

A BILL FOR AN ACT

To amend Public Law No. 3-38, the Postal Crimes Act, and for other purposes.

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

1 Section 1. Section 104 of chapter 1 of Public Law No. 3-38 is

2 hereby amended to read as follows:

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

9 Section 2. Public Law No. 3-38 is hereby amended by the addition
10 of a new section 105 to read as follows:

11 "Section 105. Mail carriers. For purposes of this act, any
12 party, person, or business who carries the mail, be it foreign
13 mail or otherwise, as an agent, contractor, or subcontractor
14 to the National Government, shall be deemed a mail carrier
15 and an employee or agent of the National Postal Service."

16 Section 3. Chapter 2 of Public Law No. 3-38 is hereby amended
17 to read as follows:

18 CHAPTER 2

19 POSTAL CRIMES

20 "Section 201. Carriage of mail generally. Whoever, other
21 than a mail carrier, carries mail, collects, receives, or
22 carries any letter or packet, ~~contrary to law~~ shall be fined
23 ~~not more than \$100, imprisoned not more than 30 days, or~~
24 ~~both~~ violates this section.

25 "Section 202. Carriage of matter out of mail over post routes.

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Whoever, having charge or control of any conveyance which regularly performs trips for compensation on any post route over which the mail is regularly carried, and who carries any letters or packets, except such as related to some part of the cargo of such conveyance, or to the current business of the carrier, or to some article carried at the same time by the same conveyance, ~~shall be fined not more than \$100/~~ violates this section.

"Section 203. Private express for letters and packets prohibited.

(1) Whoever establishes any private express for the conveyance of letters or packets for compensation, or in any manner causes or provides for the conveyance of the same by regular trips or at stated periods on any post route over which the mail is regularly carried, ~~shall be fined not more than \$500/ or imprisoned not more than 6 months/ or both/~~ violates this section. This section shall not prohibit any person from receiving and delivering to the nearest post office or other authorized depository for mail, matter properly stamped.

(2) Whoever transmits by private express, or delivers to any agent thereof, or deposits at any appointed place, for the purpose of being so transmitted, any letter or packet, ~~shall be fined not more than \$100/~~ violates this section.

(3) This section shall not prohibit the conveyance or transmission of letters or packets by private hands without compensation or by special messenger employed for the particular

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1 occasion only.

2 "Section 204. Transportation of persons acting as private
3 express. Whoever, having charge or control of any conveyance,
4 knowingly conveys or permits the conveyance ~~of~~ by any person
5 acting or employed as a private express for the conveyance of
6 letters or packets, for compensation, and actually in
7 possession of the same for the purpose of conveying them
8 contrary to law, ~~shall be fined not more than \$200~~ violates
9 this section.

10 "Section 205. Post office conducted without authority. Whoever,
11 without authority from the Postal service, sets up or establishes
12 any office or place of business bearing the sign, name, or
13 title of post office, ~~shall be fined not more than \$500~~ violates
14 this section.

15 "Section 206. Prompt delivery of mail. Whoever, having charge
16 or control of delivering mail to the postmaster or post office,
17 intentionally or knowingly fails to ~~so~~ deliver ~~that mail~~
18 all letters and packages within his power or control, addressed
19 to or destined for the postmaster or post office within 3
20 hours after its arrival, if received during business hours,
21 ~~and~~ or if received after business hours, within 2 hours after
22 the next opening of business, ~~all letters and packages within~~
23 ~~his power or control, addressed to or destined for the~~
24 ~~postmaster or post office, shall be fined not more than \$200~~ violates this section.

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1 "Section 207. Desertion of mails. Whoever, having taken
2 charge of any mail, voluntarily quits or deserts the same
3 before he has delivered it to the post office or to a Postal
4 Service employee or official authorized to receive the same,
5 ~~shall be fined not more than \$500, or imprisoned not more than~~
6 ~~1 year, or both,~~ violates this section.

7 "Section 208. Obstruction of mails generally. Whoever
8 knowingly and willfully obstructs or retards the passage of
9 the mail or any carrier or conveyance carrying the mail, ~~shall~~
10 ~~be fined not more than \$200, or imprisoned not more than 6~~
11 ~~months, or both,~~ violates this section.

12 "Section 209. Obstruction of correspondence. Whoever takes
13 any article of mail out of any post office or any authorized
14 depository for mail matter, or from any mail carrier, or which
15 has been in any post office or authorized depository or in the
16 custody of any mail carrier, before it has been delivered to the
17 person to whom it was directed, with design to obstruct the
18 correspondence or to pry into the business or secrets of another,
19 or opens, secrets, embezzles, or destroys the same, ~~shall be~~
20 ~~fined not more than \$2,000, or imprisoned not more than 3 years,~~
21 ~~or both,~~ violates this section.

