
A BILL OF AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia, (Annotated), as amended by Public Laws Nos. 11-72 and 17-38, by creating new chapter 13 thereof, defining several national crimes relating to cyber activities including unauthorized access to a protected computer system; unauthorized interception of computer data; unauthorized interference in relation to computer data or protected computer systems; unlawful supply or possession of computer system, computer, computer data or computer program; computer-related forgery; computer-related extortion and fraud; possession, access, reproduction, distribution, solicitation, and facilitation of child pornography; production of child pornography; corruption of children; cyber harassment; cyberstalking; nonconsensual sharing of intimate imagery; establishing provisions that enable national law enforcement agencies and authorities to conduct investigation of cybercrimes, promoting international cooperation measures in relation to cybercrimes; and for other purposes.

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

1 Section 1. Title 11 of the Code of the Federated States of
2 Micronesia, (Annotated), as amended is hereby further amended by
3 creating a new chapter 13 thereof entitled "Sentencing",
4 comprised of existing sections 1201, 1202, 1203, and 1204 of
5 chapter 12 and by renumbering them as sections 1301, 1302, 1303,
6 and 1304, respectively.

7 Section 2. Title 11 of the Code of the Federated States of
8 Micronesia, as amended, is hereby further amended by renaming
9 chapter 12 to "Cybercrimes".

10 Section 3. Title 11 of the Code of the Federated States of
11 Micronesia, (Annotated), as amended, is hereby further amended by
12 repealing in their entirety sections 1201, 1202, 1203, and 1204

1 presently under chapter 12.

2 Section 4. Title 11 of the Code of the Federated States of
3 Micronesia, (Annotated)), as amended, is hereby further amended
4 by inserting subchapter I to chapter 12 to read as follows:

5 "SUBCHAPTER I. General provisions"

6 Section 5. Title 11 of the Code of the Federated States of
7 Micronesia, (Annotated), as amended, is hereby further amended by
8 inserting a new section 1201 to chapter 12 to read as follows:

9 "Section 1201. Citation."

10 (1) This act may be cited as the Cybercrimes Act 2025."

11 Section 6. Title 11 of the Code of the Federated States of
12 Micronesia, (Annotated), as amended, is hereby further amended by
13 inserting a new section 1202 to chapter 12 to read as follows:

14 "Section 1202. Purpose."

15 (1) The purpose of this chapter is to define national
16 cybercrimes, establish provisions to enable
17 investigation of cybercrimes and to promote
18 international cooperation measures in relation to
19 cybercrimes, and for other purposes, in a manner that
20 is consistent with the obligations of the Federated
21 States of Micronesia under international human rights
22 law."

23 Section 7. Title 11 of the Code of the Federated States of
24 Micronesia, (Annotated), as amended, is hereby further amended by
25 inserting a new section 1203 to chapter 12 to read as follows:

1 "Section 1203. Definitions.

2 (1) In this chapter, the following terms and
3 phrases shall have the following meaning:

4 (a) "access" means gaining entry to a program
5 or computer data stored in a computer system;

6 (b) "child" means any person below the age of
7 eighteen years;

8 (c) "child pornography" means any visual
9 depiction of sexually explicit conduct, where:

10 (1) the production of such visual depiction
11 involves the use of a child engaging in sexually
12 explicit conduct;

13 (2) such visual depiction is a digital image,
14 computer image, or computer-generated image that is,
15 or is indistinguishable from, that of a child
16 engaging in sexually explicit conduct; or

17 (3) such visual depiction has been created,
18 adapted, or modified by any means to appear that an
19 identifiable child is engaging in sexually explicit
20 conduct.

21 (d) "computer" means a unit of physical or
22 virtual hardware or equipment or any part thereof,
23 that performs predetermined arithmetic, logical,
24 routing, processing or storage operations in
25 accordance with set instructions and includes input

devices, output devices, processing devices, computer data storage mediums and other equipment and devices related to, or connected with a computer system;

(e) "computer data storage medium" means an apparatus or object from which data is capable of being reproduced, with or without the aid of a computer;

(f) "computer data" or "data" means any representation of facts, information, or concepts in a form suitable for processing in a protected computer system, including a computer program;

(g) "computer program" or "program" means any computer data representing algorithms, codes, instructions, or statements suitable to cause a protected computer system to perform a function or a series of functions;

(h) "computer system" means any computer or a group of interconnected or related computers, one or more of which, pursuant to a program, performs automatic processing of data and any other function related to data;

(i) "control" means the ability to manage, command or direct a computer system, computer or computer data;

(j) "critical information infrastructure" shall

1 have the meaning established in the Cybersecurity Act
2 of 2024 (21 F.S.M.C. 407(2));

3 (k) "electronic communication" means the
4 transfer of a sign, signal, or computer data of any
5 nature, transmitted in whole or in part by an
6 electrical, digital, magnetic, electromagnetic,
7 optical, wire, wireless, radio, photo electronic or
8 photo optical system or any other similar form;

9 (l) "function" includes logic, control,
10 arithmetic, deletion, storage and retrieval and
11 communication to, from or within a protected computer
12 system;

13 (m) "foreign country" means:

14 (1) any country other than the Federated States of
15 Micronesia; and

16 (2) every constituent part of such country,
17 including a territory, dependency or protectorate, or
18 political subdivision which administers its own laws
19 relating to international cooperation;

20 (n) "identifiable child" means a person:

21 (1) who was a child at the time the visual
22 depiction was created, adapted, or modified; or

23 (2) whose image as a child was used in creating,
24 adapting, or modifying the visual depiction; or

25 (3) who is recognizable as an actual person by the

1 person's face, likeness, or other distinguishing
2 characteristic.

3 The term identifiable child shall not be construed to
4 require proof of the actual identity of the child;

5 (o) "internet" means the combination of
6 computer systems, and related devices and software,
7 comprising the interconnected worldwide network of
8 computer systems that employ the Transmission Control
9 Protocol/Internet Protocol or any successor protocol
10 to transmit data;

11 (p) "judge" means any official authorized to
12 issue a warrant under law;

13 (q) "law enforcement officer" means the
14 Secretary, a prosecutor, the chief of national
15 police, or any police officer of the national
16 government of the Federated States of Micronesia;

17 (r) "pornography" or "pornographic material"
18 means any visual depiction of a person engaged in
19 sexually explicit conduct;

20 (s) "producing" means producing, directing,
21 manufacturing, issuing, publishing, or advertising;

22 (t) "protected computer system" means a
23 computer system or computer:

24 (1) exclusively for the use of a financial
25 institution (as the term is defined in chapter 9 of

title 11 of this code) or the Federated States of
Micronesia Government, or, in the case of a computer
system or computer not exclusively for such use, used
by or for a financial institution or the Federated
States of Micronesia Government and the conduct
constituting the offense affects that use by or for
the financial institution or the Government;

(2) which is used in or affecting interstate or
foreign commerce or communication, including a
computer system or computer located in whole or in
part outside the Federated States of Micronesia that
is used in a manner that affects interstate or
foreign commerce or communication of the Federated
States of Micronesia;

(3) that is part of a voting system and is used
for the management, support, or administration of a
national election; or

(4) designated as critical information
infrastructure or that is interconnected with or
communicates with critical information
infrastructure.

