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AN ACT

To adopt a National Criminal Code for the Federated States of Micronesia, repeal certain Trust Territory laws relating to crimes within the jurisdiction of the National Government, and for other purposes.

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

1       Section 1. National Criminal Code. There is hereby adopted a National  
2 Criminal Code for the Federated States of Micronesia to read as follows:

3               "National Criminal Code

4               Chapter 1. GENERAL PROVISIONS

5               Sections

6                     101. Title.

7                     102. Applicability to Offenses Committed Before and After  
8 Effective Date.

9                     103. Territorial Applicability.

10                    104. Definitions.

11                    105. Time Limitations for Beginning Prosecutions.

12                    106. Venue.

13                    107. Defenses.

14                    108. Customary Law.

15               Chapter 2. INCHOATE CRIMES

16               Sections

17                    201. Attempts.

18                    202. Solicitation.

19                    203. Conspiracy.

20                    204. Penalties for Attempt, Solicitation and Conspiracy.

21               Chapter 3. GENERAL PRINCIPLES OF RESPONSIBILITY

22               Sections

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- 1                    301. Liability for Crimes of Another.
- 2                    302. Physical or Mental Disease, Disorder or Defect
- 3                    Excluding Criminal Responsibility.
- 4                    303. Evidence of Physical or Mental Disease, Disorder or
- 5                    Defect Admissible When Relevant to Element of the Offense.
- 6                    304. Physical or Mental Disease, Disorder, or Defect
- 7                    Excluding Fitness to Proceed.
- 8                    305. Statements for Purposes of Examination and Treatment.
- 9                    306. Intoxication.
- 10                  Chapter 4. OFFENSES AGAINST THE NATIONAL SECURITY
- 11                  Sections
- 12                    401. Treason.
- 13                    402. Armed Insurrection.
- 14                    403. Advocating Armed Insurrection.
- 15                    404. Revealing Classified Information.
- 16                  Chapter 5. OFFENSES AGAINST PUBLIC ADMINISTRATION
- 17                  Subchapter I. OBSTRUCTING GOVERNMENT OPERATIONS
- 18                    501. Obstructing Administration of Law or Other Govern-
- 19                    mental Functions.
- 20                    502. Resisting Arrest or Other Lawful Enforcement.
- 21                    503. Hindering Apprehension or Prosecution.
- 22                    504. Compounding.
- 23                    505. Escape.
- 24                    506. Implements for Escape.
- 25                    507. Bail Jumping; Default in Required Appearance.



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1                    508. Disrupting Government Meetings.

2                    Subchapter II. ABUSE OF OFFICE

3                    Sections

4                    521. Official Oppression.

5                    522. Speculating or Wagering on Official Action or  
6                    Information.

7                    Subchapter III. BRIBERY AND RELATED OFFENSES OF CORRUPT INFLUENCE

8                    Sections

9                    531. Bribery in Official and Political Matters.

10                   532. Threats and Other Improper Influence in Official and  
11                   Political Matters.

12                   533. Retaliation for Past Official Action.

13                   534. Gifts to Public Servants by Persons Subject to Their  
14                   Jurisdiction.

15                   535. Compensating Public Servant for Assisting Private  
16                   Interests in Relation to Matters Before Him.

17                   536. Selling Political Endorsement; Special Influence.

18                   Subchapter IV. PERJURY AND RELATED OFFENSES OF FALSIFICATION

19                   Sections

20                   551. Perjury.

21                   552. False Swearing in Official Matters.

22                   553. Unsworn Falsification to Authorities.

23                   554. Limitations on Prosecutions of Perjury and Related  
24                   Offenses.

25                   555. Tampering with Witnesses and Informants.

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- 1                    556. Retaliation Against Witnesses or Informants.  
2                    557. Tampering With or Fabricating Physical Evidence.  
3                    558. Tampering With Public Records or Information.  
4                    559. Impersonating a Public Servant.

5                    Chapter 6. OFFENSES AGAINST GOVERNMENT PROPERTY

6                    Sections

- 7                    601. Theft Against the Government.  
8                    602. Criminal Mischief Against the Government.  
9                    603. Unauthorized Possession or Removal of Government  
10                    Property.  
11                    604. Trespass on Government Property.

12                    Chapter 7. CIVIL RIGHTS

13                    Sections

- 14                    701. Deprivation of Rights.  
15                    702. Right to Full and Equal Enjoyment of Public Accom-  
16                    modations.

17                    Chapter 8. EMERGENCY PROCLAMATIONS

18                    Sections

- 19                    801. Proclamation of Emergency.  
20                    802. Emergency Restrictions.  
21                    803. Offense Defined and Penalty.  
22                    804. Powers Not Limited.

23                    Chapter 9. MAJOR CRIMES

24                    Subchapter I. NATIONAL GOVERNMENT JURISDICTION

25                    Sections



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1                    901. Jurisdiction of National Government Over Major Crimes.

2                    902. Major Crimes Defined.

3                    Subchapter II. OFFENSES AGAINST THE PERSON

4                    Sections

5                    911. Murder.

6                    912. Manslaughter.

7                    913. Negligent Homicide.

8                    914. Sexual Assault.

9                    915. Sexual Assault; Definitions.

10                   916. Sexual Abuse.

11                   917. Aggravated Assault.

12                   918. Assault With a Dangerous Weapon.

13                   919. Robbery.

14                   920. Kidnapping.

15                   921. Criminal Coercion.

16                   922. Usurping Control of Aircraft.

17                   923. Mutiny on a Vessel.

18                   Subchapter III. OFFENSES AGAINST PROPERTY

19                   Sections

20                   931. Theft.

21                   932. Definitions.

22                   933. Theft by Unlawful Taking or Disposition.

23                   934. Theft by Deception.

24                   935. Theft by Extortion.

25                   936. Theft of Property Lost, Mislaid or Delivered by

1	Mistake.
2	937. Receiving Stolen Property.
3	938. Theft of Services.
4	939. Theft by Failure to Make Required Disposition of Funds
5	Received.
6	Subchapter IV. <u>FORGERY AND OTHER FRAUD OFFENSES</u>
7	Sections
8	951. Forgery.
9	952. Possession of Forged Writing or Forgery Device.
10	953. Fraudulent Destruction, Removal, or Concealment of
11	Recordable Instruments.
12	954. Misuse of Credit Cards.
13	Subchapter V. <u>OTHER PROPERTY OFFENSES</u>
14	Sections
15	961. Burglary.
16	962. Arson and Related Offenses.
17	963. Criminal Mischief.
18	Chapter 10. <u>SENTENCING</u>
19	Sections
20	1001. Fines.
21	1002. Authorized Sentences.
22	1003. Custom in Sentencing.
23	"Chapter 1
24	<u>GENERAL PROVISIONS</u>
25	Sections



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C.D.2

1 101. Title.

2 102. Applicability to Offenses Committed Before and After  
3 Effective Date.

4 103. Territorial Applicability.

5 104. Definitions.

6 105. Time Limitations for Beginning Prosecutions.

7 106. Venue.

8 107. Defenses.

9 108. Customary Law.

10 "Section 101. Title. This act shall be known and cited as the  
11 "National Criminal Code".

12 "Section 102. Applicability to Offenses Committed Before and  
13 After the Effective Date.

14 (1) Except as provided in Subsection (2) of this Section,  
15 this Code does not apply to offenses committed before its effective  
16 date. For purposes of this Section, an offense is committed before  
17 the effective date if any of the elements of the offense occurred  
18 before that date.

19 (2) Prosecutions for offenses committed before the effective  
20 date are governed by the prior law, which is continued in effect  
21 for that purpose, as if the Code were not in force.

22 "Section 103. Territorial Applicability.

23 (1) Except as otherwise provided in this Section, a person  
24 may be convicted under the law of the Federated States of Micro-  
25 nesia of an offense committed by his own conduct or the conduct of

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1 another for which he is legally accountable, if:

2 (a) either the conduct or the result which is an  
3 element of the offense occurs within this jurisdiction; or

4 (b) conduct occurring outside this jurisdiction is  
5 sufficient under the law of this jurisdiction to constitute an  
6 attempt to commit an offense within this jurisdiction; or

7 (c) conduct occurring outside this jurisdiction is  
8 sufficient under the law of this jurisdiction to constitute a  
9 conspiracy to commit an offense within this jurisdiction and an  
10 overt act in furtherance of such conspiracy occurs within this  
11 jurisdiction; or

12 (d) conduct occurring within this jurisdiction  
13 establishes complicity in the commission of, or an attempt,  
14 solicitation, or conspiracy to commit, an offense in another  
15 jurisdiction which also is an offense under the law of this  
16 jurisdiction; or

17 (e) the offense consists of the omission, while within  
18 or outside this jurisdiction, to perform a legal duty imposed by  
19 the law of the Federated States of Micronesia with respect to  
20 domicile, residence, or a relationship to a person, thing, or  
21 transaction in this jurisdiction; or

22 (f) the offense is based on a statute of the Federated  
23 States of Micronesia which expressly prohibits conduct outside  
24 this jurisdiction, when the conduct bears a reasonable relation  
25 to a legitimate interest of the Federated States of Micronesia and



1 the defendant knows that his conduct is likely to affect that  
2 interest.

3 (2) The term "this jurisdiction" means the Federated States  
4 of Micronesia, which includes the land and water and air space  
5 above the land and water with respect to which the Federated  
6 States of Micronesia has legislative jurisdiction.

7 "Section 104. Definitions. The definitions in this Section shall  
8 apply throughout this Code, unless otherwise specified or a  
9 different meaning is plainly required.

10 (1) Classification of Crimes. A "felony" is an offense  
11 which may be punished by imprisonment for more than 1 year. A  
12 "petty misdemeanor" is an offense which may be punished by  
13 imprisonment for not more than 30 days. Every other offense is  
14 a "misdemeanor".

15 (2) Defendant. The term "defendant" includes a person who  
16 is an accessory or accomplice of the defendant.

17 (3) National Offense. A "national offense" is an offense  
18 defined by this Code or which is otherwise an offense against  
19 the Federated States of Micronesia.

20 (4) Official Proceeding. "Official proceeding" means a  
21 proceeding heard or which may be heard before any legislative,  
22 judicial, administrative or other governmental agency of the  
23 Federated States of Micronesia, or official authorized to take  
24 evidence under oath, including any referee, hearing examiner,  
25 commissioner, notary or other person taking testimony or

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1 deposition in connection with any such proceeding. The term  
2 "official proceeding" includes all judicial and administrative  
3 proceedings of the Government of the Trust Territory of the  
4 Pacific Islands which arise out of the Federated States of  
5 Micronesia.

6 (5) Persons. The terms "person", "he", "accused", and  
7 "defendant" include any natural person and, where relevant, a  
8 corporation or an unincorporated association.

9 (6) Public Servant. A "public servant" means any officer  
10 or employee of, or any person acting on behalf of, the Federated  
11 States of Micronesia, including legislators and judges, and any  
12 person acting as an advisor, consultant or otherwise, in  
13 performing a governmental function; but the term does not include  
14 witnesses. The term "public servant" includes a public servant  
15 of the Government of the Trust Territory of the Pacific Islands  
16 when acting in judicial or administrative proceeding which has  
17 been brought in, or arises out of, the Federated States of  
18 Micronesia.

19 (7) State. The term "State" means a state of the Federated  
20 States of Micronesia.

