

## AN ACT

To amend Public Law No. 3-38, the Postal Crimes Act, codified as sections 201 through 204 and 207 through 234 of title 39 of the Code of the Federated States of Micronesia, by amending sections 206 and 222, codified as sections 212 and 228 of title 39 of the Code of the Federated States of Micronesia; by adding new sections 235 through 245 of title 39 of the Code of the Federated States of Micronesia; and for other purposes.

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

1       Section 1. Section 212 of title 39 of the Code of the Federated  
2 States of Micronesia is hereby amended to read as follows:

3               "Section 212. Prompt delivery of mail.

4               (1) Whoever, having charge or control of delivering  
5 mail from an arriving vessel to the Postmaster or Post  
6 Office, fails to so deliver that mail, including all  
7 letters and packages within his power or control addressed  
8 to or destined for the Postmaster or Post Office, within  
9 three hours after it is available for such delivery, shall  
10 be fined not more than \$200.

11              (2) Whoever, having charge or control of delivering  
12 mail from an arriving aircraft to the Postmaster or Post  
13 Office, fails to so deliver that mail, including all  
14 letters and packages within his power or control addressed  
15 to or destined for the Postmaster or Post Office, within  
16 one hour after it is available for such delivery, shall  
17 be fined not more than \$200.

18              (3) Whoever, having charge or control of delivering  
19 mail from an arriving vessel or aircraft to the Post-  
20 master or Post Office, or from the Postmaster or Post  
21 Office to a vessel or aircraft, engages in an  
22 unnecessary detour from the delivery route, shall be



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1            fined not more than \$200."

2            Section 2. Section 228 of title 39 of the Code of the Federated  
3 States of Micronesia is hereby amended to read as follows:

4            "Section 228. Injurious articles as nonmailable.

5            (1) All kinds of poison, and all articles and  
6 compositions containing poison, and controlled substances  
7 as defined in subsection (3) of section 1112 of title 11  
8 of this Code, and all poisonous animals, insects, reptiles,  
9 and all explosives, inflammable materials, and mechanical,  
10 chemical, or other devices or compositions which may  
11 ignite or explode, and all disease germs or scabs, and all  
12 other natural or artificial articles, compositions, or  
13 material which may kill or injure another, or injure the  
14 mails or other property, are nonmailable matter and shall  
15 not be conveyed in the mails or delivered from any post  
16 office or station thereof, nor by any officer or employee  
17 of the Postal Service.

18            (2) The Postal Service may permit the transmission  
19 in the mails, under such rules and regulations as it shall  
20 prescribe as to preparation and packing, of any such  
21 articles which are not outwardly or of their own force  
22 dangerous or injurious to life, health, or property.

23            (3) The transmission in the mails of poisonous  
24 drugs and medicines and controlled substances may be  
25 limited by the Postal Service to shipments of such



1 articles from the manufacturer thereof or dealer therein  
2 to licensed physicians, surgeons, dentists, pharmacists,  
3 and veterinarians under such rules and regulations as it  
4 shall prescribe.

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

8 (5) All knives having a blade which opens auto-  
9 matically (a) by hand pressure applied to a button or  
10 other device in the handle of the knife, or (b) by  
11 operation of inertia, gravity, or both, are nonmailable  
12 and shall not be deposited in or carried by the mails or  
13 delivered by any officer or employee of the Postal Service.

14 (6) Whoever knowingly deposits for mailing or  
15 delivery, or knowingly causes to be delivered by mail,  
16 according to the direction thereon, or at any place at  
17 which it is directed to be delivered by the person to  
18 whom it is addressed, anything declared nonmailable by  
19 this section, unless in accordance with the rules  
20 and regulations authorized to be prescribed by the  
21 Postmaster General, shall be fined not more than \$1,000, or  
22 imprisoned not more than one year, or both.

23 (7) Whoever knowingly deposits for mailing or  
24 delivery, or knowingly causes to be delivered by mail,  
25 according to the direction thereon, or at any place to

1           which it is directed to be delivered by the person to  
2           whom it is addressed, anything declared nonmailable by  
3           this section, whether or not transmitted in accordance  
4           with the rules and regulations authorized to be  
5           prescribed by the Postmaster General, with intent to kill  
6           or injure another, or injure the mails or other property,  
7           shall be fined not more than \$10,000, or imprisoned not  
8           more than twenty years, or both.