For the purpose of this chapter, a computer system or
computer connected to the internet is presumed to be
used in or affecting interstate or foreign commerce
or communication;

1 (u) "Secretary" means the Secretary of
2 Justice of the Federated States of Micronesia,
3 whatever the title of such position is or in the
4 future may become;

5 (v) "service provider" means:

6 (1) any public or private entity that provides
7 users of its service the ability to communicate by
8 means of a protected computer system; or

9 (2) any other entity that processes or stores
10 computer data on behalf of the entity or users of
11 such service provided by the entity;

12 (w) "sexually explicit conduct" means actual
13 or simulated:

14 (1) sexual intercourse, including genital-genital,
15 oral-genital, anal-genital, or oral-anal, whether
16 between persons of the same or opposite sex;

17 (2) bestiality;

18 (3) masturbation;

19 (4) sadistic or masochistic abuse; or

20 (5) lascivious exhibition of the anus, genitals,
21 or pubic area of any person;

22 (x) "traffic data" means any computer
23 data relating to an electronic communication
24 transmitted by means of a protected computer system,
25 generated by a computer system that forms a part in

1 the chain of communication, indicating the origin,
2 destination, route, time, date, size or duration of
3 the communication, or type of underlying service; and

4 (y) "virtual hardware" means a simulated
5 computer or computer system created by virtualization
6 software that allows users to run computer programs
7 without affecting the resources of the user's
8 physical equipment;

9 (z) "visual depiction" includes:

10 (1) any photograph, film, video, picture, digital
11 image, computer image, or computer-generated image,
12 whether made or produced by electronic, mechanical,
13 or other means;

14 (2) undeveloped film and video;

15 (3) data stored on protected computer system,
16 which is capable of conversion into a visual image,
17 and

18 (4) data which is capable of conversion into a
19 visual image that has been transmitted by any means,
20 including a computer system, whether or not stored in
21 a permanent format."

22 Section 8. Title 11 of the Code of the Federated States of
23 Micronesia, (Annotated), as amended, is hereby further amended by
24 inserting a new section 1204 to chapter 12 to read as follows:

25 "Section 1204. Department of Justice to have

1 authority over cybercrimes.

2 (1) The Federated States of Micronesia Department
3 of Justice shall have primary enforcement authority
4 with respect to the provisions of this chapter, and:

5 (a) shall receive and investigate reports of
6 offenses established in this chapter;

7 (b) shall issue instructions, orders, and
8 notices provided under this chapter as may be
9 reasonable and appropriate to facilitate any criminal
10 investigation;

11 (c) may compile statistics and records in
12 relation to offenses established in this chapter,
13 disseminate information on the matter within the
14 Federated States of Micronesia or elsewhere, make
15 recommendations arising out of any information
16 received;

17 (d) shall advise the President on matters
18 related to this chapter;

19 (e) may consult with any relevant person,
20 institution or organization for the purpose of
21 exercising its powers or duties;

22 (f) may enter into agreements with the States
23 of the Federated States of Micronesia with respect to
24 the enforcement and implementation of the provisions
25 of this chapter, as deemed appropriate; and

1 (g) shall exercise the powers and functions
2 granted under this chapter.

3 (2) The Secretary may prescribe such rules and
4 regulations and adopt such policies as the Secretary
5 may deem necessary to implement the provisions of this
6 chapter."

7 Section 9. Title 11 of the Code of the Federated States of
8 Micronesia, (Annotated), as amended, is hereby further amended by
9 inserting a new subchapter II to chapter 12 to read as follows:

10 "SUBCHAPTER II. Offenses against the confidentiality,
11 integrity, and availability of computer data and protected
12 computer systems"

13 Section 10. Title 11 of the Code of the Federated States of
14 Micronesia, (Annotated), as amended, is hereby further amended by
15 inserting a new section 1205 to chapter 12 to read as follows:

16 "Section 1205. Unauthorized access to a protected
17 computer system.

18 (1) A person commits an offense if the person
19 intentionally causes, or attempts or conspires to
20 cause, a protected computer system to perform a
21 function or series of functions to secure access to
22 the protected computer system and knows that the
23 access the person intends to secure is unauthorized.

24 (2) Access by a person to a protected computer
25 system shall be unauthorized where the person:

1 (a) is not entitled to have control or access
2 of the kind in question; and

3 (b) is not authorized to access of the kind
4 in question by any person who is so entitled.

5 (3) It is immaterial that the unauthorized access
6 is not directed at:

7 (a) any particular computer data; or

8 (b) computer data held in any particular
9 protected computer system.

10 (4) Access by a person to a protected computer
11 system shall be deemed lawfully authorized if the
12 person is permitted or required by a court of law or
13 under any other law to obtain information or take
14 possession of any document or thing.

15 (5) The offense established under subsection (1),
16 is a felony offense, punishable upon conviction by
17 imprisonment for a maximum term of five years or a
18 maximum fine of \$5,000, or both; PROVIDED, however,
19 in the case of a corporation, company, commercial
20 enterprise, commercial entity or other legal person,
21 the maximum fine shall be increased to \$20,000.

22 (6) The maximum penalties established in
23 subsection (5) shall be doubled if the offense
24 established under subsection (1) damages,
25 compromises, disrupts or in any way affects the

functioning of a critical information infrastructure
or a computer system that is interconnected with or
communicates with critical information
infrastructure."

Section 11. Title 11 of the Code of the Federated States of
Micronesia, (Annotated), as amended, is hereby further amended by
inserting a new section 1206 to chapter 12 to read as follows:

"Section 1206. Unauthorized interception of computer
data.

(1) A person commits an offense if the person
intentionally and without authorization intercepts or
causes to be intercepted, or attempts or conspires to
intercept or cause to be intercepted, directly or
indirectly, any computer data.

(2) In this section, an act of interception of any
computer data to, from or within a protected computer
system, includes listening to, recording or acquiring
the substance, meaning or purpose of the computer
data.

(3) It is immaterial that the unauthorized access is
not directed at:

(a) any particular computer data; or

(b) computer data held in any particular
protected computer system.

(4) A interception under subsection (1) is deemed

1 to be authorized if the person:

2 (a) has the express consent of the person who
3 sent the computer data or the intended recipient of
4 the computer data; or

5 (b) is permitted or required by a court or
6 under any other law to obtain information or take
7 possession of any document or thing.

8 (5) The offense established under subsection (1),
9 is a felony offense, punishable upon conviction by
10 imprisonment for a maximum term of five years or a
11 maximum fine of \$5,000, or both; PROVIDED, however,
12 in the case of a corporation, company, commercial
13 enterprise, commercial entity or other legal person,
14 the maximum fine shall be increased to \$20,000.

15 (6) The maximum penalties established in
16 subsection (5) shall be doubled if the offense
17 established under subsection (1) damages,
18 compromises, disrupts or in any way affects the
19 functioning of critical information infrastructure or
20 a computer system that is interconnected with or
21 communicates with critical information
22 infrastructure."

23 Section 12. Title 11 of the Code of the Federated States of
24 Micronesia, (Annotated), as amended, is hereby further amended by
25 inserting a new section 1207 to chapter 12 to read as follows:

1 "Section 1207. Unauthorized interference in relation
2 to computer data or protected computer systems.

3 (1) A person commits an offense if the person
4 intentionally performs, or attempts or conspires to
5 perform, any unauthorized act of interference in
6 relation to computer data or a protected computer
7 system intended to, permanently or temporarily:

8 (a) hinder the functioning of any protected
9 computer system;

10 (b) prevent or impair access to any computer
11 data held in any protected computer system; or

12 (c) impair the operation or the reliability of
13 any such computer data.

14 (2) In this section:

15 (a) an act to hinder the operation of a
16 protected computer system, includes intentionally:

17 (1) cutting the electricity supply to a protected
18 computer system;

19 (2) corrupting, damaging, or deteriorating a
20 protected computer system by any means; or

21 (3) impairing, by any means, the connectivity,
22 infrastructure, or support of a protected computer
23 system;

24 (b) an act to impair the operation or
25 reliability of computer data, includes intentionally

1 damaging, deleting, deteriorating, altering, or
2 suppressing computer data.

3 (3) It is immaterial whether or not the
4 unauthorized act is directed at:

5 (a) any particular computer data or protected
6 computer system; or

7 (b) computer data held in any particular
8 protected computer system.

9 (4) An act of interference performed in relation
10 to computer data or a protected computer system is
11 unauthorized if the person performing the act or
12 causing it to be done:

13 (a) does not have responsibility for the
14 computer data or protected computer system;

15 (b) is not entitled to determine whether the
16 act may be performed; and

17 (c) is not authorized to perform the act by
18 any person who is so entitled.

