

A BILL FOR AN ACT

To amend Public Law No. 3-38, the Postal Crimes Act, and for other purposes.

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

1 Section 1. Section 104 of chapter 1 of Public Law No. 3-38 is
2 hereby amended to read as follows:

3 "Section 104. Foreign mail as Federated States of Micro-
4 nesia mail. All foreign mail, while being transported
5 across the territory of the Federated States of Micro-
6 nesia under authority of law, is mail of the Federated
7 States of Micronesia, and any offense in respect thereto
8 shall be punishable as though it were Federated States
9 of Micronesia mail."

10 Section 2. Public Law No. 3-38 is hereby amended by the
11 addition of a new section 105 to read as follows:

12 "Section 105. Mail carriers. For purposes of this act,
13 any party, person, or business who carries the mail, be it
14 foreign mail or otherwise, as an agent, contractor, or
15 subcontractor to the National Government, shall be deemed
16 a mail carrier and an employee or agent of the National
17 Postal Service."

18 Section 3. Chapter 2 of Public Law No. 3-38 is hereby amended
19 to read as follows:

20 "CHAPTER 2

21 POSTAL CRIMES

22 "Section 201. Carriage of mail generally. Whoever, other
23 than a mail carrier, carries mail, collects, receives, or
24 carries any letter or packet, ~~contrary to law,~~ shall be
25 ~~finned not more than \$100, or imprisoned not more than~~

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C.B. NO. 5-114

1 ~~30 days/ or both~~ violates this section.

2 "Section 202. Carriage of matter out of mail over post
3 routes. Whoever, having charge or control of any
4 conveyance which regularly performs trips for compensation
5 on any post route over which the mail is regularly carried,
6 and who carries any letters or packets, except such as
7 relate to some part of the cargo of such conveyance, or to
8 the current business of the carrier, or to some article
9 carried at the same time by the same conveyance, ~~shall be~~
10 ~~fined not more than \$100~~ violates this section.

11 "Section 203. Private express for letters and packets
12 prohibited.

13 (1) Whoever establishes any private express for the
14 conveyance of letters or packets for compensation, or in
15 any manner causes or provides for the conveyance of the
16 same by regular trips or at stated periods on any post
17 route over which the mail is regularly carried, ~~shall be~~
18 ~~fined not more than \$500/ or imprisoned not more than 6~~
19 ~~months/ or both~~ violates this section. This section shall
20 not prohibit any person from receiving and delivering to
21 the nearest post office or other authorized depository for
22 mail, matter properly stamped.

23 (2) Whoever transmits by private express, or delivers
24 to any agent thereof, or deposits at any appointed place,
25 for the purpose of being so transmitted, any letter or

1 packet, ~~shall be fined not more than \$100~~ violates this
2 section.

3 (3) This section shall not prohibit the conveyance
4 or transmission of letters or packets by private hands
5 without compensation or by special messenger employed
6 for the particular occasion only.

7 "Section 204. Transportation of persons acting as private
8 express. Whoever, having charge or control of any
9 conveyance, knowingly conveys or permits the conveyance
10 ~~of~~ by any person acting or employed as a private express
11 for the conveyance of letters or packets for compensation,
12 and actually in possession of the same for the purpose
13 of conveying them contrary to law, ~~shall be fined not more~~
14 ~~than \$200~~ violates this section.

15 "Section 205. Post office conducted without authority.
16 Whoever, without authority from the Postal Service, sets up
17 or establishes any office or place of business bearing the
18 sign, name, or title of post office, ~~shall be fined not~~
19 ~~more than \$500~~ violates this section.

20 "Section 206. Prompt delivery of mail. Whoever, having
21 charge or control of delivering mail to the postmaster or
22 post office, intentionally or knowingly fails to ~~so~~ deliver
23 ~~that mail~~ all letters and packages within his power or
24 control, addressed to or destined for the postmaster or
25 post office within 3 hours after its arrival, if received

1 during business hours, and or if received after business
2 hours, within 2 hours after the next opening of business,
3 all letters and packages within his power of control,
4 addressed to or destined for the postmaster of post
5 office, shall be fined not more than \$200 violates this
6 section.

7 "Section 207. Desertion of mails. Whoever, having taken
8 charge of any mail, voluntarily quits or deserts the same
9 before he has delivered it to the post office or to a
10 Postal Service employee or official authorized to receive
11 the same, shall be fined not more than \$300, or imprisoned
12 not more than 1 year, or both violates this section.

