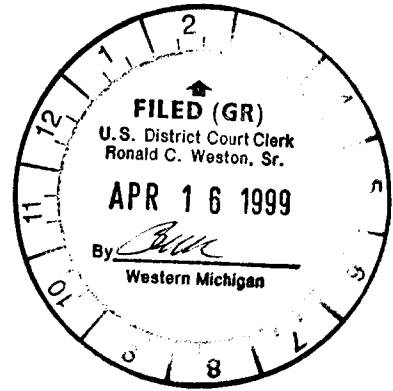


**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**



IN THE MATTER OF THE
RULES OF THE COURT

) Administrative Order
) Miscellaneous No. 99-032
)

ORDER

**FORFEITURE OF COLLATERAL SCHEDULE
FOR INDIAN COUNTRY LANDS**

Pursuant to Federal Rules of Criminal Procedure, Rule 58(d) and Local Criminal Rule 58.2 of the United States District Court for the Western District of Michigan, the Court hereby designates the misdemeanor and petty offenses for which collateral may be posted and forfeited in lieu of appearance by the person charged and establishes the amount of such collateral that may be posted for offenses committed in the Western District of Michigan that occur on Indian Country lands as defined by 18 U.S.C. § 1151(a), (b) and (c). See Schedules I and II attached hereto.

IT IS SO ORDERED this 16th day of April, 1999.

THIS ORDER SHALL TAKE EFFECT IMMEDIATELY.

A handwritten signature in black ink, appearing to read "Richard Alan Enslen".

RICHARD ALAN ENSLEN, Chief Judge
United States District Court
Western District of Michigan

SCHEDULE I. OFFENSES BY A NON-INDIAN AGAINST A TRIBE, TRIBAL INTEREST AND/OR TRIBAL PROPERTY WITHIN INDIAN COUNTRY

OFFENSES	PENALTY	MANDATORY APPEARANCE (*MA) OR FORFEITURE OF COLLATERAL AMOUNT FOR OPTIONAL APPEARANCE
Simple assault upon, resisting, intimidating, or impeding a federal law enforcement officer (without use of weapon or bodily injury) (18 U.S.C. § 111)	\$100,000 &/or 1 year	*MA
Embezzlement, stealing, or knowing conversion of U.S. money/property - under \$1,000 (18 U.S.C. § 641)	\$100,000 &/or 1 year	*MA
Embezzlement, conversion, or theft from Indian tribal organization - under \$1,000 (18 U.S.C. § 1163)	\$100,000 & or 1 year	*MA
Larceny - any person who shall commit offense of larceny by stealing property of another (Indian) person, if property does not exceed \$100 (18 U.S.C. § 1152, and § 13; M.C.L.A. §750.356)	\$100 &/or 90 days	\$75

OFFENSES	PENALTY	MANDATORY APPEARANCE (*MA) OR FORFEITURE OF COLLATERAL AMOUNT FOR OPTIONAL APPEARANCE
Retail fraud - Any person who in a store open to the public in Indian Country alters, transfers, removes and replaces, conceals, or otherwise misrepresents the price at which property is offered for sale, with the intent not to pay for the property or to pay less than the price at which it is offered for sale; or with intent to defraud, obtains or attempts to obtain money or property of a value less than \$100 from the (Indian owned) store as a refund or exchange for property that was not paid for and belongs to the store (18 U.S.C. § 1152, and § 13; M.C.L.A. § 750.356d)	\$100 &/or 93 days	\$100
Destruction/Removal of Indian country boundary or warning signs (18 U.S.C. § 1164)	\$5,000 &/or 6 months	\$100 (per sign)
Destruction/Removal of hunting, fishing or trapping signs in Indian Country (18 U.S.C. § 1164)	\$5,000 &/or 6 months	\$100 (per sign)
Illegal trafficking in Native American human remains excavated or discovered on federal or tribal lands after November 16, 1990 (18 U.S.C. § 1170(a))	\$100,000 &/or 1 year	*MA

