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A BILL FOR AN ACT

To amend Sections 104, 105, 501, 502, 506, 508, 521, 522, 532, 533, 534, 535, 536, 552, 553, 555, 556, 557, 558, 559, 601, 602, 603, 604, 701, 702, 951, 951, and 1001 of Public Law No. 1-134, and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 104 of Public Law No. 1-134 is hereby amended  
2 to read as follows:

3 "Section 104. Definitions. The definitions in this Section  
4 shall apply throughout this Code, unless otherwise specified  
5 or a different meaning is plainly required.

6 (1) Classification of Crimes. A "felony" is an  
7 offense which may be punished by imprisonment for more than  
8 1 year. A "petty misdemeanor" is an offense which may be  
9 punished by imprisonment for not more than 30 days. Every  
10 other offense is a "misdemeanor".

11 (2) Defendant. The term "defendant" includes a person  
12 who is an accessory or accomplice of the defendant.

13 (3) Federated States of Micronesia. "Federated States  
14 of Micronesia" includes the National Government and the  
15 State Governments and all legislative, judicial, administrative,  
16 other governmental agencies and municipal governments thereof.

17 ~~(4)~~ (4) National Offense. A "national offense" is an  
18 offense defined by this Code or which is otherwise an offense  
19 against the National Government of the Federated States of  
20 Micronesia.

21 ~~(5)~~ (5) Official Proceeding. "Official proceeding"  
22 means a proceeding heard or which may be heard before any  
23 legislative, judicial, administrative or other governmental  
24 agency of the Federated States of Micronesia, or official  
25 authorized to take evidence under oath, including any referee.

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1 hearing examiner, commissioner, notary or other person taking  
2 testimony or deposition in connection with any such proceeding.

3 The term "official proceeding" includes all judicial and  
4 administrative proceedings of the Government of the Trust  
5 Territory of the Pacific Islands which arise out of the  
6 Federated States of Micronesia.

7 ~~(B)~~(6) Persons. The terms "person", "he", "accused", and  
8 "defendant" include any natural person and, where relevant, a  
9 corporation or an unincorporated association.

10 ~~(B)~~(7) Public Servant. A "public servant" means any  
11 officer or employee of, or any person acting on behalf of, the  
12 Federated States of Micronesia, including legislators and  
13 judges, and any person acting as an advisor, consultant or  
14 otherwise, in performing a governmental function; but the term  
15 does not include witnesses. The term "public servant" includes  
16 a public servant of the Government of the Trust Territory of the  
17 Pacific Islands when acting in judicial or administrative  
18 proceeding which has been brought in, or arises out of, the  
19 Federated States of Micronesia.

20 ~~(7)~~(8) State. The term "State" means a state of the  
21 Federated States of Micronesia.

22 ~~(B)~~(9) Major Crime. A "major crime" is any crime which is  
23 punishable by imprisonment for a period of 3 years or more. An  
24 attempt to commit a major crime is also a major crime.

25 ~~(B)~~(10) Intent. A person acts intentionally, or with

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1 intent, with respect to his conduct or to a result thereof  
2 when it is his conscious purpose to engage in the conduct or  
3 cause the result.

4 ~~(10)~~(11) Knowledge. A person acts knowingly, or with  
5 knowledge, with respect to his conduct or to attendant circumstances  
6 when he is aware of the nature of his conduct or that those  
7 circumstances exist. A person acts knowingly, or with knowledge,  
8 with respect to a result of his conduct when he is aware that his  
9 conduct is practically certain to cause the result.

10 ~~(11)~~(12) Recklessness. "Recklessness" means to act with  
11 willful disregard to the attendant circumstances, or if unaware  
12 of the circumstances, to act in such a manner that constitutes a  
13 gross deviation from the standard of care that a reasonable  
14 person would exercise in the situation.

15 ~~(12)~~(13) Criminal Negligence. A person acts with criminal  
16 negligence, or is criminally negligent, with respect to attendant  
17 circumstances when his conduct creates a substantial and  
18 unjustifiable risk and causes the criminal result; or if his  
19 failure to be aware of the risk constitutes a gross deviation  
20 from the standard of care that a reasonable person would exercise  
21 in the situation."

22 Section 2. Section 106 of Public Law No. 1-134 is hereby amended  
23 to read as follows:

24 "Section 106. Venue.

25 (1) All trials of offenses shall be held in the state in

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1 which the offense was committed/,except as provided herein.

2 (2) If elements of the offense were committed in  
3 different states, the trial may be held in any state in which  
4 a material element was committed.

