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PATRICK E. DUFFY, CLERK  
BY *[Signature]*  
DEPUTY CLERK

**ATTORNEY FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**

**IN THE MATTER OF**  
**COLLATERAL FORFEITURE**  
**SCHEDULE FOR THE**  
**FEDERAL PROTECTIVE**  
**SERVICE IN THE DISTRICT**  
**OF MONTANA**

**MOTION TO ADOPT**  
**UNIFORM COLLATERAL**  
**FORFEITURE SCHEDULE**  
**FOR MISDEMEANOR**  
**OFFENSES COMMITTED**  
**WITHIN THE JURISDICTION**  
**OF THE FEDERAL**  
**PROTECTIVE SERVICE IN**  
**THE DISTRICT OF**  
**MONTANA**

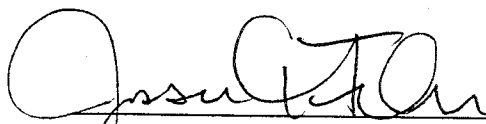
The United States of America moves the Court for an order

adopting the attached Collateral Forfeiture Schedule for misdemeanor offenses under the jurisdiction of the Federal Protective Service in the District of Montana. The Federal Protective Service in the District of Montana is charged with the duty of managing, regulating use, and protecting federal property in Montana. Currently there is no approved Collateral Forfeiture Schedule for misdemeanor and petty offenses committed within the jurisdiction of the Federal Protective Service in Montana. The attached Collateral Forfeiture Schedule is based upon the schedules used in North and South Dakota by the Federal Protective Service.

Based upon the foregoing, the United States respectfully requests that the attached Collateral Forfeiture Schedule be adopted in the District of Montana and the attached order be signed, disseminated to the Clerk of Court for the District of Montana and the undersigned.

DATED this 15<sup>th</sup> day of May, 2009.

WILLIAM W. MERCER  
United States Attorney



JESSICA T. FEHR  
Assistant U.S. Attorney

<u>Title</u>	<u>Offense</u>	<u>Proposed Penalty</u>
<b>Inspection</b> 41 CFR 102-74.370	Fails to allow inspection of packages, briefcases, and other containers while arriving on, working at, visiting, or departing from Federal property	\$50.00
<b>Admission to Property</b> 41 CFR 102-74.375(a)	Trespass on property closed to the public during other than normal working hours	\$250.00
41 CFR 102-74.375(b)	Trespass on property closed to the public during working hours	\$250.00
41 CFR 102-74.375( c )	Enters the property without signing the register or displaying Government or other identifying credentials to Federal police officers or other authorized individuals when entering, leaving or while on the property	\$50.00
<b>Preservation of Property</b> 41 CFR 102-74.380(a)	Improperly disposes of rubbish on property	\$50.00
41 CFR 102-74.380(b)	Willfully destroys or damages property	Mandatory Appearance
41 CFR 102-74.380(c)	Steals property	Mandatory Appearance
41 CFR 102-74.380(d)	Creates any hazard on property to persons or things	\$100.00
41 CFR 102-74.380(e)	Throws articles of any kind from or at a building or climbs upon statues, fountains or any part of the building	\$100.00
<b>Conformity with Signs and Directions</b> 41 CFR 102-74.385	Fails to comply with official signs	\$50.00
41 CFR 102-74.385	Fails to comply with the lawful direction of Federal police officers and other authorized individuals	\$250.00
<b>Disturbances</b> 41 CFR 102-74.390	Loitering	\$100.00
41 CFR 102-74.390	Disorderly Conduct	\$500.00
41 CFR 102-74.390(a)	Creates loud or unusual noise or nuisance	\$100.00
41 CFR 102-74.390(b)	Obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots	\$500.00
41 CFR 102-74.390( c )	Impedes or disrupts the performance of official duties by Government employees	\$500.00
41 CFR 102-74.390(d)	Prevents the general public from obtaining administrative services in a timely manner	\$500.00

<u>Title</u>	<u>Offense</u>	<u>Proposed Penalty</u>
<b>Gambling</b> 41 CFR 102-74.395(a)(1)	Participates in games for money or other personal property	\$100.00
41 CFR 102-74.395(a)(2)	Operates gambling devices	\$100.00
41 CFR 102-74.395(a)(3)	Conducts a lottery or pool	\$100.00
41 CFR 102-74.395(a)(4)	Sells or purchases numbers tickets	\$100.00
41 CFR 102-74.395(b)	Conducts prize drawings for personal property by means of a game of chance (gambling)	\$100.00
<b>Narcotics and Other Drugs</b> 41 CFR 102-74.400(a)	Enters in or on Federal property under the influence of any narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines	\$250.00
41 CFR 102-74.400(a)	Enters in or on Federal property and uses or possesses any narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines	Mandatory Appearance
41 CFR 102-74.400(b)	Operates a motor vehicle on Federal property while under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines	Mandatory Appearance
<b>Alcoholic Beverages</b> 41 CFR 102-74.405	Is under the influence or using alcoholic beverages in or on Federal property	\$100.00
<b>Soliciting, Vending and Debt Collection</b> 41 CFR 102-74.410	Solicits alms (including money and non-monetary items) or commercial or political donations, vending merchandise of all kinds, displaying or distributing commercial advertising, or collecting private debts	\$50.00
<b>Posting and Distributing Materials</b> 41 CFR 102-74.415(a)	Distributes free samples of tobacco products in or around Federal buildings; PL104-52	\$50.00
41 CFR 102-74.415(b)	Posts or affixes materials, such as pamphlets, handbills, or flyers, on bulletin boards or elsewhere	\$50.00
41 CFR 102-74.415( c )	Distributes materials, such as pamphlets, handbills, or flyers	\$50.00
<b>Photographs for News, Advertising, or Commercial Purposes</b> 41 CFR 102-74.420 (a) (b)	Takes photographs for news, advertising or commercial purposes without the consent of the occupying agency	\$250.00
41 CFR 102-74.420	Takes photographs where security provisions apply or when prohibited by Federal court order or rule	\$500.00
41 CFR 102-74.420 ( c )	Takes photographs of other than entrances, lobbies, foyers, corridors, or auditoriums for	\$250.00