19 (5) The offense established under subsection
20 (1), is a felony offense, punishable upon conviction
21 by imprisonment for a maximum term of five years or a
22 maximum fine of \$5,000, or both; PROVIDED, however,
23 in the case of a corporation, company, commercial
24 enterprise, commercial entity or other legal person,
25 the maximum fine shall be increased to \$20,000.

1 (6) The maximum penalties established in
2 subsection (5) shall be doubled if the offense
3 established under subsection (1) damages,
4 compromises, disrupts or in any way affects the
5 functioning of critical information infrastructure or
6 a computer system that is interconnected with or
7 communicates with critical information
8 infrastructure."

9 Section 13. Title 11 of the Code of the Federated States of
10 Micronesia, (Annotated), as amended, is hereby further amended by
11 inserting a new section 1208 to chapter 12 to read as follows:

12 "Section 1208. Unlawful supply or possession of
13 computer system, computer, computer data or computer
14 program.

15 (1) A person commits an offense if the person
16 knowingly manufactures, sells, procures for use,
17 imports, distributes, or otherwise makes available,
18 or attempts or conspires to perform such acts, a
19 computer system, a computer, computer data, or a
20 computer program designed or adapted primarily for
21 the purpose of committing an offense prescribed under
22 subchapters II, III and IV of this chapter.

23 (2) A person commits an offense if the person
24 knowingly is in possession of, or attempts or
25 conspires to be in possession of, any computer data

or computer program, or a computer system or any other computer designed or adapted primarily for the purpose of committing an offense under this chapter with the intention that it be used by the person or another person to commit or facilitate the commission of an offense under this chapter.

(3) For the purpose of subsection (2), possession includes:

(a) possession of a computer system or computer that holds or contains the computer data;

(b) possession of a document in which the computer data is recorded; or

(c) having control of computer data that is in the possession of another person.

(4) The offenses established under subsections (1) and (2), are felony offenses, each punishable upon conviction by imprisonment for a maximum term of two years or a maximum fine of \$2,000, or both; PROVIDED, however, in the case of a corporation, company, commercial enterprise, commercial entity or other legal person, the maximum fine shall be increased to \$10,000."

Section 14. Title 11 of the Code of the Federated States of Micronesia, (Annotated), as amended, is hereby further amended by inserting a new subchapter III to chapter 12 to read as follows:

1 "SUBCHAPTER III. Computer-related offenses"

2 Section 15. Title 11 of the Code of the Federated States of
3 Micronesia, (Annotated), as amended, is hereby further amended by
4 inserting a new section chapter 12 to read as follows:

5 "Section 1209. Computer-related forgery."

6 (1) A person commits an offense if the person
7 intentionally and without authorization inputs,
8 alters, deletes, or suppresses computer data,
9 resulting in inauthentic data, regardless of
10 whether or not the data is directly readable and
11 intelligible, to obtain a gain for the person or
12 another person, or causing loss to another person
13 or exposing another person to risk of loss.

14 (2) The offense established under subsection
15 (1), is a felony offense, punishable upon
16 conviction by imprisonment for a maximum term of
17 two years or a maximum fine of \$2,000, or both;
18 PROVIDED, however, in the case of a corporation,
19 company, commercial enterprise, commercial entity
20 or other legal person, the maximum fine shall be
21 increased to \$10,000.

22 (3) The maximum penalties established in
23 subsection (2) shall be doubled if the offense
24 established under subsection (1) damages,
25 compromises, disrupts or in any way affects the

functioning of critical information infrastructure
or a computer system that is interconnected with
or communicates with critical information
infrastructure."

Section 16. Title 11 of the Code of the Federated States of
Micronesia, (Annotated), as amended, is hereby further amended by
inserting a new section 1210 to chapter 12 to read as follows:

"Section 1210. Computer-related extortion and fraud.

(1) A person commits an offense if the person
intentionally and without authorization performs or
threatens to perform any act described under this
chapter for the purpose of procuring an economic
benefit, for the person or another person, or causing
loss to another person or exposing another person to
risk of loss, including by undertaking to cease or
desist from the act, or by undertaking to restore any
damage caused as a result of the act.

(2) The offense established under subsection (1),
is a felony offense, punishable upon conviction by
imprisonment for a maximum term of five years or a
maximum fine of \$5,000, or both; PROVIDED, however, in
the case of a corporation, company, commercial
enterprise, commercial entity or other legal person,
the maximum fine shall be increased to \$20,000.

(3) The maximum penalties established in

subsection (2) shall be doubled if the offense established under subsection (1) damages, compromises, disrupts or in any way affects the functioning of critical information infrastructure or a computer system that is interconnected with or communicates with critical information infrastructure."

Section 17. Title 11 of the Code of the Federated States of Micronesia, (Annotated), as amended, is hereby further amended by inserting a new subchapter IV to chapter 12 to read as follows:

"SUBCHAPTER IV. Content-related offenses"

Section 18. Title 11 of the Code of the Federated States of Micronesia, (Annotated), as amended, is hereby further amended by inserting section 1211 to chapter 12 to read as follows:

"Section 1211. Possession, access, reproduction, distribution, solicitation, and facilitation of child pornography.

(1) A person commits an offense if the person knowingly possesses, or knowingly accesses with intent to view, child pornography by any means, including a protected computer system.

(2) A person commits an offense if the person knowingly:

(a) reproduces, sells, gives away, distributes, electronically transmits, displays, purchases, or possesses with intent to sell, give

away, distribute, transmit, or display child
pornography by any means, including by a protected
computer system; or

(b) commands, requests, or otherwise attempts
to persuade another person to send, submit, transfer, or
provide to the person, child pornography by any means,
including by a protected computer system, in order to
gain entry into a group, association, or assembly of
persons engaged in trading or sharing child pornography.

(3) All child pornography shall be subject to
lawful seizure and forfeiture in accordance with the
law.

(4) For purposes of this section, it may be
inferred by text, title, or appearance that a person
who is depicted as or presents the appearance of being
less than 18 years of age in pornographic material, is
less than 18 years of age.

(5) The provisions of this section shall not apply
to any child pornography that is possessed for a bona
fide medical, governmental, law-enforcement, or
judicial purpose by a physician, psychologist,
attorney, employee of the department of social
services, employee of a law-enforcement agency, judge,
or clerk and such person possesses such material in the
course of conducting the person's professional or

1 official duties.

2 (6) It shall be a defense to a charge of violating
3 subsection (1) if the person:

4 (a) possessed less than three matters
5 containing any visual depiction proscribed by
6 subsection (1); and

7 (b) promptly and in good faith, and without
8 retaining or allowing any person, other than a law
9 enforcement agency, to access any visual depiction
10 proscribed by subsection (1) or copy thereof:

11 (1) took reasonable steps to destroy each such
12 visual depiction; or

13 (2) reported the matter to a law enforcement
14 agency and afforded that agency access to each such
15 visual depiction.

16 (7) It shall be a defense to a charge of violating
17 subsection (2) if the alleged child pornography was
18 produced using an actual person or persons engaging in
19 sexually explicit conduct and each such person or
20 persons was not a child at the time the pornographic
21 material was produced.

22 (8) The offenses established under subsections (1)
23 and (2), are felony offenses, each punishable upon
24 conviction by imprisonment for a maximum term of
25 fifteen years or a maximum fine of \$10,000, or both;

1 PROVIDED, however, in the case of a corporation,
2 company, commercial enterprise, commercial entity or
3 other legal person, the maximum fine shall be increased
4 to \$50,000."

5 Section 19. Title 11 of the Code of the Federated States of
6 Micronesia, (Annotated), as amended, is hereby further amended by
7 inserting a new section 1212 to chapter 12 to read as follows:

8 "Section 1212. Production of child pornography.