9           (8) Whoever is convicted of any crime prohibited by  
10          this section, which has resulted in the death of any  
11          person, shall be subject also to imprisonment for life,  
12          if the Court in its discretion so directs."

13          Section 3. Title 39 of the Code of the Federated States of  
14          Micronesia is hereby amended by adding a new section 235 to read as  
15          follows:

16          "Section 235. Mailing threatening communications.

17                 (1) Whoever knowingly deposits in any post office  
18                 or authorized depository for mail matter, to be sent or  
19                 delivered by the Postal Service or knowingly causes to be  
20                 delivered by the Postal Service according to the  
21                 direction thereon, any communication, with or without a  
22                 name or designating mark subscribed thereto, addressed to  
23                 any other person, and containing any demand or request  
24                 for ransom or reward for the release of any kidnapped  
25                 person, shall be fined not more than \$5,000 or

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1           imprisoned not more than 10 years, or both.

2           (2) Whoever, with intent to extort from any  
3           person any money or other thing of value, so deposits,  
4           or causes to be delivered, as aforesaid, any communi-  
5           cation containing any threat to kidnap any person or any  
6           threat to injure the person of the addressee or of another,  
7           shall be fined not more than \$5,000 or imprisoned not more  
8           than 10 years, or both.

9           (3) Whoever knowingly so deposits or causes to be  
10          delivered as aforesaid, any communication with or without  
11          a name or designating mark subscribed thereto, addressed  
12          to any other person and containing any threat to kidnap  
13          any person or any threat to injure the person of the  
14          addressee or of another, shall be fined not more than  
15          \$1,000 or imprisoned not more than 3 years, or both.

16          (4) Whoever, with intent to extort from any person  
17          any money or other thing of value, knowingly so deposits  
18          or causes to be delivered, as aforesaid, any communication,  
19          with or without a name or designating mark subscribed  
20          thereto, addressed to any other person and containing any  
21          threat to injure the property or reputation of the  
22          addressee or of another, or the reputation of a deceased  
23          person, or any threat to accuse the addressee or any other  
24          person of a crime, shall be fined not more than \$500 or  
25          imprisoned not more than 2 years, or both."



1       Section 4. Title 39 of the Code of the Federated States of  
2       Micronesia is hereby amended by adding a new section 236 to read  
3       as follows:

4               "Section 236. Libelous matter on wrappers or envelopes.

5               (1) All matter otherwise mailable by law, upon the  
6               envelope or outside cover or wrapper of which, or any  
7               postal card upon which is written or printed or otherwise  
8               impressed or apparent any delineation, epithet, term, or  
9               language of libelous, scurrilous, defamatory, or threat-  
10              ening character, or calculated by the terms or manner or  
11              style of display and obviously intended to reflect  
12              injuriously upon the character or conduct of another,  
13              is nonmailable matter, and shall not be conveyed in  
14              the mails nor delivered from any post office nor by  
15              any letter carrier, and shall be withdrawn from the mails  
16              under such regulations as the Postal Service shall  
17              prescribe.

18              (2) Whoever knowingly deposits for mailing or  
19              delivery, anything declared by this section to be  
20              nonmailable matter, or knowingly takes the same from  
21              the mails for the purpose of circulating or disposing of  
22              or aiding in the circulation or disposition of the same,  
23              shall be fined not more than \$1,000 or imprisoned not more  
24              than 1 year, or both."

25       Section 5. Title 39 of the Code of the Federated States of

1 Micronesia is hereby amended by adding a new section 237 to read as  
2 follows:

3 "Section 237. Mailing indecent matter on wrappers or  
4 envelopes.

5 (1) All matter otherwise mailable by law, upon the  
6 envelope or outside cover or wrapper of which, and all  
7 postal cards upon which, any delineations, epithets,  
8 terms, or language of an indecent, lewd, lascivious, or  
9 obscene character are written or printed or otherwise  
10 impressed or apparent, are nonmailable matter, and shall  
11 not be conveyed in the mails nor delivered from any post  
12 office nor by any letter carrier, and shall be withdrawn  
13 from the mails under such regulations as the Postal  
14 Service shall prescribe.

15 (2) Whoever knowingly deposits for mailing or  
16 delivery, anything declared by this section to be non-  
17 mailable matter, or knowingly takes the same from the  
18 mails for the purpose of circulating or disposing of or  
19 aiding in the circulating or disposition of the same, shall  
20 be fined not more than \$5,000 or imprisoned not more than  
21 3 years, or both."

