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A BILL FOR AN ACT

To further amend title 24 of the Code of the Federated States of Micronesia, as amended, by further amending section 501, as amended by Public Laws Nos. 5-37 and 6-11, to ban the use of driftnets within the Federated States of Micronesia, and by further amending section 503, as amended by Public Laws Nos. 5-37 and 6-11, to provide for criminal penalties for the use of driftnets within the Federated States of Micronesia, and for other purposes.

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

1 Section 1. Section 501 of title 24 of the Code of the Federated
2 States of Micronesia, as amended by Public Laws Nos. 5-37 and 6-11,
3 is hereby further amended to read as follows:

4 "Section 501. Prohibited acts.

5 (1) It is unlawful for any person:

6 (a) to violate any provision of this title or of
7 any regulation or permit issued pursuant to this title;

8 (b) to engage in fishing after revocation, or
9 during the period of suspension, of an applicable permit
10 issued pursuant to this title;

11 (c) to violate any provision of, or regulation
12 under, an applicable domestic-based or foreign fishing
13 agreement entered into pursuant to sections 401 and 404
14 through 406 of this title or any term or condition of any
15 permit issued in accordance with this title and any
16 regulations made under this title;

17 (d) to violate any provision of any applicable
18 foreign fishing treaty, agreement or arrangement or the
19 terms of any regional fishing license recognized in
20 accordance with this title;

21 (e) to refuse to permit any authorized officer
22 to board a fishing vessel for purposes of conducting any
23 search or inspection in connection with the enforcement of
24 this title or any regulation, permit, or foreign or
25 domestic-based fishing agreement or any applicable fishing

1 treaty, agreement or arrangement;

2 (f) to assault, obstruct, resist, delay, refuse
3 boarding to, intimidate, or interfere with any authorized
4 officer or authorized observer in performance of his duties,
5 including in the conduct of any search or inspection
6 described in paragraph (e) of this subsection; and for the
7 purposes of this subparagraph, any person who refuses to
8 allow any authorized officer or observer, or any person
9 acting under his order or in his aid, to exercise any of
10 the powers conferred on an authorized officer or observer
11 by this title or any regulations made under this title
12 shall be deemed to be obstructing that officer, observer,
13 or person;

14 (g) to fail to comply with the lawful require-
15 ments of any authorized officer or observer;

16 (h) to furnish to any authorized officer any
17 particulars which, to his knowledge, are false or mis-
18 leading in any respect;

19 (i) being on board any vessel being pursued or
20 about to be boarded by any authorized officer, to throw
21 overboard or destroy any fish, fishing gear, explosive,
22 poison, or other noxious substance to avoid seizure of such
23 fish, fishing gear, explosive, poison, or other noxious
24 substance or thing or to avoid the detection of any offense
25 under this title or the regulations made under this title;

1 (j) to resist a lawful arrest for any act
2 prohibited by this section;

3 (k) to provide information required to be
4 recorded, notified or communicated pursuant to any
5 requirement of the provisions of this title or the
6 regulations, knowing or having reasonable cause to believe
7 that it is false, incomplete or misleading;

8 (l) to knowingly ship, transport, offer for sale,
9 sell, purchase, import, export, or have custody, control,
10 or possession of any fish taken or retained in violation
11 of this title or any regional fishing treaty, regulation,
12 permit, foreign or domestic-based fishing agreement or any
13 applicable law;

14 (m) to interfere with, delay, or prevent, by any
15 means, the apprehension or arrest of another person, knowing
16 that such person has committed any act prohibited by this
17 section;

18 (n) to violate any provision of, or regulation
19 under, any applicable agreement to implement a regional
20 fisheries treaty, or any other treaty, agreement or
21 arrangement having effect in the Federated States of
22 Micronesia, entered into pursuant to section 106 of this
23 title; ~~or~~

24 (o) to use any foreign fishing vessel for
25 fishing within a two-mile radius of any fish aggregating

1 device of the Government, a citizen, or any other body
2 established under the laws of the Federated States of Micro-
3 nesia; or

4 (p) to engage in open ocean drift netting within
5 the Federated States of Micronesia.

6 (2) It is unlawful for any fishing vessel, and for
7 the crew, owner, or operator of any fishing vessel, to
8 engage in fishing in the exclusive economic zone authorized
9 by and conducted in accordance with or without a valid and
10 applicable fishing permit issued pursuant to this title,
11 where such permit is required by sections 103 and 104 of
12 this title, and unless such fishing is permitted pursuant
13 to section 106."

14 Section 2. Section 503 of title 24 of the Code of the Federated
15 States of Micronesia, as amended by Public Laws Nos. 5-37 and 6-11, is
16 hereby further amended to read as follows:

17 "Section 503. Criminal penalties.

18 (1) A person is guilty of an offense if he commits
19 any act prohibited by section 501 of this chapter.

20 (2) Any offense described as a prohibited act by
21 subsections (1)(a), (b), (c), (d), (h), (k), (l), (n), or
22 (o) of section 501 is punishable by a fine of not less
23 than \$500,000.

24 (3) Any offense described as a prohibited act by
25 subsections (1)(e), (f), (g), (i), (j), ~~or (m)~~, or (p) of

1 section 501 is punishable by a fine of not less than
2 \$800,000, or imprisonment for not more than two years, or
3 both; PROVIDED that if in the commission of any such offense
4 the person uses a dangerous weapon, engages in conduct that
5 causes bodily injury to any officer authorized to enforce
6 the provisions of this title, or threatens any such officer
7 with bodily injury, the offense is punishable by a fine
8 of not less than \$1 million, or imprisonment for not more
9 than ten years, or both; and PROVIDED FURTHER that where a
10 regional fisheries treaty so requires, persons arrested for
11 violating any provisions of, or regulations under, such
12 treaty shall not be subject to imprisonment.

13 (4) Any offense described as a prohibited act by
14 subsection (2) of section 501 is punishable by a fine of
15 not less than \$800,000. Each day of continuing violation
16 shall be considered a separate offense."

17 Section 3. This act shall become law upon approval by the
18 President of the Federated States of Micronesia or upon its becoming
19 law without such approval.

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21 Date: 11-4-93

Introduced by: 
Kalisto Refalopei

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