

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

IN THE MATTER OF THE  
FORFEITURE OF COLLATERAL IN  
LIEU OF APPEARANCE FOR PETTY  
OFFENSE CITATIONS ISSUED BY THE  
FEDERAL PROTECTIVE SERVICE

**ORDER ADOPTING COLLATERAL  
FORFEITURE SCHEDULE**

The United States of America, on behalf of its Department of Homeland Security, Federal Protective Service, has moved this Court to adopt a collateral forfeiture schedule applicable to Federal Protective Service petty offenses in the District of North Dakota.

The Court has reviewed the proposed schedule, a comparison of similar schedules in this and other districts, and finds that it is:

1. Within a range of comparable schedules adopted in this and other districts;
2. In the interest of justice and judicial economy to adopting; and
3. Intended to achieve balance and fairness in the Federal Protective Service's enforcement responsibilities.

IT IS ORDERED that the Collateral Forfeiture Schedule of the Federal Protective Service as set out in Exhibit 1, which is made part of this Order, is hereby adopted, effective the date of this Order.

IT IS FURTHER ORDERED that this Collateral Forfeiture Schedule supersedes any and all previous Collateral Forfeiture Schedules adopted in the District of North Dakota for petty offenses under the jurisdiction of the Federal Protective Service.

IT IS FURTHER ORDERED that a copy of this Order be made a part of the record of standing orders of this court and of the Central Violations Bureau pertaining to the

clerical, administrative, and fiscal operations it maintains on behalf of this District. The Clerk is directed to proceed accordingly.

Dated this 28<sup>th</sup> day of November, 2017.



DANIEL L. HOVLAND, Chief Judge  
United States District Court

Title 41	N. Dakota FPS Fee
<p><b>Inspection (41 CFR 102-74.370) Federal agencies may, at their discretion, inspect packages, briefcases and other containers in the immediate possession of visitors, employees or other persons arriving on , working at, visiting, or departing from Federal property. Federal agencies may conduct a full search of a person and the vehicle the person is driving or occupying upon his or her arrest</b></p>	\$50.00
<p><b>Admission to Property (41 CFR 102-74.375) Federal agencies must --</b></p>	
<p>(a) Except as otherwise permitted, close property to the public during other than normal working hours. In those instances where a Federal agency has approved the after-normal-working-hours use of buildings or portions thereof for activities authorized by subpart D of this part, Federal agencies must not close the property (or affected portions thereof) to the public;</p>	\$75.00
<p>(b) Close property to the public during working hours only when situations require this action to provide for the orderly conduct of Government business. The designated official under the Occupant Emergency Program may make such decision only after consultation with the buildings manager and the highest ranking representative of the law enforcement organization responsible for protection of the property or the area. The designated official is defined in Sec. 102-71.20 of this chapter as the highest ranking official or designee selected by mutual agreement by other occupant agency officials; and</p>	\$75.00
<p>(c) When property or a portion thereof is closed to the public, restrict admission to the property, or the affected portion, to authorized persons who must register upon entry to the property and must, when requested, display Government or other identifying credentials to Federal police officers or other authorized individuals when entering, leaving or while on the property. Failure to comply with any of the applicable provisions is a violation of these regulations.</p>	\$ 75.00
<p><b>Preservation of Property (41 CFR 102-74.380). All persons entering in or on Federal property are prohibited from--</b></p>	
<p>(a) Improperly disposing of rubbish on property;</p>	\$50.00
<p>(b) Willfully destroying or damaging property;</p>	<p>\$250.00 (less than \$100 of damage)</p> <hr/> <p>Mandatory Appearance (damage over \$100.00)</p>
<p>(c) Stealing property;</p>	Mandatory Appearance
<p>(d) Creating any hazard on property to persons or things; and</p>	\$250.00
<p>(e) Throwing articles of any kind from or at a building or the climbing upon statues, fountains or any part of the building</p>	\$100.00

