

Military Police

**Misdemeanors
and Uniform
Violation
Notices
Referred to US
Magistrate or
District Courts**

Headquarters
Department of the Army
Washington, DC
1 March 1984

Unclassified

SUMMARY of CHANGE

AR 190-29

Misdemeanors and Uniform Violation Notices Referred to US Magistrate or District Courts

Effective 1 April 1984

Military Police

Misdemeanors and Uniform Violation Notices Referred to US Magistrate or District Courts

By Order of the Secretary of the Army:

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The Adjutant General

History. This UPDATE printing publishes a revision of this publication. Because the publication has been extensively revised, the changed portions have not been highlighted.

Summary. This regulation sets forth the revised objectives and procedures applicable to the referral and trial by US Magistrates of

misdemeanors committed on Army installations. It describes the proper use, preparation, and disposition of the revised DD Form 1805 (United States District Court Violation Notice) used to refer offenses to the US Magistrate.

Applicability. This regulation applies to the Active Army. It does not apply to the Army National Guard or the US Army Reserve except when serving as part of the Active Army. It applies to all military and civilian law enforcement and security personnel assigned to Army installations and to contractor personnel when authorized to issue violation notices.

Proponent and exception authority. Not applicable

Army management control process. Supplementation. Supplementation of this regulation is prohibited without prior approval from the Office of Army Law Enforcement, HQDA(DAPE-HRE), WASH DC 20310.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by The Adjutant General. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested Improvements. The proponent agency of this regulation is the Office of the Deputy Chief of Staff for Personnel. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA(DAPE-HRE), WASH DC 20310.

Distribution. Distribution of this publication is made in accordance with the requirements on DA form 12-09-E, block, intended for command level C for Active Army, none for ARNG and USAR.

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*This regulation supersedes AR 190–29, 17 June 1977.

Section I General

1. Purpose

This regulation sets forth policies and procedures for the handling of misdemeanors referred to US Magistrates or District Courts. It pertains to petty offenses and other misdemeanors, including, but not limited to, most moving and standing traffic violations, and certain violations of conservation, environmental protection, and safety laws, committed by service members and civilians on military installations.

2. Related publications*

Related publications are listed below.

- a. Section 13, title 18, United States Code (18 USC 13).
- b. Section 668, title 16, United States Code (16 USC 668).
- c. Section 703, title 16, United States Code (16 USC 703).
- d. Section 718, title 16, United States Code (16 USC 718).
- e. Section 3372, title 16, United States Code (16 USC 3372).
- f. Sections 3401 and 3402, title 18, United States Code (18 USC 3401 and 3402).
- g. Title 18, United States Code Annotated (Rules of Procedure for the Trial of Misdemeanors before United States Magistrate, 1 June 1980).
- h. AR 190-5 (Motor Vehicle Traffic Supervision)
- i. AR 340-18-5 (Maintenance and Disposition of Intelligence Security, Military Police, and Mapping Functional Files).
- j. AR 420-74 (Natural Resources: Land, Forest, and Wildlife Management).
- k. FM 19 10 (Military Police Operations).*

3. Explanation of abbreviations and terms

a. Abbreviations.

- | | |
|----------|----------------------------------|
| (1) CVB | Central Violations Bureau |
| (2) DMV | Department of Motor Vehicles |
| (3) DOD | Department of Defense |
| (4) MOS | military occupational specialty |
| (5) MP | military police |
| (6) SSN | social security number |
| (7) UCMJ | Uniform Code of Military Justice |
| (8) US | United States |
| (9) USC | United States Code |

b. Terms.

- (1) *Collateral*. Payment of a fixed sum in lieu of appearance in court.
- (2) *Juvenile*. A person under 18 years old.
- (3) *Misdemeanor*. Any offense not punishable by death or imprisonment for a term exceeding 1 year. Included are violations of those provisions of State laws made applicable to US military reservations by 18 USC 13.
- (4) *Officer*. Any Army installation law enforcement agent, either military or civilian, who is authorized to issue DD Forms 1805, (including Statement of Probable Cause and, if appropriate, Promise to Appear portions of DD Form 1805).
- (5) *Petty offense*. Minor misdemeanors that are not punishable by imprisonment for more than 6 months or a fine of more than \$500.

4. Responsibilities

a. Provost marshals or security officers charged with law enforcement operations will establish procedures to—

- (1) Enforce all laws and regulations pertaining to misdemeanors.
- (2) Select, train, and employ Army installation law enforcement personnel in accordance with doctrine contained in FM 19-10.
- (3) Assure adherence by Army installation law enforcement personnel to provisions of this regulation with the exception of changes dictated by the US Magistrate or District Court of the judicial district in which the installation of this regulation as requested.

b. Installation staff judge advocates will advise Army installation

commanders and provost marshals or security officers concerning implementation of this regulation as requested.

Section II US Magistrate System

5. Relationship to US Army

The US Magistrate system provides DA with the means to process and dispose of certain categories of misdemeanors by mail. Under this system, US Magistrates and District Courts may, by local court rules establish the payment of a fixed sum in lieu of court appearance in cases involving certain misdemeanors.

6. US Magistrate system objectives

This system will provide—

- a. Uniform procedures for the collection of fines, the forfeiture of collateral in lieu of appearance of fines, the forfeiture of collateral in lieu of appearance, the scheduling of mandatory hearings or voluntary hearings requested by defendants, and the keeping of records.
- b. A simple but sure method of accounting for fines, for collateral, and for violation notices issued.
- c. Convenience to the public.
- d. Enforcement of misdemeanors laws on Army installations.

7. Court appearances

a. Each District Court may determine, by local court rule, which offenses require mandatory appearances by violators. Installation provost marshals or other law enforcement officials will coordinate through installation staff judge advocates with local US Magistrates or District Courts to secure a court-approved list of offenses requiring mandatory appearance before the local US Magistrate.

b. Optional appearances may be requested by violators—

(1) *At the time a DD Form 1805 is issued*. Law enforcement officials issuing the DD Form 1805 will refer violators to the proper US Magistrate if a hearing is requested by the violator.

(2) *By mail*. These violators include those who—

(a) Are not present at the time a DD Form 1805 is issued (for example, for a parking violation).

(b) Subsequently volunteer to appear before the US Magistrate rather than forfeit the collateral indicated on DD Form 1805.

c. Violators who use the mail-in procedure to request an optional appearance before a US Magistrate must place checkmark in box 'C' and follow instructions pertinent to box 'C', DD Form 1805 (violator's copy). The violator will be notified by the Clerk of the US District Court of the time, date, and place to appear for the hearing.

Section III Use of DD Form 1805

8. General

a. The basis for initiating action by the US Magistrate system is the DD Form 1805. The form is designed to provide legal notice to violators. It also records information required by the US District Court, law enforcement authorities, and, if appropriate, State motor vehicle departments. The form is a four-ply citation printed on chemically carbonized paper and prenumbered in a series for accounting control. The form will be bound in books of 10 violation notices per book. Installation law enforcement agencies will be accountable for each DD Form 1805 issued and for stock on hand. Accountable records will be destroyed after 2 years as required by AR 340-18-5.

b. Provost marshals or other law enforcement officials will coordinate through installation staff judge advocates with the US Magistrate of the judicial district in which the installation is located. Information listed below, as a minimum, must be obtained from the US Magistrate before referral of violators to the US Magistrate or District Court.

(1) List of misdemeanors for which the mail-in procedure is

* Related publications are merely a source of additional information. The user does not have to read them to understand this regulation.