21 (8) Major Crime. A "major crime" is any crime which is  
22 punishable by imprisonment for a period of 3 years or more. An  
23 attempt to commit a major crime is also a major crime.

24 (9) Intent. A person acts intentionally, or with intent,  
25 with respect to his conduct or to a result thereof when it is his



conscious purpose to engage in the conduct or cause the result.

(10) Knowledge. A person acts knowingly, or with knowledge, with respect to his conduct or to attendant circumstances when he is aware of the nature of his conduct or that those circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is practically certain to cause the result.

(11) Recklessness. "Recklessness" means to act with willful disregard to the attendant circumstances, or if unaware of the circumstances, to act in such a manner that constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

(12) Criminal Negligence. A person acts with criminal negligence, or is criminally negligent, with respect to attendant circumstances when his conduct creates a substantial and unjustifiable risk and causes the criminal result; or if his failure to be aware of the risk constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

"Section 105. Time Limitations for Beginning Prosecutions.

(1) A prosecution for murder may be commenced at any time.

(2) Except as otherwise provided in this Section, prosecution for other offenses are subject to the following time limitations:

(a) a prosecution for an offense which is punishable

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1 by imprisonment for more than 10 years must be commenced within 6  
2 years after it is committed.

3 (b) a prosecution for any other felony must be  
4 commenced within 3 years after it is committed.

5 (c) a prosecution for a misdemeanor offense must be  
6 commenced within 2 years after it is committed.

7 (d) a prosecution for a petty misdemeanor must be  
8 commenced within 6 months after it is committed.

9 (3) If the time limitation set forth in Subsection (2) of  
10 this Section has expired, a prosecution may nevertheless be  
11 commenced for:

12 (a) any offense, an element of which is either fraud  
13 or a breach of fiduciary obligation, within one year after  
14 discovery of the offense by an aggrieved party or by a person  
15 who has a legal duty to represent an aggrieved party and who is  
16 himself not a party to the offense, but in no case shall this  
17 provision extend the period of limitation otherwise applicable  
18 by more than three years; or

19 (b) any offense based on misconduct in office by a  
20 public officer or employee at any time when the defendant is in  
21 public office or employment or within two years thereafter, but  
22 in no case shall this provision extend the period of limitation  
23 otherwise applicable by more than three years.

24 (4) The time limitation does not run:

25 (a) during any time when the accused is continuously



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absent from the jurisdiction or has no reasonably determinable place of abode or work within the jurisdiction; or

(b) during any time when a prosecution against the accused for the same conduct is pending in this jurisdiction.

(5) A prosecution is commenced either when a information or compliant is filed, or when an arrest warrant or other process is executed without unreasonable delay.

"Section 106. Venue.

(1) All trials of offenses shall be held in the state in which the offense was committed.

(2) If elements of the offense were committed in different states, the trial may be held in any state in which a material element was committed.

(3) A defendant may petition the court for a change of venue for good cause. The government may petition for a change of venue for good cause of any place where trial may be held under this Section.

"Section 107. Defenses.

(1) A defense is a fact or set of facts which negatives penal liability.

(2) No defense may be considered by the trier of fact unless evidence of the specified fact or facts has been presented. If such evidence is presented, then:

(a) if the defense is not an affirmative defense, the defendant is entitled to an acquittal if the trier of fact

finds that the evidence, when considered in the light of any  
contrary prosecution evidence, raises a reasonable doubt as to the  
defendant's guilt; or

(b) if the defense is an affirmative defense, the  
defendant is entitled to an acquittal if the trier of facts finds  
that the evidence, when considered in the light of any contrary  
prosecution evidence, proves by a preponderance of the evidence  
the specified fact or facts which negative penal liability.

(3) A defense is an affirmative defense if it is so  
designated by this Code or another statute.

"Section 108. Customary Law. For purposes of administration and  
enforcement of this act:

(1) Generally accepted customs prevailing within the Federated  
States of Micronesia relating to crimes and criminal liability  
shall be recognized and considered by the national courts. Where  
conflicting customs are both relevant, the court shall determine  
the weight to be accorded to each;

(2) Unless otherwise made applicable or given legal effect  
by statute, the applicability and effect of customary law in a  
criminal case arising under this act shall be determined by the  
court of jurisdiction in such criminal case;

(3) Where there is a dispute as to the existence or effect  
of customary law applicable to a criminal case arising under this  
act, the party asserting applicability of customary law has the  
burden of proving by a preponderance of the evidence the



1 existence, applicability and customary effect of such customary  
2 law.

3 "Chapter 2

4 INCHOATE CRIMES

5 Sections

6 201. Attempts.

7 202. Solicitation.

8 203. Conspiracy.

9 204. Penalties for Attempt, Solicitation, and Conspiracy.

10 "Section 201. Attempts.

11 (1) A person commits the offense of an attempt to commit a  
12 crime if, with intent to commit a national offense, he does an  
13 act which constitutes a substantial step in a course of conduct  
14 planned to culminate in the commission of that offense.

15 (2) It is an affirmative defense to a charge of attempt  
16 that the offense was not committed because the defendant desisted  
17 voluntarily and in good faith and abandoned his intention to  
18 commit the offense.

19 (3) Conduct shall not be considered a substantial step  
20 under this Section unless it is strongly corroborative of the  
21 defendant's criminal intent.

22 "Section 202. Solicitation.

23 (1) A person commits the offense of solicitation if, with  
24 intent to promote or facilitate the commission of a national  
25 offense, he commands, encourages or requests another person to

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1 engage in conduct, cause the result specified by the definition of  
2 the offense, or engage in conduct which would be sufficient to  
3 establish complicity in the specified conduct or result.

4 (2) It is immaterial under Subsection (1) of this Section  
5 that the defendant fails to communicate with the person he solicits  
6 if his conduct was designed to cause such communication.

7 (3) It is an affirmative defense to the prosecution for  
8 solicitation that the defendant, under circumstances showing a  
9 complete and voluntary renunciation of his criminal intent, made  
10 a reasonable effort to prevent the conduct or result solicited.

11 "Section 203. Conspiracy.

12 (1) A person commits the offense of conspiracy if, with  
13 intent to promote or facilitate the commission of a national  
14 offense:

15 (a) he agrees with one or more persons that they, or  
16 one or more of them, will engage in or solicit the conduct or  
17 will cause or solicit the result specified by the definition of  
18 the offense; and

19 (b) he or another person with whom he conspired  
20 commits an overt act in pursuance of the conspiracy.

21 (2) If a person conspires to commit a number of offenses,  
22 he is guilty of only one conspiracy if the multiple offenses are  
23 the object of the same agreement or continuous conspiratorial  
24 relationship.

25 (3) It is an affirmative defense that the defendant, under



circumstances showing a complete and voluntary renunciation of his criminal intent, made a reasonable effort to prevent the conduct or result which is the object of the conspiracy.

"Section 204. Penalties for Attempt, Solicitation, and Conspiracy. A person convicted of attempt, solicitation or conspiracy shall be punished:

(1) By imprisonment for not more than 10 years if the maximum sentence provided for any offense which was the object of the attempt, solicitation, or conspiracy is life imprisonment; or

(2) By imprisonment for not more than one-half the maximum sentence which is provided for the most serious offense which was the object of the attempt, solicitation, or conspiracy if the maximum is less than life imprisonment.

"Chapter 3

GENERAL PRINCIPLES OF RESPONSIBILITY

Sections

301. Liability for Crimes of Another.

302. Physical or Mental Disease, Disorder or Defect Excluding Criminal Responsibility.

303. Evidence of Physical or Mental Disease, Disorder or Defect Admissible When Relevant to Element of the Offense.

304. Physical or Mental Disease, Disorder or Defect Excluding Fitness to Proceed.

305. Statements for Purposes of Examination and Treatment.

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1                   306. Intoxication.

2           "Section 301. Liability for Crimes of Another.

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

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

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

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

13                   (2) A person liable under Subsection (1) of this Section is  
14 also liable for any other offense committed in the pursuance of the  
15 intended crime if reasonably foreseeable by him as a probable con-  
16 sequence of committing or attempting to commit the offense intended.

17                   (3) A person liable under this Section may be charged with  
18 and convicted of the offense although the person who directly  
19 committed it has not been prosecuted or convicted, or has been  
20 convicted of a different offense or degree of offense, or has been  
21 acquitted.

22           "Section 302. Physical or Mental Disease, Disorder or Defect  
23 Excluding Criminal Responsibility.

24                   (1) A person is not responsible for criminal conduct if,  
25 at the time of such conduct as a result of physical or mental



disease, disorder or defect, he lacks substantial capacity either to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law.

(2) The terms "physical or mental disease, disorder or defect" do not include an abnormality manifested only by repeated criminal or otherwise anti-social conduct.

(3) Physical or mental disease, disorder, or defect excluding responsibility is an affirmative defense.

(4) When the defendant is acquitted on the ground of physical or mental disease, disorder or defect excluding responsibility, the verdict and the judgment shall so state.

"Section 303. Evidence of Physical or Mental Disease, Disorder or Defect Admissible When Relevant to Element of the Offense.

Evidence that the defendant suffered from a physical or mental disease, disorder or defect is admissible whenever it is relevant to prove that the defendant did or did not have a state of mind which is an element of the offense.

"Section 304. Physical or Mental Disease, Disorder or Defect Excluding Fitness to Proceed.

(1) No person who, as a result of physical or mental disease, disorder or defect, lacks capacity to understand the proceedings against him or to assist in his own defense shall be tried, convicted or sentenced for the commission of an offense so long as such incapacity endures.

(2) If the court determines that the defendant lacks fitness

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1 to proceed, the proceeding against him shall be suspended, and  
2 the court shall commit him, for a reasonable period of time, to  
3 an appropriate institution for the purpose of restoring fitness  
4 to proceed. If the court is satisfied that the defendant may be  
5 released on conditions without danger to himself or to the person  
6 or property of another, the court shall order his release, which  
7 shall continue at the discretion of the court, on such conditions  
8 as the court determines necessary.

9 (3) When the court, on its own motion or upon the applica-  
10 tion of the institution, or the prosecuting attorney, or the  
11 defendant, determines, after a hearing, if a hearing is requested,  
12 that the defendant has regained fitness to proceed, the proceeding  
13 shall be resumed. If the court determines that so much time has  
14 elapsed due to the unfitness of the defendant to proceed that it  
15 would be unjust to resume the criminal proceeding, the court may  
16 dismiss the charge and may order the defendant to be discharged  
17 or, subject to the law governing the civil commitment or  
18 conditional release of persons suffering from physical or mental  
19 disease, disorder or defect, order the defendant to be committed  
20 or released on such conditions as the court determines necessary.

21 "Section 305. Statements for Purposes of Examination and  
22 Treatment. A statement of a person made pursuant to treatment  
23 under this Chapter, or made pursuant to an examination for the  
24 purpose of assessing criminal responsibility or fitness to  
25 proceed, shall not be admissible in evidence against him in any



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1 criminal proceeding on any issue other than that of his physical  
2 or mental condition excluding responsibility or fitness to proceed,  
3 but it shall be admissible upon those issues whether or not it  
4 would otherwise be deemed a privileged communication, unless such  
5 statement constitutes an admission of guilt of the offense charged.

6 "Section 306. Intoxication.

