

16 MISC 0168

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: :
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LOCAL CRIMINAL RULE 58.1

MISC. NO. = 76

DOC # 1

U.S. DISTRICT COURT
S.D. OF N.Y.
2016 APR 27

LORETTA A. PRESKA, District Judge:

The Court having considered the Schedule of fines compiled by the United States Park Police (the "Park Police"), attached to this Order as Exhibit 1, it is hereby ORDERED, pursuant to Federal Rule of Criminal Procedure 58(d)(1) and Local Criminal Rule 58.1 of the United States District Court for the Southern District of New York:

That the collateral to be set or mandatory appearance to be required for offenses set forth in Exhibit 1 shall be in accordance with the schedule set forth in Exhibit 1; and

For all other violations of state or local statutes, regulations, or ordinances occurring within the purview of the National Park Service which are adopted by the United States pursuant to the Assimilative Crimes Act or other lawful authority and which are not specifically set forth in Exhibit 1, the collateral to be set or the mandatory appearance to be required shall be determined by any duly approved state schedule authorized by the appropriate state authority. In the event that the offense to be charged is not set forth in a state schedule, the collateral to be set shall be

\$50.00, or the officer issuing a notice of violation charging such a violation shall require a mandatory appearance.

This Order shall become effective on May 1, 2016, and shall apply to offenses committed on or after said date.

SO ORDERED.

Dated: New York, New York

April 21, 2016



HON. LORETTA A. PRESKA
Chief United States District Judge

Exhibit 1

Schedule A – National Park Service
Statue of Liberty National Monument – SY61
Title 36, Code of Federal Regulations, Chapter 1

<u>Section Number</u>	<u>Collateral \$</u>
1.5 (a) (1) Violating Closures and public use limits.....	100.00
1.6(h) Violating terms/conditions of permit.....	100.00
<u>Preservation of Natural/ Cultural Resources</u>	
2.1(a)(1) Possessing, destroying, injuring, defacing, disturbing natural, cultural, archaeological resources	
(i) Wildlife, fish or parts	50.00
(ii) Plants or products.....	50.00
(iii) Archeological resources.....	75.00
(iv) Mineral resources.....	50.00
2.1(a)(2) Introducing wildlife, fish or plants into park ecosystem.....	100.00
2.1(a)(4) Using possessing wood gathered in the Monument.....	50.00
2.1(a)(5) Walking on, traversing, etc. archeological/ cultural resource.....	50.00
2.1(a)(6) Possessing, destroying, removing archeological/ cultural resource.....	50.00
2.1(a)(7) Possessing/ using metal detector.....	50.00
2.1(b) Failure to restrict use to designated walkway.....	50.00
2.1(c)(3) Unauthorized gathering of natural products....	
(i) Gather/ possess undesignated.....	25.00
(ii) Violated size/ quantity.....	25.00
(iii) Unauthorized removal.....	50.00
(iv) Gathering outside designated area.....	25.00
(v) Sale or commercial use of.....	100.00
<u>Wildlife Protection</u>	
2.2(a)(1) Unauthorized taking of wildlife.....	75.00
2.2(a)(2) Feeding, frightening, disturbing of wildlife.....	50.00
2.2(a)(3) Possession unlawfully taken wildlife.....	75.00
2.2(d) Unauthorized transportation of lawfully taken wildlife.....	25.00
<u>Fishing</u>	
2.3(a) Fishing in violation of state law.....	75.00
2.3(d)(4) Commercial fishing.....	100.00
2.3(d)(5) Fishing w/explosives/ drugs, etc.....	75.00
2.3(d)(8) Fishing from illegal area.....	75.00
<u>Weapons, Traps, Nets</u>	
2.4(a) Possession, carrying, using weapon.....	M/A
2.4(b) Possession/ carrying loaded weapon in vehicle.....	M/A
2.4(c) Use of weapon that endangers others.....	M/A
2.4(d) Carrying weapons in violation of terms of permit.....	50.00
2.4(f) Possessing weapon in violation of federal/ state law.....	100.00
2.5(a) Collecting specimens without a collection permit.....	100.00
2.5(h) Violating terms of a collection permit.....	100.00

