



## DEPARTMENT OF THE NAVY

COMMANDING OFFICER  
NAVAL BASE SAN DIEGO  
3455 SENN ROAD  
SAN DIEGO, CALIFORNIA 92136-5084

NAVBASESANDIEGOINST 5822.2D  
N05M

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### NAVBASE SAN DIEGO INSTRUCTION 5822.2D

Subj: IMPLEMENTATION OF FEDERAL MAGISTRATE'S ACT

Ref: (a) SECNAVINST 5822.1B

1. Purpose. To establish policies and procedures for implementation of the Federal Magistrate's Act onboard Naval Base, San Diego (NBSD).
2. Cancellation. NAVSTASDIEGOINST 5822.2C.
3. Background. The Federal Magistrate's Act (Public Law 90-578, Statute 1107) was enacted by Congress to provide for hearing by U.S. Magistrates in U.S. District Courts for certain traffic offenses and other minor (non-felony) offenses committed on federal installations. Reference (a) authorizes implementation of this act onboard Naval and Marine Corps installations. This system allows Magistrates to present fines for the bulk of minor offenses and permits some persons charged with such violations to pay their fines by using mail-in, pre-addressed, envelopes furnished to them with the violation notice. The U.S. Violation Notice (DD Form 1805) will be used to cite offenders.
4. Discussion
  - a. It is the intent of reference (a) and of U.S. District Court that active duty military personnel committing minor offenses shall have these alleged offenses dealt with under appropriate military regulations and the Uniform Code of Military Justice (UCMJ).
  - b. Included in list of offenses which may be disposed under the magistrate system are violations of specified sections of California Vehicle Code, California Penal Code, California Business and Professions Code, California Health and Safety Code, California Fish and Game Code, California Administrative Code, California Harbor and Navigation Code and Titles 13, 14, 16, 18, 36, 38, and 39, United States Code.
  - c. California Vehicle Code is in force onboard NBSD and all persons, other than active duty military, are subject to citation

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by use of the U.S. Violation Notice. Active duty are subject to the UCMJ charges and punishments which may result as outlined in paragraph 4a.

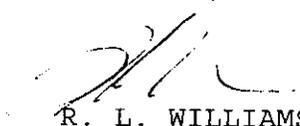
5. Action

a. The Force Protection Officer has primary responsibility for coordinating this program onboard NBSD and for effecting appropriate liaison with the local U.S. Magistrate regarding local procedures.

b. The Special Assistant U.S. Attorney, an active duty member of the Judge Advocate General Corps located within Navy Region Southwest (NRSW), has the responsibility for prosecuting criminal cases arising on Navy property over which Federal criminal jurisdiction exists. The nature of these cases shall be limited to those involving civilian defendants. NRSW Force Protection will ensure that original U.S. violation notices, statements of probable cause and letters of transmittal are forwarded to Central Violations Bureau, P.O. Box 780549, San Antonio, TX 78278-0549, within 15 days of issue. Copies of the citation package along with any investigative reports will be forwarded to the Special Assistant, per reference (d).

c. Personnel of the Security Department, Law Enforcement and Investigation Divisions empowered with the Commanding Officer's authority to apprehend offenders are authorized to cite violators under this program.

d. Questions regarding the Magistrate program should be referred to the Command Judge Advocate, (619) 556-2789 or Region Legal Service Office Southwest Command Services, (619) 556-1722.



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