

RPPL 7-5 § 13. Formerly codified at 17 PNCA § 3913 and now re-codified as 17 PNCA § 2113 by RPPL 9-21 § 4(f) and § 5 [Chapter 21 § 2112], modified.

[Header A: **ANTI-PEOPLE SMUGGLING AND TRAFFICKING 17 PNCA § 2113**

]

Chapter 22

Terrorism

[Header B: **17 PNCA § 2201 PENAL CODE**

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Subchapter I

General Provisions

- § 2201. Short title.
- § 2202. Definitions.
- § 2203. Application, jurisdiction, and enforcement.
- § 2204. Terrorist acts.
- § 2205. Criminal penalties; criminal complicity and inchoate offenses; no time limitation on prosecution; detention of suspected terrorists.
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- § 2220. Resolution of disputes
- § 2221. Implementing regulations.

§ 2201. Short title.

This chapter shall be called the “Counter-Terrorism Act of 2007.”

Source

RPPL 7-28 § 2. Formerly codified at 17 PNCA § 4201 and now re-codified as 17 PNCA § 2201 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2200], modified. Former Chapter 42 of Title 17 of the Palau National Code entitled “Terrorism” is renumbered as Chapter 22 of Title 17 of the Palau National Code by RPPL 9-21 § 4(i). Former § 2201 is repealed by RPPL 9-21 § 3.

Notes

In RPPL 9-21 § 5 section numbering in Chapter 22 read §§ 2200 to 2243 which have been renumbered to §§ 2201 to 2244 to conform with the Code numbering format.

[Header A: **TERRORISM 17 PNCA § 2202**

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RPPL 7-28 § 2 Section 1. Findings and purpose. The Olbiil Era Kelulau finds that the worldwide escalation of terrorism in all its forms and manifestations endangers and takes innocent human lives, jeopardizes fundamental freedoms, and seriously impairs the dignity of human beings. Everyone has the right to life, liberty, and security of person. The United Nations Security Council Resolution 1373 of September 28, 2001 mandates that all UN member States take specific and immediate measures to prohibit and criminalize the financing of terrorism. The Special Recommendations on Terrorist Financing issued by the Financial Action Task Force on Money Laundering on October 31, 2001, as amended, also calls for taking action to detect, prevent, and suppress the financing of terrorism. The enactment of counter-terrorism legislation is necessary in order to protect the rights of individuals to live in peace, freedom, and security and to fulfill the mandate for enhanced international cooperation to combat terrorism. The Olbiil Era Kelulau enacts this legislation for the purpose of implementing into the national law the international terrorism conventions to which Palau is a party, and relevant criminal provisions of related international conventions, the United Nations Security Council Resolutions 1373 and 1526, and the Financial Action Task Force Special Recommendations on Terrorist Financing. This legislation creates a comprehensive legal framework covering all aspects of terrorism, both domestic and international, dedicated to the prevention, repression, and elimination of terrorism in all its forms and manifestations in Palau.

§ 2202. Definitions.

For the purposes of this chapter:

- (a) “alleged offender” means a person as to whom there is sufficient evidence to determine *prima facie* that such person has engaged in terrorism or any person who is listed by the United Nations 1267 Sanctions Committee, listed on the Committee List as referenced in the United Nations Security Resolution 1526, listed on any such

list officially adopted or approved by the United Nations Security Council, or listed under United States Executive Order 13224;

(b) “biological agent” means any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bio-engineered component of any such microorganism, virus, infectious substance, or biological product, capable of causing:

(1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(2) deterioration of food, water, equipment, supplies, or material of any kind; or

(3) deleterious alteration of the environment;

(c) “biological weapon” means the following, together or separately, a:

[Header B: 17 PNCA § 2202 PENAL CODE

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(1) biological agent;

(2) toxin; or

(3) delivery system;

that has been developed, produced, transferred, acquired, retained, or possessed for use as a weapon; provided, however, for purposes of this section, the term “for use as a weapon” does not include the development, production, transfer, acquisition, retention, or possession of any biological agent, toxin or delivery system for prophylactic, protective, or other peaceful purposes;

(d) “chemical weapon” means, together or separately:

(1) a toxic chemical and its precursors, except where intended for a purpose not prohibited by law, as long as the type and quantity is consistent with such purpose;

(2) a munition or device, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in sub-subsection (1) of this subsection, which would be released as a result of the employment of such munition or device; or

(3) any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subsection (2);

(e) “continental shelf” means the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of two hundred (200) nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance; and as extended by law;

(f) “crime(s) established by this chapter” means:

(1) the terrorist act offense established by section 2204 under the General Provisions of Subchapter I;

(2) the offenses established under other subchapters of this chapter giving effect to the criminal provisions of the international terrorism conventions, including: financing of terrorism prohibited (section 2225); weapons of mass destruction offenses (section 2235); internationally protected persons offenses (section 2242); hostage-taking offenses (section 2246); terrorist bombing offenses (section 2252); prohibition on plastic explosives; offenses (section 2256); civil aviation offenses (section 2262); maritime offenses (section 2272); nuclear material offenses (section 2281); or

(3) the criminal complicity and inchoate offenses established by subsection (c) of section 2205;

(g) “delivery system” means, with respect to biological weapons:

(1) any apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector; or

(2) any vector.

(h) “engage(s) in” with respect to terrorist acts, terrorism offenses, and terrorism, means in an individual capacity or as a member of an organization:

- (1) to perpetrate, commit, or carry out or to incite to commit or carry out;

- (2) to threaten, attempt, solicit, or conspire to carry out or commit;

- (3) to prepare or plan;

- (4) to gather information on potential targets for;

- (5) to solicit, collect or provide property or other things of value, with the knowledge or intention that the property or other things of value will be used:
 - (A) for terrorism; or

 - (B) by a terrorist organization;

- (6) to solicit, recruit, or train any person:
 - (A) to engage in terrorism;

 - (B) to engage in conduct otherwise described in this section or prohibited by this chapter; or

 - (C) for membership in a terrorist organization; or

- (7) to commit or carry out an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, property, transfer of property or other material benefit, false documentation or identification, weapons, including, without limitation, chemical, biological, or radiological weapons, explosives, or training:
 - (A) for terrorism;

 - (B) to any individual whom the actor knows, or reasonably should know, engages in terrorism; or

(C) for a terrorist organization;

(i) “fixed platform” means an artificial island, installation, or structure permanently attached to the seabed for the purpose of exploration or exploitation of resources or for other economic purposes;

(j) “foreign government” means any foreign state or nation, or any agency, instrumentality or political subdivision of any such government or nation, whether or not it is engaging in legal activities or is operating legally or in a lawful manner;

(k) “foreign national” means a natural person who is neither a citizen nor a national of Palau;

(l) “foreign state” means:

(1) any country other than Palau; and

(2) every constituent part of such country, including a territory, dependency or protectorate which administers its own laws;

(m) “freeze” means to prohibit the transfer, conversion, disposition, or movement of funds or other assets on the basis of, and for the duration of the validity of, an action initiated by a competent authority or a court under a freezing mechanism;

(n) “in flight” means, with respect to aircraft, at any time from the moment when all the external doors are closed following embarkation until the moment when any such door is opened for disembarkation; provided, however, in the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board;

(o) “infrastructure facility” means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel or communications;

(p) “in service” means, with respect to aircraft, from the beginning of the pre-flight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; and, the period of service shall, in any event, extend for the entire period during which the aircraft is in flight;

(q) “internationally protected person” means and includes:

(1) a head of state, including any member of a collegial body performing the functions of a head of state under the constitution of the state concerned, a head of government or a minister of foreign affairs, whenever any such person is in a foreign state, as well as members of such person’s family who accompany him or her;

(2) any representative or official of the Republic of Palau or of a foreign state, or any official or other agent of an international organization of an intergovernmental character who, at the time when and in the place where a crime against such person, the person’s official premises, private accommodation or means of transport is committed, is entitled pursuant to international law to special protection from any attack on his or her person, freedom or dignity, as well as members of such person’s family forming part of the person’s household;

(r) “international terrorism conventions” means and includes:

(1) the “Convention on Offences and Certain Other Acts Committed on Board Aircraft”, convened in Tokyo on September 14, 1963 (deposited with the International Civil Aviation Organization);

(2) the “Convention for the Suppression of Unlawful Seizure of Aircraft”, convened at The Hague on December 16, 1970 (deposited with the International Civil Aviation Organization);

(3) the “Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation”, convened in Montreal on September 23, 1971 (deposited with the International Civil Aviation Organization);

(4) the “Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents”, adopted by the General Assembly of the United Nations on December 14, 1973 (deposited with the Secretary-General of the United Nations);

