
A BILL FOR AN ACT

To further amend title 6 of the Code of the Federated States of Micronesia (Annotated), as amended, by creating a new chapter 19 and enacting new sections 1901 and 1902 thereunder, to provide for the sealing and unsealing of court records, and for other purposes.

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

1 Section 1. Title 6 of the Code of the Federated States of
2 Micronesia (Annotated), as amended, is hereby further amended by
3 creating a new chapter 19 entitled: "Court Records."

4 Section 2. Title 6 of the Code of the Federated States of
5 Micronesia, as amended, is hereby further amending by enacting a
6 new section 1901 to chapter 19 to read as follows:

7 "Section 1901. Sealing of Court Records.

8 (1) A court may order the sealing of court records if
9 the court finds that the public right to access the
10 records is outweighed by a legitimate competing need for
11 privacy and confidentiality.

12 (2) Before court records may be sealed, the court
13 must:

14 (a) Provide adequate public notice that the
15 records may be sealed;

16 (b) Provide all interested persons an opportunity
17 to object to the records being sealed; and

18 (c) Find that the need to seal the records
19 outweighs the public right to access the records.

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- 1 (3) An order to seal court records shall:
2 (a) Identify the records, or portion thereof, to
3 be sealed;
4 (b) Provide the reasoning for the court's
5 decision; and
6 (c) State the length of time for which the
7 records shall be sealed.
8 (4) The requirements in subsection (2) of this
9 section apply when the sealing of court records is
10 ordered pursuant to a stipulation agreement between
11 parties."

12 Section 3. Title 6 of the Code of the Federated States of
13 Micronesia, as amended, is hereby further amending by enacting a
14 new section 1902 to chapter 19 to read as follows:

15 "Section 1902. Unsealing of Court Records.

16 (1) Records sealed under section 1901 of this chapter
17 shall be unsealed at the conclusion of the length of time
18 provided in the order sealing the records, unless the
19 court finds good cause to extend the length of time the
20 records should be kept sealed.

21 (2) Any interested person shall have standing to
22 petition the court for review of the sealing order,
23 including to shorten the length of time for which the
24 records were sealed. The petition shall be granted if the
25 court finds, due to changing circumstances or the passage

1 of time, that the public right to access the records
2 outweighs any remaining need for the records to be
3 sealed.”

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

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8 Date: 1/27/22

Introduced by: /s/ Wesley W. Simina
 Wesley W. Simina

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