22 Section 6. Title 39 of the Code of the Federated States of  
23 Micronesia is hereby amended by adding a new section 238 to read as  
24 follows:

25 "Section 238. Frauds and swindles. Whoever, having

1           devised or intending to devise any scheme or artifice to  
2           defraud, or for obtaining money or property by means of  
3           false or fraudulent pretenses, representations, or  
4           promises, or to sell, dispose of, loan, exchange, alter,  
5           give away, distribute, supply, or furnish or procure for  
6           unlawful use any counterfeit or spurious coin, obligation,  
7           security, or other article, or anything represented to be  
8           or intimated or held out to be such counterfeit or  
9           spurious article, for the purpose of executing such scheme  
10          or artifice or attempting so to do, places in any post  
11          office or authorized depository for mail matter, any matter  
12          or thing whatever to be sent or delivered by the Postal  
13          Service, or takes or receives therefrom, any such matter  
14          or thing, or knowingly causes to be delivered by mail  
15          according to the direction thereon, or at the place at  
16          which it is directed to be delivered by the person to  
17          whom it is addressed, any such matter or thing, shall be  
18          fined not more than \$1,000 or imprisoned not more than  
19          5 years, or both."

20          Section 7. Title 39 of the Code of the Federated States of  
21          Micronesia is hereby amended by adding a new section 239 to read as  
22          follows:

23                "Section 239. Fictitious name or address. Whoever, for  
24                the purpose of conducting, promoting, or carrying on by  
25                means of the Postal Service, any scheme or device



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1 mentioned in section 238 of this title or any other  
2 unlawful business, uses or assumes, or requests to be  
3 addressed by, any fictitious, false, or assumed title, name,  
4 or address or name other than his own proper name, or takes  
5 or receives from any post office or authorized depository  
6 of mail matter, any letter, postal card, package, or other  
7 mail matter addressed to any such fictitious, false, or  
8 assumed title, name, or address, or name other than his own  
9 proper name, shall be fined not more than \$1,000 or  
10 imprisoned not more than 5 years, or both."

11 Section 8. Title 39 of the Code of the Federated States of  
12 Micronesia is hereby amended by adding a new section 240 to read as  
13 follows:

14 "Section 240. False claims for postal losses.

15 (1) Whoever makes, alleges, or presents any claim or  
16 application for indemnity for the loss of any registered  
17 or insured letter, parcel, package, or other article or  
18 matter, or the contents thereof, knowing such claim or  
19 application to be false, fictitious, or fraudulent; or

20 (2) Whoever for the purpose of obtaining or aiding  
21 to obtain the payment or approval of any such claim or  
22 application, makes or uses any false statement, certifi-  
23 cate, affidavit, or deposition; or

24 (3) Whoever knowingly and willfully misrepresents, or  
25 misstates, or, for the purpose aforesaid, knowingly and

1 willfully conceals any material fact or circumstance in  
2 respect of any such claim or application for idemnity  
3 shall be fined not more than \$500 or imprisoned not more  
4 than 1 year, or both; PROVIDED, however, that if the amount  
5 of such claim or application for indemnity is less  
6 than \$100 only a fine shall be imposed."

7 Section 9. Title 39 of the Code of the Federated States of  
8 Micronesia is hereby amended by adding a new section 241 to read as  
9 follows:

10 "Section 241. Money orders.

11 (1) Whoever, with intent to defraud, falsely makes,  
12 forges, counterfeits, engraves, or prints any order in  
13 imitation of or purporting to be a blank money order or  
14 a money order issued by or under the direction of the  
15 Postal Service; or

16 (2) Whoever forges or counterfeits the signature or  
17 initials of any person authorized to issue money orders  
18 upon or to any money order, postal note, or blank therefor  
19 provided or issued by or under the direction of the Postal  
20 Service, or post office department or corporation of any  
21 foreign country, and payable in the Federated States of  
22 Micronesia, or any material signature or indorsement  
23 thereon, or any material signature to any receipt or  
24 certificate of identification thereof; or

25 (3) Whoever falsely alters, in any material respect,

1 any such money order or postal note; or

2 (4) Whoever, with intent to defraud, passes, utters or  
3 publishes or attempts to pass, utter or publish any such  
4 forged or altered money order or postal note, knowing  
5 any material initials, signature, stamp impression or  
6 indorsement thereon to be false, forged, or counterfeited,  
7 or any material alteration therein to have been falsely  
8 made; or