9 (1) A person commits an offense if the person
10 intentionally, through any means, including a
11 protected computer system:

12 (a) accosts, entices, or solicits a child with
13 intent to induce or force such child to perform in or
14 be a subject of child pornography;

15 (b) produces or makes, or attempts or prepares
16 to produce or make child pornography;

17 (c) takes part in or participates in the
18 filming, photographing, or in any other act of
19 production of child pornography by any means; or

20 (d) finances, or attempts or prepares to
21 finance child pornography.

22 (2) For the purposes of this section, it may be
23 inferred by text, title, or appearance that a person
24 who is depicted as or presents the appearance of being
25 less than 18 years of age in pornographic material, is

1 less than 18 years of age.

2 (3) It shall be a defense to a charge of violating
3 subsection (1) if the alleged child pornography was
4 produced using an actual person or persons engaging in
5 sexually explicit conduct and each such person or
6 persons was an adult at the time the pornographic
7 material was produced.

8 (4) The offense established under subsection (1),
9 is a felony offense, punishable upon conviction by
10 imprisonment for a maximum term of twenty years or a
11 maximum fine of \$25,000, or both; PROVIDED, however,
12 in the case of a corporation, company, commercial
13 enterprise, commercial entity or other legal person,
14 the maximum fine shall be increased to \$100,000."

15 Section 20. Title 11 of the Code of the Federated States of
16 Micronesia, (Annotated), as amended, is hereby further amended by
17 inserting a new section 1213 to chapter 12 to read as follows:

18 "Section 1213. Corruption of children.

19 (1) A person commits an offense if the person
20 knowingly distributes, offers, transmits, sends, or
21 provides to a child by any means, including a
22 protected computer system, child pornography for
23 purposes of inducing or persuading a child to
24 participate in any activity that is illegal.

25 (2) The offense established under subsection (1), is

1 a felony offense, punishable upon conviction by
2 imprisonment for a maximum term of fifteen years or a
3 maximum fine of \$10,000, or both."

4 Section 21. Title 11 of the Code of the Federated States of
5 Micronesia, (Annotated), as amended, is hereby further amended by
6 inserting a new section 1214 to chapter 12 to read as follows:

7 "Section 1214. Cyber harassment.

8 (1) A person commits an offense if the person,
9 knowingly and without lawful justification, on at
10 least two separate occasions, harasses another person
11 through the use of a protected computer system by:

12 (a) transmitting, including via an electronic
13 communication or computer data, a threat of immediate
14 or future bodily harm, sexual assault, confinement, or
15 damage to property and the threat is directed towards
16 that person or a family member of that person; and

17 (b) places that person in reasonable
18 apprehension of immediate or future bodily harm, sexual
19 assault, confinement, or damage to the property to that
20 person or a family member of that person.

21 (2) The offense established under subsection (1),
22 is a misdemeanor offense, punishable upon conviction by
23 imprisonment for a maximum term of one year or a
24 maximum fine of \$500, or both."

25 Section 22. Title 11 of the Code of the Federated States of

1 Micronesia, (Annotated), as amended, is hereby further amended by
2 inserting a new section 1215 to chapter 12 to read as follows:

3 "Section 1215. Cyberstalking.

4 (1) A person commits an offense if the person
5 knowingly uses a protected computer system:

6 (a) to communicate, or to cause to be
7 communicated, directly or indirectly, words, images,
8 or language by or through the use electronic
9 communications, directed at or pertaining to a
10 specific person; or

11 (b) to access, or attempt to access, the
12 computer data or a protected computer system of
13 another person without that person's permission,
14 causing substantial emotional distress to that person
15 or an immediate family member of that person and
16 serving no legitimate purpose.

17 (2) For the purpose of this section, the following
18 terms have the following meanings:

19 (a) "emotional distress" means significant
20 mental suffering, anxiety or alarm;

21 (b) "immediate family" means a spouse,
22 parent, child, sibling, or any other person who
23 regularly resides in the household.

24 (3) The offense established under subsection (1),
25 is a misdemeanor offense, punishable upon conviction

1 by imprisonment for a maximum term of one year or a
2 maximum fine of \$500, or both."

3 Section 23. Title 11 of the Code of the Federated States of
4 Micronesia, (Annotated), as amended, is hereby further amended by
5 inserting a new section 1216 to chapter 12 to read as follows:

6 "Section 1216. Nonconsensual sharing of intimate
7 imagery.

8 (1) A person commits an offense if the person
9 intentionally, by any means, including a protected
10 computer system, disseminates, transmits,
11 distributes, publishes, sells, or otherwise makes
12 available:

13 (a) an image that depicts another person 18
14 years or older engaged in a sexual act, or of the
15 intimate parts of that person, in whole or in part;
16 and

17 (b) the person depicted is identifiable from
18 the image itself or from information displayed in
19 connection with the image; and

20 (c) the image was made, captured, recorded,
21 or obtained under circumstances in which a reasonable
22 person would know, expect, or understand that the
23 image was to remain private; and

24 (d) the image was disseminated, transmitted,
25 distributed, published, sold or otherwise made

1 available without the consent of the depicted person;

2 and

3 (e) with knowledge or with reckless disregard
4 for the likelihood that the depicted person will
5 suffer harm, or with the intent to harass,
6 intimidate, threaten, extort, or coerce the depicted
7 person.

8 (2) This section does not apply to the following
9 acts:

10 (a) the reporting of unlawful conduct;

11 (b) dissemination or publication of an
12 intimate image made during lawful and common
13 practices of law enforcement, legal proceedings, or
14 medical treatment;

15 (c) images involving voluntary exposure in a
16 public or commercial setting; or

17 (d) dissemination or publication of an
18 intimate image made for a legitimate public purpose.

19 (3) For the purpose of this section, the
20 following terms have the following meanings:

21 (a) "identifiable" means the ability to
22 ascertain the identity of an individual;

23 (b) "image" includes a photograph, film,
24 video, digital recording or other depiction or
25 portrayal of an object, including a human body,

1 including an image created or altered by
2 digitization;

3 (c) "intimate parts" means the naked
4 genitals, pubic area, anus, or female nipple of the
5 person; and

6 (d) "sexual act" means sexual intercourse
7 including genital, anal or oral sex.

8 (e) "digitization" means to alter an image
9 in a realistic manner utilizing an image or images of
10 a person, other than the person depicted, or
11 computer-generated images.

12 (4) The offense established under subsection (1),
13 is a misdemeanor offense, punishable upon conviction
14 by imprisonment for a maximum term of one year or a
15 maximum fine of \$500, or both."

16 Section 24. Title 11 of the Code of the Federated States
17 of Micronesia, (Annotated), as amended, is hereby further amended
18 by inserting a new subchapter V to chapter 12 to read as follows:

19 "SUBCHAPTER V. Procedural measures for cybercrimes"

20 Section 25. Title 11 of the Code of the Federated States
21 of Micronesia, (Annotated), as amended, is hereby further amended
22 by inserting a new section 1217 to chapter 12 to read as follows:

23 "Section 1217. General procedural powers.

24 (1) All powers and procedures under this chapter
25 are applicable, and may be exercised with respect to

1 any:

2 (a) criminal offense established in this
3 chapter;

4 (b) other criminal offenses committed by means
5 of a protected computer system established under any
6 other law; and

7 (c) the collection of evidence in electronic
8 form of a criminal offense under this chapter or any
9 other law."

10 Section 26. Title 11 of the Code of the Federated States of
11 Micronesia, (Annotated), as amended, is hereby further amended by
12 inserting a new section 1218 to chapter 12 to read as follows:

13 "Section 1218. Admissibility of evidence.

14 (1) In any proceedings related to any offense
15 under law, the fact that evidence has been generated,
16 transmitted, or seized from, or identified in a
17 search of a computer system must not of itself
18 prevent that evidence from being presented, relied
19 on, or admitted.

