

US Code

(Unofficial compilation from the Legal Information Institute)

TITLE 33 - NAVIGATION AND NAVIGABLE WATERS

CHAPTER 8—SUMMARY TRIALS FOR CERTAIN OFFENSES AGAINST NAVIGATION LAWS

Please Note: This compilation of the US Code, current as of Feb.1, 2010 , has been prepared by the Legal Information Institute using data from the U.S. House of Representatives, Office of the Law Revision Counsel. It is not an official U.S. government publication. For more details please see: <http://www.law.cornell.edu/uscode/uscpri.html>.

Notes on this document: The content in this document is taken directly from the US Code, with the following exceptions: page headers and footers, page numbering, and all formatting are artifacts of this presentation. Divider lines have been inserted between sections. The notes are set off by a vertical line and a larger left margin. The table of contents immediately following this title page is machine-generated from the headings in this portion of the Code. Commonly available fonts are used.

The Legal Information Institute promotes worldwide, free public access to law via the Internet. Founded in 1992, the LII created the first legal information website. It continues to be a pre-eminent "law-not-com" publisher of legal information and an important outreach activity of the Cornell Law School.

TITLE 33 - NAVIGATION AND NAVIGABLE WATERS	1
CHAPTER 8 - SUMMARY TRIALS FOR CERTAIN OFFENSES AGAINST NAVIGATION LAWS	2
§ 391. Summary trials authorized	2
§ 392. Complaint and answer; jury trial	2
§ 393. Amendments of complaint and adjournments	3
§ 394. Challenge to jurors	3
§ 395. Limit of sentence	3
§ 396. Recovery of penalties and forfeitures generally	3

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chap. ...Sec.

1. Navigable Waters Generally ...1
2. International Rules for Navigation at Sea [Repealed] ...61
3. Navigation Rules for Harbors, Rivers, and Inland Waters Generally ...151
4. Navigation Rules for Great Lakes and Their Connecting and Tributary Waters [Repealed] ...241
5. Navigation Rules for Red River of the North and Rivers Emptying Into Gulf of Mexico and Tributaries [Repealed] ...301
- 5A. Exemption of Navy or Coast Guard Vessels From Certain Navigation Rules [Repealed] ...360
6. General Duties of Ship Officers and Owners After Collision or Other Accident [Repealed] ...361
7. Regulations for the Suppression of Piracy ...381
8. Summary Trials for Certain Offenses Against Navigation Laws ...391
9. Protection of Navigable Waters and of Harbor and River Improvements Generally ...401
10. Anchorage Grounds and Harbor Regulations Generally ...471
11. Bridges Over Navigable Waters ...491
12. River and Harbor Improvements Generally ...540
13. Mississippi River Commission ...641
14. California Debris Commission ...661
15. Flood Control ...701
16. Lighthouses ...711
17. National Oceanic and Atmospheric Administration ...851
18. Longshore and Harbor Workers' Compensation ...901
19. Saint Lawrence Seaway ...981
20. Pollution of the Sea by Oil [Repealed] ...1001
21. International Regulations for Preventing Collisions at Sea [Repealed] ...1051
22. Sea Grant Colleges and Marine Science Development ...1101
23. Pollution Control of Navigable Waters [Omitted or Transferred] ...1151
24. Vessel Bridge-to-Bridge Communication ...1201
25. Ports and Waterways Safety Program ...1221
26. Water Pollution Prevention and Control ...1251
27. Ocean Dumping ...1401
28. Pollution Casualties on the High Seas: United States Intervention ...1471
29. Deepwater Ports ...1501
30. International Regulations for Preventing Collisions at Sea ...1601
31. Ocean Pollution Research and Development and Monitoring Planning [Repealed] ...1701
32. Inland Waterways Trust Fund ...1801
33. Prevention of Pollution From Ships ...1901
34. Inland Navigational Rules ...2001
35. Artificial Reefs ...2101
36. Water Resources Development ...2201
37. Organotin Antifouling Paint Control ...2401
38. Dumping of Medical Waste by Public Vessels ...2501
39. Shore Protection from Municipal or Commercial Waste ...2601
40. Oil Pollution ...2701
41. National Coastal Monitoring ...2801
42. Estuary Restoration ...2901
43. National Oceanic and Atmospheric Administration Commissioned Officer Corps ...3001
44. Oceans and Human Health ...3101
45. Tsunami Warning and Education ...3201
46. National Levee Safety Program ...3301
47. Ocean Exploration ...3401
48. Ocean and Coastal Mapping Integration ...3501
49. Integrated Coastal and Ocean Observation System ...3601
50. Federal Ocean Acidification Research and Monitoring ...3701

CHAPTER 8—SUMMARY TRIALS FOR CERTAIN OFFENSES AGAINST NAVIGATION LAWS

Sec.

