

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

IN RE: CVB FORFEITURE OF COLLATERAL

Standing Order 2019-5

Pursuant to Rule 58(d) of the Federal Rules of Criminal Procedure, which authorizes promulgation of local rules relating to the forfeiture of collateral for the Central Violations Bureau (CVB) docket,


IT IS ORDERED that persons arrested and charged by citation with misdemeanor violations of Titles 36, 38, 39, 41, 43, 46, and 50 of the Code of Federal Regulations, Titles 16, 18, 21, and 43 of the United States Code, or the Oregon Revised Statutes by virtue of the Assimilative Crimes Act (Title 18, United States Code, Section 13) may waive an appearance before a United States Magistrate Judge and dispose of the matter by forfeiting the pre-set collateral for misdemeanors and petty offenses as set forth in the collateral forfeiture schedule approved by the Court's Order dated April 21, 2015 in Misc. Case No. 3:15-MC-00151, or an amount other than the pre-set collateral if agreed to by all parties. Payment of the collateral forfeited shall be to the CVB. When such collateral is forfeited, it will terminate the proceedings and shall not constitute a criminal conviction or an admission of guilt, regardless of the coding on the CVB docket. A party may also request to proceed by forfeiture of collateral after the initial appearance for individuals with citations requiring a mandatory appearance and for individuals who make a voluntary initial appearance, with the same result as those who waive appearance, by agreement of the parties or if allowed by the court.

IT IS FURTHER ORDERED that this rule applies retroactively to all individuals who have forfeited collateral or pleaded no contest¹ to a CVB violation in the District of Oregon and as a result, all such cases are deemed terminated by payment of the collateral and do not constitute a criminal conviction.

IT IS FURTHER ORDERED that the Local Rules Committee for the District shall promulgate a local criminal rule consistent with this Order.

IT IS SO ORDERED.

DATED this 30 day of April, 2019.



MICHAEL W. MOSMAN
CHIEF U.S. DISTRICT JUDGE

¹ This Order is intended to clarify and confirm that individuals who pleaded no contest or entered into a plea agreement and made a payment to the CVB before the Court entered this Order are considered as having "forfeited collateral" for the purposes of Federal Rule of Criminal Procedure 58.