(5) the “International Convention against the Taking of Hostages”, adopted by the General Assembly of the United Nations on December 17, 1979 (deposited with the Secretary-General of the United Nations);

(6) the “Convention on the Physical Protection of Nuclear Material”, opened for signature in New York and Vienna on March 3, 1980 (deposited with the Director General of the International Atomic Energy Agency);

- (7) the “Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, convened in Montreal on February 24, 1988, and supplementary to the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation” (deposited with the International Civil Aviation Organization);
- (8) the “Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation”, convened in Rome on March 10, 1988 (deposited with the International Maritime Organization);
- (9) the “Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf”, convened in Rome on March 10, 1988 (deposited with the International Maritime Organization);
- (10) the “Convention on the Marking of Plastic Explosives for the Purpose of Detection”, convened in Montreal on March 1, 1991 (deposited with the International Civil Aviation Organization);
- (11) the “International Convention for the Suppression of Terrorist Bombings”, adopted by the General Assembly of the United Nations on December 15, 1997 (deposited with the Secretary-General of the United Nations);
- (12) the “International Convention for the Suppression of the Financing of Terrorism”, adopted by the General Assembly of the United Nations on December 9, 1999 (deposited with the Secretary-General of the United Nations); and
- (13) any conventions regarding terrorism to which Palau becomes a state party.
- (s) “key component of a binary or multi-component chemical system” means, with respect to precursors and chemical weapons, the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multi-component system;
- (t) “Minister of Justice” means the Minister of Justice of the Republic of Palau, and includes any person to whom the Minister of Justice delegates authority to carry out the duties and responsibilities of the Minister of Justice established by this chapter;
- (u) “nuclear material” has the same meaning as defined in the Convention on the Physical Protection of Nuclear Material;
- (v) “Palau” means the Republic of Palau, and every part of the territory of Palau, including the marine space and the territorial sea and the airspace above the territory of Palau, and also includes all governments of Palau;

(w) “person” means and includes both natural and legal persons and any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, whether or not it is engaging in legal activities or is operating legally and in a lawful manner;

(x) “place of public use” means those parts of any building, land, street, waterway or other location that are accessible or open to members of the public, whether continuously, periodically or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational or similar place that is so accessible or open to the public;

(y) “plastic explosive” means an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form has a vapor pressure less than 10^{-4} Pa at a temperature of 25° Celsius, is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature;

(z) “precursor” means, with respect to chemical weapons, any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multi-component chemical system;

(aa) “proceeds” means any property derived from or obtained, directly or indirectly, through or from terrorism;

(bb) “property” means real and personal property of every kind whatsoever;

(cc) “public transportation system” means all facilities, conveyances, and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;

(dd) “purpose not prohibited by law” with respect to chemical weapons, means:

(1) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes;

(2) protective purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

(3) military purposes of Palau that is not connected with the use of a chemical weapon or that is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm; and

(4) law enforcement including domestic riot control purposes;

(ee) “serious bodily injury” means physical pain, illness or any impairment of physical condition that creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ;

(ff) “serious offense” means any act committed in Palau that is punishable by a period of imprisonment of more than one year and any act committed abroad, which constitutes a felony if it had been committed in Palau;

(gg) “ship” means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft;

(hh) “state or government facility” means any permanent or temporary facility or conveyance that is used or occupied by representatives of a country, members of government, the legislature, or the judiciary, or by officials or employees of a country or any other public authority or entity, or by employees or officials of an intergovernmental organization in connection with their official duties;

(ii) “substantial property damage” means damage in an amount exceeding ten thousand dollars (\$10,000);

(jj) “terrorism” means terrorism offenses and terrorist acts;

(kk) “terrorism offense” means:

(1) any crime established by this chapter;

(2) any crime established by the Palau National Code and declared to be a terrorism offense by the Olbiil Era Kelulau;

(3) any crime established by an international terrorism convention;

(4) any crime recognized under international humanitarian law as a terrorism offense; and

(5) any crime established under the law of a foreign state, where such crime, if committed in Palau, would constitute a terrorism offense under the Palau National Code;

(ll) “terrorist” means a person who engages in terrorism;

(mm) “terrorist act” means any act that is intended, or by its nature or context can be reasonably regarded as intended, to advance political, ideological, or religious causes, by intimidating the public or any portion of the public, or by compelling or attempting to compel a government or an international or regional organization to do or refrain from doing any act, and:

(1) involves the seizing or detaining, and threatening to kill, injure, harm, or continue to detain, another person;

(2) endangers the life of any person;

(3) creates a risk to the health or the safety of the public, or to any portion of the public;

(4) endangers the national security or national defense of any country;

(5) involves substantial damage to property;

(6) involves the hijacking, seizure or sabotage of any conveyance (including an aircraft, vessel, ship, or vehicle), or of any fixed platform attached to the continental shelf;

(7) involves any act that is designed to disrupt or destroy an electronic system, including, without limitation:

(A) an information system;

(B) a telecommunications system;

(C) a financial system;

(D) a system used for the delivery of essential government services;

(E) a system used for, or by, an essential public utility; or

(F) a system used for, or by, a transport system; or

(8) involves any act that is designed to disrupt the provision of essential emergency services such as the police, civil defense, or medical services;

(nn) “terrorist organization” means a group composed of two or more persons, whether organized or not, that engages in terrorism;

(oo) “toxic chemical” means any chemical which through its chemical action on life processes can cause death, temporary incapacitation, or permanent harm to humans or animals, and includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions, or elsewhere;

(pp) “toxin” means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of production, including:

(1) any poisonous substance or biological product that may be engineered as a result of biotechnology produced by a living organism; or

(2) any poisonous isomer or biological product, homolog, or derivative of such a substance;

(qq) “vector” means, with respect to delivery systems and biological weapons, a living organism, or molecule, including a recombinant molecule, or biological product that may be engineered as a result of biotechnology, capable of carrying a biological agent or toxin to a host;

(rr) “weapon of mass destruction” means, any:

(1) chemical weapon or any other weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or its precursors;

(2) biological weapon, or any other weapon involving a disease organism; or

(3) nuclear material, weapon, or device, and any other weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

Source

RPPL 7-28 § 3, modified. Formerly codified at 17 PNCA § 4202 and now re-codified as 17 PNCA § 2202 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2201], modified.

Notes

Some of the words defined were assigned different subsection letters to put all words in alphabetical order.

Sections referenced in this section have been renumbered to conform with the Code numbering format.

§ 2203. Application, jurisdiction, and enforcement.

[Header B: 17 PNCA § 2203 PENAL CODE

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Ministry of Justice shall have primary enforcement authority for this chapter.

(a) Palau shall have and take jurisdiction over and prosecute any crime established by this chapter when the offense:

(1) is committed in Palau;

(2) is committed by a Palau citizen or national;

(3) is committed on board an aircraft or ship:

(A) registered under Palau national law at the time the offense was committed; or

(B) operating under or flying the Palau flag;

- (i) which lands in the territory of the Republic of Palau with the alleged offender still on board; or

- (ii) leased or chartered without crew to a lessee who has its principal place of business in Palau, or who is a habitual resident of Palau;

- (4) is committed against or on board a fixed platform while it is located on Palau's continental shelf;

- (5) was directed towards or resulted in the carrying out of a crime against a Palau citizen or national, or during its commission a Palau citizen or national is seized, threatened, injured or killed;

- (6) was directed towards or resulted in the carrying out of a crime against the government of Palau or a Palau government facility abroad, including diplomatic or consular premises of Palau;

- (7) was directed towards or resulted in a crime committed in an attempt to compel Palau to do or abstain from doing any act;

- (8) was committed by a stateless person whose habitual residence is in Palau; or

[Header A: **TERRORISM 17 PNCA § 2205**

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(9) is committed in a foreign state by an alleged offender who is present in Palau, and the alleged offender is not extradited to a foreign state that has established jurisdiction over the offense or the alleged offender.

(b) Application of any provisions of this chapter, relating to or implementing the provisions of any international terrorism convention or protocol, shall conform to and meet the requirements of the particular convention or protocol, and shall be subject to the exclusions and jurisdictional requirements contained therein.

Source

RPPL 7-28 § 4, modified. Formerly codified at 17 PNCA § 4203 and now re-codified as 17 PNCA § 2203 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2202].

§ 2204. Terrorist acts.

It shall be a crime, punishable by the penalties established by section 2205, for any person to knowingly, by any means, directly or indirectly, engage in a terrorist act.

Source

RPPL 7-28 §5, modified. Formerly codified at 17 PNCA § 4204 and now re-codified as 17 PNCA § 2204 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2203], modified.