5 (3) ~~A defendant may petition the court for a change of~~  
6 ~~venue for good cause. The government may petition for a change~~  
7 ~~of venue for good cause of any place where trial may be held~~  
8 ~~under this section. The Government or any defendant may~~  
9 petition the court for a change of venue for good cause. At  
10 the discretion of the court a change of venue may be granted  
11 to any state even if no elements of the offense were committed  
12 in that state."

13 Section 3. Section 501 of Public Law No. 1-134 is hereby amended to  
14 read as follows:

15 "Section 501. Obstructing Administration of Law or Other  
16 Governmental Function.

17 (1) A person commits an offense if he purposely and  
18 substantially obstructs, impairs or perverts the administration  
19 of law or other lawful governmental function of the National  
20 Government of the Federated States of Micronesia by force,  
21 violence, physical interference or obstacle, breach of official  
22 duty, or any other unlawful act, except that this Section does  
23 not apply to flight by a person charged with crime, refusal to  
24 submit to arrest, failure to perform a legal duty other than an  
25 official duty, or any other means of avoiding compliance with law

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1 without affirmative interference with governmental functions.

2 (2) A person convicted under this Section shall be

3 punished by imprisonment for not more than 1 year."

4 Section 4. Section 502 of Public Law No. 1-134 is hereby amended to  
5 read as follows:

6 "Section 502. Resisting Arrest or Other Law Enforcement.

7 (1) A person commits an offense if, for the purpose of  
8 preventing a public servant of the National Government of the  
9 Federated States of Micronesia from effecting a lawful arrest  
10 or discharging any other law enforcement duty, the person  
11 creates a substantial risk of bodily injury to the public  
12 servant or anyone else, or employs means justifying or requiring  
13 substantial force to overcome the resistance.

14 (2) A person convicted under this Section shall be punished  
15 by imprisonment for not more than 1 year."

16 Section 5. Section 506 of Public Law No. 1-134 is hereby amended to  
17 read as follows:

18 "Section 506. Implements for Escape; Other Contraband.

19 (1) Escape Implements. A person commits an offense if he  
20 unlawfully introduces within a detention facility, ~~or unlawfully~~  
21 ~~provides~~ for the purpose of providing an inmate of a detention  
22 ~~facility~~ who is being detained on a national offense with, any  
23 weapon, tool or other thing which may be useful for escape. An  
24 inmate of a detention facility who is being detained on a national  
25 offense commits an offense if he unlawfully procures, makes, or

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1 otherwise provides himself with, or has in his possession, any  
2 such implement of escape. "Unlawfully" means surreptitiously or  
3 contrary to law, regulation or order of the detaining authority.

4 (2) Other Contraband. A person commits an offense if he  
5 provides an inmate of a detention facility with anything which  
6 the defendant knows it is unlawful for the inmate to possess.

7 (3) Definition. "Detention facility" refers only to a detention  
8 facility owned or operated by the Federated States of Micronesia,  
9 or to any other detention facility if the inmate is detained  
10 therein pursuant to an arrest, charge or conviction for a national  
11 offense, or to an accusation or adjudication of delinquency  
12 based upon a national offense, or detained for extradition or  
13 deportation purposes.

14 (4) Penalty. A person convicted under this Section shall  
15 be punished by imprisonment for not more than 1 year. "

16 Section 6. Section 508 of Public Law No. 1-134 is hereby amended to  
17 read as follows:

18 "Section 508. Disrupting Government Meetings.

19 (1) A person commits an offense if, with intent to prevent  
20 or substantially disrupt, or recklessly creating a risk thereof,  
21 or after a reasonable warning or request to desist has been made,  
22 he continues in conduct which prevents or substantially disrupts  
23 any official proceeding or any meeting, ceremony, procession or  
24 other official gathering of the National Government of the  
25 Federated States of Micronesia, he:

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1 (a) does any act which physically obstructs or  
2 interferes with the gathering; or

3 (b) engages in fighting or in violent behavior; or

4 (c) addresses abusive language to any person present,  
5 which is likely to provoke a violent response; or

6 (d) creates a hazardous or physically offensive .  
7 condition by any act which is not performed under any authorized  
8 license or permit.

9 (2) A person convicted under this Section shall be punished  
10 by imprisonment for not more than 1 year. "

11 Section 7. Section 521 of Public Law No. 1-134 is hereby amended to  
12 read as follows:

13 "Section 521. Official Oppression.

14 (1) A person acting or purporting to act in an official  
15 capacity on behalf of the Federated States of Micronesia, or  
16 taking advantage of such actual or purported capacity, commits an  
17 offense if, knowing that his conduct is illegal, he:

18 (a) subjects another to arrest, detention, search,  
19 seizure, mistreatment, dispossession, assessment, lien or other  
20 infringement of personal or property rights; or

21 (b) denies or impedes another in the exercise or  
22 enjoyment of any right, privilege, power or immunity.

