UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FILED IN THE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

OCT 2 , 1982

IN RE SCHEDULE OF FORFEITABLE BAIL AND MANDATORY APPEARANCES FOR MISDEMEANORS AND PETTY OFFENSES IN THE WESTERN DISTRICT OF WASHINGTON	ORDER FOR SCHEDULE OF FORFEITABLE BAIL AND MANDATORY APPEARANCES FOR MISDEMEANORS AND PETTY OFFENSES IN THE WESTERN DISTRICT OF WASHINGTON AS OF May 28, 1982, AS AMENDED AS OF NOVEMBER 1, 1982

Pursuant to Local Magistrates Rule MR 9(j), the "Schedule of Forfeitable Bail And Mandatory Appearances For Misdemeanors And Petty Offenses In the Western District of Washington" as of May 28, 1982 (herein referred to as "Schedule") and "Instructions" for its use are amended for the Western District of Washington to apply to offenses occurring on and after November 1, 1982, by amending and adding the following attached pages which should replace the like numbered pages.

The United States Attorney's Office should provide a copy of this Order, and the amended attached pages, and all subsequent orders, amendments, and modifications to those Federal offices and agencies issuing violation notices covered by the "Schedule."

Changes in the numbering of or renumbering of (citation to) Revised Code of Washington (RCW), Washington Administrative Code (WAC), or Code of Federal Regulations (CFR) violations listed in this "Schedule" that do not change or affect the substantive violation, do not affect the validity of this "Schedule" or the violation notices issued pursuant to this "Schedule." [See Rule 7(c)(3) of the Federal Rules of Criminal Procedure.]

DATED this 22 day of October, 1982.

JOHN L. WEINBERG
United States Magistrate

PHILIP K. SWEIGERT
United States Magistrate

FRANKLIN D. BURGESS
United States Magistrate

SCHEDULE OF

FORFEITABLE BAIL AND

MANDATORY APPEARANCES FOR

MISDEMEANORS AND PETTY OFFENSES

IN THE WESTERN DISTRICT OF WASHINGTON

May 28, 1982 "SCHEDULE"

AS AMENDED AS OF NOVEMBER 1, 1982

Amended Nov. 1982

SCHEDULE OF FORFEITABLE BAIL

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TRAFFIC CODE - STATE OF WASHINGTON
RCW Title 46
(Pursuant to Assimilative Crimes Act, 18 U.S.C. 13)

FOR USE AT: FORT LEWIS; McCHORD AIR FORCE BASE;
NAVAL SUBMARINE BASE, BANGOR;
JACKSON PARK HOUSING AREA; PUGET SOUND NAVAL SHIPYARD;
NAVAL UNDERSEAS WARFARE ENGINEERING STATION (KEYPORT);
WHIDBEY ISLAND NAVAL AIR STATION;
NAVAL SUPPORT ACTIVITY (SANDPOINT);
ALL GSA-OWNED FACILITIES COVERED BY 18 U.S.C. 7; and
VETERANS ADMINISTRATION MEDICAL CENTER, AMERICAN LAKE.

Each section of RCW 46 set out on the following pages 2-9 is classified for Federal purposes as either a petty offense or a misdemeanor.

Where the section is noted as being a "MISDEMEANOR-1," the maximum sentence is imprisonment of not more than one year and/or a fine of not more than $1,000.00. (See RCW 46.64.050, RCW 9.92.020, and 18 U.S.C. § 1.)

Where the section is noted as being a "MISDEMEANOR-2," the maximum sentence is imprisonment of not more than 90 days and/or a fine of not more than $1,000.00. (See RCW 46.64.050, RCW 9.92.030, and 18 U.S.C. § 1--RCW 9A.20.020 would not appear to be applicable to crimes defined in Title 46 as 9A applies only to crimes "defined in Title 9A.")

PETTY OFFENSE sections and MISDEMEANOR sections other than MISDEMEANOR-1 and MISDEMEANOR-2 sections set out the applicable penalties for the section.

[NOTE: DO NOT BE CONFUSED BY THE TERMINOLOGY USED IN THE REVISED CODE OF WASHINGTON (RCW). WHAT THE STATE LABELS A "MISDEMEANOR" MAY BE A FEDERAL PETTY OFFENSE OR A FEDERAL MISDEMEANOR. WHAT THE STATE LABELS A "GROSS MISDEMEANOR" IS A FEDERAL MISDEMEANOR.]