Notes

Section referenced in this section has been renumbered to conform with the Code numbering format.

§ 2205. Criminal penalties; criminal complicity and inchoate offenses; no time limitation on prosecution; detention of suspected terrorists.

(a) Crimes established by this chapter resulting in the death of any natural person, are punishable by a minimum term of imprisonment of ten (10) years and a maximum term of life, and unless otherwise expressly provided, a maximum fine of one million dollars (\$1,000,000). All other crimes established by this chapter, unless otherwise expressly provided, are punishable by a minimum term of imprisonment of twenty (20) years and a maximum term of life, and unless otherwise expressly provided, a maximum fine of one million (\$1,000,000), and in every case. The court shall not place on probation any person convicted of such a crime, nor shall the term of imprisonment imposed run concurrently with any other term of imprisonment.

(b) In lieu of the amount of the fine otherwise authorized by this chapter, and in addition to any term of imprisonment, a defendant who derived profits or other proceeds from a crime established by this chapter may be fined not more than twice the gross profits or other proceeds, where the profits or proceeds from the offense exceed the maximum assessable fine.

[Header B: 17 PNCA § 2205 PENAL CODE

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(c) A person also commits a crime, punishable by the same penalties established by subsection (a), if that person knowingly:

- (1) attempts or conspires to commit;
- (2) participates as an accomplice in; or
- (3) organizes or directs others to commit;

any crime established by this chapter.

(d) Any person who threatens to commit any crime established by this chapter shall, upon conviction, be subject to a minimum term of imprisonment of five (5) years and a maximum term of life, or a fine of not more than two hundred fifty thousand dollars (\$250,000), or both.

(e) Notwithstanding any other provision of law, there shall be no limitation of time on when a prosecution for a crime established by this chapter can be brought. In situations of urgency, where there are reasonable grounds to believe that detention of any person is necessary to prevent terrorism from occurring, or to prevent any person from interfering with an investigation relating to suspected terrorism, any law enforcement officer, immigration officer, or customs official in Palau shall be authorized to detain such person for a period of forty-eight (48) hours for purposes of investigation; provided, however, such period of detention may be extended by court order for an additional seven (7) days, without the filing of criminal charges against such person.

(f) The court, in imposing sentence on any person convicted of a terrorism offense, shall order, in addition to any other sentence imposed, that the person forfeit to Palau all property described in section 2206.

Source

RPPL 7-28 § 6, modified. Formerly codified at 17 PNCA § 4205 and now re-codified as 17 PNCA § 2205 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2204], modified.

Notes

Section referenced in this section has been renumbered to conform with the Code numbering format.

[Header A: **TERRORISM 17 PNCA § 2206**

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§ 2206. Criminal forfeiture.

(a) Any person convicted of a terrorism offense shall be required to forfeit to Palau, irrespective of any other provision of law:

(1) any property used or intended to be used by a person involved in the offense;

(2) any property constituting or derived from proceeds the person obtained, directly or indirectly, from the offense; and

(3) any property used in any manner or part, to commit, or to facilitate the commission of, such offense.

Such a forfeiture shall be ordered by the Supreme Court when any such person is convicted upon a finding supported by a preponderance of the evidence that any particular property is within one or more of the categories in section 2206(a)(1), (2), or (3).

(b) When the specific property cannot be identified, found, or recovered, the court shall confiscate property of equal value from the owner of the property in question.

(c) Any instrument executed free of charge or for a consideration *inter vivos* or *mortis causa*, the purpose of which is to safeguard property from confiscation measures as provided in this section, is void. In the case of the nullification of a contract involving payment, the buyer is reimbursed only for the amount actually paid.

(d) Weapons of mass destruction, plastic explosives, and nuclear material shall be seized, confiscated, and forfeited to Palau; and the Minister of Justice shall provide for their destruction or other appropriate disposition.

(e) For the purposes of forfeiture proceedings under this section, a temporary restraining order and seizure warrant may be entered upon application of the Attorney General without notice or opportunity for a hearing when an information or complaint has not yet been filed with respect to the property, where there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and exigent circumstances exist that place the life or health of any person in danger.

(f) The provisions of this section shall be implemented without prejudice to the property rights of third parties acting in good faith.

[Header B: 17 PNCA § 2206 PENAL CODE

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(g) The owner or possessor of any property seized under this section shall be liable to Palau for any expenses incurred incident to the seizure, including any expenses relating to the handling, storage, transportation, and destruction or other disposition of the seized property.

Source

RPPL 7-28 § 7, modified. Formerly codified at 17 PNCA § 4206 and now re-codified as 17 PNCA § 2206 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2205], modified.

Notes

Section referenced in this section has been renumbered to conform with the Code numbering format.

§ 2207. Liability of legal persons and foreign governments.

(a) Legal persons and any foreign government shall be liable in the same manner and to the same extent as any natural person for any terrorism offense.

(b) The maximum assessable fine for legal persons and foreign governments shall be increased by ten times the amount assessable in the case of a natural person.

(c) Where, in proceedings for a violation of this chapter, it is necessary to establish the state of mind of a legal person, it is sufficient to show that a director, officer, or agent who engaged in the conduct within the scope of his or her actual apparent authority, had that state of mind. Where, in proceedings for a violation of this chapter, it is necessary to establish the state of mind of a foreign government, it is sufficient to show that its agent engaged in the conduct within the scope of his or her apparent authority, and had that state of mind.

(d) Any conduct engaged in by:

(1) a director, officer, agent of a legal person, or an agent of a foreign government, within the scope of his or her actual or apparent authority; or

(2) any other person at the direction, with the consent of or by agreement, whether express or implied, of a director, officer, agent of the legal person, or agent of a foreign government, where the giving of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, officer, or agent;

[Header A: **TERRORISM 17 PNCA § 2208**

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shall be deemed, for the purposes of this chapter, to have also been engaged in by the legal person or the foreign government.

(e) Legal persons who are found to have committed or aided any offense under this chapter may additionally be:

(1) banned for a minimum period of five (5) years from directly or indirectly carrying on certain business activities;

(2) ordered to permanently close their premises that were used for the commission of the offense;

(3) dissolved if they were created for the purpose of committing the offense; and

(4) required to publicize the judgment in the press or any other audiovisual media.

Source

RPPL 7-28 § 8, modified. Formerly codified at 17 PNCA § 4207 and now re-codified as 17 PNCA § 2207 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2206], modified.

§ 2208. Civil penalties; reimbursement.

(a) The Attorney General may bring a civil action in Palau against any person who commits a crime established by this chapter, and upon proof by a preponderance of the evidence that such person committed the offense, the person shall be subject to pay a civil penalty in an amount not to exceed twenty five million dollars (\$25,000,000) for each such offense.

(b) The imposition of a civil penalty under subsection (a) does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to Palau or any other person.

(c) The court shall order any person convicted of a crime established by this chapter to reimburse Palau for any expenses incurred by Palau incident to investigation and prosecution for the offense, including, without limitation, the seizure, storage, handling, transportation, destruction, or other disposition of any property that was seized in connection with an investigation of the commission of the offense by that person.

[Header B: **17 PNCA § 2208 PENAL CODE**

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(d) A person ordered to reimburse Palau pursuant to subsection (c) shall be jointly and severally liable for such expenses with each other person, if any, who is ordered under subsection (c) to reimburse Palau for the same expenses.

Source

RPPL 7-28 § 9, modified. Formerly codified at 17 PNCA § 4208 and now re-codified as 17 PNCA § 2208 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2207], modified.

§ 2209. Civil forfeiture.

(a) The Attorney General may apply to the court for an order forfeiting property to Palau, and the court shall order forfeiture thereof, upon proof by a preponderance of the evidence, that the property:

(1) is owned, possessed, used or intended to be used by a person in the commission of a terrorist act;

(2) constitutes, is derived from, or is money proceeds which a person obtained, directly or indirectly, as the result of a terrorist act; or

(3) was used or intended to be used in any manner or part to commit, or to facilitate the commission of a terrorist act.

(b) Notice of civil forfeiture and rights of third parties.

(1) The Attorney General shall give no less than fourteen (14) days written notice of the application for civil forfeiture, to any person known to own, control, or have an interest in the subject property;

(2) Notice of the application shall be given to such other persons who may have an interest in the property, as ordered by the court.

(3) Any persons claiming an interest in the subject property shall be given an opportunity to be heard in the proceedings, and if the person demonstrates by a preponderance of the evidence that such a claimant did not participate or attempt to participate in any terrorist act, has a *bona fide* interest in the property, and is not a member of a terrorist group, the court shall order that such interest shall not be affected by the civil forfeiture order, and the court shall declare the nature and extent of any such interest.

