A BILL FOR AN ACT

To repeal title 11 of the Code of the Federated States of Micronesia in its entirety, and to establish the National Criminal Code for the Federated States of Micronesia, and for other purposes.

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

CHAPTER 1

General Provision

Section 101. Repealer. Title 11 of the Code of the Federated States of Micronesia is hereby repealed in its entirety.

Section 102. Title. This title shall be known and cited as the "National Criminal Code."

Section 103. Applicability to National Crimes committed before and after the effective date.

(1) Except as provided in subsection (2) of this section, this Code does not apply to National Crimes committed before its effective date. For purposes of this section, a National Crime is committed before the effective date if any of the elements of the National Crime occurred before that date.

(2) Prosecutions commenced for National Crimes committed before the effective date are governed by the prior law, which is continued in effect for that purpose, as if the Code were not in force.

Section 104. Territorial applicability.

(1) Except as otherwise provided in this section, a person may be convicted under the law of the Federated States of Micronesia of a National Crime committed by his own conduct or the conduct of another for which he is legally accountable, if:

(a) either the conduct or the result which is
an element of the National Crime occurs within this
jurisdiction; or

(b) conduct occurring outside this
jurisdiction is sufficient under the law of this jurisdiction
to constitute an attempt to commit a National Crime within this
jurisdiction; or

(c) conduct occurring outside this
jurisdiction is sufficient under the law of this jurisdiction
to constitute a conspiracy to commit a National Crime within
this jurisdiction and an overt act in furtherance of such
conspiracy occurs within this jurisdiction; or

(d) conduct occurring within this jurisdiction
establishes complicity in the commission of, or an attempt,
solicitation, or conspiracy to commit, a National Crime in
another jurisdiction which also is a National Crime under the
law of this jurisdiction; or

(e) the National Crime consists of the
omission, while within or outside this jurisdiction, to perform
a legal duty imposed by the law of the Federated States of
Micronesia with respect to domicile, residence, or a
relationship to a person, thing, or transaction in this
jurisdiction; or

(f) the National Crime is based on a statute
of the Federated States of Micronesia which expressly prohibits
conduct outside this jurisdiction, when the conduct bears a
reasonable relation to a legitimate interest of the Federated
States of Micronesia and the defendant knows that his conduct
is likely to affect that interest; or

(g) conduct occurring outside this
jurisdiction is sufficient under the law of this jurisdiction,
if the conduct will have an effect on official governmental
activities, within or without the territorial limits of the
Federated States of Micronesia, provided that the action is not
prosecuted to the point of jeopardy attaching in the
jurisdiction where it occurs.

(2) The term "this jurisdiction" means the Federated
States of Micronesia, which includes the land and water and air
space above the land and water with respect to which the
Federated States of Micronesia has legislative jurisdiction.

Section 105. Definitions. The definitions in this
section shall apply throughout this Code, unless otherwise
specified or a different meaning is plainly required.

(1) Classification of National Crimes. A "felony"
is a National Crime which may be punished by imprisonment for
more than one year. Every other National Crime is a
"misdemeanor."

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

(3) Defendant. A defendant is a person charged with
a criminal offense in any court in this jurisdiction.

(4) Intent. A person acts intentionally, or with
intent, when it is his conscious purpose to engage in the
conduct or cause the result.

(5) Knowledge. A person acts knowingly, or with
knowledge, when he is aware of the nature of his conduct or
existing circumstances.

(6) National Crime. A National Crime is any crime
which is:

(a) defined by any provision of any portion of
the Code of the Federated States of Micronesia; or

(b) a crime which is inherently national in
character; or

(c) otherwise a crime against the Federated
States of Micronesia.

(7) Inherently National in character. A crime is
"inherently national in character" when it is
(a) On National Government territory,
including, but not limited to:

(i) the grounds of the National
Capital at Palikir, Pohnpei State;
(ii) the premises, buildings or land immediately surrounding all other National Government offices, facilities, or premises, whether they be permanent or temporary, both within the Federated States of Micronesia or abroad; or

(iii) the exclusive economic zone,
Territorial Sea and internal waters of the Federated States of Micronesia as defined in title 18 of this Code or elsewhere in the Code.

(b) In the airspace above all National Government territory as defined in subsection (a) herein; or

(c) On any watergoing vessel flagged and registered by the Federated States of Micronesia regardless of that watergoing vessel’s location; or

(d) On any watergoing vessel of the National Government; or

(e) On any airborne vehicle of the National Government; or

(f) Against the property of the Federated States of Micronesia; or

(g) Against a national public servant while that national public servant is acting within the scope of his duties, regardless of whether or not that national public servant is on National Government territory; or

(h) Against any person in retaliation for an
act undertaken by that person while a national public servant, which act was within the scope of his official duties; or

(i) Against any person participating or attempting to participate in an official national proceeding as sanctioned by the National Government pursuant to powers in the Constitution, the Code of the Federated States of Micronesia, as well as official National Government regulations; or

(j) Against any person participating or attempting to participate in a national election; or

(k) In violation or any duty placed on a person by the National Government pursuant to the Constitution, Code or regulations of the Federated States of Micronesia.

(8) Official National proceeding. "Official National proceeding" means a proceeding heard or which may be heard before any legislative, judicial, administrative, or other governmental agency of the Federated States of Micronesia, or official authorized to take evidence under oath, including any referee, hearing examiner, commissioner, notary, or other person taking testimony or deposition in connection with any such proceeding.

(9) Recklessness. "Recklessness" means to act with willful disregard to the attendant circumstances, or if unaware of the circumstances, to act in such a manner that constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.
(10) **Persons.** The terms "person," "he," "him," "she," "her," "accused," and "defendant" include any natural person and, where relevant, a corporation or an unincorporated association. The use of any masculine term shall include all persons, regardless of gender.

(11) **National public servant.** A "National public servant" means any officer or employee of, or any person acting on behalf of, the Federated States of Micronesia, including legislators and judges, and any person acting as an advisor, consultant, or otherwise, in performing a governmental function; but the term does not include witnesses. The term "national public servant" includes State government officials acting on behalf of the National Government pursuant to chapter 12 of title 12 of this Code.

(12) **State.** The term "State" means a State of the Federated States of Micronesia.

Section 106. **Statute of Limitations.**

(1) A prosecution for the National Crime of murder may be commenced at any time.

(2) Except as otherwise provided in this section, prosecution for other National Crimes are subject to the following time limitations:

(a) A prosecution for a National felony must be commenced within six years after it is committed.

(b) A prosecution for a national misdemeanor
must be commenced within three years after it is committed.

(3) Notwithstanding the time limitations set forth in subsection 2 of this section, a prosecution may nevertheless be commenced for:

(a) Any National Crime an element of which is either fraud or a breach of fiduciary obligation, within six years after it is committed; or

(b) Any National Crime based on misconduct in office by a national public servant or employee at any time when the defendant is in national public office or employment or within six after it is committed.

(4) The time limitation does not run:

(a) During any time when the accused is continuously absent from the complaining jurisdiction or has no reasonably determinable place of abode or work within the jurisdiction; or

(b) During any time when a prosecution against the accused for the same conduct is pending in this jurisdiction.

(5) A prosecution is commenced either when an information or complaint is filed or when an arrest warrant or other process is executed without unreasonable delay.

Section 107. Venue.

(1) Except as otherwise permitted by statute, all trials for National Crimes shall be held in the State in which
the National Crime was committed.

(2) Any National Crime begun in one State and completed in another, or committed in more than one State, may be prosecuted in any State in which such offense was begun, continued, or completed.

(3) The trial of all National Crimes begun or committed upon the high seas, or elsewhere out of the boundaries of any State, shall be in the State in which the offender is arrested or is first brought; but if such offender is not so arrested or brought into any State, a complaint may be filed in the State of the last known residence of the offender or if not such residence is known the complaint may be filed in Palikir, Pohnpei.

(4) Any party may petition the Court for a change of venue for good cause. The Court shall determine the place of trial with due regard to the convenience of the defendant and the witnesses and the prompt administration of justice.

Section 108. Defenses.

(1) A defense is a fact or set of facts which negates penal liability.

(2) No defense may be considered by the trier of fact unless evidence of the specified fact or facts has been presented. If such evidence is presented, then:

(a) If the defense is not an affirmative defense, the defendant is entitled to an acquittal if the trier
of fact finds that the evidence, when considered in the light
of any contrary prosecution evidence, raises a reasonable doubt
as to the defendant’s guilty; or

(b) If the defense is an affirmative defense,
the defendant is entitled to an acquittal if the trier of fact
finds that the defendant has proven the existence of the facts
asserted by a preponderance of the evidence, and that this
evidence, when considered in the light of any contrary
prosecution evidence, raises a reasonable doubt as to the
defendant’s guilt.

Section 109. Customary law. For purposes of
administration and enforcement of any National Criminal law:

(1) Generally accepted customs prevailing within the
Federated States of Micronesia relating to crimes and criminal
liability shall be recognized and considered by the Court.
Where conflicting customs are both relevant, the Court shall
determine the weight to be accorded to each;

(2) Unless otherwise made applicable or given legal
effect by statute or precedent, the applicability and effect of
customary law in a criminal case arising under this act shall
be determined by the Court in such case;

(3) Where there is a dispute as to the existence or
effect of customary law applicable to a criminal case arising
under this title, the party asserting applicability of
customary law has the burden of proving by a preponderance of

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evidence the existence, applicability, and customary effect of
such customary law.

CHAPTER 2

Inchoate Crimes

Section 201. Attempts.

(1) A person commits the National Crime of an
attempt to commit a crime if, with intent to commit a National
Crime, he does an act which constitutes a substantial step in a
course of conduct planned to culminate in the commission of
that National Crime.

(2) It is an affirmative defense to a charge of
attempt that the National Crime was not committed because the
defendant desisted voluntarily and in good faith abandoned his
intention to commit the National Crime.

(3) Conduct shall not be considered a substantial
step under this section unless it is strongly corroborative of
the defendant's criminal intent.

Section 202. Solicitation.

(1) A person commits the National Crime of
solicitation if, with intent to promote or facilitate the
commission of a National Crime, he commends, encourages, or
requests another person to engage in conduct, cause the result
specified by the definition of the National Crime, or engage in
conduct which would be sufficient to establish complicity in
the specified conduct or result.
(2) It is immaterial under subsection (1) of this section that the defendant fails to communicate with the person he solicits if his conduct was designed to cause such communication; however, if the defendant fails to complete his communication of solicitation, he may be convicted only of attempt.

Section 203. Conspiracy.

(1) A person commits the National Crime of conspiracy if, with intent to promote or facilitate the commission of a National Crime:

(a) He agrees with one or more persons that they, or one or more of them, will engage in or solicit the conduct or will cause or solicit the result specified by the definition of the National Crime; and

(b) he or another person with whom he conspired commits an overt act in pursuance of the conspiracy.

(2) If a person conspires to commit a number of National Crimes, he is guilty of only one conspiracy if the multiple National Crimes are the object of the same agreement or continuous conspiratorial relationship.

(3) It is an affirmative defense to a prosecution for conspiracy that the defendant, under circumstances showing a complete and voluntary renunciation of his criminal intent, made all reasonable efforts to prevent the conduct or result which was the object of the conspiracy.
(4) Conviction of the National Crime of conspiracy is not a bar to prosecution and conviction of the underlying offense, if the object of the conspiracy is completed.

(5) A defendant is responsible for all actions of his co-conspirators, regardless of whether he was privy to them, so long as he remains a party to the conspiracy.

(6) It shall be an affirmative defense to a prosecution for actions of co-conspirators which relate to an offense to which the defendant was not privy, provided these actions occurred subsequent to defendant's withdrawal from the conspiracy.

Section 204. Penalties for attempt, solicitation, and conspiracy. A person convicted of attempt, solicitation, or conspiracy shall be punished:

(1) By imprisonment for not more than ten years if the maximum sentence provided for any offense which was the object of the attempt, solicitation, or conspiracy is life imprisonment; or

(2) By imprisonment for not more than one-half the maximum sentence which is provided for the most serious offense which was the object of the attempt, solicitation, or conspiracy if the maximum is less than life imprisonment.

CHAPTER 3

General Principles of Responsibility

Section 301. Liability for National Crimes of another.
(1) A person is criminally liable for the conduct of another, if:

(a) He intentionally aids, abets, advises, solicits, counsels, or conspires with or otherwise procures the other to commit a National Crime; or

(b) While acting with the state of mind that is sufficient for the commission of the National Crime, he causes an innocent or irresponsible person to engage in such conduct; or

(c) Having a legal duty to prevent the commission of a National Crime, he fails to make proper effort to do so.

(2) A person liable under subsection (1) of this section is also liable for any other National Crime committed in the pursuance of the intended National Crime if reasonably foreseeable by him as a probable consequence of committing or attempting to commit the National Crime intended.

(3) A person liable under this section may be charged with and convicted of the National Crime although the person who directly committed it has not been prosecuted or convicted, or has been convicted of a different National Crime or degree of National Crime, or has been acquitted.

(4) No person may be convicted under this section unless the information specifically alleges that the defendant aided and abetted and that said information provides specific
acts constituting the means of aiding and abetting so as to afford the defendant adequate notice to prepare his defense.

Section 302. Physical or mental disease, disorder, or defect excluding criminal responsibility.

(1) A person is not responsible for criminal conduct if, at the time of such conduct as a result of physical or mental disease, disorder, or defect, he lacks substantial capacity either to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law.

(2) The terms physical or mental disease, disorder, or defect do not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

(3) Physical or mental disease, disorder, or defect excluding responsibility is an affirmative defense.

(4) When the defendant is acquitted on the ground of physical or mental disease, disorder, or defect excluding responsibility, the verdict and the judgment shall so state.

Section 303. Evidence of physical or mental disease, disorder, or defect admissible when relevant to element of the National Crime. Evidence that the defendant suffered from a physical or mental disease, disorder, or defect is admissible whenever it is relevant to prove that the defendant did or did not have a state of mind which is an element of the National Crime.

Section 304. Physical or mental disease, disorder, or
defect excluding fitness to proceed.

(1) No person who, as a result of physical or mental
disease, disorder, or defect, lacks capacity to understand the
proceedings against him or to assist in his own defense shall
be tried, convicted, or sentenced for the commission of a
National Crime so long as such incapacity endures.

(2) If the Court determines that the defendant lacks
fitness to proceed, the proceeding against him shall be
suspended, and the Court shall commit him, for a reasonable
period of time, to an appropriate institution for the purpose
of restoring fitness to proceed. If the Court is satisfied
that the defendant may be released on conditions without danger
to himself or to the person or property of another, the Court
shall order his release, which shall continue at the discretion
of the Court, on such conditions as the Court determines
necessary.

(3) When the Court, on its own motion or upon the
application of the institution, or the prosecuting attorney, or
the defendant, determines, after a hearing, if a hearing is
requested, that the defendant has regained fitness to proceed,
the proceeding shall be resumed. If the Court determines that
so much time has elapsed due to the unfitness of the defendant
to proceed that it would be unjust to resume the criminal
proceeding, the Court may dismiss the charge and may order the
defendant to be discharged or, subject to the law governing the
civil commitment or conditional released on such conditions as
the Court determines necessary.

Section 305. *Statements for purposes of examination and
treatment.* A statement of a person made pursuant to treatment
under this chapter, or made pursuant to an examination for the
purposes of assessing criminal responsibility or fitness to
proceed, shall not be admissible in evidence against him in any
criminal proceeding on any issue other than that of his
physical or mental condition excluding responsibility or
fitness to proceed, but it shall be admissible upon those
issues whether or not it would otherwise be deemed a privileged
communication, unless such statement constitutes an admission
of guilt of the National Crime charged, except that such
statements may be admissible to rebut an inconsistent statement
made by the defendant, or other inconsistent evidence offered
by the defendant.

Section 306. *Intoxication.*

(1) An act committed while in a state of
intoxication is not less criminal by reason thereof, but
evidence of intoxication and the degree of intoxication of the
defendant shall be admissible to prove or negate the conduct
alleged or the state of mind which is an element of the
National Crime.

(2) Intoxication does not, in itself, constitute a
physical or mental disease, disorder, or defect within the
(3) When recklessness establishes an element of the National Crime, if the defendant, due to voluntary intoxication, is unaware of a risk that he would have been aware of had he been sober, such unawareness is immaterial. 

(4) "Intoxication" means a disturbance of mental or physical capabilities resulting from the introduction of substances into the body.

(5) A state of intoxication shall be neither more so nor less so, if the substance introduced be legal, illegal, prescribed by a medical practitioner, or otherwise taken for health reasons.

CHAPTER 4
Offenses Against National Security

Section 401. Treason.

(1) A person who is a citizen or national of, or who is domiciled in, the Federated States of Micronesia commits the National Crime of treason if he:

(a) Levies war against the Federated States of Micronesia; or

(b) Adheres to the enemies of the Federated States of Micronesia, giving them aid and comfort.

(2) "Levying war" includes an act of war or insurrection of several persons with intent to prevent, by force or intimidation, the execution of a statute of the
National Government, or an order of any National Court, or to
force its repeal or recession. It does not include either a
conspiracy to commit an act of war or a single instance of
resistance to the execution of the law for a private purpose.

(3) No person shall be convicted of treason except
on the testimony of two witnesses to the same overt act, or on
his confession in open Court.

(4) A person convicted of treason may be punished by
life imprisonment.

Section 402. Armed insurrection.

(1) Engaging in armed insurrection. A person
commits a National Crime if he engages in an armed insurrection
with intent to overthrow, supplant, or change the form of
government of the Federated States of Micronesia, or knowing
that such armed insurrection is in progress or is impending, he
facilitates it or solicits, incites, or conspires with another
to engage in or to facilitate it.

(2) Penalty. A person convicted under subsection
(1) of this section shall be punished by imprisonment for not
more than ten years.

Section 403. Advocating armed insurrection.

(1) A person commits a National Crime if, with
intent to induce or otherwise cause others to engage in armed
insurrection in violation of section 402, he:

(a) Advocates the desirability or necessity of
armed insurrection under circumstances in which there is
substantial likelihood his advocacy will immediately produce a
violation of section 402; or

(b) Organizes an association which engages in
the advocacy prohibited in paragraph (a) of this subsection, or
as an active member of such association, facilitates such
advocacy.

(2) Penalty. A person convicted under this section
shall be punished by imprisonment for not more than five years.
Section 404. Revealing classified information.

(1) A person commits a National Crime if he:

(a) Intentionally communicates classified
information to an unauthorized person; or

(b) Knowingly obtains classified information
without authorization; or

(c) Solicits another to communicate classified
information to an unauthorized person.

(2) "Classified information" means information the
dissemination of which has been restricted by the President for
reasons of National security.

(3) A person convicted under this section shall be
punished by imprisonment for not more than five years.
Obstructing Government Operations

Section 501. Obstructing administration of law or other functions of the National Government.

(1) A person commits a National Crime if he purposely and substantially obstructs, impairs, or perverts the administration of law or other lawful governmental functions of the Federated States of Micronesia by force, violence, physical interference or obstacle, breach of official duty, or any other unlawful act, except that this section does not apply to flight by a person charged with crime, refusal to submit to arrest, failure to perform a legal duty other than an official duty, or any other means of avoiding compliance with law without affirmative interference with governmental functions.

(2) A person convicted under this section shall be punished by imprisonment for not more than one year.

Section 502. Resisting arrest or other law enforcement.

(1) A person commits a National Crime if, for the purpose of preventing a national public servant from effecting a lawful arrest or discharging any other duty, the person creates a substantial risk of bodily injury to the national public servant or anyone else, or employs means justifying or requiring substantial force to overcome the resistance.

Section 503. Hindering apprehension or prosecution.

(1) A person commits a National Crime if, with purpose to hinder the apprehension, prosecution, conviction, or
punishment of another for a National Crime he:
(a) Harbors or conceals the other; or
(b) Provides or aids in providing a weapon, transportation, disguise, or other means of avoiding apprehension or effecting escape; or
(c) Conceals or destroys evidence of the National Crime, or tampers with a witness, informant, document, or other source of information, regardless of its admissibility in evidence; or
(d) Warns the other of impending discovery or apprehension, except that this paragraph does not apply to a warning given in connection with an effort to bring another into compliance with National law; or
(e) Provides false information to any national law enforcement officer.

(2) A person convicted under this section shall be punished:
(a) By imprisonment for not more than five years if the conduct which the defendant knows has been charged or is liable to be charged against the person aided is punishable by imprisonment for ten or more years; or
(b) Otherwise, by imprisonment for not more than one year.

Section 504. Compounding.

(1) A person commits a National Crime if he accepts or
agrees to accept any pecuniary benefit in consideration of refraining from reporting to any law enforcement authority the commission or suspected commission of any National Crime or information relating to such a National Crime. It is a defense to prosecution under this section that the pecuniary benefit did not exceed an amount which the defendant believed to be due as restitution or indemnification for harm caused by the offense.

(2) A person convicted under this section shall be punished by imprisonment for not more than one year.

Section 505. Escape.