FOR USE AT: FORT LEWIS; McCHORD AIR FORCE BASE; NAVAL SUBMARINE BASE, BANGOR;
JACKSON PARK HOUSING AREA; PUGET SOUND NAVAL SHIPYARD;
NAVAL UNDERSEAS WARFARE ENGINEERING STATION (KEYPORT);
WHIDBEY ISLAND NAVAL AIR STATION; NAVAL SUPPORT ACTIVITY (SANDPOINT);
ALL GSA-OWNED FACILITIES COVERED BY 18 U.S.C. 7; and
VETERANS ADMINISTRATION MEDICAL CENTER, AMERICAN LAKE.

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TRAFFIC CODE - STATE OF WASHINGTON

RCW Title 46

RCW	Offense	Bail
46.09.120(2) MISDEMEANOR-2	Operating a non-highway vehicle while under the influence of intoxicating liquor or a controlled substance	Mandatory
46.09.130 MISDEMEANOR-1	Operating a non-highway vehicle in such a way as to endanger human life; or to run down or harass wildlife or domestic animals; or convey any loaded weapon upon; or to hunt from	Mandatory

FOR USE AT: FORT LEWIS; McCHORD AIR FORCE BASE; NAVAL SUBMARINE BASE, BANGOR; JACKSON PARK HOUSING AREA; PUGET SOUND NAVAL SHIPYARD; NAVAL UNDERSEAS WARFARE ENGINEERING STATION (KEYPORT); WHIDBEY ISLAND NAVAL AIR STATION; NAVAL SUPPORT ACTIVITY (SANDPOINT); ALL GSA-OWNED FACILITIES COVERED BY 18 U.S.C. 7; and VETERANS ADMINISTRATION MEDICAL CENTER, AMERICAN LAKE.

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RCW	Offense	Bail
46.10.090(2) MISDEMEANOR-2	Operating a snowmobile so as to endanger the person of another; or while under the influence of intoxicating liquor or narcotics or habit forming drugs	Mandatory
46.10.130 MISDEMEANOR-1	Operating a snowmobile so as to endanger human life; or to run down or harass wildlife or domestic animals; or to carry any loaded weapon upon; or to hunt from	Mandatory

FOR USE AT: FORT LEWIS; MCCHORD AIR FORCE BASE; NAVAL SUBMARINE BASE, BANGOR; JACKSON PARK HOUSING AREA; PUGET SOUND NAVAL SHIPYARD; NAVAL UNDERSEAS WARFARE ENGINEERING STATION (KEYPORT); WHIDBEY ISLAND NAVAL AIR STATION; NAVAL SUPPORT ACTIVITY (SANDPOINT); ALL GSA-OWNED FACILITIES COVERED BY 18 U.S.C. 7; and VETERANS ADMINISTRATION MEDICAL CENTER, AMERICAN LAKE.

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RCW	Offense	Bail
46.20.021 MISDEMEANOR-2	No valid license	Mandatory
	More than one valid license	Mandatory
46.20.336 MISDEMEANOR-2	(1) Possession of cancelled, revoked, suspended, fictitious, or fraudulently altered driver's license	Mandatory
	(2) Loan of or knowingly permit use of driver's license	Mandatory
	(3) Use of driver's license of another	Mandatory
	(6) Permitting unlawful use of one's driver's license	Mandatory
46.20.342	Driving while license privilege suspended or revoked First conviction-PETTY OFFENSE- Not less than 10 days nor more than 6 months Second conviction—MISDEMEANOR— Not less than 90 days nor more than one (1) year Third conviction--MISDEMEANOR— Mandatory one (1) year Plus a fine up to $500.00 may be imposed on any conviction; and on any conviction, the Department of Motor Vehicles shall extend the period of suspension for an additional like period or the period of revocation for an additional one year.	Mandatory

FOR USE AT: FORT LEWIS; McCHORD AIR FORCE BASE; NAVAL SUBMARINE BASE, BANGOR; JACKSON PARK HOUSING AREA; PUGET SOUND NAVAL SHIPYARD; NAVAL UNDERSEAS WARFARE ENGINEERING STATION (KEYPORT); WHIDBEY ISLAND NAVAL AIR STATION; NAVAL SUPPORT ACTIVITY (SANDPOINT); ALL GSA-OWNED FACILITIES COVERED BY 18 U.S.C. 7; and VETERANS ADMINISTRATION MEDICAL CENTER, AMERICAN LAKE.

