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US DISTRICT COURT

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FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

93 MAY 19 10:13

MOTION FOR MODIFICATION OF
SYSTEM OF COLLATERAL FORFEITURE
FOR PETTY OFFENSE VIOLATIONS
OF THE VETERANS AFFAIRSCLERK U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLA.
JACKSONVILLE, FLORIDA

COMES NOW The United States of America, by and through its undersigned Assistant United States Attorney, respectfully request that this Court modify its order entered March 14, 1986, Docket No. Misc.-OC-86-43, which established the collateral forfeiture schedule for violations of regulations of the Veterans Affairs (previously known as Veterans Administration), and in support offers the following:

1. The present collateral forfeiture schedule was established in March of 1986. Since that time the cost of issuing and processing offense citations has risen while the collateral forfeiture amounts have remained the same. Accordingly, the present collateral forfeiture amounts provide an insufficient deterrent to repeated violations.

2. The collateral forfeiture schedule proposed by the United States is intended to enhance compliance with the Veterans Affairs regulations by balancing deterrence and efficient use of law enforcement and judicial resources.

The following changes have been made in this proposed collateral forfeiture system:

1. The fines in fourteen offenses have been changed; these changes are indicated in the attached list by an asterisk "*"; the old fine is in parentheses.

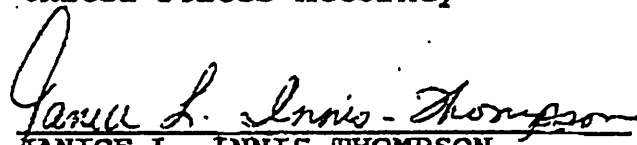
2. Mandatory appearance will be required for three offenses that previously offered of forfeiture of collateral. These are indicated by "MANDATORY APPEARANCE"; the old fine is in parentheses.

WHEREFORE, the United States of America moves this Court to amend it's order entered under Docket No. Misc.-OC-86-43 on March 14, 1986 to included the revisions in the collateral forfeiture schedule attached.

Respectfully submitted,

ROBERT W. GENZMAN
United States Attorney

By:


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US DISTRICT COURT

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

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ORDER

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93-105-MISC

The Schedule of Fines attached to the Court's Forfeiture of Collateral Order, Docket No. Misc.-OC-86-43, dated April 14, 1986, is hereby amended to include the revisions included in the Veterans Affairs Collateral Forfeiture Schedule attached hereto.

DONE AND ORDERED this 19~~th~~ day of May, 1993, at Jacksonville, Florida.

[Signature]
UNITED STATES DISTRICT JUDGE

[Signature]
UNITED STATES DISTRICT JUDGE

[Signature]
UNITED STATES DISTRICT JUDGE

Certified Copies to:

- ✓ Honorable Howard T. Snyder
United States Magistrate Judge
- ✓ Honorable John E. Steele
United States Magistrate Judge
- ✓ Honorable Robert W. Genzman
United States Attorney (Innis-Thompson)
Chief Kenneth R. Johnson
Veteran's Administration Hospital
Lake City, Florida

VETERANS AFFAIRS VIOLATIONS

Title 38, Code of Federal Regulations, Section 1.218(b)

OFFENSE

COLLATERAL
\$

(1)	Improper disposal of rubbish on property..	200.00*	(50.00)
(2)	Spitting on property.....	25.00	
(3)	Throwing of articles from a building or the unauthorized climbing upon any part of the building.....	50.00	
(4)	Willful destruction, damage, or removal of government property without authorization (fine is 10 times amount of damage).....up to	500.00*	(100.00)
(5)	Defacement, destruction, mutilation or injury to, or removal, or disturbance of gravemarker or headstone.....	500.00*	(100.00)
(6)	Failure to comply with signs of a directive and restrictive nature posted for safety purposes.....	50.00	
(7)	Tampering with, removal, marring or destruction of posted signs.....	150.00*	(50.00)
(8)	Entry into areas posted as closed to the public or others (trespass).....	50.00	
(9)	Unauthorized demonstration or service in a national cemetery or on other VA property..	250.00*	(100.00)
(10)	Creating a disturbance during a burial ceremony.....	250.00*	(50.00)
(11)	Disorderly conduct which creates loud, boisterous, and unusual noise, or which obstructs the normal use of entrances, foyers, offices, corridors, elevators, and stairways or which tends to impede or prevent the normal operation of a service or operation of the facility.....	250.00*	(100.00)
(12)	Failure to depart premises by unauthorized persons.....	50.00	
(13)	Unauthorized loitering, sleeping or assembly on property.....	50.00	