22 "Section 210. Delay or destruction of mail. Whoever, being
23 a Postal Service officer, ~~or~~ employee, or their agent, unlaw-
24 fully secrets, destroys, detains, delays, or opens any article
25 of mail entrusted to him or which shall come into his possession,

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1 and which was intended to be conveyed by mail, ~~shall be fined~~
2 ~~not more than \$500, or imprisoned not more than 3 years, or~~
3 ~~both~~ violates this section.

4 "Section 211. Keys or locks stolen or reproduced.

5 (1) Whoever steals, embezzles, or obtains by false pretense
6 any key suited to any lock adopted by the Postal Service and in
7 use on any of the mails or bags thereof, or any key to any
8 authorized receptacle for the deposit or delivery of mail matter;
9 or

10 (2) Whoever knowingly and unlawfully makes, forges, or
11 counterfeits any such key or possesses any such mail lock or key
12 with the intent unlawfully or improperly to use, sell, or other-
13 wise dispose of the same, or to cause the same to be unlawfully
14 or improperly used, sold, or otherwise disposed of; or

15 (3) Whoever, being engaged as a contractor or otherwise
16 in the manufacture of any such mail lock or key, delivers any
17 lock or part thereof, or key, used or designed for use by the
18 Postal Service, to any person not duly authorized by the Postal
19 Service to receive the same, ~~unless the person receiving it is~~
20 ~~the contractor or his agent for furnishing the same or engaged~~
21 ~~in the manufacture thereof as authorized by the contract~~
22 ~~shall be fined not more than \$500, or imprisoned not more than~~
23 ~~3 years, or both~~ violates this section.

24 "Section 212. Destruction of letter boxes or mail. Whoever
25 willfully or maliciously injures, tears down, or destroys any

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1 letter box or other receptacle intended or used for the receipt
2 or delivery of mail, or breaks open the same or willfully or
3 maliciously injures, defaces, or destroys any mail deposited
4 therein, ~~shall be fined not more than \$1,000 or imprisoned~~
5 ~~not more than 3 years or both~~ violates this section.

6 "Section 213. Damage to mail bags. Whoever tears, cuts, or
7 otherwise damages any mail bag, pouch, or other thing used or
8 designed for use in the conveyance of the mail, with intent to
9 ~~rob or steal~~ remove any such mail or to render the same insecure,
10 contrary to law, ~~shall be fined not more than \$1,000 or~~
11 ~~imprisoned not more than 3 years or both~~ violates this section.

12 "Section 214. Theft of property used by Postal Service. Whoever
13 steals or embezzles any property used by the Postal Service or
14 appropriates any such property to his own or any other than its
15 proper use, or conveys away such property to the hindrance or
16 detriment of the ~~public~~ Postal ~~Service,~~ shall be fined not ~~more~~
17 less than \$1,000 3,000, or imprisoned not ~~more~~ less than 3 years,
18 or both; but if the value of such property does not exceed \$100,
19 he shall be fined not ~~more~~ less than \$500 1,000, or imprisoned
20 not ~~more~~ less than 1 year, or both.

21 "Section 215. Theft of mail matter generally. Whoever steals,
22 destroys, or otherwise unlawfully takes any article of mail from
23 a post office, a Postal Service officer, employee, or their agent,
24 or any authorized mail receptacle or locale, ~~shall be fined not~~
25 ~~more than \$1,000 or imprisoned not more than 3 years or both~~

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1 violates this section.

2 "Section 216. Receipt of stolen mail matter generally. Whoever
3 buys, receives, conceals, or unlawfully possesses any article of
4 mail which has been stolen or otherwise unlawfully taken, knowing
5 the same to have been ~~stolen or otherwise~~ unlawfully taken,
6 ~~shall be fined not more than \$1,000, or imprisoned not more~~
7 ~~than 3 years, or both~~ violates this section.

8 "Section 217. Theft of mail matter by officer or employee.
9 Whoever, being a Postal Service officer, ~~or~~ employee, or their
10 agent, embezzles any article of mail entrusted to him or which
11 comes into his possession intended to be conveyed by mail, or
12 steals or removes any of the contents of a parcel intended to be
13 conveyed by mail, ~~shall be fined not more than \$2,000, or~~
14 ~~imprisoned not more than 3 years, or both~~ violates this section.