9 (5) Whoever issues any money order or postal note  
10 without having previously received or paid the full amount  
11 of money payable therefor, with the purpose of fraudulently  
12 obtaining or receiving, or fraudulently enabling any  
13 other person, either directly or indirectly, to obtain or  
14 receive from the Federated States of Micronesia or Postal  
15 Service, or any officer, employee, or agent thereof, any  
16 sum of money whatever; or

17 (6) Whoever embezzles, steals, or knowingly converts  
18 to his own use or to the use of another, or without  
19 authority converts or disposes of any blank money order  
20 form provided by or under the authority of the Postal  
21 Service; or

22 (7) Whoever receives or possesses any such money order  
23 form with the intent to convert it to his own use or gain or  
24 use or gain of another knowing it to have been embezzled,  
25 stolen or converted; or



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1                   (8) Whoever, with intent to defraud the Federated  
2                   States of Micronesia, the Postal Service, or any person,  
3                   transmits, presents, or causes to be transmitted or  
4                   presented, any money order or postal note knowing the  
5                   same:

6                   (a) To contain any forged or counterfeited  
7                   signature, initials, or any stamped impression, or

8                   (b) To contain any material alteration  
9                   therein unlawfully made, or

10                  (c) To have been unlawfully issued without  
11                  previous payment of the amount required to be paid  
12                  upon such issue, or

13                  (d) To have been stamped without lawful  
14                  authority; or

15                  (9) Whoever steals, or with intent to defraud or  
16                  without being lawfully authorized by the Postal Service,  
17                  receives, possesses, disposes of or attempts to dispose  
18                  of any postal money order machine or any stamp, tool,  
19                  or instrument specifically designed to be used in preparing  
20                  or filling out the blanks on postal money order forms  
21                  shall be fined not more than \$5,000 or imprisoned not more  
22                  than 5 years, or both."

23                  Section 10. Title 39 of the Code of the Federated States of  
24                  Micronesia is hereby amended by adding a new section 242 to read as  
25                  follows:

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1           "Section 242. Robbery of mail, money or other property of  
2           the Postal Service. Whoever assaults any person having  
3           lawful charge, control, or custody of any mail matter  
4           or of any money or other property of the Postal Service,  
5           with intent to rob, steal, or purloin such mail matter,  
6           money, or other property of the Postal Service, or robs  
7           any such person of mail matter, or of any money, or other  
8           property of the Postal Service, shall, for the first  
9           offense, be imprisoned not more than 10 years; and if  
10          in effecting or attempting to effect such robbery  
11          he wounds the person having custody of such mail, money,  
12          or other property of the Postal Service, or puts his life  
13          in jeopardy by the use of a dangerous weapon, or for a  
14          subsequent offense, shall be imprisoned not more than 20  
15          years."

16          Section 11. Title 39 of the Code of the Federated States of  
17          Micronesia is hereby amended by adding a new section 243 to read as  
18          follows:

19          "Section 243. Burglary of post office. Whoever forcibly  
20          breaks into or attempts to break into any post office, or  
21          any building used in whole or in part as a post office, with  
22          intent to commit in such post office, or building or part  
23          thereof, so used, any larceny or other depredation, shall  
24          be fined not more than \$1,000 or imprisoned not more than  
25          5 years, or both."

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1       Section 12. Title 39 of the Code of the Federated States of  
2       Micronesia is hereby amended by adding a new section 244 to read  
3       as follows:

4               "Section 244. Confiscation of nonmailable items. The  
5       Postmaster General or his designee may confiscate any  
6       item declared nonmailable by this act which is placed in  
7       the mail. Items so confiscated shall be turned over to  
8       the Attorney General of the Federated States of Micronesia  
9       for proper disposition. Nonmailable items may be  
10      confiscated regardless of whether or not the person  
11      sending or receiving such items is prosecuted for a  
12      violation of this act."

13      Section 13. This act shall become law upon approval by the  
14      President of the Federated States of Micronesia or upon its becoming  
15      law without such approval.

16  
17                               September 7, 1988

18                               *John R. Hagielgam*  
19                               John R. Hagielgam  
20                               President  
21                               Federated States of Micronesia

