

A BILL FOR AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia, as amended, by amending sections 104 and 902, to define major crimes as the offenses of murder, manslaughter, and negligent homicide; by amending sections 911, 912, and 913, to change the penalty for the crimes of murder, manslaughter, and negligent homicide, respectively; by providing that major crimes are punishable by at least 15 years imprisonment; 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
7 offense which may be punished by imprisonment for more than
8 one year. A 'petty misdemeanor' is an offense which may be
9 punished by imprisonment for not more than thirty days.
10 Every other offense is a 'misdemeanor.'

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

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

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

24 (5) 'Knowledge.' A person acts knowingly, or with
25 knowledge, with respect to his conduct or to attendant

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

6 (6) 'Major crimes.' A 'Major crimes' is ~~any crime~~
7 ~~which is punishable by imprisonment for a period of three~~
8 ~~years or more~~ are the offenses of murder, manslaughter, and
9 negligent homicide. Major crimes are punishable by impris-
10 onment for a period of 15 years or more. An attempt to
11 commit a major crime is also a major crime.

12 (7) 'National offense.' A 'National offense' is an
13 offense defined by this code or which is otherwise an
14 offense against the Federated States of Micronesia.

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

1 (9) 'Recklessness.' 'Recklessness' means to act with
2 willfull disregard to the attendant circumstances, or if
3 unaware of the circumstances, to act in such a manner that
4 constitutes a gross deviation from the standard of care that
5 a reasonable person would exercise in the situation.

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

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

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

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

23 "Section 902. Major crimes defined. 'Major crimes' are
24 defined as follows:

25 (1) *all crimes which are punishable by imprisonment*

1 ~~for a period of three years or more, and~~ The crimes of
2 murder, manslaughter, and negligent homicide as well as any
3 attempt to commit such crimes; and

4 (2) ~~all crimes resulting in loss of theft of property~~
5 ~~or services in the value of \$1,000 or more, as well as any~~
6 ~~attempt to commit such crimes~~ Crimes that are punishable by
7 imprisonment for a period of 15 years or more."

8 Section 3. Section 911 of title 11 of the Code of the Federated
9 States of Micronesia is hereby amended to read as follows:

10 "Section 911. Murder.

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

14 (a) intentionally or knowingly; or

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

17 (2) Penalty. A person convicted of murder shall be
18 punished by imprisonment for a minimum term of ~~five~~ 15
19 years, and may be punished by imprisonment for a maximum
20 term of life."

21 Section 4. Section 912 of title 11 of the Code of the Federated
22 States of Micronesia is hereby amended to read as follows:

23 "Section 912. Manslaughter.

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

1 (a) the person has acted recklessly; or
2 (b) a homicide which would otherwise be murder is
3 committed under influence of extreme mental or emotional
4 disturbance for which there is reasonable explanation or
5 excuse. The reasonableness of such explanation or excuse
6 shall be determined from the viewpoint of a person in the
7 defendant's situation under the circumstances as he believes
8 them to be.

9 (2) Manslaughter is punishable by imprisonment for not
10 more than ~~ten~~ 25 years."

11 Section 5. Section 913 of title 11 of the Code of the Federated
12 States of Micronesia is hereby amended to read as follows:

13 "Section 913. Negligent homicide.

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

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

24 (3) Negligent homicide is punishable by imprisonment
25 for not more than ~~three~~ 20 years."

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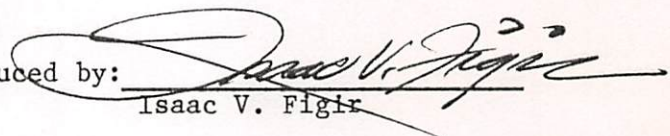
C. B. No. 5-76

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: 7-13-87

Introduced by:


Isaac V. Figir

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