(1) A person commits the National Crime of escape if he unlawfully removes himself from official detention or fails to return to official detention following temporary leave granted for a specific purpose or limited period. "Official detention" means arrest and detention in any facility for custody of persons under charge or conviction of a National Crime offense, under detention for extradition or deportation, or any other detention for law enforcement purposes. The term "official detention" shall apply only to detention by a national public servant, or by any other person legally authorized or empowered to arrest or detain on behalf of the Federated States of Micronesia. "Official detention" does not include supervision of probation or parole, or constraint incidental to release on bail.

(2) Permitting or facilitating escape. A national public servant involved in detention commits a National Crime
if he knowingly permits an escape. Any person who knowingly
causes or facilitates an escape commits a National Crime.

(3) Effect of legal irregularity in detention.
Irregularity in bringing about or maintaining detention, or lack
of jurisdiction of the committing or detaining authority, shall
not be a defense to prosecution under this section if the escape
is from a prison or other custodial facility or from detention
pursuant to commitment by official national proceedings. In the
case of other detentions, irregularity or lack of jurisdiction
shall be a defense only if:

(a) the escape involved no substantial risk of
harm to the person or property of anyone other than the defendant;
or

(b) The detaining authority did not act in good
faith under color of law.

(4) Penalty. A person convicted of escape shall be
punished by imprisonment for not more than ten years if the
defendant employees force, a deadly weapon, or other dangerous
instrumentality to make the escape. Otherwise, a person convicted
of escape shall be punished by imprisonment for not more than
three years.

Section 506. Implements for escape; Other contraband.

(1) Escape implements. A person commits a National
Crime if he unlawfully introduces within a national detention
facility, or unlawfully provides an inmate of a national
detention facility with any weapon, tool, or other thing which may be useful for escape. An inmate of a national detention facility commits a National Crime if he unlawfully procures, makes, or otherwise provides himself with, or has in his possession, any such implement of escape. "Unlawfully" means surreptitiously or contrary to law, regulation, or order of the detaining authority.

(2) Other contraband. A person commits a National Crime if he provides an inmate of a national detention facility with anything which the defendant knows it is unlawful for the inmate to possess.

(3) Definition. "National detention facility" refers only to a detention facility owned or operated by the Federated States of Micronesia, or to any other detention facility if the inmate is detained therein pursuant to an arrest, charge, or conviction for a National Crime offense, or to an accusation or adjudication of delinquency based upon a National Crime offense, or detained for extradition or deportation purposes.

(4) Penalty. A person convicted under this section shall be punished by imprisonment for not more than one year.

Section 507. Bail jumping; Default in required appearance.

(1) A person set at liberty by Court order, with or without bail, upon condition that he will subsequently appear
at a specified time and place, commits a National Crime if, without lawful excuse, he fails to appear at that time and place.

(2) This section shall apply only to persons whose detention was based upon a charge or conviction for a National Crime offense, or upon an accusation or adjudication of delinquency based upon a National Crime offense, or whose detention was for extradition or deportation purposes.

(3) This section does not apply to obligations to appear incident to release under suspended sentence or on probation or parole.

(4) Penalty. A person convicted under this section shall be punished:

(a) By imprisonment for not more than three years if the required appearance was to answer to a charge of felony, or for disposition of any such charge, and the defendant took flight or went into hiding to avoid apprehension, trial, or punishment;

(b) Otherwise, by imprisonment for not more than one year.

Section 508. Disrupting National Government meetings.

(1) A person commits a National Crime if, with intent to prevent or substantially disrupt, or recklessly creating a risk thereof, or after a reasonable warning or request to desist has been made, he continues in conduct which
prevents or substantially disrupts any official national
proceeding or any meeting, ceremony, procession, or other
official gathering of the Federated States of Micronesia; he:
(a) Does any act which physically obstructs;
or
(b) Engages in fighting or in violent
behavior; or
(c) Addresses abusive language to any person
present, which is likely to provoke a violent response; or
(d) Creates a hazardous or physically
offensive condition by any act which is not performed under any
authorized license or permit.
(2) A person convicted under this section shall be
punished by imprisonment for not more than one year.
Section 509. Flight to avoid prosecution or giving
testimony. Whoever moves or travels in interstate or foreign
commerce with intent either:
(1) To avoid prosecution, or custody or confinement
after conviction, under the laws of the place from which the
fugitive flees, for a crime or an attempt to commit a crime
which is a felony under the laws of the place from which the
fugitive flees; or
(2) To avoid giving testimony in any criminal
proceeding in such place in which the commission of an offense
which is a felony under the laws of such place is charged; or
(3) To avoid service of, or contempt proceedings for alleged disobedience of, lawful process requiring attendance and the giving of testimony or the production of documentary evidence before any agency of a State empowered by the law of such State to conduct investigations of alleged criminal activities; shall be fined not more than $5,000 or imprisoned not more than five years, or both. Violations of this section may be prosecuted only in the Federated States of Micronesia Supreme Court sitting in the State in which the original crime was alleged to have been committed, or in which the person was held in custody or confinement, or in which an avoidance of service of process or a contempt referred to in subsection (3) of this section is alleged to have been committed, and only upon formal approval in writing by the Attorney General or an Assistant Attorney General of the Federated States of Micronesia, which function of approving prosecutions may not be delegated.

Subchapter II
Abuse of Office

Section 521. Official oppression.

(1) A person acting or purporting to act in an official capacity on behalf of the Federated States of Micronesia, or taking advantage of such actual or purported capacity, commits a National Crime if, knowing that his conduct is illegal, he:
(a) Subjects another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien, or other infringement of personal or property rights; or

(b) Denies or impedes another in the exercise or enjoyment of any rights, privilege, power, or immunity.

Section 522. Speculating or wagering on official action or information.

(1) A national public servant commits a National Crime if, in contemplation of official action by himself in his capacity as a national public servant or by a National Government unit with which he is associated, or in reliance on information to which he has access in his official capacity as a national public servant and which has not been made public, he:

(a) Acquires a pecuniary interest in any property, transaction, or enterprise which may be affected by such information or official action; or

(b) Speculates or wagers on the basis of such information or official action; or

(c) Aids another to do any of the foregoing.

Subchapter III

Bribery and Related Offenses of Corrupt Influence

Section 531. Bribery in official and political matters of the National Government.

(1) Bribery. A person commits the National Crime of
bribery if he offers, confers, or agrees to confer upon
another, or solicits, accepts or agrees to accept from another:

(a) Any pecuniary benefit as consideration for
the recipient's decision, opinion, recommendation, vote, or
other exercise of discretion as a national public servant, or
as a voter in any election, referendum, or plebiscite of the
Federated States of Micronesia; or

(b) Any benefit as consideration for the
recipient's decision, vote, recommendation, or other exercise
of official discretion as a national public servant in an
official national proceeding; or

(c) Any benefit as consideration for a
violation of a known legal duty as a national public servant.

(2) Defense. It is an affirmative defense to a
prosecution under this section that the defendant agreed to
confer or agreed to accept the benefit as a result of extortion
or coercion.

(3) Definition. For purposes of this section,
"national public servant" includes, in addition to those
persons who are defined as national public servants under
section 105 of this title, persons who have been elected,
appointed, or designated to become a national public servant
although not yet occupying that position.

Section 532. Threats and other improper influence in
official and political matters of the National Government.
than one year.

Section 533. Retaliation for past official action of the National Government.

(1) A person commits a National Crime if he harms another or a member of that person's immediate family, by an unlawful act in retaliation for anything lawfully done by the latter in the capacity of National public servant.

(2) A person convicted under this section shall be punished by imprisonment for not more than one year.

Section 534. Gifts to National public servants by persons subject to their jurisdiction.

(1) Regulatory and law enforcement officials. A National public servant in any department or agency exercising regulatory functions, or conducting inspections or investigations, or carrying on civil or criminal litigation on behalf of the National Government, or having custody of prisoners, commits a National Crime if he solicits, accepts, or agrees to accept any benefit from a person known to be subject to such regulation, inspection, investigation, or custody, or against whom such litigation is known to be pending or contemplated.

(2) Officials concerned with Government contracts and transactions. A National public servant having any discretionary function to perform in connection with contracts, purchases, payments, claims, or other transactions of the
(1) A person commits a National Crime if he:

(a) threatens unlawful harm to any person with purpose to influence his decision, opinion, recommendation, vote, or other exercise of his discretion as a National public servant, or a voter in any election, referendum, or plebiscite of the Federated States of Micronesia; or

(b) threatens a member of any National public servant's immediate family with purpose to influence his decision, opinion, recommendation, vote, or other exercise of discretion in an official National proceeding; or

(c) threatens a member of any National public servant's immediate family, with purpose to influence him to violate his known legal duty.

(2) It is no defense to prosecution under this section that a person whom the defendant sought to influence was not qualified to act in the desired way, whether because he had not yet assumed office, or lacked jurisdiction, or for any other reason.

(3) A person convicted under this section shall be punished:

(a) by imprisonment for not more than five years if the defendant threatened to commit a crime or made a threat with purpose to influence an official National proceeding; or

(b) otherwise, by imprisonment for not more
National Government commits a National Crime if he solicits, accepts, or agrees to accept any benefit from any person known to be interested in or likely to become interested in any such contract, purchase, payment, claim, or transaction.

(3) Judicial and administrative officials. A National public servant having judicial or administrative authority and a National public servant employed by or in a National Court or other tribunal having such authority, or participating in the enforcement of its decisions, commits a National Crime if he solicits, accepts, or agrees to accept any benefit from a person known to be interested in or likely to become interested in any matter before such National public servant or a tribunal with which he is associated.

(4) Congressional officials. A National public servant who is a member of the Congress of the Federated States of Micronesia, or who is employed by the Congress or by any committee or agency thereof, commits a National Crime if he solicits, accepts, or agrees to accept any benefit from any person known to be interested in a bill, transaction, or proceeding, pending or contemplated, before the Congress or any Committee or agency thereof.

(5) Exceptions. This section shall not apply to:

(a) fees prescribed by law to be received by a National public servant or any other benefit for which the recipient gives legitimate consideration or to which he is
otherwise legally entitled; or

(b) gifts or other benefits conferred on
account of custom, tradition, kinship, or other personal,
professional, or business relationship independent of the
official status of the receiver; or

(c) trivial benefits incidental to personal,
professional, or business contacts and involving no substantial
risk of undermining official impartiality.

(6) Offering benefit prohibited. A person commits a
National Crime if he knowingly confers, or offers, or agrees to
confer, any benefit prohibited in this section.

Section 535. Compensating a National public servant for
assisting private interests in relation to matters before him.

(1) Receiving compensation. A National public
servant commits a National Crime if he solicits, accepts, or
agrees to accept compensation for advice or other assistance in
preparing or promoting a bill, contract, claim, or other
transaction or proposal as to which he knows that he has or is
likely to have an official discretion to exercise.

(2) Paying compensation. A person commits a
National Crime if he pays or offers or agrees to pay
compensation to a National public servant with knowledge that
acceptance by the National public servant is unlawful.

(3) Penalty. A person convicted under subsection
(2) shall be punished by imprisonment for not more than one
year.

Section 536. Selling political endorsement; Special influence.

(1) Selling political endorsement. A person commits a National Crime if he solicits, receives, agrees to receive, or agrees that any other person shall receive any benefit as consideration for approval or disapproval of an appointment or advancement in public service, or for approval or disapproval of any person or transaction for any benefit conferred by a National public servant, an official or agency of Government. "Approval" includes recommendation, failure to disapprove, or any other manifestation of favor or acquiescence. "Disapproval" includes failure to approve, or any other manifestation of disfavor or nonacquiescence.

(2) Other trading in special influence. A person commits a National Crime if he solicits, receives, or agrees to receive any benefit as consideration for exerting special influence upon a National public servant or procuring another to do so. "Special influence" means power to influence through kinship, friendship, or other relationship, apart from the merits of the transaction.

(3) Paying for endorsement or special influence. A person commits a National Crime if he offers, confers, or agrees to confer any benefit receipt of which is prohibited by this section.
Section 537. Penalties and injunctions.

(1) The punishment for any national public servant or public official, as defined in sections 105(12), 531(3) and 1401(2) of this title, for an offense under sections 521, 522, 531, 534, 535(1), 536, 610, 1303, 1305, 1306 and 1307 of this title and sections 220, 221, 313(2) or 313(2) or 313(3) of title 55 is the following:

(a) A term of imprisonment not to exceed 5 years, or the period set forth in the in the penalty provisions of the enumerated sections, whichever is greater;

(b) A fine not to exceed $5,000, the fine set forth in the penalty provisions of the enumerated sections or the fine set forth in section 1101 of this title, whichever is greater; and

(c) Dismissal from the position held within the National Government, whether elected, appointed, designated or otherwise, and shall be permanently disqualified from holding any employment, office of honor or trust in the National Government of the Federated States of Micronesia. This dismissal is mandatory and not subject to judicial discretion pursuant to chapter 11 of this title or any other provision of national law.

(d) Forfeiture pursuant to subchapter VIII of Chapter 11 of this title.

(2) The Attorney General may bring a civil action in
the Trial Division of the Supreme Court of the Federated States of Micronesia against any person who engages in conduct constituting an offense under subchapter III, of this title, and upon proof of such conduct by a preponderance of the evidence, such person shall be subject to a civil penalty of not more than $50,000 for each violation or the amount of compensation which the person received or offered for the prohibited conduct, whichever amount is greater. The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the Federated States of Micronesia or any other person.

(3) If the Attorney General has reason to believe that a person is engaging in conduct constituting an offense under subchapter III of this title, the Attorney General may petition the Trial Division of the Supreme Court of the Federated States of Micronesia for an order prohibiting that person from engaging in such conduct. The court may issue an order prohibiting that person from engaging in such conduct if the court finds that the conduct constitutes such an offense. The filing of a petition under this section does not preclude any other remedy which is available by law to the Federated States of Micronesia or any other person.

Subchapter IV

Perjury and Related Offenses of Falsification

37 of 206
Section 541. Perjury.

(1) Perjury. A person commits the National Crime of perjury if in any official proceeding of the National Government he makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of a statement previously made, when the statement is material and he does not believe it to be true.

(2) Materiality. Falsification is material, regardless of the admissibility of the statement under rules of evidence, if it could have affected the course or outcome of the proceeding. It is no defense that the declarant mistakenly believed the falsification immaterial.

(3) Penalty. A person convicted of perjury shall be punished by not more than five years imprisonment.

Section 542. False swearing in official matters of the National Government.

(1) A person commits the National Crime of false swearing if:

(a) he makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement to be true, and:

(i) the falsification occurs in an official National proceeding; or

(ii) the falsification is intended to mislead a National public servant in performing his official
function; or

(b) he makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when he does not believe the statement to be true and the statement is one which is required by statute or regulation of the Federated States of Micronesia to be sworn or affirmed before a notary or other person authorized to administer oaths.

(2) A person convicted of false swearing shall be punished by imprisonment for not more than one year.

Section 543. Unsworn falsification to National authorities.

(1) In general. A person commits the National Crime of falsification if, with purpose to mislead a National public servant in performing his official function, he:

(a) makes any written false statement which he does not believe to be true; or

(b) purposely creates a false impression in a written application for any pecuniary or other benefit, by omitting information necessary to prevent statements therein from being misleading; or

(c) submits or invites reliance on any writing which he knows to be forged, altered, or otherwise lacking in authenticity; or

(d) submits or invites reliance on any sample,
specimen, map, boundary mark, or other object which he knows to be false.

(2) **Statement under penalty.** A person commits the National Crime of falsification if he makes a written false statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by statute or regulation of the Federated States of Micronesia, to the effect that false statements made therein are punishable.

(3) **Penalty.** A person convicted under this section shall be punished by imprisonment for not more than one year.

Section 544. **Limitations on prosecutions of perjury and related National Crime.** The following limitations apply to prosecutions under sections 541, 542 and 543:

(1) **Irregularities no defense.** It is not a defense that the oath or affirmation was administered or taken in an irregular manner or that the declarant was not competent to make the statement. A document purporting to be made upon oath or affirmation at any time when the defendant presents it as being so verified shall be deemed to have been duly sworn or affirmed.

(2) **Retraction.** No person shall be guilty of a National Crime if he retracted the falsification in the course of the proceeding of the National Government in which it was made before it became manifest that the falsification was or would be exposed and before the falsification substantially
affected the proceeding.

(3) Inconsistent statements. Where the defendant made inconsistent statements under oath or equivalent affirmation, both having been made within the period of the statute of limitations, the prosecution may proceed by setting forth the inconsistent statements in a single count alleging in the alternative that one or the other was false and not believed by the defendant. In such case, it shall not be necessary for the prosecution to prove which statement was false but only that one or the other was false and not believed by the defendant to be true.

(4) Corroboration. No person shall be convicted of a National Crime where proof of falsity rests solely upon contradiction by testimony of a single person other than the defendant.

Section 545. Tampering with witnesses and informants.

(1) Tampering. A person commits a National Crime if, believing that an official national proceeding or investigation of the National Government is pending or about to be instituted, he attempts to induce or otherwise cause a witness or informant to:

(a) testify or inform falsely; or

(b) withhold any testimony, information, document, or thing; or

(c) elude legal process summoning him to
testify or supply evidence; or
(d) absent himself from any proceeding or investigation to which he has been legally summoned.

(2) Penalty. A person convicted under subsection (1) of this section shall be punished:
(a) if the defendant uses force, deception, threat, or offer of benefit, by imprisonment for not more than five years; or
(b) otherwise, by imprisonment for not more than one year.

(3) Witness or informant taking bribe. A person commits a National Crime if he solicits, accepts, or agrees to accept any benefit in consideration of his doing any of the things specified in subsection (1) of this section.

(4) Penalty. A person convicted under subsection (3) of this section shall be punished by imprisonment for not more than five years.

Section 546. Retaliation against witness or informant.

(1) A person commits a National Crime if he harms another, or a member of that person's immediate family, by any unlawful act in retaliation for anything lawfully done in the capacity of witness or informant in any official national proceeding or investigation.

(2) A person convicted under this section shall be punished by imprisonment for not more than one year.
Section 547. Tampering with or fabricating physical evidence.

(1) A person commits a National Crime if, believing that an official national proceeding or investigation of a National Government is pending or about to be instituted, he:

(a) alters, destroys, conceals, or removes any record, document, or thing with purpose to impair its verity or availability in such proceeding or investigation; or

(b) makes, presents, or uses any record, document, or thing knowing it to be false and with purpose to mislead a national public servant who is or may be engaged in such proceeding or investigation.

(2) A person convicted under this section shall be punished by imprisonment for not more than one year.

Section 548. Tampering with public records or information.

(1) A person commits a National Crime if he:

(a) knowingly makes a false entry in, or false alteration of, any record, document, or thing received or kept by a national public servant, or belonging to the Government of the Federated States of Micronesia for information or record, or required by statute or regulation of the Federated States of Micronesia to be kept by anyone for information of the Government; or

(b) makes, presents, or uses any record,
1. document, or thing knowing it to be false, and with purpose
2. that it be taken as a genuine part of information or records
3. referred to in paragraph (a) of this subsection; or
4. (c) purposely and unlawfully destroys,
5. conceals, removes, or otherwise impairs the verity or
6. availability of any such record, document, or thing.
7. (2) A person convicted under this section shall be
8. punished by imprisonment for not more than five years.

Section 549. Impersonating a national public servant.

(1) A person commits a National Crime if he falsely
pretends to be a national public servant with purpose to induce
another to submit to such pretended official authority or
otherwise to act in reliance upon that pretense to his
prejudice.

(2) A person convicted under this section shall be
punished by imprisonment for not more than one year.

Section 550. False, fictitious or fraudulent claims.

Whoever, either on behalf of themselves, or on behalf of or for
the financial benefit of a spouse, child, close relative,
partner, organization in which he serves as officer, director,
trustee, partner or employee makes or presents to any person or
department or agency of the Federated States of Micronesia, any
claim upon or against the Federated States of Micronesia or any
department or agency thereof, and knowing such claim to be
false, fictitious, or fraudulent shall be punished by
functions of Government.

(3) "Government" means the Federal States of

collective investment.

as a place of deposit of funds or medium of savings or

Investment Trusts, or other organizations held open to the public,

company, credit union, building and loan association,

investment institution" means a bank, insurance

it unlikely that the owner will recover it.

(b) To dispose of the property so as to make

only upon payment of reward or other compensation; or

major portion of the economic value; or with intent to restore

(a) To withhold property of another

"deprive" means:

Section 601, Definitions. As used in this chapter:

Offense against Property

Chapter 6

Imprisonment for not more than five years, a fine not to exceed

2. $10,000, or both.

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property" is all other property.

(5) "Obtain" means:

(a) In relation to property, to bring about a transfer or purported transfer of a legal interest in the property, whether to the obtainer or another; or

(b) In relation to labor or service, to secure performance thereof.

(6) "Property" means anything of value, including real estate, tangible and intangible personal property, contract rights, choses-in-action, and other interests in or claims to wealth, admission, or transportation tickets, captured or domestic animals, food and drink, electric or other utilities.

(7) "Property of another" includes property in which any person other than the defendant has an interest which the actor is not privileged to infringe, regardless of the fact that the defendant also has no interest in the property and regardless of the fact that the other person might be precluded from civil recovery because the property was used in an unlawful transaction or was subject to forfeiture as contraband. Property in possession of the defendant shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security agreement.

