



## Compendium of U.S. Animal Protection Laws

# *American Samoa Islands*



### SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

1. Definition of “animal”
2. General Cruelty
3. Animal Fighting
4. Sexual Assault
5. Cruelty to Working Animals
6. Laws Specific to Farmed Animals
7. Cruel Hunting, Trapping, and Fishing

### REPORTING LAWS

8. Cross Reporting
9. Veterinary Reporting
10. “Ag-Gag” Laws

### CIVIL AND CIVILIAN INTERVENTION

11. Emergency Rescue and Relief
12. Civil Enforcement
13. Domestic Violence and Protection Orders

### CRIMINAL JUSTICE INTERVENTION

14. Maximum Penalties and Statute of Limitations
15. Law Enforcement Policies
16. Seizure
17. Courtroom Animal Advocate Program
18. Restitution
19. Forfeiture and Possession Bans
20. Rehabilitative Sentencing

*This chapter contains American Samoa Islands general animal protection and related statutes with an effective date on or before September 1, 2023. It begins with a detailed overview of the provisions contained in these laws, followed by the full text of the statutes themselves. The various provisions are organized into categories with the relevant part of each statute italicized.*

*American Samoa Islands’ may employ similar provisions within other non-animal-specific criminal and civil statutes, may have other more specific statutes in addition to those included, and may have a variety of animal-related regulations in effect. Because the law is continually evolving, always review an official source for the most current language of any statute.*

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

## American Samoa Islands Laws

### SUBSTANTIVE PROHIBITIONS AND EXEMPTIONS

|   |   |
|---|---|
| 1. Definition of “Animal”               | [None]  |
| 2. General Cruelty                      | All structures or enclosures for animals must be kept clean, free from accumulation of filth, and in a sanitary condition<br>A.S.C.A. §§ 25.1605; 25.0110<br><i>Class C misdemeanor</i>   |
| 3. Animal Fighting                      | [None]  |
| 4. Sexual Assault                       | [None]  |
| 5. Cruelty to Working Animals           | [None]  |
| 6. Laws Specific to Farmed Animals      | [None]  |
| 7. Cruel Hunting, Trapping, and Fishing | Definitions<br>A.S.C.A. § 24.0302<br><br>Drift gillnet fishing prohibited<br>A.S.C.A. § 24.0311<br><i>Class B Misdemeanor</i><br>A.S.C.A. § 24.0312<br><br>Fishing with poison or explosives prohibited<br>A.S.C.A. § 46.4807<br><i>Class A misdemeanor</i> |

### REPORTING LAWS

|                         |        |
|-------------------------|--------|
| 8. Cross Reporting      | [None] |
| 9. Veterinary Reporting | [None] |
| 10. “Ag-Gag” Laws       | [None] |

### CIVIL AND CIVILIAN INTERVENTION

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

|  |  |
|--|--|
| 11. Emergency Rescue and Relief                  | [None]   |
| 12. Civil Enforcement                            | [None]   |
| 13. Domestic Violence and Protection Orders      | [None]   |
| <b>CRIMINAL JUSTICE INTERVENTION</b>             |  |
| 14. Maximum Penalties and Statute of Limitations | Class C misdemeanor<br><i>15 days imprisonment and \$300 fine</i><br>A.S.C.A. §§ 46.2102; 46.2301  |
| 15. Law Enforcement Policies                     | Pulenu'u have a duty to inspect village for compliance with laws, and have the authority to charge any person within his jurisdiction for failure to comply.<br>A.S.C.A. § 25.0105   |
| 16. Seizure                                      | The Director of the Department of Health is directed and authorized to make inspections of all public and private grounds, buildings, etc. at reasonable hours to carry out provisions of the law.<br>A.S.C.A. § 25.0103<br><br>The Director shall investigate any bona fide complaint regarding an alleged violation and take action as he deems necessary.<br>A.S.C.A. § 25.0104 |
| 17. Courtroom Animal Advocate Program            | [None]   |
| 18. Restitution                                  | [None]   |
| 19. Forfeiture and Possession Bans               | [None]   |
| 20. Rehabilitative Sentencing                    | [None]   |

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 1. DEFINITION OF “ANIMAL”

[None]

