

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  
2     the Federated States of Micronesia, as enacted by Public  
3     Law No. 12-34, hereby amended to read as follows:

4                   "Section 603. Powers of authorized officers.

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

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

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

12                  (c) stop and search any vessel, vehicle or  
13     aircraft that he reasonably believes may be  
14     transporting fish or engaging in [~~other~~] related  
15     activities [~~relating to fishing~~];

16                  (d) require the master or any crew member or  
17     other person aboard to inform him of the name, call  
18     sign and country of registration of the vessel and  
19     the name of the master, owner, charterer and crew

1 members;

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

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

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

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

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

21 (j) give directions to the master and any  
22 crew member of any vessel, vehicle or aircraft  
23 stopped, boarded or searched as may be necessary or  
24 reasonably expedient for any purpose specified in  
25 this subtitle or to provide for the compliance of

1 the vessel, vehicle or aircraft, or master or any  
2 crew member with the conditions of any permit;

3 (k) endorse an permit; and

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

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

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

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

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

23 (d) after hot pursuit of a foreign fishing  
24 vessel undertaken in accordance with international  
25 law and commenced within the fishery waters, stop,

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1 board and search outside the fishery waters any  
2 fishing vessel that he has reasonable grounds to  
3 believe has been used in the commission of an  
4 offense, exercise any powers conferred by this  
5 subtitle in accordance with international law, and  
6 bring such vessel and all persons and things on  
7 board within the fishery waters;

8 (e) seize:

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

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

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

25 (iv) anything which he has reasonable

1 grounds to believe might be used as evidence in any  
2 proceeding under this subtitle;

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

6 (g) issue citations as authorized by  
7 regulations promulgated under section 703 of chapter  
8 7 of this subtitle.

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

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

17 (5) An theorized officer may:

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

20 (b) exercise any other lawful authority.

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

25 Section 2. This act shall become law upon approval by

1 the President of the Federated States of Micronesia or upon its  
2 becoming law without such approval.

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4 Date: 9/17/13

Introduced by: /s/ Florencio S. Harper  
Florencio S. Harper  
(by request)

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