[Header A: **TERRORISM 17 PNCA § 2210**

]

(4) Notwithstanding the above, if a person obtains an interest in property after it has been used in the commission or attempted commission of a terrorist act, no order shall be made under subsection (3) above with respect to that interest unless the person is a *bona fide* purchaser for value, without reason to suspect that the property was used in the commission or attempted commission of a terrorist act.

(5) After a civil forfeiture order is entered, a person claiming an interest in the forfeited property may, within six (6) months of the date of the entry of the order, request relief from the operation of the order under subsection (3) above, unless such person had knowledge of the application for the civil forfeiture order before the order was made or appeared at the hearing on the application.

(c) Voidable transfers. The court may set aside any conveyance or transfer of any property which was seized, forfeited, or is subject to seizure or forfeiture under sections 2206, 2208 or 2209 of this chapter, unless the conveyance or transfer was made for valuable consideration to a person acting in good faith and without notice.

Source

RPPL 7-28 § 10, modified. Formerly codified at 17 PNCA § 4209 and now re-codified as 17 PNCA § 2209 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2208], modified.

Notes

Sections referenced in this section have been renumbered to conform with the Code numbering format.

§ 2210. Private causes of action for terrorism.

(a) Any Palau citizen or national injured in his or her person, property, or business by reason of terrorism, or his or her estate, survivors, or heirs, may sue therefore in the Palau court and shall recover threefold the damages he or she has sustained, and the cost of the suit, including reasonable attorney fees.

(b) A final judgment or decree rendered in favor of Palau in any criminal proceeding relating to a terrorism offense shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

(c) A final judgment or decree rendered in favor of any foreign state in any criminal proceeding relating to a terrorism offense shall, to the extent that such judgment or decree may be accorded full faith and credit under the laws of Palau, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

[Header B: **17 PNCA § 2210 PENAL CODE**

]

(d) No action shall be maintained under subsection (a) for injury or loss by reason of an act of war.

(e) No action shall be maintained under subsection (a) against Palau, an agency of Palau, or an officer or employee of Palau, or any agency thereof acting within his or her official capacity or under color of legal authority.

Source

RPPL 7-28 § 11. Formerly codified at 17 PNCA § 4210 and now re-codified as 17 PNCA § 2210 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2209], modified.

§ 2211. Injunctions.

The Republic of Palau may obtain, in a civil action, an injunction against the development, production, stockpiling, transferring, acquisition, retention, or possession of any:

(a) biological agent, toxin, or delivery system of a type or in a quantity that under the circumstances has no apparent justification for prophylactic, protective, or other peaceful purposes; or

(b) toxic chemical or precursor, of a type or in a quantity that under the circumstances has no apparent justification for a purpose not prohibited by law or the “United Nations Convention on the Prohibition of the

Development, Production, Stockpiling, and Use of Chemical Weapons and on their Destruction”.

Source

RPPL 7-28 § 12, modified. Formerly codified at 17 PNCA § 4211 and now re-codified as 17 PNCA § 2211 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2210], modified.

§ 2212. Duty to take measures.

The Minister of Justice shall take appropriate measures to implement all provisions of this chapter, including, but not limited to:

(a) establish Palau’s jurisdiction over and prosecute every crime established by this chapter;

[Header A: **TERRORISM 17 PNCA § 2212**

]

(b) investigate terrorism, and upon receiving information that an alleged offender may be present in Palau, shall take the person into custody and take other appropriate measures to ensure the alleged offender’s presence for the purpose of prosecution;

(c) take into custody and extradite any alleged offender who is present in Palau, and who is subject to arrest and detention for purposes of extradition pursuant to the Extradition and Transfer Act of 2001, Chapter 10.1 of Title 18 of the Palau National Code;

(d) provide early warning and furnish any relevant information in the possession of Palau to those countries which the Minister of Justice believes would have jurisdiction, where there is reason to believe that a terrorism offense has been or will be committed;

(e) identify, detect, freeze, seize, and obtain forfeiture of any property used or allocated for the purpose of committing any terrorism offense as well as the proceeds derived from such offenses;

(f) serve as the national focal point with respect to all matters relating to the international terrorism conventions, and to implement, conform to, and abide by the express requirements of any international terrorism convention to which Palau is a party, in carrying out any functions under this chapter, and to ensure that any person, regarding whom the measures referred to in this section are being taken, shall be afforded the protections to which such person is expressly entitled under the relevant international terrorism convention;

(g) prevent the cross border movement of terrorists, and to track the movement of such persons, and of persons who are members of terrorist organizations;

(h) prevent the admission of terrorists into Palau, except as may be necessary to secure that person's presence for the purpose of extradition or prosecution for a terrorism offense;

(i) prevent attacks on the person, freedom, or dignity of internationally protected persons;

(j) prevent the movement into or out of Palau, of unauthorized plastic explosives (especially, unmarked plastic explosives), and to prevent their manufacture;

(k) provide timely notification of the fact that a person is in custody and of the circumstances which warrant that person's detention, directly, or through the depositary of the relevant international terrorism convention, when Palau has taken a person into custody or has taken other measures with respect to any person pursuant to this section to:

[Header B: **17 PNCA § 2212 PENAL CODE**

]

(1) the appropriate authorities of the country of which the detained person is a citizen or national, if the person is not a citizen or national of Palau;

(2) the state party to the relevant international terrorism convention that have established jurisdiction over the person or the offense in question in accordance with the convention, and to the depositary of the convention;

(3) the country of registration of the aircraft, in cases involving aircraft;

(4) the country whose flag the ship was flying, in cases involving ships; and

(5) any other foreign state or interested person, if the Minister of Justice considers it advisable; and

(l) order the freezing of property, by administrative decision, of individuals and organizations designated by the United Nations Security Council acting under Chapter VII of the United Nations Charter. Any individual or organization whose property has been frozen pursuant to this section and asserts that they were included on the list as the result of an error may seek to have their name removed from the list by submitting a request to this effect within thirty (30) days of the publication of the list to the agency who ordered the freezing, indicating all factors that could demonstrate the error. The agency's decision with respect to this request may be appealed to

the Supreme Court of the Republic of Palau, but shall in no event be stayed or vacated pending a final decision by the court.

Source

RPPL 7-28 § 13, modified. Formerly codified at 17 PNCA § 4212 and now re-codified as 17 PNCA § 2212 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2211], modified.

§ 2213. Extradition.

(a) Terrorism offenses are hereby declared to be extraditable offenses.

(b) Extradition for terrorism offenses shall be carried-out pursuant to and in accordance with the Extradition and Transfer Act of 2001, Chapter 10.1 of Title 18 of the Palau National Code.

[Header A: **TERRORISM 17 PNCA § 2215**

]

(c) For the purpose of extradition, a terrorism offense shall be treated, as if it had been committed not only in the place in which it occurred but also in the territory of any state party to an international terrorism convention that is required to establish jurisdiction over the offense in accordance with that convention.

Source

RPPL 7-28 § 14. Formerly codified at 17 PNCA § 4213 and now re-codified as 17 PNCA § 2213 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2212], modified.

§ 2214. Mutual legal assistance.

(a) The Attorney General is authorized to make requests on behalf of Palau to the appropriate authority of a foreign state, or grant requests of a foreign state, for legal assistance in any investigation or proceeding relating to terrorism, or a terrorist organization.

(b) Mutual legal assistance provided under this chapter shall be carried-out pursuant to and in accordance with the Mutual Assistance in Criminal Matters Act of 2001, Chapter 13 of Title 18 of the Palau National Code, which is hereby amended to expressly allow for the type of assistance authorized by subsection (a), the Money Laundering and Proceeds of Crime Act of 2001 or any memorandum of understanding entered into between the competent authorities on behalf of Palau and the foreign state.

Source

RPPL 7-28 § 15, modified. Formerly codified at 17 PNCA § 4214 and now re-codified as 17 PNCA § 2214 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2213], modified.

§ 2215. Intelligence sharing.

The Minister of Justice, the Attorney General, the Financial Intelligence Unit, and other law enforcement authorities and officers of Palau designated by the Minister of Justice shall be freely authorized and encouraged to share and disclose intelligence information relating to terrorism, terrorist organizations, transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials, and to provide early warning of such matters to the competent law enforcement authorities of:

(a) any foreign state that is a state party to an international terrorism convention in respect of which Palau is also a party;

[Header B: 17 PNCA § 2215 PENAL CODE

]

(b) any foreign state that is a member of the Pacific Islands Forum;

(c) the United States, in accordance with the duties and responsibilities of Palau under the Compact of Free Association with the United States; and

(d) any other foreign state that is a member of the United Nations.

