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A BILL FOR AN ACT

To further amend section 806 of title 24 of the Code of the Federated States of Micronesia (Annotated), as enacted by Public Law No. 12-34, by adding a new subsection (7) to enable the Federated States of Micronesia to be in compliance with Article 73 of the United Nations Convention on Law of the Sea; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1           Section 1. Section 806 of title 24 of the Code of the Federated  
2 States of Micronesia (Annotated) as enacted by Public 12-34,  
3 is hereby amended by adding a new subsection (7), to read as  
4 follows:

5           "Section 806. Release of seized goods.

6           (1) The Court may, on application, order the release  
7 of any fishing vessel, vehicle, aircraft or other items  
8 seized pursuant to this subtitle on receipt of such bond  
9 or other form of security as it may determine.

10          (2) In determining the value of the bond or other  
11 form of security, the Court shall have regard to the  
12 aggregate amount of the value of the property to be  
13 released, an estimated total fine or other penalty  
14 provided for the offenses charged or likely to be  
15 charged and the costs the prosecution would be likely to  
16 recover if a conviction were entered, and may set the  
17 value at such aggregate amount. In no case should the

1 bond exceed the value of the property to be released.

2 (3) Notwithstanding the provisions of subsection (2)  
3 of this section, the amount determined by the Court  
4 under this section shall not be less than the fair  
5 market value of the property to be released or the  
6 aggregate minimum fine or penalty for each offense  
7 charged, whichever is greater.

8 (4) Where any vessel, vehicle, aircraft or other item  
9 seized is released upon the lodging of a bond or other  
10 form of security under subsection (1) of this section,  
11 the court shall in the order state separately the sums  
12 which are attributable to the property to be released,  
13 the total fine or fines and the likely costs.

14 (5) The release of any bond or other form of security  
15 under this section shall be conditional upon:

16 (a) a finding by the Court that the vessel,  
17 vehicle, aircraft or other item has not been used in or  
18 connected with the commission of an offense against this  
19 subtitle;

20 (i) payment in full within thirty (30) days  
21 of the judgment of the Court of any fine imposed by the  
22 Court and any costs ordered to be paid by the Court; and

23 (ii) where the Court so orders, delivery to  
24 the Court of the vessel, including its fishing gear,  
25 furniture, appurtenances, stores and cargo, and of any

1 fish ordered to be forfeited without any impairment of  
2 their value, or payment of the monetary value thereof as  
3 determined by the Court.

4 (6) Nothing in subsection (1) of this section shall  
5 require a Court to release any vessel, vehicle, aircraft  
6 or other item if it might be required as an exhibit in  
7 court proceedings or is reasonably required for any  
8 further investigations of offenses against this  
9 subtitle.

10 (7) Subsection (6) of this section does not apply to  
11 any fishing vessel, including its fishing gear,  
12 furniture, appurtenances or stores used in or connected  
13 with the commission of any act prohibited by this  
14 subtitle where such act occurred only within the  
15 Exclusive Economic Zone outside the territorial seas of  
16 the Federated States of Micronesia."

17 Section 2. This act shall become law upon approval by the  
18 President of the Federated States of Micronesia or upon its  
19 becoming law without such approval.

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21 Date: 9/1/23

Introduced by: /s/ Quincy Lawrence  
Quincy Lawrence  
(by request)

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