Camping/ Picnicking/ Fires/ Noise

2.10(b)(9)	Violating camping conditions established by superintendent.....	50.00
2.10(b)(10)	Camping in non-designated area.....	50.00
2.10(c)	Violated terms of permit.....	100.00
2.11	Picnicking.....	25.00
2.12(a)(1)	Excessive noise.....	50.00
2.12(a)(4)	Operate public address system without permit.....	100.00
2.12(b)	Violate permit.....	50.00
2.13(a)(1)	Fire in undesignated area.....	75.00
2.13(a)(2)	Use of stove in violation of restrictions.....	15.00
2.13(a)(3)	Lighting/ using fire that causes damage or creates hazard.....	M/A
2.13(a)(4)	Leaving fire unattended.....	125.00
2.13(a)(5)	Discarding burning material.....	50.00
2.13(b)	Fail to extinguish fire.....	50.00

Sanitation and Refuse

2.14(a)(1)	Failure to use refuse receptacle (minor littering).....	50.00
2.14(a)(2)	Using govt. receptacle for household garbage.....	50.00
2.14(a)(3)	Placing refuse in toilet plumbing.....	50.00
2.14(a)(4)	Draining refuse from vehicle.....	50.00
2.14(a)(5)	Bathing/ washing at public water outlet.....	50.00
2.14(a)(6)	Polluting water source.....	100.00
2.14(a)(7)	Improper disposal fish remains.....	50.00
2.14(a)(8)	Improper disposal body waste (developed areas).....	75.00
2.14(a)(9)	Improper disposal body waste (undeveloped areas).....	75.00
2.14(b)	Violating conditions for disposal or containerization body waste.....	50.00

Pets

2.15(a)(1)	Pet in prohibited area.....	50.00
2.15(a)(2)	Failure to restrain (leash) pet.....	50.00
2.15(a)(3)	Leaving pet unattended in violation of established conditions.....	50.00
2.15(a)(4)	Allow pet to make unreasonable noise.....	50.00
2.15(a)(5)	Failure to remove pet excrement.....	50.00
2.15(e)	Violating conditions for pets kept by residents.....	15.00
2.16	Violating horse regulations.....	25.00
2.16(g)	Violating designated horse conditions.....	50.00

Other General Regulations

2.17(a)(1)	Aircraft on lands/ waters.....	50.00
2.17(a)(2)	Within 500' of designated areas.....	50.00
2.17(a)(3)	Delivery/retrieval of persons/objects by airborne means outside of permitted use.....	50.00
2.17(c)	Downed aircraft/ superintendants order.....	50.00
2.17(d)	FAA regulations apply.....	50.00
2.17(e)	Hovercraft prohibited.....	100.00
2.17(f)	Violation of terms of permit re: aircraft.....	50.00
2.18(c)	Snowmobile prohibited.....	25.00
2.20	Skating/ skateboards in non-designated area.....	50.00
2.21(a)	Smoking in prohibited area.....	50.00

Property/Theft/Conduct

2.22(a)(1)	Abandoned property.....	100.00
2.22(a)(2)	Unattended property 24 hours.....	50.00
2.22(a)(3)	Failure to turn in found property.....	50.00
2.23	Entering fee area without paying.....	50.00
2.30(a)(1)	Unlawful possession of property of another.....	M/A
2.30(a)(2)	Failure to pay for property/ service.....	M/A
2.30(a)(3)	Obtain property/ services by fraud instrument.....	M/A
2.30(a)(4)	Shoplifting.....	275.00 M/A
2.30(a)(5)	Receiving stolen property or in possession of.....	M/A
2.31(a)(1)	Trespassing.....	275.00 or M/A
2.31(a)(2)	Tampering/ attempted tampering.....	275.00 or M/A
2.31(a)(3)	Vandalism-destroying, injuring, defacing or damaging property.....	275.00 or M/A
2.32(a)(1)	Interfering/ threatening govt. employee – Resisting, Intimidating.....	M/A
2.32(a)(2)	Violate lawful order of govt. employee.....	M/A
2.32(a)(3)	False information to authorized person investigating accident/violation or issuing permit.....	100.00
2.32(a)(4)	Giving false report.....	100.00
2.33(b)	Failure to report injury/ damage.....	50.00
2.34(a)	Disorderly conduct.....	275.00