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46.20.410	Violation of occupational license restriction	Mandatory
	PETTY OFFENSE--Fine of not less than $50.00 nor more than $200.00 and/or imprisonment for not more than 6 months	
46.20.420	No Violation Notice should be issued for a violation of this section, as the section does not indicate whether a violation is a petty offense (Washington "misdemeanor"), a misdemeanor (Washington gross misdemeanor), or a felony; and, therefore, it must be a traffic infraction under RCW 46.64.050.	

FOR USE AT: PORT LEWIS; McCHORD AIR FORCE BASE; NAVAL SUBMARINE BASE, BANGOR; JACKSON PARK HOUSING AREA; PUGET SOUND NAVAL SHIPYARD; NAVAL UNDERSEAS WARFARE ENGINEERING STATION (KEYPORT); WHIDBEY ISLAND NAVAL AIR STATION; NAVAL SUPPORT ACTIVITY (SANDPOINT); ALL GSA-OWNED FACILITIES COVERED BY 18 U.S.C. 7; and VETERANS ADMINISTRATION MEDICAL CENTER, AMERICAN LAKE.

RCW	Offense	Bail
46.52.010 MISDEMEANOR-2	Hit and run: Unattended vehicle	Mandatory
	Damage to property fixed or placed upon or adjacent to public highway	Mandatory
46.52.020	Hit and run: Damage to attended vehicle	Mandatory
	Damage to other property	Mandatory
	MISDEMEANOR--Imprisonment for not less than 30 days nor more than one year and/or a fine of not less than $100.00 nor more than $500.00	
	NOTE: Hit and run involving injury to person or death is a felony. CONTACT THE U.S. ATTORNEY'S OFFICE.	
46.52.090 MISDEMEANOR-1	Destroying or concealing evidence of damage to a vehicle	Mandatory

FOR USE AT: FORT LEWIS; McCHORD AIR FORCE BASE; NAVAL SUBMARINE BASE, BANGOR; JACKSON PARK HOUSING AREA; PUGET SOUND NAVAL SHIPYARD; NAVAL UNDERSEAS WARFARE ENGINEERING STATION (KEYPORT); WHIDBEY ISLAND NAVAL AIR STATION; NAVAL SUPPORT ACTIVITY (SANDPOINT); ALL GSA-OWNED FACILITIES COVERED BY 18 U.S.C. 7; and VETERANS ADMINISTRATION MEDICAL CENTER, AMERICAN LAKE.

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RCW	Offense	Bail
46.61.022 MISDEMEANOR-2	Failure to stop when requested to do so by officer; or failure to identify oneself to officer pursuant to investigation of traffic infraction	Mandatory
46.61.500 MISDEAMNOR-2	Reckless driving Suspension of license for not less than 30 days in addition to petty offense sentence of not more than 90 days' imprisonment and not more than a $250.00 fine.	Mandatory
46.61.502 MISDEMEANOR	Driving under the influence of intoxicating liquor or drug (DWI)	Mandatory
46.61.504 MISDEMEANOR	Being in physical control of a motor vehicle while under the influence of intoxicating liquor or drug (Physical Control)	Mandatory

SENTENCES FOR: .502 (DWI) and .504 (Physical Control)—
MISDEMEANORS -

First conviction, imprisonment for not less than one day nor more than one year and by fine of not more than $500.00 (plus alcohol info school).
Cannot suspend or defer as to the one day minimum unless physical or mental problem and reason for suspension or deferral must be set out in writing.

Second conviction within five-year period, imprisonment for not less than seven days nor more than one year and a fine not more than $1,000.00. Cannot suspend or defer as to the seven-day minimum unless physical or mental problem and reason for suspension or deferral must be set out in writing.

FOR USE AT: FORT LEWIS; McCHORD AIR FORCE BASE; NAVAL SUBMARINE BASE, BANGOR; JACKSON PARK HOUSING AREA; PUGET SOUND NAVAL SHIPYARD; NAVAL UNDERSEAS WARFARE ENGINEERING STATION (KEYPORT); WHIDBEY ISLAND NAVAL AIR STATION; NAVAL SUPPORT ACTIVITY (SANDPOINT); ALL GSA-OWNED FACILITIES COVERED BY 18 U.S.C. 7; and VETERANS ADMINISTRATION MEDICAL CENTER, AMERICAN LAKE.

