

KSC, TITLE 19. MARINE RESOURCES

Chapter 5. Monitoring, Control and Surveillance

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Section 19.501. Primary responsibility for enforcement.

The Department has primary responsibility for enforcing this Title, except that the Attorney General's office is responsible for the review and final determination of any potential legal actions.

Section 19.502. Appointment of authorized officers and observers.

The Director may appoint, in writing, any person or category of persons as authorized officers to ensure compliance with this Title. Any police officer is deemed to be an authorized officer for purposes of this Title. The Director may appoint any person as an observer for compliance, monitoring and any other function. Any authorized officer or observer appointed pursuant to Title 24 of the Code of the Federated States is deemed to be an authorized officer or observer with respect to foreign fishing vessels or activities in the fishery waters.

Section 19.503. Powers of authorized officers and observers.

(1) For the purposes of enforcing this Title, any authorized officer or observer may:

- (a) Require any person engaged in fishing to show his permit, fishing gear and catch;
- (b) Stop, board and search any vessel he reasonably expects is a fishing vessel in the fishery waters;
- (c) Stay on board any fishing vessel within the fishery waters;
- (d) Examine or inquire of any person aboard about the fishing gear, fish, cargo, catch, contents of holds and storage spaces, voyage and activities of the vessel;
- (e) Inspect and search the vessel, vehicle, aircraft, nonresidential premises, fishing gear, fish, catch, cargo, content of holds and storage spaces, or other evidence of activities subject to this Title;
- (f) Request and receive a reasonable fish sample from any person in possession or control of fish or fish products;
- (g) Require any person aboard a fishing vessel to inform him of the vessel's name, call sign and country of registration and the names of the master, owner, charterer and all crew members;
- (h) Require the agent of any foreign fishing vessel holding a permit to fish issued under Title 24 of the Code of the Federated States, where the agent is based within the State, to inform him of the name, call sign and country of registration of any vessel that he represents and the name of the operator, officer, or crew members, or other information reasonably

required;

(i) Seize any vessel, vehicle, aircraft, fishing gear, equipment, stores, catch, cargo, fish, fish products, log books, charts, other documents or other items used in the commission of an offense, subject to procedures and requirements of Title 14, Chapter 12 of the State Code;

(j) Arrest any person where there is probable cause to believe he has committed a criminal offense in violation of this Title;

(k) Execute any warrant or other process issued by any court of competent jurisdiction relating to this Title; and

(l) Exercise any other lawful authority.

Section 19.504. Hot pursuit.

An authorized officer may, following hot pursuit in accordance with international law commenced within the fishery waters, stop, board and search any fishing vessel outside the fishery waters that he has probable cause to believe has been used in the commission of an offense in the fishery waters. The authorized officer may bring the fishing vessel and all persons and things on board within the fishery waters.

Section 19.505. Immunity of authorized officers or observers.

An authorized officer or observer who acts pursuant to this Title may not be found civilly or criminally liable for those actions or omissions to act, unless taken in bad faith.

Section 19.506. Duty of confidentiality.

The Director shall require an authorized officer or observer to swear an oath of confidentiality.