

**NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
39TH CONSTITUTION REGULAR SESSION, 2018**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

CURRENCY DECLARATION (AMENDMENT) ACT 2018

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CURRENCY DECLARATION (AMENDMENT) ACT 2018

AN ACT to amend Title 17, Chapter 2 of the Marshall Islands Revised Code, the Currency Declaration Act 2009 to provide for: (1) the improvement of monitoring the movement of currency in and out of our ports, including the transmission of currency through postal and courier services, transshipments of cargo on board any craft; (2) immunity for authorised officers in the discharge of their duties under this Act; (3) and the retention of declarations made under this Act.

BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

§101. Short title.

This Act may be cited as the Currency Declaration (Amendment) Act 2018.

§102. Amendments:

(1) Section 202, subsection (1) of the Principle Act is hereby amended to insert additional meanings to the term "Authorised Officer" and a new paragraph (j) after (i), to read as follows:

§202. Interpretation.

(1) In this Chapter, unless the context otherwise requires:

- (a) "Authorised Officer" means:
 - (i) a customs officer;
 - (ii) an immigration officer;
 - (iii) a police officer;
 - (iv) a quarantine officer;

- (v) an official from the Banking Commissioner
 - (vi) an official from the Postal Services Authority:
duly appointed under the applicable laws of the Republic of the Marshall islands:
 - (j) “**person**” means any individual, entity, corporation, partnership or anybody incorporate or unincorporated and includes every director, manager, agent or secretary of such person.
- (2) Section 203 of the Principle Act is hereby amended to insert 1 new subsection (3), to read as follows:
- §203. Obligation to declare.**
- (1) A person who enters or leaves the Republic of the Marshall Islands with currency amounting to \$10,000 or more, or its equivalent in any other currency, shall make a declaration to an authorised officer in the form prescribed in Schedule 1 of this Chapter.
 - (2) A person who transmits out of or receives into the Republic of the Marshall Islands currency amounting to \$10,000 or more by any means, including but not limited to postal services, courier services, or transshipment by any craft must make a declaration to an authorised officer in the form prescribed in Schedule 1 of this Chapter.
 - (3) Any person failing to declare currency in the prescribed sum to an authorised officer, shall commit an offence under this Chapter and shall be liable on conviction to a fine not exceeding \$50,000 and or forfeiture of the currency under section 210.
- (3) Part VII of the Principle Act is hereby amended to amend its title and insert 1 additional new Section (216) to read as follows:

PART VII –RECOVERABLE CURRENCY &IMMUNITY

§215. Recoverable currency.

- (1) Currency is recoverable currency if it is obtained through unlawful conduct.
- (2) Where currency obtained through unlawful conduct (“the original currency”) is or has been recoverable, currency which represents the original currency is also recoverable currency.
- (3) If a person deals in any manner whatsoever by which:
 - (i) he or she disposes of recoverable currency, whether the original currency of currency which represents the original currency; and
 - (ii) He or she obtains other currency in place of it, the other currency represents the original currency and is recoverable.
- (4) If a person disposes of recoverable currency which represents the original currency, the currency may be followed into the hands of the person who obtains it, and it continues to represent the original recoverable currency.

§216. Immunity.

Any authorised officer, employer or agent or person authorized to act on behalf of an authorised officer, is not liable for any acts or omissions made in the discharge of his or her duties under this Act unless it is proved beyond a reasonable doubt that the act or omission was not made in good faith.

- (4) PART VIII of the Principle Act is inserted as a new Part to add 1 new additional Section (17) to provide for the retention of records to read as follows:

PART VIII – RETENTION OF RECORDS

§217. Retention of Records.

The Chief of Customs Division shall cause to be maintained and retained for a period of at least five (5) years, any and all records required to be kept, including but not limited to declarations of currency amounting to \$10,000 or more, as referred to under section 203 of this Act.

§103. Effective date.

This Chapter shall take effect on the date of certification in accordance with Article IV, Section 21 of the Constitution and the Rules of Procedures of the Nitijela.

CERTIFICATE

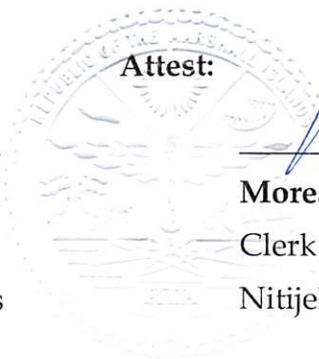
I hereby certify:

1. That Nitijela Bill No: 100ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 29th day of March 2019; and
2. That I am satisfied that Nitijela Bill No: 100ND1 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 18th day of April 2019.



Hon. Kenneth A. Kedi
 Speaker
 Nitijela of the Marshall Islands

Attest:



Morean S. Watak
 Clerk
 Nitijela of the Marshall Islands