15 "Section 218. Misappropriation of postal funds. Whoever, being
16 a Postal Service officer, ~~or~~ employee, or their agent, loans,
17 uses, pledges, or converts to his own use, or to the use of any
18 third party, except as authorized by law, any money or property
19 coming under his control ~~in the execution~~ or under control of his
20 office, employment, or service is guilty of embezzlement and
21 shall be fined not more than \$5,000, or ~~in~~ a sum equal to the
22 amount or value of the money or property embezzled, or imprisoned
23 not ~~more~~ less than 5 years, or both; but if the amount or value
24 thereof does not exceed \$100, he shall be fined not ~~more~~ less
25 than \$1,000, or imprisoned not ~~more~~ less than 1 year, or both.

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- 1 "Section 219. Falsification of postal returns to increase
2 compensation. Whoever, being a Postal Service officer, ~~of~~
3 employee, or their agent, makes a false return, statement, or
4 account to any officer of the Federated States of Micronesia, or
5 makes a false entry in any record book or account required by law
6 to be kept in respect to the business or operations of any post
7 office, for the purpose of fraudulently increasing his compensa-
8 tion or the compensation of any officer, ~~of~~ employee, or agent
9 of the Postal Service, ~~shall be fined not more than \$3000, or~~
10 ~~imprisoned not more than 1 year, or both,~~ violates this section.
11 "Section 220. Issuance of money orders without payment. Whoever,
12 being an officer, ~~of~~ employee, or their agent, of the Postal
13 Service, issues a money order without having previously received
14 the money therefor, ~~shall be fined not more than \$3000,~~ violates
15 this section. Postal money orders shall not be issued in
16 denominations exceeding the sum of \$100.
17 "Section 221. Use of mails in commission of fraud. Whoever shall
18 intentionally or knowingly use the mails or the mail system to
19 facilitate commission of a theft, a fraud, or any other criminal
20 act as defined by title 11 of the Code of the Federated States
21 of Micronesia, violates this section.
22 "Section ~~221~~ 222. Firearms as nonmailables.
23 (1) Firearms or ammunition are nonmailable and shall not be
24 deposited in or carried by the mails or delivered by any officer
25 or employee of the Postal Service; PROVIDED that firearms or

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1 ammunition may be conveyed in the mails, under such regulations
2 as the Postal Service may prescribe, to State or National law
3 enforcement officers/, or to such others as the Postal Service,
4 by regulation, may allow.

5 (2) For purposes of this section, 'firearm' means any
6 device, by whatever name known, which is designed or may be
7 converted to expel or hurl a projectile or projectiles by the
8 action of an explosion, a release, or an expansion of gas,
9 including, but not limited to, guns, but excepting ~~a~~ devices
10 designed or redesigned for use solely as ~~a~~ signaling, line
11 throwing, spearfishing, or industrial devices.

12 (3) Whoever knowingly deposits for mailing or delivery,
13 or knowingly causes to be delivered by mail, any firearm declared
14 nonmailable by this section shall be fined not ~~more~~ less than
15 \$1,000, or imprisoned not ~~more~~ less than 2 years, or both.
16 "Section ~~777~~ 223. Injurious articles as nonmailable.

17 (1) All kinds of poison, and all articles and compositions
18 containing poison, and all poisonous animals, insects, reptiles,
19 and all explosives, inflammable materials, and mechanical,
20 chemical, or other devices or compositions which may ignite
21 or explode, and all disease germs or scabs, and all other
22 natural or artificial articles, compositions, or material
23 which may kill or injure another, or injure the mails or other
24 property, including radioactive materials, are nonmailable
25 matter and shall not be conveyed in the mails or delivered

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1 from any post office or station thereof, nor by any officer or
2 employee of the Postal Service, or their agent.

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

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

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

17 (5) All knives having a blade which opens automatically

18 (a) By hand pressure applied to a button or other
19 device in the handle of the knife, or

20 (b) By operation of inertia, gravity, or both,
21 are nonmailable and shall not be deposited in or carried by
22 the mails or delivered by any officer or employee of the
23 Postal Service.

24 (6) Whoever knowingly deposits for mailing or delivery,
25 or knowingly causes to be delivered by mail, ~~according to~~

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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~~ less than \$1,000, or imprisoned not ~~more~~ less than ~~one~~ 1 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~~ less than \$10,000, or imprisoned not ~~more~~ less 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 terms of title 11, section 911, of the Code of the Federated States of Micronesia are met, and if the Court shall in its discretion so direct.

(9) Until the regulations referred to in this section and the preceding section have been promulgated by the appropriate authority, it shall be a violation of this act

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1 to mail any firearm, ammunition, or injurious article, which
2 violation shall be punishable by a fine of not less than
3 \$1,000, or imprisonment for not less than 1 year, or both.

4 Upon promulgation by the proper authority of appropriate
5 regulations allowing for the exceptions as outlined above,
6 this section shall be void.