Section 602. Theft against the National Government.
(1) **Theft.** A person commits the National Crime of theft against the National Government if he commits theft of any property or service in which the Government of the Federated States of Micronesia has any legal, equitable, or possessory interest.

**Section 603. Grand theft.**

(1) **Theft.** A person commits the National Crime of grand theft if he commits theft of property or services in the value of $5,000 or more.

(2) **Claim of right.** It is an affirmative defense to prosecution for theft that the defendant:

(a) Was unaware that the property or service was that of another; or

(b) Acted under an honest claim of right to the property or service involved or that he had a right to acquire or dispose of it as he did; or

(c) Took property exposed for sale, intending to purchase and pay for it promptly, or reasonably believing that the owner, if present, would have consented.

**Section 604. Theft by unlawful taking or disposition.**

(1) **Movable property.** A person commits theft if he unlawfully takes or exercises unlawful control over movable property of another with purpose to deprive him thereof.

(2) **Immovable property.** A person commits theft if he unlawfully transfers immovable property of another or any
Section 605. Theft by deception. A person commits theft by deception if he

(a) Creates or reinforces a false impression, including false impression as to law, value, intention, or other state of mind, but deceptive as to a person's intention to perform a promise shall not be inferred from facts alone that he did not subsequently perform the promise; or

(b) Prevents another from acquiring information which would affect his judgment of a transaction; or

(c) Fails to correct a false impression which he knew to be false; or

(d) Fails to disclose a known lien, adverse claim, or other legal impediment to the enjoyment of property which he transfers or encumbers in consideration for the property obtained, whether such impediment is or is not valid.

2. The term "deceive" does not, however, include puffing by statements unlikely to deceive ordinary persons.
Section 606. Theft by extortion.

(1) A person commits theft if he purposely obtains property of another by threatening to:

(a) Inflict bodily injury on anyone or commit any other criminal National Crime; or

(b) Accuse anyone of a National Crime; or

(c) Expose any secret tending to subject any person to hatred, contempt, or ridicule, or impair his credit or business repute; or

(d) Take or withhold action as an official or national public servant, or cause an official or national public servant to take or withhold action; or

(e) Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(f) Inflict any other harm which would not benefit the defendant.

(2) It is an affirmative defense to prosecution based on paragraphs (b), (c), or (d) in subsection (1) of this section that the property obtained by threat or accusation, exposure, lawsuit, or other invocation of official action was honestly claimed as restitution or indemnification for harm done in the circumstances to which such accusation, exposure, lawsuit, or other official action relates, or as compensation for property or lawful services.
Section 607. Theft of property lost, mislaid or delivered by mistake. A person who comes into control of property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient commits theft if, with purpose to deprive the owner thereof, he fails to take reasonable measures to restore the property to a person entitled to have it.

Section 608. Receiving stolen property.

(1) A person commits theft if he purposely receives, retains, or disposes of movable property of another knowing that it has been stolen, or believing that it has probably been stolen, unless the property is received, retained, or disposed with purpose to restore it to the owner.

(2) "Receiving" means acquiring possession, control, or title of the property.

Section 609. Theft of services.

(1) A person commits theft if he purposely obtains services which he knows are available only for compensation, by deception or threat, or by false token or other means to avoid payment for the service. "Services" includes labor, professional service, transportation, telephone or other public service, accommodation in hotels, restaurants, or elsewhere, admission to exhibitions, and use of vehicles or other movable property.

(2) A person commits theft if, having control over
the disposition of services of others to which he is not entitled, he knowingly diverts such services to his own benefit or to the benefit of another not entitled thereto.

Section 610. Theft by failure to make required disposition of funds received. A person who purposely obtains property upon agreement or subject to a known legal obligation to make specified payment or other disposition, whether from such property or its proceeds or from his own property in equivalent amount, commits theft if he deals with the property obtained as his own and fails to make the required payment or disposition. The foregoing applies notwithstanding that it may be impossible to identify particular property as belonging to the victim at the time of the defendant's failure to make the required payment or disposition. A national public servant or officer or employee of a financial institution is presumed:

(1) To know any legal obligation relevant to his criminal liability under this section; and

(2) To have dealt with the property as his own if he fails to pay or account upon lawful demand, or if an audit reveals as shortage or falsification of accounts.

Section 611. Criminal mischief against the National Government.

(1) Criminal mischief. A person commits the National Crime of criminal mischief against the Government if he intentionally or recklessly:
(a) Causes any damage to property in which the
Government of the Federated States of Micronesia has any legal,
equitable, or possessory interest; or
(b) Causes the Government of the Federated
States of Micronesia by deception or threat to suffer any loss.

(2) Claim of rights. It is an affirmative defense
to prosecution under subsection (1)(a) of this section that the
defendant:

(a) Was unaware that the property was that of
another; or

(b) Acted under an honest claim of right to
dispose of the property as he did.

Section 612. Unauthorized possession or removal of
National Government property.

(1) Unauthorized possession or removal. A person
commits a National Crime if, knowing he does not have proper
authority, he has in his possession or has removed from its
location any property, wherever situated, in which the
Government of the Federated States of Micronesia has any legal,
equitable, or possessory interest.

Section 613. Trespass on National Government property.

(1) A person commits the National Crime of trespass
on National Government property if he knowingly enters or
remains unlawfully on any property owned, operated, or
controlled by the National Government.
2 Penalty. A person convicted under this section shall be punished:

(a) By imprisonment for not more than one year if the defendant entered or remained in any building or structure, or in any area that is fenced or enclosed in such a manner as to exclude intruders:

(i) at night; or

(ii) while in possession of a dangerous weapon.

(b) Otherwise, by imprisonment for not more than 30 days.

Section 614. Penalties.

(1) Unless otherwise provided for in this chapter, punishment shall be determined as follows:

(a) If the value of the property, service or loss is $5,000 or more, by imprisonment for not more than ten years; or

(b) If the value of the property, service or loss is at least $1,000 but less than $5,000, by imprisonment for not more than five years; or

(c) If the value of the property, service or loss is at least $100 but less than $1,000, by imprisonment for not more than one year; or

(d) If the value of the property, service or loss is at least $25 but less than $100, by imprisonment for....
not more than six months; or

(e) If the value of the property, service or
3 loss is less than $25, by imprisonment for not more than 30
days.

CHAPTER 7
Civil Rights

Section 701. Deprivation of rights.

(1) Deprivation of rights. A person commits a
National Crime if he willfully, whether or not acting under
color of law, deprives another of, or injures, oppresses,
threatens, or intimidates another in the free exercise or
enjoyment of, or because of his having so exercised any right,
privilege, or immunity secured to him by the Constitution or
laws of the Federated States of Micronesia.

(2) Penalty. A person convicted under this section
shall be punished by imprisonment for not more than three
years.

Section 702. Right to full and equal enjoyment of public
accommodations.

(1) Equal access. No person shall be denied the
full and equal enjoyment of goods, services, facilities,
privileges, advantages, benefits or accommodations of any
department, agency, or institution of:

(a) any department, agency, or institution of,
or acting on behalf of, the Federated States of Micronesia; or
(b) any public accommodation which affects commerce, as defined in this section.

(2) Public accommodation. "Public accommodation" means any establishment which provides lodging to transient guests for charge, or any establishment which is engaged in selling food, beverage, or gasoline to the public, or any place of recreation, amusement, exhibition, sightseeing, or entertainment which is open to members of public, or any facility for the public transportation of persons or goods.

(3) Affects commerce. A public accommodation affects commerce if:

(a) it is a place of lodging; or

(b) it serves or offers to serve interstate travelers; or

(c) a substantial portion of the goods or entertainment it sells or provides has moved in commerce.

(4) Commerce. "Commerce" means travel, trade, traffic, transportation, communication, and all other forms of commerce among the several States, if between any State and any foreign country or other area outside the Federated States of Micronesia, or between points in the same State but through any area outside the State.

(5) Limitation. This section shall not apply to any private club or other establishment not in fact open to the public, except to the extent that the facilities of such
establishment are made available to the customers or patrons of
an establishment within the scope of subsection (1) of this
section.

(6) **Offense defined.** A person commits an offense if
he:

(a) withholds, denies, deprives, or attempts
to withhold, deny, or deprive any person of any right or
privilege protected under this section; or

(b) intimidates, threatens, coerces, or
attempts to intimidate, threaten, or coerce any person for the
purpose of interfering with any right or privilege protected
under this section; or

(c) punishes or attempts to punish any person
for exercising or attempting to exercise any right or privilege
protected under this section.

(7) **Penalty.** A person convicted under this section
shall be punished by imprisonment for not more than one year.

(8) **Civil liability.** A person who deprives another
of any right or privilege protected under this section shall be
civilly liable to the party injured in an action at law, suit
in equity, or other proper proceeding for redress, without
regard to whether a criminal case has been brought or conviction
obtained. In an action brought under this subsection, the
Court may award costs and reasonable attorney's fees to the
prevailing party.
CHAPTER 8

Emergency Proclamations

Section 801. Proclamation of State of Emergency. When required to preserve public peace, health, or safety in any area, at a time of extreme emergency caused by civil disturbance, natural disaster, or immediate threat of war, or insurrection, the President of the Federated States of Micronesia may declare a National State of Emergency and issue appropriate decrees.

Section 802. Emergency restrictions.

(1) During the existence of a National State of Emergency, the President may, by proclamation, prohibit:

(a) any person being on the public roads or at any other public place during the hours proclaimed by the President to be a period of curfew;

(b) the manufacture, transfer, use, possession, or transportation of any device or object designed to explode or produce uncontained combustion;

(c) the transportation, possession, or use of combustible, flammable, or explosive materials in a container of any kind except in connection with the normal operation of motor vehicles, motor boats, normal home use, or legitimate commercial use;

(d) the possession of firearms or any other dangerous weapon by a person in any place other than his place
of residence, work, or business;

(e) the sale, purchase, dispensing, importing, or exporting of alcoholic beverages or other commodities or goods designated by the President;

(f) the use of certain roads by the public; and

(g) other activities the President reasonably believes should be prohibited to help preserve public peace, health, or safety.

(2) Any proclamation issued under this section becomes effective immediately upon its signing by the President, who shall immediately give public notice of its contents by the most effective means available. The restrictions may be imposed during times, upon conditions, with exceptions and in areas designated by proclamation of the President.

(3) Prohibitions imposed by proclamation issued under this section shall automatically terminate at noon on the fiftieth day after it becomes effective, unless sooner terminated by proclamation of the President.

Section 803. Offense defined and penalty. Any person who, during a National State of Emergency, fails to comply with restrictions imposed by proclamation of the President under section 802 commits a National Crime, and upon conviction, shall be punished:

(1) Upon the first conviction under this section, by
imprisonment for not more than one year;

(2) Upon a second or subsequent conviction under this section, by imprisonment for not more than five years.

Section 804. Powers not limited. Nothing in this chapter shall limit any other power to maintain the public peace and safety which is vested in the President.

CHAPTER 9

Offense's Against the Person

Subchapter I

Homicide

Section 911. Murder.

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

(a) Intentionally or knowingly; or

(b) Recklessly under circumstances manifesting extreme indifference to the value of human life.

(2) Penalty. A person convicted of murder shall be punished by imprisonment for a minimum term of five years, and may be punished by imprisonment for a maximum term of life.

Section 912. Manslaughter.

(1) A person commits the National Crime of manslaughter if he causes the death of another human being when:

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

(2) Manslaughter is punishable by imprisonment for not more than ten years.

Subchapter II

Sexual Abuse

Section 921. Definitions for subchapter. As used in this subchapter:

(1) The term "sexual act" means:

(a) Contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however slight;

(b) Contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus; or

(c) The penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person.

(2) The term "sexual contact" means the intentional touching, either directly or through the clothing, of the
permissory of that person, a drug, intoxicant, or other stimulant, force or threat of force, or without the knowledge of or

any unauthorized to another person by

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section 922. Aggravated sexual abuse.

of a bodily member, organ, or mental faculty.
deprivation, or processed loss of impairment of the function
unconsciousness, extreme physical pain, protracted and obvious
injury that involves a substantial risk of death.

The term "serious bodily injury" means bodily

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gentleman, anus, groin, breast, inner thighs, or buttocks of any

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substance and thereby:

(1) substantially impairs the ability of that other person to appraise or control conduct; and

(2) engages in a sexual act with other person; or attempts to do so, shall be fined under this title, imprisoned for not more than 20 years, or both.

(2) With children. Whoever, knowingly engages in a sexual act with another person who has not attained the age of 14 years, or attempts to do so, shall be fined under this title, imprisoned for not more than 20 years, or both.

(3) State of mind proof requirement. In a prosecution under subsection (2) of this section, the Government need not prove that the defendant knew that the other person engaging in the sexual act had not attained the age of 14 years.

Section 923. Sexual abuse. Whoever, knowingly:

(1) Causes another person to engage in a sexual act by threatening or placing that other person in fear (other than
by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping); or

(2) Engages in a sexual act with another person if that other person is:

(a) Incapable of appraising the nature of the conduct; or
(b) Physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act; or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

Section 924. Abusive sexual contact.

(1) Sexual conduct in circumstances where sexual acts are punished by this chapter: Whoever, knowingly engages in or causes sexual contact with or by another person, if so to do would violate:

(a) Section 922 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than 10 years, or both.

(b) Section 923 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than 3 years, or both.

(2) In other circumstances. Whoever, knowingly engages in sexual contact with another person without that other person's permission shall be fined not more than $5,000, imprisoned not more than 6 months; or both.

Section 925. Domestic sexual assault. A defendant may not be convicted of the National Crime of sexual assault if the defendant and complainant were cohabitating in an ongoing voluntary sexual relationship at the time of the alleged National Crime, or if the complainant is the defendant's spouse, unless:
(1) The defendant was an accomplice or accessory to
the sexual assault by a third person; or

(2) At the time of the sexual assault the married
couple either were living apart and one of them had filed an
action for separate maintenance or divorce or were no longer
husband and wife under custom and tradition.

Subchapter III

Sexual Exploitation

Section 931. Sexual exploitation of children.

(1) Any person who employs, uses, persuades,
induces, entices, or coerces any minor to engage in, or who has
a minor assist any other person to engage in, or who transports
any minor in interstate or foreign commerce, or in any
territory or possession of the Federated States of Micronesia,
with the intent that such minor engage in any sexually explicit
conduct for the purpose of producing any visual depiction of
such conduct, shall be punished as provided under subsection
(5), if such person knows or has reason to know that such
visual depiction will be transported in interstate or foreign
commerce or mailed, or if such visual depiction has actually
been transported in interstate or foreign commerce or mailed.

(2) Any parent, legal guardian, or person having
custody or control of a minor who knowingly permits such minor
to engage in, or to assist any other person to engage in,
sexually explicit conduct for the purpose of producing any
computer or material or
interstate or foreign commerce by any means including by
that such notice or advertisement will be transported in
such person knows or has reason to know
that:

(a) The circumstance referred to in subsection (1)
as provided under subsection (5).

(b) The explicit conduct of such conduct shall be punished

by or with any minor for the purpose of
expertly conduct in any act of sexuality

participation in any act of sexuality

or

is of such conduct; or

placing in sexaully explicit conduct and such visual depiction
product of such visual depiction involves the use of a minor
display, distribute, or reproduce, any visual depiction, if the

(a) To receive, exchange, buy, produce
advertisement seeking or offering:
causes to be made, printed, or published, any notice or
subsection (2), knowingly makes, prints, or publishes, or
Any person who, in a circumstance described in
been transported in interstate or foreign commerce of material,
commerce of material or if such visual depiction has actually
visual depiction will be transported in interstate or foreign

guarison, or person knows or has reason to know that such
material depiction of such conduct shall be punished as provided

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(b) Such notice or advertisement is transported
in interstate or foreign commerce by any means including by
computer or mailed.

(5) Any individual who violates this section shall
be fined not more than $100,000, or imprisoned not more than 10
years, or both, but, if such individual has a prior conviction
under this section, such individual shall be fined not more
than $200,000, or imprisoned not less than 5 years nor more
than 15 years, or both. Any organization which violates this
section shall be fined not more than $250,000.

Section 932. Selling or buying of children.

(1) Any parent, legal guardian, or other person
having custody or control of a minor who sells or otherwise
transfers custody or control of such minor, or offers to sell
or otherwise transfer custody of such minor either:

(a) With knowledge that, as a consequence of
the sale or transfer, the minor will be portrayed in a visual
depiction engaging in, or assisting another person to engage
in, sexual explicit conduct; or

(b) With intent to promote either:

(i) the engaging in of sexually
explicit conduct by such minor for the purpose of producing any
visual depiction of such conduct; or

(ii) the rendering of assistance by the
minor to any other person to engage in sexually explicit
conduct for the purpose of producing any visual depiction of such conduct; shall be punished by imprisonment for not less than 20 years and by a fine under this title, if any of the circumstances described in subsection 3 of this section exist.

(2) Whoever purchases or otherwise obtains custody or control of a minor, or offers to purchase or otherwise obtain custody or control of a minor either:

(a) With knowledge that, as a consequence of the purchase or obtaining of custody, the minor will be portrayed in a visual depiction engaging in, or assisting another person to engage in, sexually explicit conduct; or

(b) With intent to promote either:

(i) the engaging in of sexually explicit conduct by such minor for the purpose of producing any visual depiction of such conduct; or

(ii) the rendering of assistance by the minor to any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct; shall be punished by imprisonment for not less than 20 years or for life and by a fine under this title, if any of the circumstances described in subsection (3) of this section exist.

(3) The circumstances referred to in subsections (1) and (2) are that:

(a) In the course of the conduct described in
such subsections the minor or the actor traveled in or was
transported in interstate or foreign commerce;

(b) Any offer described in such subsections was
communicated or transported in interstate or foreign commerce
by any means including by computer or mail; or

(c) The conduct described in such subsections
took place in any territory or possession of the Federated
States of Micronesia.

Section 933. **Certain activities relating to material**

**involving the sexual exploitation of minors.** Any person who:

(1) Knowingly transports or ships in interstate or
foreign commerce by any means including by computer or mails,
any visual depiction, if:

(a) the producing of such visual depiction

involves the use of a minor engaging in sexually explicit
conduct;

(b) such visual depiction is of such conduct;

(2) Knowingly receives, or distributes, any visual
depiction that has been mailed, or has been shipped or
transported in interstate or foreign commerce, or which
contains materials which have been mailed or so shipped or
transported, by any means including by computer, or knowingly
reproduces any visual depiction for distribution in interstate
or foreign commerce by any means including by computer or
through the mails, if:

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sections of such visual depictions that have been made, or has
magazines, periodicals, films, video tapes, or other matter
knowledgeable possession of more books,
which contain any visual depiction that has been made, or has
sections of such visual depictions that have been made, or has
magazines, periodicals, films, video tapes, or other matter
knowledgeable possession of more books,

such visual depictions is of such
explicitly conducted; and

depiction involves the use of a minor engaging in sexuality
the production of such visual

which were produced using materials which have been made, or so
shipped or transported in interstate commerce, or

sell any visual depiction that has been made, or has been

knowledgeable set of possession with intent to

such visual depictions is of such conduct;


either:

(a) such visual depiction is of such depiction,

(b) knowingly set up possession with intent to

sell any visual depiction of.

(a) knowingly set up possession with intent to
been shipped or transported in interstate or foreign commerce,
or which was produced using materials which have been mailed or
so shipped or transported, by any means including by computer,
if:

(i) the producing of such visual
depiction involves the use of a minor engaging in sexually
explicit conduct; and

(ii) such visual depiction is of such
conduct, shall be punished as provided in subsection (2) of
this section.

(5) Whoever violates paragraphs (a), (b), or (c) of
subsection (1) shall be fined under this title or imprisoned
not more than 10 years, or both, but, if such person has a
prior conviction under this section, such person shall be fined
under this title and imprisoned for not less than 5 years nor
more than 15 years.

(6) Whoever violates paragraph (d) of subsection (i)
shall be fined under this title or imprisoned for not more than
5 years, or both.

Subchapter IV

Other Offenses Against Persons

Section 941. Aggravated assault.

(1) A person commits a National Crime of aggravated
assault if he causes serious bodily injury to another
intentionally, knowingly, or recklessly under circumstances
showing extreme indifference to the value of human life.

(2) A person convicted of aggravated assault shall be punished by imprisonment for not more than ten years.

Section 942. Aggravated robbery.

(1) A person commits the National Crime of aggravated robbery if he takes away anything of value from the person of another, or from the immediate control of another, by use or threatened use of immediate force or violence, and:

(a) the defendant or an accomplice uses a dangerous weapon to obtain the property; or

(b) the defendant or an accomplice inflicts serious bodily injury.

(2) A person convicted under this section shall be punished by imprisonment for not more than 10 years.

Section 943. Kidnapping.

(1) A person commits the National Crime of kidnapping if he unlawfully removes another from his place of residence or business, or a substantial distance from the vicinity where he is found, or if he unlawfully confines another for a substantial period in a place of isolation, with any of the following purposes:

(a) to hold for ransom or reward, or as a shield or hostage; or

(b) to facilitate commission of any felony or flight thereafter; or
(c) to inflict bodily injury on or to terrorize
the victim or another; or
(d) to interfere with the performance of any
government or political function.

