

A BILL FOR AN ACT

To further amend title 24 of the Code of the Federated States of Micronesia (Annotated), as amended, by amending section 801 thereof, to make any fishing vessel and property thereon used in or connected with a commission of a crime within the Exclusive Economic Zone of FSM to be subject to forfeiture, and for other purposes.

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

1 Section 1. Section 801 of title 24 of the Code of the
2 Federated States of Micronesia (Annotated), as amended, is hereby
3 amended to read as follows:

4 "Section 801. Forfeiture of property.

5 (1) Any fishing vessel, including its fishing gear,
6 furniture, appurtenances, stores and cargo used in or
7 connected with the commission of any act prohibited by
8 this subtitle, within the territorial sea, ~~[or]~~ internal
9 waters or the Exclusive Economic Zone of the Federated
10 States of Micronesia, shall be subject to forfeiture to
11 the Government of the Federated States of Micronesia
12 pursuant to a civil proceeding under this section.

13 (2) Any fishing vessel, including its fishing gear,
14 furniture, appurtenances or stores used in or connected
15 with the commission of any act prohibited by this
16 subtitle, within the internal waters, territorial seas
17 or the Exclusive Economic Zone ~~[outside the territorial~~
18 ~~seas]~~ of the Federated States of Micronesia, shall be

1 released upon the posting of a bond or other surety.

2 (3) Any vehicle or aircraft, all or any part of any
3 fish or fish product and the proceeds of the sale of any
4 fish seized in connection with a violation of this
5 subtitle, shall be subject to forfeiture to the
6 Government of the Federated States of Micronesia
7 pursuant to a civil proceeding under this section.

8 (4) The Supreme Court of the Federated States of
9 Micronesia shall have jurisdiction, upon application by
10 the Secretary of the Department of Justice on behalf of
11 the Federated States of Micronesia, to order any
12 forfeiture authorized under subsection (1) of this
13 section.

14 (5) If a judgment is entered for the Government of
15 the Federated States of Micronesia in a civil forfeiture
16 proceeding under this section, the Secretary of the
17 Department of Justice shall seize any property or other
18 interest declared forfeited to the Government of the
19 Federated States of Micronesia, which has not previously
20 been seized pursuant to this subtitle.

21 (6) The forfeited item or items shall be sold and the
22 proceeds deposited into the General Fund of the
23 Federated States of Micronesia and distributed in
24 accordance with subsection (7) of this section.

25 (7) Fifty percent of the revenues from fines and

1 forfeitures shall be distributed to an FSM State(s)
2 which may be affected by the situation which has given
3 rise to the fine and/or forfeiture.

4 (8) Pending completion of the civil forfeiture
5 proceeding, the item or items subject to forfeiture, or
6 any part thereof, may be released at the discretion of
7 the Court upon deposit with the Court of a satisfactory
8 bond, surety or other security at least equal to the
9 fair market value of the seized property. Exoneration
10 of such bond, surety or other security shall be
11 conditional upon return of the released property to the
12 appropriate court upon order, without any impairment of
13 its value, or by paying the monetary value of the
14 released property to the General Fund of the Federated
15 States of Micronesia upon order of the Court. Such
16 bond, surety or other security shall be forfeited in the
17 event that any condition is breached as shall be
18 determined by the Court, and judgment shall be
19 recoverable by the Court against the principal of any
20 surety for any such breach.

21 (9) In the event there is an appeal from an order for
22 forfeiture, the Court may continue any such bond, surety
23 or other security deposited in accordance with
24 subsection (8) of this section during the pendency of
25 the appeal and any retrial or rehearing on remand or may

1 require additional security to be deposited with the
2 Court."

3 Section 2. This act shall become law upon approval by the
4 President of the Federated States of Micronesia or upon its
5 becoming law without such approval.

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7 Date: 3/23/22

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

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