23 (2) A person convicted under this Section shall be punished  
24 by imprisonment for not more than 1 3 year years. "

25 Section 8. Section 522 of Public Law No. 1-134 is hereby amended to

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1 read as follows:

2 "Section 522. Speculating or Wagering on Official Action or  
3 Information.

4 (1) A public servant commits an offense if, in contemplation  
5 of official action by himself or by a governmental unit with  
6 which he is associated, or in reliance on information to which he  
7 has access in his official capacity and which has not been made  
8 public, he:

9 (a) acquires a pecuniary interest in any property,  
10 transaction or enterprise which may be affected by such  
11 information or official action; or

12 (b) speculates or wagers on the basis of such  
13 information or official action; or

14 (c) aids another to do any of the foregoing.

15 (2) A person convicted under this Section shall be  
16 punished by imprisonment for not more than 13 ~~year~~ years."

17 Section 9. Section 532 of Public Law No. 1-134 is hereby amended to  
18 read as follows:

19 "Section 532. Threats and Other Improper Influence in Official  
20 and Political Matters.

21 (1) A person commits an offense if he:

22 (a) threatens unlawful harm to any person with purpose  
23 to influence his decision, opinion, recommendation, vote in any  
24 election, referendum or plebiscite of the Federated States of  
25 Micronesia; or



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1 (b) threatens harm to any public servant with purpose  
2 to influence his decision, opinion, recommendation, vote or other  
3 exercise of discretion in a judicial or administrative proceeding;  
4 or

5 (c) threatens harm to any public servant with purpose  
6 to influence him to violate his known legal duty; or

7 (d) privately addresses to any public servant who has  
8 or will have an official discretion in a judicial or administrative  
9 proceeding any representation, entreaty, argument or other  
10 communication with purpose to influence the outcome on the basis  
11 of considerations other than those authorized by law.

12 (2) It is no defense to prosecution under this Section that  
13 a person whom the defendant sought to influence was not qualified  
14 to act in the desired way, whether because he had not yet assumed  
15 office, or lacked jurisdiction, or for any other reason.

16 (3) A person convicted under this Section shall be punished:

17 (a) by imprisonment for not more than 5 years if the  
18 defendant threatened to commit a crime or made a threat with  
19 purpose to influence a judicial or administrative proceeding;

20 (b) otherwise, by imprisonment for not more than 1  
21 3 year years."

22 Section 10. Section 533 of Public Law No. 1-134 is hereby amended to  
23 read as follows:

24 "Section 533. Retaliation for Past Official Action.

25 (1) A person commits an offense if he harms another by any

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1 unlawful act in retaliation for anything lawfully done by the  
2 latter in the capacity of public servant.

3 (2) A person convicted under this Section shall be punished  
4 by imprisonment for not more than ~~1~~ 3 year years."

5 Section 11. Section 534 of Public Law No. 1-134 is hereby amended  
6 to read as follows:

7 "Section 534. Gifts to Public Servants by Persons Subject to  
8 Their Jurisdiction.

9 (1) Regulatory and Law Enforcement Officials. A public  
10 servant in any department or agency exercising regulatory  
11 functions, or conducting inspections or investigations, or  
12 carrying on civil or criminal litigation on behalf of the  
13 government, or having custody of prisoners, commits an offense if  
14 he solicits, accepts, or agrees to accept any pecuniary benefit  
15 from a person known to be subject to such regulation, inspection,  
16 investigation or custody, or against whom such litigation is known  
17 to be pending or contemplated.

18 (2) Officials Concerned with Government Contracts and  
19 Pecuniary Transactions. A public servant having any discretionary  
20 function to perform in connection with contracts, purchases,  
21 payments, claims or other pecuniary transactions of the Government  
22 commits an offense if he solicits, accepts or agrees to accept  
23 any pecuniary benefit from any person known to be interested in  
24 or likely to become interested in any such contract, purchase,  
25 payment, claim or transaction.

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1                   (3) Judicial and Administrative Officials. A public servant  
2                   having judicial or administrative authority and a public servant  
3                   employed by or in a court or other tribunal having such authority,  
4                   or participating in the enforcement of its decisions, commits an  
5                   offense if he solicits, accepts, or agrees to accept any pecuniary  
6                   benefit from a person known to be interested in or likely to  
7                   become interested in any matter before such public servant or a  
8                   tribunal with which he is associated.

9                   (4) ~~LEGISLATIVE~~ Legislative Officials. A public servant  
10                  who is a member of ~~the Congress~~ any legislative body of the  
11                  Federated States of Micronesia, or who is employed by the Congress  
12                  or by any committee or agency thereof, commits an offense if he  
13                  solicits, accepts or agrees to accept any pecuniary benefit from  
14                  any person known to be interested in a bill, transaction or  
15                  proceeding, pending or contemplated, before the Congress or any  
16                  committee or agency thereof.

