathalyzer, blood alcohol, etc.	Mandatory Appearance
18.2-387	Indecent exposure	\$150*
46.2-1095	Operating a vehicle with a person under 18 without proper child restraint device appropriately secured by a safety belt system or unrestrained by an appropriate safety belt system	\$100
46.2-1094	Failure to wear a seatbelt	\$25
46.2-804(6)	Passing on a double yellow line	\$50
46.2-863	Failure to yield right of way	\$50
46.2-910	Operating a motorcycle without a helmet	\$50