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 2. GENERAL CRUELTY

#### **A.S.C.A. § 25.1605 Confinement areas for animals to be kept sanitary.**

*All poultry houses, yards, coops, pigeon runs, rabbit hutches, dog kennels, pens, barns, stables, or other structures or enclosures for any fowl or animal shall be kept clean and free from any accumulation of excreta decayed food and filth of every kind. All such structures and enclosures shall be maintained in a clean and sanitary condition.*

#### **A.S.C.A. § 25.0110 Violation-Penalty.**

*Any person who violates any provision of this title, any valid rule promulgated under this title, or any village regulation for health and sanitation adopted in accordance with this Code, or refuses or neglects to comply with any lawful order issued by the Director of Health, the Director of ASEPA or the solid waste official in carrying out the provisions of this title, the penalty for which is not otherwise prescribed in this title, is guilty of a class C misdemeanor and upon conviction, sentenced accordingly.*

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 3. ANIMAL FIGHTING

[None]

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 4. SEXUAL ASSAULT

[None]

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 5. CRUELTY TO WORKING ANIMALS

[None]



## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 6. LAWS SPECIFIC TO FARMED ANIMALS

**Editor's Note:** *This section does **not** contain all state or territorial laws regarding farmed animals. This section contains only criminal statutes with the primary purpose of preventing individual farmed animals from suffering unnecessary pain or suffering.*

[None]

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 7. CRUEL HUNTING, TRAPPING, AND FISHING

**Editor’s Note:** *This section does **not** contain all state or territorial laws regarding hunting, trapping, and fishing. This section contains only criminal statutes with the primary purpose of preventing individual wild animals from suffering unnecessary pain or suffering.*

#### **A.S.C.A. § 24.0302 Definitions.**

- (a) As used in this chapter unless the context clearly requires otherwise:
- (1) “Dealer” means any person or business entity engaged in the business of: buying, canning, curing, or preserving fish or shell fish; or manufacturing meal, oil, flour, protein concentrate, animal food or fertilizer from fish or shellfish.
  - (2) “Director” means the Director of Marine and Wildlife Resources.
  - (3) “Drift gillnet fishing” means any gillnet that is more than half a mile in length; and that enmeshes, entraps, or entangles any fish; and that is used or intended to be used or intended to be used while attached to any point of land or the seabed irrespective of whether the net is used or intended to be used while attached to any vessel.
  - (4) “Fish” means those species of the classes osteichthyes, condrichthyes and agnatha that shall not be fished for except as authorized by rule of the director. The term “fish” includes all stages of development and the bodily parts of fish species.
  - (5) “Department” means the Department of Marine and Wildlife Resources.
  - (6) “Shellfish” means those species of marine and fresh water invertebrates that shall not be taken except as authorized by rule of the Director. The term “shellfish” includes all stages of development and the bodily parts of shellfish species.
  - (7) “Territory” means all Territorial areas, and all marine waters and fresh waters within a three-mile zone extending outward from the shoreline.
  - (8) “Wildlife” means all species of the animal kingdom whose members exist in a wild state, excepting “fish” and “shellfish”, that shall not be taken except as authorized by rule of the Director. The term “wildlife” includes all states of development and the bodily parts of wildlife species.

#### **A.S.C.A. § 24.0311 Drift gillnet fishing prohibited.**

It is unlawful for:

- (1) any person to engage in drift gillnet fishing within the Territorial waters of American Samoa;
- (2) any person to sell or offer for sale any nets to be used for drift gillnet fishing;
- (3) any person to sell or offer for sale any fish taken from the Territorial waters of American Samoa by drift gillnet fishing;
- (4) any fish processor to process or otherwise possess any fish taken by drift gillnet fishing;
- (5) any fishing vessel engaged in drift gillnet fishing or any companion to fuel or escort vessels that assist or may assist in refueling a drift gillnet vessel covered by this section to fuel or otherwise stop at any of the ports of American Samoa, except in the event of emergency;

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**ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS**

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(6) any person to sell or offer for sale fuel to any vessel engaged in drift gillnet fishing.

**A.S.C.A. § 24.0312 Violations and penalties.**

- (a) *Any person who violates any provision of this chapter or of rules promulgated under this chapter shall be guilty of a class B misdemeanor. A business entity found in violation of this chapter or of rules promulgated under this chapter shall be fined not less than \$1,000 per violation except that a person who violates 24.0311 shall be fined not less than \$50,000 per violation.*
- (b) Any property taken or possessed in violation of any provisions of this chapter or of the rules promulgated under this chapter including the vessel and the fish caught, may be subject to forfeiture to the government pursuant to a civil proceeding in the High Court of American Samoa with monies received from the sale thereof to be used for the purpose of policing and enforcement by the Office of Marine and Wildlife Resources.
- (c) Any person in possession of a catch that appears to have been caught in a drift gillnet and that either the local or federal inspector has reasonable grounds to believe was caught in a drift gillnet shall be presumed to have been taken from the waters of American Samoa.

