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A BILL FOR AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-24 and 5-40, by adding a new section 509 to specify that flight to avoid prosecution or give testimony is a National offense, by amending section 105 to provide that no statute of limitations shall extend to any person fleeing from justice, and by further amending title 12 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-22 and 5-23, by adding a new section 1601 to a new chapter 16 to authorize the extradition of fugitives from one State who are found in another State, and for other purposes.

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

1 Section 1. Title 11 of the Code of the Federated States of
2 Micronesia is hereby further amended by adding a new section 509 to
3 read as follows:

4 "Section 509. Flight to avoid prosecution or giving
5 testimony. Whoever moves or travels in interstate or
6 foreign commerce with intent either:

7 (1) to avoid prosecution, or custody or confinement
8 after conviction, under the laws of the place from which the
9 fugitive flees, for a crime or an attempt to commit a crime
10 which is a felony under the laws of the place from which
11 the fugitive flees; or

12 (2) to avoid giving testimony in any criminal
13 proceedings in such place in which the commission of an
14 offense which is a felony under the laws of such place is
15 charged; or

16 (3) to avoid service of, or contempt proceedings for
17 alleged disobedience of, lawful process requiring
18 attendance and the giving of testimony or the production of
19 documentary evidence before an agency of a State empowered
20 by the law of such State to conduct investigations of
21 alleged criminal activities;

22 shall be fined not more than \$5,000 or imprisoned not more
23 than five years, or both. Violations of this section may
24 be prosecuted only in the Federated States of Micronesia
25 Supreme Court sitting in the State in which the original

1 crime was alleged to have been committed, or in which the
2 person was held in custody or confinement, or in which an
3 avoidance of service of process or a contempt referred to
4 in subsection (3) of this section is alleged to have been
5 committed, and only upon formal approval in writing by the
6 Attorney General or an Assistant Attorney General of the
7 Federated States of Micronesia, which function of approving
8 prosecutions may not be delegated."

9 Section 2. Section 105 of title 11 of the Code of the Federated
10 States of Micronesia is hereby amended to read as follows:

11 "Section 105. Time limitations for beginning prosecutions.

12 (1) A prosecution for murder may be commenced at any
13 time.

14 (2) Except as otherwise provided in this section,
15 prosecution for other offenses are subject to the following
16 time limitations:

17 (a) A prosecution for an offense which is
18 punishable by imprisonment for more than ten years must be
19 commenced within six years after it is committed.

20 (b) A prosecution for any other felony must be
21 commenced within three years after it is committed.

22 (c) A prosecution for a misdemeanor offense
23 must be commenced within two years after it is committed.

24 (d) A prosecution for a petty misdemeanor must
25 be commenced within six months after it is committed.

1 (3) If the time limitation set forth in subsection
2 (2) of this section has expired, a prosecution may
3 nevertheless be commenced for:

4 (a) Any offense, an element of which is either
5 fraud or a breach of fiduciary obligation, within one year
6 after discovery of the offense by an aggrieved party or by
7 a person who has a legal duty to represent an aggrieved
8 party and who is himself not a party to the offense, but in
9 no case shall this provision extend the period of
10 limitation otherwise applicable by more than three years; or

11 (b) Any offense based on misconduct in office by
12 a public officer or employee at any time when the defendant
13 is in public office or employment or within two years
14 thereafter, but in no case shall this provision extend the
15 period of limitation otherwise applicable by more than
16 three years.

17 (4) The time limitation does not run:

18 (a) During any time when the accused is
19 continuously absent from the jurisdiction or has no
20 reasonably determinable place of abode or work within the
21 jurisdiction; or

22 (b) During any time when a prosecution against the
23 accused for the same conduct is pending in this jurisdiction.

24 (5) A prosecution is commenced either when an
25 information or complaint is filed or when an arrest warrant

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1 or other process is executed without unreasonable delay.

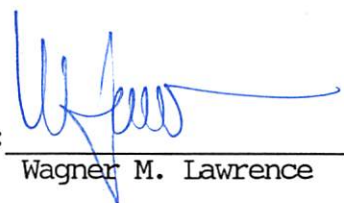
2 (6) No statute of limitations shall extend to any
3 person fleeing from justice."

4 Section 3. Title 12 of the Code of the Federated States of
5 Micronesia is hereby further amended by adding a new section 1601 of
6 chapter 16 to read as follows:

7 "Section 1601. Extradition within the Federated States of
8 Micronesia. A person charged in any State with treason,
9 felony, or other crime, who shall flee from justice, and be
10 found in another State, shall, on demand of the executive
11 authority of the State from which the person fled, be
12 delivered up, to be removed to the State having jurisdiction
13 of the crime."

14 Section 4. This act shall become law upon approval by the
15 President of the Federated States of Micronesia or upon its becoming
16 law without such approval.

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18 Date: 10/20/93

Introduced by: 
Wagner M. Lawrence

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