AN ACT

To amend Public Law No. 3-38, the Postal Crimes Act, codified as sections 201 through 204 and 207 through 234 of title 39 of the Code of the Federated States of Micronesia, by amending sections 206 and 222, codified as sections 212 and 228 of title 39 of the Code of the Federated States of Micronesia; by adding new sections 235 through 245 of title 39 of the Code of the Federated States of Micronesia; and for other purposes.

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

1. Section 212 of title 39 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 212. Prompt delivery of mail.

(1) Whoever, having charge or control of delivering mail from an arriving vessel to the Postmaster or Post Office, fails to so deliver that mail, including all letters and packages within his power or control addressed to or destined for the Postmaster or Post Office, within three hours after it is available for such delivery, shall be fined not more than $200.

(2) Whoever, having charge or control of delivering mail from an arriving aircraft to the Postmaster or Post Office, fails to so deliver that mail, including all letters and packages within his power or control addressed to or destined for the Postmaster or Post Office, within one hour after it is available for such delivery, shall be fined not more than $200.

(3) Whoever, having charge or control of delivering mail from an arriving vessel or aircraft to the Postmaster or Post Office, or from the Postmaster or Post Office to a vessel or aircraft, engages in an unnecessary detour from the delivery route, shall be
fined not more than $200."

Section 2. Section 228 of title 39 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 228. Injurious articles as nonmailable.

(1) All kinds of poison, and all articles and compositions containing poison, and controlled substances as defined in subsection (3) of section 1112 of title 11 of this Code, 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 and controlled substances 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 auto-
matically (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 Service.

(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 twenty years, or both.

(3) 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 in its discretion so directs."

Section 3. Title 39 of the Code of the Federated States of
Micronesia is hereby amended by adding a new section 235 to read as
follows:

"Section 235. Mailing threatening communications.

(1) Whoever knowingly deposits in any post office
or authorized depository for mail matter, to be sent or
delivered by the Postal Service or knowingly causes to be
delivered by the Postal Service according to the
direction thereon, any communication, with or without a
name or designating mark subscribed thereto, addressed to
any other person, and containing any demand or request
for ransom or reward for the release of any kidnapped
person, shall be fined not more than $5,000 or
imprisoned not more than 10 years, or both.

(2) Whoever, with intent to extort from any
person any money or other thing of value, so deposits,
or causes to be delivered, as aforesaid, any communi-
cation containing any threat to kidnap any person or any
threat to injure the person of the addressee or of another,
shall be fined not more than $5,000 or imprisoned not more
than 10 years, or both.

(3) Whoever knowingly so deposits or causes to be
delivered as aforesaid, any communication with or without
a name or designating mark subscribed thereto, addressed
to any other person and containing any threat to kidnap
any person or any threat to injure the person of the
addressee or of another, shall be fined not more than
$1,000 or imprisoned not more than 3 years, or both.

(4) Whoever, with intent to extort from any person
any money or other thing of value, knowingly so deposits
or causes to be delivered, as aforesaid, any communication,
with or without a name or designating mark subscribed
thereto, addressed to any other person and containing any
threat to injure the property or reputation of the
addressee or of another, or the reputation of a deceased
person, or any threat to accuse the addressee or any other
person of a crime, shall be fined not more than $500 or
imprisoned not more than 2 years, or both."
Section 4. Title 39 of the Code of the Federated States of
Micronesia is hereby amended by adding a new section 236 to read
as follows:

"Section 236. Libelous matter on wrappers or envelopes.

(1) All matter otherwise mailable by law, upon the
envelope or outside cover or wrapper of which, or any
postal card upon which is written or printed or otherwise
impressed or apparent any delineation, epithet, term, or
language of libelous, scurrilous, defamatory, or threat-
ening character, or calculated by the terms or manner or
style of display and obviously intended to reflect
injuriously upon the character or conduct of another,
is nonmailable matter, and shall not be conveyed in
the mails nor delivered from any post office nor by
any letter carrier, and shall be withdrawn from the mails
under such regulations as the Postal Service shall
prescribe.