**A.S.C.A. § 46.4807 Prohibited fishing.**

- (a) *A person commits the crime of prohibited fishing if that person stuns, injures or kills any fish with any kind of stupefying or poisonous substance or any kind of explosive device, in the inland or coastal waters of the Territory.*
- (b) *Prohibited fishing is a class A misdemeanor.*

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 8. CROSS REPORTING

[None]

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 9. VETERINARY REPORTING

[None]

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 10. "AG-GAG" LAWS

[None]

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 11. EMERGENCY RESCUE AND RELIEF

[None]

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 12. CIVIL ENFORCEMENT

[None]



## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 13. DOMESTIC VIOLENCE AND PROTECTION ORDERS

[None]

**ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS****14. MAXIMUM PENALTIES AND STATUTE OF LIMITATIONS****A.S.C.A. § 46.2102 Misdemeanors and infractions.**

- (a) Except as otherwise provided for an offense outside this part, a person who has been convicted of a misdemeanor or infraction may be sentenced to pay a fine not exceeding:
- (1) \$1,000 for a class A misdemeanor;
  - (2) \$500 for a class B misdemeanor;
  - (3) \$300 for a class C misdemeanor;
  - (4) \$200 for an infraction.
- (b) In lieu of a fine imposed under subsection (a), a person who has been convicted of a misdemeanor or infraction through which he derived “gain”, as defined in 46.2101, may be sentenced to a fine which does not exceed 2 times the amount of gain from the commission of the offense. An individual offender may be fined not more than \$20,000 under this provision.

**A.S.C.A. § 46.2301 Authorized terms.**

The authorized terms of sentences of imprisonment, including both prison terms and parole terms are:

- (1) for a class A felony, life imprisonment, or a term of years not less than 10 years and not to exceed 30 years;
- (2) for a class B felony, a term not less than 5 years and not to exceed 15 years;
- (3) for a class C felony, a term of not to exceed 7 years;
- (4) for a class D a term not to exceed 5 years;
- (5) for a class A, a term not to exceed one year;
- (6) for a class B a term not to exceed 6 months;
- (7) for a class C misdemeanor, a term not to exceed 15 days.

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 15. LAW ENFORCEMENT POLICIES

#### **A.S.C.A. § 25.0105 Powers and duties of pulenuu.**

- (a) It shall be one of the duties of the pulenuu to regularly and thoroughly inspect all portions of his village and all other areas within his jurisdiction for compliance with the applicable provisions of this title.*
- (b) The pulenuu shall have the authority to charge any person within his jurisdiction with failure to comply with any provision of this title or any regulations adopted under it. Such charge shall be filed with the district court in the village over which the pulenuu has jurisdiction if the violation charged is punishable by a village regulation in effect therein and adopted pursuant to the method for adopting village regulations as set forth in this Code. If the matter charged is not made punishable by any village regulation in the village in which the offense occurs, the pulenuu shall consult the Attorney General, who shall take appropriate action.*
- (c) The pulenuu shall also assist the Director in carrying out sanitation work within his jurisdiction, and he may request the advice and help of the Director on any sanitation problem within his jurisdiction.*

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 16. SEIZURE

#### **A.S.C.A. § 25.0103 Inspections-Orders to comply.**

*The Director is directed and authorized to make inspections of all public and private grounds, buildings, vehicles, aircraft, ships and other places, at reasonable hours, in order to carry out the provisions of this title. He may order compliance with the provisions of this title and the immediate abatement of public health nuisances.*

#### **A.S.C.A. § 25.0104 Investigation of complaints.**

*The Director shall investigate any bona fide complaint relative to any alleged violation of this title and take such action as he may deem necessary.*

**ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS**

**17. COURTROOM ANIMAL ADVOCATE PROGRAM**

[None]

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 18. RESTITUTION

[None]

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 19. FORFEITURE AND POSSESSION BANS

[None]

## ANIMAL PROTECTION LAWS OF AMERICAN SAMOA ISLANDS

### 20. REHABILITATIVE SENTENCING

[None]