A BILL FOR AN ACT


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

Section 1. Title 11 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new chapter 13 to read as follows.

PRELIMINARY

"Section 1301. Short title. This chapter is known and may be cited as the "Federated States of Micronesia Anti-Terrorism and Transnational Organized Crime Act."

Section 2. Title 11 of the Code of the Federated States of Micronesia, as amended, is hereby amended by new section 1302 of chapter 13 to read as follows:

"Section 1302. Purpose. The purpose of this chapter is to implement in the Federated States of Micronesia a comprehensive legal framework criminalizing all forms of terrorism, the financing of terrorism and transnational organized crime whether domestic or international in nature, consistent with this nation’s commitments under international conventions."

Section 3. Title 11 of the Code of the Federated States of Micronesia, as amended, is hereby amended by new section 1303 of
chapter 13 to read as follows:

“Section 1303. Definitions. The following terms shall have the following meanings for the purposes of this chapter:

(1) **act of violence** means an act or omission outside the Federated States of Micronesia that, if done or omitted in the Federated States of Micronesia would constitute a felony;

(2) **aircraft** means any aircraft, whether or not a the Federated States of Micronesia-controlled aircraft, other than an aircraft in the military, customs or police services.

(3) **authorized officer** means:
   
   (a) the Chief of Police; or
   
   (b) a police officer authorized by the Chief of Police for a provision of this Chapter; or
   
   (c) a person authorized by the Attorney General for a provision of this Act.

(4) **child** means a person under 18 years.

(5) **commander**, for an aircraft, means the person who is for the time being in command of the aircraft.

(6) **commercial carrier** includes a corporation, or the owner, operator, or person in charge of any means of transport that engages in the transport of goods or people for commercial gain.

(7) **consular officer** means a consular officer of the
Federated States of Micronesia, including a consul-
general, consul, pro-consul and consular agent of [the
Federated States of Micronesia].

(8) **Convention country** means a country that is
declared by the Attorney General, by Order, to be a
party to a Convention.

(9) **counter terrorism convention** means an instrument
mentioned in Schedule 1.

(10) **the Federated States of Micronesia-controlled**
aircraft means an aircraft that is for the time being
registered in the Federated States of Micronesia.

(11) **Court** means the Supreme Court of the Federated
State of Micronesia.

(12) **craft** includes any aircraft, ship, boat or other
machine or vessel used or capable of being used for the
carriage or transportation of persons or goods, or both,
by air or water or over or under water.

(13) **detection agent** means a substance mentioned in the
table to Part 2 of the Technical Annex to the Plastic
Explosives Convention.

(14) **entity** means a person, group, trust, corporation,
partnership, fund or an unincorporated association or
organization.

(15) **exploitation** includes all forms of sexual
exploitation (including sexual servitude and
exploitation of another person’s prostitution), forced labour or services, slavery or practices similar to slavery, servitude and the removal of organs.

(16) **explosive or other lethal device** means:

(a) an explosive or other incendiary weapon or device that is designed or has the capability to cause death, serious bodily injury or substantial material damage; or

(b) a weapon or device that is designed or has the capability to cause death, serious bodily injury or substantial material damage through the release, dissemination or impact of toxic chemicals, biological agents, toxins or similar substances or radiation or radioactive materials.

(17) **financial institution** means a person that carries on a business of any of the following:

(a) accepting deposits and other repayable funds from the public;

(b) lending, including consumer credit, mortgage credit, factoring (with or without recourse) and financing of commercial transactions;

(c) financial leasing;

(d) providing money transmission services;

(e) issuing and administering means of payment.
(for example, credit cards, travellers’ cheques and bankers’ drafts);

(f) entering into guarantees and commitments;

(g) trading for the institution’s own account, or for account of customers, in money market instruments (for example, cheques, bills and certificates of deposit), foreign exchange, financial futures and options, exchange and interest rate instruments, and transferable securities;

(h) underwriting share issues and participation in such issues;

(i) giving advice to undertakings on capital structure, industrial strategy and related questions, and advice and services relating to mergers and the purchase of undertakings;

(j) money-broking;

(k) providing portfolio management and advice;

(l) safekeeping and administration of securities;

(m) providing credit reference services;

(n) providing safe custody services;

(o) insurance, insurance intermediation, securities dealing or futures broking;

(p) trustee administration or investment management of a superannuation scheme, other than a
closed-end scheme;

(q) dealing in bullion;

(r) operating a gambling house, casino or lottery, including over the Internet;

(s) a trustee or manager of a unit trust;

(t) a trust or corporation service provider;

(u) a legal practitioner when helping to plan or execute, for his or her client, any of the following transactions:

(i) depositing or investing funds;

(ii) buying or selling real property or a business entity;

(iii) managing assets;

(iv) opening or managing an account with a financial institution;

(v) managing contributions necessary for the creation, operation or management of a corporation;

(vi) creating, operating or managing a trust or corporation; or

(v) a legal practitioner when acting for a client in a financial or real estate transaction, to the extent that he or she receives funds in the course of his or her business for deposit or investment, or to settle a real estate transaction;
(w) an accountant, to the extent that he or she receives funds in the course of his or her business for deposit or investment;

(x) dealing in real estate or high value items, including antiques;

(y) any other business prescribed by law or regulation.

(18) Financial Intelligence Unit has the meaning given by the Financial Transactions Reporting Act 2007.

(19) fixed platform means an artificial island, installation or structure permanently attached to the sea bed for the purposes of exploration or exploitation of resources or for other economic purposes.

(20) forfeiture order means an order made by the Court under section 1327.

(21) fraudulent travel or identity document means a travel or identity document that:

(a) has been made, or altered in any way, by a person other than a person or agency lawfully authorised to make or issue the travel or identity document on behalf of a country; or

(b) has been issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or
(c) is being used by a person other than the lawful holder.


(24) **illegal entry** means entering the Federated States of Micronesia or any other country without complying with the requirements for lawful entry of that country.

(25) **international nuclear transport** means the carriage of a consignment of nuclear material by any means of transportation intended to go beyond the territory of the country where the shipment originates:

  (a) beginning with the departure from a facility of the shipper in the country; and

  (b) ending with the arrival at a facility of the receiver within the country of ultimate destination.

(26) **international organisation** means any organisation of States or Governments of States or any organ or any agency of any organisation of that kind.

(27) **internationally protected person** means:
(a) any of the following persons while in a foreign country, including a member of the person’s family accompanying him or her:

(i) a Head of State (including any member of a collegial body performing the functions of a Head of State);

(ii) a Head of Government;

(iii) a Minister responsible for Foreign Affairs; or

(b) a representative or official of a country or an official or other agent of an international organization of an inter-governmental character who, when and where a crime against the person or the person’s official premises, private accommodation or means of transport is committed, is entitled under international law to special protection from attack on the person’s freedom or dignity, as well as on the person’s family forming part of that person’s household.

(28) landing includes alighting on water.

(29) material benefit includes any type of financial or non-financial inducement, payment, bribe, reward, advantage or service.

(30) means of delivery means missiles, rockets and other unmanned systems capable of delivering nuclear, chemical and biological weapons that are specifically
designed for delivering those weapons.

(31) *military aircraft* means an aircraft of the naval, military or air forces of any country.

(32) *military device* includes a shell, bomb, projectile, mine, missile, rocket, charge, grenade or perforator, lawfully manufactured exclusively for military or police purposes.

(33) *military service* includes naval and air force service.


(36) *Nuclear, chemical, or biological weapon* means:

(a) nuclear weapons and other nuclear explosive devices:

(b) chemical weapons which are, together or separately:

(i) toxic chemicals and their precursors, except where intended for:

(aa) industrial, agricultural, research,
medical pharmaceutical, or other peaceful purposes; or

(bb) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons; or

(cc) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

(dd) law enforcement including domestic riot control purposes, as long as the types and quantities are consistent with such purposes:

(ii) munitions and devices specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (i), which would be released as a result of the employment of such munitions and devices:

(iii) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (ii):

(c) biological weapons which are:

(i) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes; or
(ii) weapons, equipment or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

(37) **nuclear facility** means:

(a) any nuclear reactor, including reactors installed on vessels, vehicles, aircraft (whether or not used for military, customs or police services) or space objects for use as an energy source in order to propel the vessels, vehicles, aircraft or space objects of for any other purpose;

(b) any plant or convenience being used for the production, storage or processing or transport of radioactive material.

(38) **nuclear material** means any of the following:

(a) plutonium with an isotopic concentration of not more than 80% in plutonium-238;

(b) uranium-233;

(c) uranium containing uranium-233 or uranium-235 or both;

(d) uranium with a naturally occurring isotopic concentration, other than uranium in the form of ore or ore residue;

(e) a substance containing nuclear material.

(39) **Nuclear Material Convention** means the Convention


(41) **operator**, for a craft, means the owner, operator or person having for the time being command or charge of the craft, other than a pilot of a ship, a harbour master or a law enforcement officer acting in the course of his or her duties.

(42) **organised criminal group** means a group of at least 3 persons, existing for a period of time, that acts together with an objective of obtaining material benefits from the commission of offences that are punishable by a maximum penalty of at least 4 years imprisonment.

(43) **people smuggling** means the arranging or assisting of an unauthorised person’s illegal entry into any country.


(45) **People Trafficking Protocol** means the Protocol to

(46) *plastic explosive* means an explosive that:

(a) is formulated with 1 or more high explosives that in their pure form have a vapour pressure less than 10 Pa at a temperature of 25; and

(b) is formulated with a binder material; and

(c) is, when mixed, malleable or flexible at normal room temperature.