17                  (5) Exceptions. This Section shall not apply to:

18                         (a) fees prescribed by law to be received by a public  
19                         servant or any other benefit for which the recipient gives  
20                         legitimate consideration or to which he is otherwise legally  
21                         entitled; or

22                         (b) gifts or other benefits conferred on account of  
23                         custom, tradition, kinship or other personal, professional or  
24                         business relationship independent of the official status of the  
25                         receiver; or

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1 (c) trivial benefits incidental to personal,  
2 professional or business contacts and involving no substantial  
3 risk of undermining official impartiality.

4 (6) Offering Benefits Prohibited. A person commits an  
5 offense if he knowingly confers, or offers or agrees to confer,  
6 any benefit prohibited in this Section.

7 (7) Penalty. A person convicted under this Section shall be  
8 punished by imprisonment for not more than ~~1~~ 3 year years."

9 Section 12. Section 535 of Public Law No.1-134 is hereby amended to  
10 read as follows:

11 "Section 535. Compensating Public Servant for Assisting Private  
12 Interests in Relation to Matters Before Him.

13 (1) Receiving Compensation. A public servant commits an  
14 offense if he solicits, accepts or agrees to accept compensation  
15 for advice or other assistance in preparing or promoting a bill,  
16 contract, claim, or other transaction or proposal as to which he  
17 knows that he has or is likely to have an official discretion  
18 to exercise.

19 (2) Paying Compensation. A person commits an offense if  
20 he pays or offers or agrees to pay compensation to a public  
21 servant with knowledge that acceptance by the public servant  
22 is unlawful.

23 (3) Penalty. A person convicted under this Section shall  
24 be punished by imprisonment for not more than ~~1~~ 3 year  
25 years. "

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1 Section 13. Section 536 of Public Law No. 1-134 is hereby amended to  
2 read as follows:

3 "Section 536. Selling Political Endorsement; Special Influence.

4 (1) Selling Political Endorsement. A person commits an  
5 offense if he solicits, receives, agrees to receive, or agrees  
6 that any other person shall receive, any pecuniary benefit as  
7 consideration for approval or disapproval of an appointment or  
8 advancement in public service, or for approval or disapproval of  
9 any person or transaction for any benefit conferred by an official  
10 or agency of government. "Approval" includes recommendation,  
11 failure to disapprove, or any other manifestation of favor or  
12 acquiescence. "Disapproval" includes failure to approve, or  
13 any other manifestation of disfavor or nonacquiescence.

14 (2) Other Trading in Special Influence. A person commits  
15 an offense if he solicits, receives or agrees to receive any  
16 pecuniary benefit as consideration for exerting special influence  
17 upon a public servant or procuring another to do so.  
18 "Special influence" means power to influence through kinship,  
19 friendship or other relationship, apart from the merits of the  
20 transaction.

21 (3) Paying for Endorsement or Special Influence. A person  
22 commits an offense if he offers, confers or agrees to confer any  
23 pecuniary benefit receipt of which is prohibited by this Section.

24 (4) Penalty. A person convicted under this Section shall be  
25 punished by imprisonment for not more than 7 3 year years."

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1 Section 14. Section 552 of Public Law No. 1-134 is hereby amended  
2 to read as follows:

3 "Section 552. False Swearing in Official Matters.

4 (1) A person commits the offense of false swearing  
5 if:

6 (a) he makes a false statement under oath or  
7 equivalent affirmation, or swears or affirms the truth of  
8 such a statement previously made, when he does not believe the  
9 statement to be true, and:

10 (i) the falsification occurs in an official  
11 proceeding; or

12 (ii) the falsification is intended to  
13 mislead a public servant in performing his official  
14 function; or

15 (b) he makes a false statement under oath or  
16 equivalent affirmation, or swears or affirms the truth of  
17 such a statement previously made, when he does not believe  
18 the statement to be true and the statement is one which is  
19 required by statute or regulation of the Federated States of  
20 Micronesia to be sworn or affirmed before a notary or other  
21 person authorized to administer oaths.

22 (2) A person convicted of false swearing shall be punished by  
23 imprisonment for not more than 3 year years."

24 Section 15. Section 553 of Public Law No. 1-134 is hereby amended  
25 to read as follows:

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1 "Section 553. Unsworn Falsification to Authorities.