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RCW	Offense	Bail
46.61.504 continued	For third and subsequent .504 physical control convictions within a five-year period, same as a second conviction. For a third and subsequent .502 DWI convictions within a five-year period, a fine of not less than $100.00 and not more than $1,000.00, and imprisonment for not less than 30 days and not more than one year, and neither minimum fine nor minimum imprisonment sentence may be suspended; and the Court is to revoke license.--See RCW 46.52.100. If also driving while license suspended or revoked at time of second or subsequent conviction, minimum sentence is not less than 90 days and not less than a $200.00 fine which cannot be suspended or deferred. See RCW 46.52.100 and 46.61.515. In addition to any nonsuspendable and nondeferrable jail sentence required for a second or subsequent conviction, the sentence is to be imprisonment not exceeding 180 days, which is to be suspended, but not deferred, for not more than 2 years. In addition to any fine and costs, there is a minimum 25% (of any fines and costs) penalty assessment, to be paid to highway safety fund. The penalty assessment may not be deferred, suspended, waived, or modified.	

FOR USE AT: FORT LEWIS; McCHORD AIR FORCE BASE; NAVAL SUBMARINE BASE, BANGOR; JACKSON PARK HOUSING AREA; PUGET SOUND NAVAL SHIPYARD; NAVAL UNDERSEAS WARFARE ENGINEERING STATION (KEYPORT); WHIDBEY ISLAND NAVAL AIR STATION; NAVAL SUPPORT ACTIVITY (SANDPOINT); ALL GSA-OWNED FACILITIES COVERED BY 18 U.S.C. 7; and VETERANS ADMINISTRATION MEDICAL CENTER, AMERICAN LAKE.

RCW	Offense	Bail
46.61.504 continued	Suspension and revocation--	
	First conviction--not less than 30 days suspension, but Court may recommend that no suspension action be taken.	
	Second conviction within five years-- Not less than 60 days suspension.	
	Third and subsequent conviction within five years--revocation.	
46.61.525	Negligent driving	Mandatory
	PETTY OFFENSE--no imprisonment, fine up to $250.00	
46.61.530 MISDEMEANOR-2	Racing of Vehicles (Reckless Driving - RCW 46.61.500)	Mandatory
46.61.685 MISDEMEANOR-2	Leaving children unattended in vehicle with motor running	Mandatory
46.64.010 MISDEMEANOR-2	Soliciting cancellation of Violation Notice	Mandatory

FOR USE AT: FORT LEWIS; McCHORD AIR FORCE BASE; NAVAL SUBMARINE BASE, BANGOR; JACKSON PARK HOUSING AREA; PUGET SOUND NAVAL SHIPYARD; NAVAL UNDERSEAS WARFARE ENGINEERING STATION (KEYPORT); WHIDBEY ISLAND NAVAL AIR STATION; NAVAL SUPPORT ACTIVITY (SANDPOINT); ALL GSA-OWNED FACILITIES COVERED BY 18 U.S.C. 7; and VETERANS ADMINISTRATION MEDICAL CENTER, AMERICAN LAKE.

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MILITARY RESERVATIONS

Title	Offense	Bail
18 USC 661	Larceny of less than $100 on a government reservation	
	Larceny of $25.00 or less	$100.00
	Larceny of more than $25.00	Mandatory

MISDEMEANOR - Maximum fine of $1,000.00 or imprisonment for a maximum of one year, or both.

RCW 9A.28.020(e))	Attempted Larceny -	
9A.56.020(a))	Attempted larceny of $25.00 or less	$50.00
9A.20.020(3))	Attempted larceny of more than $25.00	Mandatory
(18 USC 7 & 13))		

MISDEMEANOR - Maximum fine of $1,000.00 or imprisonment for a maximum of 90 days, or both

18 USC 1382	(a) Entry on military reservation for any purpose prohibited by law or lawful regulation [Except (b)	Mandatory
	(b) Entry on military reservation for purpose of possessing a controlled substance	$100.00
	(c) Re-entry on military reservation after removal	Mandatory

PETTY OFFENSE - Maximum fine of $500.00 or imprisonment for a maximum of 6 months, or both.