

AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia (Annotated), as amended, by amending sections 1141 and 1147 thereof, to correct technical errors in the 2014 F.S.M.C. (Annotated), and for other purposes.

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

1 Section 1. The purpose of this Act is to correct
2 technical errors in the codification of sections 1141 and 1147
3 of title 11 of the Code of the Federated States of Micronesia
4 (Annotated). Public Law No. 10-54 amended sections 1141 and
5 1147 of title 11; the amendments made by that law were
6 unintentionally omitted from the 2014 F.S.M.C. (Annotated).
7 This Act amends sections 1141 and 1147 of title 11 to
8 accurately reflect the provision of Public Law No. 10-54.

9 Section 2. Section 1141 of title 11 of the Code of the
10 Federated States of Micronesia (Annotated), as amended, is
11 hereby amended to read as follows:

12 "Section 1141. Trafficking.

13 (1) Except as authorized by this chapter, it shall be
14 unlawful for any person knowingly or intentionally:

15 (a) to import, export, manufacture, deliver, or
16 possess with intent to manufacture, deliver, or
17 dispense, a controlled substance; or

18 (b) to create, distribute, or possess with

1 intent to deliver, a counterfeit controlled substance.

2 (2) Any person who violates subsection (1) of this
3 section with respect to:

4 (a) a large amount of an especially dangerous
5 controlled substance, as defined in subsection 2(a)(i)a)
6 through 2(a)(i)d) of this section, shall be sentenced to
7 a term of imprisonment for not more than 15 years, a
8 fine of not more than \$15,000, or both;

9 (i) for the purposes of subsection 2(a) of
10 this section, 'a large amount of an especially dangerous
11 controlled substance' is:

12 a) 100 grams or more of a substance
13 containing a detectable amount of heroin;

14 b) 500 grams or more of a substance
15 containing a detectable amount of cocaine, its salts,
16 its isomers, or salts of its isomers;

17 c) 10 grams or more of a substance
18 containing a detectable amount of lysergic acid
19 diethylamide (LSD); or

20 d) 10 grams or more of crystal
21 methamphetamine;

22 (a) any other substance classified in
23 schedules I or II which is a narcotic drug or crystal
24 methamphetamine shall be sentenced to a term of
25 imprisonment for not more than ten years, a fine of not

1 more than \$10,000, or both;

2 (b) any controlled substance classified in
3 schedules I, II, or III, which falls outside the
4 parameters of subsections (2) (a) and (2) (b) of this
5 section, shall be sentenced to a term of imprisonment of
6 not more than five years, a fine of not more than
7 \$5,000, or both;

8 (c) a substance classified in schedule IV shall
9 be sentenced to a term of imprisonment for not more than
10 two years, a fine of not more than \$1,000, or both;

11 a substance classified in schedule V shall be sentenced
12 to a term of imprisonment for not more than one year, a
13 fine of not more than \$1,000, or both."

14 (d) a substance classified in schedule V shall
15 be sentenced to a term of imprisonment for not more
16 than one year, a fine of not more than \$1,000, or
17 both."

18 (1) Notwithstanding subsection (2) (c) of this
19 section, any person who violates subsection (1) (a) of
20 this section by distributing not more than one ounce of
21 marihuana for no remuneration shall be treated as
22 provided in subsection (3) (a) of section 1142 of this
23 chapter.

24 Section 3. Section 1147 of title 11 of the Code of the
25 Federated States of Micronesia (Annotated), is hereby amended

1 to read as follows:

2 "Section 1147. Distribution to persons under
3 eighteen.

4 Any person who is at least 18 years of age who
5 violates subsection (1) (a) of section 1141 of this
6 chapter by distributing a substance listed in
7 schedules I and II which is a narcotic drug or
8 crystal methamphetamine to a person under 18 years of
9 age who is at least three years his junior is
10 punishable by a term of imprisonment of up to twice
11 that authorized by subsection (2) (a) of section 1141
12 of this chapter, by the fine authorized by subsection
13 (2) (a) of section 1141 of this chapter, or both. Any
14 person who is at least 18 years of age who violates
15 subsection (1) (a) of section 1141 of this chapter by
16 distributing any other controlled substance listed in
17 schedules I, II, III and IV to a person under 18
18 years of age who is at least three years his junior
19 is punishable by a term of imprisonment up to twice
20 that authorized in subsections (2) (c) or (d) of
21 section 1141 of this chapter, by the fine authorized
22 by subsection (2) (c) or (d) of section 1141 of this
23 chapter, or both."

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1 Section 4. 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.

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_____ July 5, 2019

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_____/s/ David W. Panuelo

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David W. Panuelo

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President

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Federated States of Micronesia

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