(2) A removal or confinement is unlawful under this
section if it is accomplished by force, threat, or deception,
or, in the case of a person who is under the age of 14 or
incompetent, without the consent of a parent, guardian, or
other person responsible for general supervision of his
welfare.

(3) A person convicted under this section shall be
punished by imprisonment for a maximum term of ten years. If
the person committing the National Crime voluntarily releases
the victim alive and in a safe place prior to trial, this shall
be considered during sentencing as a mitigating factor.

Section 945. Criminal coercion through use of a dangerous
instrument.

(1) A person commits the National Crime of criminal
coercion through use of a dangerous instrument if he
intentionally compels or induces another person to engage in
conduct from which he has a legal right to abstain or to
abstain from conduct in which he has a legal right to engage,
by instilling in him a fear through use of a dangerous
instrument that, if the demand is not complied with, the
defendant or a third person will:
shall be punished by imprisonment for not more than ten years.

Penalty. A person convicted under this section

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that a public servant or cause a public servant to take an action of a national public sector, that the defendant be tried by the accused for the threatened action, and the use of the action to take reasonable action to compel or induce the victim to take reasonable action to

public servant is threatened, and that the use of the action was to

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paragraph (p), (q), (r), and (s) of subsection (1) of this

paragraph (p), (q), and (r) of subsection (1) of this

paragraph (q) of this section, that the defendant be tried by the accused for the threatened action, and the use of the action was to

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Section 946. Hijacking.

(1) A person commits the National Crime of hijacking if, by force, threat of force, or deception he usurps an aircraft in flight.

(2) A person convicted under this section may be punished by a maximum term of life imprisonment.

Section 947. Mutiny on a vessel on the high seas or on national waters.

(1) A person commits a National Crime the mutiny if, by force, threat of force, or deception, he usurps or attempts to usurp command of a vessel on the high seas or on waters within the jurisdiction of the Federated States of Micronesia.

(2) A person convicted under this section shall be punished by imprisonment for not more than ten years.

Subchapter V
Forgery and Other Fraud Offenses

Section 951. Forgery of specified instruments.

(1) Forgery of specified instruments. A person commits the National Crime of forgery of specified instruments if he forges a writing which is or purports to be part of an issue of money, securities, postage or revenue stamps, or other instruments issued by any government or part of an issue of stock, bonds, or other instruments representing interests in or claims against any property or enterprise.

(2) Definitions.
Section 952. Grand larceny of credit card.

A person commits a grand larceny of a credit card if the person:

1. Removes a credit card or credit card number from the possession of any consenting person or removes the credit card from the possession of a legible and reliable tracking device that the card is the property of.

2. A person commits a grand larceny of a credit card in the value of $5,000 or more for more than ten years.

Penalty

(1) A person convicted of grand larceny shall be punished by imprisonment for not more than ten years.

(2) A person convicted of forgery shall be

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valued, that, prattlenee, or therentlization.

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seals, credit cards, badges, trademarks, and other symbols of

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method of recording information, money, coins, tokens, stamps,

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writing "limited" without printing any other

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of this subparagraph.

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(\(\tau\)) or (\(\tau\)) (\(\tau\)) (\(\tau\)) or (\(\tau\)) or (\(\tau\)) or (\(\tau\))

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to be forged in manner specified in subparagraphs (\(\tau\)) or (\(\tau\)) or (\(\tau\))

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act, or to have been executed at a time or place or in a

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purposes to be the act of another whom did not authorize that

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authenticates, issues, or transmits any writing so that it

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altered any writing of another

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facilitating a fraud or injury to be perpetrated by anyone, he;

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(\(\tau\)) A person forges a writing if, with purpose

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(2) A person misuses a credit card if he uses a credit card for the purpose of obtaining property or services with knowledge that:

(a) The card is stolen or forged; or
(b) The card has been revoked or cancelled; or
(c) For any other reason his use of the card is unauthorized by the issuer.

(3) It is an affirmative defense to prosecution under paragraph (c) of subsection (2) if the actor proves by a preponderance of the evidence that he had the purpose and ability to meet all obligations to the issuer arising out of his use of the card.

(4) A person convicted under this section shall be punished by imprisonment for not more than ten years.

Section 953. Passports and visas, issuance without authority.

(1) Whoever, acting or claiming to act in any office or capacity under the Federated States of Micronesia, or a State or possession, without lawful authority grants, issues, or verifies any passport or other instrument in the nature of a passport to or for any person whomsoever; or

(2) Whoever, being a consular officer authorized to grant, issue, or verify passports, knowingly and willfully grants, issues, or verifies any such passport to or for any person not owing allegiance, to the Federated States of
Micronesia whether a citizen or not:

Shall be fined not more than $5,000 or imprisoned not more than
10 years, or both.

Section 954. False statement in application and use of
passport.

(1) Whoever willfully and knowingly makes any false
statement in an application for passport with intent to induce
or secure the issuance of a passport under the authority of the
Federated States of Micronesia either for his own use or the
use of another contrary to the laws regulating the issuance of
passports or the rules prescribed pursuant to such laws; or

(2) Whoever willfully and knowingly uses or attempts
to use, or furnishes to another for use any passport the
issuance of which was secured in any way by reason of any false
statement; shall be fined not more than $5,000 or imprisoned
not more than 10 years, or both.

Section 954. Forgery or false use of passport.

(1) Whoever falsely makes, forges, counterfeits, or
alters any passport or instrument purporting to be a passport,
with intent that the same may be used; or

(2) Whoever willfully and knowingly uses, or
attempts to use, or furnishes to another for use any such
false, forged, counterfeited, mutilated, or altered passport
or instrument purporting to be a passport, or any passport
validly issued which has become void by the occurrence of any
condition therein prescribed invalidating the same;
shall be fined not more than $5,000 or imprisoned not more than
10 years, or both.

Section 955. Misuse of passport.

(1) Whoever willfully and knowingly uses, or
attempts to use, any passport issued or designed for the use of
another;

(2) Whoever willfully and knowingly uses or attempts
to use any passport in violation of the conditions or
restrictions therein contained, or of the rules prescribed
pursuant to the laws regulating the issuance of passports; or

(3) Whoever willfully and knowingly furnishes,
disposes of, or delivers a passport to any person, for use by
another than the person whose use it was originally issued and
designed; shall be fined not more than $5,000 or imprisoned not
more than 10 years, or both.

CHAPTER 10

Sentencing

Section 1001. Fines. A person who has been convicted of
a National Crime, in addition to any other punishment
authorized by law, may be sentenced to pay a fine not
exceeding:

(1) $100,000, when the conviction is for a National
Crime punishable by a maximum of ten years imprisonment;

(2) $5,000, when the conviction is for a National
Crime punishable by a maximum of five years imprisonment;

(3) $1,000, when the conviction is for a National
Crime punishable by a maximum of one year imprisonment;

(4) $200, when the conviction is for a National
Crime punishable by a maximum of six months imprisonment;

(5) $50, when the conviction is for a National Crime
punishable by a maximum of 30 days imprisonment;

(6) Any higher amount equal to double the pecuniary
gain obtained from the National Crime by the defendant; or

(7) Any higher or lower amount specifically
authorized by statute.

Section 1002. Authorized sentences. In any case where
the Court finds that the ends of justice and the best interests
of the public and the defendant do not require that the maximum
sentence permitted by law be impose on a person convicted of a
crime, the Court may impose a sentence consisting of any one or
any combination of the following:

(1) Imprisonment for a term less than the maximum
allowed by law;

(2) Imposition of a fine as prescribed by law;

(3) Suspension of a term of imprisonment and/or fine
upon such reasonable conditions as shall be set by the Court;

(4) Suspension of imposition of sentence on such
reasonable conditions as shall be set by the Court;

(5) Probation for a period not exceeding the maximum
term of imprisonment to which the convicted person could have
been sentenced upon such reasonable conditions as shall be set
by the Court;

(6) Appropriate restitution, reparation, or service
to the victim of the crime or to his family;

(7) Confinement to a particular geographical area;

and

(8) A period of community service.

Section 1003. Custom in sentencing. In determining the
sentence to be imposed, the Court shall apply subsection (6) of
section 1002 wherever appropriate, and shall otherwise give due
recognition to the generally accepted customs prevailing in the
Federated States of Micronesia.

CHAPTER 11

Controlled Substances

Subchapter I

General Provisions

Section 1101. Short title. This chapter shall be known
as cited as the "National Controlled Substances Act."

Section 1102. Definitions. In this act, unless the
course indicates otherwise:

(1) "Acquire" includes to acquire by way of
purchase, exchange, lease or hire;

(2) "Authorized officer" means a police officer and
any other person or class of persons designated by the Attorney
General as an authorized officer for purposes relating to the
detection, investigation or prosecution of any offense
against this chapter;

(3) "Cannabis" means the flowering or fruiting
tops of the cannabis plant (excluding the seeds and leaves
when not accompanied by the tops) from which the resin has
not been extracted; "cannabis plant" means any plant of the
genus Cannabis; and "cannabis resin" means the separated
resin, whether crude or purified, obtained from the cannabis
plant;

(4) "Coca bush" means the plant of any of the
species Erythroxylon;

(5) "Controlled chemical" means a substance listed
in Schedule V of this act;

(6) "Controlled equipment" means an item listed in
Schedule VI of this act;

(7) "Controlled delivery" means the investigative
technique of allowing an unlawful or suspect consignment of a
drug of dependence, a controlled chemical, an innocuous
substitute substance, an item of controlled equipment or
property derived from any offense to pass into, through or
out of the Federated States of Micronesia under the supervi-
sion of an authorized officer, with a view to identifying
persons responsible for committing any serious offense;

(8) "Cultivate" includes planting, sowing,
scattering the seed, growing, nurturing, tending or
harvesting, and also includes the separating of opium, coca
leaves, cannabis and cannabis resin from the plant from which
they are obtained;

(9) "Data" means representations, in any form, of
information or concepts;

(10) "Dentist" means a person who is registered and
entitled under the laws of the Federated States of Micronesia
to practice the profession of dentistry;

(11) "Drug abuser" in relation to a drug of
dependence, means a person who uses a drug of dependence
without medical prescription;

(12) "Drug dependent person", in relation to a drug
of dependence, means a person who is using a drug of
dependence and who is in a state of psychic or physical
dependence, or both, arising from administration of the drug
of dependence on a continuous basis. Drug dependence is
characterized by behavioral and other responses which
includes a strong compulsion to take the substance on a
continuous basis in order to experience its psychic effects,
or to avoid the discomfort of its absence;

(13) "Drug of dependence" means a prohibited drug,
a high-risk drug, or a risk drug, and includes a preparation;

(14) "Encapsulating machine" means any device
which may be used to fill shells, capsules or other
containers with a drug of dependence in whatever physical form;
(15) "High-risk drug" means a drug listed in Schedule II of this act;
(16) "International drug control conventions" means the Single Convention on Narcotic Drugs done at New York on 30 March 1961, as amended by the 1972 Protocol amending the Single Convention done at Geneva on 25 March 1972; the Convention Against Psychotropic Substances done at Vienna on 21 February 1971; the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances done at Vienna on 20 December 1988; and any other international convention to which the Federated States of Micronesia may become party after the commencement of this act relating in whole or in part to the control of drugs of dependence;
(17) "Medical practitioner" means a person who is registered and entitled under the laws of the Federated States of Micronesia to practice the profession of medicine;
(18) "Manufacture" means to carry out any process by which a drug of dependence is obtained, and includes extracting, refining, formulating, preparing, mixing, compounding, transforming a drug of dependence into another, making into dosage form, or packing;
(19) "Operator" means any person who carries on a business of the manufacture, acquisition or supply of:
(a) A drug of dependence intended for medical
dosage form?

(25) "Preparation" means a solution or mixture, in
whenever prescribed for the person named thereon;

(26) "Prescription" means a written direction by a
pharmacist that a stated amount of a drug of dependence be
dispensed by a person who is
registered and entitled under the laws of the referred States as
a pharmacist, and entitled under the laws of the referred States of
any natural or legal person.

(27) "Pharmacy" means the place of the practice of
the art of preparing and dispensing drugs.

(28) "Person" means any natural or legal person.

(29) "Opium poppy" means the plant of the species

(30) "Retail operation" includes any vacant land, premises,

(31) "Sale" means sale by retail, for the purpose of
commerce or advertising,

(32) "Storeroom" includes any vacant land, premises,

(33) "Warehouse" means the place of the practice of
the art of preparing and dispensing drugs.

(34) "Wholesale operation" includes any vacant land, premises,

(35) "Warehouse" means the place of the practice of
the art of preparing and dispensing drugs.

(36) "Wholesale operation" includes any vacant land, premises,

(37) "Warehouse" means the place of the practice of
the art of preparing and dispensing drugs.

(38) "Wholesale operation" includes any vacant land, premises,

(39) "Warehouse" means the place of the practice of
the art of preparing and dispensing drugs.

(40) "Wholesale operation" includes any vacant land, premises,

(41) "Warehouse" means the place of the practice of
the art of preparing and dispensing drugs.

(42) "Wholesale operation" includes any vacant land, premises,
(27) "Prohibited drug" means a substance listed in Schedule I of this chapter;

(28) "Property", means real or personal property of

interchangeable and whether tangible or intangible, and

includes an interest in any such real or personal property;

(29) "Property derived from an offense" means any

property described in this chapter and includes, on a

proportional basis, property into which any property derived or

realized directly from the offense was later successively

converted, transformed or intermingled, as well as income,

capital or other economic gains derived or realized from such

property at any time since the offense;

(30) "Record" means any material on which data are

recorded or marked and which is capable of being read or

understood by a person, computer system or other device;

(31) "Risk drug" means a drug listed in Schedule III

of this chapter;

(32) "Sell" includes offer or expose for sale;

(33) "Serious offense" means an offense against a

provision of:

(29) Any law in the Federated States of

Micronesia, punishable on conviction by imprisonment for a term

of two or more years;
(b) A law of a foreign State, in relation to acts or omissions, which had they occurred in the Federated States of Micronesia, would have constituted an offense punishable on conviction by imprisonment for a term of two or more years;

(34) "Supply" includes assignment, dispatch, transport, delivery, distribution, as well as offer to supply, but does not include sale, export or professional supply.

(35) "Tabletting machine" means any device which may be used to compact or mold a drug of dependence into a solid tablet;

(36) "Transit" means the physical transfer of any drug of dependence or controlled chemical into and out of the territory of the Federated States of Micronesia;

(a) Without it passing through the Federated States of Micronesia Customs; and

(b) Where the Federated States of Micronesia is neither its country of origin nor destination;

(37) "Federated States of Micronesian aircraft"

means:

(a) An aircraft registered in the Federated States of Micronesia as a Federated States of Micronesia aircraft in accordance with Title 20 of the Federated States of Micronesia Code;

(b) An aircraft that is owned by or in the
possession or control of the Government of the Federated States of Micronesia or an authority of the Government of the Federated States of Micronesia;

(38) "Federated States of Micronesian ship" means:
   (a) A ship registered in the Federated States of Micronesia;
   (b) An unregistered ship that has the Federated States of Micronesian nationality;

(39) "Veterinary surgeon" means a person who is registered and entitle under the laws of the Federated States of Micronesia to practice the profession of veterinary medicine.

Subchapter II

Regulation of Drugs of Dependence, Controlled Chemicals and Controlled Equipment Used for Medical, Scientific or Industrial Purposes

Section 1105. Classification of drugs of dependence.

(1) Each of the drugs of dependence to which this chapter applies is classified by the Schedule of this chapter in which it appears under its international non-proprietary name or, lacking such a name, under its scientific name.

(2) Different measures of control are specified in this act for different drugs of dependence according to the classification so adopted, with the strictest measures being applied in relation to drugs of dependence listed in Schedule
1. less strict measures in relation to those listed in Schedule
2. II, and the least strict in relation to those listed in
3. Schedule III.
4. Section 1106. Preparations.
5. (1) Preparations shall be subject to the same
6. measures of control under this chapter as the drugs of
7. dependence they contain, and where any preparation contains two
8. or more constituent drugs of dependence, it shall be subject to
9. the measures governing the most strictly controlled
10. constituent.
11. (2) The Secretary of Health may by regulation exempt
12. any preparation containing a drug of dependence listed in
13. Schedule II or III from such measure of control provided by
14. this chapter, when the Secretary is satisfied that:
15. (a) The preparation is compounded in such way
16. as to present no significant risk of abuse; and
17. (b) The drug of dependence cannot be readily
18. recovered from it in a quantity liable to present such a risk;
20. (1) The Secretary of Health may by regulation amend
21. any Schedule to this chapter by, in accordance with subsection
22. (2), adding or deleting a drug of dependence, controlled
23. chemical or item of controlled equipment to or from the
24. relevant Schedule or, in the case of a drug of dependence, by
25. transferring it from one Schedule to another.
(2) In deciding whether to, and if so, how to amend Schedule I, II, III or IV of this act in relation to any drug of dependence or controlled chemical, the Secretary of Health shall have regard:

(a) To any classification of that drug of dependence or controlled chemical under any international drug control convention to which the Federated States of Micronesia may from time to time be a party;

(b) In the case of a drug or dependence or preparation, to:

(i) any recommendation made to the Secretary concerning classification of that drug of dependence by any body exercising public interest supervisory functions in the Federated States of Micronesia in relation to pharmacists or practitioners;

(ii) the extent which any likely public detriment associated with the actual or potential abuse of the drug in the Federated States of Micronesia might outweigh any likely public benefit associated with its actual or potential medical or scientific use in the Federated States of Micronesia.

(3) The Secretary of Health's powers under subsection (1) extend to transferring any substance listed in Schedule II or III of this chapter to Schedule I and vice versa.
Subchapter III
Registration, Licensing and Permit System

Section 1108. Application for registration.

(1) An operator who wishes to be authorized to manufacture, acquire or supply any:

(a) Controlled chemical listed in Table 2 of Schedule IV of this chapter; or

(b) Any item of controlled equipment, may apply to the Secretary of Health for registration under this subchapter.

(2) An application by an operator for registration shall be made in writing and specify:

(a) The full name, private and business address of the applicant;

(b) The activity to which the application relates;

(c) If the applicant is a company, the full name and residential address of each director and of the company secretary;

(d) If the applicant proposes to engage in the activity under a business name, that name;

(e) Each controlled chemical or item of controlled equipment to which the application relates;

(f) The address of each:

   (i) place where the proposed activity
will be carried out;

(ii) premises where the controlled chemical or controlled equipment will be stored;

(g) The security arrangements that would be implemented at each address; and

(h) Such other particulars as may be prescribed by regulation.

(3) An application for registration shall be accompanied by:

(a) A plan of each of the relevant premises, indicating where the controlled chemical or controlled equipment would be stored, and the location and nature of any security arrangements or devices;

(b) The prescribed fee.

Section 1109. Grant of registration.

(1) Where an application is made pursuant to section 1108(1), the Secretary of Health may register the applicant, if satisfied that:

(a) The applicant and, if a company, each director and the company secretary:

(i) has never been convicted and served a custodial sentence in the Federated States of Micronesia or elsewhere for an offense relating to a drug of dependence, a controlled chemical or controlled equipment;

(ii) is otherwise a fit and proper person
to be registered;

(b) The applicant proposes to engage in the activity;

(c) All places and premises at or in which the activity is to be undertaken are in fit condition;

(d) The security arrangements proposed at each relevant place and premises are appropriate and sufficient; and

(e) The activity will at all times be carried out under the supervision of a person who is a fit and proper person to carry out that supervision.

(f) Such conditions as may be necessary and reasonable for ensuring the proper:

(i) carrying out and supervision of the registered activity;

(ii) maintenance and security of all places and premises at or in which the registered activity will be carried out.

(g) Such other requirements as may be prescribed by regulation.

Section 1110. Application for a license.

(1) An operator who wishes to be authorized under this chapter to:

(a) Manufacture, acquire or supply otherwise then by retail any drug of dependence, or controlled chemical listed in Table 1 of Schedule IV of this chapter; or

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(b) States of Micronesia in transit, any controlled chemical in
5 4 equipment, may apply to the Secretary of Health for the grant
6 7 of a license under section 111.
8
9 10 Micronesia in transit, any drug of dependence or controlled
11 12 chemical listed in Table I of Schedule IV of this chapter, may
13 14 apply to the Secretary of Health to be authorized to do so by
15 16 activities in general; and
16 17 to carry out the specific transaction the subject of the permit
18 19 application.
19 20 Any drug of dependence in transit by post or forming part of
20 21 the medical stores of any ship or aircraft.
21 22 An application by an operator for a license
22 23 shall be made in writing to the Secretary of Health and
23 24 specify:
24 25 (a) The full name, private and business address
of the applicant;
(b) The activity to which the application relates;
(c) If the applicant is a company, the full name and residential address of each director and the company secretary;
(d) If the applicant proposes to engage in the activity under a business name, that name;
(e) The drug of dependence, controlled chemical or item of controlled equipment to which the application relates;
(f) The address of each:
   (i) place where the proposed activity would be carried out;
   (ii) premises where the drug of dependence, controlled chemical or item of controlled equipment would be stored;
(g) The security arrangements that would be implemented at each address;
(h) The name, residential address and qualifications of each person under whose supervision the activity would be carried out; and
(i) Such other requirements including, but not limited to volume estimates in the forthcoming year, plus volume statistics for the past year; in the case of
Hold a license?