(48) *premises* includes the whole or any part of a structure, building, craft or vehicle;

(49) *privileged communication* means a confidential communication, whether made directly or indirectly through an agent:

(a) between:

(i) a lawyer in his or her professional capacity and another lawyer in the same capacity; or

(ii) a lawyer in his or her professional capacity and his or her client; and

(b) to obtain or give legal advice or assistance;
and

(c) not for the purpose of committing or assisting the commission of an illegal or wrongful act.

(50) property includes:

(a) assets of every kind, whether corporeal or incorporeal, moveable or immovable, tangible or intangible; and

(b) legal documents or instruments in any form including electronic or digital, evidencing title to, or interest in, such assets, including but not limited to bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts and letters of credit.

(51) public official includes a person who provides a public service.

(52) radioactive device means:

(a) any nuclear explosive device; or

(b) any radioactive material dispersal or radiation-emitting device which may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or to the environment.

(53) radioactive material means nuclear material and other radioactive substances which contain nuclides which undergo spontaneous disintegration (a process
accompanied by emission of one or more types of ionising radiation, such as alpha-, beta-, neutron particles and gamma rays) and which may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment.

(54) receiving country means:

(a) for people smuggling — the country into which the unauthorised person’s entry is arranged; or

(b) for people trafficking — the country into which a trafficked person is brought as part of an act of trafficking in persons.

(55) registrable property means property the title to which is passed by registration on a register kept under a law in force in the Federated States of Micronesia.

(56) ship means a vessel that is not permanently attached to the sea bed:

(a) including a hovercraft, hydrofoil, submarine or other floating craft; but

(b) not including a warship, a ship owned or operated by a state and being used as a naval auxiliary or for customs or police purposes or a ship that has been withdrawn from navigation.

(57) specified entity means a person or entity:

(a) that is a United Nations listed entity as
described in section 1304; or

(b) for which a declaration under section 1305 has been made.

(58) specified means means any of the following:

(a) threat;

(b) use of force or other forms of coercion;

(c) abduction;

(d) fraud;

(e) deception;

(f) abuse of power or of a position of vulnerability;

(g) giving or receiving payments or benefits to achieve the consent of a person having control over another person.

(59) terrorist act has the meaning given by subsection (72).

(60) terrorist group means:

(a) an entity that has as one of its activities or purposes committing, or facilitating the commission of, a terrorist act; or

(b) a specified entity.

(61) terrorist property means:

(a) property that has been, is being, or is likely to be used to commit a terrorist act; or

(b) property that has been, is being, or is likely to be used by a terrorist group; or
(c) property owned or controlled, or derived or generated from property owned or controlled, by or on behalf of a specified entity.


(63) **trafficked person** means a person who is the victim of trafficking in persons.

(64) **trafficking in persons** means the recruitment, transportation, transfer, harbouring or receipt of a person for the purpose of exploitation.

(65) **unauthorised person**, for a country, means a person who is not a citizen of the country or is not in possession of all the documents required by the law of the country for the person’s lawful entry into the country.

(66) **unlawful employee**, for an employer, means a person whom the employer knows, or ought reasonably to know, is not entitled to lawfully undertake employment in the employer’s service.

(67) **unmarked plastic explosive** mean a plastic explosive that:

(a) does not contain a detection agent; or

(b) at the time of manufacture, does not contain the minimum concentration level of a detection agent mentioned in the table to Part 2 of the Technical Annex
to the Plastic Explosives Convention.

(68) weapon includes a firearm, chemical, biological or nuclear weapon.

(69) For this Chapter:

(a) the period during which an aircraft is in flight is taken to include:

   (i) any period from the moment when all its external doors are closed following embarkation until the moment when any door is opened for disembarkation; and

   (ii) for a forced landing — any period until the competent authorities take over responsibility for the aircraft and for persons and property on board; and

(b) an aircraft is taken to be in service:

   (i) during the whole of the period that begins with the pre-flight preparation of the aircraft for a flight and ends 24 hours after the aircraft lands having completed that flight; and

   (ii) at any time (outside that period) while, in accordance with paragraph (a), the aircraft is in flight.

(70) For this chapter a reference to an aircraft in flight includes a reference to an aircraft during any period when it is on the surface of the sea or land but not within the territorial limits of any country.

(71) For this Chapter: unless the context otherwise
requires, a reference to a country or the territorial limits of a country is taken to include a reference to the territorial waters, if any, of the country.

(72) For this Chapter:

terrorist act means an act or omission in or outside the Federated States of Micronesia that:

(a) constitutes an offence within the scope of a counter terrorism convention; or

(b) is mentioned in subsection (73).

(73) For subsection (72) (1) (b), the act or omission:

(a) must:

(i) involve death or serious bodily injury to a person; or

(ii) involve serious damage to property; or

(iii) endanger a person’s life; or

(iv) create a serious risk to the health or safety of the public or a section of the public; or

(v) involve the use of weapons; or

(vi) involve introducing into the environment, distributing or exposing the public to any:

(aa) dangerous, hazardous, radioactive or harmful substance; or

(bb) toxic chemical; or

(cc) microbial or other biological agent or toxin; or

(vii) involve serious disruption to any system
or the provision of services directly related to essential infrastructure; and

(b) must be intended or, by its nature and context, reasonably be regarded as being intended:

(i) to intimidate the public or a section of the public; or

(ii) to compel a government or an international organization to do, or refrain from doing, any act; and

(c) must be made for the purpose of advancing a political, ideological, or religious cause.

(74) However, an act or omission mentioned in subsection (73) does not include an act or omission that:

(a) is committed as part of an advocacy, protest, demonstration, dissent or industrial action and is not intended to result in any harm mentioned in subsection (73) (i), (ii), (iii), (iv), (v), or (vi); or

(b) occurs in a situation of armed conflict and is, at the time and in the place it occurred, in accordance with rules of international law applicable to the conflict.

SPECIFIED ENTITIES

United Nations listed entities to be specified entities

"Section 1304:

(1) For the purposes of this Chapter, the entities
listed from time to time by the Security Council of the United Nations as terrorist entities are “specified entities”.

(2) The Attorney General must give notice of the list of terrorist entities referred to in subsection (1), and continue to give notice as and when the security council of the United Nations adds or removes any terrorist entity from that list.

(3) A list of the United Nations terrorist entities prepared and certified by the Attorney General is deemed to be prima facie evidence that the list is a correct list of entities by the security council of the United Nations as terrorist entities.

Section 1305: Declarations that certain entities are SPECIFIED ENTITIES

(1) Subject to subsection (2), the Attorney General may declare an entity to be a specified entity.

(2) In acting under subsection (1) the Attorney General must have reasonable grounds to believe that:

(a) an entity has knowingly committed, attempted to commit, participated in committing or facilitated the commission of a terrorist act; or

(b) an entity is knowingly acting on behalf of, at the direction of, or in association with an entity mentioned in paragraph(a): or

(c) an entity (other than an individual) is
wholly owned or effectively controlled directly or indirectly by an entity mentioned in paragraph (a) or (b).

(3) The declaration must be published by notice.

Section 1306 Revocation of Declaration

(1) The Attorney General must revoke a declaration under section 1305 where there are reasonable grounds to do so.

(2) A revocation under subsection (1) must be published by notice.

Section 1307 Judicial Review

(1) Upon application by a specified entity the Court may revoke a declaration under section 1305 concerning the specified entity.

(2) The Court must:

(a) If the Court decides that there are reasonable grounds for the Attorney General’s actions under section 1305, dismiss the application.

(b) If the Court decides that there are no reasonable grounds for the Attorney General’s actions under section 1305, revoke the declaration.

(3) Where the Court revokes a declaration the Attorney General must publish notice of the revocation.

Section 1308 Procedure

For a hearing under sections 1307 and 1309.

(1) The specified entity must give reasonable written
notice of the application to the Attorney General.

(2) The Court must:

(a) hear from the Attorney General;

(b) may hear any evidence or information presented by the Attorney General in the absence of the specified entity or counsel representing the specified entity, or the public, if the Court thinks that disclosure of the information would prejudice national security or endanger the safety of any person;

(c) may receive in evidence anything that would not otherwise by admissible as evidence (including information from any source) that the Court thinks is reliable and relevant; and

(d) where the Court acts under paragraph(b), give the specified entity a statement summarizing the information available to the Court, without disclosing any information that the Court thinks could prejudice national security or endanger the safety of any person.

Section 1309 Appeal

The Attorney General or a specified entity may appeal to the Appellate Division of the Supreme Court against a decision made by a Court under section 1307.

SPECIFIED ENTITIES OFFENCES

Section 1310 Terrorism financing

(1) A person must not provide or collect, by any means, directly or indirectly, any property, intending,
knowing or having reasonable grounds to believe that the
property will be used, in full or in part, to carry out
a terrorist act.

(2) A person must not provide or collect, by any
means, directly or indirectly, any property intending,
knowing, or having reasonable grounds to believe that
they will benefit an entity that the person knows is a
specified entity.

(3) In a prosecution for an offence against subsection
(1), it is not necessary for the prosecutor to prove
that the property collected or provided was actually
used, in full or in part, to carry out a terrorist act.
Maximum penalty: imprisonment for 15 years.

Section 1311 Terrorist act
A person commits an offence who engages in a terrorist
act.

Maximum penalty: imprisonment for life.

Section 1312 Provision of property or services to
specified entity

(1) A person must not, directly or indirectly,
knowingly make available property or financial or other
related services to, or for the benefit of, a specified
entity.

Maximum penalty: imprisonment for 10 years.

(2) Subsection (1) does not apply if the provision of
the property or service is of a kind that is authorised by a resolution of the United Nations Security Council.

