

the violator to pay if the information is provided to the Secretary at least 30 days prior to an administrative hearing.”

Subsec. (e). Pub. L. 109-479, §301(b), added subsec. (e).

§ 773g. Crimes and criminal penalties

(a) Offenses

A person is guilty of any¹ offense if he commits an act prohibited by section 773e(a)(2), (3), (4), or (6)² of this title; or section 773e(b)² of this title.

(b) Fines; imprisonment

Any offense described in subsection (a) is punishable by a fine of not more than \$200,000 or imprisonment for not more than 6 months, or both; except that if in the commission of any offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any officer authorized to enforce the provisions of this subchapter, or places any such officer in fear of imminent bodily injury the offense is punishable by a fine of not more than \$400,000, or imprisonment for not more than 10 years or both.

(c) Federal jurisdiction

There is Federal jurisdiction over any offense described in this section.

(Pub. L. 97-176, §9, May 17, 1982, 96 Stat. 81; Pub. L. 109-479, title III, §301(c), Jan. 12, 2007, 120 Stat. 3623.)

REFERENCES IN TEXT

Subsec. (a) and pars. (2), (3), (4), and (6) of subsec. (a) of section 773e of this title, referred to in subsec. (a), were renumbered par. (1) and subpars. (B), (C), (D), and (F), respectively, of par. (1) of section 773e of this title by Pub. L. 114-81, title I, §110(1), (2), Nov. 5, 2015, 129 Stat. 659.

Subsec. (b) of section 773e of this title, referred to in subsec. (a), was renumbered par. (2) of section 773e of this title by Pub. L. 114-81, title I, §110(2), Nov. 5, 2015, 129 Stat. 659.

AMENDMENTS

2007—Subsec. (b). Pub. L. 109-479 substituted “\$200,000” for “\$50,000” and “\$400,000,” for “\$100,000.”

§ 773h. Forfeitures

(a) Civil forfeiture proceeding

Any fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any fish taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 773e of this title shall be subject to forfeiture to the United States. All or part of such vessel may, and all such fish shall, be forfeited to the United States pursuant to a civil proceeding under this section.

(b) United States district court jurisdiction

Any district court of the United States shall have jurisdiction, upon application by the Attorney General on behalf of the United States, to order any forfeiture authorized under subsection (a) and any action provided for under subsection (d).

(c) Seizure of forfeited property

If a judgment is entered for the United States in a civil forfeiture proceeding under this sec-

tion, the Attorney General may seize any property or other interest declared forfeited to the United States, which has not previously been seized pursuant to this subchapter or for which security has not previously been obtained under subsection (d). The provisions of the customs laws relating to—

- (1) the disposition of forfeited property;
- (2) the proceeds from the sale of forfeited property;
- (3) the remission or mitigation of forfeitures; and
- (4) the compromise of claims;

shall apply to any forfeiture ordered, and to any case in which forfeiture is alleged to be authorized, under this section, unless such provisions are inconsistent with the purposes, policy, and provisions of this subchapter. The duties and powers imposed upon the Commissioner of U.S. Customs and Border Protection or other persons under such provisions shall, with respect to this subchapter, be performed by officers or other persons designated for such purpose by the Secretary.

(d) Bond or other security; disposal of seized fish

(1) Any officer authorized to serve any process in rem which is issued by a court having jurisdiction under section 773i(d) of this title shall—

- (A) stay the execution of such process; or
- (B) discharge any fish seized pursuant to such process;

upon the receipt of a satisfactory bond or other security from any person claiming such property. Such bond or other security shall be conditioned upon such person delivering such property to the appropriate court upon order thereof, without any impairment of its value, or paying the monetary value of such property pursuant to an order of such court. Judgment shall be recoverable on such bond or other security against both the principal and any sureties in the event that any condition thereof is breached, as determined by such court.

(2) Any fish seized pursuant to this subchapter may be disposed of pursuant to the order of a court of competent jurisdiction or, if perishable, in a manner prescribed by regulations of the Secretary or the Secretary of the department in which the Coast Guard is operating.

(e) Presumption of violation

For purposes of this section, it shall be a rebuttable presumption that all fish found on board a fishing vessel which is seized in connection with an act prohibited by section 773e of this title were taken or retained in violation of the Convention and this subchapter.

(Pub. L. 97-176, §10, May 17, 1982, 96 Stat. 81; Pub. L. 114-125, title VIII, §802(d)(2), Feb. 24, 2016, 130 Stat. 210.)

CHANGE OF NAME

“Commissioner of U.S. Customs and Border Protection” substituted for “Commissioner of Customs” in concluding provisions of subsec. (c) on authority of section 802(d)(2) of Pub. L. 114-125, set out as a note under section 211 of Title 6, Domestic Security.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the

¹ So in original. Probably should be “an”.

² See References in Text note below.