July 4, 2019

The Honorable Wesley W. Simina
Speaker
Twenty-First Congress
Federated States of Micronesia
Palikir, Pohnpei, FM 96941

Dear Speaker Simina:

I am pleased to transmit the following Act, which I have signed to become Public Law No. 21-08:

Congressional Act No. 21-04, entitled: "AN ACT TO FURTHER AMEND TITLE 11 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED, BY AMENDING SECTIONS 1141 AND 1147 THEREOF, TO CORRECT TECHNICAL ERRORS IN THE 2014 F.S.M.C. (ANNOTATED), AND FOR OTHER PURPOSES."

As indicated on its title, this act is addressing technical errors in the FSM Code. I therefore appreciate the efforts of Congress in passing this act. Thank you.

Sincerely,

David W. Panuelo
President

xc: Chief Justice, FSM Supreme Court
June 17, 2019

His Excellency David W. Panuelo
President
Federated States of Micronesia
Palikir, Pohnpei FM 96941

Dear President Panuelo:

I have the honor to transmit herewith Congressional Act No. 21-04, "AN ACT TO FURTHER AMEND TITLE 11 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED, BY AMENDING SECTIONS 1141 AND 1147 THEREOF, TO CORRECT TECHNICAL ERRORS IN THE 2014 F.S.M.C. (ANNOTATED), AND FOR OTHER PURPOSES.", which was passed by the Twenty-First Congress of the Federated States of Micronesia, First Special Session, 2019, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

[Signature]

Liwiana Ramon Ioanis
Chief Clerk, Congress of the Federated States of Micronesia

Enclosures
An Act

TO FURTHER AMEND TITLE 11 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA (ANNOTATED), AS AMENDED, BY AMENDING SECTIONS 1141 AND 1147 THEREOF, TO CORRECT TECHNICAL ERRORS IN THE 2014 F.S.M.C. (ANNOTATED), AND FOR OTHER PURPOSES.

INTRODUCED BY SENATOR: WESLEY W. SIMINA

DATE: JUNE 13, 2019

REFERRED TO: COMMITTEE ON JUDICIARY & GOVERNMENTAL OPERATIONS

WITHDRAWN – JUNE 13, 2019

FIRST READING: – JUNE 13, 2019
SECOND READING: – JUNE 14, 2019

PUBLIC LAW No. 21-08

Liwiana Ramon Ioains
Chief Clerk, FSM Congress
ACT NO. 21-04

(CONGRESSIONAL BILL NO. 21-15)

We hereby certify that on June 14 the foregoing act passed Second and Final Reading of the Twenty-First Congress of the Federated States of Micronesia, First Special Session, 2019, by a two-thirds vote of all the State delegations as required under article IX, section 20, of the Constitution of the Federated States of Micronesia.

Wesley W. Simina  
Speaker  
Congress of the Federated States of Micronesia

Liwiana Ramon Ioanis  
Chief Clerk  
Congress of the Federated States of Micronesia
AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia (Annotated), as amended, by amending sections 1141 and 1147 thereof, to correct technical errors in the 2014 F.S.M.C. (Annotated), and for other purposes.

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

Section 1. The purpose of this Act is to correct technical errors in the codification of sections 1141 and 1147 of title 11 of the Code of the Federated States of Micronesia (Annotated). Public Law No. 10-54 amended sections 1141 and 1147 of title 11; the amendments made by that law were unintentionally omitted from the 2014 F.S.M.C. (Annotated).

This Act amends sections 1141 and 1147 of title 11 to accurately reflect the provision of Public Law No. 10-54.

Section 2. Section 1141 of title 11 of the Code of the Federated States of Micronesia (Annotated), as amended, is hereby amended to read as follows:

"Section 1141. Trafficking.

(1) Except as authorized by this chapter, it shall be unlawful for any person knowingly or intentionally:

(a) to import, export, manufacture, deliver, or possess with intent to manufacture, deliver, or dispense, a controlled substance; or

(b) to create, distribute, or possess with"
intent to deliver, a counterfeit controlled substance.

(2) Any person who violates subsection (1) of this section with respect to:

(a) a large amount of an especially dangerous controlled substance, as defined in subsection 2(a)(i)a) through 2(a)(i)d) of this section, shall be sentenced to a term of imprisonment for not more than 15 years, a fine of not more than $15,000, or both;

(i) for the purposes of subsection 2(a) of this section, 'a large amount of an especially dangerous controlled substance' is:

a) 100 grams or more of a substance containing a detectable amount of heroin;

b) 500 grams or more of a substance containing a detectable amount of cocaine, its salts, its isomers, or salts of its isomers;

c) 10 grams or more of a substance containing a detectable amount of lysergic acid diethylamide (LSD); or

d) 10 grams or more of crystal methamphetamine;

(a) any other substance classified in schedules I or II which is a narcotic drug or crystal methamphetamine shall be sentenced to a term of imprisonment for not more than ten years, a fine of not
more than $10,000, or both;

(b) any controlled substance classified in
schedules I, II, or III, which falls outside the
parameters of subsections (2)(a) and (2)(b) of this
section, shall be sentenced to a term of imprisonment of
not more than five years, a fine of not more than
$5,000, or both;

(c) a substance classified in schedule IV shall
be sentenced to a term of imprisonment for not more than
two years, a fine of not more than $1,000, or both;

a substance classified in schedule V shall be sentenced
to a term of imprisonment for not more than one year, a
fine of not more than $1,000, or both.”

(d) a substance classified in schedule V shall
be sentenced to a term of imprisonment for not more
than one year, a fine of not more than $1,000, or
both.”

(1) Notwithstanding subsection (2)(c) of this
section, any person who violates subsection (1)(a) of
this section by distributing not more than one ounce of
marihuana for no remuneration shall be treated as
provided in subsection (3)(a) of section 1142 of this
chapter.

Section 3. Section 1147 of title 11 of the Code of the
Federated States of Micronesia (Annotated), is hereby amended
to read as follows:

"Section 1147. Distribution to persons under eighteen.

Any person who is at least 18 years of age who violates subsection (1)(a) of section 1141 of this chapter by distributing a substance listed in schedules I and II which is a narcotic drug or crystal methamphetamine to a person under 18 years of age who is at least three years his junior is punishable by a term of imprisonment of up to twice that authorized by subsection (2)(a) of section 1141 of this chapter, by the fine authorized by subsection (2)(a) of section 1141 of this chapter, or both. Any person who is at least 18 years of age who violates subsection (1)(a) of section 1141 of this chapter by distributing any other controlled substance listed in schedules I, II, III and IV to a person under 18 years of age who is at least three years his junior is punishable by a term of imprisonment up to twice that authorized in subsections (2)(c) or (d) of section 1141 of this chapter, by the fine authorized by subsection (2)(c) or (d) of section 1141 of this chapter, or both."
Section 4. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

July 3rd, 2019

David W. Panuelo
President
Federated States of Micronesia