(2) Whoever knowingly deposits for mailing or
delivery, anything declared by this section to be
nonmailable matter, or knowingly takes the same from
the mails for the purpose of circulating or disposing of
or aiding in the circulation or disposition of the same,
shall be fined not more than $1,000 or imprisoned not more
than 1 year, or both."

Section 5. Title 39 of the Code of the Federated States of
Micronesia is hereby amended by adding a new section 237 to read as follows:

"Section 237. Mailing indecent matter on wrappers or envelopes.

(1) All matter otherwise mailable by law, upon the envelope or outside cover or wrapper of which, and all postal cards upon which, any delineations, epithets, terms, or language of an indecent, lewd, lascivious, or obscene character are written or printed or otherwise impressed or apparent, are nonmailable matter, and shall not be conveyed in the mails nor delivered from any post office nor by any letter carrier, and shall be withdrawn from the mails under such regulations as the Postal Service shall prescribe.

(2) Whoever knowingly deposits for mailing or delivery, anything declared by this section to be non-mailable matter, or knowingly takes the same from the mails for the purpose of circulating or disposing of or aiding in the circulating or disposition of the same, shall be fined not more than $5,000 or imprisoned not more than 3 years, or both."

Section 6. Title 39 of the Code of the Federated States of Micronesia is hereby amended by adding a new section 238 to read as follows:

"Section 238. Frauds and swindles. Whoever, having

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1 devised or intending to devise any scheme or artifice to
2 defraud, or for obtaining money or property by means of
3 false or fraudulent pretenses, representations, or
4 promises, or to sell, dispose of, loan, exchange, alter,
5 give away, distribute, supply, or furnish or procure for
6 unlawful use any counterfeit or spurious coin, obligation,
7 security, or other article, or anything represented to be
8 or intimated or held out to be such counterfeit or
9 spurious article, for the purpose of executing such scheme
10 or artifice or attempting so to do, places in any post
11 office or authorized depository for mail matter, any matter
12 or thing whatever to be sent or delivered by the Postal
13 Service, or takes or receives therefrom, any such matter
14 or thing, or knowingly causes to be delivered by mail
15 according to the direction thereon, or at the place at
16 which it is directed to be delivered by the person to
17 whom it is addressed, any such matter or thing, shall be
18 fined not more than $1,000 or imprisoned not more than
19 5 years, or both."

20 Section 7. Title 39 of the Code of the Federated States of
21 Micronesia is hereby amended by adding a new section 239 to read as
22 follows:

23 "Section 239. Fictitious name or address. Whoever, for
24 the purpose of conducting, promoting, or carrying on by
25 means of the Postal Service, any scheme or device
mentioned in section 238 of this title or any other unlawful business, uses or assumes, or requests to be addressed by, any fictitious, false, or assumed title, name, or address or name other than his own proper name, or takes or receives from any post office or authorized depository of mail matter, any letter, postal card, package, or other mail matter addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own proper name, shall be fined not more than $1,000 or imprisoned not more than 5 years, or both."

Section 8. Title 39 of the Code of the Federated States of Micronesia is hereby amended by adding a new section 240 to read as follows:

"Section 240. False claims for postal losses.

(1) Whoever makes, alleges, or presents any claim or application for indemnity for the loss of any registered or insured letter, parcel, package, or other article or matter, or the contents thereof, knowing such claim or application to be false, fictitious, or fraudulent; or

(2) Whoever for the purpose of obtaining or aiding to obtain the payment or approval of any such claim or application, makes or uses any false statement, certificate, affidavit, or deposition; or

(3) Whoever knowingly and willfully misrepresents, or misstates, or, for the purpose aforesaid, knowingly and
willfully conceals any material fact or circumstance in
respect of any such claim or application for indemnity
shall be fined not more than $500 or imprisoned not more
than 1 year, or both; PROVIDED, however, that if the amount
of such claim or application for indemnity is less
than $100 only a fine shall be imposed."

Section 9. Title 39 of the Code of the Federated States of
Micronesia is hereby amended by adding a new section 241 to read as
follows:

"Section 241. Money orders.