Notwithstanding the above, any restrictions on the use or disclosure of the information by the granting agency shall be binding on the receiving agency. Where a request from a foreign state requires that its existence and substance be kept confidential, such requirement shall be observed except to the extent necessary to give effect to the request. If that is not possible, the requesting authorities shall be promptly informed to that effect.

Source

RPPL 7-28 § 16. Formerly codified at 17 PNCA § 4215 and now re-codified as 17 PNCA § 2215 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2214], modified.

§ 2216. No asylum.

(a) Palau shall not grant refugee status or provide asylum or safe haven to any terrorist or to any alleged offender.

(b) Any alleged offender who is denied asylum or safe haven in accordance with subsection (a) may petition the court for a hearing, to be given priority over other matters. Such hearing shall be conducted for the purpose of determining, by a preponderance of the evidence, whether such person has engaged in terrorism. During the pendency of such proceedings, the alleged offender may be detained under such conditions as the court deems just and proper.

Source

RPPL 7-28 § 17. Formerly codified at 17 PNCA § 4216 and now re-codified as 17 PNCA § 2216 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2215], modified.

§ 2217. Prevention.

(a) Palau shall cooperate with the competent authorities of the United States and other members of the United Nations and the Pacific Islands Forum in the prevention of

[Header A: **TERRORISM 17 PNCA § 2217**

]

terrorism by taking all practicable measures to prevent and counter preparations in the Republic of Palau for the perpetration of terrorism within or outside the territory of Palau, including measures to prohibit illegal activities of persons and organizations that knowingly encourage, instigate, organize, finance, or engage in terrorism.

(b) Palau shall further cooperate in the prevention of terrorism by exchanging accurate and verified information to provide early warning of possible terrorism, in particular by:

(1) establishing and maintaining channels of communication to facilitate the secure and rapid exchange of information concerning all aspects of terrorism and terrorist organizations;

(2) exchanging accurate and verified entry and exit data and information for ports of entry into Palau, including airports and seaports, and coordinating administrative and other measures taken, as appropriate, to prevent the cross border movement of terrorists, and to track their movement and the movement of members of terrorist organizations; and

(3) conducting inquiries, with respect to terrorists and members of terrorist organizations, concerning:

(A) the identity, whereabouts, and activities of persons of whom reasonable suspicion exists that they engage in terrorism or are members of a terrorist organization;

(B) the movement of property linked to persons who engage in terrorism or who are members of a terrorist organization; and

(C) participation in research and development, and exchange of information regarding methods of detection of cross border movement of terrorists and members of terrorist organizations, including detection of forged or falsified travel documents, trafficking of arms, explosives, illicit drugs, contraband, or sensitive materials, and cross-border movement of nuclear, chemical, biological, and other potentially deadly materials, or use of communication technologies by terrorist groups.

Source

RPPL 7-28 § 18, modified. Formerly codified at 17 PNCA § 4217 and now re-codified as 17 PNCA § 2217 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2216], modified.

Notes

Subsections (A) - (C) under subsection (3) read (i) - (iii) in the original statute and were changed accordingly to conform with the Code format.

[Header B: **17 PNCA § 2217 PENAL CODE**

]

§ 2218. Transfer of persons.

(a) Transfer of any person who is being detained or is serving a sentence in the territory of Palau or a foreign state, whose presence is requested in Palau or in a foreign state for purposes of identification, testimony, or otherwise providing assistance in obtaining evidence for the investigation or prosecution of a terrorism offense, shall be authorized and allowed where the countries agree on the conditions.

(b) Transfer of such persons shall be carried out pursuant to and in accordance with requirements of the Extradition and Transfer Act of 2001, Chapter 10.1 of Title 18 of the Palau National Code for convicted persons, whether or not the person to be transferred has already been convicted of an offense.

Source

RPPL 7-28 § 19. Formerly codified at 17 PNCA § 4218 and now re-codified as 17 PNCA § 2218 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2217], modified.

§ 2219. Other rights, obligations and responsibilities not affected; no liability for actions taken in good faith.

(a) Nothing in this chapter shall affect other rights, obligations, and responsibilities of Palau and individuals under international law, in particular the purposes of the Charter of the United Nations, the Compact of Free Association with the United States, international humanitarian law and other relevant conventions.

(b) Nothing in this chapter entitles Palau or any other country to undertake in the territory of the other the exercise of jurisdiction or performance of functions that are exclusively reserved for the authorities of that country by its domestic law.

(c) Persons shall be immune from suit and civil liability for actions taken in good faith pursuant to and in accordance with this chapter.

Source

RPPL 7-28 § 20, modified. Formerly codified at 17 PNCA § 4219 and now re-codified as 17 PNCA § 2219 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2218], modified.

§ 2220. Resolution of disputes.

[Header A: **TERRORISM 17 PNCA § 2221**

]

Any dispute between Palau and any state party to an international terrorism convention concerning the interpretation or application of this chapter relating to application of the convention shall be resolved in accordance with the provisions of the relevant international terrorism convention.

Source

RPPL 7-28 § 21, modified. Formerly codified at 17 PNCA § 4220 and now re-codified as 17 PNCA § 2220 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2219], modified.

§ 2221. Implementing regulations.

Minister of Justice may prescribe rules and regulations reasonably necessary to implement the provisions of this chapter.

Source

RPPL 7-28 § 22, modified. Formerly codified at 17 PNCA § 4221 and now re-codified as 17 PNCA § 2221 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2220], modified.

Subchapter II

Suppression of Financing of Terrorism

[Header B: **17 PNCA § 2225 PENAL CODE**

]

§ 2225. Financing of terrorism prohibited.

§ 2226. Prevention of terrorism financing through nonprofit entities.

§ 2227. Seizure and detention of terrorist related property.

§ 2225. Financing of terrorism prohibited.

(a) Any person who by any means, directly or indirectly, or as an accomplice, solicits, provides or collects property, or provides financial or other services, or organizes or directs others to solicit, provide or collect property or provide financial or other services, with the intention that they should be used or in the knowledge that they are to be used, in full or in part:

(1) for terrorism;

(2) for the benefit of persons who engage in terrorism, or for the benefit of entities owned or controlled, directly or indirectly, by persons who engage in terrorism; or

(3) for the benefit of persons or entities acting on behalf of or at the direction of any person referred to in subsection (a)(2);

commits a crime, the financing of terrorism, punishable by the penalties established by section 2205 of this chapter.

(b) For an act to constitute an offense under this section it shall not be necessary that the property was actually used to commit or carry out a terrorism offense, or terrorist act.

(c) No consideration of a political, philosophical, ideological, racial, ethnic, religious, or other similar nature may be taken into account in order to justify the commission of any of the aforementioned offenses.

(d) Legal persons and any foreign government shall be liable in the same manner and to the same extent as any natural person for the offense of financing of terrorism.

(e) The maximum assessable fine for legal persons and foreign governments shall be increased by ten times the amount assessable in the case of a natural person.

[Header A: **TERRORISM 17 PNCA § 2225**

]

(f) Where, in proceedings for a violation of this section, it is necessary to establish the state of mind of a legal person, it is sufficient to show that a director, officer, or agent who engaged in the conduct within the scope of his or her actual apparent authority, had that state of mind. Where, in proceedings for a violation of this chapter, it is necessary to establish the state of mind of a foreign government, it is sufficient to show that its agent engaged in the conduct within the scope of his or her apparent authority, and had that state of mind.

(g) Any conduct engaged in by:

(1) a director, officer, or agent of a legal person, or an agent of a foreign government, within the scope of his or her actual or apparent authority; or

(2) any other person at the direction or with the consent or agreement (whether express or implied) of a director, officer or agent of the legal person, or agent of a foreign government, where the giving of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, officer or agent;

shall be deemed, for the purposes of this chapter, to have also been engaged in by the legal person or the foreign government.

(h) Legal persons who are found to have committed or aided an offense under this section may additionally be:

(1) banned for a minimum period of five (5) years from directly or indirectly carrying on certain business activities within the Republic of Palau;

(2) ordered to close permanently their premises that were used for the commission of the offense;

(3) dissolved if they were created for the purpose of committing the offense; and

(4) required to publicize the judgment in the press or any other audiovisual media.

Source

RPPL 7-28 § 24, modified. Formerly codified at 17 PNCA § 4225 and now re-codified as 17 PNCA § 2225 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2221], modified.

[Header B: **17 PNCA § 2225 PENAL CODE**

]

Notes

Section referenced in this section has been renumbered to conform with the Code numbering format.

