

CHAPTER 12**Safety of Navigation****SECTIONS**

§ 1201. Regulations for the safety of navigation.

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Editor's note: The former provisions of chapters 1 to 12 of this title were repealed in their entirety by PL 10-76 § 1 and replaced by the provisions of PL 10-76, the "National Maritime Act, 1997" codified at chapters 1 to 13 of this title. PL 10-76 took effect April 1, 1998.

§ 1201. Regulations for the safety of navigation.

The Secretary may promulgate regulations to implement this chapter, taking into account the provisions of the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, Rome 1988.

Source: PL 10-76 § 218.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Territory, Economic Zones and Ports of Entry are found in title 18 of this code.

§ 1202. Application.

(1) This chapter shall apply to:

(a) all vessels navigating or scheduled to navigate into, through or from waters beyond the outer limits of the waters of the Federated States of Micronesia or the lateral limits thereof with adjacent countries;

(b) any person found in the waters of the Federated States of Micronesia to have committed or alleged to have committed any of the offenses set forth in section 1203 of this chapter.

(2) This chapter shall also apply when any of the offenses set forth in section 1203 of this chapter is committed:

(a) against or on board a Registered Vessel; or

(b) within the Federated States of Micronesia, including the waters of the Federated States of Micronesia; or

(c) by a citizen or national of the Federated States of Micronesia.

(3) This chapter shall further apply when:

(a) any of the offenses set forth in section 1203 of this chapter has been committed by a stateless person whose habitual residence is within the Federated States of Micronesia; or

(b) during the commission of any of the offenses set forth in section 1203 of this chapter a citizen or national of the Federated States of Micronesia is seized, threatened, injured or killed; or

(c) any of the offenses set forth in section 1203 of this chapter is committed in an attempt to compel the Government to do or abstain from doing any act.

(4) This chapter does not apply to:

(a) a vessel belonging to the defense forces of any nation;

(b) a vessel owned or operated as a naval auxiliary or for customs or police purposes; or

(c) a vessel which has been withdrawn from navigation or laid up.

(5) Nothing in this chapter shall affect the immunities of warships and other government vessels operated for non-commercial purposes.

Source: PL 10-76 § 219.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Territory, Economic Zones and Ports of Entry are found in title 18 of this code.

§ 1203. Offenses against safety of navigation.

(1) A person commits a national offense if that person unlawfully and intentionally:

(a) seizes or exercises control over a vessel by force or threat thereof or any other form of intimidation; or

(b) performs an act of violence against a person on board a vessel if that act is likely to endanger the safe navigation of that vessel; or

(c) destroys a vessel or causes damage to a vessel or to its cargo which is likely to endanger the safe navigation of that vessel; or

(d) places or causes to be placed on a vessel, by any means whatsoever, a device or substance which is likely to destroy that vessel, or causes damage to that vessel or its cargo which endangers or is likely to endanger the safe navigation of that vessel; or

(e) destroys or seriously damages maritime navigational facilities or seriously interferes with their

operation, if any such act is likely to endanger the safe navigation of a vessel; or

(f) communicates information which that person knows to be false, thereby endangering the safe navigation of a vessel; or

(g) injures or kills any persons in connection with the commission or the attempted commission of any of the offenses set forth in paragraphs (a) through (f) of this subsection.

(2) A person shall also commit a national offense if that person:

(a) attempts to commit any of the offenses in subsection (1) of this section; or

(b) abets the commission of any of the offenses set forth in subsection (1) of this section perpetrated by any person or is otherwise an accomplice of a person who commits such an offense; or

(c) threatens to compel a physical or juridical person to do or refrain from doing any act, to commit any of the offenses set forth in subsection (1), paragraphs (b), (c) and (e), if that threat is likely to endanger the safe navigation of the vessel in question.

(3) Anyone who commits an offense under this section commits a national offense and shall be punished:

(a) with imprisonment for not less than 20 years; or

(b) if the death of another person results from the commission or attempted commission of the offense, with imprisonment for life.

Source: PL 10-76 § 220, modified.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Territory, Economic Zones and Ports of Entry are found in title 18 of this code.

§ 1204. Enforcement authority.

(1) For the purpose of ascertaining whether there is or has been any contravention of this title or any regulations promulgated hereunder, any authorized officer may:

(a) upon the issuance of a warrant, enter any vessel or small craft; or

(b) stop, board and search any vessel or small craft within the waters of the Federated States of Micronesia.

(2) Where an authorized officer has reasonable cause to believe that an offense against the provisions of this title or any regulations made under this title has been committed, the authorized officer may, with or without a warrant or other process:

(a) following hot pursuit in accordance with international law and commenced within the waters of the Federated States of Micronesia, stop, board, and search inside or outside the waters of the Federated States of Micronesia, any vessel or small craft which he believes has been used in the commission of that offense and bring such vessel or small craft and all persons and things on board within the waters of the Federated States of Micronesia;

(b) within the waters of the Federated States of Micronesia:

(i) arrest any person if he has reasonable cause to believe that such person has committed an offense prohibited by this title; and

(ii) seize any vessel or small craft used or employed in, or when it reasonably appears to have been used or employed in, the violation of any provision of this title or any regulations issued under this title.

(3) Any authorized officer may execute any warrant or other process issued by any court of competent jurisdiction.

(4) Any authorized officer may exercise any other lawful authority for the enforcement of this title and any regulations issued under this title.

Source: PL 10-76 § 221.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code.

The website of the FSM National Government contains announcements, press releases, news, forms, and other information on the National Government at <http://fsmgov.org>.

The FSM Supreme Court website contains court decisions, rules, calendar, and other information of the court, the Constitution, the code of the Federated States of Micronesia, and other legal resource information at <http://www.fsmsupremecourt.org/>.

The official website of the Congress of the Federated States of Micronesia contains the public laws enacted by the Congress, sessions, committee hearings, rules, and other Congressional information at <http://www.fsmcongress.fm/>.

§ 1205. Jurisdiction of the Supreme Court.

The Supreme Court shall have jurisdiction over and prosecute any offenses which:

(1) are committed against or on board a vessel flying the flag of the Federated States of Micronesia when the offense is committed;

(2) are committed in the waters of the Federated States of Micronesia;

(3) are committed by a citizen or national of the Federated States of Micronesia;

(4) are committed by a stateless person whose habitual residence is in the Federated States of Micronesia;

(5) involve the seizure, threat to, injury or death of a national or citizen of the Federated States of Micronesia; and

(6) are committed in an attempt to compel the Federated States of Micronesia to do or abstain from doing any act.

Source: PL 10-76 § 222.

Cross-reference: The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code. The statutory provisions on Judicial Procedure are found in title 6 of this code.

The FSM Supreme Court website contains court decisions, rules, calendar, and other information of the court, the Constitution, the code of the Federated States of Micronesia, and other legal resource information at <http://www.fsmsupremecourt.org/>.