

## A BILL FOR AN ACT

To provide eligibility under certain conditions for Congress membership to a person convicted of a felony; and for other purposes.

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

1       Section 1. Policy. Article IX Section 9 of the Constitution  
2 of the Federated States of Micronesia prohibits eligibility for  
3 Congress membership to a person convicted of a felony by a State  
4 or National court, but explicitly provides that Congress may modify  
5 that prohibition without the necessity of a constitutional amend-  
6 ment. The Constitutional Convention determined that the prohibition  
7 against Congress membership should be subject to congressional dis-  
8 cretion in order to prevent unjust disqualification of a good citizen  
9 who once erred, but has since become an upstanding and worthy indi-  
10 vidual. It is, therefore, decided that granting eligibility for  
11 persons under felony conviction upon certain conditions will serve  
12 not only individual humane considerations, but will also serve the  
13 community at large by allowing a worthy person to represent his  
14 country as a Member of Congress who would otherwise be barred forever  
15 for an error of the past. Accordingly, it is the policy of the  
16 National Government of the Federated States of Micronesia to enable  
17 persons convicted of felonies to serve as Members of Congress under  
18 conditions prescribed in this act.

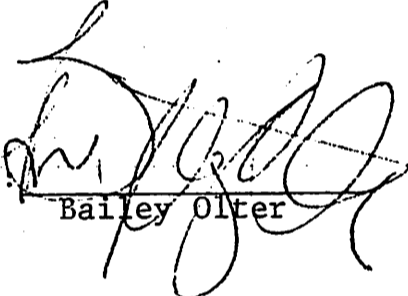
19       Section 2. Eligibility by pardon. A person convicted of a  
20 felony by a State or National court shall be eligible for Congress  
21 membership if he has been granted a pardon for the felony which  
22 restores all civil rights by the appropriate Governor when the con-  
23 viction was for a State offense, or by the President of the Federated  
24 States when the conviction was for a National offense or a major  
25 crime.

1       Section 3. Eligibility by good behavior. A person convicted  
2 of a felony by a State or National court shall be eligible for  
3 Congress membership if for a period of seven years or more from  
4 the date of end of sentence to the date of filing for candidacy  
5 he shall not have been convicted of any crime by a State or National  
6 court.

7       Section 4. Multifelonies. If a person seeking candidacy for  
8 Congress membership has more than one felony conviction, then each  
9 conviction is to be treated separately to determine eligibility.  
10 Each felony conviction must be pardoned in accordance with this act,  
11 or the most recent felony conviction must have satisfied the good  
12 behavior period as set out in this act.

13       Section 5. Effective date. This act shall become law upon  
14 approval by the President of the Federated States of Micronesia or  
15 upon its becoming law without such approval.

16  
17 Date: May 13/81

Introduced by:   
Bailey Oiter

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