

**PROPOSED COLLATERAL FORFEITURE FRAMEWORK
DISTRICT OF COLORADO**

Offenses	Maximum Term of Imprisonment	Maximum Fine-Individual	Presumptive Collateral Forfeiture Range	Presumptive Collateral Forfeiture Range for Aggravated Offenses
Class A Misdemeanor	12 months	\$100,000	\$50 to \$1,000	\$500 to \$2,500
Class B Misdemeanor	6 months	\$5,000	\$50 - \$500	\$500 to \$1,000
Class C Misdemeanor	30 days	\$5,000	\$50 - \$500	\$500 to \$1,000
Infraction	5 days	\$5,000	\$50 - \$500	\$500 to \$1,000

- I. The descriptions of the offenses and the maximum term of imprisonment and maximum fines are set out at 18 U.S.C. §§ 3559, 3571, and 3581.
- II. If a violation involves the deprecation of a resource, the estimated value of the resource may be added to the scheduled collateral forfeiture (e.g. value of game, artifact, property).
- III. **Aggravated offenses** are offenses involving circumstances in which there is a heightened governmental interest in deterrence, which would not be adequately served by the presumptive collateral forfeiture range. The following represent categories of offenses or circumstances that are considered aggravated.
 - A. Improper use of fire or flammable materials during an increased fire risk period or otherwise creating a substantial risk of fire to a natural resource area.
 - B. Unauthorized or improper possession, taking, transporting, disturbing, or serious deprecation of a resource (including wildlife or game, wild horses and burros, fossils, archaeological or historical structures, artifacts, or property, timber, plants, and protected or prohibited species).
 - C. Unauthorized commercial activity, including prospecting.
 - D. Unauthorized use of a federal agency’s insignia, seal, sign, uniform, symbol, or authority.
- IV. The Collateral Forfeiture Framework is not applicable to assimilated state-law offenses. The Local Rule of Practice for the United States District Court for the District of Colorado, D.C.COLO.LCrR 58.1.A requires that the “collateral schedule for assimilated state-law offenses shall be the same as set forth by the statutes or regulations of the state unless modified by order of a judicial officer.”

- V. The Collateral Forfeiture Framework is not applicable to the offenses outlined in Local Rule of Practice for the United States District Court for the District of Colorado, D.C.COLO.LCrR 58.1.F which lists certain offenses or categories of offenses for which forfeiture is not permitted and appearance of the defendant before a judicial officer is required.