Section 23 of RPPL 7-28 reads: The purpose of this subchapter is to create offenses relating to the financing of terrorism and to give effect to the “International Convention for the Suppression of the Financing of Terrorism”, to which Palau became a party by accession on November 14, 2001, and other relevant provisions of United Nations Security Council Resolution 1373, and the “Special Recommendations on Terrorist Financing” issued by the Financial Action Task Force on Money Laundering.

§ 2226. Prevention of terrorism financing through nonprofit entities.

(a) No corporation, business, enterprise, partnership, association, or entity, shall be granted charitable or non-profit status in Palau where there are reasonable grounds to believe that any property solicited, collected, held, used, or owned by such corporation, business, enterprise, partnership, association, or entity, may be diverted to a terrorist or a terrorist organization.

(b) Any donation made to a non-profit corporation, association, or organization in an amount equal to or greater than five thousand dollars (\$5,000), or any greater amount to be established pursuant to regulations issued by the Financial Intelligence Unit, shall be recorded in a record maintained for the purpose by the non-profit association or organization, containing the full details of the donor, the date, the nature, and the amount of the donation. The record shall be kept for a period of three (3) years and shall be produced at the request of the Financial Intelligence Unit. When the donor of an amount in excess of that amount wishes to remain anonymous, the record may omit the identification, but the association or organization is required to disclose his or her identity at the request of the Financial Intelligence Unit.

(c) Any cash donation in an amount equal to or greater than ten thousand dollars (\$10,000) or any sum established by regulation as promulgated by the Financial Intelligence Unit shall be reported to the Attorney General and the Financial Intelligence Unit pursuant to the procedures as set forth by regulation. A donation of any amount, whether cash or otherwise, shall be reported to the Attorney General and the Financial Intelligence Unit where the donation is suspected of being related to a terrorist operation, the financing of terrorism, or the proceeds of a crime as that term is defined in the Money Laundering and Proceeds of Crime Act.

(d) Any violation of the provisions of this section is punishable by one or more of the following penalties:

[Header A: **TERRORISM 17 PNCA § 2227**

]

(1) a fine of no more than ten thousand dollars (\$10,000);

(2) a temporary ban on the activities of the association or organization of no more than two (2) years; or

(3) the dissolution of the association or organization.

Source

RPPL 7-28 § 25, modified. Formerly codified at 17 PNCA § 4226 and now re-codified as 17 PNCA § 2226 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2222], modified.

§ 2227. Seizure and detention of terrorist related property.

(a) Any Palau law enforcement officer or customs official may seize and, in accordance with this section, detain, any property, that the officer or official has probable cause to believe was derived from or intended for

terrorism, financing of terrorism or terrorist organizations, including, without limitation, property being imported into or exported from Palau.

(b) Property of, or intended for, terrorist organizations shall be frozen, seized, and in accordance with this section, detained, where the organization has been designated as a terrorist organization by the United Nations Security Council, or by the Minister of Justice pursuant to regulations promulgated pursuant to this chapter, or where there is probable cause to believe that the entity involved is a terrorist organization.

(c) Property detained under subsection (a) or (b) shall not be detained for more than forty-eight (48) hours after seizure, unless a judge of the court grants an order of continued detention for a period not exceeding three (3) months from the date of seizure, upon being satisfied that:

(1) there is probable cause to believe that the property was derived from terrorism, or is intended by any person for use in the commission of a terrorism offense or for a terrorist act; and

(2) the continued detention is justified while:

(A) its origin or derivation is further investigated; or

(B) consideration is given to the institution in Palau or elsewhere of criminal proceedings against any person for an offense with which the property is connected;

[Header B: 17 PNCA § 2227 PENAL CODE

]

provided, however, upon request by the person from whom the property was seized and detained, the court shall grant a hearing to determine if the order of continued detention is warranted.

(d) A judge of the court may subsequently order, after hearing, with notice to all parties concerned, the continued detention of the property if satisfied of the matters mentioned in subsection (c), but the total period of detention shall not exceed two (2) years from the date of the order.

(e) Subject to subsection (f), property detained under this section may be released in whole or in part to the person on whose behalf the property was imported or exported:

- (1) by order of a judge of the court that continued detention is no longer justified, upon application by or on behalf of that person and after considering any views of the Attorney General to the contrary; or
- (2) by an authorized officer or customs official, if satisfied that the continued detention is no longer justified.
- (f) No property detained under this section shall be released where an application is made under this chapter or other Palau national law for the purpose of:
- (1) confiscation and forfeiture of the whole or any part of the property;
- (2) property's restraint pending determination of liability to confiscation and forfeiture; or
- (3) proceedings are instituted in Palau, or elsewhere, against any person for a terrorism offense with which the property is connected unless and until the proceedings relating to the relevant application or the proceedings for the offense, as the case may be, have been concluded.
- (g) Property seized pursuant to this section shall be subject to confiscation and forfeiture pursuant to sections 2206 and 2209 of this chapter.

Source

RPPL 7-28 § 26, modified. Formerly codified at 17 PNCA § 4227 and now re-codified as 17 PNCA § 2227 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2223], modified.

[Header A: **TERRORISM 17 PNCA § 2231**

]

Notes

Subsections (A) - (B) under subsection (c)(2) read (i) - (ii) in the original statute and were changed accordingly to conform to the Code format. Sections referenced in this section have been renumbered to conform with the Code numbering format.

Subchapter III

Cross-Border Movement of Terrorists

§ 2231. Terrorists inadmissible.

§ 2232. Reports of cross-border movement of terrorists.

§ 2231. Terrorists inadmissible.

(a) The following persons shall be considered inadmissible to Palau for purposes of immigration, or under a temporary visa of any kind, or otherwise, except for the purpose of prosecution or extradition for a terrorist offense.

(1) a foreign national:

(A) convicted of a terrorism offense; or

(B) who admits to having engaged in terrorism;

(C) as to whom there is probable cause to believe such person has engaged in terrorism;

(D) who the Minister of Justice knows, or has reasonable ground to believe, is engaged in or is likely after entry, to engage in terrorism;

(E) who has used his or her position of prominence within any country to endorse or espouse terrorism, or to persuade others to support terrorism or a terrorist organization, in a way that the Minister of Justice has determined undermines Palau's efforts to reduce or eliminate terrorism;

(F) who is a representative of a terrorist organization, specified as such in regulations promulgated by the Minister of Justice or designated as a terrorist organization by the United Nations Security Council; or

[Header B: 17 PNCA § 2231 PENAL CODE

]

(G) who is a representative of a political, social, or other similar group whose public endorsement of terrorism, or terrorist organizations, the Minister of Justice has determined undermines Palau's efforts to reduce or eliminate terrorism;

(2) a foreign national, who the Minister of State, after consultation with the Minister of Justice, determines has been associated with a terrorist organization or terrorism and intends, while in Palau, to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of Palau.

(b) Except as otherwise provided in this section, foreign nationals who are inadmissible under this section, shall be ineligible to be admitted to Palau for any purpose, except, when necessary for the purposes of prosecution or

extradition for a terrorism offense, and Title 13 of the Palau National Code is hereby amended to conform to the requirements of this section.

Source

RPPL 7-28 § 27, modified. Formerly codified at 17 PNCA § 4231 and now re-codified as 17 PNCA § 2231 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2224], modified.

Notes

Subsections (A) - (G) under subsection (a)(1) read (i) - (vii) in the original statute and were changed accordingly to conform to the Code format.

§ 2232. Reports of cross-border movement of terrorists.

All airlines, ships, and other entities that provide transportation, conveyance, or freight services to and from Palau shall be authorized and required to immediately report to the Minister of Justice, through disclosure of passenger manifests and any other available means, the intended movement of suspected terrorists into or out of Palau, and information regarding possible forged or falsified travel documents, trafficking of arms, explosives, illicit drugs, contraband, or sensitive materials, and cross-border movement of nuclear, chemical, biological, and other potentially deadly materials.

Source

RPPL 7-28 § 28. Formerly codified at 17 PNCA § 4232 and now re-codified as 17 PNCA § 2232 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2225], modified.

Subchapter IV

Weapons of Mass Destruction

[Header A: **TERRORISM 17 PNCA § 2235**

]

§ 2235. Weapons of mass destruction offenses.

§ 2235. Weapons of mass destruction offenses.