7 "Section ~~223~~ 224. Canceled stamps and envelopes.

8 ~~(1) Whoever uses or attempts to use in payment of postage~~
9 ~~any canceled postage stamp, or~~

10 ~~(2)~~ (1) Whoever removes, attempts to remove, or assists in
11 removing the canceling or defacing marks from any postage stamp
12 or the superscription from any stamped envelope, package, or
13 postal card that has once been used in payment of postage with
14 the intent to use the same for a like purpose; or

15 ~~(3)~~ (2) Whoever knowingly sells or offers to sell the same;
16 or

17 ~~(4)~~ (3) Whoever knowingly possesses any such postage stamp,
18 stamped envelope, package, or postal card with intent to use
19 the same; or

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

22 ~~(6) Whoever uses or attempts to use the same in payment~~
23 ~~of postage, or~~

24 ~~(7)~~ (4) Whoever unlawfully and willfully removes from any
25 mail matter any stamp attached thereto in payment of postage; or

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(§5) 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, violates this section.

"Section 224 225. Sale or pledge of stamps. Whoever, being a Postal Service officer, or employee, or their agent, 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 in the normal course of postal business; 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,

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1 or their agent is employed; or

2 (5) Inflates or induces the inflation of the receipts
3 of any post office for the purpose of increasing the
4 emoluments or compensation of any Postal Service officer, or
5 employee, or their agent; or

6 (6) Sells or disposes of postage stamps, stamped
7 envelopes, or postal cards otherwise than as provided by
8 law or regulations, ~~shall be fined not more than \$500, or~~
9 ~~imprisoned not more than 1 year, or both~~ violates this section.

10 "Section 225 226. False evidence to secure ~~second~~ lower-class rate.

11 Whoever knowingly submits to any officer, or employee, or agent
12 of the Postal Service, any false evidence relative to any

13 form or publication, for the purpose of securing the ~~admission~~

14 ~~thereof at the second-class~~ delivery via the mail of any

15 article at a reduced postage rate, for transportation in the

16 ~~mail shall be fined not more than \$500~~ violates this section.

17 "Section 226 227. Avoidance of postage by using lower class matter.

18 (1) Matter of ~~the second, third, or fourth class~~

19 a lower rate classification containing any writing or printing

20 in addition to the original matter, other than as authorized

21 by law, shall not be admitted to the mails, nor delivered,

22 except upon payment of postage for matter of the ~~first class~~

23 highest postage rate classification, Unless by direction of

24 a duly authorized officer of the Postal Service, such postage

25 shall be remitted.

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1 (2) Whoever knowingly conceals or encloses any matter
2 of a higher class postage rate in that of a lower class
3 postage rate and deposits the same for conveyance by mail
4 at a lower rate than would be charged for such higher class
5 matter, ~~shall be fined not more than \$100/~~ violates this section.

6 "Section ~~227~~ 228. Postage unpaid on deposited mail matter.

7 Whoever knowingly and willfully deposits anyailable matter on
8 which no postage has been paid, in any receptacle established,
9 approved, or accepted by the Postal Service for the receipt or
10 delivery of mail matter, with intent to avoid payment of lawful
11 postage thereon, ~~shall for each such offense be fined not more~~
12 ~~than \$300/~~ violates this section.

13 "Section ~~228~~ 229. Postage collected unlawfully. Whoever, being
14 a Postal Service officer, ~~or~~ employee, or their agent,
15 authorized to receive the postage of mail matter, fraudulently
16 demands or receives any rate of postage or gratuity or reward
17 other than is provided by law for the postage of such mail
18 matter, ~~shall be fined not more than \$100/ or imprisoned not~~
19 ~~more than 6 months/ or both/~~ violates this section.

20 "Section 230. Punishments established.

21 (1) Any person convicted of violating section 201, 202,
22 227, or 229 of this act, shall be fined not less than \$100,
23 or imprisoned not less than 30 days, or both.

24 (2) Any person convicted of violating section 204,
25 206, 208, 220, or 224 of this act, shall be fined not less

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1 than \$500, or imprisoned not less than 6 months, or both.

2 (3) Any person convicted of violating section 203,
3 205, 207, 210, 211, 219, 225, or 226 of this act, shall be
4 fined not less than \$1,000, or imprisoned not less than 1
5 year, or both.

6 (4) Any person convicted of violating section 209,
7 212, 213, 215, 216, 217, or 222 of this act, shall be fined
8 not less than \$2,000, or imprisoned not less than 2 years,
9 or both."

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

13
14 Date: 5/18/85

Introduced by: Jack Fritz
Jack Fritz

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