7 (1) An act committed while in a state of voluntary intoxi-  
8 cation is not less criminal by reason thereof, but evidence of  
9 intoxication of the defendant shall be admissible to prove or  
10 negate the conduct alleged or the state of mind which is an element  
11 of the offense.

12 (2) Intoxication does not, in itself, constitute a physical  
13 or mental disease, disorder or defect within the meaning of this  
14 Chapter.

15 (3) When recklessness establishes an element of the offense,  
16 if the defendant, due to voluntary intoxication, is unaware of a  
17 risk that he would have been aware of had he been sober, such  
18 unawareness is immaterial.

19 (4) "Intoxication" means a disturbance of mental or physical  
20 capabilities resulting from the introduction of substances into  
21 the body.

22 "Chapter 4

23 OFFENSES AGAINST THE NATIONAL SECURITY

24 Sections

25 401. Treason.

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C.D.2

1 402. Armed Insurrection.

2 403. Advocating Armed Insurrection.

3 404. Revealing Classified Information.

4 "Section 401. Treason.

5 (1) A person who is a citizen or national of, or who is  
6 domiciled in, the Federated States of Micronesia commits the  
7 offense of treason if he:

8 (a) levies war against the Federated States of Micro-  
9 nesia; or

10 (b) adheres to the enemies of the Federated States of  
11 Micronesia, giving them aid and comfort.

12 (2) "Levying war" includes an act of war or insurrection of  
13 several persons with intent to prevent, by force or intimidation,  
14 the execution of a statute of the Government, or to force its  
15 repeal. It does not include either a conspiracy to commit an act  
16 of war or a single instance of resistance to the execution of the  
17 law for a private purpose.

18 (3) No person shall be convicted of treason except on the  
19 testimony of two witnesses to the same overt act, or on his  
20 confession in open court.

21 (4) A person convicted of treason may be punished by life  
22 imprisonment.

23 "Section 402. Armed Insurrection.

24 (1) Engaging in Armed Insurrection. A person commits an  
25 offense if he engages in an armed insurrection with intent to



1 overthrow, supplant, or change the form of government of the  
2 Federated States of Micronesia, or, knowing that such armed insur-  
3 rection is in progress or is impending, he facilitates it or  
4 solicits, incites, or conspires with another to engage in or to  
5 facilitate it.

6 (2) Penalty. A person convicted under Subsection (1) of this  
7 Section shall be punished by imprisonment for not more than 10  
8 years.

9 "Section 403. Advocating Armed Insurrection.

10 (1) A person commits an offense if, with intent to induce or  
11 otherwise cause others to engage in armed insurrection in violation  
12 of Section 402, he:

13 (a) advocates the desirability or necessity of armed  
14 insurrection under circumstances in which there is substantial  
15 likelihood his advocacy will immediately produce a violation of  
16 Section 402; or

17 (b) organizes an association which engages in the  
18 advocacy prohibited in Paragraph (a), or, as an active member of  
19 such association, facilitates such advocacy.

20 (2) Penalty. A person convicted under this Section shall  
21 be punished by imprisonment for not more than 5 years.

22 "Section 404. Revealing Classified Information.

23 (1) A person commits an offense if he:

24 (a) intentionally communicates classified information  
25 to an unauthorized person; or

1 (b) knowingly obtains classified information without  
2 authorization; or

3 (c) solicits another to communicate classified infor-  
4 mation to an unauthorized person.

5 (2) "Classified information" means information the  
6 dissemination of which has been restricted by the President for  
7 reasons of national security.

8 (3) A person convicted under this Section shall be punished  
9 by imprisonment for not more than 5 years.

10 "Chapter 5

11 OFFENSES AGAINST PUBLIC ADMINISTRATION

12 Subchapter I. OBSTRUCTING GOVERNMENT OPERATIONS

13 Sections

14 501. Obstructing Administration of Law or Other Governmental  
15 Function.

16 502. Resisting Arrest or Other Lawful Enforcement.

17 503. Hindering Apprehension or Prosecution.

18 504. Compounding.

19 505. Escape.

20 506. Escape; Other Contraband.

21 507. Bail Jumping; Default in Required Appearance.

22 508. Disrupting Government Meetings.

23 Subchapter II. ABUSE OF OFFICE

24 Sections

25 521. Official Oppression.



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1                    522. Speculating or Wagering on Official Action or Informa-  
2                    tion.

3                    Subchapter III. BRIBERY AND RELATED  
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6                    531. Bribery in Official and Political Matters.

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18                   551. Perjury.

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21                   554. Limitations on Prosecutions of Perjury and Related  
22                   Offenses.

23                   555. Tampering With Witnesses and Informants.

24                   556. Retaliation Against Witnesses or Informants.

25                   557. Tampering With or Fabricating Physical Evidence.

1 558. Tampering With Public Records or Information.

2 559. Impersonating a Public Servant.

3 Subchapter I. OBSTRUCTING GOVERNMENT OPERATIONS

4 "Section 501. Obstructing Administration of Law or Other  
5 Governmental Function.

6 (1) A person commits an offense if he purposely and  
7 substantially obstructs, impairs or perverts the administration  
8 of law or other lawful governmental function of the Federated  
9 States of Micronesia by force, violence, physical interference  
10 or obstacle, breach of official duty, or any other unlawful act,  
11 except that this Section does not apply to flight by a person  
12 charged with crime, refusal to submit to arrest, failure to  
13 perform a legal duty other than an official duty, or any other  
14 means of avoiding compliance with law without affirmative inter-  
15 ference with governmental functions.

16 (2) A person convicted under this Section shall be punished  
17 by imprisonment for not more than 1 year.

18 "Section 502. Resisting Arrest or Other Law Enforcement.

19 (1) A person commits an offense if, for the purpose of  
20 preventing a public servant from effecting a lawful arrest or  
21 discharging any other duty, the person creates a substantial risk  
22 of bodily injury to the public servant or anyone else, or employs  
23 means justifying or requiring substantial force to overcome the  
24 resistance.

25 (2) A person convicted under this Section shall be punished



by imprisonment for not more than 1 year.

"Section 503. Hindering Apprehension or Prosecution.

(1) A person commits an offense if, with purpose to hinder the apprehension, prosecution, conviction or punishment of another for a national offense he:

(a) harbors or conceals the other; or

(b) provides or aids in providing a weapon, transportation, disguise or other means of avoiding apprehension or effecting escape; or

(c) conceals or destroys evidence of the offense, or tampers with a witness, informant, document or other source of information, regardless of its admissibility in evidence; or

(d) warns the other of impending discovery or apprehension, except that this paragraph does not apply to a warning given in connection with an effort to bring another into compliance with law; or

(e) volunteers false information to any law enforcement officer.

(2) A person convicted under this Section shall be punished:

(a) by imprisonment for not more than 5 years if the conduct which the defendant knows has been charged or is liable to be charged against the person aided is punishable by imprisonment for 10 or more years;

(b) otherwise, by imprisonment for not more than 1 year.

"Section 504. Compounding.

Public Law No. 1-134

CONGRESSIONAL BILL NO. 1-184, C.D.1,  
C.D.2

(1) A person commits an offense if he accepts or agrees to accept any pecuniary benefit in consideration of refraining from reporting to law enforcement authorities the commission or suspected commission of any national offense or information relating to such an offense. It is a defense to prosecution under this Section that the pecuniary benefit did not exceed an amount which the defendant believed to be due as restitution or indemnification for harm caused by the offense.

(2) A person convicted under this Section shall be punished by imprisonment for not more than 1 year.

"Section 505. Escape.

(1) A person commits the offense of escape if he unlawfully removes himself from official detention or fails to return to official detention following temporary leave granted for a specific purpose or limited period. "Official detention" means arrest and detention in any facility for custody of persons under charge or conviction of a national offense, under detention for extradition or deportation, or any other detention for law enforcement purposes. The term "official detention" shall apply only to detention by a public servant of the Federated States of Micronesia, or by any other person legally authorized or empowered to arrest or detain on behalf of the Federated States of Micronesia. "Official detention" does not include supervision of probation or parole, or constraint incidental to release on bail.

(2) Permitting or Facilitating Escape. A public servant



involved in detention commits an offense if he knowingly permits an escape. Any person who knowingly causes or facilitates an escape commits an offense.

(3) Effect of Legal Irregularity in Detention. Irregularity in bringing about or maintaining detention, or lack of jurisdiction of the committing or detaining authority, shall not be a defense to prosecution under this Section if the escape is from a prison or other custodial facility or from detention pursuant to commitment by official proceedings. In the case of other detentions, irregularity or lack of jurisdiction shall be a defense only if:

(a) the escape involved no substantial risk of harm to the person or property of anyone other than the defendant; or

(b) the detaining authority did not act in good faith under color of law.

(4) Penalty. A person convicted of escape shall be punished by imprisonment for not more than 10 years if the defendant employs force, a deadly weapon or other dangerous instrumentality to make the escape. Otherwise, a person convicted of escape shall be punished by imprisonment for not more than 3 years.

"Section 506. Implements for Escape; Other Contraband.

(1) Escape Implements. A person commits an offense if he unlawfully introduces within a detention facility, or unlawfully provides an inmate of a detention facility with, any weapon, tool or other thing which may be useful for escape. An inmate of a

1           detention facility commits an offense if he unlawfully procures,  
2           makes, or otherwise provides himself with, or has in his posses-  
3           sion, any such implement of escape. "Unlawfully" means surreptiti-  
4           tiously or contrary to law, regulation or order of the detaining  
5           authority.

6                   (2) Other Contraband. A person commits an offense if he  
7           provides an inmate of a detention facility with anything which  
8           the defendant knows it is unlawful for the inmate to possess.

9                   (3) Definition. "Detention facility" refers only to a  
10          detention facility owned or operated by the Federated States of  
11          Micronesia, or to any other detention facility if the inmate is  
12          detained therein pursuant to an arrest, charge or conviction for  
13          a national offense, or to an accusation or adjudication of  
14          delinquency based upon a national offense, or detained for extra-  
15          dition or deportation purposes.

16                   (4) Penalty. A person convicted under this Section shall  
17          be punished by imprisonment for not more than 1 year.

18          "Section 507. Bail Jumping; Default in Required Appearance.

19                   (1) A person set at liberty by court order, with or without  
20          bail, upon condition that he will subsequently appear at a  
21          specified time and place, commits an offense if, without lawful  
22          excuse, he fails to appear at that time and place.

23                   (2) This Section shall apply only to persons whose detention  
24          was based upon a charge or conviction for a national offense, or  
25          upon an accusation or adjudication of delinquency based upon a



1 national offense, or whose detention was for extradition or  
2 deportation purposes.

3 (3) This Section does not apply to obligations to appear  
4 incident to release under suspended sentence or on probation or  
5 parole.

6 (4) Penalty. A person convicted under this Section shall be  
7 punished:

8 (a) by imprisonment for not more than 3 years if the  
9 required appearance was to answer to a charge of felony, or for  
10 disposition of any such charge, and the defendant took flight or  
11 went into hiding to avoid apprehension, trial or punishment;

12 (b) otherwise, by imprisonment for not more than 1  
13 year.

14 "Section 508. Disrupting Government Meetings.