Title 38, Code of Federal Regulations, Section 1.218(b)

OFFENSE

COLLATERAL
\$

(14)	Gambling-participating in games of chance for monetary gain or personal property; the operation of gambling devices, a pool or lottery; or the taking or giving of bets.....	200.00* (50.00)
(15)	Operation of a vehicle under the influence of alcoholic beverages or non prescribed narcotic drugs hallucinogens, marijuana, barbiturates, or amphetamines.....	MANDATORY APPEARANCE
(16)	Entering premises under the influence of alcoholic beverages or narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines.....	200.00* (100.00)
(17)	Unauthorized use on property of alcoholic beverages or narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines.....	300.00* (100.00)
(18)	Unauthorized introduction on VA controlled property of alcoholic beverages or narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines or the unauthorized giving of same to a patient or beneficiary.	500.00* (100.00)
(19)	Unauthorized solicitation of alms and contributions on premises.....	50.00
(20)	Commercial soliciting or vending, or the collection of private debts on property....	50.00
(21)	Distribution of pamphlets, handbills, and flyers.....	25.00
(22)	Display of placards or posting of material on property.....	25.00
(23)	Unauthorized photography on premises.....	50.00
(24)	Failure to comply with traffic directions of VA Police.....	25.00
(25)	Parking in spaces posted as reserved for physically disabled persons.....	50.00
(26)	Parking in no-parking areas, lanes, or crosswalks so posted or marked by yellow borders or yellow stripes.....	25.00

Title 38, Code of Federal Regulations, Section 1.218(b)

<u>OFFENSE</u>	<u>COLLATERAL</u>	
	\$	
(27) Parking in emergency vehicle spaces, areas and lanes bordered in red or posted as EMERGENCY VEHICLES ONLY or FIRE LANE, or parking within 15 feet of a fire hydrant...	50.00	
(28) Parking within an intersection or blocking a posted vehicle entrance or posted exit lane.....	25.00	
(29) Parking in spaces posted as reserved or in excess of a posted time limit.....	15.00	
(30) Failing to come to a complete stop at a STOP sign.....	25.00	
(31) Failing to yield to a pedestrian in a marked and posted crosswalk.....	25.00	
(32) Driving in the wrong direction on a posted one-way street.....	25.00	
(33) Operation of a vehicle in a reckless or unsafe manner, too fast for conditions, drag racing, overriding curbs, or leaving the roadway.....	100.00	
(34) Exceeding posted speed limits:		
(i) By up to 10 mph.....	25.00	
(ii) By up to 20 mph.....	50.00	
(iii) By over 20 mph.....	100.00	
(35) Creating excessive noise in a hospital or cemetery zone by muffler cut out, excessive use of a horn, or other means.....	50.00	
(36) Failure to yield right-of-way to other vehicles.....	50.00	
(37) Possession of firearms, carried either openly or concealed, whether loaded or unloaded except by Federal or State law enforcement officers on official business..	MANDATORY APPEARANCE*	(100.00)
(38) Introduction or possession of explosives, or explosive devices which fire a projectile, ammunition, or combustibles....	MANDATORY APPEARANCE*	(100.00)
(39) Possession of knives which exceed a blade length of three inches; switchblade knives; any variety of hatchets, clubs and hand-held weapons; or brass knuckles.....	300.00*	(100.00)

Title 38, Code of Federal Regulations, Section 1.218(b)

OFFENSE

COLLATERAL
\$

(40) The unauthorized possession of any of the variety of incapacitating liquid or gas-emitting weapons.....	MANDATORY APPEARANCE* (100.00)
(41) Unauthorized possession, manufacture, or use of keys or barrier card-type keys to rooms or areas on the property.....	200.00* (100.00)
(42) The surreptitious opening, or attempted opening, of locks or card-operated barrier mechanisms on property.....	500.00* (100.00)
(43) Soliciting for, or the act of prostitution.....	MANDATORY APPEARANCE
(44) Any unlawful sexual activity.....	MANDATORY APPEARANCE
(45) Jogging, bicycling, sledding or any recreational physical activity conducted on cemetery grounds.....	50.00