- 391. Summary trials authorized.
- 392. Complaint and answer; jury trial.
- 393. Amendments of complaint and adjournments.
- 394. Challenge to jurors.
- 395. Limit of sentence.
- 396. Recovery of penalties and forfeitures generally.

.....

§ 391. Summary trials authorized

Whenever a complaint shall be made against any master, officer, or seaman of any vessel belonging, in whole or in part, to any citizen of the United States, of the commission of any offense, not capital or otherwise infamous, against any law of the United States made for the protection of persons or property engaged in commerce or navigation, it shall be the duty of the United States attorney to investigate the same, and the general nature thereof, and if, in his opinion, the case is such as should be summarily tried, he shall report the same to the district judge, and the judge shall forthwith, or as soon as the ordinary business of the court will permit, proceed to try the cause, and for that purpose may, if necessary, hold a special session of the court, either in term time or vacation.

(R.S. § 4300; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

Codification

R.S. § 4300 derived from act June 11, 1864, ch. 121, § 2, 13 Stat. 124.

Change of Name

Act June 25, 1948, eff. Sept. 1, 1948, substituted “United States attorney” for “district attorney”. See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Notes set out thereunder.

.....

§ 392. Complaint and answer; jury trial

At the summary trial of offenses against the laws for the protection of persons or property engaged in commerce or navigation, it shall not be necessary that the accused shall have been previously indicted, but a statement of complaint, verified by oath in writing, shall be presented to the court, setting out the offense in such manner as clearly to apprise the accused of the character of the offense complained of, and to enable him to answer the complaint. The complaint or statement shall be read to the accused, who may plead to or answer the same, or make a counterstatement. The trial shall thereupon be proceeded with in a summary manner, and the case shall be decided by the court, unless, at the time for pleading or answering, the accused shall demand a jury, in which case the trial shall be upon the complaint and plea of not guilty.

(R.S. § 4301.)

Codification

R.S. § 4301 derived from act June 11, 1864, ch. 121, §§ 3, 4, 13 Stat. 125.

.....
§ 393. Amendments of complaint and adjournments

It shall be lawful for the court to allow the United States attorney to amend his statement of complaint at any stage of the proceedings, before verdict, if, in the opinion of the court, such amendment will work no injustice to the accused; and if it appears to the court that the accused is unprepared to meet the charge as amended, and that an adjournment of the cause will promote the ends of justice, such adjournment shall be made, until a further day, to be fixed by the court.

(R.S. § 4302; June 25, 1948, ch. 646, § 1, 62 Stat. 909.)

Codification

R.S. § 4302 derived from act June 11, 1864, ch. 121, § 6, 13 Stat. 125.

Change of Name

Act June 25, 1948, eff. Sept. 1, 1948, substituted "United States attorney" for "district attorney". See section 541 of Title 28, Judiciary and Judicial Procedure, and Historical and Revision Notes set out thereunder.

.....

§ 394. Challenge to jurors

At the trial in summary cases, if by jury, the United States and the accused shall each be entitled to three peremptory challenges. Challenges for cause, in such cases, shall be tried by the court without the aid of triers.

(R.S. § 4303.)

Codification

R.S. § 4303 derived from act June 11, 1864, ch. 121, § 7, 13 Stat. 125.

.....

§ 395. Limit of sentence

It shall not be lawful for the court to sentence any person convicted in such trial to any greater punishment than imprisonment in jail for one year, or to a fine exceeding \$500, or both, in its discretion, in those cases where the laws of the United States authorize such imprisonment and fine.

(R.S. § 4304.)

Codification

R.S. § 4304 derived from act June 11, 1864, ch. 121, § 5, 13 Stat. 125.

.....

§ 396. Recovery of penalties and forfeitures generally

All the penalties and forfeitures which may be incurred for offenses against title 48 of the Revised Statutes may be sued for, prosecuted, and recovered in such court, and be disposed of in such manner, as any penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties, except when otherwise expressly prescribed.

(R.S. § 4305.)

TITLE 33 - Section 396 - Recovery of penalties and forfeitures generally

NB: This unofficial compilation of the U.S. Code is current as of Feb.1, 2010 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

References in Text

Title 48 of the Revised Statutes, referred to in text, was in the original “this Title”, meaning title 48 of the Revised Statutes, consisting of R.S. §§ 4131 to 4305. For complete classification of R.S. §§ 4131 to 4305 to the Code, see Tables.

Codification

R.S. § 4305 derived from act Dec. 31, 1792, ch. 1, § 29, 1 Stat. 298.