15 (1) A person commits an offense if, with intent to prevent  
16 or substantially disrupt, or recklessly creating a risk thereof,  
17 or after a reasonable warning or request to desist has been made,  
18 he continues in conduct which prevents or substantially disrupts  
19 any official proceeding or any meeting, ceremony, procession or  
20 other official gathering of the Federated States of Micronesia,  
21 he:

22 (a) does any act which physically obstructs or inter-  
23 feres with the gathering; or

24 (b) engages in fighting or in violent behavior; or

25 (c) addresses abusive language to any person present,

1 which is likely to provoke a violent response; or

2 (d) creates a hazardous or physically offensive  
3 condition by any act which is not performed under any authorized  
4 license or permit.

5 (2) A person convicted under this Section shall be punished  
6 by imprisonment for not more than 1 year.

7 Subchapter II. ABUSE OF OFFICE

8 "Section 521. Official Oppression.

9 (1) A person acting or purporting to act in an official  
10 capacity on behalf of the Federated States of Micronesia, or  
11 taking advantage of such actual or purported capacity, commits an  
12 offense if, knowing that his conduct is illegal, he:

13 (a) subjects another to arrest, detention, search,  
14 seizure, mistreatment, dispossession, assessment, lien or other  
15 infringement of personal or property rights; or

16 (b) denies or impedes another in the exercise or enjoy-  
17 ment of any right, privilege, power or immunity.

18 (2) A person convicted under this Section shall be punished  
19 by imprisonment for not more than 1 year.

20 "Section 522. Speculating or Wagering on Official Action or  
21 Information.

22 (1) A public servant commits an offense if, in contempla-  
23 tion of official action by himself or by a governmental unit with  
24 which he is associated, or in reliance on information to which he  
25 has access in his official capacity and which has not been made



1 public, he:

2 (a) acquires a pecuniary interest in any property,  
3 transaction or enterprise which may be affected by such informa-  
4 tion or official action; or

5 (b) speculates or wagers on the basis of such informa-  
6 tion or official action; or

7 (c) aids another to do any of the foregoing.

8 (2) A person convicted under this Section shall be punished  
9 by imprisonment for not more than 1 year.

10 Subchapter III. BRIBERY AND RELATED OFFENSES OF

11 CORRUPT INFLUENCE

12 "Section 531. Bribery in Official and Political Matters.

13 (1) Bribery. A person commits the offense of bribery if he  
14 offers, confers or agrees to confer upon another, or solicits,  
15 accepts or agrees to accept from another:

16 (a) any pecuniary benefit as consideration for the  
17 recipient's decision, opinion, recommendation, vote or other  
18 exercise of discretion as a public servant, or as a voter in any  
19 election, referendum or plebiscite of the Federated States of  
20 Micronesia; or

21 (b) any benefit as consideration for the recipient's  
22 decision, vote, recommendation or other exercise of official  
23 discretion as a public servant in a judicial or administrative  
24 proceeding; or

25 (c) any benefit as consideration for a violation of a

1 known legal duty as a public servant.

2 (2) Defense. It is a defense to a prosecution under this  
3 Section that the defendant conferred or agreed to confer the  
4 pecuniary benefit as a result of extortion or coercion.

5 (3) Definition. For purposes of this Section, "public  
6 servant" includes in addition to those persons who are defined as  
7 a public servant under Section 104 of this Code, persons who have  
8 been elected, appointed, or designated to become a public servant  
9 although not yet occupying that position.

10 (4) Penalty. A person convicted under this Section shall be  
11 punished by imprisonment for not more than 5 years.

12 "Section 532. Threats and Other Improper Influence in Official  
13 and Political Matters.

14 (1) A person commits an offense if he:

15 (a) threatens unlawful harm to any person with purpose  
16 to influence his decision, opinion, recommendation, vote or other  
17 exercise of discretion as a public servant, or a voter in any  
18 election, referendum or plebiscite of the Federated States of  
19 Micronesia; or

20 (b) threatens harm to any public servant with purpose  
21 to influence his decision, opinion, recommendation, vote or other  
22 exercise of discretion in a judicial or administrative proceeding;  
23 or

24 (c) threatens harm to any public servant with purpose  
25 to influence him to violate his known legal duty; or



1 (d) privately addresses to any public servant who has  
2 or will have an official discretion in a judicial or administra-  
3 tive proceeding any representation, entreaty, argument or other  
4 communication with purpose to influence the outcome on the basis  
5 of considerations other than those authorized by law.

6 (2) It is no defense to prosecution under this Section that  
7 a person whom the defendant sought to influence was not qualified  
8 to act in the desired way, whether because he had not yet assumed  
9 office, or lacked jurisdiction, or for any other reason.

10 (3) A person convicted under this Section shall be punished:

11 (a) by imprisonment for not more than 5 years if the  
12 defendant threatened to commit a crime or made a threat with  
13 purpose to influence a judicial or administrative proceeding;

14 (b) otherwise, by imprisonment for not more than 1  
15 year.

16 "Section 533. Retaliation for Past Official Action.

17 (1) A person commits an offense if he harms another by any  
18 unlawful act in retaliation for anything lawfully done by the  
19 latter in the capacity of public servant.

20 (2) A person convicted under this Section shall be punished  
21 by imprisonment for not more than 1 year.

22 "Section 534. Gifts to Public Servants by Persons Subject to  
23 Their Jurisdiction.

24 (1) Regulatory and Law Enforcement Officials. A public  
25 servant in any department or agency exercising regulatory

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1 functions, or conducting inspections or investigations, or  
2 carrying on civil or criminal litigation on behalf of the govern-  
3 ment, or having custody of prisoners, commits an offense if he  
4 solicits, accepts, or agrees to accept any pecuniary benefit from  
5 a person known to be subject to such regulation, inspection,  
6 investigation or custody, or against whom such litigation is  
7 known to be pending or contemplated.

8 (2) Officials Concerned with Government Contracts and  
9 Pecuniary Transactions. A public servant having any discretionary  
10 function to perform in connection with contracts, purchases, pay-  
11 ments, claims or other pecuniary transactions of the Government  
12 commits an offense if he solicits, accepts or agrees to accept  
13 any pecuniary benefit from any person known to be interested in  
14 or likely to become interested in any such contract, purchase,  
15 payment, claim or transaction.

16 (3) Judicial and Administrative Officials. A public  
17 servant having judicial or administrative authority and a public  
18 servant employed by or in a court or other tribunal having such  
19 authority, or participating in the enforcement of its decisions,  
20 commits an offense if he solicits, accepts, or agrees to accept  
21 any pecuniary benefit from a person known to be interested in or  
22 likely to become interested in any matter before such public  
23 servant or a tribunal with which he is associated.

24 (4) Congressional Officials. A public servant who is a  
25 member of the Congress of the Federated States of Micronesia, or



Public Law No. 1-134

CONGRESSIONAL BILL NO. 1-184, C.D.1,  
C.D.2

who is employed by the Congress or by any committee or agency thereof, commits an offense if he solicits, accepts or agrees to accept any pecuniary benefit from any person known to be interested in a bill, transaction or proceeding, pending or contemplated, before the Congress or any committee or agency thereof.

(5) Exceptions. This Section shall not apply to:

(a) fees prescribed by law to be received by a public servant or any other benefit for which the recipient gives legitimate consideration or to which he is otherwise legally entitled; or

(b) gifts or other benefits conferred on account of custom, tradition, kinship or other personal, professional or business relationship independent of the official status of the receiver; or

(c) trivial benefits incidental to personal, professional or business contacts and involving no substantial risk of undermining official impartiality.

(6) Offering Benefits Prohibited. A person commits an offense if he knowingly confers, or offers or agrees to confer, any benefit prohibited in this Section.

(7) Penalty. A person convicted under this Section shall be punished by imprisonment for not more than 1 year.

"Section 535. Compensating Public Servant for Assisting Private Interests in Relation to Matters Before Him.

(1) Receiving Compensation. A public servant commits an offense if he solicits, accepts or agrees to accept compensation for advice or other assistance in preparing or promoting a bill, contract, claim, or other transaction or proposal as to which he knows that he has or is likely to have an official discretion to exercise.

(2) Paying Compensation. A person commits an offense if he pays or offers or agrees to pay compensation to a public servant with knowledge that acceptance by the public servant is unlawful.

(3) Penalty. A person convicted under this Section shall be punished by imprisonment for not more than 1 year.

"Section 536. Selling Political Endorsement; Special Influence.

(1) Selling Political Endorsement. A person commits an offense if he solicits, receives, agrees to receive, or agrees that any other person shall receive, any pecuniary benefit as consideration for approval or disapproval of an appointment or advancement in public service, or for approval or disapproval of any person or transaction for any benefit conferred by an official or agency of government. "Approval" includes recommendation, failure to disapprove, or any other manifestation of favor or acquiescence. "Disapproval" includes failure to approve, or any other manifestation of disfavor or nonacquiescence.

(2) Other Trading in Special Influence. A person commits an offense if he solicits, receives or agrees to receive any pecuniary benefit as consideration for exerting special influence upon a public servant or procuring another to do so.



"Special influence" means power to influence through kinship, friendship or other relationship, apart from the merits of the transaction.

(3) Paying for Endorsement or Special Influence. A person commits an offense if he offers, confers or agrees to confer any pecuniary benefit receipt of which is prohibited by this Section.

(4) Penalty. A person convicted under this Section shall be punished by imprisonment for not more than 1 year.

Subchapter IV. PERJURY AND RELATED OFFENSES  
OF FALSIFICATION

"Section 551. Perjury.

(1) Perjury. A person commits the offense of perjury if in any official proceeding he makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of a statement previously made, when the statement is material and he does not believe it to be true.

(2) Materiality. Falsification is material, regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the proceeding. It is no defense that the declarant mistakenly believed the falsification immaterial.

(3) Penalty. A person convicted of perjury shall be punished by not more than 5 years imprisonment.

"Section 552. False Swearing in Official Matters.

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1 (1) A person commits the offense of false swearing if:

2 (a) he makes a false statement under oath or  
3 equivalent affirmation, or swears or affirms the truth of  
4 such a statement previously made, when he does not believe the  
5 statement to be true, and:

6 (i) the falsification occurs in an official  
7 proceeding; or

8 (ii) the falsification is intended to mis-  
9 lead a public servant in performing his official function;  
10 or

11 (b) he makes a false statement under oath or  
12 equivalent affirmation, or swears or affirms the truth of  
13 such a statement previously made, when he does not believe  
14 the statement to be true and the statement is one which is  
15 required by statute or regulation of the Federated States of  
16 Micronesia to be sworn or affirmed before a notary or other  
17 person authorized to administer oaths.

18 (2) A person convicted of false swearing shall be  
19 punished by imprisonment for not more than 1 year.

20 "Section 553. Unsworn Falsification to Authorities.

21 (1) In General. A person commits the offense of  
22 falsification if, with purpose to mislead a public servant  
23 in performing his official function, he:

24 (a) makes any written false statement which he  
25 does not believe to be true; or



(b) purposely creates a false impression in a written application for any pecuniary or other benefit, by omitting information necessary to prevent statements therein from being misleading; or

(c) submits or invites reliance on any writing which he knows to be forged, altered or otherwise lacking in authenticity; or

(d) submits or invites reliance on any sample, specimen, map, boundary-mark, or other object which he knows to be false.

(2) Statements "Under Penalty". A person commits the offense of falsification if he makes a written false statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by statute or regulation of the Federated States of Micronesia, to the effect that false statements made therein are punishable.