13 "Section 208. Obstruction of mails generally. Whoever
14 knowingly and willfully obstructs or retards the passage
15 of the mail or any carrier or conveyance carrying the mail,
16 shall be fined not more than \$200, or imprisoned not more
17 than 6 months, or both violates this section.

18 "Section 209. Obstruction of correspondence. Whoever
19 takes any article or mail out of any post office or any
20 authorized depository for mail matter, or from any mail
21 carrier, or which has been in any post office or authorized
22 depository or in the custody of any mail carrier, before it
23 has been delivered to the person to whom it was directed,
24 with design to obstruct the correspondence or to pry into
25 the business or secrets of another, or opens, secrets,

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1 embezzles, or destroys the same, ~~shall be fined not more~~
2 ~~than \$2,000, or imprisoned not more than 3 years, or both~~
3 violates this section.

4 "Section 210. Delay or destruction of mail. Whoever,
5 being a Postal Service officer, ~~or~~ employee, or their
6 agent, unlawfully secrets, destroys, detains, delays, or
7 opens any article of mail entrusted to him or which shall
8 come into his possession, and which was intended to be
9 conveyed by mail, ~~shall be fined not more than \$500, or~~
10 ~~imprisoned not more than 3 years, or both~~ violates this section.

11 "Section 211. Keys or locks stolen or reproduced.

12 (1) Whoever steals, embezzles, or obtains by false
13 pretense any key suited to any lock adopted by the Postal
14 Service and in use on any of the mails or bags thereof,
15 or any key to any authorized receptacle for the deposit
16 or delivery of mail matter; or

17 (2) Whoever knowingly and unlawfully makes, forges,
18 or counterfeits any such key or possesses any such mail
19 lock or key with the intent unlawfully or improperly to
20 use, sell, or otherwise dispose of the same, or to cause
21 the same to be unlawfully or improperly used, sold, or
22 otherwise disposed of; or

23 (3) Whoever, being engaged as a contractor or
24 otherwise in the manufacture of any such mail lock or
25 key, delivers any lock or part thereof, or key, used or

1 designed for use by the Postal Service, to any person not
2 duly authorized by the Postal Service to receive the same,
3 ~~unless the person receiving it is the contractor or his~~
4 ~~agent for furnishing the same or engaged in the manufacture~~
5 ~~thereof as authorized by the contract shall be fined not~~
6 ~~more than \$500, or imprisoned not more than 3 years, or~~
7 ~~both~~ violates this section.

8 "Section 212. Destruction of letter boxes or mail.

9 Whoever willfully or maliciously injures, tears down, or
10 destroys any letter box or other receptacle intended or
11 used for the receipt or delivery of mail, or breaks open
12 the same or willfully or maliciously injures, defaces, or
13 destroys any mail deposited therein, ~~shall be fined not~~
14 ~~more than \$1,000, or imprisoned not more than 3 years, or~~
15 ~~both~~ violates this section.

16 "Section 213. Damage to mail bags. Whoever tears, cuts,
17 or otherwise damages any mail bag, pouch, or other things
18 used or designed for use in the conveyance of the mail,
19 with intent to ~~rob or steal~~ remove any such mail or to
20 render the same insecure, contrary to law, ~~shall be fined~~
21 ~~not more than \$1,000, or imprisoned not more than 3 years,~~
22 ~~or both~~ violates this section.

23 "Section 214. Theft of property used by Postal Service.

24 Whoever steals or embezzles any property used by the Postal
25 Service or appropriates any such property to his own or

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C.B. NO. 5-114

1 any other than its proper use, or conveys away such
2 property to the hindrance or detriment of the ~~public~~
3 Postal Service, shall be fined not ~~more~~ less than
4 ~~\$1,000~~ 3,000, or imprisoned not ~~more~~ less than 3 years,
5 or both; but if the value of such property does not exceed
6 \$100, he shall be fined not ~~more~~ less than ~~\$300~~ 1,000, or
7 imprisoned not ~~more~~ less than 1 year, or both.

8 "Section 215. Theft of mail matter generally. Whoever
9 steals, destroys, or otherwise unlawfully takes any
10 article of mail from a post office, a Postal Service
11 officer, employee, or their agent, or any authorized mail
12 receptacle or locale, ~~shall be fined not more than~~
13 ~~\$2,000, or imprisoned not more than 3 years, or both~~
14 violates this section.

