

AN ACT

To further amend title 24 of the Code of the Federated States of Micronesia, as amended, by further amending sections 501 and 503, as amended by Public Laws Nos. 5-37, 6-11, and 9-47, for the purpose of correcting an error in section 501, removing ambiguity from section 503, and for other purposes.

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

Section 1. Section 501 of title 24 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-37, 6-11, and 9-47, is hereby further amended to read as follows:

"Section 501. Prohibited acts.

(1) It is unlawful for any person:

(a) to violate any provision of a fishing permit, license, agreement, arrangement, treaty, or regulation issued pursuant to this title;

(b) to refuse to permit any authorized officer to board a fishing vessel for purposes of conducting any search or inspection in connection with enforcement of this title or any regulation, permit, or foreign or domestic-based fishing agreement or any applicable fishing treaty, agreement or arrangement;

(c) to assault, obstruct, resist, delay, refuse boarding to, intimidate, or interfere with any authorized officer or authorized observer in performance of his duties, including in the conduct of any search or inspection described in paragraph (b) of this subsection; and for the purposes of this subparagraph, any person who refuses to allow any authorized officer or observer, or any person acting under his order or in his aid, to exercise any of the powers conferred on an authorized officer or observer by this title or any regulations made under this title shall be deemed to be obstructing that officer, observer, or person;

(d) to fail to comply with the lawful requirements of any authorized officer or observer;

(e) to furnish to any authorized officer any particulars which, to his knowledge, are false or misleading in any respect;

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

(g) to resist a lawful arrest for any act prohibited by this section;

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

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

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

(k) to violate any provision of, or regulation under, any applicable agreement to implement a regional fisheries treaty, or any other treaty, agreement or arrangement having effect in the Federated States of Micronesia, entered into pursuant to section 106 of this title;

(l) to use any foreign fishing vessel for fishing within one mile from submerged reefs within the EEZ, or within a two-mile radius of any fish aggregating device of the Government, a citizen, or any other body established under the laws of the Federated States of Micronesia;

(m) being a fishing vessel entitled to fly the national flag of the Federated States of Micronesia, to fish in waters under the national jurisdiction of a foreign nation unless duly authorized by the competent authorities of the foreign nation or nations concerned;

(n) to engage in driftnet fishing activities in the fishery waters;

(o) being a fishing vessel entitled to fly the national flag of the Federated States of Micronesia, to engage in driftnet fishing activities in waters under the national jurisdiction of a foreign nation, in the high seas, or in enclosed or semi-enclosed seas as defined in the United Nations Convention on the Law of the Sea of December 10, 1982; or

(p) to violate any provision of this title.

(2) It is unlawful for any fishing vessel, and for the crew, owner, or operator of any fishing vessel, to engage in fishing in the Exclusive Economic Zone without a valid and applicable fishing permit issued pursuant to this title or after revocation, or during the period of suspension of a permit issued pursuant to this title, where such permit is required by sections 103 and 104 of this title, unless such fishing is permitted pursuant to section 106."

Section 2. Section 503 of title 24 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-37, 6-11, and 9-47, is hereby further amended to read as follows:

"Section 503. Criminal penalties.

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

(2) Unless another and different penalty is specifically provided for by a law enacted by Congress for an offense, any offense described as a prohibited act by subsections (1)(a), (1)(i), (1)(k), or (1)(l) of section 501 is punishable by a fine of not less than \$10,000 and not to exceed \$500,000.

(3) Unless another and different penalty is specifically provided for by a law enacted by Congress for an offense, any offense described as a prohibited act by subsections (1)(b), (1)(c), (1)(d), (1)(e), (1)(f), (1)(g), (1)(h), or (1)(j) of section 501 is punishable by a fine of not less than \$100,000, or imprisonment for not more than two years, or both; PROVIDED that if in the commission of any such offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this title, or threatens any such officer with bodily injury, the offense is punishable by a fine of not less than \$500,000, or imprisonment for not more than ten years, or both;

and PROVIDED FURTHER that where a regional fisheries treaty so requires, persons arrested for violating any provisions of, or regulations under, such treaty shall not be subject to imprisonment.

(4) Any offense described as a prohibited act by subsection (1)(m) of section 501 is punishable by a fine not to exceed \$5,000.

(5) Any offense described as a prohibited act by subsection (1)(n) or (1)(o) of section 501 is punishable by a fine of not less than \$1 million.

(6) Any offense described as a prohibited act by subsection (2) of section 501 is punishable by a fine of not less than \$500,000. Each day of continuing violation shall be considered a separate offense.

(7) A violation of any provision of this title for which no other punishment is prescribed by a law enacted by Congress is punishable by a fine not to exceed \$5,000.

(8) In determining the amount of any fine and the length of any imprisonment, the Court shall take into account those factors set forth in section 502(3) of this title."

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

April 19 \_\_\_\_\_, 1996

/s/ Bailey Olter  
Bailey Olter  
President  
Federated States of Micronesia