A BILL FOR AN ACT

To amend section 603 title 24 of the Code of the Federated States of Micronesia, as enacted by Public Law No. 12-34 in order to clarify the powers of national officers authorized to board vessels that are used in fishing and related activities, and for other purposes.

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

1. Section 1. Section 603 of title 24 of the Code of the Federated States of Micronesia, as enacted by Public Law No. 12-34, hereby amended to read as follows:

   “Section 603. Powers of authorized officers.

   (1) for the purposes of enforcing this subtitle, any authorized officer may;

   (a) stop, board, remain on board and search any vessel in the fishery waters that he reasonably believes is a fishing vessel;

   (b) stop, board, remain on board and search any flag fishing vessel outside the fishery waters;

   (c) stop and search any vessel, vehicle or aircraft that he reasonably believes may be transporting fish or engaging in related activities;

   (d) require the master or any crew member or other person aboard to inform him of the name, call sign and country of registration of the vessel and the name of the master, owner, charterer and crew.
members;

(e) examine the master or any crew member or other person aboard about the cargo, contents of holds and storage spaces, voyage and activities of the vessel;

(f) make such examination and inquiry as may appear necessary concerning any vessel, vehicle or aircraft in relation to which any of the powers conferred by this subsection have been or may be exercised and take samples of any fish or fish product found therein;

(g) require to be produced, examine and take copies of any permit, logbook, record or other documents required under this subtitle or concerning the operation of any vessel or aircraft;

(h) make an entry dated and signed by him in the logbook of such vessel or aircraft;

(i) require to be produced and examine any fish, fishing gear or appliance, explosive, poison or other noxious substance;

(j) give directions to the master and any crew member of any vessel, vehicle or aircraft stopped, boarded or searched as may be necessary or reasonably expedient for any purpose specified in this subtitle or to provide for the compliance of
the vessel, vehicle or aircraft, or master or any crew member with the conditions of any permit;

(k) endorse an permit; and

(l) arrest any person who asults him or any other authorized officer in the exercise of his duties under this subtitle.

(2) Where an authorized officer has reasonable grounds to believe an offense against this subtitle is being or has been committed, he may without a warrant:

(a) enter, inspect and search any premises, other than premises used exclusively as a dwelling house, in which he has reasonable grounds to believe an offense has been or is being committed or fish have been taken illegally and are being stored;

(b) stop, enter, search and stary in or on any vehicle or aircraft which he reasonably suspects of transporting fish or fish products;

© take samples of any fish found in any vessel or vehicle inspected or within any premises searched under this subtitle;

(d) after hot pursuit of a foreign fishing vessel undertaken in accordance with international law and commenced within the fishery waters, stop,
board and search outside the fishery waters any fishing vessel that he has reasonable grounds to believe has been used in the commission of an offense, exercise any powers conferred by this subtitle in accordance with international law, and bring such vessel and all persons and things on board within the fishery waters;

(e) seize:

(i) any vessel (including its fishing gear, equipment, stores and cargo), vehicle, fishing gear, nets or other fishing appliances or aircraft that he has reasonable grounds to believe has been or is being used in the commission of an offense or in respect of which the offense has been committed;

(ii) any fish or fish products that he has reasonable grounds to believe has been caught in the commission of an offense or are possessed in contravention of this subtitle;

(iii) any logs, charts or other documents required to be maintained by this subtitle or under the terms of any license or other authorization or which he has reasonable grounds to believe show or tend to show, with or without other evidence, the commission of an offense against this subtitle; and

(iv) anything which he has reasonable
grounds to believe might be used as evidence in any proceeding under this subtitle;

(f) arrest any person who he has reasonable grounds to believe has committed an offense against this subtitle; and

(g) issue citations as authorized by regulations promulgated under section 703 of chapter 7 of this subtitle.

(3) An authorized officer may, while arresting any person or fishing vessel that he has reasonable grounds to believe has done any act in contravention of this subtitle, use such force as is reasonably necessary in the circumstances to effect the arrest.

(4) Any person arrested without a warrant under this section shall be detained and dealt with in accordance with law.

(5) An theorized officer may:

(a) execute any warrant or other process issued by any court of competent jurisdiction; and

(b) exercise any other lawful authority.

(6) A written receipt shall be given for any article or thing seized under this section and the grounds for such seizure shall be stated in such receipt.”

Section 2. 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: 9/17/13  Introduced by: /s/ Florencio S. Harper
Florencio S. Harper
(by request)