

A BILL FOR AN ACT

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

18 Section 2. Eligibility by pardon. A person convicted of a felony
19 by a State or National Court shall be eligible for Congress membership
20 if he has been granted a pardon by the appropriate Governor when the
21 conviction was for a State offense, or by the High Commissioner of the
22 Trust Territory when the conviction was for a National offense or a
23 major crime.

24 Section 3. Eligibility by good behavior. A person convicted of a
25 felony by a State or National Court shall be eligible for Congress

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1 membership if for a period of 7 years or more from the date of end of
2 sentence to the date of filing for candidacy he shall not have been
3 convicted of any crime by a State or National Court.

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

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

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14 Date: June 2, 1983

Introduced by: Kalisto Refalopei
Kalisto Refalopei

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