Section 1313 Dealing with terrorist property

(1) A person must not knowingly:
   (a) deal, directly or indirectly, in any terrorist property; or
   (b) collect or acquire or possess terrorist property; or
   (c) enter into, or facilitate, directly or indirectly, any transaction in respect of terrorist property; or
   (d) convert, conceal or disguise terrorist property.

Maximum penalty: imprisonment for 10 years.

(2) A person does not commit an offence under paragraph (1) (a), (b) or (c) if the person:
   (a) tells the Attorney-General, in writing, as soon as the person becomes aware that the property is terrorist property; and
   (b) acts in accordance with any directions of the Attorney-General concerning the property.

Section 1314 Harbouring of persons committing terrorist acts:

A person must not harbour or conceal, or prevent, hinder or interfere with the apprehension of, any other person knowing or having reason to believe that the other
(a) has committed or is planning or likely to commit a terrorist act; or
(b) is a member of a specified entity.

Maximum penalty: imprisonment for 10 years.

Section 1315 Provision of weapons to terrorist groups
A person must not knowingly offer to provide, or provide, a weapon or explosive or other lethal device to:

(a) a specified entity; or
(b) a member of a specified entity; or
(c) any other person for use by, or for the benefit of, a specified entity or a member of a specified entity.

Maximum penalty: imprisonment for 20 years.

Section 1316 Participation in terrorist group
A person must not participate (whether as a member, associate member or prospective member) in a terrorist group that is a specified entity, knowing that it is a specified entity.

Maximum penalty: imprisonment for 15 years.

Section 1317 Recruitment of persons to be members of terrorist groups or to participate in terrorist acts
A person must not knowingly agree to recruit, or recruit, another person:

(a) to be a member of a terrorist group; or
(b) to participate in the commission of a terrorist act.

Maximum penalty: imprisonment for 15 years.

**Section 1318 Nuclear terrorism**

(1) A person must not:

(a) unlawfully possess radioactive material or make or possess a radioactive device:

(i) with the intent to cause death or serious bodily injury; or

(ii) with the intent to cause substantial damage to property or to the environment;

(b) unlawfully use in any way radioactive material or a radioactive device, or use or damage a nuclear facility in a manner which causes a release or increases the risk of the release of radioactive material:

(i) with the intent to cause death or serious bodily injury; or

(ii) with the intent to cause substantial damage to property or to the environment; or

(iii) with the intent to compel a person, State or an international organization to do or refrain from doing any act.

(1) A person must not:

(a) threaten to commit an offence mentioned in subsection (1)(b); or
(b) unlawfully and intentionally make a demand supported by a threat or use of force:

(i) for the supply of radioactive material or a radioactive device; or

(ii) for a nuclear facility to be made available or for access to a nuclear facility.

(3) A threat referred to in subsection (2) must be made in circumstances which indicate the credibility of the threat. Maximum penalty: imprisonment for 20 years.

MANAGEMENT AND FORFEITURE OF PROPERTY OF SPECIFIED ENTITIES

Section 1319 Direction to take control of property

(1) The Attorney-General may direct the Court Clerk to take custody and control of property if the Attorney General has reasonable grounds to believe that the property is terrorist property.

(2) The direction:

(a) must specify the property concerned; and

(b) may be subject to conditions.

(3) A person who has custody or control of property mentioned in the direction must allow the Court Clerk to take custody and control of the property in accordance with the direction.

Section 1320 Notice of direction

(1) Notice of the making of a direction under section 1319 and 1321 must be given:
(a) as soon as possible to the person who owns or
controls the property, if practicable, if the person or
a representative of the person is in the Federated
States of Micronesia; and
(b) to any other person that the Attorney-General
thinks may have an interest in the property.
(2) Failure to comply with subsection (1) does not
affect the validity of the direction.

Section 1321 Variation, revocation, or expiry of
direction

(1) The Attorney General may:
(a) make another direction under section 1319
varying the conditions of the direction or the property
that is subject to the direction.
(b) revoke the direction.
(2) Notice of any direction under this section must be
given in accordance with the provisions of section 1320.
(3) If not earlier revoked, a direction under section
1319 or this section expires if:
(a) for property of a specified entity-the entity
ceases to be a specified entity; or
(b) a forfeiture order is made under section 1327
in relation to the property.

Section 1322 Judicial review and appeal

(1) Upon application by a person who owns or controls
property subject to a direction under section 1319 or
1321, the Court may vary or revoke the direction.

(2) The Court must:

(a) if the Court decides that there are reasonable grounds for the Attorney General’s actions under section 1319 or 1321, dismiss the application.

(b) if the Court decides that there are no reasonable grounds for the Attorney General’s actions under section 1319 or 1321, revoke the direction.

(3) Reasonable written notice of an application under subsection (1) must be given to the Attorney General by the applicant.

(4) Before deciding on the application, the Court must hear from the Attorney General.

(5) If the Court revokes the direction, the Attorney General must:

(a) tell the person who owns or controls the property in writing; and

(b) publish a notice of revocation.

(6) The Attorney General or a person whose property is subject to a direction may appeal to the Appellate Division of the Supreme Court.

Section 1323 Further provisions on management of property of specified entities

Subject to this chapter the provisions of the Money Laundering and Proceeds of Crime Act 2000 apply, with all necessary modifications, to property that is the
subject of a direction under section 1319 or 1321, as if the direction were a restraining order under the Money Laundering and Proceeds of Crime Act 2000.

Section 1324 Third parties may apply for relief

(1) A person, other than the person who owns or controls the property, who claims an interest in property that is subject to a direction under section 1319 or 1321 may apply to the Court for an order under section 1325.

(2) The person must give written notice of the application to the Attorney-General, who is a party to any proceedings on the application.

Section 1325 Court may grant relief to third party

(1) Subsection (2) applies if:

(a) a person makes an application under section 1324; and

(b) the Court is satisfied that the person’s claim to the interest is valid.

(2) The Court must make an order:

(a) declaring the nature, extent, and value of the person’s interest in the property; and

(a) declaring that the interest is no longer subject to the order under section 1319 or 1321; and

(b) if the interest is held by the Court Clerk:

(i) directing the Court Clerk to transfer the interest to the person; or
(ii) declaring that there is payable by the Court Clerk to the person an amount equal to the value of the interest declared by the Court.

(3) However, the Court may, if it thinks fit, refuse to make an order if it is satisfied that:

(a) the person was knowingly involved in any way in the carrying out of the terrorist acts that are the basis of the designation of the entity as a specified entity, or is an entity that is wholly owned or effectively controlled, directly or indirectly, by the specified entity; or

(b) if the person acquired the interest at the time of or after the designation of the entity as a specified entity, the applicant did not acquire the interest in the property in good faith and for value, without knowing or having reason to believe that the property was, at the time of the acquisition, property subject to a direction under section 1319 or 1321.

**Section 1326 Application for forfeiture order**

(1) The Attorney-General may apply to the Court for a forfeiture order against terrorist property.

(2) The Attorney-General must:

(a) name as respondents to the application only those persons who are known to own or control the property the subject of the application; and

(b) give notice of the application to each
respondent in the manner directed by the Court.

(3) The Court may, at any time before the final
determination of the application, make orders for:

(a) service of the application on any person whom
the Court thinks has an interest in the property; and

(b) publication of notice of the application.

(4) Any person who claims an interest in the property
may appear and present evidence at the hearing of the
application.

Section 1327 Making forfeiture order

(1) If the Court is satisfied, on the balance of
probabilities, that the property the subject of the
application is terrorist property, the Court must order
that the property be forfeited to the Federated States
of Micronesia.

(2) If the Court is satisfied that a person mentioned
in paragraph 1326 (2) (a) or (3) (a):

(a) has an interest in the property the subject
of the application; and

(b) has exercised reasonable care to ensure that
the property is not terrorist property; and

(c) is not a member of a specified entity;
the Court must order that the interest is not a
affected by the order and declare the nature and extent
of the interest.

(3) If the Court makes a forfeiture order, the Court
may give any directions that are necessary or convenient to give effect to the order.

(4) If the Court refuses to make a forfeiture order, the Court must make an order that describes the property and declare that it is not terrorist property.

**Section 1328 Effect of forfeiture order**

(1) If the Court makes a forfeiture order against property (other than registrable property), the order vests the property absolutely in the Federated States of Micronesia.

(2) If the Court makes a forfeiture order against registrable property:

   (a) the order vests the property in the Federated States of Micronesia in equity, but does not vest it in the Federated States of Micronesia at law until the applicable registration requirements have been complied with; and

   (b) the Federated States of Micronesia is entitled to be registered as owner of the property; and

   (c) the Attorney-General may do, or authorise the doing of, anything necessary or convenient to obtain the registration of the Federated States of Micronesia as owner, including the execution of any necessary instrument; and

   (d) the Attorney-General may do anything necessary or convenient to give notice of, or otherwise
(3) If the Court makes a forfeiture order against property (including registrable property):

(a) the property must not, except with the leave of the Court and in accordance with any directions of the Court, be disposed of, or otherwise dealt with, by or for the Federated States of Micronesia, before 6 months after the forfeiture order was made; and

(b) the property may be disposed of, and the proceeds applied or otherwise dealt with as the Attorney-General directs, after 6 months after the forfeiture order was made.

**Section 1329 Protection of third parties**

(1) A person who claims an interest in property that has been forfeited and who has not been given notice under paragraph 1326 (2) (a) or (3) (a) may apply to the Court, within 6 months after the forfeiture order was made, for an order under subsection (4).

(2) The person must give reasonable written notice of the application to the Attorney-General.

