

## **Local Rule 72-2 - Forfeiture of Collateral in Lieu of Appearance**

**(a) Nature of Offense.** A person charged with an offense made criminal pursuant 18 U.S.C. § 13, and for which the penalty provided by state law is equal to or less than that of a misdemeanor, other than an offense for which a mandatory appearance is required may, in lieu of appearance, post collateral before a United States Magistrate Judge and consent to forfeiture of collateral.

**(b) Schedule of Offenses.** These offenses, and the amounts of collateral to be posted (if applicable), will appear on a schedule and be available for public inspection in the clerk's office in each of the district's divisions. The schedule will be effective until rescinded or superseded by court order.

**(c) Failure to Appear.** Posted collateral will be forfeited if the person charged with an offense covered by this rule fails to appear before the magistrate judge. The forfeiture will signify that the offender does not contest the charge and does not request a hearing before the magistrate judge. The forfeiture is tantamount to a finding of guilt.

**(d) When Forfeitures Are Not Permitted.** Forfeitures are not permitted for violations involving an accident that results in personal injury. Arresting officers must treat multiple and aggravated offenses as mandatory-appearance offenses and must direct the accused to appear for a hearing.

**(e) Discretion of Officers to Arrest.** Nothing in this rule prohibits a law-enforcement officer from:

(1) arresting a person for the commission of an offense (including those for which collateral may be posted and forfeited); and

(2) either:

(A) requiring the person charged to appear before a magistrate judge, or

(B) taking that person before a magistrate judge immediately after arrest.