Title 41	N. Dakota FPS Fee
<b>Conformity with Signs and Directions (41 CFR 102-74.385). Persons in and on property must at all times comply with official signs of a prohibitory, regulatory or directory nature and with the lawful direction of Federal police officers and other authorized individuals.</b>	\$80.00
Fails to comply with the lawful direction of Federal police officers and other authorized individuals	\$100.00
<b>Disturbances (41 CFR 102-74.390). All persons entering in or on Federal property are prohibited from loitering, exhibiting disorderly conduct or exhibiting other conduct on property that--</b>	
Loitering	\$50.00
Disorderly Conduct	\$250.00
(a) Creates loud or unusual noise or a nuisance;	\$250.00
(b) Unreasonably obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, or parking lots;	\$250.00
(c) Otherwise impedes or disrupts the performance of official duties by Government employees; or	\$250.00
(d) Prevents the general public from obtaining the administrative services provided on the property in a timely manner	\$250.00
<b>Gambling (41 CFR 102-74.395). Except for the vending or exchange of chances by licensed blind operators of vending facilities for any lottery set forth in a State law and authorized by section 2(a)(5) of the Randolph-Sheppard Act (20 U.S.C. 107 et seq.), all persons entering in or on Federal property are prohibited from--</b>	
(a) Participating in games for money or other personal property;	\$75.00
(b) Operating gambling devices;	\$100.00
(c) Conducting a lottery or pool; or	\$100.00
(d) Selling or purchasing numbers tickets	\$100.00
Conducts prize drawings for personal property by means of a game of chance (gambling)	\$100.00

Title 41	N. Dakota FPS Fee
<b>Narcotics and Other Drugs (41 CFR 102-74.400). Except in cases where the drug is being used as prescribed for a patient by a licensed physician, all persons entering in or on Federal property are prohibited from--</b>	
(a) Being under the influence, using or possessing any narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines; or	\$75.00 (Enters Under Influence) <hr/> \$100.00 (Possess small amount of marijuana) <hr/> Mandatory Appearance (Possess large amount of marijuana or possess any other drug)
(b) Operating a motor vehicle on the property while under the influence of alcoholic beverages, narcotic drugs, hallucinogens, marijuana, barbiturates, or amphetamines	Mandatory Appearance
<b>Alcoholic Beverages (41 CFR 102-74.405). Except where the head of the responsible agency or his or her designee has granted an exemption in writing for the appropriate official use of alcoholic beverages, all persons entering in or on Federal property are prohibited from being under the influence or using alcoholic beverages. The head of the responsible agency or his or her designee must provide a copy of all exemptions granted to the buildings manager and the highest ranking representative of the law enforcement organization, or other authorized officials, responsible for the security of the property.</b>	\$100.00
<b>Soliciting, Vending and Debt Collection (41 CFR 102-74.410). All persons entering in or on Federal property are prohibited from soliciting 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, except for--</b>	\$100.00
(a) National or local drives for funds for welfare, health or other purposes as authorized by 5 CFR part 950, entitled "Solicitation of Federal Civilian And Uniformed Service Personnel For Contributions To Private Voluntary Organizations," and sponsored or approved by the occupant agencies;	N/A
(b) Concessions or personal notices posted by employees on authorized bulletin boards;	N/A
(c) Solicitation of labor organization membership or dues authorized by occupant agencies under the Civil Service Reform Act of 1978 (Public Law 95-454);	N/A
(d) Lessee, or its agents and employees, with respect to space leased for commercial, cultural, educational, or recreational use under the Public Buildings Cooperative Use Act of 1976 (40 U.S.C. 581(h)). Public areas of GSA-controlled property may be used for other activities in accordance with subpart D of this part;	N/A
(e) Collection of non-monetary items that are sponsored or approved by the occupant agencies; and	N/A
(f) Commercial activities sponsored by recognized Federal employee associations and on-site child care centers	N/A

