

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

4 Section 603. Powers of authorized officers.

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

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

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

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

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

19 (e) examine the master or any crew member or

1 other person aboard about the cargo, contents of holds
2 and storage spaces, voyage and activities of the vessel;

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

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

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

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

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

25 (k) endorse an permit; and

1 (1) arrest any person who assaults him or any
2 other authorized officer in the exercise of his duties
3 under this subtitle.

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

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

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

15 (c) take samples of any fish found in any
16 vessel or vehicle inspected or within any premises
17 searched under this subtitle;

18 (d) after hot pursuit of a foreign fishing
19 vessel undertaken in accordance with international
20 law and commenced within the fishery waters, stop,
21 board and search outside the fishery waters any
22 fishing vessel that he has reasonable grounds to
23 believe has been used in the commission of an
24 offense, exercise any powers conferred by this
25 subtitle in accordance with international law, and

1 bring such vessel and all persons and things on board
2 within the fishery waters;

3 (e) seize:

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

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

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

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

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

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

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

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

12 (5) An theorized officer may:

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

15 (b) exercise any other lawful authority.

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

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

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

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February 25, 2015

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/s/ Manny Mori

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Manny Mori

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President

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Federated States of Micronesia

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