2 (1) In General. A person commits the offense of  
3 falsification if, with purpose to mislead a public  
4 servant in performing his official function, he:

5 (a) makes any written false statement which  
6 he does not believe to be true; or

7 (b) purposely creates a false impression in a  
8 written application for any pecuniary or other benefit,  
9 by omitting information necessary to prevent statements  
10 therein from being misleading; or

11 (c) submits or invites reliance on any writing  
12 which he knows to be forged, altered or otherwise lacking  
13 in authenticity; or

14 (d) submits or invites reliance on any sample,  
15 specimen, map, boundary-mark, or other object which he knows  
16 to be false.

17 (2) Statements "Under Penalty". A person commits  
18 the offense of falsification if he makes a written false  
19 statement which he does not believe to be true, on or  
20 pursuant to a form bearing notice, authorized by statute  
21 or regulation of the Federated States of Micronesia, to  
22 the effect that false statements made therein are punishable.

23 (3) Penalty. A person convicted under this  
24 Section shall be punished by imprisonment for not more  
25 than 3 year years."

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1 Section 16. Section 555 of Public Law No. 1-134 is hereby amended to  
2 read as follows:

3 "Section 555. Tampering with Witnesses and Informants.

4 (1) Tampering. A person commits an offense if, believing  
5 that an official proceeding or investigation is pending or about  
6 to be instituted, he attempts to induce or otherwise cause a  
7 witness or informant to:

8 (a) testify or inform falsely; or

9 (b) withhold any testimony, information, document  
10 or thing; or

11 (c) elude legal process summoning him to testify or  
12 supply evidence; or

13 (d) absent himself from any proceeding or investigation  
14 to which he has been legally summoned.

15 (2) Penalty. A person convicted under Subsection (1) of  
16 this Section shall be punished:

17 (a) if the defendant uses force, deception, threat or  
18 offer of pecuniary benefit, by imprisonment for not more than  
19 5 years;

20 (b) otherwise, by imprisonment for not more than 7 3  
21 year years.

22 (3) Witness or Informant Taking Bribe. A person commits an  
23 offense if he solicits, accepts or agrees to accept any benefit  
24 in consideration of his doing any of the things specified in  
25 Subsection (1) of this Section.



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1 (4) Penalty. A person convicted under Subsection (3) of this  
2 Section shall be punished by imprisonment for not more than 5 years."

3 Section 17. Section 556 of Public Law No. 1-134 is hereby amended to  
4 read as follows:

5 "Section 556. Retaliation Against Witness or Informant.

6 (1) A person commits an offense if he harms another  
7 by any unlawful act in retaliation for anything lawfully done  
8 in the capacity of witness or informant.

9 (2) A person convicted under this Section shall be  
10 punished by imprisonment for not more than ~~7~~ 3 year years."

11 Section 18. Section 557 of Public Law No. 1-134 is hereby amended to  
12 read as follows:

13 "Section 557. Tampering With or Fabricating Physical Evidence.

14 (1) A person commits an offense if, believing that an official  
15 proceeding or investigation is pending or about to be instituted,  
16 he:

17 (a) alters, destroys, conceals or removes any record,  
18 document or thing with purpose to impair its verity or  
19 availability in such proceeding or investigation; or

20 (b) makes, presents or uses any record, document or  
21 thing knowing it to be false and with purpose to mislead a public  
22 servant who is or may be engaged in such proceeding or investigation.

23 (2) A person convicted under this Section shall be punished  
24 by imprisonment for not more than ~~7~~ 3 year years."

25 Section 19. Section 558 of Public Law No. 1-134 is hereby amended to

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1 read as follows:

2 "Section 558. Tampering with Public Records or Information.

3 (1) A person commits an offense if he:

4 (a) knowingly makes a false entry in, or false  
5 alteration of, any record, document or thing received or kept by a  
6 public servant, or belonging to the Government of the Federated  
7 States of Micronesia for information or record, or required  
8 by statute or regulation of the Federated States of Micronesia  
9 to be kept by anyone for information of the Government; or

10 (b) makes, presents or uses any record, document or  
11 thing knowing it to be false, and with purpose that it be taken  
12 as a genuine part of information or records referred to in  
13 Paragraph (a); or

14 (c) purposely and unlawfully destroys, conceals,  
15 removes or otherwise impairs the verity or availability of any  
16 such record, document or thing.

17 (2) A person convicted under this Section shall be punished:

18 (a) by imprisonment for not more than 5 years if the  
19 defendant's purpose was to defraud or injure anyone;

20 (b) otherwise, by imprisonment for not more than  
21 3 years."

22 Section 20. Section 559 of Public Law No. 1-134 is hereby amended to  
23 read as follows:

24 "Section 559. Impersonating a Public Servant.

25 (1) A person commits an offense if he falsely pretends

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1 to be a public servant with purpose to induce another to submit  
2 to such pretended official authority or otherwise to act in  
3 reliance upon that pretense to his prejudice.