(1) Whoever, with intent to defraud, falsely makes,
forges, counterfeits, engraves, or prints any order in
imitation of or purporting to be a blank money order or
a money order issued by or under the direction of the
Postal Service; or

(2) Whoever forges or counterfeits the signature or
initials of any person authorized to issue money orders
upon or to any money order, postal note, or blank therefor
provided or issued by or under the direction of the Postal
Service, or post office department or corporation of any
foreign country, and payable in the Federated States of
Micronesia, or any material signature or indorsement
thereon, or any material signature to any receipt or
certificate of identification thereof; or

(3) Whoever falsely alters, in any material respect,
any such money order or postal note; or

(4) Whoever, with intent to defraud, passes, utters or
publishes or attempts to pass, utter or publish any such
forged or altered money order or postal note, knowing
any material initials, signature, stamp impression or
indorsement thereon to be false, forged, or counterfeited,
or any material alteration therein to have been falsely
made; or

(5) Whoever issues any money order or postal note
without having previously received or paid the full amount
of money payable therefor, with the purpose of fraudulently
obtaining or receiving, or fraudulently enabling any
other person, either directly or indirectly, to obtain or
receive from the Federated States of Micronesia or Postal
Service, or any officer, employee, or agent thereof, any
sum of money whatever; or

(6) Whoever embezzles, steals, or knowingly converts
to his own use or to the use of another, or without
authority converts or disposes of any blank money order
form provided by or under the authority of the Postal
Service; or

(7) Whoever receives or possesses any such money order
form with the intent to convert it to his own use or gain or
use or gain of another knowing it to have been embezzled,
stolen or converted; or
(8) Whoever, with intent to defraud the Federated States of Micronesia, the Postal Service, or any person, transmits, presents, or causes to be transmitted or presented, any money order or postal note knowing the same:

(a) To contain any forged or counterfeited signature, initials, or any stamped impression, or

(b) To contain any material alteration therein unlawfully made, or

(c) To have been unlawfully issued without previous payment of the amount required to be paid upon such issue, or

(d) To have been stamped without lawful authority; or

(9) Whoever steals, or with intent to defraud or without being lawfully authorized by the Postal Service, receives, possesses, disposes of or attempts to dispose of any postal money order machine or any stamp, tool, or instrument specifically designed to be used in preparing or filling out the blanks on postal money order forms shall be fined not more than $5,000 or imprisoned not more than 5 years, or both."

Section 10. Title 39 of the Code of the Federated States of Micronesia is hereby amended by adding a new section 242 to read as follows:
"Section 242. Robbery of mail, money or other property of the Postal Service. Whoever assaults any person having lawful charge, control, or custody of any mail matter or of any money or other property of the Postal Service, with intent to rob, steal, or purloin such mail matter, money, or other property of the Postal Service, or robs any such person of mail matter, or of any money, or other property of the Postal Service, shall, for the first offense, be imprisoned not more than 10 years; and if in effecting or attempting to effect such robbery he wounds the person having custody of such mail, money, or other property of the Postal Service, or puts his life in jeopardy by the use of a dangerous weapon, or for a subsequent offense, shall be imprisoned not more than 20 years."

Section 11. Title 39 of the Code of the Federated States of Micronesia is hereby amended by adding a new section 243 to read as follows:

"Section 243. Burglary of post office. Whoever forcibly breaks into or attempts to break into any post office, or any building used in whole or in part as a post office, with intent to commit in such post office, or building or part thereof, so used, any larceny or other depredation, shall be fined not more than $1,000 or imprisoned not more than 5 years, or both."
Section 12. Title 39 of the Code of the Federated States of Micronesia is hereby amended by adding a new section 244 to read as follows:

"Section 244. Confiscation of nonmailable items. The Postmaster General or his designee may confiscate any item declared nonmailable by this act which is placed in the mail. Items so confiscated shall be turned over to the Attorney General of the Federated States of Micronesia for proper disposition. Nonmailable items may be confiscated regardless of whether or not the person sending or receiving such items is prosecuted for a violation of this act."

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

September 7, 1988

John R. Hagisegum
President
Federated States of Micronesia