15 "Section 216. Receipt of stolen mail matter generally.
16 Whoever buys, receives, conceals, or unlawfully possesses
17 any article of mail which has been stolen or otherwise
18 unlawfully taken, knowing the same to have been ~~stolen or~~
19 ~~otherwise~~ unlawfully taken, ~~shall be fined not more than~~
20 ~~\$1,000, or imprisoned not more than 3 years, or both~~
21 violates this section.

22 "Section 217. Theft of mail matter by officer or employee.
23 Whoever, being a Postal Service officer, ~~or~~ employee,
24 or their agent, embezzles any article of mail entrusted to
25 him or which comes into his possession intended to be

1 conveyed by mail, or steals or removes any of the contents
2 of a parcel intended to be conveyed by mail, ~~shall be~~
3 ~~fined not more than \$2,000, or imprisoned not more than 3~~
4 ~~years, or both~~ violates this section.

5 "Section 218. Misappropriation of postal funds. Whoever,
6 being a Postal Service officer, ~~or~~ employee, or their agent,
7 loans, uses, pledges, or converts to his own use, or to
8 the use of any third party, except as authorized by law,
9 any money or property coming under his control ~~in the~~
10 ~~execution~~ or under control of his office, employment, or
11 service is guilty of embezzlement and shall be fined not
12 more than \$5,000, or ~~in~~ a sum equal to the amount or
13 value of the money or property embezzled, or imprisoned
14 not ~~more~~ less than 5 years, or both; but if the amount
15 or value thereof does not exceed \$100, he shall be fined
16 not ~~more~~ less than \$1,000, or imprisoned not ~~more~~ less than
17 1 year, or both.

18 "Section 219. Falsification of postal returns to increase
19 compensation. Whoever, being a Postal Service officer, ~~or~~
20 employee, or their agent, makes a false return, statement,
21 or account to any officer of the Federated States of
22 Micronesia, or makes a false entry in any record book or
23 account required by law to be kept ~~in~~ respect to the
24 business or operations of any post office, for the
25 purpose of fraudulently increasing his compensation or

1 the compensation of any officer, or employee, or agent
2 of the Postal Service, shall be fined not more than \$500,
3 or imprisoned not more than 1 year, or both violates this section.

4 "Section 220. Issuance of money orders without payment.

5 Whoever, being an officer, or employee, or their agent,
6 of the Postal Service, issues a money order without
7 having previously received the money therefor, shall be
8 fined not more than \$500 violates this section. Postal
9 money orders shall not be issued in denominations exceeding
10 the sum of \$100.

11 "Section 221. Use of mails in commission of fraud.

12 Whoever shall intentionally or knowingly use the mails or
13 the mail system to facilitate commission of a theft, a
14 fraud, or any other criminal act as defined by title 11 of
15 the Code of the Federated States of Micronesia, violates
16 this section.

17 "Section ~~221~~ 222. Firearms as nonmailables.

18 (1) Firearms or ammunition are nonmailable and shall
19 not be deposited in or carried by the mails or delivered
20 by any officer or employee of the Postal Service; PROVIDED
21 that firearms or ammunition may be conveyed in the mails,
22 under such regulations as the Postal Service may prescribe,
23 to State or National law enforcement officers, or to such
24 others as the Postal Service, by regulation, may allow.

25 (2) For purposes of this section, 'firearm' means any

1 device, by whatever name known, which is designed or may
2 be converted to expel or hurl a projectile or projectiles
3 by the action of an explosion, a release, or an expansion
4 of gas, including, but not limited to, guns, but
5 excepting a devices designed or redesigned for use solely
6 as a signaling, line throwing, spearfishing, or industrial devices.

7 (3) Whoever knowingly deposits for mailing or
8 delivery, or knowingly causes to be delivered by mail, any
9 firearm declared nonmailable by this section shall be
10 fined not ~~more~~ less than \$1,000, or imprisoned not ~~more~~
11 less than 2 years, or both.

12 "Section ~~222~~ 223. Injurious articles as nonmailable.

13 (1) All kinds of poison, and all articles and
14 compositions containing poison, and all poisonous animals,
15 insects, reptiles, and all explosives, inflammable
16 materials, and mechanical, chemical, or other devices or
17 compositions which may ignite or explode, and all disease
18 germs or scabs, and all other natural or artificial
19 articles, compositions, or material which may kill or
20 injure another, or injure the mails or other property,
21 including radioactive materials, are nonmailable matter
22 and shall not be conveyed in the mails or delivered from
23 any post office or station thereof, nor by any officer or
24 employee of the Postal Service or their agent.