(b) Is otherwise a fit and proper person to

controlled chemical or item of controlled equipment?

elsewhere on an offence relating to a drug of dependence,

courtroom sentence in the Provincial Court of Moncton or

(a) has never been convicted and served a

and the company secretary:

(1) The applicant and, if a company, each director

Health may grant a license if satisfied that:

been made in accordance with section 1110, the Secretary of

section 1111. Grant of license. Where an application has

(p) The fee prescribed by regulation.

and nature of any security arrangements or deposits.

item of controlled equipment would be stored, and the location

including where the drug of dependence, controlled chemical or

(a) A plan of each of the relevant premises.

b) An application for license shall be accompanied

preparatory proceeding.

estimated relating to each drug of dependence and

quantities of the substances and raw materials to be used, name and

manufacturing and destroying procedure to be used, name and

harvest. In the case of manufacture, the extraction,

well as the storage location and ultimate destination of the

cultivation, the geographical location, land surface area, as

C.B. NO. 15-0
Section 11.2. Contents and conditions of licenses.

(1) A license under this Part shall specify:

(a) the full name and address of the licensee;
(b) the activity to which the license relates;
(c) the drug of dependence, controlled chemical or item of controlled equipment to which the license relates;
(d) the address of each place and premises at which the licensed activity is to be carried out;

(2) The applicant proposes to engage in the activity:

(3) All places and premises at or in which the activity is to be undertaken are in fit condition;

(4) The security arrangements proposed at each relevant place and premises are appropriate and sufficient;

(5) The activity will at all times be carried out under the supervision of a person who is a fit and proper person to carry out that supervision;

(6) Where the activity relates to a drug of dependence, the activity will be carried out (whether or not for profit) exclusively for medical or scientific purposes, or in the case of any application to cultivate cannabis, exclusively for horticultural purposes.
The International non-propertetary transit or a drug of dependence:  

(b) In the case of a proposed import, export or 

consignment:  

exported, cartage, consignee and, if known, of any ultimate 

consignee; The full name and address of the consignor, the 

specify:  

permit shall be made in writing to the Secretary of Health and 

permit.  

Section 1113. Applications for import, export or transit 

prescribed by regulation.  

must such other requirements as may be 

place; and 

condition that a separate import, export or transit is to take 

transmit a drug of dependence or controlled chemical, the 

export or bring to the Secretary of Health in 

transmit, In the case of any license to import,

be carried out? 

places and premises at or in which the licensed activity will 

in (yyy) maintenance and security of all 

licensed activity.

(a) Carrying out and supervision of the 

able for ensuring the proper: 

such conditions as are necessary and reason 

C.B. No. 10-5
name or failing this, its name as listed in Schedule II or III of this chapter together with its trade name, if it has one; and

(ii) its pharmaceutical form;

(c) In the case of a proposed import, export or transit of a controlled chemical, its trade name;

(d) The quantity, mass, and volume or volume percent in mixture of any drug of dependence or controlled chemical the subject of the proposed operation;

(e) A description of the quantity and type of any controlled equipment the subject of operation;

(f) The date on which, or period in which, when the planned import, export or transit is to take place; and

(g) The planned transport route, if known, including the planned point of entry or exit from the Federated States of Micronesia.

(2) The import permit (by whatever name described) issued by the Government of the importing country or territory shall be attached to every application for export permit.

Section 1114. Grant of import, export or transit permits.

(1) The Secretary of Health may, on written application made in accordance with section 1113 by a licensed importer or licensed exporter, grant an import permit, export permit, or transit permit in relation to a specified import export transaction involving a drug of dependence or
to be effected.
(e) The period during which import or export is
dependence or preoccupation has been authorized:

Certificate, attesting that the import or the duty of
the number and date of the import
constituting and its known of the ultimate consignee;
its name and address of the immediate
(d) In the case of export permit;
whether the import is to be effected
and
its
(c) In the case of an import permit:
its
name
and
address
of
the
exporter;
its
name
of
the
controlled chemical or item of controlled equipment for which
non-proprietary name (and quantity of any drug of dependence,
its
name
and
address
of
the
licenced

permit
shall
specify:
its
name
of
the
controlled chemical in Table 1 of Schedule II.
(2) An import permit, export permit or transfer
export or transfer in more than one consignment,
permit granted pursuant to subsection (1) may allow import,
permit granted pursuant to subsection (1) may allow import,
An import permit, export permit or transfer
it, together with notice of the name of the foreign country to which the consignment has been diverted.

Section 1144. Seizure and detention of improperly or undocumented consignments.

(1) Where an import, export or transit consignment of a drug of dependence or controlled chemical in Table 1 of Schedule IV of this act is:

(a) Accompanied by an import permit, export permit, transit permit or diversion permit, and the Secretary of Health has reasonable grounds to believe that the permit is false, or has been obtained by fraud or willful misrepresentation of a material particular; or

(b) Is not accompanied by any such permit, the Commissioner of Customs shall seize and detain the consignment until the legitimacy of the consignment is confirmed by the Secretary of Health, or until a court orders it forfeiture.

(2) Where the Secretary of Health confirms the legitimacy of any consignment seized and detained pursuant to subsection (1), the Customs authorities shall forthwith release the consignment to those lawfully entitled to it.

Section 1145. Drugs of dependence registers.

(1) The following persons shall keep, or cause to be kept at a place where any drug of dependence is kept by that person, a register in accordance with the form prescribed from time to time by the Secretary of Health:
(a) Any person granted registration, or a license or a permit under subchapter III of this chapter in relation to any drug of dependence;

(b) Any person authorized under subchapter IV of this subchapter to issue a prescription or requisition for a drug of dependence, or to supply such a drug by retail;

(c) Any pharmacist, including a pharmacist responsible for the supervision of all other pharmacists employed in a hospital or other institution for medical treatment or care; or

(d) Any person in charge of a ward or other area of an institution for medical treatment in which any drug of dependence is administered.

(2) A person required by subsection (1) to keep or cause to be kept a register in relation to any drug of dependence, shall within 24 hours of any import, export, manufacture, administration, supply, acquisition, disposal or surrender of such drug, enter or cause to be entered in the register:

(a) The date of the import, export, manufacture, administration, supply, acquisition, disposal or surrender;

(b) The name, quantity, form, strength and, if relevant, dosage of the drug, imported, exported, manufactured, administered, supplied, acquired, disposed of or surrendered;
(c) The name and occupational or business address of the person to or from whom the drug was imported, exported, supplied or acquired;

(d) In the case of export or supply, the quantity of the drug, if any, still kept;

(e) In the case of supply on prescription for the purpose of treatment, or of administration of a drug of dependence for that purpose:

(i) the name and residential address of the person who prescribed the drug or ordered its administration;

(ii) the name and residential address of the patient for whom or to whom the drug was prescribed or administered, or where prescribed for or administered to an animal, of the person having custody of the animal at the time;

(iii) the name and residential address of the patient to whom the drug was prescribed, if different from the person referred to in subsection (ii);

(iv) the mental or physical condition for which the drug was supplied or administered;

(v) where applicable, the name and address of any person other than the treating practitioner who administered the drug, the time of administration, and particulars sufficient to identify any animal for whose treatment the drug was administered, prescribed or supplied on
prescription;

(f) In the case of supply on requisition in a hospital or other institution for medical treatment or care, for the purpose of treatment, details of the dispensary, ward or other place to which the drug was supplied;

(g) In the case of surrender, the name of the person to whom the drug was surrendered;

(h) In the case of disposal, the method of disposal.

(3) A person who makes an entry in a drugs register shall sign the entry.

(4) A person may, in the presence of a witness, correct a mistake in an entry in a drugs register, providing the person making the correction makes and signs a notation to that effect adjacent to the correction, and the witness countersigns the notation.

(5) A person who:

(a) Supplies a drug of dependence to a ward or other area of an institution for medical treatment or care; or

(b) In the ordinary course of duties in a medical, dental or veterinary practice, or in a ward or other area of an institution for medical treatment or care, witnesses the administration of that drug, shall countersign the relevant entry in the drugs register.

(6) The register, and all prescriptions,
requisitions and commercial documents relating to entries therein shall be kept for at least 3 years after the end of the calendar year of the last entry in the register.

(7) A person who keeps or causes to be kept a drug register shall:

(a) Subject to any written direction to the person by the Secretary of Health, retain possession of the register for 3 years after the date of the last entry in the register;

(b) Permit the register to be inspected on request by any person authorized in writing by the Secretary of Health.

Section 1146. Controlled chemicals and controlled equipment registers.

(1) Any person granted registration, or a license or a permit under subchapter III of this chapter in relation to any controlled chemical or item of controlled equipment shall keep, or cause to be kept, at a place where any such chemical or item is kept by that person, a register in accordance with the form prescribed by the Secretary of Health.

(2) A person required under subsection (1) to keep and maintain a register in relation to any controlled chemical or item of controlled equipment shall, within 24 hours of any import, export, manufacture, supply, acquisition or disposal by that person of any such chemical or item, enter or cause to be
entered in such register:

(a) The date of the import, export, manufacture, supply, acquisition or disposal;

(b) The name of the chemical or equipment and the quantity involved;

(c) In the case of a controlled chemical, its form and strength;

(d) In the case of disposal, the method of disposal;

(e) In the case of import, export, acquisition or supply, the name and occupational or business address of the person to or from whom the chemical or item was imported, exported, acquired or supplied, and where known, the name of any ultimate consignee.

(3) The register, and all commercial documents relating to entries therein such as orders, invoices, dispatch notes, cargo manifests or customs or other shipping documents shall be kept for at least 3 years after the end of the calendar year of the last entry in the register.

Section 1147. False entries in registers. A person required to keep a register under this part shall not make, or cause or permit to be made, an entry in the register that is, to the knowledge of that person, false or misleading in any particular.

Penalty: Any person who violates this section is punishable by
imprisonment for not more than five years, or a fine of $5,000; or both.

Section 1148. Duty to notify loss, destruction or discrepancies in registers. A person required to keep a register under this part shall, immediately on discovering:

(1) The loss or destruction of the whole or any part of the contents of the register; or

(2) Any discrepancy in the register, other than a mistaken entry, advise the Secretary of Health in writing accordingly.

Section 1149. Safe keeping of drugs of dependence.

(1) A person:

(a) Authorized under subchapter III to import, export, manufacture, administer, supply or acquire a drug of dependence;

(b) Referred to in section 1130, shall while the drug is in the person's custody or control, keep it in a vault, strongroom, safe or other prescribed secure storage;

Penalty: Any person who violates this section shall be sentenced to a term of imprisonment of not more than two years, a fine of $5,000, or both.

(2) A person referred to in subsection (1) shall take such measures as the Secretary of Health may direct in writing to ensure that no unauthorized person has:

(a) Access to the combination, key or other
Means of access to any secure receptacle containing a drug of
dependence, or

(b) The drug of dependence contained therein.

Section 1150. Duties where loss or theft of a drug of
dependence. A person authorized under subchapter III to
import, export, manufacture, administer, supply or acquire a
drug of dependence or referred to in section 1130, shall
immediately upon becoming aware of the loss or theft of any
quantity of the drug in the person's custody or control:

(1) If the person believes on reasonable grounds
that the drug has been stolen, orally notify a police officer
immediately, and place such notification in writing within 24
hours;

(2) In the case of loss, give a written report of
the circumstances of the loss to a police officer;

(3) Record relevant particulars of the loss or theft
in the appropriate drug register.

Section 1151. Regulations. The Secretary of Health is
authorized to promulgate regulations in accordance with chapter
1 of title 17 of this Code and charge reasonable fees relating
to the registration, licensing, permitting and control of the
manufacturing, distribution and dispensing of drugs of
dependence.

Subchapter VI

Trafficking and Related Offenses
Section 1170. **Unlawful cultivation.**

(1) No person shall cultivate a cannabis plant, coca bush or opium poppy for the purpose of producing a drug of dependence, or for any other purpose.

Penalty: Subject to subsection (3), in the case of a natural person, imprisonment not exceeding the applicable period shown in Table 1, fine not exceeding the amount shown in Table 1, or both; in the case of a corporation, fine not exceeding five times the amount shown in Table 1:

<table>
<thead>
<tr>
<th>Plant cultivated</th>
<th>Number of plants cultivated</th>
<th>Over 1,000</th>
<th>21 to 1,000</th>
<th>6 to 20</th>
<th>1 to 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opium poppy</td>
<td></td>
<td>25 yrs</td>
<td>15 yrs/$25000</td>
<td>10 yrs/$15000</td>
<td>5 yrs/$5000</td>
</tr>
<tr>
<td>Coca bush</td>
<td></td>
<td>25 yrs</td>
<td>15 yrs/$25000</td>
<td>10 yrs/$15000</td>
<td>5 yrs/$5000</td>
</tr>
<tr>
<td>Cannabis Plant</td>
<td></td>
<td>15 yrs</td>
<td>10 yrs/$15000</td>
<td>5 yrs/$5000</td>
<td>2 yrs/$2500</td>
</tr>
</tbody>
</table>

(2) If in prosecution of a person for an offense against subsection (1) it is proved that:

(a) 21 or more cannabis plants, opium poppy plants or coca bush plants, the existence of which plants the accused was aware or could reasonably be expected to be aware, were found on a particular date on cultivated land; and

(b) The accused was on that date the owner, occupier, manager or person in charge of that land, there shall
be a rebuttable presumption that the accused cultivated the
plants for the purpose of sale or supply.

(3) Where a person is convicted of an offense
against subsection (1) by virtue of the person having separated
opium, coca leaves, or cannabis resin from the plant from which
they are obtained, the penalty shall be in the case of a
natural person, imprisonment not exceeding 10 years, fine not
exceeding $15,000, or both; in the case of a corporation, fine
not exceeding $75,000.

Section 1171. Unlawful import, export, possession for the
same.

(1) No person shall import or export a drug of
dependence, or acquire or possess a drug of dependence for the
purpose of importing or exporting it, except pursuant to and in
accordance with the terms and conditions:

(a) Of a license issued under section 1111;

and

(b) Of a permit issued under section 1114.

Penalty: In the case of a natural person, imprisonment not
exceeding the applicable period shown in Table 2, fine not
exceeding the amount shown in Table 2, or both; in the case of
a corporation, fine not exceeding five times the amount shown
in Table 2:
Table 2

Maximum Period of Imprisonment/Fine
for Import, Export of Drug of Dependence

<table>
<thead>
<tr>
<th>Import/export purpose</th>
<th>Drugs of dependence involved</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Prohibited drug</td>
</tr>
<tr>
<td>for the purpose of</td>
<td></td>
</tr>
<tr>
<td>sale or supply</td>
<td>25yrs/$50000</td>
</tr>
<tr>
<td>in any other case</td>
<td>15yrs/$15000</td>
</tr>
</tbody>
</table>

(2) No person shall import or export a controlled chemical or item of controlled equipment, or acquire or possess a controlled chemical or item of controlled equipment for the purpose of importing or exporting it, except pursuant to and in accordance with the terms and conditions of:

(a) A license under section 1111 and a permit issued under section 1111, in the case of any controlled chemical listed in Table 1 of Schedule IV; or

(b) A license issued under section 1111, in any other case.

Penalty: In the case of a natural person, imprisonment not exceeding the applicable period shown in Table 3, fine not exceeding the amount shown in Table 3, or both; in the case of a corporation, fine not exceeding five times the amount shown in Table 3:
Table 3
Maximum Period of Imprisonment/Fine for
Import, Export of Controlled Chemicals
or Controlled Equipment

<table>
<thead>
<tr>
<th>Subject of the offense</th>
<th>If to be used in the manufacture of a</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Prohibited drug</td>
</tr>
<tr>
<td>Controlled chemical</td>
<td>15yrs/$25000</td>
</tr>
<tr>
<td>Table 1 of Schedule IV</td>
<td></td>
</tr>
<tr>
<td>Controlled chemical</td>
<td>10yrs/$15000</td>
</tr>
<tr>
<td>Table 2 of Schedule IV</td>
<td></td>
</tr>
<tr>
<td>Item of Controlled</td>
<td>10yrs/$15000</td>
</tr>
<tr>
<td>equipment</td>
<td></td>
</tr>
</tbody>
</table>

Section 1172. Unlawful manufacture, possession for the same.

(1) Subject to subsection (3), no person shall manufacture a drug of dependence, or acquire or possess a drug of dependence for the purpose of manufacturing another drug of dependence, except pursuant to and in accordance with the terms and conditions of a license issued under section 1111.

(2) Subject to subsection (3), no person shall manufacture a controlled chemical or item of controlled
equipment, or acquire or possess a controlled chemical or item of controlled equipment for the purpose of such manufacture:

(a) Except pursuant to, and in accordance with the terms and conditions of:

(i) a license issued pursuant to section 1111 and a permit issued pursuant to section 1114, in the case of any controlled chemical listed in Division 1 of Schedule V;

(ii) in any other case, a license issued pursuant to section 1111; or

(b) If the person knows or has reasonable grounds for believing that the controlled chemical or item of controlled equipment is to be used, in the Federated States of Micronesia or elsewhere, for the unlawful manufacture of a drug of dependence, or in the unlawful cultivation of a cannabis plant, coca bush or opium poppy.

Penalty: For an offense against subsection (1) or (2), in the case of a natural person, imprisonment not exceeding the applicable period shown in Table 4, fine not exceeding the amount shown in Table 4, or both; in the case of a corporation, fine not exceeding five times the amount shown in Table 4:
Table 4

Maximum Period of Imprisonment/Fine
Unlawful Manufacture of Drug of Dependence,
Controlled Chemical or Controlled Equipment

<table>
<thead>
<tr>
<th>Drug of dependence</th>
<th>Controlled chemical</th>
<th>Controlled equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibited drug</td>
<td>High risk drug</td>
<td>in Division 1</td>
</tr>
<tr>
<td></td>
<td>Risk drug</td>
<td>Schedule V</td>
</tr>
<tr>
<td>in Division 2</td>
<td></td>
<td>Schedule V</td>
</tr>
<tr>
<td></td>
<td></td>
<td>in Division 2</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Schedule V</td>
</tr>
<tr>
<td>25 years</td>
<td>15 yrs/$25000</td>
<td>10 yrs/$15000</td>
</tr>
<tr>
<td></td>
<td>5 yrs/$5000</td>
<td>2 yrs/$2500</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 yrs/$2500</td>
</tr>
</tbody>
</table>

(3) This section does not apply in the case of an authorized person who, acting in accordance with the norms and standards of his or her profession, manufactures a drug of dependence or a controlled chemical for the purpose of professional supply.

Section 1173. Unlawful sale, supply, administration, possession for the same.

(1) No person shall sell a drug of dependence (whether or not by retail) supply it (whether or not on requisition) or administer it, or acquire or possess a drug of dependence for the purpose of such sale supply or administration, except:

(a) Pursuant to, and in accordance with, the terms and conditions of, a license issued under section 1111; or

(b) As authorized under section 1130.
Penalty: In the case of a natural person, imprisonment not exceeding the applicable period shown in Table 5, fine not exceeding the amount shown in Table 5, or both; in the case of a corporation, fine not exceeding five times the amount shown in Table 5:

<table>
<thead>
<tr>
<th>Quantity of drug of dependence sold, supplied or possessed</th>
<th>Maximum period of imprisonment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Prohibited drug</td>
</tr>
<tr>
<td>Commercial quantity</td>
<td>25yrs/$50000</td>
</tr>
<tr>
<td>Trafficable quantity</td>
<td>15yrs/$15000</td>
</tr>
<tr>
<td>Less than a Trafficable quantity</td>
<td>5yrs/$5000</td>
</tr>
</tbody>
</table>

(2) No person shall sell a controlled chemical or item of controlled equipment (whether or not by retail) or supply it, or acquire or possess a controlled chemical or item of controlled equipment for the purpose of such sale or supply:

(a) Except pursuant to, and in accordance with the terms and conditions of:

(i) in the case of any controlled chemical listed in Table 1 of Schedule IV, a license issued pursuant
to section 1111 and any permit issued pursuant to section 1114; or

(ii) in any other case, a license issued pursuant to section 1111; or

(b) If the person knows or has reasonable grounds for believing that the controlled chemical or item of controlled equipment is to be used, in the Federated States of Micronesia or elsewhere, for the unlawful manufacture of a drug of dependence, or in the unlawful cultivation of an cannabis plant, coca bush or opium poppy.

