

59.4 Forfeiture of Collateral.

(a) In General.

An accused may pay a fixed sum (*i.e.*, forfeit collateral) in lieu of an appearance before a magistrate judge for certain scheduled offenses committed within the territorial and subject matter jurisdiction of the District of Nebraska. The schedules of offenses and the amounts to be forfeited are set out in the court's general/standing orders and may, by general/standing order, be modified in under Federal Rule of Criminal Procedure 58(d)(1).

(b) Exceptions.

Notwithstanding Nebraska Criminal Rule 59.4(a), the defendant must appear before the magistrate judge if:

- (1) the offense charged is not identified in the schedules attached to the general/standing orders or any subsequent modifications to those schedules;
- (2) the law enforcement officer was not authorized to issue a citation or violation notice for the type or magnitude of offense charged;
- (3) the offense resulted in serious personal injury, death, or property damage in excess of \$1,000; or
- (4) the circumstances surrounding the charged offense were aggravated and, in the issuing law enforcement officer's discretion, an appearance before the magistrate judge is mandatory.

(c) Mandatory Appearance.

The citation or violation notice issued by the law enforcement officer must indicate if an appearance before the magistrate judge is mandatory. If so, the accused may not post collateral in lieu of an appearance.

(d) Payment of Forfeiture.

Timely payment of the appropriate forfeiture amount terminates the proceedings on the citation or violation notice.

(e) Prosecution.

This rule does not preclude the government from initiating a prosecution for any of the scheduled offenses by means of a complaint, information, or indictment.

(f) Administration.

The clerical, administrative, and fiscal operations necessary for the administration of the collateral forfeiture system are conducted by the clerk and the Consolidated Central Violations Bureaus operated under the laws of the United States and the regulations established by the Administrative Office of the United States Courts.