(3) The Attorney-General:

(a) is a party to the proceedings in an application under subsection (1); and
(b) may make an application under subsection (1) for a person.

(4) If a person applies to the Court for an order about the person’s interest in property, the Court must make an order declaring the nature, extent and value (as at the time the order is made) of the person’s interest if the Court is satisfied in accordance with subsection 1327 (2).

(5) An appeal lies to the Appellate Division of the Supreme Court from an order under subsection (4).

Section 1330 Return of property

(1) The Attorney-General must, on application by a person who has obtained an order under subsection 1329 (4), if the period for appeals has expired and any appeal from that order has been determined or has lapsed:

(a) return the property, or the part of it to which the interest of the applicant relates, to the applicant; or

(b) if the interest in the property is no longer vested in the Federated States of Micronesia, pay an amount equal to the value of the interest of the applicant, as declared in the order, to the applicant.

(2) Subsection (1) does not apply to any property returned, or amount paid, to the person under section 1325.
Section 1331 Appeal
The Attorney-General or a person affected by a decision made by the Court under this Chapter may appeal to the Appellate Division of the Supreme Court against the decision.

Section 1332 Disclosure of information
(1) A financial institution must immediately tell the Attorney General about the existence of any property in its possession or control:
   (a) that is owned or controlled, directly or indirectly, by or for a specified entity, including property derived or generated from that property; or
   (b) for which there are reasonable grounds to suspect is property of a kind mentioned in paragraph (a).
(2) The Attorney General may tell the financial intelligence authority or other appropriate authority of a foreign country about any information it has about any property of the kind mentioned in subsection (1), if the authority thinks the information would be relevant to the foreign country.
(3) Information may be given under subsection (2) subject to any conditions that the Attorney General determines.
(4) A financial institution must tell the Financial Intelligence Unit about every dealing that occurs in the
course of its activities and for which there are reasonable grounds to suspect is related to the commission of a terrorist act.

(5) No civil or criminal proceedings lie against a person for making a disclosure or report, in good faith, under subsection (1), (2) or (4).

(6) Nothing in subsection (1) or (4) requires a lawyer to disclose a privileged communication, other than information about a financial transaction recorded for a trust account of the lawyer.

(7) A person who receives information under subsection (1), (2) or (4) must not disclose the information or its source except:

(a) for the purposes of:

(i) the enforcement of this chapter; or

(ii) the detection, investigation or prosecution of an offence under this chapter; or

(iii) providing assistance under the Mutual Assistance in Criminal Matters Act 2000; or

(b) in accordance with an order of a court.

(8) A person must not contravene subsection (1) or (4).

Maximum penalty: imprisonment for 5 years.

GENERAL POWERS

Section 1332 Controlled delivery of property

(1) This section applies to an authorised officer who
has reasonable grounds to believe that a person has committed, is committing or is about to commit an offence under this chapter.

(2) The authorised officer may allow property, that the authorised officer reasonably suspects has been, is being or may be used to commit an offence under this chapter, to enter, leave or move through the Federated States of Micronesia for the purpose of gathering evidence to identify a person or to facilitate a prosecution for the offence.

(3) An authorised officer does not commit an offence under this chapter if:

(a) the authorised officer is engaged in investigation of a suspected offence under this chapter; and

(b) the offence involves property that the authorised officer reasonably suspects has been, is being or may be used to commit an offence under this chapter; and

(c) the authorised officer does not take action, that the authorised officer would otherwise be required to take under this chapter, for the purpose of the investigation.

Section 1333 Provision of information relating to persons, goods or craft entering or leaving the country

(1) The operator of a craft:
(a) arriving in or departing from the Federated States of Micronesia; or

(b) registered in the Federated States of Micronesia, departing from any place outside the Federated States of Micronesia; must give the Secretary of Justice any information in his or her possession, relating to persons or goods on board, or expected to be on board, the craft.

(2) A person must not contravene subsection (1). Maximum penalty: 3 years.

(3) The Secretary of Justice may give the competent authority in a foreign country any information:

(a) in his or her possession relating to persons entering or leaving the Federated States of Micronesia; and

(b) that is required by the laws of the foreign country.

(4) The provision of information under subsection (1) or

(3) is taken not to be a contravention of any provision of law prohibiting the disclosure of the information.

(5) No information provided to the Secretary of Justice under subsection (1) may be used or disclosed by the Secretary of Justice except for the purpose of protecting border security, national security or public
safety.

(6) The President may make regulations generally to give effect to the purposes of this section, including regulations prescribing the types or classes of information that may be:

(a) provided under this section; or

(b) disclosed to the competent authority of a foreign country.

Section 1334 Power to prevent entry and order the removal of persons

(1) An authorised officer must not grant an endorsement or other authority permitting a person to enter the Federated States of Micronesia if he or she has reasonable grounds to suspect that that person has been, is, or will be, involved in the commission of a terrorist act.

(2) If the Secretary of Justice has reasonable grounds to suspect that a person, other than a citizen, in the Federated States of Micronesia has been, is or will be, involved in the commission of a terrorist act, he or she may make an order requiring the person to leave the Federated States of Micronesia and to remain out of the Federated States of Micronesia.

(3) A person against whom an order under subsection (2) is made must leave the Federated States of Micronesia and must, so long as the order is in force,
remain out of the Federated States of Micronesia.

(4) A person against whom an order under subsection (2) is made may be:

(a) detained in such manner as may be directed by the Secretary of Justice for no more than 7 days, or any longer period that is reasonably needed to arrange for the person’s removal from the Federated States of Micronesia; and

(b) placed on a craft leaving the Federated States of Micronesia.

Section 1335 Exchange of information relating to terrorist groups and terrorist acts

(1) The Attorney General may disclose to the appropriate authority of a foreign country any information in his or her possession relating to any of the following:

(a) the actions or movements of terrorist groups or persons suspected of involvement in the commission of terrorist acts;

(b) the use of forged or falsified travel papers by persons suspected of involvement in the commission of terrorist acts;

(c) traffic in explosives or other lethal devices by terrorist groups or persons suspected of involvement in the commission of terrorist acts;
(d) the use of communication technologies by terrorist groups; and if the disclosure is not prohibited by any provision of law and will not, in the Attorney General’s view, prejudice national security or public safety.

Section 1336 Regulations

The President may make regulations in relation to all matters for which regulations are required or authorised to be made by this chapter, including the power to add or omit items to or from Schedule 1.

Section 1337 Detention of goods suspected to be terrorist property

(1) An authorised officer may, without warrant, seize and detain goods if-

(a) the goods came to his or her attention, or into his or her possession, during a search, inspection, audit, or examination under -

(i) the any relevant customs law; or


(b) the goods are in the Federated States of Micronesia and he or she is satisfied that they either:

(i) are being, or are intended to be, exported into the Federated States of Micronesia; or

(ii) are being, or have been, imported into the Federated States of Micronesia; and
(c) he or she has good cause to suspect that the

Section 1338 Return of cash necessary to satisfy
essential human needs

(1) The power to detain goods under section 1337 does
not extend to, and the authorised officer must if
practicable return immediately, cash seized under
section 1337 if the authorised officer is satisfied that
the cash is (or things for which it might be exchanged
are) necessary to satisfy the essential human needs:

(a) of (or of a dependant of) an individual from
whom the cash has been seized; and

(b) arising on, or within 7 days after, the date
on which the detention would otherwise be effected.

(2) Nothing in subsection (1) requires the authorised
officer to return any cash that the authorised officer
is satisfied is not necessary for the purpose specified
in that subsection.

(3) If the 7 day period referred to in section
1340(1)(a) is extended under section 1341, subsection
(1) applies to the extension, and the reference in
subsection (1)(b) to 7 days must be read as a reference
to the number of days (not exceeding 21) of that 7 day
period as extended.

Section 1339 Further provisions about detention under
section 1337
(1) Reasonable force may be used if it is necessary for any of the following purposes:

(a) to seize goods under section 1337;

(b) to detain goods under section 1337.

(2) If the person for whom the goods have been seized and detained under section 1337 is identified but is not present when the seizure and detention occurs (for example, because the goods concerned are in mail or cargo or in unaccompanied baggage), the authorised officer must make all reasonable efforts to notify that person of the detention and seizure as soon as practicable.

(3) Goods detained under section 1337 must be taken to such a place of security as an authorised officer directs, and there detained, unless section 1342 applies.

(4) An authorised officer or a person lawfully assisting an authorised officer is not liable for the loss of or damage to any property occasioned by anything done or omitted to be done or purported to have been done by an authorised officer or person lawfully assisting in the exercise of any power conferred on him or her under sections 1337 to 1342.

(5) Nothing in section 1337 limits or affects powers Under customs and other laws concerning powers of detention and seizure.
Section 1340 Return of goods detained under section 1337

(1) In this section, investigation period, in relation to goods seized and detained under section 1337:

(a) means the period of 7 days after the date on which the goods were seized and detained; and

(b) includes any extension of that period granted by the Court under section 1341.

(2) Goods seized and detained under section 1337 must be returned to the person from whom they were seized as soon as practicable after whichever of the following occurs first:

(a) the completion of all relevant investigations, if they show that the goods are not terrorist property; or

(b) the expiry of the investigation period.

(3) However, the authorised officer need not return the goods as provided in subsection (2), and may continue to detain them pending a decision by the Attorney General under sections 1319 or 1321, if the authorised officer is advised by, or on behalf of, the Attorney-General that the goods are terrorist property.