Penalty: In the case of a natural person, imprisonment not exceeding the applicable period shown in Table 6, fine not exceeding the amount shown in Table 6, or both; in the case of a corporation, fine not exceeding five times the amount shown in Table 6:
Table 6

Maximum Period of Imprisonment/Find
Sale or Supply of Controlled Chemical
or Item of Controlled Equipment

<table>
<thead>
<tr>
<th>Subject of the offense</th>
<th>If to be used in the manufacture of a</th>
<th>In any other case</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Prohibited drug</td>
<td>Risk drug</td>
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<tr>
<td>Controlled chemical</td>
<td>15 years/</td>
<td>5 years/</td>
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<tr>
<td>Division 1 of sched. V</td>
<td>$25000</td>
<td>$5000</td>
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<tr>
<td></td>
<td>10 years/</td>
<td>2 years/</td>
</tr>
<tr>
<td></td>
<td>$15000</td>
<td>$2500</td>
</tr>
<tr>
<td>Controlled chemical</td>
<td>10 years/</td>
<td>2 years/</td>
</tr>
<tr>
<td>Division 2 of Sched. V</td>
<td>$15000</td>
<td>1 year/</td>
</tr>
<tr>
<td></td>
<td>5 years/</td>
<td>$1000</td>
</tr>
<tr>
<td></td>
<td>$5000</td>
<td></td>
</tr>
<tr>
<td>Item of Controlled</td>
<td>10 years/</td>
<td>2 years/</td>
</tr>
<tr>
<td>equipment</td>
<td>$15000</td>
<td>1 year/</td>
</tr>
<tr>
<td></td>
<td>$5000</td>
<td>$1000</td>
</tr>
</tbody>
</table>

Section 1174. Facilitating personal use by others.

(1) No person, other than a licensee in accordance with the terms and conditions of license issued under section 1111, shall publish or display, or cause or permit to be published or displayed

(2) No owner or occupier of any place used by or accessible to the public shall cause or permit there the unlawful use of a drug of dependence.

(3) No person shall administer a drug of dependence, or cause or permit it to be administered, except an authorized person acting in the circumstances referred to in section 1131.
(4) No person shall add a drug of dependence to food
or drink without the knowledge of the consumer.

(5) A person who knows or has reason to believe that
a substance is a drug of dependence shall not sell it as
another substance.

(6) No person shall sell as a drug of dependence, a
substance which the person knows or has reason to believe is
not a drug of dependence.

Penalty: Imprisonment for a maximum of 2 years or a maximum
fine of $2500, or both.

(7) No person shall sell, supply or acquire a drug
of dependence on presentation of a prescription, if the person
knows or has reason to believe that the prescription is forged,
unlawfully altered, cancelled, or issued more than six months
before presentation.

Penalty: Imprisonment for a maximum of 2 years, or a maximum
fine of $2500, or both.

Section 1175. **Grounds for aggravation.** The maximum
penalties specified in relation to an offense against this
chapter shall be imposed when:

(1) The convicted offender:

   (a) Belonged to an organized criminal
syndicate;

   (b) Participated in other illegal activities
facilitated by the offense;
The drug was delivered or offered to a minor, or when use by such a person was facilitated;

(a) A mental health professional or a person undergoing treatment;

(b) A penal institution, a mental health facility or in a hospital or care institution, a social service facility or in an establishment, a teaching or educational establishment, a

(c) By a health professional or person

The offence was committed:

(a) In a state of rectification

(b) In a state of rectification and promiscuity

(c) Committed the offence in the exercise of public office,
Subchapter VII

Standards and Schedules

Section 1180. Schedule I - Prohibited Drugs of

Dependence.

(1) The drugs of dependence listed in this section
are included in Schedule I which shall include:

(a) The following substances, designated by
their international non-proprietary names or the names used in
the international conventions in force;

(b) Their isomers, unless specifically
excepted, whenever the existence of such isomers is possible
within the specific chemical/designation;

(c) Their esters and ethers, unless
specifically excepted, whenever the existence of such esters
and ethers is possible;

(d) Their salts, including the salts of
esters, ethers and isomers whenever the existence of such salts
is possible; and

(e) Preparations of these substances, unless
exempted by law.

(2) From Schedule IV of the Convention on Narcotic

Drugs, 1961.

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<th>Trafficable</th>
<th>Commercial</th>
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<tbody>
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<td>quantity</td>
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<td>C. B. No.</td>
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<tr>
<td>From Schedule I of the Convention on Psychotropic</td>
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<td>Description</td>
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<tr>
<td>1</td>
<td>(a) Brolamfetamine (2,5-Dimethoxy-</td>
</tr>
<tr>
<td>2</td>
<td>4-bromoamfetamine (DOB)</td>
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<tr>
<td>3</td>
<td>(b) Cathinone</td>
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<td>(c) DET (N,N-</td>
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<td>Diethyltrytamine)</td>
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<td>6</td>
<td>(d) 2,5-Dimethoxyamfetamine</td>
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<td>7</td>
<td>(DMA)</td>
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<td>8</td>
<td>(e) DMHP (3-(1,2-Dimethylheptyl)</td>
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<td>7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran</td>
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<td>(f) DMT (N,N-</td>
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<tr>
<td>11</td>
<td>Dimethyltryptamine</td>
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<td>12</td>
<td>(g) 2,5-Dimethoxy-4-ethylamfetamine (DOET)</td>
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<td>13</td>
<td>(h) Eticyclidine(PCE)</td>
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<td>14</td>
<td>(i) Etryptamine</td>
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<td>(j) Lysergide (LSD,LSD-25)</td>
</tr>
<tr>
<td>16</td>
<td>(k) Tenamfetamine (MDA)</td>
</tr>
<tr>
<td>17</td>
<td>(l) Mescaline (3,4,5-</td>
</tr>
<tr>
<td>18</td>
<td>Trimethoxy-phenethylamine) and other substances structurally derived from methoxyphenylethylamine, except-</td>
</tr>
<tr>
<td>19</td>
<td>(i) methoxyphenamine; or</td>
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<td>20</td>
<td>(ii) where separately specified in this Schedule</td>
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<td>13</td>
<td>(z)</td>
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</tbody>
</table>

140 of 206
separately specified in this Schedule

(aa) 3,4,5-Trimethoxyfetamine

(TMA)

0.50 0.50

(4) A substance which is, in relation to a drug of
dependence specified elsewhere in this Schedule:

(a) An active principal of that drug;

(b) A preparation of admixture of that drug; or

(c) A salt of that drug or active principal;

except where the substance is separately specified in this
Schedule.

(5) A substance ("drug analogue") which is, in
relation to another substance (being a drug of dependence or a
substance specified elsewhere in this Schedule, or a
stereoisomer, or a structural isomer (with the same constituent
groups):

(a) A stereoisomer;

(b) A structural isomer having the same

constituent group;

(c) A structural modification notionally

obtained in 1 or more of the following ways:

(i) by the replacement of up to 2
carbocyclic or heterocyclic ring structures;

(ii) by the addition of hydrogen atoms to

1 or more unsaturated bonds;

(iii) by the addition of 1 or more of the
21 Respectively, or:
20 treatable quantity and the minimum commercial quantity
19 for purposes of subsection 4 the minimum
18 schedule.
17 (i) is separately specified in this
16 (j) is a drug of dependence;
15 where the drug analogues:
14 structure? however manufactured or actually obtained, except
13 characteristic to or substance substantially similar in chemical
12 (e) otherwise a homologous, analogues,
11 enter group into an atate group or:
10 by the conversion of a carbohydrate or an
9 group or groups!
8 the groups specified in subparagraph (i) with another such
7 by the replacement of 1 or more of
6 and analogues?
5 nitrogen, sulfur, carbon and halogen, hydroxy, nitro,
4 with up to 6 carbon atoms in the group is attached to oxygen,
3 atoms in any alcohol residue, alkyl and alkaryl groups
2 monatomic-anion and dianionic groups with up to 6 carbon
1 totoing groups, namely alkoxyl, cylic ether, acyl, acyloxy,
minimum trafficable quantity and the minimum commercial quantity are respectively the least.

(7) For purposes of subsection 5 the minimum trafficable quantity and the minimum commercial quantity, respectively, or:

(a) The drug of dependence or prohibited substance in relation to which the substance is a drug analogue;

or

(b) If there is more than one such drug—the drug referred to in paragraph (a) in relation to which the minimum trafficable quantity and the minimum commercial quantity are respectively the least.

Section 1181. Schedule II - High risk drugs of dependence.


<table>
<thead>
<tr>
<th></th>
<th>Trafficable quantity</th>
<th>Commercial quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(grams)</td>
<td>(kilograms)</td>
</tr>
<tr>
<td>20</td>
<td>(a) Acetylmethadol</td>
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</tr>
<tr>
<td>21</td>
<td>(b) Alfentanil</td>
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<td>22</td>
<td>(c) Allylprodine</td>
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<tr>
<td>23</td>
<td>(d) Alphacetylmethadol</td>
<td>10.00</td>
</tr>
<tr>
<td>24</td>
<td>(e) Alphameprroline</td>
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</tr>
<tr>
<td>25</td>
<td>(f) Alphamethadol</td>
<td>0.20</td>
</tr>
<tr>
<td>Time</td>
<td>Preparation</td>
<td>Dose of Dithranol</td>
</tr>
<tr>
<td>-------</td>
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<td>-------------------</td>
</tr>
<tr>
<td>5.00</td>
<td>Phytophormpine</td>
<td>15</td>
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<td>2.00</td>
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Concentrate of poppy straw has entered into a process for

<table>
<thead>
<tr>
<th>Time</th>
<th>Preparation</th>
<th>Dose of Dithranol</th>
<th>Concentration of the Acteolates</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.00</td>
<td>Phytophormpine</td>
<td>15</td>
<td>25</td>
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Concentrate of poppy straw (the material)

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<th>Dose of Dithranol</th>
<th>Concentration of the Acteolates</th>
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<tbody>
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Concentrate of poppy straw (the material)
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<td>containing, per dosage unit, 2.5 mg or less</td>
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<td>sulphate equivalent to at least 1% of the dose</td>
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145 of 206
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(2) From Schedule II of the Convention on Narcotic Drugs, 1961.

(a) Acetyldihydrocodeine, except when compounded with one or more other medicaments:

(i) in individed preparations

containing not more than 100 mg of acetyldihydrocodeine per dosage unit; or

(ii) in undivided preparations with a concentration of not more than 2.5% of acetyldihydrocodeine

2.00   2.00

(b) Codeine, except when compounded with one or more other medicaments:

(i) in divided preparations

containing 30 mg or less of codeine per dosage unit; or

(ii) in undivided preparations containing 1% or less

codeine 10.00 10.00

(c) Codeine-N-oxide 10.00 10.00

(d) Dextropropoxyphene, except when:

(i) in divided preparations

containing 135 mg or less of dextropropoxyphene

148 of 206
per dosage unit; or

(ii) in liquid preparations

containing 2.5% or less of dextropropoxyphene 27.00  27.00

(e) Dihydrocodeine, except when

compounded with one or more other medicaments:

(i) in divided preparations

containing not more than 100 mg of

dihydrocodeine per dosage unit; or

(ii) in undivided preparations

with a concentration of not more than 2.5% of

dihydrocodeine 10.00  10.00

(f) Ethylmorphine, except when

compounded with one or more than medicaments:

(i) in divided preparations

containing not more than 100 mg of

ethylmorphine per dosage unit; or

(ii) in undivided preparations

with a concentration of not more than 2.5% of

ethylmorphine 2.00  2.00

(g) Nicocodine, except when compounded

with one or more other medicaments:

(i) in divided preparations

containing not more than 100 mg of

nicocodine per dosage unit; or

(ii) in undivided preparations
with a concentration of not more than 2.5% of
nicocodine  2.00  2.00

(h) Nicodicodine, except when compounded
with one or more other medicaments:

(i) in divided preparations

containing not more than 100 mg of nicodicodine per dosage unit;
or

(ii) in undivided preparations

with a concentration of not more than 2.5% of

nicodicodine  2.00  2.00

(i) Norcodeine, except when compounded
with one or more other medicaments:

(i) in divided preparations

containing not more than 100 mg of

norcodeine per dosage unit; or

(ii) in undivided preparations

with a concentration of not more than 2.5% of

norcodeine  2.00  2.00

(j) Pholcodine, except when compounded
with one or more other medicaments:

(i) in divided preparations

containing not more than 100 mg of pholcodine per dosage unit; or

(ii) in undivided preparations

with a concentration of not more than 2.5% of

pholcodine  5.00  5.00
25 schedule.
22 except where the substance is separately specified in this
22 (a) a salt of that drug or active principle,
22 (b) a preparation of admixture of that drug of
22 an active principal of that drug!
20 dependence specified elsewhere in this schedule.
19 (4) a substance which is in relation to a drug of
18 (o) hexobarbital
16 secobarbital
15 phenmetrazine
14 methyphenidate
13 metamitadone
12 metametramine racemate
11 metametramine
10 meclofenoxate
9 levomepromazine
8 levomepromazine
7 pentylazine
6 diazepam
5 deametramine
4 ametramine

Drugs, 1961.
2) From Schedule I of the Convention on Narcotic
1) Proprietum
10.00 10.00
5.00 5.00
2.00 2.00
0.00 0.00

C. B. NO. 0-51
(5) A substance ("drug analogue") which is, in relation to another substance (being a drug of dependence or a substance specified elsewhere in this Schedule, or a stereoisomer, a structural isomer (with the same constituent groups):

(a) A stereoisomer;
(b) A structural isomer having the same constituent group;
(c) A structural modification notionally obtained in 1 or more of the following ways:
  (i) by the replacement of up to 2 carbocyclic or heterocyclic ring structures with different carbocyclic or heterocyclic ring structures;
  (ii) by the addition of hydrogen atoms to 1 or more unsaturated bonds;
  (iii) by the addition of 1 or more of the following groups, namely alkoxy, cyclic diether, acyl, acyloxy, monoalkylamino and dialkylamino groups with up to 6 carbon atoms in any alkyl residue; alkyl, alkenyl and alkynyl groups with up to 6 carbon atoms in the group is attached to oxygen, nitrogen, sulphur or carbon; and halogen, hydroxy, nitro and amino groups;
  (iv) by the replacement of 1 or more of the groups specified in subparagraph (iii) with another such group or groups;
(v) by the conversion of a carboxyl or an ester group into an amide group; or

(e) Otherwise a homologue, analogue, chemical derivative or substance substantially similar in chemical structure;

however manufactured or actually obtained, except where the drug analogue:

(A) is a drug of dependence; or

(B) is separately specified in this Schedule.

(6) For the purposes of subsection 4 the minimum trafficable quantity and the minimum commercial quantity respectively, of:

(a) The drug of dependence in relation to which the substance is specified in this item; or

(b) If there is more than one such drug—the drug referred to in paragraph (a) in relation to which the minimum trafficable quantity and the minimum commercial quantity are respectively the least.

(7) For the purposes of subsection 5 the minimum trafficable quantity and the minimum commercial quantity, respectively, of:

(a) The drug of dependence or prohibited substance in relation to which the substance is a drug analogue; or
(b) If there is more than one such drug or
prohibited substance - the drug or prohibited substance
referred to in paragraph (a) in relation to which the minimum
trafficable quantity and the minimum commercial quantity are
respectively the least.

Section 1182. Schedule III - Risk Drugs of Dependence.
(1) Schedule III of the Convention of Psychotropic
Substances, 1971.

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<td>(g) Pentazocine</td>
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(2) From Schedule IV of the Convention on Psychotropic
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<tr>
<td>23</td>
<td>(a) Allobarbital</td>
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<tr>
<td>24</td>
<td>(b) Alprazolam</td>
<td>2.00</td>
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<td>25</td>
<td>(c) Aminorex</td>
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</tr>
<tr>
<td>Brand</td>
<td>Strength</td>
<td>Drug Type</td>
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<tr>
<td>Halazepam</td>
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<td>Ethinamate</td>
<td>20 mg</td>
<td>Phenazepam</td>
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(3) A substance which is, in relation to a drug of
dependence specified elsewhere in this Schedule:

(a) An active principal of that drug;

(b) A preparation of admixture of that drug; or

(c) A salt of that drug or active principal;

except where the substance is separately specified in this
Schedule.

(4) A substance ("drug analogue") which is, in
relation to another substance (being a drug of dependence or a
substance specified elsewhere in this Schedule, or a
stereoisomer, a structural isomer (with the same constituent
groups):

(a) A stereoisomer;

(b) A structural isomer having the same
constituent group;

(c) A structural modification notionally
obtained in 1 or more of the following ways:

(i) by the replacement of up to 2
carbocyclic or heterocyclic ring structures with different
karbocyclic or heterocyclic ring structures;
   (ii) by the addition of hydrogen atoms to
    1 or more unsaturated bonds;
    (iii) by the addition of 1 or more of the
    following groups, namely alkoxy, cyclic diether, acyl, acyloxy,
    monoalkylamino and dialkylamino groups with up to 6 carbon
    atoms in any alkyl residue; alkyl, alkenyl and alkynyl groups
    with up to 6 carbon atoms in the group attached to oxygen,
    nitrogen, sulphur or carbon; and halogen, hydroxy, nitro and
    amino groups;
    (iv) by the replacement of 1 or more of
    the groups specified in subparagraph (iii) with another such
    group or groups;
   (v) by the conversion of a carboxyl or an
    ester group into an amide group; or
   (e) Otherwise a homologue, analogue, chemical
   derivative or substance substantially similar in chemical
   structure;
however manufactured or actually obtained, except where the
drug analogue:
  (A) is a drug of dependence; or
  (B) is separately specified in this
Schedule.
(5) For purposes of subsection 3 the minimum
trafficable quantity and the minimum commercial quantity respectively, of:

(a) The drug of dependence in relation to which the substance is specified in this item; or

(b) If there is more than one such drug — the drug referred to in paragraph (a) in relation to which the minimum trafficable quantity and the minimum commercial quantity are respectively the least.

(6) For the purposes of subsection 4 the minimum trafficable quantity and the minimum commercial quantity, respectively, of:

(a) The drug of dependence or prohibited substance in relation to which the substance is a drug analogue; or

(b) If there is more than one such drug or prohibited substance — the drug or prohibited substance referred to in paragraph (a) in relation to which the minimum trafficable quantity and the minimum commercial quantity are respectively the least.

Section 1183. Schedule IV - Controlled Chemicals.

(1) This schedule includes:

(a) The following substances, designated by their international non-proprietary names or the names used in the international conventions in force;

(b) The salts of these substances, whenever the
<table>
<thead>
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<th>Compound</th>
<th>Number</th>
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<tbody>
<tr>
<td>Sulfathiazole</td>
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<tr>
<td>Potassium permanganate</td>
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</tr>
<tr>
<td>Methyl ethyl ketone</td>
<td>5</td>
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<tr>
<td>Hydrocortisone acid</td>
<td>6</td>
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<tr>
<td>Prednisolone</td>
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<tr>
<td>Phenindione</td>
<td>8</td>
</tr>
<tr>
<td>Ketoprofen</td>
<td>9</td>
</tr>
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<td>Acetic acid</td>
<td>10</td>
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<tr>
<td>Acetic anhydride</td>
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<tr>
<td>3,4-Methyleneedioxyphenyl-2-propanone</td>
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<tr>
<td>Neoprene</td>
<td>13</td>
</tr>
<tr>
<td>1-Pheny1-2-propanone</td>
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<tr>
<td>Isosalicylic acid</td>
<td>15</td>
</tr>
<tr>
<td>Neosalicylic acid</td>
<td>16</td>
</tr>
</tbody>
</table>

Table II of the 1988 Convention.
(k) Toluene

Section 1184. Schedule V - Controlled Equipment

(1) This schedule shall include the following equipment:

(a) Encapsulating machines.

(b) Tabletting machines.

Subchapter VII

Forfeiture

Section 1190. Criminal forfeitures.

(1) Property subject to criminal forfeiture. Any person convicted of a violation under Chapter 11, Chapter 13 or subchapter III of Chapter 5 of this Title shall forfeit to the Federated States of Micronesia irrespective of any provision of State law:

(a) Any property constituting, or derived from, any proceeds the person obtained, directly or indirectly, as the result of such violation;

(b) Any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation. The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to this chapter, that the person forfeit to the Federated States of Micronesia all property described in this subsection. In lieu of a fine
otherwise authorized by this part, a defendant who derives
profits or other proceeds from an offense may be fined not more
than twice the gross profits or other proceeds.

(2) Meaning of term "property". Property subject to
criminal forfeiture under this section includes:

(a) Real property, including things growing
on, affixed to, and found in land; and
(b) Tangible and intangible personal property,
including rights, privileges, interests, claims, and
securities.

(3) Third party transfers. All rights, title, and
interest in property described in subsection (1) of this
section vests in the Federated States of Micronesia upon the
commission of the act giving rise to forfeiture under this
section. Any such property that is subsequently transferred to
a person other than the defendant may be the subject of a
special verdict of forfeiture and thereafter shall be ordered
forfeited to the Federated States of Micronesia, unless the
transferee establishes in a hearing pursuant to subsection (14)
of this section that he is a bona fide purchaser for value of
such property who at the time of purchase was reasonably
without cause to believe that the property was subject to
forfeiture under this section.

(4) Rebuttable presumption. There is rebuttable
presumption at trial that any property of a person convicted of
those crimes listed in subsection 1 is subject to forfeiture
under this section if the Federated States of Micronesia
establishes by a preponderance of the evidence that:

(a) Such property was acquired by such person
during the period of the violation of this chapter or within a
reasonable time after such period; and

(b) There is no likely source for such
property other than the violation of this chapter.

(5) Protective orders.

(a) Upon application of the Federated States
of Micronesia, the court may enter a restraining order or
injunction, require the execution of a satisfactory performance
bond, or take any other action to preserve the availability of
property described in subsection (1) of this section for
forfeiture under this section.