20 (2) The powers and procedures provided under this
21 chapter are without prejudice to the operation of, or
22 powers granted under law, when exercised lawfully by
23 a law enforcement officer."

24 Section 27. Title 11 of the Code of the Federated States of
25 Micronesia, (Annotated), as amended, is hereby further amended by

1 inserting a new section 1219 to chapter 12 to read as follows:

2 "Section 1219. Expedited preservation of stored
3 computer data.

4 (1) A law enforcement officer may issue a written
5 notice to a person to preserve and maintain for
6 integrity specified computer data stored by means of
7 a protected computer system or computer data storage
8 medium if the law enforcement officer is satisfied
9 that:

10 (a) the specified computer data is reasonably
11 required for the purpose of a criminal investigation;

12 (b) the specified computer data is
13 particularly vulnerable to loss or modification; and

14 (c) there is a reasonable risk that the
15 specified computer data may be modified, lost,
16 destroyed, or rendered inaccessible.

17 (2) The law enforcement officer may serve the
18 written notice on any person who is in possession or
19 control of the protected computer system, computer
20 program, computer data, or computer data storage
21 medium, requiring the person to expeditiously
22 preserve the specified computer data.

23 (3) The written notice must specify a maximum
24 period of 90 days for which the specified computer
25 data is to be preserved and maintained for integrity.

1 This period may be renewed once, for an additional
2 period of up to 90 days.

3 (4) A person who is served a written notice must
4 keep the notice and all its particulars confidential,
5 unless expressly permitted to disclose the matter by
6 the law enforcement officer.

7 (5) A person commits an offense if the person
8 intentionally contravenes or in any manner, including
9 by an act or omission, fails to fully comply with a
10 written notice served under this section.

11 (6) The offense established under subsection (5),
12 is a felony offense, punishable upon conviction by
13 imprisonment for a maximum term of two years or a
14 maximum fine of \$750, or both; PROVIDED, however, in
15 the case of a corporation, company, commercial
16 enterprise, commercial entity or other legal person,
17 the maximum fine shall be increased to \$2,500."

18 Section 28. Title 11 of the Code of the Federated States of
19 Micronesia, (Annotated), as amended, is hereby further amended by
20 inserting a new section 1220 to chapter 12 to read as follows:

21 "Section 1220. Expedited preservation and partial
22 disclosure of traffic data.

23 (1) A law enforcement officer may, by written order
24 given to the service provider in possession or
25 control of the protected computer system or computer

1 data storage medium, require the service provider to:

2 (a) undertake expeditious preservation and
3 maintenance of integrity of the specified traffic
4 data for a period specified in the notice not
5 exceeding 90 days, regardless of whether one or more
6 service providers were involved in the transmission
7 of that electronic communication; and

8 (b) disclose sufficient traffic data about
9 any electronic communication to identify the service
10 provider and the path through which the electronic
11 communication was transmitted.

12 (2) An order in accordance with subsection (1) may
13 be issued if a law enforcement officer is satisfied
14 that:

15 (a) any specified traffic data stored in a
16 protected computer system or computer data storage
17 medium, or by means of a protected computer system in
18 the possession of, or controlled by, one or more
19 service providers, is reasonably required for the
20 purposes of a criminal investigation;

21 (b) the specified traffic data is
22 particularly vulnerable to loss or modification; and

23 (c) there is a reasonable risk that the
24 specified traffic data may be modified, lost,
25 destroyed, or rendered inaccessible.

1 (3) The period of preservation and maintenance of
2 integrity in accordance with subsection (1) may be
3 extended for an additional period not exceeding 90
4 days if, on an affidavit presented by the law
5 enforcement officer to a judge, the judge is
6 satisfied that:

7 (a) an extension of the period of
8 preservation is reasonably required for the purpose
9 of a criminal investigation or prosecution;

10 (b) there is a risk that the specified
11 traffic data may be modified, lost, destroyed, or
12 rendered inaccessible; and

13 (c) the cost of such preservation is not
14 overly burdensome on the service provider in
15 possession or control of the protected computer
16 system or computer data storage medium.

17 (4) A service provider who is served a notice
18 under this section must keep the notice and all its
19 particulars confidential, unless expressly permitted
20 otherwise by the law enforcement officer or the
21 judge.

22 (5) A service provider under subsection (4) must:

23 (a) respond expeditiously to requests for
24 assistance; and

25 (b) disclose, as soon as practicable, a

1 sufficient amount of traffic data to enable a law
2 enforcement officer to identify any other service
3 provider involved in the transmission of the
4 electronic communication.

5 (6) A person commits an offense if the person
6 intentionally contravenes or in any manner, including
7 by an act or omission, fails to fully comply with the
8 obligations set forth in a written order served under
9 this section.

10 (7) The offense established under subsection (6),
11 is a felony offense, punishable upon conviction by
12 imprisonment for a maximum term of two years or a
13 maximum fine of \$750, or both; PROVIDED, however, in
14 the case of a corporation, company, commercial
15 enterprise, commercial entity or other legal person,
16 the maximum fine shall be increased to \$2,500."

17 Section 29. Title 11 of the Code of the Federated States of
18 Micronesia, (Annotated), as amended, is hereby further amended by
19 inserting a new section 1221 to chapter 12 to read as follows:

20 "Section 1221. Production order.

21 (1) If a law enforcement officer presents an
22 affidavit in support of a warrant demonstrating to
23 the satisfaction of a judge that there are reasonable
24 grounds to believe that the disclosure of specified
25 computer data or specified subscriber information is

1 required for the purposes of a specific criminal
2 investigation, the judge may order:

3 (a) a person in the Federated States of
4 Micronesia to submit the specified computer data in
5 that person's possession or control, which is stored
6 in a computer system or computer data storage medium;
7 or

8 (b) a service provider offering its services
9 in the Federated States of Micronesia to submit
10 subscriber information relating to such services in
11 that service provider's possession or control.

12 (2) In this section, "subscriber information"
13 means any information contained in the form of
14 computer data or any other form that is held by a
15 service provider, relating to subscribers of its
16 services other than traffic data or content data.

17 (3) The judge may require that the recipient of
18 the order and any person in possession or control of
19 the computer system keep confidential the existence
20 of the order or warrant and exercise of power under
21 this section.

22 (4) A person commits an offense if the person
23 intentionally contravenes or in any manner, including
24 by an act or omission, fails to fully comply with the
25 obligations set forth in a written order or warrant

1 served under this section.

2 (5) The offense established under subsection (4),
3 is a felony offense, punishable upon conviction by
4 imprisonment for a maximum term of two years or a
5 maximum fine of \$750, or both; PROVIDED, however, in
6 the case of a corporation, company, commercial
7 enterprise, commercial entity or other legal person,
8 the maximum fine shall be increased to \$2,500."

9 Section 30. Title 11 of the Code of the Federated States of
10 Micronesia, (Annotated), as amended, is hereby further amended by
11 inserting a new section 1222 to chapter 12 to read as follows:

12 "Section 1222. Search and seizure of stored computer
13 data and other things.

14 (1) A law enforcement officer may present an
15 affidavit in support of a warrant to demonstrate that
16 there exist reasonable grounds to believe that there
17 may be a specified protected computer system or
18 computer data that:

19 (a) is reasonably required for the purpose of
20 a criminal investigation or criminal proceedings
21 which may be material as evidence in proving a
22 specifically identified offense; or

23 (b) has been acquired by a person as a result
24 of the commission of an offense.