(3) Penalty. A person convicted under this Section shall be punished by imprisonment for not more than 1 year.

"Section 554. Limitations on Prosecutions of Perjury and Related Offenses. The following limitations apply to prosecutions under Sections 551, 552, and 553:

(1) Irregularities No Defense. It is not a defense that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the statement. A document purporting to be made upon

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1 oath or affirmation at any time when the defendant presents  
2 it as being so verified shall be deemed to have been duly  
3 sworn or affirmed.

4 (2) Retraction. No person shall be guilty of an offense  
5 if he retracted the falsification in the course of the  
6 proceeding in which it was made before it became manifest  
7 that the falsification was or would be exposed and before the  
8 falsification substantially affected the proceeding.

9 (3) Inconsistent Statements. Where the defendant made  
10 inconsistent statements under oath or equivalent affirmation,  
11 both having been made within the period of the statute  
12 of limitations, the prosecution may proceed by setting forth  
13 the inconsistent statements in a single count alleging in the  
14 alternative that one or the other was false and not believed  
15 by the defendant. In such case, it shall not be necessary  
16 for the prosecution to prove which statement was false but  
17 only that one or the other was false and not believed by the  
18 defendant to be true.

19 (4) Corroboration. No person shall be convicted of an  
20 offense where proof of falsity rests solely upon contradiction  
21 by testimony of a single person other than the defendant.

22 "Section 555. Tampering with Witnesses and Informants.

23 (1) Tampering. A person commits an offense if, believing  
24 that an official proceeding or investigation is pending or  
25 about to be instituted, he attempts to induce or otherwise



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1 cause a witness or informant to:

2 (a) testify or inform falsely; or

3 (b) withhold any testimony, information, document  
4 or thing; or

5 (c) elude legal process summoning him to testify  
6 or supply evidence; or

7 (d) absent himself from any proceeding or in-  
8 vestigation to which he has been legally summoned.

9 (2) Penalty. A person convicted under Subsection (1)  
10 of this Section shall be punished:

11 (a) if the defendant uses force, deception, threat  
12 or offer of pecuniary benefit, by imprisonment for not more  
13 than 5 years;

14 (b) otherwise, by imprisonment for not more than  
15 1 year.

16 (3) Witness or Informant Taking Bribe. A person commits  
17 an offense if he solicits, accepts or agrees to accept any  
18 benefit in consideration of his doing any of the things  
19 specified in Subsection (1) of this Section.

20 (4) Penalty. A person convicted under Subsection (3)  
21 of this Section shall be punished by imprisonment for not  
22 more than 5 years.

23 "Section 556. Retaliation Against Witness or Informant.

24 (1) A person commits an offense if he harms another  
25 by any unlawful act in retaliation for anything lawfully done

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in the capacity of witness or informant.

(2) A person convicted under this Section shall be punished by imprisonment for not more than 1 year.

"Section 557. Tampering With or Fabricating Physical Evidence.

(1) A person commits an offense if, believing that an official proceeding or investigation is pending or about to be instituted, he:

(a) alters, destroys, conceals or removes any record, document or thing with purpose to impair its verity or availability in such proceeding or investigation; or

(b) makes, presents or uses any record, document or thing knowing it to be false and with purpose to mislead a public servant who is or may be engaged in such proceeding or investigation.

(2) A person convicted under this Section shall be punished by imprisonment for not more than 1 year.

"Section 558. Tampering With Public Records or Information.

(1) A person commits an offense if he:

(a) knowingly makes a false entry in, or false alteration of, any record, document or thing received or kept by a public servant, or belonging to the Government of the Federated States of Micronesia for information or record, or required by statute or regulation of the Federated States of Micronesia to be kept by anyone for information of the



Government; or

(b) makes, presents or uses any record, document or thing knowing it to be false, and with purpose that it be taken as a genuine part of information or records referred to in Paragraph (a); or

(c) purposely and unlawfully destroys, conceals, removes or otherwise impairs the verity or availability of any such record, document or thing.

(2) A person convicted under this Section shall be punished:

(a) by imprisonment for not more than 5 years if the defendant's purpose was to defraud or injure anyone;

(b) otherwise, by imprisonment for not more than 1 year.

"Section 559. Impersonating a Public Servant.

(1) A person commits an offense if he falsely pretends to be a public servant with purpose to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense to his prejudice.

(2) A person convicted under this Section shall be punished by imprisonment for not more than 1 year.

"Chapter 6

OFFENSES AGAINST GOVERNMENT PROPERTY

Sections

601. Theft Against the Government.

1                   602. Criminal Mischief Against the Government.

2                   603. Unauthorized Possession or Removal of Government  
3 Property.

4                   604. Trespass on Government Property.

5 "Section 601. Theft Against the Government.

6                   (1) Theft. A person commits the offense of theft against  
7 the Government if he commits theft of any property or service in  
8 which the Government of the Federated States of Micronesia has any  
9 legal, equitable or possessory interest.

10                   (2) Major Crimes Provisions Applicable. The provisions of  
11 Subchapter III of Chapter 9 relating to major crimes, excluding  
12 Subsections (1) and (2) of Section 931, shall apply to all cases  
13 of theft against the Government.

14                   (3) Penalty. A person convicted under this Section shall  
15 be punished:

16                           (a) if the value of the property or service is \$5,000  
17 or more, by imprisonment for not more than 10 years; or

18                           (b) if the value of the property or service is at  
19 least \$1,000 but less than \$5,000, by imprisonment for not more  
20 than 5 years; or

21                           (c) if the value of the property or service is at least  
22 \$100 but less than \$1,000, by imprisonment for not more than  
23 1 year; or

24                           (d) if the value of the property or service is at  
25 least \$25 but less than \$100, by imprisonment for not more than



6 months; or

(e) if the value of the property or service is less than \$25, by imprisonment for not more than 30 days.

"Section 602. Criminal Mischief Against the Government.

(1) Criminal Mischief. A person commits the offense of criminal mischief against the Government if he intentionally or recklessly:

(a) causes any damage to property in which the Government of the Federated States of Micronesia has any legal, equitable, or possessory interest; or

(b) causes the Government of the Federated States of Micronesia by deception or threat, to suffer any loss.

(2) Amount Involved. The amount involved in an offense of criminal mischief shall be deemed to be the highest value, by any reasonable standard, of the loss which the defendant caused or attempted to cause. Amounts involved in acts of criminal mischief committed pursuant to one scheme or course of conduct may be aggregated in determining the grade of the offense.

(3) Claim of Right. It is an affirmative defense to prosecution under Subsection (1)(a) of this Section that the defendant:

(a) was unaware that the property was that of another; or

(b) acted under an honest claim of right to

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1 dispose of the property as he did.

2 (4) Penalty. A person convicted under this Section shall  
3 be punished:

4 (a) if the value of the loss is \$5,000 or more, by  
5 imprisonment for not more than 10 years; or

6 (b) if the value of the loss is at least \$1,000 but  
7 less than \$5,000, by imprisonment for not more than 5 years; or

8 (c) if the value of the loss is at least \$100 but less  
9 than \$1,000, by imprisonment for not more than 1 year; or

10 (d) if the value of the loss is at least \$25 but less  
11 than \$100, by imprisonment for not more than 6 months; or

12 (e) if the value of the loss is less than \$25, by  
13 imprisonment for not more than 30 days.

14 "Section 603. Unauthorized Possession or Removal of Government  
15 Property.

16 (1) Unauthorized Possession or Removal. A person commits  
17 an offense if, knowing he does not have proper authority, he  
18 has in his possession or has removed from its location any  
19 property, wherever situated, in which the Government of the  
20 Federated States of Micronesia has any legal, equitable or  
21 possessory interest.

22 (2) Amount Involved. The amount involved in a violation  
23 of Subsection (1) of this Section shall be deemed to be the  
24 highest value, by any reasonable standard, of either the loss  
25 to the Government or the fair rental value of the property



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involved. Amounts involved in acts of unauthorized possession or removal committed pursuant to one scheme or course of conduct may be aggregated in determining the grade of the offense.

(3) Penalty. A person convicted under this Section shall be punished:

(a) if the amount involved is \$5,000 or more, by imprisonment for not more than 10 years; or

(b) if the amount involved is at least \$1,000 but less than \$5,000, by imprisonment for not more than 5 years; or

(c) if the amount involved is at least \$100 but less than \$1,000, by imprisonment for not more than 1 year; or

(d) if the amount involved is at least \$25 but less than \$100, by imprisonment for not more than 6 months; or

(e) if the amount involved is less than \$25, by imprisonment for not more than 30 days.

"Section 604. Trespass on Government Property.

(1) A person commits the offense of trespass on government property if he knowingly enters or remains unlawfully on any property owned, operated, or controlled by the Government of the Federated States of Micronesia.

(2) Penalties. A person convicted under this

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1 Section shall be punished:

2 (a) by imprisonment for not more than 1 year if  
3 the defendant entered or remained in any building or  
4 structure, or in any area that is fenced or enclosed in such  
5 a manner as to exclude intruders:

6 (i) at night; or

7 (ii) while in possession of a dangerous  
8 weapon;

9 (b) otherwise, by imprisonment for not more than  
10 30 days.

11 "Chapter 7

12 CIVIL RIGHTS

13 Sections

14 701. Deprivation of Rights.

15 702. Right to Full and Equal Enjoyment of Public  
16 Accommodations.

17 "Section 701. Deprivation of Rights.

18 (1) Deprivation of Rights. A person commits an offense  
19 if, whether or not acting under color of law, he deprives  
20 another of, or injures, oppresses, threatens, or intimidates  
21 another in the free exercise or enjoyment of, or  
22 because of his having so exercised any right, privilege,  
23 or immunity secured to him by the Constitution or laws  
24 of the Federated States of Micronesia, the laws of the  
25 Trust Territory of the Pacific Islands, or the



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1 Constitution or laws of the United States of America which  
2 are applicable to the Federated States of Micronesia.

3 (2) Penalty. A person convicted under this Section  
4 shall be punished by imprisonment for not more than 1 year.

5 (3) Civil Liability. A person who deprives another  
6 of any right or privilege protected under this Section shall  
7 be civilly liable to the party injured in an action at law,  
8 suit in equity, or other proper proceeding for redress,  
9 without regard to whether a criminal case has been brought  
10 or conviction obtained. In an action brought under this  
11 Section, the court may award costs and reasonable attorney's  
12 fees to the prevailing party.

13 "Section 702. Right to Full and Equal Enjoyment of Public  
14 Accommodations.

15 (1) Equal Access. All persons shall be entitled,  
16 without discrimination on the ground of race, color, religion,  
17 language, place of origin or sex, to the full and equal  
18 enjoyment of the goods, services, facilities, privileges,  
19 advantages, and accommodations of:

20 (a) any department, agency, or institution of,  
21 or acting on behalf of, the Federated States of Micronesia;  
22 or

23 (b) any public accommodation which affects  
24 commerce, as defined in this Section.

25 (2) Public Accommodation. "Public accommodation"

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1 means any establishment which provides lodging to transient  
2 guests for charge, or any establishment which is engaged in  
3 selling food, beverage or gasoline to the public, or any  
4 place of recreation, amusement, exhibition, sightseeing, or  
5 entertainment which is open to members of the public, or  
6 any facility for the public transportation of persons or  
7 goods.