Section 1341 Extension of 7 day period in section 1340(1)(a)

(1) The 7 day period in section 1340(1)(a) may be extended (but once only) by order of the Court for a reasonable period up to a further 14 days if, on an
application for the purpose made before the expiry of that 7 day period, that Court is satisfied:

(a) that the good cause to suspect required by section 1337(1)(c) exists; and

(b) that the extension to be granted is necessary to enable investigations in or outside the Federated States of Micronesia in relation to the goods or entity to be completed.

(2) The application must be made in writing and served on the person from whom the goods were seized (if that person can be identified and located), and must include the following particulars:

(a) a description of the goods detained;

(b) the date on which the detention commenced;

(c) a statement of the facts supporting the good cause to suspect required by section 1337(1)(c); and

(d) a statement of the reasons why the extension sought is necessary to enable investigations in or outside the Federated States of Micronesia in relation to the goods or entity to be completed.

(3) The person from whom the goods were seized is entitled to appear and be heard on the application.

(4) The authorised officer must make all reasonable efforts to notify the person from whom the goods were seized, at least 24 hours before the hearing of the application, of the time and place of that hearing.
Section 1342 Custody of certain good detained under section 1337

(1) If goods detained under section 1337 are a craft, vehicle or animal, an authorised officer may leave those goods in the custody of either:

(a) the person from whom the goods have been seized; or

(b) any other person authorised by the authorised officer and who consents to having such custody.

(2) Every person who has the custody of goods under subsection (1) must, until a final decision is made under section 1340 as to whether or not they are to be returned, hold them in safekeeping, without charge to the Federated States of Micronesia and in accordance with any reasonable conditions that may be imposed by the authorised officer.

(3) A person to whom subsection (2) applies must also:

(a) make the goods available to an authorised officer on request; and

(b) not alter, or dispose of, or remove the goods from the Federated States of Micronesia, unless he or she is authorised to do so by the authorised officer; and

(c) return the goods on demand to the custody of the authorised officer.

Section 1343 Offences in relation to certain detained
(1) A person, having custody of goods pursuant to section 1342(1), must not act in breach of any requirement of, or imposed pursuant to, section 1342(2) or (3).

Maximum penalty: fine of $1,000,000.

(2) A person must not, without the permission of the authorised officer, take or carry away or otherwise convert to his or her own use goods to which section 1342(2) and (3) applies.

COUNTER-TERRORISM CONVENTIONS

Tokyo Convention – aircraft

Section 1344 Application of criminal law to aircraft

(1) An act or omission taking place on board a the Federated States of Micronesia-controlled aircraft while in flight other than in or over the Federated States of Micronesia that, if taking place in the Federated States of Micronesia would constitute an offence under the law in force in the Federated States of Micronesia, constitutes that offence.

(2) Subsection (1) does not apply to an act or omission that would, if committed in the Federated States of Micronesia be an offence but that is expressly or impliedly authorised under the law in force in the Federated States of Micronesia when taking place outside the Federated States of Micronesia.
Section 1345 Specified aircraft

If the Attorney General is satisfied that the requirements of Article 18 of the Tokyo Convention have been satisfied, the Attorney General may, by notice, declare that a specified aircraft is taken to be registered in a specified Convention country.

Section 1346 General powers of commander of aircraft

(1) The commander of an aircraft in flight may take any reasonable measures necessary for the purposes mentioned in subsection (2) in relation to any person on board the aircraft, including restraint of the person and the use of force, if the commander has reasonable grounds to believe:

(a) that the person has done or is about to do any act on the aircraft while it is in flight that jeopardises or may jeopardise:

(i) the safety of the aircraft or of persons or property on board the aircraft; or

(ii) good order and discipline on board the aircraft; or

(b) that the person has done on the aircraft while in flight any act that in the opinion of the commander is a serious offence under a law in force in the country in which the aircraft is registered, not being a law of a political nature or based on racial or religious discrimination.
(2) The purposes mentioned in subsection (1) are:

   (a) to protect the safety of the aircraft or of persons or property on board the aircraft; or

   (b) to maintain good order and discipline on board the aircraft; or

   (c) to enable the commander to disembark or deliver that person in accordance with subsection (5).

(3) For paragraph (1) (b), a Federated States of Micronesia controlled aircraft is taken to be registered in the Federated States of Micronesia, whether or not it is so registered and whether or not it is registered in another country.

(4) A member of the crew of an aircraft and any other person on board the aircraft may, at the request or with the authority of the commander of the aircraft, and a member must if required by the commander, render assistance in restraining any person whom the commander is entitled under subsection (1) to restrain.

(5) At any time when the aircraft is in flight, a member of the crew of the aircraft or any other person may, without obtaining the authority of the commander, take any measures mentioned in subsection (1) in relation to any person on board the aircraft that the member or other person has reasonable grounds to believe are immediately necessary to protect the safety of the aircraft or of persons or property on board the
Section 1347 Restraint of persons on aircraft

(1) Any restraint imposed on a person on board an aircraft under section 1347 may be continued after the time when the aircraft first ceases to be in flight only if:

(a) the aircraft first ceases to be in flight in the territory of a country that is not a party to the Tokyo Convention and its authorities refuse to permit the disembarkation of the person in order to deliver that person to the competent authorities of the country; or

(b) the aircraft makes a forced landing and the commander is unable to deliver that person to the competent authorities; or

(c) the person agrees to continued restraint for onward carriage.

(2) The commander must as soon as is reasonably practicable, and if possible before landing in a country’s territory, cause notification to be given to the appropriate authority of the country where the aircraft ceases to be in flight of the fact that a person on board the aircraft is under restraint and of the reasons for the restraint.

(3) Subject to the notification mentioned in subsection (2), restraint may be continued after the
aircraft first ceases to be in flight:

(a) for any period (including the period of any further flight) between that time and the first occasion on which the commander is able with any requisite consent of the appropriate authorities to disembark or deliver the person under restraint in accordance with section 1348; or

(b) if the person under restraint agrees to continue his or her journey under restraint on board that aircraft.

Section 1348 Disembarkation and delivery of person

(1) The commander of an aircraft may disembark any person on board an aircraft in any country in which the aircraft may be if, for any person on board the aircraft, the commander:

(a) has reasonable grounds to believe that the person is about to do any act mentioned in paragraph 1346 (1) (a); and

(b) believes that it is necessary to do so in order to protect the safety of the aircraft or of persons or property on board the aircraft or to maintain good order and discipline on board the aircraft.

(2) For any person on board the aircraft that the commander of an aircraft has reasonable grounds to believe as mentioned in paragraph 1346 (1) (b), the commander may deliver the person:
(a) in the Federated States of Micronesia to a police officer; or

(b) in any other country that is a party to the Tokyo Convention, to an officer having functions corresponding to the functions of either a police officer or of an immigration officer in the Federated States of Micronesia.

Section 1349 Reporting and notification obligations

(1) The commander of an aircraft:

(a) if he or she disembarks a person under subsection 1348 (1), for a Federated States of Micronesia controlled aircraft, in any country or, for any other aircraft, in the Federated States of Micronesia, must report the fact of, and the reason for, the disembarkation to:

(i) an appropriate authority in the country of disembarkation; or

(ii) the appropriate diplomatic or consular office of the country of nationality of that person; and

(b) if he or she intends to deliver a person under section 1348 in the Federated States of Micronesia or, for a Federated States of Micronesia controlled aircraft, in any other country that is a Convention country, must, before or as soon as reasonably practicable after landing, give notification of his or her intention and of the reasons:
(i) if the country is the Federated States of Micronesia, to a police officer or immigration officer or, for any other country, to an officer having functions corresponding to the functions either of a police officer or of an immigration officer in the Federated States of Micronesia; and

(ii) in either case to the appropriate diplomatic or consular office of the country of nationality of the person.]; and

(c) must give to the appropriate authority evidence in his or her possession about the person’s behaviour.

(2) A commander of an aircraft who, without reasonable cause, fails to comply with the requirements of this section commits an offence.

Maximum penalty: imprisonment for 3 years.

(3) If the person is delivered to a police officer:

(a) the police officer must take the person into custody unless he or she has reasonable grounds to believe that the person has not committed the offence; and

(b) if the police officer refuses to take the person into custody – give written reasons for the refusal.

Section 1350 Indemnity for actions under sections 1344 to 1349
A person who exercises a power, including restraint, on another person in accordance with sections 1344 to 1349 in good faith is not guilty of an offence and is not liable to civil proceedings for the exercise of that power.

HAGUE CONVENTION — HIJACKING

Section 1351 Offence of hijacking

(1) Subject to subsections (2) and (3), a person on board an aircraft in flight must not unlawfully, by the use of force or by threats of any kind, seize the aircraft or exercise control of it, whether the aircraft is in the Federated States of Micronesia or not.

Maximum penalty: imprisonment for 25 years.

(2) Proceedings may be brought for an offence under subsection (1) only if:

(a) the offence is committed on board an aircraft registered in the Federated States of Micronesia; or

(b) the aircraft on board which the offence is committed lands in the Federated States of Micronesia territory and the alleged offender is on board; or

(c) the offence is committed on board an aircraft leased without crew to a lessee who has his or her principal place of business in the Federated States of Micronesia or, if the lessee has no principal place of business in the Federated States of Micronesia, if the lessee is a permanent resident of the Federated States
(3) Subsection (1) applies to an act committed in relation to an aircraft used in military, customs or police service only if:

(a) the act is committed in or over the Federated States of Micronesia; or

(b) if the act is committed outside [the Federated States of Micronesia], the person committing the act is a citizen of [the Federated States of Micronesia].