25 (2) Upon review of an affidavit presented in

1 accordance with subsection (1), if the judge is
2 satisfied that there exist reasonable grounds to
3 support a warrant, the judge may issue such warrant
4 authorizing a law enforcement officer, with such
5 assistance as may be necessary to:

6 (a) seize or similarly secure the specified
7 protected computer system, program, or data;

8 (b) make and retain copies of the specified
9 protected computer system, program, or data;

10 (c) maintain the integrity of the relevant
11 stored data;

12 (d) render inaccessible or remove the data in
13 the specified protected computer system;

14 (e) inspect and assess the operation of any
15 protected computer system to which the warrant issued
16 under this section applies;

17 (f) require any person, other than the
18 suspect, possessing knowledge about the functioning
19 of the protected computer system or measures applied
20 to protect the computer data therein to provide, as
21 is reasonable, the necessary computer data, to enable
22 the law enforcement officer to conduct such
23 activities as authorized under this section;

24 (g) require any person, other than the
25 suspect, in possession of decryption information to

1 grant the law enforcement officer access to such
2 decryption information necessary to decrypt data
3 required for the purpose of the warrant issued under
4 this section; and/or

5 (h) provide the law enforcement officer with
6 such reasonable technical and other assistance as the
7 law enforcement officer may require for the purposes
8 of the warrant issued under this section.

9 (3) Where a law enforcement officer is permitted
10 to search or similarly access a specified protected
11 computer system or computer data storage medium,
12 under subsection (2), and has grounds to believe that
13 the computer data sought is stored in another
14 computer system or computer data storage medium, and
15 such computer data is lawfully accessible from or
16 available to the initial protected computer system or
17 computer data storage medium, the law enforcement
18 officer may extend the search or similar access to
19 such other computer system or computer data storage
20 medium.

21 (4) Seized computer data may be used only for
22 lawful purposes for which it was originally obtained.

23 (5) The law enforcement officer must:

24 (a) only seize a protected computer system or
25 computer data storage medium under subsection (2)

1 when:

2 (1) it is not practical to seize or secure the
3 computer data; or

4 (2) it is necessary to ensure that computer data
5 will not be modified, lost, destroyed, rendered
6 inaccessible, or otherwise interfered with; and

7 (b) exercise reasonable care while the
8 protected computer system or computer data storage
9 medium is retained.

10 (6) A person commits an offense if the person
11 intentionally obstructs the lawful exercise of the
12 powers under this section or misuses the powers
13 granted under this section.

14 (7) The offense established under subsection (6),
15 is a felony offense, punishable upon conviction by
16 imprisonment for a maximum term of two years or a
17 maximum fine of \$750, or both; PROVIDED, however, in
18 the case of a corporation, company, commercial
19 enterprise, commercial entity or other legal person,
20 the maximum fine shall be increased to \$2,500.

21 (8) In this section:

22 (a) "decryption information" means
23 information or technology that enables a person to
24 readily unscramble encrypted data into an
25 intelligible format; and

1 (b) "encrypted data" means data which has
2 been transformed from its plain text or readable
3 version to an unintelligible format, regardless of
4 the technique utilized for such transformation and
5 irrespective of the medium in which such data occurs
6 or can be found for the purposes of protecting the
7 content of such data."

8 Section 31. Title 11 of the Code of the Federated States of
9 Micronesia, (Annotated), as amended, is hereby further amended by
10 inserting a new section 1223 to chapter 12 to read as follows:

11 "Section 1223. Real-time collection of traffic data.

12 (1) If a law enforcement officer presents an
13 affidavit in support of a warrant demonstrating to
14 the satisfaction of a judge that there are reasonable
15 grounds to believe that traffic data associated with
16 specified electronic communications, and related to
17 or connected with a person under investigation, is
18 required for the purposes of a specific criminal
19 investigation or prosecution, a judge may issue a
20 warrant:

21 (a) to allow a law enforcement officer to
22 collect or record traffic data in real-time by
23 technical means;

24 (b) requiring a service provider with
25 existing technical capability to:

1 (1) collect or record traffic data in real-time;
2 and

3 (2) provide only the traffic data to the law
4 enforcement officer.

5 (2) Real-time collection or recording of traffic
6 data must be limited in time and may not be ordered
7 for a period exceeding 90 days. This period may be
8 extended by the judge upon application for a further
9 specified period of time, not exceeding an additional
10 90 days.

11 (3) When issuing a warrant under subsection (1),
12 the judge must be satisfied that:

13 (a) the extent of interception is adequate,
14 proportionate, and necessary for the purposes of a
15 specific criminal investigation or prosecution;

16 (b) measures are taken to ensure that, as the
17 traffic data is intercepted, the privacy of other
18 users, customers and third parties is maintained and
19 data of any party not part of the investigation is
20 not disclosed; and

21 (c) the investigation may be frustrated or
22 seriously prejudiced unless the interception is
23 permitted.

24 (4) A judge must require the service provider to
25 keep confidential the warrant and execution of any

1 power provided for under this section.

2 (5) A service provider commits an offense if the
3 service provider intentionally contravenes or in any
4 manner, including by an act or omission, fails to
5 fully comply with the obligations set forth in a
6 written order or warrant served under this section.

7 (6) The offense established under subsection (5),
8 is a felony offense, punishable upon conviction by
9 imprisonment for a maximum term of two years or a
10 maximum fine of \$750, or both; PROVIDED, however, in
11 the case of a corporation, company, commercial
12 enterprise, commercial entity or other legal person,
13 the maximum fine shall be increased to \$2,500."

14 Section 32. Title 11 of the Code of the Federated States of
15 Micronesia, (Annotated), as amended, is hereby further amended by
16 inserting a new section 1224 to chapter 12 to read as follows:

17 "Section 1224. Interception of content data of
18 electronic communications.

19 (1) If a law enforcement officer presents an
20 affidavit in support of a warrant demonstrating to the
21 satisfaction of a judge that there are reasonable
22 grounds to authorize the interception of content data
23 and associated traffic data of specified electronic
24 communications, related to or connected with a person
25 or premises under criminal investigation or to give

1 effect to a mutual assistance request, the judge may
2 issue a warrant:

3 (a) to allow a law enforcement officer to
4 collect or record content data of specified electronic
5 communications in real-time by technical means;

6 (b) requiring a service provider with existing
7 technical capability to:

8 (c) collect or record content data of specified
9 electronic communications in real-time; and

10 (d) provide that content data and associated
11 traffic data to the law enforcement officer as soon as
12 reasonably practicable.

13 (2) Real-time collection or recording of content
14 data and associated traffic data must be limited in
15 time and may not be ordered for a period exceeding 90
16 days. This period may be extended by the judge upon
17 application for a further specified period of time,
18 not exceeding an additional 90 days.

19 (3) When issuing a warrant under subsection (1),
20 the judge must be satisfied that:

21 (a) the extent of interception is adequate,
22 proportionate, and necessary for the purposes of a
23 specific criminal investigation or prosecution;

24 (b) measures are taken to ensure that, as the
25 content data is intercepted, the privacy of other

users, customers and third parties is maintained and
data of any party not part of the investigation is not
disclosed; and

(c) the investigation may be frustrated or
seriously prejudiced unless the interception is
permitted.

(4) A judge must require the service provider to
keep confidential the warrant and execution of any
power provided for under this section.

(5) A service provider commits an offense if the
service provider intentionally contravenes or in any
manner, including by an act or omission, fails to
fully comply with the obligations set forth in a
written order or warrant served under this section.

(6) The offense established under subsection (5), is
a felony offense, punishable upon conviction by
imprisonment for a maximum term of two years or a
maximum fine of \$750, or both; PROVIDED, however, in
the case of a corporation, company, commercial
enterprise, commercial entity or other legal person,
the maximum fine shall be increased to \$2,500."

Section 33. Title 11 of the Code of the Federated States of
Micronesia, (Annotated), as amended, is hereby further amended by
inserting a new subchapter VI to chapter 12 to read as follows:

"SUBCHAPTER VI. International cooperation on cybercrimes"

1 Section 34. Title 11 of the Code of the Federated States of
2 Micronesia, (Annotated), as amended, is hereby further amended by
3 inserting a new section 1225 to chapter 12 to read as follows:

4 "Section 1225. General principles relating to
5 international cooperation.

