

JHAB

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. 9-42, 5-40, and 5-24, by amending section 1141 for the purpose of strengthening the laws pertaining to trafficking in controlled substances, and for other purposes.

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

1 Section 1. Section 1141 of title 11 of the Code of the  
2 Federated States of Micronesia is hereby amended to read as  
3 follows:

4 "Section 1141. Trafficking.

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

8 (a) to import, export, manufacture,  
9 deliver, or possess with intent to manufacture,  
10 deliver, or dispense, a controlled substance; or

11 (b) to create, distribute, or possess with  
12 intent to deliver, a counterfeit controlled  
13 substance.

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

16 (a) a large amount of an especially  
17 dangerous controlled substance, as defined in  
18 subsection 2(a)(i)a through 2(a)(i)d) of this  
19 section, shall be sentenced to a term of  
20 imprisonment for not more than 15 years, a fine of  
21 not more than \$15,000, or both;

22 (i) for the purposes of subsection  
23 (2)(a) of this section, 'a large amount of an  
24 especially dangerous controlled substance' is:

25 a) 100 grams or more of a

1           substance containing a detectable amount of heroin;

2                                   b) 500 grams or more of a

3           substance containing a detectable amount of cocaine,

4           its salts, its isomers, or salts of its isomers;

5                                   c) 10 grams or more of a

6           substance containing a detectable amount of lysergic

7           acid diethylamide (LSD); or

8                                   d) 10 grams or more of crystal

9           methamphetamine;

10                               (~~a~~b) a any other substance classified in  
11           schedules I or II which is a narcotic drug shall be  
12           sentenced to a term of imprisonment for not more  
13           than ten years, a fine of not more than \$10,000, or  
14           both;

15                               (~~b~~c) any ~~other~~ controlled substance  
16           classified in schedules I, II or III, which falls  
17           outside the parameters of subsections 2(a) and 2(b)  
18           of this section, shall be sentenced to a term of  
19           imprisonment of not more than five years, a fine of  
20           not more than \$5,000, or both;


21                               (~~c~~d) a substance classified in schedule IV  
22           shall be sentenced to a term of imprisonment for not  
23           more than two years, a fine of not more than \$1,000,  
24           or both;

25                               (~~d~~e) a substance classified in schedule V

1 shall be sentenced to a term of imprisonment for not  
2 more than one year, a fine of not more than \$1,000,  
3 or both.

4 (3) Notwithstanding subsection (2) (~~b~~c) of this  
5 section, any person who violates subsection (1) (a)  
6 of this section by distributing not more than one  
7 ounce of marihuana for no remuneration shall be  
8 treated as provided in subsection (3) (a) of section  
9 1142 of this chapter."

10 Section 2. This act shall become law upon approval by  
11 the President of the Federated States of Micronesia or upon its  
12 becoming law without such approval.

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14 Date: 5-16-97 Introduced by:   
15 Isaac V. Figir

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