MONTREAL CONVENTION AND PROTOCOL — CIVIL AVIATION

Section 1352 Offence to destroy, damage or endanger safety of aircraft

(1) A person must not unlawfully and intentionally:

(a) destroy an aircraft in service or so damage an aircraft as to render it incapable of flight or as to be likely to endanger its safety in flight; or

(b) commit on board an aircraft in flight an act of violence that is likely to endanger the safety of the aircraft.

Maximum penalty: imprisonment for 25 years.

(2) A person must not unlawfully and intentionally place or cause to be placed on an aircraft in service a device or substance that is likely to destroy the aircraft or is likely to damage it so as to render it incapable of flight or so as to be likely to endanger
its safety in flight.

Maximum penalty: imprisonment for 25 years.

(3) Subsections (1) and (2) apply to an act committed in relation to an aircraft used in military, customs or police service only if:

(a) the act is committed in or over the Federated States of Micronesia; or

(b) if the act is committed outside the Federated States of Micronesia, the person committing the act is a citizen of the Federated States of Micronesia.

Section 1353 Offences involving other acts endangering or likely to danger the safety of aircraft

(1) A person must not unlawfully and intentionally destroy or damage any property to which this section applies or interfere with the operation of that property, if the destruction, damage or interference is likely to endanger the safety of aircraft in flight.

Maximum penalty: imprisonment for 25 years.

(2) Without limiting the application of subsection (1), subsection (1) applies to any property used for the provision of air navigation facilities including any land, building, aircraft, ship, craft, apparatus or equipment, whether it is on board an aircraft or elsewhere.

(3) A person must not intentionally communicate any information which he or she knows to be false,
misleading or deceptive in a material particular, if the communication of the information endangers the safety of an aircraft in flight or is likely to endanger the safety of an aircraft in flight.

Maximum penalty: imprisonment for 25 years.

(4) Subsections (1) and (3) applies to the commission of an act only if:

(a) the act is committed in the Federated States of Micronesia, or
(b) if the act is committed outside the Federated States of Micronesia:
   (i) the person committing the act is a citizen of the Federated States of Micronesia; or
   (ii) the commission of the act endangers or is likely to endanger the safety in flight of an aircraft registered in the Federated States of Micronesia or chartered by demise to a lessee whose principal place of business, or (if none) whose permanent residence, is in the Federated States of Micronesia; or
   (iii) the act is committed on board an aircraft that is registered or chartered the Federated States of Micronesia; or
   (iv) the act is committed on board an aircraft that lands in the Federated States of Micronesia with the person who committed the act still
on board; or

(v) the person is present in the Federated States of Micronesia.

(5) Subsection (1) also applies to an act committed outside the Federated States of Micronesia and that is committed in relation to property that is situated outside the Federated States of Micronesia and is not used for the provision of air navigation facilities in connection with international air navigation, only if the person committing the act is a citizen of the Federated States of Micronesia.

Section 1354 Offences involving acts of violence at airports serving international civil aviation

(1) A person must not unlawfully and intentionally, using any device, substance or weapon:

(a) perform an act of violence, against a person at an airport serving international civil aviation, that causes or is likely to cause serious injury or death; or

(b) destroy or seriously damage the facilities of an airport serving international civil aviation or an aircraft not in service located there or disrupt the services of the airport;

if the act endangers or is likely to endanger safety at the airport.

Maximum penalty: imprisonment for 25 years.

INTERNATIONALLY PROTECTED PERSONS
Section 1355 Offences against internationally protected person

(1) A person must not intentionally:

(a) commit murder, kidnapping or other attack on the person or liberty of an internationally protected person; or

(b) commit a violent attack on the official premises, private accommodation or means of transport, of an internationally protected person, likely to endanger that person or that person’s liberty; or

(c) threaten to commit an attack.

Maximum penalty: imprisonment for life years.

HOSTAGES

Section 1356 Offence of taking hostage

(1) A person must not:

(a) seize or detain another person; and

(b) threaten to kill, injure or continue to detain the other person;

with intent to compel the government of a country, an international organization or a person or group of persons to act or refrain from acting as an explicit or implicit condition for the safety or release of the other person.

Maximum penalty: imprisonment for 25 years.

NUCLEAR MATERIAL

Section 1357 Movement of nuclear material
(1) A person must not knowingly import or export nuclear material to or from the Federated States of Micronesia except in accordance with a license or written permit given by Secretary of Justice. Maximum penalty: imprisonment for 10 years.

(2) A person must not knowingly, without licence or written permission from Secretary of Justice, transport nuclear material:

(a) over the territory of the Federated States of Micronesia; or

(b) through any of its seaports or airports. Maximum penalty: imprisonment for 10 years.

(3) A person must not knowingly transport nuclear material between 2 places in the Federated States of Micronesia, through international waters or airspace, without licence or written permission from Secretary of Justice. Maximum penalty: imprisonment for 10 years.

(4) A licence or written permission mentioned in subsection (1), (2) or (3) may be given only if the Secretary of Justice has received a written assurance from the person that the material will, during international nuclear transport, be protected at the levels mentioned in the Nuclear Material Convention.

(5) A person must not knowingly make a false statement or provide a false assurance to the Secretary of Justice
under subsection (1), (2) or (3).

Maximum penalty: imprisonment for 5 years.

**Section 1358 Offences relating to nuclear material**

(1) A person must not:

(a) without lawful authority intentionally receive, possess, use, transfer, alter, dispose of or disperse nuclear material in a way that causes or is likely to cause death or serious injury to a person or substantial damage to property or to the environment; or

(b) steal nuclear material; or

(c) embezzle or fraudulently obtain nuclear material; or

(d) demand nuclear material by threat or use of force or any other form of intimidation; or

(e) threaten:

(i) to use nuclear material to cause death or serious injury to any person or substantial damage to any property or to the environment; or

(ii) to steal nuclear material to compel a person, state or an international organization to do or refrain from doing any act; or

(f) without lawful authority commit an act, or threaten to commit an act against a nuclear facility, or interfere with a nuclear facility in a way that causes or is likely to cause death or serious injury to a person or substantial damage to property or to the
Section 1359 Offences

(1) A person must not unlawfully and intentionally:

(a) seize, or exercise control over, a ship or fixed platform by force or threat of force or other form of intimidation; or

(b) commit an act of violence, against a person on board a ship or fixed platform, that is likely to endanger the safe navigation of the ship or safety of the fixed platform; or

(c) destroy a ship or fixed platform; or

(d) cause damage, to a ship or its cargo or a fixed platform, that is likely to endanger the safe navigation of the ship or safety of the fixed platform; or

(e) place, or cause to be placed, on a ship or fixed platform a device or substance, likely:

(i) for a ship — to destroy the ship, or to cause damage to the ship or its cargo likely to endanger the safe navigation of the ship; or

(ii) for a fixed platform — to destroy the fixed platform or to endanger its safety; or

(f) destroy or seriously damage maritime navigational facilities or seriously interfere with
their operation in a way that is likely to endanger the
safe navigation of a ship; or

(g) communicate information, that he or she knows
to be false, endangering the safe navigation of a ship; or

(h) injure or kill a person in connection with
the commission, or attempted commission, of an offence
mentioned in paragraph (a), (b), (c), (d), (e), (f), or (g).

Maximum penalty: imprisonment for 25 years.

(2) A person must not, with the intention of
compelling another person to do or to refrain from doing
any act, threaten to commit an offence mentioned in
paragraph (1) (b), (c), (d) or (f) in relation to a ship
or fixed platform, if the threat is likely to endanger
the safety of the ship or fixed platform.

Maximum penalty: imprisonment for 15 years.

Section 1360 Protocol offences

(1) A person must not unlawfully and intentionally:

(a) with the intention of intimidating a
population or compelling a government or international
organization to do or to refrain from doing any act:

(i) use against or on or discharge from a
fixed platform or ship any nuclear, chemical, or
biological weapon or radioactive or nuclear material in
a manner that causes or is likely to cause death or
serious injury or damage:

(ii) discharge from a fixed platform or ship oil, liquefied natural gas, or other hazardous or noxious substance, which is not covered by paragraph (a)(i) in such quantity or concentration that causes or is likely to cause death or serious injury or damage:

(aa) use a ship in a manner that causes death or serious injury or damage:

(bb) threaten to commit an offence in paragraphs (a)(i), (ii) or (iii):

(b) transport on a craft:

(i) any explosive or radioactive material knowing that it is intended to cause or threatened to be used to cause death or serious injury or damage with the intention to intimidate a population or compel a government or international organization to do or refrain for doing any act:

(ii) any nuclear, chemical, or biological weapon:

(iii) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing use or production of special fissionable material knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguard pursuant to an International Atomic Energy Agency comprehensive
safeguards agreement:

(iv) any equipment, material, or software or related technology that is intended to significantly contribute to the design, manufacture, or delivery of a nuclear, chemical or biological weapon:

(v) a person who has committed an act that constitutes an offence under this section with the intent to assist that person to avoid criminal prosecution:

(c) injure or cause the death of another person in connection with the commission of any offence under this section.

Maximum Penalty: imprisonment for 25 years.

Section 1361 Arrest and delivery

(1) The master of a ship registered in the Federated States of Micronesia who has reasonable grounds to believe that a person has committed an offence under section 1360 against, or on board, any ship may:

(a) arrest and detain the person; and

(b) deliver the person to the appropriate authorities in any other Convention State.

(2) The master of the ship must:

(a) notify the authorities in the other Convention State before delivering the person; and

(b) give to the authorities evidence in his or her possession that the person has committed the
(3) If the person is delivered to a police officer:

(a) the police officer must take the person into custody unless he or she has reasonable grounds to believe that the person has not committed the offence;

and

(b) if the police officer refuses to take the person into custody — give written reasons for the refusal.

