



United States District Court
DISTRICT OF MINNESOTA

LR 58 FIXED-SUM PAYMENT IN PETTY OFFENSE MATTERS

(a) Authority To Accept Fixed-Sum Payment (In General). Pursuant to Fed. R. Crim. P. Rule 58(d)(1), (“Paying a Fixed Sum in Lieu of Appearance”), and in accordance with the provisions of this Rule, all United States Magistrate Judges and the Clerk of Court within this District are hereby designated and authorized to accept fixed-sum payments in lieu of the Defendant’s appearance in petty offense cases (see 18 U.S.C. § 19), whether originating under federal statute or regulation or applicable state statute by virtue of the Assimilated Crimes Act, 18 U.S.C. § 13.

(b) Cases In Which Fixed-Sum Payment May Be Accepted (Fixed-Sum Payment Schedule). The Court’s full-time Magistrate Judges shall prepare and maintain a schedule of petty offenses for which a fixed-sum payment may be accepted in lieu of the Defendant’s personal appearance in petty offense cases, which shall specify the amount of the fixed-sum payment required for each listed offense. The fixed-sum payment schedule may include, without being limited to, offenses charged by the following federal agencies:

- * The Bureau of Land Management
- * The United States Air Force
- * The United States Army Corps of Engineers
- * The National Park Service
- * The United States Department of Veterans Affairs
- * The United States Fish and Wildlife Service
- * The United States Forest Service
- * The United States General Services Administration (Federal Protection Services)

The fixed-sum payment schedule shall be filed in the Clerk’s offices throughout this District and upon filing shall become effective. A fixed-sum payment, in lieu of a Defendant’s personal appearance, is permissible only for alleged offenses that are specifically listed in the fixed-sum payment schedule. The fixed-sum payment schedule may be amended from time to time by the Magistrate Judges by filing with the Clerk’s offices.

(c) Effect Of Payment. A Defendant who pays a fixed-sum payment for a petty offense pursuant to this Rule waives the right to contest the charged offense.

(d) Non-appearance. If a Defendant does not pay a fixed-sum payment pursuant to this Rule, and if the Defendant also fails to make a required personal appearance for a charged petty offense, then the Magistrate Judge, at his or her discretion, may take any of the following actions:

(i) the Magistrate Judge may impose any punishment, including fine, imprisonment or probation, within the limits established by law upon conviction or after trial;

(ii) the Magistrate Judge may direct that a new summons be issued, ordering the Defendant to appear on a new date;

(iii) the Magistrate Judge may order that a warrant be issued for the Defendant's arrest.

(e) Aggravated Offenses. If, within the discretion of the law enforcement officer, a petty offense is of an aggravated nature, the law enforcement officer may require the Defendant to personally appear in court, and any punishment including fine, imprisonment or probation, may be imposed within the limits established by law upon conviction or after trial.

(f) Personal Appearance Required. Nothing contained in this Rule shall prohibit law enforcement officers from arresting a person for the commission of any offense, including those for which fixed-sum payment might otherwise be paid, and requiring the person charged to appear before a United States Magistrate Judge or, upon arrest, taking the person, without unnecessary delay, before a United States Magistrate Judge.