8 (3) Affects Commerce. A public accommodation affects  
9 commerce if:

- 10 (a) it is a place of lodging; or  
11 (b) it serves or offers to serve interstate  
12 travelers; or  
13 (c) a substantial portion of the goods or  
14 entertainment it sells or provides has moved in commerce.

15 (4) Commerce. "Commerce" means travel, trade,  
16 traffic, transportation, communication and all other forms  
17 of commerce among the several States, or between any State  
18 and any foreign country or other area outside the  
19 Federated States of Micronesia, or between points in the  
20 same State but through any area outside the State.

21 (5) Limitation. This Section shall not apply to  
22 any private club or other establishment not in fact open  
23 to the public, except to the extent that the facilities of  
24 such establishment are made available to the customers or  
25 patrons of an establishment within the scope of Subsection



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(1) of this Section.

(6) Offense Defined. A person commits an offense if he:

(a) withholds, denies, deprives or attempts to withhold, deny or deprive any person of any right or privilege protected under this Section; or

(b) intimidates, threatens, coerces or attempts to intimidate, threaten or coerce any person for the purpose of interfering with any right or privilege protected under this Section; or

(c) punishes or attempts to punish any person for exercising or attempting to exercise any right or privilege protected under this Section.

(7) Penalty. A person convicted under this Section shall be punished by imprisonment for not more than 1 year.

(8) Civil Liability. A person who deprives another of any right or privilege protected under this Section shall be civilly liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, without regard to whether a criminal case has been brought or conviction obtained. In an action brought under this Subsection, the court may award costs and reasonable attorney's fees to the prevailing party.

"Chapter 8

EMERGENCY PROCLAMATIONS

Sections

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1                   801. Proclamation of Emergency.

2                   802. Emergency Restrictions.

3                   803. Offense Defined and Penalty.

4                   804. Powers Not Limited.

5           "Section 801. Proclamation of Emergency. When required to  
6           preserve public peace, health or safety in any area, at a time  
7           of extreme emergency caused by civil disturbance, natural  
8           disaster or immediate threat of war, or insurrection, the  
9           President of the Federated States of Micronesia may declare a  
10          state of emergency and issue appropriate decrees.

11          "Section 802. Emergency Restrictions.

12                (1) During the existence of a state of emergency, the  
13                President may, by proclamation, prohibit:

14                   (a) any person being on the public roads or at any  
15                   other public place during the hours proclaimed by the President  
16                   to be a period of curfew;

17                   (b) the manufacture, transfer, use, possession, or  
18                   transportation of any device or object designed to explode or  
19                   produce uncontained combustion;

20                   (c) the transportation, possession or use of  
21                   combustible, flammable or explosive materials in a container  
22                   of any kind except in connection with the normal operation of  
23                   motor vehicles, motor boats, normal home use or legitimate  
24                   commercial use;

25                   (d) the possession of firearms or any other



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1 dangerous weapon by a person in any place other than his place  
2 of residence, work or business;

3 (e) the sale, purchase, dispensing, importing, or  
4 exporting of alcoholic beverages or other commodities or goods  
5 designated by the President;

6 (f) the use of certain roads by the public; and

7 (g) other activities the President reasonably believes  
8 should be prohibited to help preserve public peace, health or  
9 safety.

10 (2) Any proclamation issued under this Section becomes  
11 effective immediately upon its signing by the President, who  
12 shall immediately give public notice of its contents by the  
13 most effective means available. The restrictions may be  
14 imposed during times, upon conditions, with exceptions and in  
15 areas designated by proclamation of the President.

16 (3) Prohibitions imposed by proclamation issued under  
17 this Section shall automatically terminate at noon on the  
18 fifth day after it becomes effective, unless sooner terminated  
19 by proclamation of the President.

20 "Section 803. Offense Defined and Penalty. Any person who,  
21 during a state of emergency, fails to comply with restrictions  
22 imposed by proclamation of the President under Section 802  
23 commits an offense, and upon conviction, shall be punished:

24 (1) Upon the first conviction under this Section, by  
25 imprisonment for not more than 1 year;

1                   (2) Upon a second or subsequent conviction under this  
2                   Section, by imprisonment for not more than 5 years.

3                   "Section 804. Powers Not Limited. Nothing in this Chapter  
4                   shall limit any other power to maintain the public peace and  
5                   safety which is vested in the President.

6                                   "Chapter 9

7                                   MAJOR CRIMES

8                   Subchapter I. NATIONAL GOVERNMENT JURISDICTION

9                   Sections

10                           901. Jurisdiction of National Government Over Major Crimes.

11                           902. Major Crimes Defined.

12                   Subchapter II. OFFENSES AGAINST THE PERSON

13                   Sections

14                           911. Murder.

15                           912. Manslaughter.

16                           913. Negligent Homicide.

17                           914. Sexual Assault.

18                           915. Sexual Assault; Definitions.

19                           916. Sexual Abuse.

20                           917. Aggravated Assault.

21                           918. Assault With a Dangerous Weapon.

22                           919. Robbery.

23                           920. Kidnapping.

24                           921. Criminal Coercion.

25                           922. Usurping Control of Aircraft.



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1                    923. Mutiny on a Vessel.

2                    Subchapter III. OFFENSES AGAINST PROPERTY

3                    Sections

4                    931. Theft.

5                    932. Definitions.

6                    933. Theft by Unlawful Taking or Disposition.

7                    934. Theft by Deception.

8                    935. Theft by Extortion.

9                    936. Theft of Property Lost, Mislaid or Delivered by

10                   Mistake.

11                   937. Receiving Stolen Property.

12                   938. Theft of Services.

13                   939. Theft by Failure to Make Required Disposition of

14                   Funds Received.

15                   Subchapter IV. FORGERY AND OTHER FRAUD OFFENSES

16                   Sections

17                   951. Forgery.

18                   952. Possession of Forged Writing or Forgery Device.

19                   953. Fraudulent Destruction, Removal, or Concealment of

20                   Recordable Instruments.

21                   954. Misuse of Credit Cards.

22                   Subchapter V. OTHER PROPERTY OFFENSES

23                   Sections

24                   961. Burglary.

25                   962. Arson and Related Offenses.

963. Criminal Mischief.

Subchapter I. NATIONAL GOVERNMENT JURISDICTION

"Section 901. Jurisdiction of National Government Over Major

Crimes. The National Government of the Federated States of Micronesia has exclusive jurisdiction over all major crimes, as defined in Section 902 of this Chapter, pursuant to Article IX, Section 2 (p) of the Constitution of the Federated States of Micronesia.

"Section 902. Major Crimes Defined.

(1) "Major crimes" are defined as follows:

(a) all crimes which are punishable by imprisonment for a period of 3 years or more; and

(b) all crimes resulting in loss or theft of property or services in the value of \$1,000 or more, as well as any attempt to commit such crimes.

Subchapter II. OFFENSES AGAINST THE PERSON

"Section 911. Murder.

(1) Murder. Except as provided in Section 912 (1)(b), a person commits the offense of murder if he unlawfully causes the death of another human being:

(a) intentionally or knowingly; or

(b) recklessly under circumstances manifesting extreme indifference to the value of human life.

(2) Penalty. A person convicted of murder shall be punished by imprisonment for a minimum term of 5 years, and may be punished by imprisonment for a maximum term of life.



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1       "Section 912. Manslaughter.

2               (1) A person commits the offense of manslaughter if he  
3 causes the death of another human being when:

4                       (a) the person has acted recklessly; or

5                       (b) a homicide which would otherwise be murder is  
6 committed under influence of extreme mental or emotional  
7 disturbance for which there is reasonable explanation or excuse.

8 The reasonableness of such explanation or excuse shall be  
9 determined from the viewpoint of a person in the defendant's  
10 situation under the circumstances as he believes them to be.

11               (2) Manslaughter is punishable by imprisonment for not  
12 more than 10 years.

13       "Section 913. Negligent Homicide.

14               (1) A person commits the offense of negligent homicide if  
15 he negligently causes the death of another human being.

16               (2) A person acts negligently when he should be aware of a  
17 substantial and unjustifiable risk that death will result from  
18 his conduct. The risk must be of such a nature and degree that  
19 the defendant's failure to perceive it, considering the nature and  
20 purpose of his conduct and the circumstances known to him,  
21 involves a gross deviation from the standard of care that a  
22 reasonable person would observe in the defendant's situation.

23               (3) Negligent homicide is punishable by imprisonment for not  
24 more than 3 years.

25       "Section 914. Sexual Assault.

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(1) A person commits the offense of sexual assault if he intentionally subjects another person to sexual penetration, or forces another person to make a sexual penetration on himself or another or on a beast against the other person's will, or under conditions in which the defendant knows or should know that the other person is mentally or physically incapable of resisting or understanding the nature of his conduct.

(2) A person convicted under this Section shall be punished:

(a) if serious bodily or psychological injury to the victim results, by imprisonment for not more than 15 years;

(b) otherwise, by imprisonment for not more than 5 years.

(3) The maximum punishment under Subsection (2) of this Section shall be increased by an additional 5 years if:

(a) the defendant is aided or abetted by one or more accomplices; or

(b) a dangerous weapon was used by the defendant or an accomplice in such a manner as to cause the victim to submit to the sexual assault.

"Section 915. Sexual Assault; Definitions. As used in this Chapter:

(1) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, or anal intercourse, or the causing of



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1 penetration to any extent and with any object, of the genital  
2 or anal openings of another, whether or not there is any  
3 emission.

4 (2) "Serious bodily injury" means bodily injury which  
5 creates a high probability of death or which causes serious  
6 permanent disfigurement, or which causes a permanent or  
7 protracted loss or impairment of the function of any bodily  
8 member or organ, or other bodily injury of like severity.

9 (3) "Serious psychological injury" means psychological  
10 or emotional damage that requires protracted psychological  
11 treatment or is characterized by extreme behavioral changes or  
12 severe physical symptoms.

13 "Section 916. Sexual Assault of Spouse by Spouse. A defendant  
14 may not be convicted of a sexual assault if the defendant and  
15 complainant were cohabiting in an ongoing voluntary sexual  
16 relationship at the time of the alleged offense, or if the  
17 complainant is the defendant's spouse, unless:

18 (1) The defendant was an accomplice or accessory to the  
19 sexual assault by a third person; or

20 (2) At the time of the sexual assault the married couple  
21 either were living apart and one of them had filed an action  
22 for separate maintenance or divorce or were no longer husband  
23 and wife under custom and tradition.

24 "Section 917. Sexual Abuse.

25 (1) Sexual Abuse. A person commits the offense of sexual

1 abuse if he intentionally has sexual contact with another  
2 person who is less than 13 years old or causes such a person  
3 to have sexual contact with him.

4 (2) Definition. "Sexual contact" means any touching of  
5 the sexual or other intimate parts of a person not married to  
6 the defendant, done with the intent of gratifying the sexual  
7 desire of either party.

8 (3) Defense. It is an affirmative defense that the  
9 defendant reasonably believed the child to be older than 13.

10 (4) A person convicted under this Section shall be  
11 punished by imprisonment for not more than 5 years.

12 "Section 918. Aggravated Assault.

13 (1) A person commits an offense of aggravated assault if  
14 he attempts to cause serious bodily injury to another, or causes  
15 serious bodily injury intentionally, knowingly or recklessly  
16 under circumstances showing extreme indifference to the value of  
17 human life.