PLASTIC EXPLOSIVES

Section 1362 Plastics explosives offences

(1) A person must not manufacture unmarked plastic explosives, knowing that they are unmarked. Maximum penalty: imprisonment for 10 years.

(2) A person must not possess or transport unmarked plastic explosives, knowing that they are unmarked. Maximum penalty: imprisonment for \[\text{length - } X \text{ years}\].

(3) Subject to subsection (5), it is not an offence under subsections (1) or (2) if:

(a) the person manufactures or holds unmarked plastic explosives in a quantity approved in writing by Secretary of Justice solely for use:

(i) in research, development or testing of new or modified explosives; or

(ii) in training in explosives detection or
in the development or testing of explosives detection equipment; or

(iii) for forensic science purposes; or

(b) the unmarked plastic explosives are destined to be, and are incorporated as, an integral part of duly authorised military devices in [the Federated States of Micronesia] within 3 years after the coming into force of the Plastic Explosives Convention in the Federated States of Micronesia.

(4) It is not an offence under subsection (2) if the person possesses or transports unmarked plastic explosives in a quantity approved in writing by the Secretary of Justice solely for a use mentioned in subsection (3).

(5) If unmarked plastic explosives have been manufactured in, or imported into, the Federated States of Micronesia before the commencement of this chapter:

(a) if they are held by authorities performing military or police functions and are not incorporated as an integral part of a military device, they must be destroyed, marked or rendered permanently ineffective within 15 years after the commencement of this chapter; and

(b) if they are held by any other person, they must be destroyed, marked or rendered permanently ineffective within 3 years after the commencement of
1. A person must not import or export unmarked plastic explosives.

Maximum penalty: imprisonment for 10 years.

**Section 1363 Power of entry**

(1) An officer authorised in writing by the Attorney General may enter premises where he or she has reasonable grounds to believe that explosives are being manufactured, kept or stored and do any of the following:

- (b) investigate and make inquiries on the premises to find out whether an offence under section 1362 is being committed;
- (c) inspect any records, documents or equipment found on the premises;
- (d) take copies of, or extracts from, the records or documents.

(2) A person must not:

- (a) resist or obstruct an officer authorised for subsection (1) exercising the powers mentioned in subsection (1); or
- (b) knowingly give false information in response to an inquiry under subsection (1); or
- (c) suppress any material information in response to an inquiry under subsection (1).

Maximum penalty: imprisonment for 5 years.
TERRPROST BOMBING

Section 1364 Terrorist bombing offences

(1) Subsection (2) applies to an action that is intended by a person:

(a) to cause death or serious bodily injury; or

(b) to cause extensive damage to a place mentioned in paragraph (2) (a) or (b), a facility mentioned in paragraph (2) (c) or a system mentioned in paragraph (2) (d), if the damage results in or is likely to result in major economic loss.

(2) The person must not unlawfully and intentionally deliver, place, discharge or detonate an explosive or other lethal device in, into or against:

(a) a part of a building, land, street or waterway or other location that is accessible or open to members of the public, whether continuously, periodically or occasionally, including a commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational or similar place; or

(b) a facility or conveyance that is used or occupied, in connection with his or her official duties, by:

(i) a representative of any Government; or

(ii) the Head of State of any country; or

(iii) the Prime Minister or a Minister or a
cabinet member of any country; or

(iv) a member of the legislature of any country; or

(v) a judge of any country; or

(vi) an official or employee of a Government or public authority or an inter-governmental organization; or

(c) a facility, conveyance or instrumentality, whether public or privately owned, that is used in or for a publicly available service for the transportation of persons or cargo; or

(d) a publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, energy, fuel or communications.

Maximum penalty: imprisonment for life.

NUCLEAR TERRORISM

Section 1365 Nuclear terrorism

(1) A person must not:

(a) unlawfully possess radioactive material or make or possess a radioactive device:

(i) with the intent to cause death or serious bodily injury; or

(ii) with the intent to cause substantial damage to property or to the environment;

(iii) unlawfully use in any way radioactive
material or a radioactive device, or use or damage a nuclear facility in a manner which causes a release or increases the risk of the release of radioactive material:

(aa) with the intent to cause death or serious bodily injury; or

(bb) with the intent to cause substantial damage to property or to the environment;

(cc) with the intent to compel a person, State or an international organization to do or refrain from doing any act.

(1) A person must not:

(a) threaten to commit an offence mentioned in subsection (1)(b); or

(b) unlawfully and intentionally make a demand supported by a threat or use of force:

(i) for the supply of radioactive material or a radioactive device; or

(ii) for a nuclear facility to be made available or for access to a nuclear facility.

(2) A threat referred to in subsection (2) must be made in circumstances which indicate the credibility of the threat.

Maximum penalty: imprisonment for life.

TRANSNATIONAL ORGANISED CRIME

Section 1366 Participation in organized criminal group
(1) A person must not participate (whether as a member, associate member or prospective member) in an organised criminal group, knowing that it is an organised criminal group:

(a) knowing that his or her participation contributes to the occurrence of criminal activity; or

(b) reckless as to whether his or her participation contributes to the occurrence of criminal activity.]

Maximum penalty: imprisonment for 20 years.

(2) A group of people is capable of being an organised criminal group for the purposes of this section whether or not:

(a) some of them are subordinates or employees of others; or

(b) only some of the people involved in it at a particular time are involved in the planning, arrangement or execution at that time of any particular action, activity, or transaction; or

(c) its membership changes from time to time.

Section 1367 Corruption

(1) A person must not intentionally promise, offer or give to a public official, directly or indirectly, an undue advantage, for the official or for another person, for the official to act or refrain from acting in the exercise of his or her official duties.
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1 Maximum penalty: imprisonment for 15 years.

(2) A public official must not intentionally solicit or accept, directly or indirectly, an undue advantage, for the official or for another person, for the official to act or refrain from acting in the exercise of official duties.

7 Maximum penalty: imprisonment for 15 years.

PEOPLE TRAFFICKING

Section 1368 Offence of trafficking in persons
A person must not engage in trafficking in a person or be involved in the arranging of trafficking in a person, knowing that the person’s entry into the Federated States of Micronesia or any other state is or was arranged by specified means.

15 Maximum penalty: imprisonment for 20 years.

Section 1369 Offence of trafficking in children
A person must not intentionally engage in trafficking in a person who is a child or be involved in the arranging of trafficking in a person who is a child, regardless of whether the child’s entry into the Federated States of Micronesia or any other state is or was arranged by specified means.

23 Maximum penalty: imprisonment for 20 years.

Section 1370 Exploitation of people not legally entitled to work

(1) An employer who allows an unlawful employee to
undertake employment in the employer’s service must not take an action with the intention of preventing or hindering the employee from:

(a) leaving the Federated States of Micronesia; or

(b) as certaining or seeking that person’s entitlement under the law of the Federated States of Micronesia; or

(c) disclosing to any person the circumstances of that person’s employment by the employer.

(2) Without limiting the generality of subsection (1), the following are examples of actions of the kind mentioned in that subsection:

(a) taking or retaining possession or control of a person’s passport, any other travel or identity document, or travel tickets;

(b) preventing or hindering a person from:

(i) having access to a telephone; or

(ii) using a telephone; or

(iii) using a telephone privately; or

(iv) leaving premises; or

(v) leaving premises unaccompanied;

(c) preventing or hindering any labour inspector of official from entering or having access to any place or premises to which the person is entitled to have access under any law.
Maximum penalty: imprisonment for 10 years.

Section 1371 Consent of trafficked person

(1) For sections 1368 and 1369 it is not a defence:

(a) that the trafficked person consented to the intended exploitation; or

(b) that the intended exploitation did not occur.

Section 1372 Offence relating to fraudulent travel documents

(1) A person must not knowingly, in order to obtain a material benefit:

(a) produce a fraudulent travel or identity document; or

(b) procures, provide or possess a fraudulent travel or identity document.

Maximum penalty: imprisonment for 10 years.

Section 1373 Protection for trafficked persons

(1) A trafficked person is not liable to criminal prosecution for:

(a) the act of trafficking in persons or being a party to an offence of trafficking in persons; or

(b) the person’s illegal entry into the Federated States of Micronesia, in connection with the act of trafficking in person if the Federated States of Micronesia is the receiving country; or

(c) the person’s period of unlawful residence in the Federated States of Micronesia after being
trafficked, if the Federated States of Micronesia is the receiving country; or

(d) the person’s procurement or possession of any fraudulent travel or identity documents that the person obtained, or with which the person was supplied, for the purpose of entering the receiving country in connection with the act of trafficking in persons.

(2) Subsection (1) does not prevent the removal of a trafficked person in accordance with [applicable immigration laws].

Section 1374 Obligation on commercial carriers

(1) A commercial carrier must not transport a person into a receiving country if, on entry into the receiving country, the person does not have the travel documents required for lawful entry into that country. Maximum penalty: fine of $100,000.

(2) A commercial carrier is not guilty of an offence under subsection (1) if:

(a) the commercial carrier had reasonable grounds to believe that the documents that the person has are the travel documents required for lawful entry of that person into the receiving country; or

(b) the person possessed the travel documents required for lawful entry into the receiving country when that person boarded, or last boarded, the means of transport to travel to the receiving country; or
(c) entry into the receiving country occurred only because of illness of or injury to a person on board, emergency, stress of weather or other circumstances beyond the control of the commercial carrier.

(3) A commercial carrier that is guilty of an offence under this section is liable to pay the costs of the person’s detention in, and removal from, the receiving country.

PEOPLE SMUGGLING

Section 1375 Offence of people smuggling

(1) A person must not, in order to obtain a material benefit, engage in people smuggling either knowing or being reckless as to the fact that the entry of the person being or to be smuggled into the country is illegal.

