A BILL FOR AN ACT

To further amend title 12 of the Code of the Federated States of Micronesia by adding a new Chapter 16 to establish the Attorney General Investigatory Act for the purpose of authorizing the Attorney General of the Federated States of Micronesia to issue administrative summonses and administer oaths in conducting criminal and civil investigations, and for other purposes.

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

Section 1. Title 12 of the Code of the Federated States of Micronesia is hereby further amended by enacting a new Chapter 16 to be entitled the "Attorney General's Investigatory Act."

Section 2. Title 12 of the Code of the Federated States of Micronesia is hereby further amended by enacting a new section 1601 of chapter 16 to read as follows:

"Section 1601. Short title. This chapter may be cited as the Attorney General's Investigatory Act."

Section 3. Title 12 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 1602 of chapter 16 to read as follows:

"Section 1602. Definitions. As used in this chapter, the following terms shall have the meanings set forth below:

(1) "Attorney General" means the Attorney General of the Federated States of Micronesia.

(2) "National Government Agency" means any branch, department, office, division, board, bureau, commission, committee, institution, or authority of the National Government of the Federated States of Micronesia.

(3) "Person" means natural persons, corporations, trusts, partnerships, incorporated or unincorporated, National and State Government
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(2) "National Government Agency" means any branch, department, office, division, board, bureau, commission, committee, institution, or authority of the National Government of the Federated States of Micronesia.

(3) "Person" means natural persons, corporations, trusts, partnerships, incorporated or unincorporated, National and State Government entities.
(4) "State Government Agency" means any branch, department, office, division, board, bureau, commission, committee, institution, or authority of any State Government of the Federated States of Micronesia.

Section 4. Title 12 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 1603 of chapter 16 to read as follows:

"Section 1603. Authority of the Attorney General to Investigate.

(1) When it appears to the Attorney General that a person has engaged in, is engaging in, or is about to engage in any act or practice violative of the laws of the Federated States of Micronesia, or when he believes it to be in the public interest that an investigation should be made to ascertain whether a person in fact has engaged in, is engaging in, or is about to engage in such act or practice, he may execute in writing and cause to be served upon any person who is believed to have information, documentary material, or physical evidence relevant to the alleged or suspected violation, an administrative summons requiring such person to furnish, under oath or otherwise, any or all of the
following: a statement setting forth the relevant
facts and circumstances of which he has knowledge, or
to appear and testify, or to produce relevant
documentary material or physical evidence for
examination, at such reasonable time and place as may
be stated in the investigative demand.

(2) At any time before the return date
specified in an administrative summons, or within 10
calendar days after the summons has been served,
whichever period is shorter, a petition to extend the
return date, or to quash or modify the summons,
stating good cause, may be filed in the Trial
Division of the Supreme Court in the State where the
person served with the demand resides or has his
principal place of business."

Section 5. Title 12 of the Code of the Federated States
of Micronesia is hereby further amended by adding a new section
1604 of chapter 16 to read as follows:

"Section 1604. Services of Administrative Summons.
Service of any administrative summons under this
chapter shall be made personally within the Federated
States of Micronesia, but if such cannot be obtained,
substituted service therefor may be made in the
following manner:

(1) Personal service thereof without the
Federated States of Micronesia; or

(2) The mailing thereof by certified mail to
the last known place of business, residence or abode
within or without the Federated States of Micronesia
of such person for whom the same is intended; or

(3) Such service as the Supreme Court may
direct in lieu of personal service within the
Federated States of Micronesia:"

Section 6. Title 12 of the Code of the Federated States
of Micronesia is hereby further amended by adding a new section
1605 of chapter 16 to read as follows:

"Section 1605. Powers of the Attorney General to
Investigate.

(1) To accomplish the objectives and duties
authorized by this chapter, the Attorney General may
issue administrative summonses to any person,
administer oaths or affirmation to any person, and
question any person under oath regarding matters
reasonable and relevant to the subject of the
investigation.

(2) The Attorney General may issue
administrative summonses requiring the production of
books, records, documents, or other relevant papers
or objects necessary to conduct a full and complete
investigation."
(3) Any person who willfully fails or refuses to appear upon receiving service of an administrative summons, or who willfully fails or refuses to produce any books, records, documents, or other relevant papers or objects designated in an administrative summons properly issued by the Attorney General upon conviction thereof, shall be fined not more than $1,000, or imprisoned for not more than 1 year, or both.

(4) Nothing in this chapter shall be construed as denying any person subject to an administrative summons their rights of due process as authorized under the rules of evidence of the Supreme Court of the Federated States of Micronesia, the Constitution of the Federated States of Micronesia, or other applicable law.

(5) Information obtained pursuant to the powers conferred by this chapter shall not be made public or disclosed by the Attorney General or his employees beyond the extent necessary for law enforcement purposes in the public interest."
Section 7. 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: 5/19/97

Introduced by: Joseph J. Ursemal
(By request)