18 (2) A person convicted of aggravated assault shall be  
19 punished by imprisonment for not more than 10 years if he  
20 causes serious bodily injury; otherwise, he shall be punished  
21 by imprisonment for not more than 5 years.

22 "Section 919. Assault with a Dangerous Weapon.

23 (1) A person commits the offense of assault with a  
24 dangerous weapon if he attempts to cause or purposely causes  
25 bodily injury to another with a dangerous weapon.



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(2) A person convicted of assault with a dangerous weapon shall be punished by imprisonment for not more than 5 years if he causes bodily injury; otherwise, he shall be punished by imprisonment for not more than 3 years.

"Section 920. Robbery.

(1) A person commits the offense of robbery if he takes away anything of value from the person of another, or from the immediate control of another, by use or threatened use of immediate force or violence.

(2) A person convicted under this Section shall be punished:

(a) by imprisonment for not more than 5 years; or

(b) if the defendant or an accomplice uses a dangerous weapon to obtain the property or inflicts serious bodily injury, the term of imprisonment shall not exceed 10 years.

"Section 921. Kidnapping.

(1) A person commits the offense of kidnapping if he unlawfully removes another from his place of residence or business, or a substantial distance from the vicinity where he is found, or if he unlawfully confines another for a substantial period in a place of isolation, with any of the following purposes:

(a) to hold for ransom or reward, or as a shield or hostage; or

(b) to facilitate commission of any felony or flight thereafter; or

(c) to inflict bodily injury on or to terrorize the victim or another; or

(d) to interfere with the performance of any governmental or political function.

(2) A removal or confinement is unlawful under this Section if it is accomplished by force, threat, or deception, or, in the case of a person who is under the age of 14 or incompetent, without the consent of a parent, guardian, or other person responsible for general supervision of his welfare.

(3) A person convicted under this Section shall be punished:

(a) by imprisonment for a maximum term of 10 years unless the person committing the offense voluntarily releases the victim alive and in a safe place prior to trial; or

(b) otherwise, by imprisonment for not more than 5 years.

"Section 922. Criminal Coercion.

(1) Criminal Coercion. A person commits the offense of criminal coercion if he intentionally compels or induces another person to engage in conduct from which he has a legal right to abstain or to abstain from conduct in which he has a legal right to engage, by means of instilling in him a fear that, if the demand is not complied with, the defendant or a third person will:

(a) commit any felony offense; or

(b) accuse anyone of a felony offense; or



1 (c) expose any secret or publicize any asserted fact,  
2 whether true or false, tending to subject any person to hatred,  
3 contempt or ridicule or to impair his credit or business repute;  
4 or

5 (d) reveal any information sought to be concealed by  
6 the person; or

7 (e) testify or provide information or withhold  
8 testimony or information with respect to any person's legal  
9 claim or defense; or

10 (f) take or withhold action as a public servant or  
11 cause a public servant to take or withhold such action.

12 (2) Defense. It is a defense to a prosecution under  
13 Paragraph (b), (c), (d), and (f) of Subsection (1) of this  
14 Section, that the defendant believed the threatened accusation  
15 or exposure to be true or the proposed action of a public  
16 servant justified, and that his sole intention was to compel or  
17 induce the victim to take reasonable action to prevent or  
18 remedy the wrong which was the subject of the threatened  
19 accusation, exposure, or action of a public servant.

20 (3) Penalty. A person convicted under this Section shall  
21 be punished:

22 (a) if a dangerous weapon is used to instill fear,  
23 by imprisonment for not more than 10 years;

24 (b) otherwise, by imprisonment for not more than 5  
25 years.

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1           "Section 923. Usurping Control of Aircraft.

2                 (1) A person commits an offense if, by force, threat of  
3 force, or deception he usurps an aircraft in flight.

4                 (2) A person convicted under this Section may be punished  
5 by a maximum term of life imprisonment.

6           "Section 924. Mutiny on a Vessel.

7                 (1) A person commits an offense if, by force, threat of  
8 force, or deception, he usurps command of a vessel.

9                 (2) A person convicted under this Section shall be punished:

10                         (a) if the offense or attempt to commit the offense  
11 occurs on the high seas, by imprisonment for not more than 10  
12 years;

13                         (b) otherwise, by imprisonment for not more than 5  
14 years.

15           Subchapter III. OFFENSES AGAINST PROPERTY

16           "Section 931. Theft.

17                 (1) Theft. A person commits the offense of theft if he  
18 commits theft of property or services in the value of \$1,000  
19 or more.

20                 (2) Penalty. A person convicted of theft shall be punished:

21                         (a) if the value of the property or service is at  
22 least \$1,000 but less than \$5,000, by imprisonment for not more  
23 than 5 years; or

24                         (b) if the value of the property or service is \$5,000  
25 or more, by imprisonment for not more than 10 years.



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1                   (3) Amount Involved. The amount involved in a theft  
2                   shall be deemed to be the highest value, by any reasonable  
3                   standard, of the property or service which the defendant stole  
4                   or attempted to steal. Amounts involved in thefts committed  
5                   pursuant to one scheme or cause of conduct, whether from the  
6                   same person or several persons, may be aggregated in determining  
7                   whether an offense has been committed and the grade of the  
8                   offense.

9                   (4) Claim of Right. It is an affirmative defense to prose-  
10                  cution for theft that the defendant:

11                         (a) was unaware that the property or service was  
12                         that of another; or

13                         (b) acted under an honest claim of right to the  
14                         property or service involved or that he had a right to acquire  
15                         or dispose of it as he did; or

16                         (c) took property exposed for sale, intending to  
17                         purchase and pay for it promptly, or reasonably believing  
18                         that the owner, if present, would have consented.

19                  "Section 932. Definitions. As used in this Chapter:

20                         (1) "Deprive" means:

21                                 (a) to withhold property of another permanent or  
22                                 for so extended a period as to appropriate a major portion  
23                                 of its economic value, or with intent to restore only upon  
24                                 payment of reward or other compensation; or

25                                 (b) to dispose of the property so as to make it unlikely

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1           that the owner will recover it.

2           (2) "Financial institution" means a bank, insurance  
3           company, credit union, building and loan association, invest-  
4           ment trust or other organization held out to the public as a  
5           place of deposit of funds or medium of savings or collective  
6           investment.

7           (3) "Government" means the Federated States of Micronesia,  
8           and any department, agency or subdivision thereof, or any  
9           corporation or other association carrying out the functions  
10          of government.

11          (4) "Movable property" means property, the location of  
12          which can be changed, including things growing on, affixed  
13          to, or found in land, and documents, although the rights  
14          represented thereby have no physical location. "Immovable  
15          property" is all other property.

16          (5) "Obtain" means:

17               (a) in relation to property, to bring about a  
18               transfer or purported transfer of a legal interest in the  
19               property, whether to the obtainer or another; or

20               (b) in relation to labor or service, to secure per-  
21               formance thereof.

22          (6) "Property" means anything of value, including real  
23          estate, tangible and intangible personal property, contract  
24          rights, choses-in-action and other interests in or claims to  
25          wealth, admission or transportation tickets, captured or



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1 domestic animals, food and drink, electric or other power.

2 (7) "Property of another" includes property in which any  
3 person other than the defendant has an interest which the actor  
4 is not privileged to infringe, regardless of the fact that the  
5 defendant also has an interest in the property and regardless  
6 of the fact that the other person might be precluded from  
7 civil recovery because the property was used in an unlawful  
8 transaction or was subject to forfeiture as contraband. Property  
9 in possession of the defendant shall not be deemed property of  
10 another who has only a security interest therein, even if legal  
11 title is in the creditor pursuant to a conditional sales contract  
12 or other security agreement.

13 "Section 933. Theft by Unlawful Taking or Disposition.

14 (1) Movable Property. A person commits theft if he unlaw-  
15 fully takes, or exercises unlawful control over movable property  
16 of another with purpose to deprive him thereof.

17 (2) Immovable Property. A person commits theft if he  
18 unlawfully transfers immovable property of another or any interest  
19 therein, with purpose to benefit himself or another not entitled  
20 thereto.

21 "Section 934. Theft by Deception.

22 (1) A person commits theft if he purposely obtains property  
23 of another by deception. A person deceives if he purposely:

24 (a) creates or reinforces a false impression, in-  
25 cluding false impressions as to law, value, intention, or other

1 state of mind; but deception as to a person's intention to  
2 perform a promise shall not be inferred from the fact alone that  
3 he did not subsequently perform the promise; or

4 (b) prevents another from acquiring information which  
5 would affect his judgment of a transaction; or

6 (c) fails to correct a false impression which the  
7 deceiver previously created or reinforced, or which the deceiver  
8 knows to be influencing another to whom he stands in a fiduciary  
9 or confidential relationship; or

10 (d) fails to disclose a known lien, adverse claim or  
11 other legal impediment to the enjoyment of property which he  
12 transfers or encumbers in consideration for the property  
13 obtained, whether such impediment is or is not valid, or is or  
14 is not a matter of official record.

15 (2) The term "deceive" does not, however, include falsity  
16 as to matters having no pecuniary significance, or puffing by  
17 statements unlikely to deceive ordinary persons in the group  
18 addressed.

19 "Section 935. Theft by Extortion.

20 (1) A person commits theft if he purposely obtains  
21 property of another by threatening to:

22 (a) inflict bodily injury on anyone or commit any  
23 other criminal offense; or

24 (b) accuse anyone of a criminal offense; or

25 (c) expose any secret tending to subject any person



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1 to hatred, contempt or ridicule, or to impair his credit or  
2 business repute; or

3 (d) take or withhold action as an official, or cause  
4 an official to take or withhold action; or

5 (e) testify or provide information or withhold  
6 testimony or information with respect to another's legal claim  
7 or defense; or

8 (f) inflict any other harm which would not benefit  
9 the defendant.

10 (2) It is an affirmative defense to prosecution based on  
11 Paragraphs (b), (c), or (d) in Subsection (1) of this Section  
12 that the property obtained by threat of accusation, exposure,  
13 lawsuit or other invocation of official action was honestly  
14 claimed as restitution or indemnification for harm done in  
15 the circumstances to which such accusation, exposure, lawsuit  
16 or other official action relates, or as compensation for  
17 property or lawful services.

18 "Section 936. Theft of Property Lost, Mislaid, or Delivered  
19 by Mistake. A person who comes into control of property of  
20 another that he knows to have been lost, mislaid, or delivered  
21 under a mistake as to the nature or amount of the property or  
22 the identity of the recipient commits theft if, with purpose  
23 to deprive the owner thereof, he fails to take reasonable  
24 measures to restore the property to a person entitled to have  
25 it.

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1           "Section 937. Receiving Stolen Property.

2                 (1) A person commits theft if he purposely receives, retains,  
3                 or disposes of movable property of another knowing that it has  
4                 been stolen, or believing that it has probably been stolen, un-  
5                 less the property is received, retained, or disposed with purpose  
6                 to restore it to the owner.

7                 (2) "Receiving" means acquiring possession, control  
8                 or title of the property.

9           "Section 938. Theft of Services.

10                (1) A person commits theft if he purposely obtains services  
11                which he knows are available only for compensation, by deception  
12                or threat, or by false token or other means to avoid payment  
13                for the service. "Services" includes labor, professional  
14                service, transportation, telephone or other public service,  
15                accommodation in hotels, restaurants or elsewhere, admission to  
16                exhibitions, and use of vehicles or other movable property.