OFFENSES	PENALTY	MANDATORY APPEARANCE (*MA) OR FORFEITURE OF COLLATERAL AMOUNT FOR OPTIONAL APPEARANCE
Illegal trafficking in Native American cultural items excavated or discovered on federal or tribal lands after November 16, 1990 (18 U.S.C. § 1170(b))	\$100,000 &/or 1 year	*MA
Knowing or intentional possession of a controlled substance without a valid prescription (first offense) (21 U.S.C. § 844)	Not less than \$1,000, nor more than \$100,000 &/or 1 year	*\$250
Willful injury to U.S. government property with less than \$1,000 in damage (18 U.S.C. § 1361)	\$100,000 &/or 1 year	\$200
Obstruction, resistance, opposition, assault, beating, or wounding of a process server who is attempting to serve federal process (18 U.S.C. § 1501)	\$100,000 &/or 1 year	*MA
Fictitious crimes, police reports - Any person who shall wilfully and knowingly make to any member of law enforcement for an Indian tribe a fictitious report of the commission of any misdemeanor crime knowing same to be false (18 U.S.C. § 1152, and § 13; M.C.L.A. § 750.411a)	\$100 &/or 90 days	*MA

OFFENSES	PENALTY	MANDATORY APPEARANCE (*MA) OR FORFEITURE OF COLLATERAL AMOUNT FOR OPTIONAL APPEARANCE
Unlawful cutting, injuring or destroying trees on tribal land (18 U.S.C. § 1853)	\$100,000 &/or 1 year	\$150
Leaving fire unattended on tribal land (18 U.S.C. § 1856)	\$5,000 &/or 6 months	\$100
Failure to report known or reasonably suspected child abuse in Indian country to local law enforcement or child protective services agency (18 U.S.C. § 1169(a))	\$5,000 &/or 6 months	*MA
Inhibiting another from reporting child abuse in Indian country (18 U.S.C. § 1169(b))	\$5,000 &/or 6 months	*MA
Indecent exposure - Any person who shall knowingly make any open or indecent exposure of his or her person or of the person of another in Indian Country (18 U.S.C. § 1152, and § 13; M.C.L.A. § 750.335)	\$500 or 1 year	*MA
Willfully and knowingly hunting, trapping or fishing without lawful authority or permission on tribal land (18 U.S.C. § 1165)	\$5,000 &/or 90 days	\$100
Theft from a tribal gaming establishment on Indian land of less than \$1,000 (18 U.S.C. § 1167(a))	\$100,000 &/or 1 year	*MA

OFFENSES	PENALTY	MANDATORY APPEARANCE (*MA) OR FORFEITURE OF COLLATERAL AMOUNT FOR OPTIONAL APPEARANCE
Unauthorized excavation, removal, damage, alteration or defacement of any archeological resource located on public land, or tribal land without a permit (item with a value less than \$500) - first offense (16 U.S.C. § 470ee(a))	\$1,000 &/or 1 year \$100,000 alternative fine	\$100
Trafficking in archeological resources by selling, purchasing or offering for sale, purchase or exchange any archeological resource when it was excavated or removed from public land, tribal land, or an Indian allotment without legal authorization or in violation of a federal law, regulation, rule, ordinance, or permit (item with a value less than \$500) - first offense. (16 U.S.C. § 470 ee(b))	\$10,000 &/or 1 year \$100,000 alternative fine	\$100
Adulteration of drugs or medicine - Any person who shall fraudulently adulterate in Indian Country, any drug or medicine, in a manner as to render the same injurious to health (18 U.S.C. § 1152 and § 13; M.C.L.A. §750.16)	\$500 or 1 year	*MA

OFFENSES	PENALTY	MANDATORY APPEARANCE (*MA) OR FORFEITURE OF COLLATERAL AMOUNT FOR OPTIONAL APPEARANCE
False Advertisement - Any person who with intent to sell, purchase or in anyway dispose of or acquire merchandise, securities, services or anything offered or sought by such person, directly or indirectly advertising in Indian country, which advertisement contains any assertion, representation or statement or illustration which is untrue, deceptive or misleading, or calculated to subject any person to disadvantage or injury through such publication (18 U.S.C. § 1152, and § 13; M.C.L.A. §750.33)	\$500 or 1 year	*MA
False alarm of fire - Any person who shall knowingly and willfully raise a false alarm of fire at any gathering or public place in Indian Country, rings any bell or operates any mechanical apparatus, electrical apparatus or combination thereof, for the purpose of creating a false alarm of fire, or raises a false alarm of fire orally, by telephone or in person (18 U.S.C. § 1152, and § 13; M.C.L.A. §750.240)	\$500 & 1 year	*MA