Disorderly Conduct

2.34(a)(1)	Engaging in fighting, threatening, violent behavior.....	275.00 or M/A
2.34(a)(2)	Using obscene language, display obscene act, physically threatening act, likely to inflict injury.....	275.00 or M/A
2.34(a)(2)	Obscene act.....	275.00 or M/A

Alcoholic Beverages/Controlled Substances/Explosives

2.35(a)(2)(i)	Sale/gift alcohol to minor.....	100.00
2.35(a)(2)(ii)	Possession of alcohol by minor.....	100.00
2.35(a)(3)	Consumption of alcohol in closed area.....	100.00
2.35(b)(1)	Delivery controlled substance.....	100.00 or M/A
2.35(b)(2)	Possession controlled substance.....	100.00 or M/A
2.35(c)	Under influence of alcohol/ controlled substance.....	100.00
2.36(a)	Gambling.....	50.00
2.37	Non-commercial solicitation.....	75.00
2.38(a)	Use/possession of explosives without permit.....	75.00
2.38(b)	Use/possession fireworks without permit.....	50.00
2.38(c)	Violate terms explosives permit.....	50.00

Special Events/Permits

2.50(e)	Violate terms special events permit.....	50.00
2.51(a)	Public assembly/permit required.....	50.00
2.51(h)	Public assembly/interference harassment of park visitors.....	100.00
2.52(a)	Sale/distribution printed matter-permit required.....	50.00
2.52(h)	Printed matter-interference/harassment park visitors.....	50.00
2.60	Prohibited livestock/agricultural use.....	25.00
2.61(a)	Residing on Federal land-permit required.....	100.00
2.61(b)	Violation terms of residence permit.....	50.00

2.62(a)	Unauthorized installation of memorial.....	50.00
2.62(b)	Unauthorized scattering of human ashes.....	50.00
2.62(c)	Scattering of ashes outside designated area.....	50.00
2.62(d)	Violation of memorialization permit.....	50.00

Boating and Water Use Activities

3.16	Swimming and wading.....	100.00
3.6(c)	Operation of vessel in area restricted by regulatory markers.....	100.00

Vehicles and Traffic Safety

4.11(a)	Load, weight, and size restrictions.....	100.00
4.12	Unauthorized parking space reserved for disabled (handicapped).....	120.00
4.12	Unauthorized parking by sign.....	75.00
4.12	Within 500 feet of fire apparatus.....	75.00
4.12	No parking anytime.....	75.00
4.21(b)	Speed limits	
	1 – 15 MPH over	60.00
	16-25 MPH over	90.00
	25-29 MPH over	150.00
	30 or more MPH over	250.00
4.22(b)(1)	Reckless driving/Unreasonable speed.....	100.00
4.22(b)(1)	Unsafe operation.....	100.00
4.22(b)(1)	Excessive speed for road conditions.....	100.00
4.22(b)(2)	Improper start (squeal or skid tires).....	100.00
4.22(b)(3)	Proper control, failure to maintain.....	100.00
4.23(a)(1)	Driving under the influence.....	M/A
4.23(a)(2)	Driving while intoxicated.....	M/A
4.30	Bicycles.....	100.00

Commercial and Private Operations

5.1	Advertisements.....	100.00
5.3	Engaging in or soliciting any business in park areas without permit.....	100.00
5.5	Commercial photography.....	100.00
5.6	Using commercial vehicles on government roads within park areas when such use is in no way connected with the operation of the park.....	100.00
5.7	Constructing buildings or other facilities without permit.....	100.00

Under the Assimilative Crimes Statute (18 USC 13), the state criminal laws are adopted and become part of the federal criminal law and, as such are applicable to areas under the exclusive or concurrent jurisdiction of the United States. The Assimilative Crime Act only adopts state criminal laws as to a particular offense when the federal criminal code has not defined and provided for such an offense. The Assimilative Crime Statute does not operate so as to adopt any state law which may be in conflict with federal policy as expressed by acts of congress or by valid administrative regulations.