25 (2) The Postal Service may permit the transmission

1 in the mails, under such rules and regulations as it shall
2 prescribe as to preparation and packing, of any such
3 articles which are not outwardly or of their own force
4 dangerous or injurious to life, health, or property.

5 (3) The transmission in the mails of poisonous drugs
6 and medicines may be limited by the Postal Service to
7 shipments of such articles from the manufacturer thereof
8 or dealer therein to hospitals and to licensed physicians,
9 surgeons, dentists, pharmacists, and veterinarians under
10 such rules and regulations as it shall prescribe.

11 (4) All spirituous, vinous, malted, fermented, or
12 other intoxicating liquors of any kind are nonmailable and
13 shall not be deposited in or carried through the mails.

14 (5) All knives having a blade which opens
15 automatically:

16 (a) By hand pressure applied to a button or
17 other device in the handle of the knife, or

18 (b) By operation of inertia, gravity, or both,
19 are nonmailable and shall not be deposited in or carried
20 by the mails or delivered by any officer or employee of
21 the Postal Service.

22 (6) Whoever knowingly deposits for mailing or
23 delivery, or knowingly causes to be delivered by mail,
24 *according to the direction thereon, or at any place at*
25 *which it is directed to be delivered by the person to whom*

1 ~~it is addressed,~~ anything declared nonmailable by this
2 section, unless in accordance with ~~the~~ rules and
3 regulations ~~authorized to be~~ prescribed by the Postmaster
4 General, shall be fined not ~~more~~ less than \$1,000, or
5 imprisoned not ~~more~~ less than ~~one~~ 1 year, or both.

6 (7) Whoever knowingly deposits for mailing or
7 delivery, or knowingly causes to be delivered by mail,
8 ~~according to the direction thereon, or at any place to~~
9 ~~which it is directed to be delivered by the person to whom~~
10 ~~it is addressed,~~ anything declared nonmailable by this
11 section, whether or not transmitted in accordance with
12 ~~the~~ rules and regulations ~~authorized to be~~ prescribed by
13 the Postmaster General, with intent to kill or injure
14 another, or injure the mails or other property, shall
15 be fined not ~~more~~ less than \$10,000, or imprisoned not
16 ~~more~~ less than 20 years, or both.

17 (8) Whoever is convicted of any crime prohibited
18 by this section, which has resulted in the death of any
19 person, shall be subject also to imprisonment for life,
20 if the terms of title 11, section 911, of the Code of the
21 Federated States of Micronesia are met, and if the Court
22 shall in its discretion so direct.

23 (9) Until the regulations referred to in this
24 section and the preceding section have been promulgated by
25 the appropriate authority, it shall be a violation of this

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1 act to mail any firearm, ammunition, or injurious article,
 2 which violation shall be punishable by a fine of not less
 3 than \$1,000, or imprisonment for not less than 1 year, or
 4 both. Upon promulgation by the proper authority of
 5 appropriate regulations allowing for the exceptions as
 6 outlined above, this section shall be void.

7 "Section ~~223~~ 224. Canceled stamps and envelopes.

8 ~~(1) Whoever uses or attempts to use in payment of~~
 9 ~~postage any canceled postage stamp, or~~

10 (21) Whoever removes, attempts to remove, or assists
 11 in removing the canceling or defacing marks from any
 12 postage stamp or the superscription from any stamped
 13 envelope, package, or postal card that has once been used
 14 in payment of postage with the intent to use the same for
 15 a like purpose; or

16 (32) Whoever knowingly sells or offers to sell the
 17 same; or

18 (43) Whoever knowingly possesses any such postage
 19 stamp, stamped envelope, package, or postal card with
 20 intent to use the same; or

21 ~~(5) Whoever knowingly sells or offers to sell any~~
 22 ~~such postage stamp, stamped envelope, package, or postal~~
 23 ~~card, or~~

24 (6) ~~Whoever uses or attempts to use the same in~~
 25 ~~payment of postage, or~~

1 (74) Whoever unlawfully and willfully removes
2 from any mail matter any stamp attached thereto in
3 payment of postage; or

4 (85) Whoever knowingly uses in payment of postage any
5 postage stamp, postal card, postal package, or stamped
6 envelope, issued in pursuance of law, which has already
7 been used for a like purpose, ~~shall be fined not more than~~
8 ~~\$500, or imprisoned not more than 1 year, or both, but if~~
9 ~~he is a person employed in the Postal Service, he shall be~~
10 ~~fined not more than \$500, or imprisoned not more than 3~~
11 ~~years, or both~~ violates this section.

