
A BILL FOR AN ACT

To amend section 806 of title 24 of the Code of the Federated States of Micronesia (Annotated), as enacted by Pubic 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 the 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 Law No. 12-34,
3 is hereby amended by adding a new subsection (7), to read as follows:

4 "Section 806. Release of seized goods.

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

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

18 (3) Notwithstanding the provisions of subsection (2)

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

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

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

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

18 (b) where the Court finds that the vessel,
19 vehicle, aircraft or other item has been used in or
20 connected with the commission of an offense under this
21 subtitle:

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

25 (ii) where the Court so orders, delivery to

1 the Court of the vessel, including its fishing gear,
2 furniture, appurtenances, stores and cargo, and of any
3 fish ordered to be forfeited without any impairment of
4 their value, or payment of the monetary value thereof as
5 determined by the Court.

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

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

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

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23 Date: 8/11/25

Introduced by: for /s/ Joseph J. Urusemal
Julio M. Marar
(by request)