6 (1) This subchapter applies in addition to, and
7 not in derogation from, 12 F.S.M.C. 1401-1410
8 (Criminal Extradition) and 12 F.S.M.C. 1701-1719
9 (Mutual Assistance in Criminal Matters).

10 (2) The Secretary may make a request for mutual
11 legal assistance in any criminal matter to the
12 appropriate authority of a foreign country for the
13 purpose of:

14 (a) undertaking investigations or proceedings
15 concerning offenses related to protected computer
16 systems, electronic communications, or computer data;

17 (b) collecting evidence in electronic form of
18 any offense established under law, including offenses
19 under this chapter; or

20 (c) obtaining expeditious preservation and
21 disclosure of computer data, including traffic data,
22 real-time collection of traffic data associated with
23 specified electronic communications or interception
24 of computer data or any other means, power, function,
25 or provisions under this chapter.

1 (3) For any of the purposes listed in subsection
2 (2), a requesting foreign country may make a request
3 for mutual legal assistance to the Secretary in any
4 criminal matter.

5 (4) The Secretary may require a foreign country
6 making a request in accordance with subsection (3)
7 to:

8 (a) keep the contents, computer data, and
9 materials provided in a confidential manner;

10 (b) only use the contents, computer data, and
11 materials provided for the purpose of the criminal
12 matter specified in the request; and

13 (c) use the contents, computer data, and
14 materials subject to such conditions as may be
15 specified.

16 (5) If the requesting foreign country cannot
17 comply with requirements made under subsection (4),
18 it shall notify the Secretary accordingly, which
19 shall then determine whether the computer data should
20 nevertheless be provided.

21 (6) Where the foreign country accepts the computer
22 data, it must comply with the conditions specified by
23 the Secretary."

24 Section 35. Title 11 of the Code of the Federated States of
25 Micronesia, (Annotated), as amended, is hereby further amended by

1 inserting a new section 1226 to chapter 12 to read as follows:

2 "Section 1226. Spontaneous information.

3 (1) The Secretary may, without prior request,
4 forward to a foreign country any computer data
5 lawfully obtained during an investigation undertaken
6 within the Federated States of Micronesia when it
7 considers that the disclosure of such computer data
8 may:

9 (a) assist the foreign country in initiating or
10 carrying out investigations or proceedings; or

11 (b) lead to a request for cooperation by the
12 foreign country under this chapter.

13 (2) Prior to providing computer data under
14 subsection (1), the Secretary may request that the
15 computer data be kept confidential or disclosed only
16 subject to such conditions as may be specified by the
17 Secretary.

18 (3) If the foreign country is unable to comply with
19 such conditions specified under subsection (2), it
20 must promptly notify the Secretary. The Secretary
21 must then determine whether the computer data may
22 still be provided."

23 Section 36. Title 11 of the Code of the Federated States of
24 Micronesia, (Annotated), as amended, is hereby further amended by
25 inserting a new section 1227 to chapter 12 to read as follows:

1 "Section 1227. Expedited preservation of stored
2 computer data.

3 (1) A foreign country may submit to the Secretary or
4 the 24/7 network a request for mutual legal
5 assistance for the search, seizure, access to,
6 securing of, or disclosure of computer data and to
7 obtain the expeditious preservation of such computer
8 data stored by means of a computer system located
9 within the territory of the Federated States of
10 Micronesia.

11 (2) A request for preservation made under subsection
12 (1) must specify:

13 (a) the authority seeking the preservation;

14 (b) the offense that is the subject of a
15 criminal investigation or proceedings and a brief
16 summary of the related facts;

17 (c) the stored computer data to be preserved and
18 its relationship to the offense;

19 (d) any available information identifying the
20 custodian of the stored computer data or the location
21 of the protected computer system;

22 (e) the necessity of the preservation; and

23 (f) the intention to submit a request for mutual
24 legal assistance for the search or similar access,
25 seizure or similar securing, or disclosure of the

1 stored computer data.

2 (3) Upon receiving the request under subsection (1),
3 the Secretary or the 24/7 network must take
4 appropriate measures to preserve the specified data
5 in accordance with the procedures and powers provided
6 under this chapter.

7 (4) Any preservation effected in response to the
8 request referred to under this section must be for a
9 period not exceeding 120 days, in order to enable the
10 foreign country to submit a request for the search or
11 similar access, seizure or similar securing, or
12 disclosure of the data and following the receipt of
13 such a request.

14 (5) The data must continue to be preserved until a
15 final decision is made on the request made under
16 subsection (4).

17 (6) Notwithstanding the requirement set forth in
18 subsection (3), a request under subsection (1) may be
19 refused if the Secretary considers that the execution
20 of the request is likely to prejudice the
21 sovereignty, security, public order, or public
22 interest of the Federated States of Micronesia."

23 Section 37. Title 11 of the Code of the Federated States of
24 Micronesia, (Annotated), as amended, is hereby further amended by
25 inserting a new section 1228 to chapter 12 to read as follows:

1 "Section 1228. Expedited disclosure of preserved
2 traffic data.

3 (1) Where, during the course of executing a request
4 under 1227 with respect to a specified electronic
5 communication, the investigating law enforcement
6 officer discovers that a service provider in another
7 country was involved in the transmission of the
8 electronic communication, the Secretary or the 24/7
9 network must expeditiously disclose to the requesting
10 foreign country a sufficient amount of traffic data
11 to identify that service provider and the path
12 through which the electronic communication was
13 transmitted.

14 (2) Disclosure of traffic data under subsection (1)
15 may be withheld if the Secretary considers that such
16 disclosure is likely to prejudice the sovereignty,
17 security, public order, or public interest of the
18 Federated States of Micronesia."

19 Section 38. Title 11 of the Code of the Federated States of
20 Micronesia, (Annotated), as amended, is hereby further amended by
21 inserting a new section 1229 to chapter 12 to read as follows:

22 "Section 1229. Mutual assistance regarding access to
23 stored computer data.

24 (1) A foreign country may request the Secretary to
25 search or similarly access, seize, or similarly

secure and disclose computer data stored by means of
a computer system or computer located within the
Federated States of Micronesia, including computer
data that has been preserved in accordance with
section 1227.

(2) A request under subsection (1) must, as far as
practicable, specify:

(a) the name of the authority conducting the
investigation or proceedings to which the request
relates;

(b) describe the nature of the criminal matter
and a statement setting out a summary of the relevant
facts and laws;

(c) describe the purpose of the request and the
nature of the assistance being sought;

(d) in the case of a request to seize property,
computer system or computer believed, on reasonable
grounds, to be located in the Federated States of
Micronesia, give details of the offense, particulars
of any investigation or proceedings commenced in
respect of the offense, and be accompanied by a copy
of any relevant warrant or seizure order issued in
the foreign country;

(e) details of any procedure that the foreign
country wishes to be followed by the Federated States

1 of Micronesia in giving effect to the request,
2 particularly in the case of a request to take
3 evidence;

4 (f) a statement setting out any demands of the
5 requesting foreign country concerning any
6 confidentiality relating to the request and the
7 reasons for those demands;

8 (g) details of the period within which the
9 requesting foreign country wishes the request to be
10 complied with;

11 (h) details, where applicable, of the property,
12 computer system or computer to be seized, and of the
13 grounds for believing that the property, computer
14 system or computer is in the Federated States of
15 Micronesia;

16 (i) details of the stored computer data to be
17 seized and its relationship to the offense;

18 (j) any available information that may identify
19 the custodian of the stored computer data or the
20 location of the property, computer system or
21 computer;

22 (k) agreement on the question of the payment of
23 the damages or costs of fulfilling the request; and

24 (l) any other information that may assist in
25 giving effect to the request.

1 (3) Upon receiving the request under subsection
2 (1), and provided the Secretary is satisfied that the
3 requirements set forth in subsection (2) are met, the
4 Secretary must take appropriate measures to obtain
5 the necessary authorization, including any warrants,
6 to execute the request in accordance with this
7 chapter and any other relevant law.