(a) Except as authorized by the President of the Republic of Palau, any person who knowingly, by any means, directly or indirectly, develops, produces, ships, transports, transfers, receives, acquires, retains, possesses, imports, exports, or manufactures a weapon of mass destruction, commits a crime punishable by the penalties established by section 2205 of this chapter; provided, however, if done with the intent to engage in terrorism or with knowledge that the weapon of mass destruction is intended to be used for terrorism, the maximum fine shall be increased to one hundred million dollars (\$100,000,000) for natural persons and one billion (\$1,000,000,000) for legal persons.

(b) Any person who, without lawful authority expressly given by the President of the Republic of Palau, uses or deploys a weapon of mass destruction, commits a crime punishable by the penalties established by section 2205 of this chapter; provided, however the maximum fine shall be increased to one billion (\$1,000,000,000) for natural persons and ten billion dollars (\$10,000,000,000) for legal persons.

Source

RPPL 7-28 § 29, modified. Formerly codified at 17 PNCA § 4235 and now re-codified as 17 PNCA § 2235 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2226], modified.

Notes

Sections referenced in this section have been renumbered to conform with the Code numbering format.

Subchapter V

Internationally Protected Persons

[Header B: 17 PNCA § 2241 PENAL CODE

]

§ 2241. Implementation of the convention on internationally protected persons.

§ 2242. Internationally protected persons offenses.

§ 2241. Implementation of the convention on internationally protected persons.

The purpose of this subchapter is to create offenses relating to internationally protected persons and to give effect to the “United Nations Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons”, including diplomatic agents, to which Palau became a party by accession on November 14, 2001.

Source

RPPL 7-28 § 30, modified. Formerly codified at 17 PNCA § 4241 and now re-codified as 17 PNCA § 2241 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2227], modified.

§ 2242. Internationally protected persons offenses.

Any person who knowingly, by any means, directly or indirectly, perpetrates:

(a) a murder, kidnaping, or other attack upon the person or liberty of an internationally protected person; or

(b) a violent attack upon the official premises, the private accommodation or the means of transport of an internationally protected person, which is likely to endanger the person or his or her liberty;

commits a crime punishable by the penalties established by section 2205 of this chapter.

Source

RPPL 7-28 § 31, modified. Formerly codified at 17 PNCA § 4242 and now re-codified as 17 PNCA § 2242 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2228], modified.

Notes

Section referenced in this section has been renumbered to conform with the Code numbering format.

Subchapter VI

Hostage-Taking

[Header A: TERRORISM 17 PNCA § 2246

]

§ 2245. Implementation of the convention on the taking of hostages.

§ 2246. Hostage-taking offenses.

§ 2245. Implementation of the convention on the taking of hostages.

The purpose of this subchapter is to create hostage-taking offenses and to give effect to the “International Convention Against the Taking of Hostages”, to which Palau became a party by accession on November 14, 2001.

Source

RPPL 7-28 § 32, modified. Formerly codified at 17 PNCA § 4245 and now re-codified as 17 PNCA § 2245 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2229], modified.

§ 2246. Hostage-taking offenses.

Any person who knowingly, by any means, directly or indirectly, seizes or detains, and threatens to kill, to injure, or to continue to detain another person, the hostage, in order to compel a third party, namely, Palau, a foreign state, an international intergovernmental organization, a natural or legal person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage, commits a crime punishable by the penalties established by section 2205 of this chapter.

Source

RPPL 7-28 § 33, modified. Formerly codified at 17 PNCA § 4246 and now re-codified as 17 PNCA § 2246 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2230], modified.

Notes

Section referenced in this section has been renumbered to conform with the Code numbering format.

Subchapter VII

Terrorist Bombing

[Header B: 17 PNCA § 2251 PENAL CODE

]

§ 2251. Implementation of the convention on terrorist bombings.

§ 2252. Terrorist bombing offenses.

§ 2251. Implementation of the convention on terrorist bombings.

The purpose of this subchapter is to create offenses relating to terrorism using explosive or lethal devices and to give effect to the “International Convention for the Suppression of Terrorist Bombings”, to which Palau became a party by accession on November 14, 2001.

Source

RPPL 7-28 § 34. Formerly codified at 17 PNCA § 4251 and now re-codified as 17 PNCA § 2251 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2231], modified.

§ 2252. Terrorist bombing offenses.

Any person who knowingly, by any means, directly or indirectly, delivers, places, discharges, deploys, or detonates any explosive, incendiary weapon, or lethal device that is designed, or has the capability, to cause death, serious bodily injury, or substantial property damage in, into, or against a place of public or private use, a state or government facility, a transportation system or an infrastructure facility:

(a) with the intent to cause death or serious bodily injury; or

(b) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss; commits a crime punishable by the penalties established by section 2235(b) of this chapter for weapons of mass destruction.

Source

RPPL 7-28 § 35, modified. Formerly codified at 17 PNCA § 4252 and now re-codified as 17 PNCA § 2252 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2232], modified.

Notes

Section referenced in this section has been renumbered to conform with the Code numbering format.

Subchapter VIII**Plastic Explosives**

[Header A: **TERRORISM 17 PNCA § 2256**

]

§ 2255. Implementation of the convention on plastic explosives.

§ 2256. Prohibition on plastic explosives; offenses.

§ 2255. Implementation of the convention on plastic explosives.

The purpose of this subchapter is to prohibit unauthorized plastic explosives in Palau, and in particular, unmarked plastic explosives, and to give effect to the “Convention on the Marking of Plastic Explosives for the Purpose of Detection”, to which Palau became a party by accession on November 11, 1995.

Source

RPPL 7-28 § 36. Formerly codified at 17 PNCA § 4255 and now re-codified as 17 PNCA § 2255 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2233], modified.

§ 2256. Prohibition on plastic explosives; offenses.

(a) Unless expressly authorized by the President of the Republic of Palau, plastic explosives shall be prohibited in Palau; provided, however, where authorized by the President for legitimate needs, plastic explosives must contain a detection agent, as defined by the “Convention on the Marking of Plastic Explosives for the Purpose of Detection”, and as described in the “Technical Annex” to that convention.

(b) Any person who knowingly, by any means, directly or indirectly, develops, produces, ships, transports, transfers, receives, acquires, retains, possesses, manufactures, imports, or exports an unauthorized plastic explosive commits a crime punishable by a minimum of ten (10) years imprisonment and a maximum fine of fifty thousand dollars (\$50,000); provided, however where the plastic explosive was developed, produced, shipped, transported, transferred, received, acquired, retained, possessed, manufactured, imported, or exported with the intent to engage in terrorism, the crime shall be punishable by the penalties established by section 2235(a) of this chapter for weapons of mass destruction; and provided, further, where the plastic explosive was used or deployed, the penalties established by section 2235(b) of this chapter for weapons of mass destruction shall apply.

Source

RPPL 7-28 § 37, modified. Formerly codified at 17 PNCA § 4256 and now re-codified as 17 PNCA § 2256 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2234], modified.

Notes

Section referenced in this section has been renumbered to conform with the Code numbering format.

[Header B: **17 PNCA § 2256 PENAL CODE**

]

Subchapter IX

Safety of Civil Aviation

§ 2261. Implementation of the conventions on civil aviation.

§ 2262. Civil aviation offenses.

§ 2263. Power to take reasonable measures.

§ 2264. Power to disembark certain passengers.

§ 2265. Power to deliver alleged offenders to competent authorities.

§ 2266. No liability for actions taken.

§ 2261. Implementation of the conventions on civil aviation.

The purpose of this subchapter is to create offenses relating to aircraft and airports serving international civil aviation and to give effect to the international civil aviation conventions and protocol identified in section 2202(r)(1), (2), (3), and (7) of this chapter.

Source

RPPL 7-28 § 38, modified. Formerly codified at 17 PNCA § 4261 and now re-codified as 17 PNCA § 2261 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2235], modified.

Notes

Section referenced in this section has been renumbered to conform with the Code numbering format.

§ 2262. Civil aviation offenses.

In any airspace or territory where any international civil aviation convention or protocol referenced in section 2261 would apply, any person who knowingly, by any means, directly or indirectly:

(a) performs an act of violence against a person on board an aircraft in flight, if that act is likely to endanger the safety of that aircraft;

(b) by force or threat, or by any other form of intimidation, seizes or exercises control of an aircraft in flight;

(c) destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;

[Header A: **TERRORISM 17 PNCA § 2263**

]

(d) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight;

(e) destroys or damages air navigation facilities used in international air navigation, or interferes with their operation, if any such act is likely to endanger the safety of aircraft in flight;

(f) communicates information which the person knows to be false, thereby endangering the safety of an aircraft in flight; or

(g) using any device, substance or weapon:

(1) performs an act of violence against a person at an airport serving international civil aviation, which causes, or is likely to cause, serious injury or death; or

(2) destroys or seriously damages the facilities of an airport serving international civil aviation or aircraft not in service located thereon or disrupts the services of the airport;

commits a crime punishable by the penalties established by section 2205 of this chapter; provided, however, where, in committing such crime, the person uses or deploys a weapon of mass destruction, the penalties established by section 2235(b) of this chapter shall apply.

