A BILL FOR AN ACT

To establish a postal crimes act, and for other purposes.

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

CHAPTER 1

GENERAL PROVISIONS

Section 101. Title. This act shall be known and cited as the "Postal Crimes Act."

Section 102. Jurisdiction. The offenses set out in this act are offenses against the National Government of the Federated States of Micronesia and come within the exclusive and original jurisdiction of the Trial Division of the Supreme Court of the Federated States of Micronesia.

Section 103. Enforcement - National Criminal Code. In enforcing and carrying out the provisions of this act, chapters 1, 2, 3, and 10 of the National Criminal Code shall apply.

Section 104. Foreign mail as Federated States of Micronesia mail. All foreign mail while being transported across the territory of the Federated States of Micronesia under authority of law is mail of the Federated States of Micronesia, and any offense in respect thereto shall be punishable as though it were Federated States of Micronesia mail.

CHAPTER 2

POSTAL CRIMES

Section 201. Carriage of mail generally. Whoever carries mail, collects, receives, or carries any letter or packet, contrary to law, shall be fined not more than $100, or imprisoned not more than 30 days, or both.

Section 202. Carriage of matter out of mail over post routes.
1 Whoever, having charge or control of any conveyance which
2 regularly performs trips on any post route over which the mail
3 is regularly carried, carries any letters or packets, except such
4 as relate to some part of the cargo of such conveyance, or to the
5 current business of the carrier, or to some article carried at
6 the same time by the same conveyance, shall be fined not more than
7 $100.
8
9 Section 203. Private express for letters and packets
10 prohibited.
11
12 (1) Whoever establishes any private express for the
13 conveyance of letters or packets or in any manner causes or provides
14 for the conveyance of the same by regular trips or at stated periods
15 on any post route over which the mail is regularly carried shall be
16 fined not more than $500 or imprisoned not more than 6 months, or
17 both. This section shall not prohibit any person from receiving and
18 delivering to the nearest post office or other authorized depository
19 for mail matter properly stamped.
20
21 (2) Whoever transmits by private express, or delivers to
22 any agent thereof, or deposits at any appointed place, for the
23 purpose of being so transmitted, any letter or packet shall be
24 fined not more than $100.
25
26 (3) This section shall not prohibit the conveyance or
27 transmission of letters or packets by private hands without
28 compensation or by special messenger employed for the particular
29 occasion only.
Section 204. Transportation of persons acting as private express. Whoever, having charge or control of any conveyance, knowingly conveys or permits the conveyance of any person acting or employed as a private express for the conveyance of letters or packets, and actually in possession of the same for the purpose of conveying them contrary to law shall be fined not more than $200.

Section 205. Post office conducted without authority. Whoever, without authority from the postal service, sets up or establishes any office or place of business bearing the sign, name, or title of post office shall be fined not more than $500.

Section 206. Prompt delivery of mail. Whoever, having charge or control of delivering mail to the postmaster or post office, fails to so deliver that mail within 3 hours after its arrival, if during business hours, and if after business hours, within 2 hours after the next opening of business, all letters and packages within his power or control, addressed to or destined for the postmaster or post office, shall be fined not more than $200.

Section 207. Desertion of mails. Whoever, having taken charge of any mail, voluntarily quits or deserts the same before he has delivered it to the post office or to a postal service employee or official authorized to receive the same shall be fined not more than $500 or imprisoned not more than 1 year, or both.

Section 208. Obstruction of mails generally. Whoever knowingly and willfully obstructs or retards the passage of the mail or any carrier or conveyance carrying the mail shall be fined not more than
$200, or imprisoned not more than 6 months, or both.

Section 209. Obstruction of correspondence. Whoever takes any article of mail out of any post office or any authorized depository for mail matter, or from any mail carrier, or which has been in any post office or authorized depository or in the custody of any mail carrier, before it has been delivered to the person to whom it was directed, with design to obstruct the correspondence or to pry into the business or secrets of another, or opens, secrets, embezzles, or destroys the same shall be fined not more than $2,000, or imprisoned not more than 3 years, or both.

Section 210. Delay or destruction of mail. Whoever, being a Postal Service officer or employee, unlawfully secrets, destroys, detains, delays, or opens any article of mail entrusted to him or which shall come into his possession, and which was intended to be conveyed by mail, shall be fined not more than $500, or imprisoned not more than 3 years, or both.

Section 211. Keys or locks stolen or reproduced.

(1) Whoever steals, embezzles, or obtains by false pretense any key suited to any lock adopted by the postal service and in use on any of the mails or bags thereof, or any key to any authorized receptacle for the deposit or delivery of mail matter; or

(2) Whoever knowingly and unlawfully makes, forges, or counterfeits any such key or possesses any such mail lock or key with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or
improperly used, sold, or otherwise disposed of; or.

