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:

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

'Section 1141. Trafficking.

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

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

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

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

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

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

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

b) 500 grams or more of a

substance containing a detectable amount of cocaine,
its salts, its isomers, or salts of its isomers;

c) 10 grams or more of a

substance containing a detectable amount of lysergic
acid diethylamide (LSD); or

d) 10 grams or more of crystal

methamphetamine;

(a) a any other substance classified in

schedules I or II which is a narcotic drug shall be

sentenced to a term of imprisonment for not more

than ten years, a fine of not more than $10,000, or

both;

(b) any other controlled substance

classified in schedules I, II or III, which falls

outside the parameters of subsections 2(a) and 2(b)
of this section, shall be sentenced to a term of

imprisonment of not more than five years, a fine of

not more than $5,000, or both;

(c) a substance classified in schedule IV

shall be sentenced to a term of imprisonment for not

more than two years, a fine of not more than $1,000,

or both;

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

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

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

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