17                (2) A person commits theft if, having control over the  
18                disposition of services of others to which he is not entitled,  
19                he knowingly diverts such services to his own benefit or to  
20                the benefit of another not entitled thereto.

21           "Section 939. Theft by Failure to Make Required Disposition  
22           of Funds Received.

23                (1) A person who purposely obtains property upon agreement  
24                or subject to a known legal obligation to make specified payment  
25                or other disposition, whether from such property or its proceeds



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1 or from his own property in equivalent amount, commits theft  
2 if he deals with the property obtained as his own and fails to  
3 make the required payment or disposition. The foregoing applies  
4 notwithstanding that it may be impossible to identify particular  
5 property as belonging to the victim at the time of the defen-  
6 dant's failure to make the required payment or disposition. An  
7 officer or employee of the government or of a financial institu-  
8 tion is presumed:

9 (a) to know any legal obligation relevant to his  
10 criminal liability under this Section; and

11 (b) to have dealt with the property as his own if  
12 he fails to pay or account upon lawful demand, or if an audit  
13 reveals a shortage or falsification of accounts.

14 Subchapter IV. FORGERY AND OTHER FRAUD OFFENSES

15 "Section 951. Forgery.

16 (1) Forgery. A person commits the offense of forgery  
17 if:

18 (a) he forges a writing which is or purports to be  
19 part of an issue of money, securities, postage or revenue  
20 stamps, or other instruments issued by any government or part  
21 of an issue of stock, bonds, or other instruments representing  
22 interests in or claims against any property or enterprise; or

23 (b) he forges a writing which is or purports to  
24 be a will, deed, contract, release, commercial instrument, or  
25 other document evidencing, creating, transferring, altering,

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1 terminating or otherwise affecting legal relations.

2 (2) Definitions.

3 (a) A person forges a writing if, with purpose to  
4 defraud or injure anyone, or with knowledge that he is facilita-  
5 ting a fraud or injury to be perpetrated by anyone, he:

6 (i) alters any writing of another without his  
7 authority; or

8 (ii) makes, completes, executes, authenticates,  
9 issues or transfers any writing so that it purports to be the  
10 act of another who did not authorize that act, or to have been  
11 executed at a time or place or in a numbered sequence other  
12 than was in fact the case, or to be a copy of an original when  
13 no such original existed; or

14 (iii) utters any writing which he knows to be  
15 forged in a manner specified in Subparagraph (i) or (ii) of  
16 this Paragraph.

17 (b) "Writing" includes printing or any other  
18 method of recording information, money, coins, tokens, stamps,  
19 seals, credit cards, badges, trade-marks, and other symbols of  
20 value, right, privilege, or identification.

21 (3) Penalty. A person convicted of forgery shall be  
22 punished:

23 (a) by imprisonment for not more than 10 years if  
24 the conviction is under Subsection (1)(a) of this Section; or

25 (b) by imprisonment for not more than 5 years if



1 the conviction is under Subsection (1)(b) of this Section.

2 "Section 952. Possession of Forged Writing or Forgery Device.

3 (1) A person commits an offense if:

4 (a) he knowingly possesses any forged writing; or

5 (b) he knowingly brings into the Federated States  
6 of Micronesia, or buys, sells, exchanges, transfers, receives,  
7 or delivers, or attempts to do so, any forged writing; or

8 (c) he makes or possesses with knowledge of its  
9 character any plate, die, or other device, apparatus, equipment,  
10 or article specifically designed or adapted for use in forging  
11 writings.

12 (2) This Section applies only to the forged writings  
13 which are prohibited under Section 951 of this act.

14 (3) A person convicted under this Section shall be  
15 punished by imprisonment for not more than 5 years.

16 "Section 953. Fraudulent Destruction, Removal or Conceal-  
17 ment of Recordable Instruments. A person who, with purpose  
18 to deceive or injure anyone, destroys, removes, or conceals  
19 any will, deed, mortgage, security instrument or other writing  
20 for which the law provides public recording, shall be punished  
21 by imprisonment for not more than 5 years.

22 "Section 954. Misuse of Credit Cards.

23 (1) A person commits an offense if he misuses a credit  
24 card to obtain, within any consecutive six-month period,  
25 property or services in the value of \$1,000 or more from one

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1 or more persons.

2 (2) A person misuses a credit card if he uses a credit  
3 card for the purpose of obtaining property or services with  
4 knowledge that:

5 (a) the card is stolen or forged; or

6 (b) the card has been revoked or cancelled; or

7 (c) for any other reason his use of the card is  
8 unauthorized by the issuer.

9 (3) It is an affirmative defense to prosecution under  
10 Paragraph (c) if the actor proves by a preponderance of the  
11 evidence that he had the purpose and ability to meet all  
12 obligations to the issuer arising out of his use of the card.

13 (4) A person convicted under this Section shall be  
14 punished:

15 (a) if the value of the property or services is at  
16 least \$1,000 but less than \$5,000, by imprisonment for not  
17 more than 5 years; or

18 (b) if the value of the property or services is  
19 \$5,000 or more, by imprisonment for not more than 10 years.

20 Subchapter V. OTHER PROPERTY OFFENSES

21 "Section 961. Burglary.

22 (1) Burglary. A person commits the offense of burglary  
23 if he enters a building or occupied structure, or separately  
24 occupied or secured portion thereof, with the purpose to commit  
25 any felony, assault, or larceny therein, unless the premises



1 are at the time open to the public or the person is licensed or  
2 privileged to enter.

3 (2) Definition. "Occupied structure" means any structure,  
4 vehicle, vessel or place adapted for overnight accommodation of  
5 persons, or for carrying on business therein, whether or not a  
6 person is actually present.

7 (3) Penalty. A person convicted under this Section shall  
8 be punished:

9 (a) by imprisonment for not more than 5 years; or

10 (b) by imprisonment for not more than 10 years if the  
11 defendant or an accomplice inflicts bodily injury on anyone or  
12 is armed with a dangerous weapon.

13 (4) Limitation. A person may not be convicted both for  
14 burglary and the offense which it was his purpose to commit  
15 after the burglarious entry or for an attempt to commit that  
16 offense, unless the additional offense constitutes a felony  
17 that is punishable by a maximum imprisonment of 10 years or more.

18 "Section 962. Arson and Related Offenses.

19 (1) Arson. A person commits the offense of arson if he  
20 starts a fire or causes an explosion with the purpose of:

21 (a) destroying a building or occupied structure of  
22 another; or

23 (b) destroying or damaging any property, whether his  
24 own or another's to collect insurance for such loss. It shall  
25 be an affirmative defense to prosecution under this Subsection

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1           that the behavior did not recklessly endanger any building or  
2           occupied structure of another, or place any person in danger  
3           of death or bodily injury.

4           (2) Penalty. A person convicted under Subsection (1)  
5           of this Section shall be punished by imprisonment for not more  
6           than 10 years.

7           (3) Reckless Burning or Exploding. A person commits the  
8           offense of reckless burning or exploding if he purposely starts  
9           a fire or explosion, whether on his own property or another's,  
10          and thereby recklessly:

11               (a) places another person in danger of death or  
12               bodily injury; or

13               (b) places a building or occupied structure of  
14               another in danger of damage or destruction.

15           (4) Penalty. A person convicted under Subsection (3) of  
16           this Section shall be punished by imprisonment for not more  
17           than 5 years.

18           (5) Definitions. "Occupied structure" means any  
19           structure, vehicle, vessel or place adapted for overnight  
20           accommodation of persons, or for carrying on business therein,  
21           whether or not a person is actually present. Property is that  
22           of another, for the purpose of this Section, if anyone other  
23           than the defendant has a possessory or proprietary interest  
24           therein. If a building or structure is divided into separately  
25           occupied units, any unit not occupied by the defendant is an



1 occupied structure of another.

2 "Section 963. Criminal Mischief.

3 (1) A person commits the offense of criminal mischief if  
4 he intentionally or recklessly:

5 (a) causes damage to property of another in excess  
6 of \$1,000; or

7 (b) causes another, by deception or threat, to  
8 suffer pecuniary loss in excess of \$1,000; or

9 (c) tampers with property of another thereby  
10 causing a substantial interruption or impairment of public  
11 communication, transportation, supply of water, power or other  
12 public service.

13 (2) A person convicted under this Section shall be  
14 punished by imprisonment for not more than 5 years.

15 "Chapter 10

16 SENTENCING

17 Sections

18 1001. Fines.

19 1002. Authorized Sentences.

20 1003. Custom in Sentencing.

21 "Section 1001. Fines. A person who has been convicted of a  
22 national offense, in addition to any other punishment authorized  
23 by law, may be sentenced to pay a fine not exceeding:

24 (1) \$100,000, when the conviction is for an offense punish-  
25 able by a maximum of 10 years imprisonment;

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1                   (2) \$5,000, when the conviction is for an offense punish-  
2                   able by a maximum of 5 years imprisonment;

3                   (3) \$1,000, when the conviction is for an offense punish-  
4                   able by a maximum of 1 year imprisonment;

5                   (4) \$200, when the conviction is for an offense punish-  
6                   able by a maximum of 6 months imprisonment;

7                   (5) \$50, when the conviction is for an offense punish-  
8                   able by a maximum of 30 days imprisonment;

9                   (6) Any higher amount equal to double the pecuniary gain  
10                  obtained from the offense by the defendant; or

11                  (7) Any higher or lower amount specifically authorized  
12                  by statute.

13                  "Section 1002. Authorized Sentences. In any case where the  
14                  court finds that the ends of justice and the best interests of  
15                  the public and the defendant do not require that the maximum  
16                  sentence permitted by law be imposed on a person convicted of  
17                  a crime, the court may impose a sentence consisting of any  
18                  one or any combination of the following:

19                  (1) Imprisonment for a term less than the maximum  
20                  allowed by law;

21                  (2) Imposition of a fine as prescribed by law;

22                  (3) Suspension of a term of imprisonment and/or fine  
23                  upon such reasonable conditions as shall be set by the court;

24                  (4) Suspension of imposition of sentence on such reasona-  
25                  ble conditions as shall be set by the court;



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1                   (5) Probation for a period not exceeding the maximum term  
2 of imprisonment to which the convicted person could have been  
3 sentenced upon such reasonable conditions as shall be set by  
4 the court;

5                   (6) Appropriate restitution, reparation, or service to the  
6 victim of the crime or to his family;

7                   (7) Confinement to a particular geographical area; and

8                   (8) A period of community service.

9                   "Section 1003. Custom in Sentencing. In determining the  
10 sentence to be imposed, the court shall apply Subsection (6) of  
11 Section 1002 wherever appropriate, and shall otherwise give due  
12 recognition to the generally accepted customs prevailing in the  
13 Federated States of Micronesia."

14                  Section 2. Trust Territory Laws Repealed. Title 11 of the Trust  
15 Territory Code is hereby repealed to the full extent of National Govern-  
16 ment jurisdiction in all matters covered by the provisions of law  
17 contained therein.


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Section 3. Effective Date. Upon the approval of the President of the Federated States of Micronesia, or upon its becoming law without such approval, this act shall take effect on July 12, 1981.

January 7, 1980

  
Tosiwo Nakayama  
President  
Federated States of Micronesia