
A BILL FOR AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 2-71, 3-63, and 3-75, by amending sections 104 and 902 to define major crimes as the offenses of murder, manslaughter, and negligent homicide and by repealing sections 914 to 953, and for other purposes.

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

1 Section 1. Section 104 of title 11 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 104. Definitions. The definitions in this section
4 shall apply throughout this code, unless otherwise specified
5 or a different meaning is plainly required.

6 (1) 'Classification of crimes.' A 'felony' is an offense
7 which may be punished by imprisonment for more than one year.
8 A 'petty misdemeanor' is an offense which may be punished by
9 imprisonment for not more than thirty days. Every other offense
10 is a 'misdemeanor.'

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

18 (3) 'Defendant.' The term 'defendant' includes a person
19 who is an accessory or accomplice of the defendant.

20 (4) 'Intent.' A person acts intentionally, or with intent,
21 with respect to his conduct or to a result thereof when it is his
22 conscious purpose to engage in the conduct or cause the result.

23 (5) 'Knowledge.' A person acts knowingly, or with knowledge,
24 with respect to his conduct or to attendant circumstances when he
25 is aware of the nature of his conduct or that those circumstances

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1 exist. A person acts knowingly, or with knowledge, with respect
2 to a result of his conduct when he is aware that his conduct is
3 practically certain to cause the result.

4 (6) 'Major crimes.' A ~~major crimes~~ ~~is any crime which~~
5 ~~is punishable by imprisonment for a period of three years or~~
6 ~~more~~ are the offenses of murder, manslaughter, and negligent
7 homicide. An attempt to commit a major crime is also a major
8 crime.

9 (7) 'National offense.' A 'National offense' is an offense
10 defined by this code or which is otherwise an offense against
11 the Federated States of Micronesia.

12 (8) 'Official proceeding.' 'Official proceeding' means
13 a proceeding heard or which may be heard before any legislative,
14 judicial, administrative, or other governmental agency of the
15 Federated States of Micronesia, or official authorized to take
16 evidence under oath, including any referee, hearing examiner,
17 commissioner, notary, or other person taking testimony or deposition
18 in connection with any such proceeding. The term 'official
19 proceeding' includes all judicial and administrative proceedings
20 of the Government of the Trust Territory of the Pacific Islands
21 which arise out of the Federated States of Micronesia.

22 (9) 'Recklessness.' 'Recklessness' means to act with
23 willful disregard to the attendant circumstances, or if unaware
24 of the circumstances, to act in such a manner that constitutes a
25 gross deviation from the standard of care that a reasonable

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1 person would exercise in the situation.

2 (10) 'Persons.' The terms 'person,' 'he,' 'accused,'
3 and 'defendant' include any natural person and, where relevant,
4 a corporation or an unincorporated association.

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

14 (12) 'State.' The term 'State' means a State of the
15 Federated States of Micronesia."

16 Section 2. Section 902 of title 11 of the Code of the Federated
17 States of Micronesia is hereby amended to read as follows:

18 "Section 902. Major crimes defined. 'Major crimes' are defined as
19 follows:

20 (1) ~~all crimes which are punishable by imprisonment for~~
21 ~~a period of three years or more; and~~ the crimes of murder,
22 manslaughter, and negligent homicide, as well as any attempt to
23 commit such crimes.

24 (2) ~~all crimes resulting in loss of theft of property or~~
25 ~~services in the value of \$1,000 or more, as well as any~~

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1 ~~attempt to commit such crimes,"~~

2 Section 3. Sections 914 to 953 of title 11 of the Code of the
3 Federated States of Micronesia, as amended by Public Law No. 2-71, are
4 hereby repealed in their entirety.

5 Section 4. This act shall be applicable to offenses committed before
6 and after its effective date in the following manner:

7 (1) Except as provided in subsection (2) of this section, this
8 act does not apply to offenses committed before its effective date. For
9 purposes of this section, an offense is committed before the effective
10 date if any of the elements of the offense occurred before that date.

11 (2) Prosecutions for offenses committed before the effective
12 date are governed by the prior law, which is continued in effect for
13 that purpose, as if this act were not in force.

14 Section 5. Sections 1 to 4 of this act shall take effect upon
15 the enactment of State criminal statutes, the certification of functioning
16 State courts in all four States of the Federated States of Micronesia,
17 and the appointment and confirmation of at least one judge in each of
18 the four State courts who is a licensed attorney, as evidenced by his
19 admission to practice before the FSM Supreme Court or the highest court
20 in a jurisdiction other than one within the Federated States of Micronesia,
21 or two years from the date this act becomes law, whichever comes first.

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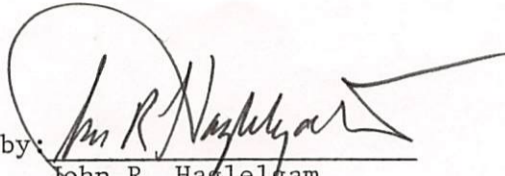
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1 Section 6. This act shall become law upon approval by the
2 President of the Federated States of Micronesia or upon its becoming
3 law without such approval.

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5 Date: 5/16/85

Introduced by: 
John R. Haglelgam

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Jack Fritz

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