4 (2) A person convicted under this Section shall be  
5 punished by imprisonment for not more than 3 years."

6 Section 21. Section 601 of Public Law No. 1-134 is hereby amended to  
7 read as follows:

8 "Section 601. Theft Against the Government.

9 (1) Theft. A person commits the offense of theft against  
10 the Government if he commits theft of any funds, property  
11 or service in which the Government of the Federated States of  
12 Micronesia has any legal, equitable or possessory interest,  
13 which shall include, but not be limited to, all tax revenue, all  
14 funds, property or service received by the Federated States of  
15 Micronesia as aid or for any other purpose, all funds, property  
16 or service from the United States of America under a Compact of  
17 Free Association, and any property belonging to a foreign government  
18 or in which a foreign government has any legal, equitable or  
19 possessory interest.

20 (2) Major Crimes Provisions Applicable. The provisions of  
21 Subchapter III of Chapter 9 relating to major crimes, excluding  
22 Subsections (1) and (2) of Section 931, shall apply to all cases of  
23 theft against the Government.

24 (3) Penalty. A person convicted under this Section shall  
25 be punished:

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1 (a) if the value of the property or service is \$5,000  
2 or more, by imprisonment for not more than 10 years; or

3 (b) if the value of the property or service is at least  
4 \$1,000 but less than \$5,000, by imprisonment for not more than 5  
5 years; or

6 (c) if the value of the property or service is ~~at least~~  
7 \$100 but less than \$1,000, by imprisonment for not more than ~~1~~ 3  
8 ~~years~~ years. or

9 (d) if the value of the property or service is at least  
10 \$25 but less than \$100, by imprisonment for not more than 6 months or

11 (e) if the value of the property or service is less than  
12 \$25, by imprisonment for not more than 30 days."

13 Section 22. Section 602 of Public Law No. 1-134 is hereby amended to  
14 read as follows:

15 "Section 602. Criminal Mischief Against the Government.

16 (1) Criminal Mischief. A person commits the offense of  
17 criminal mischief against the Government if he intentionally  
18 or recklessly:

19 (a) causes any damage to property in which the  
20 Government of the Federated States of Micronesia has any legal,  
21 equitable or possessory interest; or

22 (b) causes the Government of the Federated States of  
23 Micronesia by deception or threat, to suffer any loss.

24 (2) Amount Involved. The amount involved in an offense of  
25 criminal mischief shall be deemed to be the highest value, by any

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reasonable standard, of the loss which the defendant caused or attempted to cause. Amounts involved in acts of criminal mischief committed pursuant to one scheme or course of conduct may be aggregated in determining the grade of the offense.

(3) Claim of Right. It is an affirmative defense to prosecution under Subsection (1)(a) of this Section that the defendant:

(a) was unaware that the property was that of another; or

(b) acted under an honest claim of right to dispose of the property as he did.

(4) Penalty. A person convicted under this Section shall be punished:

(a) if the value of the loss is \$5,000 or more, by imprisonment for not more than 10 years; or

(b) if the value of the loss is at least \$1,000 but less than \$5,000, by imprisonment for not more than 5 years; or

(c) if the value of the loss is ~~at least \$100 but~~ less than \$1,000, by imprisonment for not more than ~~1 3 year~~ 3 years, ~~or~~.

~~(d) if the value of the loss is at least \$25 but less than \$100, by imprisonment for not more than 6 months; or~~

~~(e) if the value of the loss is less than \$25, by imprisonment for not more than 30 days.~~

Section 23. Section 603 of Public Law No. 1-134 is hereby amended to read as follows:

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1 "Section 603. Unauthorized Possession or Removal of Government  
 2 Property.

3 (1) Unauthorized Possession or Removal. A person commits  
 4 an offense if, knowing he does not have proper authority, he has  
 5 in his possession or has removed from its location any property,  
 6 wherever situated, in which the Government of the Federated States  
 7 of Micronesia has any legal, equitable or possessory interest.

8 (2) Amount Involved. The amount involved in a violation of  
 9 Subsection (1) of this Section shall be deemed to be the highest  
 10 value, by any reasonable standard, of either the loss to the  
 11 Government or the fair rental value of the property involved.  
 12 Amounts involved in acts of unauthorized possession or removal  
 13 committed pursuant to one scheme or course of conduct may be  
 14 aggregated in determining the grade of the offense.