Title 41	N. Dakota FPS Fee
<b>Posting and Distributing Materials (41 CFR 102-74.415). All persons entering in or on Federal property are prohibited from--</b>	
(a) Distributing free samples of tobacco products in or around Federal buildings, under Public Law 104-52, Section 636;	\$50.00
(b) Posting or affixing materials, such as pamphlets, handbills, or flyers, on bulletin boards or elsewhere on GSA-controlled property, except as authorized in Sec. 102-74.410, or when these displays are conducted as part of authorized Government activities; and	\$100.00
(c) Distributing materials, such as pamphlets, handbills, or flyers, unless conducted as part of authorized Government activities. This prohibition does not apply to public areas of the property as defined in Sec. 102-71.20 of this chapter. However, any person or organization proposing to distribute materials in a public area under this section must first obtain a permit from the building manager as specified in subpart D of this part. Any such person or organization must distribute materials only in accordance with the provisions of subpart D of this part. Failure to comply with those provisions is a violation of these regulations.	\$100.00
<b>Photographs for News, Advertising, or Commercial Purposes (41 CFR 102-74.420). Except where security regulations, rules, orders, or directives apply or a Federal court order or rule prohibits it, persons entering in or on Federal property may take photographs of--</b>	
(a) Space occupied by a tenant agency for non-commercial purposes only with the permission of the occupying agency concerned;	\$150.00
(b) Space occupied by a tenant agency for commercial purposes only with written permission of an authorized official of the occupying agency concerned; and	\$150.00
(c) Building entrances, lobbies, foyers, corridors, or auditoriums for news purposes.	\$150.00
<b>Dogs and Other Animals (41 CFR 102-74.425). No person may bring dogs or other animals on Federal property for other than official purposes. However, a disabled person may bring a seeing-eye dog, a guide dog, or other animal assisting or being trained to assist that individual.</b>	\$50.00
<b>Breastfeeding (41 CFR 102-74.426) Public Law 108-199, Section 629, Division F, Title VI (January 23, 2004), provides that a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.</b>	N/A

Title 41	N. Dakota FPS Fee
<b>Vehicular and Pedestrian Traffic (41 CFR 102-74.430). All vehicle drivers entering or while on Federal property--</b>	
(a) Must drive in a careful and safe manner at all times;	\$150.00
(b) Must comply with the signals and directions of Federal police officers or other authorized individuals;	\$100.00
(c) Must comply with all posted traffic signs;	\$50.00 (Fail to comply with traffic signs) <hr/> \$40.00 (Speed 1-5 mph over) <hr/> \$50.00 (Speed 6-10 mph over) <hr/> \$60.00 (Speed 11-15 mph over) <hr/> \$70.00 (Speed 16-20 mph over) <hr/> \$150.00 (Speed 21 mph and over)
(d) Must comply with any additional posted traffic directives approved by the GSA Regional Administrator, which will have the same force and effect as these regulations;	\$100.00
(e) Are prohibited from blocking entrances, driveways, walks, loading platforms, or fire hydrants; and	\$50.00
(f) Are prohibited from parking on Federal property without a permit. Parking without authority, parking in unauthorized locations or in locations reserved for other persons, or parking contrary to the direction of posted signs is prohibited. Vehicles parked in violation, where warning signs are posted, are subject to removal at the owner's risk and expense. Federal agencies may take as proof that a motor vehicle was parked in violation of these regulations or directives as prima facie evidence that the registered owner was responsible for the violation.	\$50.00 (parking in handicap spot) <hr/> \$25.00 (parking in no park areas) <hr/> \$50.00 (parking emergency areas)
<b>Explosives (41 CFR 102-74.435). No person entering or while on property may carry or possess explosives, or items intended to be used to fabricate an explosive or incendiary device, either openly or concealed, except for official purposes.</b>	Mandatory Appearance

Title 41	N. Dakota FPS Fee
<b>Weapons (41 CFR 102-74.440). Federal law prohibits the possession of firearms or other dangerous weapons in Federal facilities and Federal court facilities by all persons not specifically authorized by Title 18, United States Code, Section 930. Violators will be subject to fine and/or imprisonment for periods up to five (5) years.</b>	Mandatory Appearance (Possession of firearms) <hr/> \$300.00 (Possession of knives and other weapons)