12 "Section ~~224~~ 225. Sale or pledge of stamps. Whoever, being
13 a Postal Service officer, ~~or~~ employee, or their agent,
14 knowingly and willfully:

15 (1) Uses or disposes of postage stamps, stamped
16 envelopes, or postal cards entrusted to his care or
17 custody in the payment of debts or in the purchase of
18 merchandise or other salable articles, or sells or
19 disposes of them except for cash in the normal course of
20 postal business; or

21 (2) Sells or disposes of postage stamps or postal
22 cards for any larger or less sum than the values indicated
23 on their faces; or

24 (3) Sells or disposes of stamped envelopes for a
25 larger or less sum than is charged therefor by the

1 Postal Service for like quantities; or

2 (4) Sells or disposes of postage stamps, stamped
3 envelopes, or postal cards at any point or place outside
4 ~~of the delivery~~ of the office where such officer, ~~or~~
5 employee, or their agent is employed; or

6 (5) Inflates or induces the inflation of the receipts
7 of any post office for the purpose of increasing the
8 emoluments or compensation of any Postal Service officer,
9 ~~or employee~~, or their agent; or

10 (6) Sells or disposes of postage stamps, stamped
11 envelopes, or postal cards otherwise than as provided by
12 law or regulations, ~~shall be fined not more than \$500, or~~
13 ~~imprisoned not more than 1 year, or both~~ violates this section.

14 "Section 225 226. False evidence to secure second lower
15 class rate. Whoever knowingly submits to any officer,
16 ~~or employee~~, or agent of the Postal Service, any false
17 evidence relative to any form or publication, for the
18 purpose of securing the ~~admission thereof at the second~~
19 ~~class delivery via the mail of any article at a reduced~~
20 postage rate, for transportation in the mails shall be
21 fined not more than \$500 violates this section.

22 "Section 226 227. Avoidance of postage by using lower
23 class matter.

24 (1) Matter of the ~~second, third, or fourth class~~
25 a lower rate classification containing any writing or

1 printing in addition to the original matter, other than
2 as authorized by law, shall not be admitted to the mails,
3 nor delivered, except upon payment of postage for matter of
4 the ~~first class~~ highest postage rate classification,
5 Unless by direction of a duly authorized officer of the
6 Postal Service, such postage shall be remitted.

7 (2) Whoever knowingly conceals or encloses any matter
8 of a higher class postage rate in that of a lower class
9 postage rate and deposits the same for conveyance by mail
10 at a lower rate than would be charged for such higher class
11 matter, ~~shall be fined not more than \$100~~ violates this
12 section.

13 "Section ~~227~~ 228. Postage unpaid on deposited mail matter.
14 Whoever knowingly and willfully deposits any mailable
15 matter on which no postage has been paid, in any receptacle
16 established, approved, or accepted by the Postal Service
17 for the receipt or delivery of mail matter, with intent
18 to avoid payment of lawful postage thereon, ~~shall for each~~
19 ~~such offense be fined not more than \$300~~ violates this
20 section.

21 "Section ~~228~~ 229. Postage collected unlawfully. Whoever,
22 being a Postal Service officer, ~~or~~ employee, or their agent,
23 authorized to receive the postage of mail matter, fraud-
24 ulently demands or receives any rate of postage or gratuity
25 or reward other than is provided by law for the postage

1 of such mail matter, shall be fined not more than \$100,
2 of imprisoned not more than 6 months, or both violates
3 this section.

4 "Section 230. Punishments established.

5 (1) Any person convicted of violating section 201,
6 202, 227, or 229 of this act, shall be fined not less than
7 \$100, or imprisoned not less than 30 days, or both.

8 (2) Any person convicted of violating section 204,
9 206, 208, 220, or 224 of this act, shall be fined not less
10 than \$500, or imprisoned not less than 6 months, or both.

11 (3) Any person convicted of violating section 203,
12 205, 207, 210, 211, 219, 225, or 226 of this act, shall be
13 fined not less than \$1,000, or imprisoned not less than
14 1 year, or both.

15 (4) Any person convicted of violating section 209,
16 212, 213, 215, 216, 217, or 222 of this act, shall be fined
17 not less than \$2,000, or imprisoned not less than 2 years,
18 or both."

19 Section 4. This act shall become law upon approval by the
20 President of the Federated States of Micronesia or upon its
21 becoming law without such approval.

22
23 Date: 7/23/87

Introduced by:

Jack Fritz