<u>Title</u>	<u>Offense</u>	<u>Proposed Penalty</u>
	news purposes	
<b>Dogs and Other Animals</b> 41 CFR 102-74.425	Brings dogs or other animals on Federal property for other than official purposes (except service animals)	\$50.00
<b>Breastfeeding</b> 41 CFR 102-74.426	A woman breastfeeding other than her child in a Federal building or on Federal property	\$250.00
41 CFR 102-74.426	A woman breastfeeding her child in a Federal building or on Federal property without being authorized to be present at the location	\$250.00
<b>Vehicular and Pedestrian Traffic</b> 41 CFR 102-74.430(a)	Fails to drive in a careful and safe manner	\$250.00
41 CFR 102-74.430(a)	Fails to drive a vehicle upon the right half of the roadway or in the right hand lane for traffic	\$50.00
41 CFR 102-74.430(b)	Fails to comply with the signals and directions of Federal police officers or other authorized individuals	\$250.00
41 CFR 102-74.430( c )	Fails to comply with posted traffic signs	\$50.00
41 CFR 102-74.430( c )	Operates a vehicle in excess of the posted speed limit 1-5 miles over posted limit 6- 10 miles over posted limit 11-15 miles over posted limit 16- 20 21 and above	\$20.00 \$30.00 \$40.00 \$50.00 \$100.00
41 CFR 102-74.430(d)	Fails to comply with any additional posted traffic directives	\$50.00
41 CFR 102-74.430(e)	Blocks entrances, driveways, walks, loading platforms, or fire hydrants	\$50.00
41 CFR 102-74.430(f)	Parks without a permit	\$50.00
41 CFR 102-74.430(f)	Parks without authority, in unauthorized locations or in locations reserved for other persons, or parks contrary to the direction of posted signs.	\$50.00
41 CFR 102-74.430(f)	Parks in handicapped spot without permit	\$150.00
<b>Explosives</b> 41 CFR 102-74.435	Enters or while on Federal property carries or possesses explosives or items intended to be used to fabricate an explosive or incendiary device, either openly or concealed, for other than official purposes	Mandatory Appearance
<b>Weapons</b> 41 CFR 102-74.440	Possesses firearms or other dangerous weapons in Federal facilities and Federal court facilities by persons not specifically	Mandatory Appearance

<u>Title</u>	<u>Offense</u>	<u>Proposed Penalty</u>
	authorized by 18 USC 930	
<b>Nondiscrimination</b> 41 CFR 102-74.445	A Federal agency discriminates by segregation or otherwise against any person or persons because of race, creed, sex, color, or national origin.	\$50.00

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*[Signature]*  
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FOR THE DISTRICT OF MONTANA

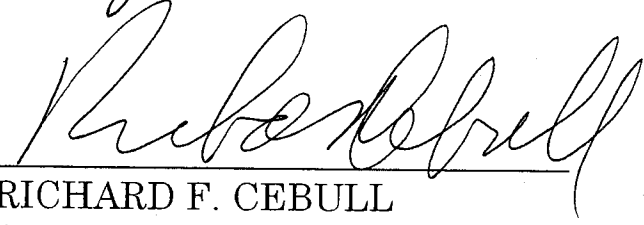
IN THE MATTER OF  
COLLATERAL FORFEITURE  
SCHEDULE FOR THE  
FEDERAL PROTECTIVE  
SERVICE IN THE DISTRICT OF  
MONTANA

ORDER ADOPTING UNIFORM  
COLLATERAL FORFEITURE  
SCHEDULE FOR  
MISDEMEANOR OFFENSES  
COMMITTED WITHIN THE  
JURISDICTION OF THE  
FEDERAL PROTECTIVE  
SERVICE OF THE DISTRICT  
OF MONTANA

IT IS ORDERED that the attached Collateral Forfeiture Schedule of the Federal Protective Service is effective as of the date of this Order.

IT IS FURTHER ORDERED that this Collateral Forfeiture Schedule supersedes all previous Collateral Forfeiture Schedules adopted in the District of Montana for misdemeanor offenses under the jurisdiction of the Federal Protective Service.

DATED this 18<sup>th</sup> day of May, 2009.

  
RICHARD F. CEBULL  
Chief U.S. District Judge

cc: AUSA Fehr  
Clerk of Courts

CERTIFICATE OF MAILING  
DATE: 5/19/09 BY: JMM  
I hereby certify that a copy  
of this order was mailed to:

JUDGE STRONG      UNIDA MITCHELL  
JUDGE HOLTZ      SHANNON SANDERSON  
JUDGE LYNCH      COURTNEY HANLEY  
AUSA JESSICA FEHR