**SCHEDULE II. OFFENSES BY A NON-INDIAN AGAINST THE PERSON OR PROPERTY OF AN INDIAN
WITHIN INDIAN COUNTRY**

OFFENSES	PENALTY	MANDATORY APPEARANCE (*MA) OR FORFEITURE OF COLLATERAL AMOUNT FOR OPTIONAL APPEARANCE
Simple assault (Indian victim) (18 U.S.C. § 1152 and § 113(a)(5))	\$5,000 &/or 6 months	*MA
Simple assault w/ an Indian victim less than 16 yrs old (18 U.S.C. § 1152 and § 113(a)(5))	\$100,000 &/or 1 year	*MA
Assault by striking, beating or wounding (Indian victim) (18 U.S.C. § 1152 and § 113(a)(4))	\$5,000 &/or 6 months	*MA
Taking and carrying away, with intent to steal or purloin the personal property (of an Indian) - under \$1,000 (18 U.S.C. § 1152 and § 661)	\$100,000 &/or 1 year	\$100
Buying, concealing, or receiving stolen personal property (of an Indian) under \$1,000 (18 U.S.C. § 1152 and § 662)	\$100,000 &/or 1 year	\$100
Disturbing a religious meeting (of Indians) (18 U.S.C. § 1152 and § 13; M.C.L.A. §750.169)	\$100 &/or 90 days	*MA

OFFENSES	PENALTY	MANDATORY APPEARANCE (*MA) OR FORFEITURE OF COLLATERAL AMOUNT FOR OPTIONAL APPEARANCE
Disorderly Person - A person of sufficient ability who refuses or neglects to support his/her (Indian) family, a peeping tom, a person intoxicated in a public place and endangering the safety of another (Indian) or is committing a public disturbance, a vagrant, a person found begging in a public place, or a person found jostling or roughly crowding (an Indian) unnecessarily in a public place (18 U.S.C. § 1152, and § 13; M.C.L.A. §750.167, and §750.168)	\$100 &/or 90 days	\$75
Unauthorized use of a telephone device - Any person who knowingly obtains or attempts to obtain telephone service or transmission of a telephone message in Indian Country by the use of any false or fictitious telephone credit number or unauthorized use of such credit number or telephone number, if total value of service is less than \$1000 (18 U.S.C. § 1152, and § 13; M.C.L.A. §750.219a)	\$1,000 &/or 1 year	*MA
Malicious, obscene, threatening or harassing phone calls in Indian Country (to an Indian) (18 U.S.C. § 1152 and § 13; and M.C.L.A. §750.540e)	\$500 &/or 6 months	\$200

OFFENSES	PENALTY	MANDATORY APPEARANCE (*MA) OR FORFEITURE OF COLLATERAL AMOUNT FOR OPTIONAL APPEARANCE
Intentional aiming of firearm without discharge - Any person who in Indian Country shall intentionally, without malice, point or aim any fire- arm at or toward any other (Indian) person (18 U.S.C. § 1152, and § 13; M.C.L.A. § 750.233)	\$100 &/or 90 days	*MA
Discharge of intentionally aimed firearm - Any person who in Indian Country shall discharge, without injury to any other person any firearm, while intentionally, without malice, aimed at or toward any (Indian) person (18 U.S.C. § 1152, and § 13; M.C.L.A. § 750.234)	\$500 or 1 year	*MA
Discharge of intentionally aimed firearm resulting in injury - Any person who in Indian Country shall maim or injure any other (Indian) person by the discharge of any firearm pointed or aimed intentionally, without malice, at any such (Indian) person (18 U.S.C. § 1152, and § 13; M.C.L.A. § 750.235)	\$500 or 1 year	*MA

