
A BILL FOR AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 2-71, 3-63, 3-75 and 4-83, by amending further section 301, as amended by Public Law No. 4-83, to reinstate a provision allowing conviction of persons who are criminally liable for the conduct of another although the person who directly committed the offense has been acquitted, to clarify that the specific pleading requirement applies only to aiding and abetting, and for other purposes.

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

1 Section 1. Section 301 of title 11 of the Code of the Federated
2 States of Micronesia, as amended by Public Law No. 4-83, is hereby
3 further amended to read as follows:

4 "Section 301. Liability for crimes of another.

5 (1) A person is criminally liable for the conduct of
6 another, if:

7 (a) he intentionally aids, abets, advises,
8 solicits, counsels, or conspires with or otherwise procures
9 the other to commit an offense; or

10 (b) while acting with the state of mind that is
11 sufficient for the commission of the offense, he causes an
12 innocent or irresponsible person to engage in such conduct;
13 or

14 (c) having a legal duty to prevent the
15 commission of an offense, he fails to make proper effort to
16 do so.

17 (2) A person liable under subsection (1) of this
18 section is also liable for any other offense committed in
19 the pursuance of the intended crime if reasonably
20 foreseeable by him as a probable consequence of committing
21 or attempting to commit the offense intended.

22 (3) A person liable under this section may be charged
23 with and convicted of the offense although the person who
24 directly committed it has not been prosecuted or convicted,
25 or has been convicted of a different offense or degree of

Isol


C. B. No. 4-394

1 offense, or has been acquitted.

2 (4) No person may be convicted under this section of
3 aiding and abetting unless the information specifically
4 alleges that the defendant aided and abetted and that said
5 information provides specific acts constituting the means
6 of aiding and abetting so as to afford the defendant
7 adequate notice to prepare his defense."

8 Section 2. This act shall become law upon approval by the
9 President of the Federated States of Micronesia or upon its becoming
10 law without such approval.

11
12 Date: 1/17/87

Introduced by: 
John R. Haglelgam
(by request)

13
14
15
16
17
18
19
20
21
22
23
24
25