(3) Whoever, being engaged as a contractor or otherwise in the manufacture of any such mail lock or key, delivers any lock or part thereof, or key, used or designed for use by the Postal Service, to any person not duly authorized by the Postal Service to receive the same, unless the person receiving it is the contractor or his agent for furnishing the same or engaged in the manufacture thereof as authorized by the contract, shall be fined not more than $500, or imprisoned not more than 5 years, or both.

Section 212. Destruction of letter boxes or mail. Whoever willfully or maliciously injures, tears down, or destroys any letter box or other receptacle intended or used for the receipt or delivery of mail, or breaks open the same or willfully or maliciously injures, defaces, or destroys any mail deposited therein shall be fined not more than $1,000, or imprisoned not more than 3 years, or both.

Section 213. Damage to mail bags. Whoever tears, cuts, or otherwise damages any mail bag, pouch, or other thing used or designed for use in the conveyance of the mail with intent to rob or steal any such mail or to render the same insecure shall be fined not more than $1,000, or imprisoned not more than 3 years, or both.

Section 214. Theft of property used by Postal Service. Whoever steals or embezzles any property used by the Postal Service or appropriates any such property to his own or any other than its
1. proper use, or conveys away such property to the hindrance or
detriment of the public service, shall be fined not more than $1,000
or imprisoned not more than 3 years, or both; but if the value of
such property does not exceed $100, he shall be fined not more than
$500 or imprisoned not more than 1 year, or both.

Section 215. Theft of mail matter generally. Whoever steals,
destroyed, destroys, or otherwise unlawfully takes any article of mail from a
post office, a postal service officer, or any authorized mail
receptacle or locale shall be fined not more than $2,000, or
imprisoned not more than 3 years, or both.

Section 216. Receipt of stolen mail matter generally. Whoever
buys, receives, conceals, or unlawfully possesses any article of
mail which has been stolen or otherwise unlawfully taken, knowing the
same to have been stolen or otherwise unlawfully taken, shall be fined
not more than $1,000, or imprisoned not more than 3 years, or both.

Section 217. Theft of mail matter by officer or employee.
Whoever, being a Postal Service officer or employee, embezzles any
article of mail entrusted to him or which comes into his possession
intended to be conveyed by mail, or steals or removes any of the
contents of a parcel intended to be conveyed by mail, shall be fined
not more than $2,000, or imprisoned not more than 3 years, or both.

Section 218. Misappropriation of postal funds. Whoever, being
a Postal Service officer or employee, loans, uses, pledges, or
converts to his own use, except as authorized by law, any money or
property coming under his control in the execution or under control of
his office, employment, or service is guilty of embezzlement and
shall be fined not more than $5,000, or in a sum equal to the amount
or value of the money or property embezzled, or imprisoned not more
than 5 years, or both; but if the amount or value thereof does not
exceed $100, he shall be fined not more than $1,000, or imprisoned not
more than 1 year, or both.

Section 219. Falsification of postal returns to increase
compensation. Whoever, being a Postal Service officer or employee,
makes a false return, statement, or account to any officer of the
Federated States of Micronesia, or makes a false entry in any record,
book or account required by law to be kept in respect to the
business or operations of any post office for the purpose of
fraudulently increasing his compensation or the compensation of any
officer or employee of the Postal Service shall be fined not more
than $500, or imprisoned not more than 1 year, or both.

Section 220. Issuance of money orders without payment. Whoever,
being an officer or employee of the Postal Service, issues a money
order without having previously received the money therefor shall
be fined not more than $500.

Section 221. Firearms as nonmailables.

(1) Firearms are nonmailable and shall not be deposited
in or carried by the mails or delivered by any officer or employee of
the Postal Service; PROVIDED that firearms may be conveyed in the
mails, under such regulations as the Postal Service may prescribe, to
State or National law enforcement officers.
(2) For purposes of this section, "firearm" means any device, by whatever name known, which is designed or may be converted to expel or hurl a projectile or projectiles by the action of an explosion, a release, or an expansion of gas, including but not limited to, guns except a device designed or redesigned for use solely as a signaling, line throwing, spearfishing, or industrial device.

(3) Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, any firearm declared nonmailable by this section shall be fined not more than $1,000, or imprisoned not more than 2 years, or both.

Section 222. Injurious articles as nonmailable.

(1) All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, reptiles, and all explosives, inflammable materials, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or material which may kill or injure another, or injure the mails or other property, are nonmailable matter and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any officer or employee of the Postal Service.