(i) upon the filing of a complaint,
indictment or information charging a violation of this chapter
for which criminal forfeiture may be ordered under this section
and alleging that the property with respect to which the order
is sought would, in the event of conviction, be subject to
forfeiture under this section;

(ii) prior to the filing of such a
complaint, indictment or information, if, after notice to
persons appearing to have an interest in the property and
opportunity for a hearing, the court determines that:
(1) there is a substantial probability that the Federated States of Micronesia will prevail on the issue of forfeiture and that failure to enter the order will result in the property being destroyed, removed from the jurisdiction of the court, or otherwise made unavailable for forfeiture; and

(2) the need to preserve the availability of the property through the entry of the requested order outweighs the hardship on any party against whom the order is to be entered.

Provided, however, that an order entered pursuant to subsection (ii) shall be effective for not more than 90 days, unless extended by the court for good cause shown or unless a complaint, indictment or information described in subparagraph (i) has been filed.

(b) A temporary restraining order under this subsection may be entered upon application of the Federated States of Micronesia without notice or opportunity for a hearing when a complaint, information or indictment has not yet been filed with respect to the property, if the Federated States of Micronesia demonstrates that there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and that provision of notice will jeopardize the availability of the property for forfeiture.
Such a temporary order shall expire not more than 10 days after the date on which it is entered, unless extended for good cause shown or unless the party against whom it is entered consents to an extension for a longer period. A hearing requested concerning an order entered under this paragraph shall be held at the earliest possible time and prior to the expiration of the temporary order.

(c) The court may receive and consider, at a hearing held pursuant to this subsection, evidence and information that would be inadmissible under the Rules of Evidence.

(6) **Warrant of seizure.** The Government may request the issuance of a warrant authorizing the seizure of property subject to forfeiture under this section in the same manner as provided for a search warrant. If the court determines that there is probable cause to believe that the property to be seized would, in the event of conviction, be subject to forfeiture and that an order pursuant to subsection (5) of this section may not be sufficient to assure the availability of the property for forfeiture, the court shall issue a warrant authorizing the seizure of such property.

(7) **Execution.** Upon entry of an order of forfeiture under this section, the court shall authorize the Attorney General to seize all property ordered forfeited upon such terms and conditions as the court shall deem proper. Following entry
of an order declaring the property forfeited, the court may,
upon application of the Federated States of Micronesia, enter
such appropriate restraining orders or injunctions, require the
execution of satisfactory performance bonds, appoint receivers,
conservators, appraisers, accountants, or trustees, or take any
other action to protect the interests of the Federated States
of Micronesia in the property ordered forfeited. Any income
accruing to or derived from property ordered forfeited under
this section may be used to offset ordinary and necessary
expenses to the property which are required by law, or which
are necessary to protect the interests of the Federated States
of Micronesia or third parties.

(8) Disposition of property. Following the seizure
of property ordered forfeited under this section, the Attorney
General shall direct the disposition of the property by sale or
any other commercially feasible means, making due provision for
the rights of any innocent persons. Any property right or
interest not exercisable by, or transferable for value to, the
Federated States of Micronesia shall expire and shall not
revert to the defendant, nor shall the defendant or any person
acting in concert with him or on his behalf be eligible to
purchase forfeited property at any sale held by the Federated
States of Micronesia. Upon application of a person, other than
the defendant or a person acting in concert with him or his
behalf, the court may restrain or stay the sale or disposition
of the property pending the conclusion of any appeal of the
criminal case giving rise to the forfeiture, if the applicant
demonstrates that proceeding with the sale or disposition of
the property will result in irreparable injury, harm, or loss
to him.

(9) Authority of the Attorney General. With respect
to property ordered forfeited under this section, the Attorney
General is authorized to:

(a) Grant petitions for mitigation or
remission of forfeiture, restore forfeited property to victims
of violations of this chapter or take any other action to
protect the rights of innocent persons which is in the interest
of justice and which is not inconsistent with the provisions of
this section;

(b) Compromise claims arising under this
section;

(c) Award compensation to persons providing
information resulting in a forfeiture under this section;

(d) Direct the disposition by the Federated
States of Micronesia, in accordance with the provisions of
section (8) of this title, of all property ordered forfeited
under this section by public sale or any other commercially
feasible means, making due provision for the rights of innocent
persons; and

(e) Take appropriate measures necessary to
safeguard and maintain property ordered forfeited under this section pending its disposition.

(10) **Bar on intervention.** Except as provided in subsection (14) of this section, no party claiming an interest in property subject to forfeiture under this section may:

(a) Intervene in a trial or appeal of a criminal case involving the forfeiture of such property under this subchapter; or

(b) Commence an action at law or equity against the Federated States of Micronesia concerning the validity of his alleged interest in the property subsequent to the filing of a complaint, indictment or information alleging that the property is subject to forfeiture under this section.

(11) **Jurisdiction to enter orders.** The courts of the Federated States of Micronesia shall have jurisdiction to enter orders as provided in this section without regard to the location of any property which may be subject to forfeiture under this section or which has been ordered forfeited under this section.

(12) **Depositions.** In order to facilitate the identification and location of property declared forfeited and to facilitate the disposition of petitions for remission or mitigation of forfeiture, after the entry of an order declaring property forfeited to the Federated States of Micronesia, the court may, upon application of the Federated States of
Micronesia order that the testimony of any witness relating to the property forfeited be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged be produced at the same time and place, in the same manner as provided for the taking of depositions under Rule 15 of the National Rules of Criminal Procedure.

(13) Third party interests. Following the entry of an order of forfeiture under this section, the Federated States of Micronesia shall publish notice of the order and of its intent to dispose of the property in such manner as the Attorney General may direct. The Government may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

(a) Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the Federated States of Micronesia pursuant to this section may, within 30 days of the final publication of notice or his receipt of notice under paragraph (1), whichever is earlier, petition the court for a hearing to adjudicate the validity of his alleged interest in the property.

(b) The petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title, or interest.
in the property, the time and circumstances of the petitioner's
acquisition of the right, title, or interest in the property,
any additional facts supporting the petitioner's claim, and the
relief sought.

(c) The hearing on the petition shall, to the
extent practicable and consistent with the interests of
justice, be held within 30 days of the filing of the petition.
The court may consolidate the hearing on the petition with a
hearing on any other petition filed by a person other than the
defendant under this subsection.

(d) At the hearing, the petitioner may testify
and present evidence and witnesses on his own behalf, and
cross-examine witnesses who appear at the hearing. The
Federated States of Micronesia may present evidence and
witnesses in rebuttal and in defense of its claim to the
property and cross-examine witnesses who appear at the hearing.
In addition to testimony and evidence presented at the hearing,
the court shall consider the relevant portions of the record of
the criminal case which resulted in the order of forfeiture.

(e) If, after the hearing, the court
determines that the petitioner has established by a
preponderance of the
evidence that:

(i) the petitioner has a legal right,
title, or interest in the property, and such right, title, or
interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

(ii) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of purchase reasonably without cause to believe that the property was subject to forfeiture under this section; the court shall amend the order of forfeiture in accordance with its determination.

(f) Following the court’s disposition of all petitions filed under this subsection, or if no such petitions are filed following the expiration of the period provided in paragraph (2) for the filing of such petitions, the Federated States of Micronesia shall have clear title to property that is the subject of the order of forfeiture and may warrant good title to any subsequent purchaser or transferee.

(14) Construction. The provisions of this section shall be liberally construed to effectuate its remedial purposes.

(15) Forfeiture of substitute property. If any of the property described in subsection (1) of this section, as a result of any act or omission of the defendant:
(a) Cannot be located upon the exercise of due diligence;
(b) Has been transferred or sold to, or deposited with, a third party;
(c) Has been placed beyond the jurisdiction of the court;
(d) Has been substantially diminished in value; or
(e) Has been commingled with other property which cannot be divided without difficulty; the court shall order the forfeiture of any other property of the defendant up to the value of any property described in paragraphs (a) through (e) of this subsection.

CHAPTER 12
Weapons Control

Section 1201. Short title. This act is known and may be cited as the "National Weapons Control Act."

Section 1202. General prohibition. No person shall manufacture, purchase, sell, possess or carry any firearm, dangerous device or ammunition other than as hereinafter provided.

Section 1203. Exemptions from provisions of act. This act shall not apply to:

(1) Law enforcement officers while engaged on official duty except to the extent that particular provisions
of this chapter are expressly made applicable to them.

(2) Firearms which are in unserviceable condition
and which are incapable of being fired or discharged and which
are kept as ornaments, curios, or for their historical
significance or value.

(3) Weapons or other dangerous devices which are not
firearms and which are kept as ornaments, curios, or objects of
historical or archeological interest; PROVIDED, that the
article or articles referred to herein are kept or displayed
only in private homes, museums, or in connection with public
exhibitions.

(4) Persons in the armed forces of the United
States, whenever such person are engaged on official duty
except to the extent that particular provisions of this chapter
are expressly made applicable to them.

(5) Persons designated by the Attorney General as
crocodile hunters; PROVIDED, however, that not more than one
person shall be so designated at any one time; and PROVIDED
FURTHER that the Attorney General shall by regulation limit the
size and type of weapons which may be used by such crocodile
hunter.

Section 1204. Definitions.

(1) "Automatic weapon" means a weapon of any
description irrespective of size, by whatever name designated
or known, loaded or unloaded, from which may be repeatedly or
1 automatically discharged a number of bullets contained in a
2 magazine, ribbon or other receptacle, by one continued movement
3 of the trigger or firing mechanism.
4 (2) "Carry" means having on one's person or in a
5 motor vehicle or other conveyance.
6 (3) "Dangerous device" means any explosive,
7 incendiary or poison gas bomb, grenade, mine or similar device,
8 switch or gravity blade knife, blackjack, sandbag, metal,
9 wooden or shark's tooth knuckles, dagger, any instrument
10 designed or redesigned for use as a weapon, or any other
11 instrument which can be used for the purpose of inflicting
12 bodily harm and which under the circumstances of its possession
13 serves no lawful purpose.
14 (4) "Firearm" means any device, by whatever name
15 known, which is designed or may be converted to expel or hurl a
16 projectile or projectiles by the action of an explosion, a
17 release, or an expansion of gas, including but not limited to
18 guns, except a device designed or redesigned for use solely as
19 a signaling, linethrowing, spearfishing, or industrial device,
20 or a device which hurls a projectile by means of the release or
21 expansion of carbon dioxide or air.
22 (5) "Gun" means a handgun or long gun.
23 (6) "Handgun" means a pistol or revolver with an
24 overall length of less than 26 inches.
25 (7) "Long gun" means a rifle with one or more
barrels more than 18 inches in length.

(8) "Person" means any natural person, corporation, partnership, or other business entity.

(9) "Semi-automatic weapon" means a weapon of any description irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other receptacle by a like number of movements of the trigger or firing mechanism without recocking or resting the trigger or firing mechanism.

(10) "Transfer" means sale, gift, purchase or any other means by which ownership or temporary rights of use and control are conveyed or shifted from one person to another.

Section 1205. Identification cards required; Issuance.

(1) No person shall acquire or possess any firearm, dangerous device, or ammunition unless he holds an identification card issued pursuant to this chapter. The identification card is evidence of the holder's eligibility to possess and use or carry firearms, dangerous devices, or ammunition.

(2) Identification cards shall be issued only by the Office of the Attorney General pursuant to regulations made by the Office of the Attorney General in the manner which is or may be provided by law. The identification card shall have on its face all of the following:

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(a) the name and address of the holder;
(b) the sex, height, and weight of the holder;
(c) the birth date of the holder;
(d) the date of expiration for the card, which shall be two years from the date of issue;
(e) a photograph of the holder taken within ten days prior to issuance;
(f) an endorsement setting forth the extent of the holder's eligibility to possess, use, and carry firearms, dangerous devices, or ammunition; and
(g) the number of the identification card.

(3) An applicant for the issuance or renewal of an identification card shall make application therefor on a form approved by the Office of the Attorney General and shall supply such information as may be necessary to afford the issuing agency reasonable opportunity to ascertain the facts required to appear on the face of the identification card, and to determine whether the applicant complies with all requirements of this chapter to possess and use, or carry, firearms, dangerous devices, or ammunition, as the case may be. Such information shall include a complete description and serial number, if any, of any firearm or dangerous device the applicant owns or possesses.

(4) No identification card shall be issued until fifteen days after application therefor, and unless the issuing
agency is satisfied that the applicant may lawfully possess
and use, or carry, firearms, dangerous devices, or ammunition
of the type or types enumerated on the identification card.

Unless the application for use and possession is denied, the
identification card shall be issued within sixty days from the
date of application. An identification card issued pursuant to
this section shall be valid for two years from the date of its
issuance unless it has been revoked. A valid identification
card issued pursuant to this section may be renewed bi-annually
upon application by the holder made on the form approved by the
Office of the Attorney General.

(5) No person shall be issued an identification card
if he has been:

(a) acquitted of any criminal charge by reason
of insanity;

(b) adjudicated mentally incompetent;

(c) treated in a hospital for mental illness,

drug addiction, or alcoholism;

(d) convicted of a crime of which actual or
attempted personal injury or death is an element;

(e) convicted of a crime in connection with
which firearms or dangerous devices were used or found in his
possession; or

(f) convicted of a crime of which the use,
possession, or sale of narcotics or dangerous drugs is an
element.

(6) No person shall be issued an identification card if he has a physical condition or impairment which makes him unable to use a firearm or dangerous device with proper control.

(7) Any person suffering from a physical or mental defect, condition, illness, or impairment which would make him ineligible for an identification card pursuant to this section may submit the certificate of a physician licensed to practice in the Federated States of Micronesia to the issuing agency or officer. If the certificate states that it is the subscribing physician’s best opinion that the defect, condition, illness, or impairment does not make the applicant incapable of possessing and using a firearm or dangerous device without danger to the public safety, the identification card may be issued. But no such card shall be valid for a period longer than six months.

(8) Any person who is ineligible for an identification card by reason of conviction of crime may be issued such a card if his most recent discharge from probation or parole or the termination of his most recent sentence, whichever is later, is more than ten years prior to the time of application for the identification card and if the issuing agency finds that his record, taken as a whole, does not indicate that his possessing and using, or carrying, a firearm
or dangerous device, as the case may be, are no likely to
constitute a special danger to the public safety; PROVIDED,
that if the crime which renders him ineligible for an
identification card is solely the failure to have an
identification card issued to him, then the reinstatement to
eligibility pursuant to this subsection shall occur five years
after the date of his sentencing.

(9) A duplicate identification card may be issued to
the holder of a lost, destroyed, or defaced identification card
upon proof of such loss, destruction, or defacement as the
Office of the Attorney General may require, upon payment of the
fee required by section 1230 of this chapter, and upon
surrender of any remaining portion of the original card.
Notice shall be given to the Office of the Attorney General by
the holder within forty-eight hours of his discovery of such
loss, defacement, or destruction. The holder shall notify the
Office of the Attorney General of any change of name or address
from those appearing upon the identification card within forty-
eight hours of such change.

(10) A person who is neither a citizen nor resident of
the Federated States of Micronesia shall not be eligible for an
identification card, except upon receiving special permission
from the Attorney General.

Section 1206. Identification cards required; Prima facie
evidence of possession.
(1) No person shall purchase, possess or use a firearm, dangerous device, or ammunition unless he is the holder of an identification card issued pursuant to this chapter evidencing the eligibility of such person to purchase, possess and use a firearm, dangerous device or ammunition. Such person shall be at least 21 years of age.

(2) Where a firearm, dangerous device, or ammunition is found in a vehicle or vessel, it shall be prima facie evidence that such firearm, dangerous device, or ammunition is in the possession of the occupant if there is but one. If there is more than one occupant, it shall be prima facie evidence that it is in the possession of all, except under the following circumstances:

(a) Where it is found upon the person of one of the occupants;

(b) Where the vehicle or vessel is not a stolen one and the firearm, dangerous device, or ammunition is out of view in a glove compartment, automobile trunk, or other enclosed customary depository, in which case it is prima facie evidence that such firearm, dangerous device, or ammunition is in the possession of the occupant or occupants who own or have authority to operate the vehicle or vessel;

(c) Where, in the case of a taxicab, the firearm, dangerous device, or ammunition is found in the passenger's portion of the vehicle, it shall be prima facie
evidence that it is in the possession of all the passengers, if
there are any, and, if not, that it is in the possession of the
driver.

Section 1207. Carrying firearms. No person shall carry a
firearm unless he has a valid identification card and is
carrying the firearm unloaded in a closed case or other
securely wrapped or closed package or container, or locked in
the trunk of his vehicle while on route to or from a target
range or area where he hunts or takes part in other sports
involving firearms, or carries the firearm in plain sight on
his person while actively engaged in hunting or sports
involving the use of firearms.

Section 1208. New residents, temporary residents and
visitors of the Federated States of Micronesia. Visitors, new
residents, and temporary residents in the Federated States of
Micronesia shall not import, transport, purchase, use or
possess any firearm, dangerous device or ammunition in the
Federated States of Micronesia without an identification card
issued pursuant to this subchapter. Any person who possesses
any firearms, dangerous device, or ammunition shall, before or
immediately upon his entrance into the Federated States of
Micronesia, turn it in to the Attorney General's Office or the
Chief of Police of any State of the Federated States of
Micronesia. Such firearm, dangerous device or ammunition shall
be returned to such person upon his or her being issued an
identification card pursuant to the provisions of this
subchapter or upon his or her departure from the Federated
States of Micronesia.

Section 1209. Law enforcement officers.

(1) Possession, use and carriage of firearms,
ammunition and dangerous devices by law enforcement officers
derives from the laws governing the powers, functions and
organization of the police and other organized forces of peace
officers. Eligibility of law enforcement officers to possess,
use and carry firearms, ammunition or dangerous devices while
on duty is not subject to the holding of identification cards
or any other qualifications prescribed in this subchapter or in
regulations pursuant thereto.

(2) Transfer of any firearm from or to a law
enforcement officer or agency shall, except as provided in
subsection (1) of this section, be subject to the provisions of
this subchapter and regulations made pursuant thereto.

(3) The head of a law enforcement agency of the
Federated States of Micronesia or any subdivision thereof shall
furnish to the Office of the Attorney General the names,
addresses, ranks and badge numbers or similar identification of
each person on his force who is authorized to possess, use and
carry firearms in the course of his official duties. Upon the
occurrence of any changes in personnel to whom this subsection
applies, the head of the law enforcement agency shall inform
the Office of the Attorney General promptly of the
change.

(4) Whenever a law enforcement officer is not
engaged in official duties, this subchapter shall be applicable
to him the same manner and to the same extent as to any other
person.

Section 1210. Licenses for transfer - Requirements.

(1) No dealer, manufacturer or wholesaler shall
transfer firearms, dangerous devices or ammunition except
pursuant to a license therefor as provided in this section.

(2) Any person, firm, corporation, association or
other entity proposing to engage in the business of selling
firearms, ammunition, and dangerous devices at retail shall
apply for a dealer's license. The application shall be on a
form approved by the Office of the Attorney General and shall
contain the following information:

(a) The name and address of the applicant,
including the address of each separate location within the
Federated States of Micronesia at which the applicant proposes
to do business pursuant to the license; and

(b) If the applicant is a partnership or
association, the names and addresses of the partners or
associates, or if the applicant is a corporation, the names and
addresses of the officers and directors; and

(c) Such other information bearing on the
applicant's ability to operate the business in a manner consonant with the public safety as the Office of the Attorney General may require.

Section 1211. Dealer's license - Issuance and renewal.

(1) Upon receipt of a proper application and payment of the prescribed fee, the Office of the Attorney General shall within 60 days issue a dealer's license to an applicant, if he is found to be eligible therefore pursuant to this chapter and any applicable regulations of the Attorney General. Such regulations shall place a reasonable limit on number of dealers. The license shall list the types of firearms, ammunition, and dangerous devices which the dealer has been authorized to offer for sale.

(2) A license issued pursuant to this section shall be valid for one year from the date of its issuance, unless sooner canceled, suspended or revoked. A license shall bear the expiration date thereof on its face.

(3) A license issued pursuant to this section may be renewed annually upon application by the holder made on a form approved by the Office of the Attorney General. Eligibility for renewal shall be on the same terms and conditions as for an original license, except that renewal also may be denied on account of violation of this chapter or regulations of the Office of the Attorney General made pursuant thereto or for any conduct in the operation of the applicant's business which give
the Office of the Attorney General grounds to believe that the
applicant will no longer operate in a manner consonant with the
public safety.

Section 1212. Dealer's license - Conduct of dealer's
business. The holder of a dealer's license shall:

(1) Display his license in a conspicuous place
at all times at the establishment described in the license. If
a dealer has more than one place of business at which he sell
firearms, dangerous devices and ammunition or any of them,
he shall display in the same manner a certified copy of his
license at each such additional place of business.

(2) Keep the records and file the reports required
by this chapter and regulations made pursuant thereto.

(3) Display no firearms, dangerous devices or
ammunition in any place where they can be seen from outside the
premises.

(4) Keep all firearms, dangerous devices and
ammunition in a securely locked place at all times except when
they are actually being shown to a customer or prospective
customer or when actually being repaired or otherwise worked
on.

(5) Permit only employees who are holders of
identification cards making them eligible to purchase, possess
and use firearms, ammunition or dangerous devices, to have
access to firearms, dangerous devices or ammunition.
Section 1213. Records and reports by dealers.

