

Pub. L. 116-340, §3(e), Jan. 13, 2021, 134 Stat. 5129, provided in part that the amendment made by section 3(e)(2) is effective five years after Jan. 13, 2021.

#### EFFECTIVE DATE

Section effective Mar. 1, 1977, see section 312 of Pub. L. 94-265, formerly set out as a note under section 1857 of this title.

### § 1859. Criminal offenses

#### (a) Offenses

A person is guilty of an offense if he commits any act prohibited by—

- (1) section 1857(1)(D), (E), (F), (H), (I), or (L) of this title; or
- (2) section 1857(2) of this title.

#### (b) Punishment

Any offense described in subsection (a)(1) is punishable by a fine of not more than \$100,000, or imprisonment for not more than 6 months, or both; except that if in the commission of any such offense the person uses a dangerous weapon, engages in conduct that causes bodily injury to any observer described in section 1857(1)(L) of this title or any officer authorized to enforce the provisions of this chapter (as provided for in section 1861 of this title), or places any such observer or officer in fear of imminent bodily injury, the offense is punishable by a fine of not more than \$200,000, or imprisonment for not more than 10 years, or both. Any offense described in subsection (a)(2) is punishable by a fine of not more than \$200,000.

#### (c) Jurisdiction

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

(Pub. L. 94-265, title III, §309, Apr. 13, 1976, 90 Stat. 357; Pub. L. 97-453, §11(a), Jan. 12, 1983, 96 Stat. 2491; Pub. L. 99-659, title I, §107(b), Nov. 14, 1986, 100 Stat. 3713; Pub. L. 100-66, §2, July 10, 1987, 101 Stat. 384; Pub. L. 101-627, title I, §115, Nov. 28, 1990, 104 Stat. 4455.)

#### Editorial Notes

##### REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original “this Act”, meaning Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, known as the Magnuson-Stevens Fishery Conservation and Management Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

##### AMENDMENTS

1990—Subsec. (a)(1). Pub. L. 101-627, §115(a), amended par. (1) generally, substituting “(I), or (L)” for “or (I)”.

Subsec. (b). Pub. L. 101-627, §115(b), substituted “\$100,000” for “\$50,000”, substituted “\$200,000” for “\$100,000” in two places, and inserted “any observer described in section 1857(1)(L) of this title or” after “injury to” and “observer or” before “officer in fear”.

1987—Subsec. (a)(1). Pub. L. 100-66 substituted “(I)” for “(J)”.

1986—Subsec. (a)(1). Pub. L. 99-659 substituted “(H), or (J)” for “or (H)”.

1983—Subsec. (b). Pub. L. 97-453 struck out “, or imprisonment for not more than 1 year, or both” after “subsection (a)(2) is punishable by a fine of not more than \$100,000”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 97-453, §11(b), Jan. 12, 1983, 96 Stat. 2491, provided that: “The amendment made by subsection (a) [amending this section] applies with respect to offenses committed under section 309 [this section] on or after the date of the enactment of this Act [Jan. 12, 1983].”

##### EFFECTIVE DATE

Section effective Mar. 1, 1977, see section 312 of Pub. L. 94-265, formerly set out as a note under section 1857 of this title.

### § 1860. Civil forfeitures

#### (a) In general

Any fishing vessel (including its fishing gear, furniture, appurtenances, stores, and cargo) used, and any fish (or the fair market value thereof) taken or retained, in any manner, in connection with or as a result of the commission of any act prohibited by section 1857 of this title (other than any act for which the issuance of a citation under section 1861(c) of this title is sufficient sanction) shall be subject to forfeiture to the United States. All or part of such vessel may, and all such fish (or the fair market value thereof) shall, be forfeited to the United States pursuant to a civil proceeding under this section.

#### (b) Jurisdiction of district courts

Any district court of the United States which has jurisdiction under section 1861(d) of this title 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) Judgment

If a judgment is entered for the United States in a civil forfeiture proceeding under this section, 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 chapter or for which security has not previously been obtained under subsection (d). The provisions of the customs laws relating to—

- (1) the seizure, forfeiture, and condemnation of property for violation of the customs law;
- (2) the disposition of such property or the proceeds from the sale thereof; and
- (3) the remission or mitigation of any such forfeiture;

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this chapter, unless such provisions are inconsistent with the purposes, policy, and provisions of this chapter. 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 chapter, be performed by officers or other persons designated for such purpose by the Secretary.

#### (d) Procedure

(1) Any officer authorized to serve any process in rem which is issued by a court having jurisdiction under section 1861(d) shall—