8 (4) Where the Secretary obtains the necessary
9 authorization in accordance with subsection (3),
10 including any warrants, to execute the request, the
11 Secretary may seek the support and cooperation of the
12 requesting foreign country during such search and
13 seizure.

14 (5) For the purpose of conducting the search and
15 seizure request, the Secretary must provide to the
16 requesting foreign country, the results of the search
17 and seizure and the electronic or physical evidence
18 seized."

19 Section 39. Title 11 of the Code of the Federated States of
20 Micronesia, (Annotated), as amended, is hereby further amended by
21 inserting a new section 1230 to chapter 12 to read as follows:

22 "Section 1230. Transborder access to stored computer
23 data with consent or where publicly available.

24 (1) A law enforcement officer may, subject to this
25 chapter:

1 (a) access publicly available stored computer
2 data, regardless of where the data is located
3 geographically; or

4 (b) access or receive, through a computer
5 system in the Federated States of Micronesia, stored
6 computer data located in another country, if a law
7 enforcement officer obtains the lawful and voluntary
8 consent of the person who has the lawful authority to
9 disclose the data through that computer system."

10 Section 40. Title 11 of the Code of the Federated States of
11 Micronesia, (Annotated), as amended, is hereby further amended by
12 inserting a new section 1231 to chapter 12 to read as follows:

13 "Section 1231. Mutual assistance in real-time
14 collection of traffic data.

15 (1) A foreign country may request the Secretary to
16 provide assistance in real-time collection of traffic
17 data associated with specified electronic
18 communications in the Federated States of Micronesia,
19 transmitted by means of a computer system.

20 (2) A request under subsection (1) must, as far as
21 practicable, specify:

22 (a) the authority seeking the use of powers
23 under this section;

24 (b) the offense that is the subject of a
25 criminal investigation or proceeding and a brief

1 summary of the related facts;

2 (c) the name of the service provider which
3 has access to the relevant traffic data;

4 (d) the location at which the traffic data
5 may be held;

6 (e) the intended purpose of requiring the
7 traffic data;

8 (f) such information as may be required to
9 identify the traffic data;

10 (g) any further details relevant to the
11 traffic data;

12 (h) the reason for using powers under this
13 section;

14 (i) the terms and conditions for the use and
15 disclosure of the traffic data to third parties; and

16 (j) any other information that may assist in
17 giving effect to the request.

18 (3) Upon receiving the request under subsection
19 (1), and provided the Secretary is satisfied that the
20 requirements set forth in subsection (2) are fulfilled,
21 the Secretary must take appropriate measures to obtain
22 the necessary authorization, including any warrants, to
23 execute the request in accordance with this chapter and
24 any other relevant law.

25 (4) Where the Secretary obtains the necessary

1 authorization in accordance with subsection (3),
2 including any warrants, to execute the request, the
3 Secretary may seek the support and cooperation of the
4 requesting foreign country during the collection.

5 (5) The Secretary must, upon conducting the
6 measures under this section, provide the results of
7 such measures and real-time collection of traffic data
8 associated with specified communications to the
9 requesting foreign country."

10 Section 41. Title 11 of the Code of the Federated States of
11 Micronesia, (Annotated), as amended, is hereby further amended by
12 inserting a new section 1232 to chapter 12 to read as follows:

13 "Section 1232. Mutual assistance regarding
14 interception of content data.

15 (1) A foreign country may request the Secretary to
16 provide assistance in the real-time collection or
17 recording of content data of specified electronic
18 communications in the Federated States of Micronesia
19 transmitted by means of a computer system.

20 (2) A request under subsection (1) must, as far as
21 practicable, specify:

22 (a) the authority seeking the use of powers
23 under this section;

24 (b) the offense that is the subject of a
25 criminal investigation or proceedings and a brief

1 summary of the related facts;

2 (c) the name of the service provider with
3 access to the relevant communication;

4 (d) the nature of the communication;

5 (e) the intended purpose for the required
6 communication;

7 (f) sufficient information to identify the
8 communication;

9 (g) details of the data of the relevant
10 interception;

11 (h) the recipient of the communication;

12 (i) the intended duration of the interception;

13 (j) the reason for using powers under this
14 section;

15 (k) the terms and conditions of the use and
16 disclosure of the communication to third parties; and

17 (l) any other information that may assist in
18 giving effect to the request.

19 (3) Upon receiving the request under subsection
20 (1), and provided the Secretary is satisfied that the
21 requirements set forth in subsection (2) are
22 fulfilled, the Secretary must take appropriate
23 measures to obtain the necessary authorization,
24 including any warrants, to execute the request in
25 accordance with this chapter and any other relevant

1 law.

2 (4) Where the Secretary obtains the necessary
3 authorization in accordance with subsection (3),
4 including any warrants, to execute the request, the
5 Secretary may seek the support and cooperation of the
6 requesting foreign country during the interception.

7 (5) The Secretary must, upon conducting the measures
8 under this section, provide the results of such
9 measures and real-time collection or recording of
10 content data of specified communications to the
11 requesting foreign country."

12 Section 42. Title 11 of the Code of the Federated States of
13 Micronesia, (Annotated), as amended, is hereby further amended by
14 inserting a new section 1233 to chapter 12 to read as follows:

15 "Section 1233. 24/7 network.

16 (1) The Secretary must designate a point of
17 contact available on a twenty-four-hour, seven-days-a-
18 week basis (referred to as the 24/7 network) in order
19 to provide immediate assistance for the purpose of
20 investigations or proceedings concerning criminal
21 offenses related to computer systems and computer
22 data, or for the collection of evidence in electronic
23 form of a criminal offense.

24 (2) Within expeditious timelines to be defined by
25 regulations under this Act, such assistance includes

1 the following measures:

2 (a) providing technical advice;

3 (b) preserving data pursuant to sections
4 1227 and 1228; or

5 (c) collecting evidence, the provision of
6 legal information, and locating suspects,

7 (3) The point of contact has the authority and is
8 empowered to coordinate and enable access, on an
9 expedited basis, to international mutual assistance
10 under this chapter or extradition procedures, if
11 applicable."

12 Section 43. Title 11 of the Code of the Federated States
13 of Micronesia, (Annotated), as amended, is hereby further
14 amended by a new inserting section 1234 to chapter 12 to read
15 as follows:

16 "Section 1234. Protection of personal data.

17 (1) The Secretary shall only transfer personal data
18 under this chapter in a manner that is compliant with
19 applicable personal data protection principles and
20 obligations under law.

21 (2) Where the Secretary is satisfied that a transfer
22 of personal data under this chapter would not comply
23 with subsection (1), the Secretary shall condition the
24 transfer of personal data to such safeguards as the
25 Secretary may deem necessary to ensure compliance with

1 applicable personal data protection principles and
2 obligations under law.

3 (3) The Secretary shall take measures to ensure that
4 personal data received from a foreign country in
5 accordance with this chapter is subject to appropriate
6 safeguards to comply with applicable personal data
7 protection law.

8 (4) The Secretary may transfer personal data obtained
9 in accordance with this chapter to a third country or
10 an international organization only with the prior
11 authorization of the original transferring foreign
12 country.

13 (5) For purposes of this section, "personal data"
14 means any information relating to an identified or
15 identifiable natural person that identifies, relates
16 to, describes, is reasonably capable of being
17 associated with, or could reasonably be linked,
18 whether directly or indirectly, with a particular
19 natural person, including by reference to an
20 identifier, such as name, identification number,
21 location data, an online identifier, or to one or more
22 factors specific to the physical, physiological,
23 genetic, mental, economic, cultural, or social
24 identity of that natural person."
25

1 Section 43. This act shall become law upon approval by the
2 President of the Federated States of Micronesia or upon its
3 becoming law without such approval.

4

5 Date: 1/14/25

Introduced by: /s/ Quincy Lawrence

Quincy Lawrence
(by request)

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