Source

RPPL 7-28 § 39, modified. Formerly codified at 17 PNCA § 4262 and now re-codified as 17 PNCA § 2262 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2236], modified.

Notes

Sections referenced in this section have been renumbered to conform with the Code numbering format.

§ 2263. Power to take reasonable measures.

(a) The aircraft commander, when he or she has reasonable grounds to believe that a person has committed, or is about to commit on board the aircraft, a criminal offense or an act which, whether or not it is a criminal offense, may or does jeopardize the safety of an aircraft or of persons or property therein, or which jeopardizes good order and discipline on board an aircraft, may:

[Header B: 17 PNCA § 2263 PENAL CODE

]

(1) impose upon such person reasonable measures, including restraint, which are necessary:

(A) to protect the safety of the aircraft, or of persons or property therein; or

(B) to maintain good order and discipline on board; or

(C) to enable the aircraft commander to deliver such person to competent authorities; or

(2) disembark the person in accordance with the provisions of this subchapter.

(b) The aircraft commander may require or authorize the assistance of other crew members and may request or authorize, but not require, the assistance of passengers to restrain any person whom the aircraft commander is entitled to restrain.

(c) Any crew member or passenger may also take reasonable preventive measures without such authorization when the crew member or passenger has reasonable grounds to believe that such action is immediately necessary to protect the safety of the aircraft, or of persons or property therein.

(d) Measures of restraint imposed upon a person in accordance with this section shall be imposed in accordance with and conform to the requirements of the “Convention on Offenses and Certain Other Acts Committed on Board Aircraft”.

Source

RPPL 7-28 § 40, modified. Formerly codified at 17 PNCA § 4263 and now re-codified as 17 PNCA § 2263 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2237], modified.

Notes

Subsections (A) - (C) under subsection (a)(1) read (i) - (iii) in the original statute and were changed accordingly to conform to the Code format.

§ 2264. Power to disembark certain passengers.

The aircraft commander may, in so far as it is necessary to protect the safety of the aircraft, or of persons, or property therein, or to maintain good order and discipline on board, disembark, in

[Header A: **TERRORISM 17 PNCA § 2266**

]

accordance with the “Convention on Offenses and Certain Other Acts Committed on Board Aircraft”, any person who the aircraft commander has reasonable grounds to believe has committed, or is about to commit, on board the aircraft an act contemplated by section 2263(a)(2).

Source

RPPL 7-28 § 41, modified. Formerly codified at 17 PNCA § 4264 and now re-codified as 17 PNCA § 2264 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2238], modified.

Notes

Section referenced in this section has been renumbered to conform with the Code numbering format.

§ 2265. Power to deliver alleged offenders to competent authorities.

The aircraft commander may deliver to competent law enforcement authorities, in accordance with the “Convention on Offenses and Certain Other Acts Committed on Board Aircraft”, any person who the aircraft commander has reasonable grounds to believe has committed on board the aircraft an act which, in the commander’s opinion, is a serious offense according to the criminal laws of the country of registration of the aircraft.

Source

RPPL 7-28 § 42. Formerly codified at 17 PNCA § 4265 and now re-codified as 17 PNCA § 2265 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2239], modified.

§ 2266. No liability for actions taken.

For actions taken in accordance with section 2263, 2264, or 2265, neither the aircraft commander, any other member of the crew, any passenger, the owner or operator of the aircraft, nor the person on whose behalf the flight was performed, shall be held responsible in any proceeding on account of the treatment undergone by the person in respect of whom the actions were taken.

Source

RPPL 7-28 § 43, modified. Formerly codified at 17 PNCA § 4266 and now re-codified as 17 PNCA § 2266 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2240], modified.

Notes

Sections referenced in this section has been renumbered to conform with the Code numbering format.

Subchapter X

Safety of Maritime Navigation and Fixed Platforms

[Header B: **17 PNCA § 2271 PENAL CODE**

]

§ 2271. Implementation of the convention on maritime safety and the fixed platforms protocol.

§ 2272. Maritime offenses.

§ 2271. Implementation of the convention on maritime safety and the fixed platforms protocol.

The purpose of this subchapter is to create offenses relating to the safe navigation of ships on the high seas and the safety of fixed platforms and to give effect to the:

(a) “Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation”; and

(b) “Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf”;

to which Palau became a party by accession on December 4, 2001.

Source

RPPL 7-28 § 44, modified. Formerly codified at 17 PNCA § 4271 and now re-codified as 17 PNCA § 2271 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2241], modified.

§ 2272. Maritime offenses.

In any waters where the convention and protocol referenced in section 2271 would apply, any person who knowingly, by any means, directly or indirectly:

(a) seizes or exercises unauthorized control over a ship or fixed platform by force or threat thereof, or by any other form of intimidation; or

(b) injures or kills any person, or endangers the safe navigation of a ship, or endangers the safety of a fixed platform, by:

(1) committing an act of violence against a person on board the ship or fixed platform;

(2) destroying or damaging the ship, its cargo, or the fixed platform;

[Header A: **TERRORISM 17 PNCA § 2281**

]

(3) placing, or causing to be placed, any device or substance on the ship or fixed platform;

(4) destroying or damaging maritime navigational facilities, or interfering with their operation; or

(5) communicating information which the person knows to be false; commits a crime punishable by the penalties established by section 2205 of this chapter; provided, however, where, in committing such crime, the person uses or deploys a weapon of mass destruction, the penalties established by section 2235(b) of this chapter shall apply.

Source

RPPL 7-28 § 45, modified. Formerly codified at 17 PNCA § 4272 and now re-codified as 17 PNCA § 2272 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2242], modified.

Notes

Sections referenced in this section have been renumbered to conform with the Code numbering format.

Subchapter XI

Nuclear Material

§ 2281. Nuclear material offenses.

§ 2281. Nuclear material offenses.

Any person who intentionally, by any means, directly or indirectly:

(a) without lawful authority, receives, possesses, uses, transfers, alters, disposes of, or disperses nuclear material, under circumstances which cause or are likely to cause death or serious bodily injury to any person or substantial damage to property;

(b) commits a theft or robbery of nuclear material;

(c) embezzles or fraudulently obtains nuclear material;

(d) makes a demand for nuclear material by threat or use of force or by any other form of intimidation;

[Header B: 17 PNCA § 2281 PENAL CODE

]

(e) threatens:

(1) to use nuclear material to cause death or serious bodily injury to any person or substantial property damage;
or

(2) to commit a theft or robbery of nuclear material in order to compel a natural or legal person, or an international organization, or country to do or to refrain from doing any act;

commits a crime punishable by the penalties established by section 2235(b) of this chapter for weapons of mass destruction.

Source

RPPL 7-28 § 46, modified. Formerly codified at 17 PNCA § 4281 and now re-codified as 17 PNCA § 2281 by RPPL 9-21 § 4(i) and § 5 [Chapter 22 § 2243], modified.

Notes

Section referenced in this section has been renumbered to conform with the Code numbering format.

DIVISION 4

[Header A: **GENERAL PROVISIONS RELATING TO 17 PNCA § 2301**

OFFENSES AGAINST PROPERTY RIGHTS

]

OFFENSES AGAINST PROPERTY RIGHTS

Chapter 23

General Provisions Relating to Offenses Against Property Rights

§ 2301. Definitions of terms in this division.

§ 2302. Valuation of property or services.

§ 2303. Property recovered in offenses against property rights.

§ 2301. Definitions of terms in this division.

In this chapter, unless a different meaning plainly is required, the following definitions apply:

(a) “Agricultural equipment, supplies, or products” mean any agricultural equipment, supplies, or commercial agricultural products or commodities raised, grown, or maintained by a commercial agricultural enterprise or educational entity while owned by the enterprise or entity.

(b) “Apartment building” means any structure containing one or more dwelling units that is not a hotel or a single-family residence.

(c) “Aquacultural equipment, supplies, or products” means any equipment, supplies, products, or commodities used, raised, grown, or maintained for the production of fish, shellfish, mollusk, crustacean, algae, or other aquatic plant or animal by an aquaculture enterprise or research agency while owned by the enterprise or agency.

(d) “Building” includes any structure, and the term also includes any vehicle, shipping container, aircraft, or watercraft used for lodging of persons therein; each unit of a building consisting of two or more units separately secured or occupied is a separate building.