15 (3) Penalty. A person convicted under this Section shall  
 16 be punished:

17 (a) if the amount involved is \$5,000 or more, by  
 18 imprisonment for not more than 10 years; or

19 (b) if the amount involved is at least \$1,000 but less  
 20 than \$5,000, by imprisonment for not more than 5 years; or

21 (c) if the amount involved is ~~at least \$100 but less than~~  
 22 \$1,000, by imprisonment for not more than ~~1~~ 3 year years. ~~or~~

23 ~~(d) if the amount involved is at least \$25 but less than~~  
 24 ~~\$100, by imprisonment for not more than 3 months or~~

25 ~~(e) if the amount involved is less than \$25, by~~

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1            *imprisonment for not more than 30 days."*

2            Section 24. Section 604 of Public Law No. 1-134 is hereby amended to  
3 read as follows:

4            "Section 604. Trespass on Government Property.

5            (1) A person commits the offense of trespass on government  
6 property if he knowingly enters or remains unlawfully on any  
7 property owned, operated, or controlled by the National Government  
8 of the Federated States of Micronesia.

9            (2) Penalties. A person convicted under this Section  
10 shall be punished:

11            (a) by imprisonment for not more than 1 year if the  
12 defendant entered or remained in any building or structure, or  
13 in any area that is fenced or enclosed in such a manner as to  
14 exclude intruders:

15            (i) at night; or

16            (ii) while in possession of a dangerous weapon;

17            (b) otherwise, by imprisonment for not more than 30 days."

18            Section 25. Section 701 of Public Law No. 1-134 is hereby amended to  
19 read as follows:

20            "Section 701. Deprivation of Rights.

21            (1) Deprivation of Rights. A person commits an offense if,  
22 whether or not acting under color of law, he deprives another of,  
23 or injures, oppresses, threatens, or intimidates another in the  
24 free exercise or enjoyment of, or because of his having so  
25 exercised any right, privilege, or immunity secured to him by the

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1 Constitution or laws of the Federated States of Micronesia, the  
2 laws of the Trust Territory of the Pacific Islands, or the  
3 Constitution or laws of the United States of America which are  
4 applicable to the Federated States of Micronesia.

5 (2) Penalty. A person convicted under this Section shall  
6 be punished by imprisonment for not more than ~~1~~ 3 year years.

7 (3) Civil Liability. A person who deprives another of any  
8 right or privilege protected under this Section shall be civilly  
9 liable to the party injured in an action at law, suit in equity,  
10 or other proper proceeding for redress, without regard to whether  
11 a criminal case has been brought or conviction obtained. In an  
12 action brought under this Section, the court may award costs and  
13 reasonable attorney's fees to the prevailing party."

14 Section 26. Section 702 of Public Law No. 1-134 is hereby amended to  
15 read as follows:

16 "Section 702. Right to Full and Equal Enjoyment of Public  
17 Accommodations.

18 (1) Equal Access. All persons shall be entitled, without  
19 discrimination on the ground of race, color, religion, language,  
20 place of origin or sex, to the full and equal enjoyment of the  
21 goods, services, facilities, privileges, advantages, and  
22 accommodations of:

23 (a) any department, agency, or institution of, or  
24 acting on behalf of, the Federated States of Micronesia; or

25 (b) any public accommodation which affects commerce,



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1 as defined in this Section.

2 (2) Public Accommodation. "Public accommodation" means any  
3 establishment which provides lodging to transient guests for  
4 charge, or any establishment which is engaged in selling food,  
5 beverage or gasoline to the public, or any place of recreation,  
6 amusement, exhibition, sightseeing, or entertainment which is  
7 open to members of the public, or any facility for the public  
8 transportation of persons or goods.

9 (3) Affects Commerce. A public accommodation affects  
10 commerce if:

- 11 (a) it is a place of lodging; or  
12 (b) it serves or offers to serve interstate travelers; or  
13 (c) a substantial portion of the goods or entertainment  
14 it sells or provides has moved in commerce.

15 (4) Commerce. "Commerce" means travel, trade, traffic,  
16 transportation, communication and all other forms of commerce  
17 among the several States, or between any State and any foreign  
18 country or other area outside the Federated States of Micronesia,  
19 or between points in the same State but through any area outside  
20 the State.

21 (5) Limitation. This Section shall not apply to any private  
22 club or other establishment not in fact open to the public,  
23 except to the extent that the facilities of such establishment are  
24 made available to the customers or patrons of an establishment  
25 within the scope of Subsection (1) of this Section.

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1 (6) Offense Defined. A person commits an offense if he:

2 (a) withholds, denies, deprives or attempts to  
3 withhold, deny or deprive any person of any right or privilege  
4 protected under this Section; or

5 (b) intimidates, threatens, coerces or attempts to  
6 intimidate, threaten or coerce any person for the purpose of  
7 interfering with any right or privilege protected under this  
8 Section; or

9 (c) punishes or attempts to punish any person for  
10 exercising or attempting to exercise any right or privilege  
11 protected under this Section.

