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:

Section 1. Section 501 of title 24 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-37 and 6-11, 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 this title or of any regulation or permit issued pursuant to this title;

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

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

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

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

(f) 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 (e) 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;

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

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

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

(k) 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;

(l) 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;

(m) 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;

(n) 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; #

(o) to use any foreign fishing vessel for fishing 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 Micro-

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

(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 authorized
by and conducted in accordance with or without a valid and
applicable fishing permit issued pursuant to this title,
where such permit is required by sections 103 and 104 of
this title, and 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 and 6-11, 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) Any offense described as a prohibited act by
subsections (1)(a), (b), (c), (d), (h), (k), (l), (n), or
(o) of section 501 is punishable by a fine of not less
than $500,000.

(3) Any offense described as a prohibited act by
subsections (1)(e), (f), (g), (i), (j), (m), or (p) of
section 501 is punishable by a fine of not less than
$800,000, 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 $1 million, 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 (2) of section 501 is punishable by a fine of
not less than $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: 11-4-93

Introduced by Kallesto Refaloped