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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 Public Laws Nos. 5-20, 5-37, and 5-72, by further amending sections 502 and 503, as amended by Public Law No. 5-37, for the purpose of increasing the civil and criminal fines set forth therein, and for other purposes.

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

1 Section 1. Section 502 of title 24 of the Code of the Federated  
2 States of Micronesia is hereby amended to read as follows:

3 "Section 502. Civil penalties.

4 (1) Any person who is found by the Supreme Court of  
5 the Federated States of Micronesia in a civil proceeding  
6 to have committed an act prohibited by section 501 of this  
7 chapter shall be liable to the Federated States of Micro-  
8 nesia for a civil penalty.

9 (2) The amount of the civil penalty shall not be  
10 ~~exceed~~ less than \$1,000,000 500,000 for each violation. Each  
11 day of a continuing violation shall constitute a separate  
12 offense.

13 (3) In determining the amount of such penalty, the  
14 Supreme Court of the Federated States of Micronesia  
15 shall take into account the nature, circumstances,  
16 extent, and gravity of the prohibited acts committed  
17 and, with respect to the violator, the degree of  
18 culpability, any history of prior offenses, and such other  
19 matters as justice may require.

20 (4) The Attorney General of the Federated States of  
21 Micronesia is authorized to initiate all proceedings under  
22 this section and to recover the amount assessed as a civil  
23 penalty.

24 (5) The proceeds of civil penalties shall be  
25 deposited into the General Fund of the Federated States of

1           Micronesia. Fifty percent of these proceeds from civil  
2           penalties shall then be distributed to the State affected."

3           Section 2. Section 503 of title 24 of the Code of the Federated  
4 States of Micronesia, as amended by Public Law No. 5-37, is hereby  
5 further amended to read as follows:

6           "Section 503. Criminal penalties.

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

9           (2) Any offense described as a prohibited act by  
10 subsections (1)(a), (b), (c), (g), or (i) of section 501 is  
11 punishable by a fine of not ~~more~~ less than ~~\$250,000~~ 500,000.

12           (3) Any offense described as a prohibited act by  
13 subsections (1)(d), (e), (f), or (h) of section 501 is  
14 punishable by a fine of not ~~more~~ less than ~~\$400,000~~ 800,000,  
15 or imprisonment for not more than two years, or both;  
16 PROVIDED that if in the commission of any such offense the  
17 person uses a dangerous weapon, engages in conduct that  
18 causes bodily injury to any officer authorized to enforce  
19 the provisions of this title, or threatens any such officer  
20 with bodily injury, the offense is punishable by a fine of  
21 not ~~more~~ less than \$1 million, or imprisonment for not more  
22 than ten years, or both; and PROVIDED FURTHER that where a  
23 regional fisheries treaty so requires, persons arrested for  
24 violating any provisions of, or regulations under, such  
25 treaty shall not be subject to imprisonment.

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C.B. NO. 6-59

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(4) Any offense described as a prohibited act by subsection (2) of section 501 is punishable by a fine of not ~~more~~ less than ~~\$400,000~~ 800,000. Each day of continuing violation shall be considered a separate offense."

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.

Date: 6/5/89

Introduced by: Jack Fritz  
Jack Fritz

Tommy Otto  
Tommy Otto

Joseph J. Urusemal  
JOSEPH J. URUSEMAL