Maximum penalty: imprisonment for 20 years.

(2) Subsection (1) applies whether or not the person being smuggled enters or arrives in the receiving country.

Section 1376 Offence to facilitate stay of an unauthorised person

A person must not knowingly facilitate the continued presence of an unauthorised person in a receiving country in order to obtain a material benefit.

Maximum penalty: imprisonment for 15 years.
Section 1377 Offence related to fraudulent travel or identity documents

(1) A person must not knowingly, in order to obtain a material benefit:

(a) produce a fraudulent travel or identity document; or

(b) procure, provide or possess a fraudulent travel or identity document.

Maximum penalty: imprisonment for 10 years.

Section 1378 Aggravated offences

(1) A person commits an aggravated offence of any of the offences mentioned in subsection (2) who commits that offence in one or more of the following circumstances:

(a) the unauthorised person is subjected to torture or to any other cruel, inhuman or degrading treatment (including exploitation);

(b) the life or safety of the person being smuggled is, or is likely to be, endangered.

(2) Aggravated offences are offences against sections 1375, 1376 and 1377.

Maximum penalty: imprisonment for 25 years.

Section 1379 Protection for smuggled persons

(1) An unauthorised person is not liable to prosecution for an offence under sections 1375-1381, by reason only of the fact that the person is the object of
the following conduct:

(a) people smuggling;

(b) when committed for the purpose of enabling
people smuggling, an offence under section 1377;

(c) an offence under section 1376.

(2) For the avoidance of doubt, nothing in subsection
(1) prevents proceedings being taken against an
unauthorised person for an act or omission that
constitutes an offence under any other law.

Section 1380 Obligation on commercial carriers

(1) A commercial carrier must not transport a person
into a receiving country if, on entry into the receiving
country, the person does not have the travel documents
required for lawful entry into that country.
Maximum penalty: fine of $100,000.

(2) A commercial carrier is not guilty of an offence
under subsection (1) if:

(a) the commercial carrier had reasonable grounds
to believe that the documents that the person has are
the travel documents required for lawful entry of that
person into the receiving country; or

(b) the person possessed the travel documents
required for lawful entry into the receiving country
when that person boarded, or last boarded, the means of
transport to travel to the receiving country; or

(c) entry into the receiving country occurred
only because of illness of or injury to a person on
board, emergency, stress of weather or other
circumstances beyond the control of the commercial
carrier.

(3) A commercial carrier that is guilty of an offence
under this section is liable to pay the costs of the
person’s detention in, and removal from, the receiving
country.

Section 1381 Boarding, search and detention of craft

(1) This section applies to a craft that is a ship,
boat, or other machine or vessel used or capable of
being used for the carriage of persons by water or over
water, except for a foreign warship.

(2) An authorised officer may stop and board the craft
within the Federated States of Micronesia if the
authorised officer has reasonable grounds to believe the
craft:

(a) is being used to commit an offence against
section 1375; and

(b) the craft is in:

(i) the Federated States of Micronesia; or

(ii) the contiguous zone of the Federated
States of Micronesia.

(3) The authorised officer may, when reasonably
necessary for the exercise of his or her functions in
connection with an offence against section 1375:
(a) direct the craft to stay where it is, or
direct it to be taken to a suitable place in the
Federated States of Micronesia, for the purpose of
search; and

(b) search and detain the craft, anyone on it and
anything on it; and

(c) question any person on board the craft; and

(d) require the production of any documents
relating to the craft or any travel or identity
documents of a person on the craft; and

(e) take a copy of any documents produced; and

(f) seize and detain anything found on the craft
that appears to him or her to be evidence of an offence
against this charter; and

(g) remain on the craft for such period as is
reasonably necessary for the purpose of boarding,
searching and directing the craft or carrying out an
investigation for an offence against section 1375.

(4) If the craft fails to stop at the request of an
authorised officer, the officer may pursue it into
international waters and take any action that is
reasonably necessary to stop the craft to enable it to
be boarded (other than in the territorial sea of another
country).

(5) The authorised officer may require the person in
charge of the craft, a member of the crew or any person
on board to take any action that may be directed by the officer for paragraph (3) (a).

(6) The person in charge of the craft must give any authorised officer who remains on board the craft proper and sufficient food and suitable accommodation without charge.

(7) A person must comply with a direction of the authorised officer under paragraph (3) (a).

Maximum penalty: imprisonment for 3 years.

GENERAL PROVISIONS

Section 1382 Jurisdiction

(1) Unless otherwise provided for under this chapter, proceedings may be brought for an offence under this chapter:

(a) if the act or omission:

(i) is committed in the Federated States of Micronesia; or

(ii) is committed on board a ship or aircraft registered in the Federated States of Micronesia; or

(iii) is committed by a person who is in the Federated States of Micronesia; and

(b) whether or not the act or omission constituting the offence is committed in or outside the Federated States of Micronesia, if the act or omission:

(i) is committed by a citizen of the Federated States of Micronesia or a citizen of any
country who is ordinarily resident in the Federated States of Micronesia; or

(ii) is committed in order to compel the Government of the Federated States of Micronesia to do or abstain from doing any act; or

(iii) is committed against a citizen of the Federated States of Micronesia; or

(iv) is committed by a person who is, after the commission of the offence, present in the Federated States of Micronesia; or

(v) is intended to be committed in the Federated States of Micronesia; or

(vi) originates in or transits the Federated States of Micronesia.

Section 1383 Aiding, abetting etc commission of an offence

(1) A person who aids, abets, counsels or procures the commission of an offence under this chapter by another person is taken to have committed the offence and is punishable as if the offence had been committed by that person.

(2) A person does not commit an offence under subsection (1) if, before the offence was committed, the person:

(a) terminated the person’s involvement; and

(b) took all reasonable steps to prevent the
Section 1384 Incitement to commit an offence

(1) A person who urges the commission of an offence under this chapter commits an offence.

Maximum penalty: imprisonment for 10 years.

(2) A person commits an offence under subsection (1) even if committing the offence incited is impossible.

Section 1385 Conspiring to commit an offence

(1) A person who conspires with another person, whether inside or outside the Federated States of Micronesia, to commit an offence under this chapter commits the offence of conspiracy and is punishable as if the offence to which the conspiracy relates had been committed.

(2) A person is not guilty of conspiracy to commit an offence if, before the taking of action under the agreement, the person:

(a) withdrew from the agreement; and

(b) took all reasonable steps to prevent the commission of the offence.

(3) A person is not guilty of conspiracy to commit an offence if:

(a) all other parties to the agreement have been acquitted of the conspiracy and a finding of guilt would be inconsistent with their acquittal; or

(b) the person is a person for whose benefit or
protection the offence exists.

**Section 1386 Attempting to commit an offence**

A person who attempts to commit an offence under this chapter commits an offence and is punishable as if the offence attempted had been committed, provided that the person’s conduct is more than merely preparatory to the commission of the offence.

**Section 1387 Liability of a corporation**

(1) This chapter applies to a corporation in the same way as it applies to an individual and a corporation may be found guilty of any of the offences set out in this chapter, in addition to the liability of any person for the same offence.

(2) For an offence under this chapter, the conduct or state of mind of an employee, agent or officer of a corporation is taken to be attributed to the corporation if that person is acting:

(a) within the scope of the person’s employment; or

(b) within the scope of the person’s actual or apparent authority; or

(c) with the consent or agreement (express or implied) of a director, servant or agent of the corporation, and giving that consent is within the actual or apparent authority of the director, servant or agent.
(3) A reference in this section to the state of mind of a person includes the person’s knowledge, intention, opinion, belief or purpose, and the person’s reasons for that intention, opinion, belief or purpose.

Section 1388 Obligation to extradite or prosecute

If the Attorney-General refuses a request from another country to extradite a person under the Extradition Act, and the extradition request relates to an act or omission listed in Schedule 1, the Attorney-General must submit the matter to the Police.

Section 1389 Consent of Attorney-General

(1) Proceedings for any offence under this chapter, for which jurisdiction is claimed under subparagraph 1382 (a) (ii) for an offence committed on board an aircraft while in flight, or a vessel, elsewhere than in or over the Federated States of Micronesia or for any other offence committed outside the Federated States of Micronesia may only be instituted with the consent of the Attorney-General.

(2) Subsection (1) do not prevent the arrest, or the issue of a warrant for the arrest, of any person for any offence, or the remanding in custody or on bail of any person charged with any offence.

Section 1390 Restricted grounds for refusal to extradite or provide mutual assistance

(1) Despite anything in the Extradition Act 2007 or
Mutual Assistance in Criminal Matters Act 2000, an offence under this or any other title, where the act or omission constituting the offence also constitutes a terrorist act, is taken, for the purposes of extradition or mutual assistance, not to be:

(a) an offence of a political character or an offence connected with a political offence or an offence inspired by political motives; or

(b) a fiscal offence.

(2) Despite anything in the Mutual Assistance in Criminal Matters Act 2000, no request for mutual assistance in relation to an offence under this chapter may be declined solely on the basis of bank secrecy.

Section 1391 Responsibility for enforcement of this chapter

The Secretary of Justice has primary enforcement for this chapter.

Section 1392 Court jurisdiction

Despite any other law the court has jurisdiction concerning all matters under or relating to this chapter.

Section 1393 No limitation of time for prosecutions.

Despite any other law there is no limitation of time on when a prosecution for an offence established under this chapter may be brought.
Section 1394. This Act becomes law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval, which event occurs first.

Date: _______  Introduced by: ____________________________

Joe N. Suka
(by request)