(1) Every licensed dealer shall maintain records containing an inventory of firearms, dangerous devices, and ammunition or any of them received together with the name and address of the person from whom received, and the manufacturer, type and serial number of each firearm and dangerous device, the name and address of the person to whom transferred, the identification card number of such person, the manufacturer, type and serial number of the gun or dangerous device transferred and the date of transfer. Such records shall be available for inspection at all reasonable times by the Office of the Attorney General and his duly designated representatives. Such records shall be retained at least five years.

(2) Every dealer, at the time of any transfer of any firearm or dangerous device to any person other than a licensed dealer shall, within twenty-four hours of the transfer, supply the following information to the Office of the Attorney General on a form approved by it:

(a) The name, address and license number of the dealer.

(b) The manufacturer, type and serial number of firearm or dangerous device transferred. No firearm shall be transferred which does not have a serial number or from which the serial number has been removed, defaced, or altered.
(c) The name, address and identification card number of the transferee.

Section 1214. Repair of firearms.

(1) No person, other than a dealer or manufacturer licensed pursuant to this chapter shall repair firearms or accept the same for repair.

(2) No person shall accept any firearms for repair unless he is shown an identification card evidencing eligibility of the holder to possess and use a firearm of the type offered for repair. Prior to returning any such firearm, the manufacturer or dealer shall make and keep a record identical with that required for the purchase of a firearm pursuant to section 1205 of this act, and shall maintain such record for at least one year.

(3) Nothing in this section shall be construed to prohibit the repair or maintenance of a firearm by the owner thereof.

Section 1215. Transfer of ammunition.

(1) No person may transfer ammunition, unless he is a manufacturer, wholesaler or dealer licensed pursuant to this chapter. If the transfer is other than to another manufacturer, wholesaler or dealer, the transfer shall not be made until the transferor has ascertained that the transferee is the holder of an identification card evidencing eligibility to possess and use a firearm of the type for which the
ammunition is suited. Upon transfer the transferor shall record the quantity, type and caliber or gauge transferred, the name and address of the transferee and the number of the transferee's identification card.

(2) No transferee of ammunition shall transfer it to any person other than a dealer licensed pursuant to this chapter. Upon receipt of ammunition, the dealer shall make and keep all records with respect to the ammunition in the manner required by this section for ammunition sold by him.

Section 1216. Transfer of firearms and dangerous devices.

No person other than a manufacturer, wholesaler or dealer licensed pursuant to this chapter shall transfer a firearm or dangerous device to any person other than a manufacturer, wholesaler or dealer without first ascertaining that the transferee is the holder of an identification card issued pursuant to this chapter. Prior to any such transfer, the transferor shall furnish to the Office of the Attorney General in person or by registered or certified mail, return receipt requested, a properly completed form approved by the Office of the Attorney General providing information equivalent to that required to be furnished by a dealer upon the transfer by him of a firearm or dangerous device.

Section 1217. Secured transactions in firearms.

(1) No person, other than a licensed dealer, shall receive a firearm as a pledge or pawn, or in any other manner
as security.
(2) A dealer receiving a firearm as a pledge, pawn or otherwise, as security, shall record promptly:
(a) the date of receipt,
(b) the full description of the item or items received, including the manufacturer, type and serial number or numbers, if any,
(c) the name and address of the person making the pledge, pawn, or other deposit as security, and
(d) the number of identification card.
No dealer shall accept the pledge, pawn, or said person’s other deposit as security unless the person making the same exhibits an identification card evidencing his entitlement to possess and use a gun of the type involved.
(3) Upon the return or other disposition of the firearm in his possession pursuant to this section, the dealer shall make a record of the return or other disposition, including the date thereof and the name and address of the person to whom the firearm was returned or disposed. No firearm shall be returned or disposed of to any person who, does not exhibit a valid identification card issued in his own name and entitling him to possess and use the firearm involved.
Section 1218. Manufacturer’s and wholesaler’s license.
(1) No person shall manufacture or deal in firearms, dangerous devices or ammunition at wholesale unless:
(a) He is the holder of a dealer's license issued pursuant to section 1211 of this act; or
(b) He is the holder of a license issued pursuant to this section.

(2) Any person proposing to manufacture or deal at wholesale in firearms, dangerous devices or ammunition, which person is not the holder of a dealer's license, shall make application for a manufacturer's or wholesaler's license. Such application shall contain the same information required for a dealer's license and any additional information required by the Attorney General as may be appropriate to administer this subchapter. No manufacturer's license or wholesaler's license shall authorize transfer or delivery within the Federated States of Micronesia except to a licensed dealer, manufacturer or wholesale or to a political subdivision of the Federated States of Micronesia or, subject to applicable laws of the Federated States of Micronesia, for export.

(3) The Office of the Attorney General shall issue, renew, cancel, deny, suspend or revoke manufacturers' and wholesalers' licenses on the same terms and subject to the same conditions as provided for dealers' licenses.

(4) Every manufacturer shall assign a unique serial number to each firearm manufactured by him or her and shall inscribe such number in or on the firearm in such manner as will resist removal, alteration, defacement or obliteration.
The Office of the Attorney General may make regulations for the style of such serial numbers and for the manner of their inscription.

Section 1219. Registry of firearms and ammunition.

(1) The Office of the Attorney General shall maintain a registry of firearms. The records in the registry shall be kept permanently unless there is a record of the destruction of the gun.

(2) Records kept in the registry shall include all records required to be filed with the Office of the Attorney General pursuant to this chapter, copies of all records filed with an agency or officer of local government pursuant to this act, and any records deposited with the Office of the Attorney General pursuant to subsection (3) of this section.

(3) Any dealer, manufacturer or wholesaler licensed pursuant to this act, upon his discontinuance of the licensed business or activity, shall transmit all records kept by him pursuant to this chapter to the Office of the Attorney General.

(4) Records relating to the repair of firearms shall be kept by the Office of the Attorney General for a period of at least five years after transmittal.

(5) Records in the registry shall not be public records. They shall be made available only to law enforcement officers of the Federated States of Micronesia or its subdivisions, or at the discretion of the Office of the
Attorney General, to law enforcement officers and agencies of foreign governments.

Section 1220. Cancellation, denial, suspension and revocation of licenses.

(1) Any license issued pursuant to this chapter shall be surrendered for cancellation immediately on the discontinuance or termination of business or upon the holder's discontinuing the manufacturing, selling, acquisition for sale or repair of firearms, and the sale of ammunition.

(2) The issuing officer or agency may deny, suspend, or revoke an identification card or a license issued pursuant to this chapter for failure of the applicant or holder to meet or continue to meet any of the requirements for eligibility therefore, or for any violation of this chapter or regulations in force pursuant thereto.

(3) The Office of the Attorney General by regulation shall make classifications of offenses and other violations of this chapter or regulations in force thereunder. Regulations made pursuant to this subsection shall set forth those offenses and violations for which identification cards and licenses may be suspended or revoked, and those for which the penalty must be revocation. Such regulations shall be of general application.

(4) Any person who, by reason of the suspension or revocation of his identification card, is no longer eligible to
continue in possession of a firearm, dangerous device or
ammunition shall surrender any and all firearms,
dangerous devices and ammunition to a state chief of police, or
shall dispose of the firearms, dangerous devices and ammunition
forthwith under the direction and supervision of a state chief
of police. In the case of suspension of an identification
card, the owner of the firearm, dangerous device or ammunition
may request that the constabulary keep the same during the
period of suspension and, except as herein provided, the
firearm, dangerous device or ammunition shall be restored to
the owner when he again becomes eligible to possess same and
requests return. Any firearm, dangerous device or ammunition
in the possession of a state chief of police pursuant to this
subsection may be disposed of, without compensation to the
owner, upon revocation of the suspended identification card or
at the end of 60 days after receipt or the date of termination
of the suspension, whichever is later. However, if proceedings
in connection with the suspension or revocation are not yet
finally determined, disposal shall not be until such final
determination has been made.

(5) Any denial, suspension or revocation of an
identification card or a license shall be subject to review by
the President upon request by the aggrieved person, and
thereafter to the Supreme Court, Trial Division.

Section 1221. Shipment and delivery of firearms,
dangerous devices and ammunition.

(1) No person shall ship, transport or deliver any firearm, dangerous device or ammunition to anyone other than a licensed manufacturer, wholesaler, dealer or person who possesses a valid identification card.

(2) Any person who ships, transports or delivers firearms or dangerous devices to a manufacturer, wholesaler, dealer or person possessing an identification card in the Federated States of Micronesia shall, before delivery, furnish to the Office of the Attorney General an invoice listing his name and address, the name and address of the manufacturer, wholesaler, dealer or person possessing the identification card to whom such firearms or dangerous devices are to be delivered, the place of origin of the shipment, the number of firearms and dangerous devices of each type and the manufacturer and serial number of each firearm and dangerous device in the shipment.

(3) Any person who ships, transports or delivers ammunition to a manufacturer, wholesaler, or dealer or person possessing an identification card in the Federated States of Micronesia shall, before delivery, furnish to the Office of the Attorney General an invoice listing his name and address, the name and address of the manufacturer, wholesaler, dealer or person possessing an identification card to whom the ammunition is to be delivered, the place of origin of the shipment and the quantity of ammunition of each type in the shipment.
(4) If shipment is by common carrier, a copy of the invoice required by subsections (2) and (3) of this section shall also be delivered to the common carrier. The common carrier shall deliver the invoice and any said shipment to the state chief of police who will verify the accuracy of the shipment, and compliance with this chapter, before delivery to the manufacturer, wholesaler, dealer or person possessing an identification card. A copy of the invoice shall be left with the manufacturer, wholesaler, dealer or person possessing an identification card at the time of delivery.

(5) If shipment is by other than common carrier, a copy of the invoice shall be furnished to the manufacturer, wholesaler, dealer or person possessing an identification card at the time of delivery.

(6) No person shall ship, transport, or deliver firearms, dangerous devices or ammunition via air without first complying with international regulations pertaining to air shipment of firearms, dangerous devices or ammunition.

Section 1222. Loss, destruction or theft of firearms or dangerous devices. Whoever owns or possesses a firearm or dangerous device shall, within twenty-four hours of discovery, notify the Office of the Attorney General of the loss, theft or destruction of any such firearm or dangerous device and, after such notice, of recovery thereof.

Section 1223. Prohibited acts. No person shall:
(1) Knowingly remove, obliterate or alter the importer's or manufacturer's serial number of any firearm.

(2) Knowingly deface, alter or destroy an identification card.

(3) Acquire, possess or use any firearm silencer or muffler.

(4) Carry any gun or dangerous device while under the influence of alcohol or narcotic or other disabling drug.

(5) Import, sell, transfer, give away, purchase, possess or use any handgun, automatic weapon, rifle larger than .22 caliber, shotgun larger than .410 gauge, or any other firearm.

(6) Board or attempt to board any commercial aircraft while carrying any firearm, dangerous device or ammunition, either on his person or in his luggage. Such firearm, dangerous device or ammunition shall be turned in prior to departure to an appropriate official or to the pilot of the airline or aircraft concerned, who shall keep a record of the name of the person turning in such firearm, dangerous device, or ammunition, and the type and quantity turned in. Upon completion of such person's travel, the official of the airline or pilot of the aircraft shall personally deliver the article or articles turned in to the police chief of the state in which such completion took place, or to his delegate. Such person may reobtain the article or articles turned in upon
either:

(a) Presentation of a valid identification card
or license for such article or articles to the police officer
having custody thereof, or

(b) Departure from the state.

(7) Use or attempt to use any firearm, dangerous
device, or ammunition in connection with or in aid of the
commission of any crime against the laws of the Federated
States of Micronesia, except those set forth under other
provisions of this chapter.

Section 1224. Forfeiture. All firearms, dangerous
devices or ammunition unlawfully possessed, carried, used,
shipped, transported or delivered into the Federated States of
Micronesia are declared to be inimical to the public safety and
are forfeited to the Federated States of Micronesia. When such
forfeited articles are taken from any person, they shall be
surrendered to the Office of the Attorney General.

Section 1225. Closing of establishments during
emergencies. In case of emergency concerning the public safety
declared by the President or State Governor, all establishments
dealing in guns, dangerous devices or ammunition may be ordered
closed by such official and required to remain closed during
the continuance of the emergency. During any such closure, any
and all guns, dangerous devices and ammunition belonging to or
in the keeping of a closed establishment may be impounded.
Section 1226. Registration of weapons possessed on effective date of act.

(1) Any person having in his possession a firearm and dangerous device on the effective date of this subchapter shall, within 90 days of such effective date, furnish on a form approved by the Office of the Attorney General to the agency or officer authorized to receive information concerning the transfer of firearms or dangerous devices pursuant to this chapter, equivalent information concerning any firearm or dangerous device in his possession.

(2) If, prior to the expiration of the 90-day period provided in subsection (1), the firearm is transferred, the transferor shall comply with the provisions of this chapter for furnishing of information on transfer and need not comply with subsection (1) of this section.

Section 1227. Surrender of and compensation for weapons held on effective date by ineligible persons. Any person who possessed any firearm or dangerous device in the Federated States of Micronesia prior to the effective date of this chapter, and who is determined to be ineligible to possess or is prohibited from possessing such firearm or dangerous device under this chapter, shall tender such firearm or dangerous device to the Office of the Attorney General or his delegate within 90 days of the effective date of this chapter and be reasonably compensated therefore.
Section 1228. Local laws. Nothing in this chapter shall be deemed to prevent any state or municipality from further restricting, by local law or ordinance, the transfer, possession, use or carriage of firearms, ammunition or dangerous devices. This chapter shall supersede all State laws and municipal ordinances in conflict with this chapter.

Section 1229. Regulations. The Office of the Attorney General shall have power to issue, amend and repeal regulations implementing this chapter in the manner which is or may be provided by law, as may be required by the public interest, safety and welfare.

Section 1230. Fees for licenses and identification cards.

(1) The fees for issuance and renewal of licenses and identification cards as required by this chapter shall be as follows:

(a) for an identification card, $5;
(b) for a dealer's license, $150;
(c) for a manufacturer's license, $500;
(d) for a wholesaler's license, $500;
(e) for replacement of lost, destroyed, or defaced identification card, $5;

(2) Fees collected pursuant to the provisions of this act shall be paid to the General Fund of the Federated States of Micronesia.

Section 1231. Penalties for violation of chapter.
(1) Any person who fails to comply with section 1207 or section 1232 of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $100, or imprisoned not more than three months, or both.

(2) Any person who violates any other provisions of this chapter or any regulations issued pursuant thereto is guilty of a felony, and upon conviction thereof shall be fined not more than $2,000, or imprisoned not more than five years, or both, and shall be subject to confiscation of any firearm, dangerous device, or ammunition, without compensation, involved in a violation of this chapter. The holder or any dealer’s license, or the manager or supervisor of employees of any establishment so licensed, or both, shall be liable for any violation of this chapter by his employee or agent committed in the course of the dealer’s business, to the same extent as such employee or agent.

(3) It shall be an affirmative defense under subsection (1) of this section that the defendant was issued a valid identification card at the time of his arrest, but neglected to have it upon his person.

Section 1232. Reporting of loss of Firearm, Dangerous Device, or Ammunition. Any person other than a dealer or wholesaler who owns or possesses any dangerous device, firearm, or ammunition shall report its loss to the Office of the
1 Attorney General, National Police within five days of
2 discovering its loss.

CHAPTER 13
Conflict of Interest

Section 1301. Definitions.

(1) "Official act" means any decision or action on
any matter which may at any time be pending or which may by law
be brought before any public official in his or her official
capacity or position of trust.

(2) "Public official" means a Member of Congress of
the Federated States of Micronesia, either before or after he
or she has qualified, or an officer or any other employee or
person acting for or on behalf of the National Government of
the Federated States of Micronesia, or any department, agency,
or branch of Government thereof, in any official function under
or by authority of any such department, agency or branch of
Government.

Section 1302. Offerings to influence members of National
Government. Whoever promises, offers, or gives any money or
other thing of value to any national public servant, official,
officer, or employee of the National Government with the intent
to influence decision or action on any official matter which
may at any time be pending, or which may by law be brought
before him in his official capacity; or with the intent to
influence him or her to commit or aid in committing, or to
collude in or allow any fraud, or provide opportunity for the
commission of any fraud on the National Government, or to
induce him to do or omit to do any act in violation of his
lawful duty, shall be fined not more than $10,000 or imprisoned
for not more than ten years, or both, and shall be disqualified
from holding any office of honor or trust in the National
Government.

Section 1303. Compensation to the Members of Congress,
officers, and others in matters affecting the Government.

(1) Whenever a national public servant, or national
official, otherwise than as provided by law for the proper
discharge of official duties, directly or indirectly receives
or agrees to receive, or asks, demands, solicits, or seeks any
compensation for any services rendered or to be rendered either
by himself or herself or another, in relation to any matter in
which the National Government of the Federated States of
Micronesia is a party or has a direct and substantial interest;

or

(2) Whoever knowingly, otherwise than as provided by
law for the proper discharge of official duties, directly or
indirectly gives, promises, or offers any compensation for any
such services rendered or to be rendered at a time when the
intended recipient is or was such a public official, shall be
in violation of the law.

(3) Any such violators of subsections (1) or (2) of
this section shall not be fined more than $5,000, or imprisoned
for not more than two years, or both; and shall be disqualified
from holding any office honor or trust in the National
Government of the Federated States of Micronesia.

Section 1304. Disqualification of former officers and
employees in matters connected with former duties or official
responsibilities - Disqualification of partners.

(1) Whoever, having been a public official, an
officer, or employee of any branch of the National Government
of the Federated States of Micronesia or any entity created by
said Government, within one year after his or her employment or
term has ceased, knowingly acts as agent or attorney for anyone
other than the branch of the National Government or its entity
in connection with any judicial or other matter involving a
specific party or parties in which the branch of the National
Government or its entity is a party or has a direct and
substantial interest, and in which he or she participated
personally and substantially as an officer or employee, shall
be fined not more than $10,000, or imprisoned for not more than
two years, or both.

(2) Whoever, being a partner or officer or employee
of any branch of the National Government or its entity, acts as
agent or attorney of anyone other than the branch of National
Government or its entity in connection with any judicial or
other matter in which the branch of the National Government or
its entity is a party or has a direct and substantial interest
and in which such officer or employee participates or has
participated personally and substantially as a Government
employee, shall be fined not more than $5,000, or imprisoned
for not more than one year, or both.

Section 1305. Acts affecting a personal financial
interest. Whoever, being an officer, employee, or public
official of any branch of the National Government, or of any
independent Government entity, or an allottee as contemplated
by the Financial Management Act of 1979, and who in any of
these capacities participates personally and substantially in a
judicial proceeding or other matter in which, to his or her
knowledge, he or she, his or her spouse, minor child, close
relatives, partner, organization in which he or she is serving
as officer, director, trustee, partner, or employee, or any
person or organization with whom he or she is negotiating or
has any arrangement concerning prospective employment, has a
financial interest, shall be fined not more than $10,000, or
imprisoned for not more than two years, or both. For the
purposes of this section, "substantial participation" includes,
but is not limited to, the following: decision, approval,
disapproval, recommendation, rendering of advice, and
investigation. "Other matters" includes, but is not limited
to, the following: application or request for a ruling or other
determination, contract, claim, controversy, charge,
1. accusation, or arrest.

2. Section 1306. Offer to procure appointive public office.

Whoever pays or offers or promises any money or thing in value, to any person, firm, or corporation in consideration of the use or promise to use any influence to procure any appointive office or place under the National Government, for any person, shall be fined not more than $1,000, or imprisoned for not more than 1 year, or both.

3. Section 1307. Acceptance or solicitation to obtain appointive public office. Whoever solicits or receives, either as a political contribution or for personal gain, any money or thing of value, in consideration of the promise of support or use of influence in obtaining for any person, any appointive officer or place under the National Government shall be fined not more than $1,000, or imprisoned not more than one year, or both.

CHAPTER 14

Parole

Section 1401. Authorization. Any trial justice of the National Courts, or any duly appointed temporary justice thereof, is hereby authorized to review a sentence he imposed on a prisoner, after the prisoner has served one-third of his or her sentence, and, in the case of any prisoner serving a life sentence or a sentence of 30 or more years, after said prisoner has served 10 years of his or her sentence, for the
purpose of determining eligibility for parole of said prisoner.
If the justice who sentenced a prisoner is not available to
review the sentence, the Chief Justice may designate another
justice for the review. The justice, in doing so, shall
request and consider the views of the prosecution, the prisoner
and his or her counsel, the victim or head of the victim's
family, and, when requested by the prosecution or the prisoner,
such community leaders as clergy and municipal and village
leaders. The justice shall base his determination upon the
prisoner's behavior in prison and any factors indicative of the
prisoner's chances for successful adaptation to community life
after release. The determination of the justice may be
appealed only on the grounds of abuse of discretion resulting
from the justice exceeding constraints imposed by this statute,
rules and pursuant thereto, or the Constitution of the
Federated States of Micronesia. The Chief Justice may make
rules to implement this section, and in these rules may provide
for a reasonable minimum waiting period between successive
reviews of the same sentence.

Section 1402. Effective date. 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: 5/23/77

Introduced by: Joseph J. Urusemal
(by request)