12 (7) Penalty. A person convicted under this Section shall  
13 be punished by imprisonment for not more than 3 year years.

14 (8) Civil Liability. A person who deprives another of any  
15 right or privilege protected under this Section shall be civilly  
16 liable to the party injured in an action at law, suit in equity,  
17 or other proper proceeding for redress, without regard to whether  
18 a criminal case has been brought or conviction obtained. In an  
19 action brought under this Subsection, the court may award costs and  
20 reasonable attorney's fees to the prevailing party."

21 Section 27. Section 931 of Public Law No. 1-134 is hereby amended  
22 to read as follows:

23 "Section 931. Theft.

24 (1) Theft. A person commits the offense of theft if he commits  
25 theft of property or services in the value of \$1,000 or more.

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1 (2) Penalty. A person convicted of theft under  
2 Subchapter III shall be punished:

3 (a) if the value of the property or service is at  
4 least \$1,000 but less than \$5,000, by imprisonment or not more  
5 than 5 years; or

6 (b) if the value of the property or service is  
7 \$5,000 or more, by imprisonment for not more than 10 years.

8 (3) Amount Involved. The amount involved in a theft shall  
9 be deemed to be the highest value, by any reasonable standard,  
10 of the property or service which the defendant stole or attempted  
11 to steal. Amounts involved in thefts committed pursuant to one  
12 scheme or cause of conduct, whether from the same person or  
13 several persons, may be aggregated in determining whether an  
14 offense has been committed and the grade of the offense.

15 (4) Claim of Right. It is an affirmative defense to  
16 prosecution for theft that the defendant:

17 (a) was unaware that the property or service was that  
18 of another; or

19 (b) acted under an honest claim of right to the  
20 property or service involved or that he had a right to acquire  
21 or dispose of it as he did; or

22 (c) took property exposed for sale, intending to  
23 purchase and pay for it promptly, or reasonably believing  
24 that the owner, if present, would have consented."

25 Section 28. Section 961 of Public Law No. 1-134 is hereby amended to

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1 read as follows:

2 "Section 961. Burglary.

3 (1) Burglary. A person commits the offense of burglary if  
4 he enters a building or occupied structure, or separately occupied  
5 or secured portion thereof, with the purpose to commit any felony,  
6 assault, or larceny therein, unless the premises are at the time  
7 open to the public or the person is licensed or privileged  
8 to enter.

9 (2) Definition. "Occupied structure" means any structure,  
10 vehicle, vessel or place adapted for overnight accommodation of  
11 persons, or for carrying on business therein, whether or not a  
12 person is actually present.

13 (3) Penalty. A person convicted under this Section shall be  
14 punished:

15 (a) by imprisonment for not more than 5 years; or

16 (b) by imprisonment for not more than 10 years if the  
17 defendant or an accomplice inflicts bodily injury on anyone or  
18 is armed with a dangerous weapon.

19 (4) Limitation. A person may not be convicted both for  
20 burglary and the offense which it was his purpose to commit after  
21 the burglarious entry or for an attempt to commit that offense,  
22 unless the additional offense constitutes a felony that is  
23 punishable by a maximum imprisonment of ~~10~~ 5 years or more."

24 Section 29. Section 1001 of Public Law No. 1-134 is hereby amended to  
25 read as follows:

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1 "Section 1001. Fines. A person who has been convicted of a  
2 national offense, in addition to any other punishment authorized  
3 by law, may be sentenced to pay a fine not exceeding:

4 (1) ~~\$100,000~~ \$10,000, when the conviction is for an  
5 offense punishable by a maximum of 10 years imprisonment;

6 (2) \$5,000, when the conviction is for an offense  
7 punishable by a maximum of 5 years imprisonment;

8 (3) \$1,000, when the conviction is for an offense  
9 punishable by a maximum of 1 year imprisonment;

10 (4) \$200, when the conviction is for an offense punishable  
11 by a maximum of 6 months imprisonment;

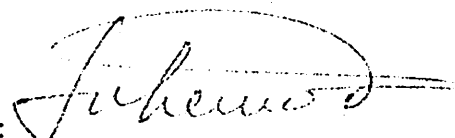
12 (5) \$50, when the conviction is for an offense punishable  
13 by a maximum of 30 days imprisonment;

14 (6) Any higher amount equal to double the pecuniary gain  
15 obtained from the offense by the defendant; or

16 (7) Any higher or lower amount specifically authorized by  
17 statute."

18 Section 30. Effective Date. This act shall become law upon approval  
19 by the President of the Federated States of Micronesia or upon its becoming  
20 law without such approval.

21  
22 Date: 6/5/81

Introduced by:   
Luke Tman  
(By request)

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