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

(3) The transmission in the mails of poisonous drugs and medicines may be limited by the Postal Service to shipments of such articles from the manufacturer thereof or dealer therein to licensed physicians, surgeons, dentists, pharmacists, and veterinarians under such rules and regulations as it shall prescribe.

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

(5) All knives having a blade which opens automatically
(a) By hand pressure applied to a button or other device in the handle of the knife, or
(b) By operation of inertia, gravity, or both, are nonmailable and shall not be deposited in or carried by the mails or delivered by any officer or employee of the Postal Services.

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

(7) Whoever knowingly deposits for mailing or delivery, or knowingly
causes to be delivered by mail, according to the direction thereon
or at any place to which it is directed to be delivered by the
person to whom it is addressed, anything declared nonmailable by this
section, whether or not transmitted in accordance with the rules and
regulations authorized to be prescribed by the Postmaster General,
with intent to kill or injure another, or injure the mails or other
property, shall be fined not more than $10,000 or imprisoned not
more than 20 years, or both.

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

Section 223. Canceled stamps and envelopes.

(1) Whoever uses or attempts to use in payment of
postage any canceled postage stamp; or

(2) Whoever removes, attempts to remove, or assists in
removing the canceling or defacing marks from any postage stamp or
the superscription from any stamped envelope, package, or postal
card that has once been used in payment of postage with the intent
to use the same for a like purpose; or

(3) Whoever sells or offers to sell the same; or

(4) Whoever knowingly possesses any such postage stamp,
stamped envelope, package, or postal card with intent to use the
same; or

(5) Whoever knowingly sells or offers to sell any such
postage stamp, stamped envelope, package, or postal card; or

(6) Whoever uses or attempts to use the same in payment
of postage; or

(7) Whoever unlawfully and willfully removes from any
mail matter any stamp attached thereto in payment of postage; or

(8) Whoever knowingly uses in payment of postage any
postage stamp, postal card, postal package, or stamped envelope,
issued in pursuance of law, which has already been used for a like
purpose,

shall be fined not more than $500, or imprisoned not more than
1 year, or both; but if he is a person employed in the Postal
Service, he shall be fined not more than $500, or imprisoned not
more than 3 years, or both.

Section 224. Sale or pledge of stamps. Whoever, being a
Postal Service officer or employee, knowingly and willfully:

(1) Uses or disposes of postage stamps, stamped
envelopes, or postal cards entrusted to his care or custody in the
payment of debts or in the purchase of merchandise or other salable
articles, or sells or disposes of them except for cash; or

(2) Sells or disposes of postage stamps or postal cards
for any larger or less sum than the values indicated on their
faces; or

(3) Sells or disposes of stamped envelopes for a larger
or less sum than is charged therefor by the Postal Service for
like quantities; or
(4) Sells or disposes of postage stamps, stamped envelopes, or postal cards at any point or place outside of the delivery of the office where such officer or employee is employed; or

(5) Inflates or induces the inflation of the receipts of any post office for the purpose of increasing the emoluments or compensation of any Postal Service officer or employee; or

(6) Sells or disposes of postage stamps, stamped envelopes, or postal cards otherwise than as provided by law or regulation, shall be fined not more than $500 or imprisoned not more than 1 year, or both.

Section 225. False evidence to secure second-class rate.

Whoever knowingly submits to any officer or employee of the Postal Service any false evidence relative to any publication for the purpose of securing the admission thereof at the second-class rate for transportation in the mails shall be fined not more than $500.

Section 226. Avoidance of postage by using lower class matter.

(1) Matter of the second, third, or fourth class containing any writing or printing in addition to the original matter, other than as authorized by law, shall not be admitted to the mails, nor delivered, except upon payment of postage for matter of the first class. Unless by direction of a duly authorized officer of the Postal Service such postage shall be remitted.

(2) Whoever knowingly conceals or encloses any matter of a higher class in that of a lower class and deposits the same for conveyance by mail at a lower rate than would be charged for such
higher class matter shall be fined not more than $100.

Section 227. Postage unpaid on deposited mail matter.

Whoever knowingly and willfully deposits any mailable matter on which no postage has been paid in any receptacle established, approved, or accepted by the Postal Service for the receipt or delivery of mail matter with intent to avoid payment of lawful postage thereon shall for each such offense be fined not more than $300.

Section 228. Postage collected unlawfully. Whoever, being a Postal Service officer or employee authorized to receive the postage of mail matter, fraudulently demands or receives any rate of postage or gratuity or reward other than is provided by law for the postage of such mail matter shall be fined not more than $100 or imprisoned not more than 6 months, or both.

CHAPTER 3

EFFECTIVE DATE

Section 301. Effective date. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: \[5/26/83\]

Introduced by:

Jack Fritz

ELIAS M. THEMAS