OFFENSES	PENALTY	MANDATORY APPEARANCE (*MA) OR FORFEITURE OF COLLATERAL AMOUNT FOR OPTIONAL APPEARANCE
Possession or use of firearm by person under influence - Any person under the influence of intoxicating liquor or any exhilarating or stupefying drug who shall carry, have in possession or under control, or use in any manner or discharge any firearm within Indian Country (18 U.S.C. § 1152 and § 13; M.C.L.A. § 750.237)	\$100 &/or 90 days	*MA
Burning Personal property - Any person who wilfully and maliciously burns any personal property the value of which is less than \$50 of another (Indian) owned by himself or another (18 U.S.C. § 1152, and § 13; M.C.L.A. § 750.74)	\$100 &/or 90 days	\$50
Wilful and Malicious setting of fires - Any person who shall in any manner use, arrange, place, devise or distribute any inflammable, combustible or explosive material, liquid or substance, or any device in or about any personal property of another (Indian) of a value less than \$50 in Indian Country, with the intent to wilfully and maliciously set fire to or burn the same, or who aids or abets in such acts (18 U.S.C. § 1152, and § 13; M.C.L.A. § 750.77)	\$100 &/or 90 days	\$50

OFFENSES	PENALTY	MANDATORY APPEARANCE (*MA) OR FORFEITURE OF COLLATERAL AMOUNT FOR OPTIONAL APPEARANCE
Malicious opening of deposit box - Any person who maliciously and willfully forces or attempts to force open any coin box, depository box or other receptacle established and maintained for the convenience of the public in Indian Country wherein is contained any money or thing of value (18 U.S.C. § 1152, and § 13; M.C.L.A. § 750.113)	\$250 or 6 months	\$100
Breaking and entering show case - Any person who shall break and enter, or enter without breaking, any outside show case or other outside enclosed counter used for the display of goods, wares or merchandise, with intent to commit the crime of larceny (18 U.S.C. § 1152, and § 13; M.C.L.A. § 750.114)	\$250 or 6 months	\$100

OFFENSES	PENALTY	MANDATORY APPEARANCE (*MA) OR FORFEITURE OF COLLATERAL AMOUNT FOR OPTIONAL APPEARANCE
Willful trespass, by cutting or destroying property - Any person who shall willfully commit any trespass, by cutting down or destroying any timber or wood, standing or growing on the land of another (Indian), or by carrying away any kind of timber or wood, cut down or lying on such (Indian) land, or by digging up or carrying away any stone, ore, gravel, clay, sand, turf or mould from such (Indian) land, or any roots, fruit or plant there being, or by cutting down or carrying away any grass, hay, or any kind of grain standing, growing or being on such (Indian) land, or by carrying away from any wharf or landing place, railroad depot or warehouse (on Indian land), any goods whatever in which such person has not interest or property, without the license of the owner, the value of which is \$5 or more (18 U.S.C. § 1152, and § 13; M.C.L.A. §750.546)	\$100 &/or 90 days	\$75

OFFENSES	PENALTY	MANDATORY APPEARANCE (*MA) OR FORFEITURE OF COLLATERAL AMOUNT FOR OPTIONAL APPEARANCE
Willful trespass; entering improved land of another - Any person who shall wilfully commit any trespass by entering upon the garden, orchard or other improved land of another (Indian), without permission of the owner thereof, and with intent to cut, take, carry away, destroy or injure the trees, grain, grass, hay, fruit or vegetables there growing or being (18 U.S.C. § 1152, and §13; M.C.L.A. §750.547)	\$100 &/or 90 days	\$50
Trespass upon lands or premises of another (Indian) - Any person who shall wilfully enter, upon the lands or premises of another (Indian) without lawful authority, after having been forbidden so to do by the owner or occupant, agent or servant of the owner or occupant, or any person being upon the land or premises of another (Indian), upon being notified to depart therefrom by owner or occupant, the agent or servant of either, who without lawful authority neglects or refuses to depart therefrom (18 U.S.C. § 1152, and §13; M.C.L.A. §750.552)	\$50 &/or 30 days	\$50

OFFENSES	PENALTY	MANDATORY APPEARANCE (*MA) OR FORFEITURE OF COLLATERAL AMOUNT FOR OPTIONAL APPEARANCE
Unlawful dumping - Any person who shall dump, deposit or place any filth, garbage or refuse on the grounds or premises of another (Indian), without the specific permission of the owner thereof (18 U.S.C. § 1152, and § 13; M.C.L.A. §750.552a)	\$100 &/or 90 days	\$50