AN ACT

To adopt a National Criminal Code for the Federated States of Micronesia, repeal certain Trust Territory laws relating to crimes within the jurisdiction of the National Government, and for other purposes.

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

1 Section 1. National Criminal Code. There is hereby adopted a National

2 Criminal Code for the Federated States of Micronesia to read as follows:

3 "National Criminal Code

4 Chapter 1. GENERAL PROVISIONS

5 Sections

6 101. Title.

7 102. Applicability to Offenses Committed Before and After

8 Effective Date.

9 103. Territorial Applicability.

10 104. Definitions.

11 105. Time Limitations for Beginning Prosecutions.

12 106. Venue.

13 107. Defenses.


15 Chapter 2. INCHOATE CRIMES

16 Sections

17 201. Attempts.


19 203. Conspiracy.

20 204. Penalties for Attempt, Solicitation and Conspiracy.

21 Chapter 3. GENERAL PRINCIPLES OF RESPONSIBILITY

22 Sections
301. Liability for Crimes of Another.

302. Physical or Mental Disease, Disorder or Defect Excluding Criminal Responsibility.

303. Evidence of Physical or Mental Disease, Disorder or Defect Admissible When Relevant to Element of the Offense.

304. Physical or Mental Disease, Disorder, or Defect Excluding Fitness to Proceed.

305. Statements for Purposes of Examination and Treatment.

306. Intoxication.

Chapter 4. OFFENSES AGAINST THE NATIONAL SECURITY

Sections

401. Treason.

402. Armed Insurrection.

403. Advocating Armed Insurrection.

404. Revealing Classified Information.

Chapter 5. OFFENSES AGAINST PUBLIC ADMINISTRATION

Subchapter I. OBLICUTING GOVERNMENT OPERATIONS

501. Obstructing Administration of Law or Other Governmental Functions.

502. Resisting Arrest or Other Lawful Enforcement.

503. Hindering Apprehension or Prosecution.

504. Compounding.

505. Escape.

506. Implements for Escape.

507. Bail Jumping; Default in Required Appearance.
508. Disrupting Government Meetings.

Subchapter II. ABUSE OF OFFICE

Sections


522. Speculating or Wagering on Official Action or Information.

Subchapter III. BRIBERY AND RELATED OFFENSES OF CORRUPT INFLUENCE

Sections


532. Threats and Other Improper Influence in Official and Political Matters.

533. Retaliation for Past Official Action.

534. Gifts to Public Servants by Persons Subject to Their Jurisdiction.

535. Compensating Public Servant for Assisting Private Interests in Relation to Matters Before Him.

536. Selling Political Endorsement; Special Influence.

Subchapter IV. PERJURY AND RELATED OFFENSES OF FALSIFICATION

Sections

551. Perjury.

552. False Swearing in Official Matters.

553. Unsworn Falsification to Authorities.

554. Limitations on Prosecutions of Perjury and Related Offenses.

555. Tampering with Witnesses and Informants.
556. Retaliation Against Witnesses or Informants.

557. Tampering With or Fabricating Physical Evidence.

558. Tampering With Public Records or Information.

559. Impersonating a Public Servant.

Chapter 6. OFFENSES AGAINST GOVERNMENT PROPERTY

Sections

601. Theft Against the Government.

602. Criminal Mischief Against the Government.


604. Trespass on Government Property.

Chapter 7. CIVIL RIGHTS

Sections

701. Deprivation of Rights.

702. Right to Full and Equal Enjoyment of Public Accommodations.

Chapter 8. EMERGENCY PROCLAMATIONS

Sections

801. Proclamation of Emergency.

802. Emergency Restrictions.

803. Offense Defined and Penalty.


Chapter 9. MAJOR CRIMES

Subchapter I. NATIONAL GOVERNMENT JURISDICTION

Sections

Subchapter II. OFFENSES AGAINST THE PERSON

Sections

3. Murder.
4. Manslaughter.
5. Negligent Homicide.
6. Sexual Assault.
7. Sexual Assault; Definitions.
8. Sexual Abuse.
10. Assault With a Dangerous Weapon.
11. Robbery.
14. Usurping Control of Aircraft.
15. Mutiny on a Vessel.

Subchapter III. OFFENSES AGAINST PROPERTY

Sections

16. Theft.
17. Definitions.
18. Theft by Unlawful Taking or Disposition.
19. Theft by Deception.
20. Theft by Extortion.
21. Theft of Property Lost, Mislaid or Delivered by
Mistake.

937. Receiving Stolen Property.
938. Theft of Services.
939. Theft by Failure to Make Required Disposition of Funds Received.

Subchapter IV. FORGERY AND OTHER FRAUD OFFENSES

Sections

951. Forgery.
952. Possession of Forged Writing or Forgery Device.
953. Fraudulent Destruction, Removal, or Concealment of Recordable Instruments.
954. Misuse of Credit Cards.

Subchapter V. OTHER PROPERTY OFFENSES

Sections

961. Burglary.
962. Arson and Related Offenses.
963. Criminal Mischief.

Chapter 10. SENTENCING

Sections

1001. Fines.
1002. Authorized Sentences.
1003. Custom in Sentencing.

"Chapter 1

GENERAL PROVISIONS

Sections
1. Title.

2. Applicability to Offenses Committed Before and After Effective Date.

3. Territorial Applicability.

4. Definitions.

5. Time Limitations for Beginning Prosecutions.

6. Venue.

7. Defenses.


"Section 101. Title. This act shall be known and cited as the "National Criminal Code".

"Section 102. Applicability to Offenses Committed Before and After the Effective Date.

(1) Except as provided in Subsection (2) of this Section, this Code does not apply to offenses committed before its effective date. For purposes of this Section, an offense is committed before the effective date if any of the elements of the offense occurred before that date.

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

"Section 103. Territorial Applicability.

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

(a) either the conduct or the result which is an

element of the offense occurs within this jurisdiction; or

(b) conduct occurring outside this jurisdiction is

sufficient under the law of this jurisdiction to constitute an

attempt to commit an offense within this jurisdiction; or

(c) conduct occurring outside this jurisdiction is

sufficient under the law of this jurisdiction to constitute a

conspiracy to commit an offense within this jurisdiction and an

overt act in furtherance of such conspiracy occurs within this

jurisdiction; or

(d) conduct occurring within this jurisdiction

establishes complicity in the commission of, or an attempt,

solicitation, or conspiracy to commit, an offense in another

jurisdiction which also is an offense under the law of this

jurisdiction; or

(e) the offense consists of the omission, while within

or outside this jurisdiction, to perform a legal duty imposed by

the law of the Federated States of Micronesia with respect to

domicile, residence, or a relationship to a person, thing, or

transaction in this jurisdiction; or

(f) the offense is based on a statute of the Federated

States of Micronesia which expressly prohibits conduct outside

this jurisdiction, when the conduct bears a reasonable relation

to a legitimate interest of the Federated States of Micronesia and
the defendant knows that his conduct is likely to affect that
interest.

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

"Section 104. Definitions. The definitions in this Section shall
apply throughout this Code, unless otherwise specified or a
different meaning is plainly required.

(1) Classification of Crimes. A "felony" is an offense
which may be punished by imprisonment for more than 1 year. A
"petty misdemeanor" is an offense which may be punished by
imprisonment for not more than 30 days. Every other offense is
a "misdemeanor".

(2) Defendant. The term "defendant" includes a person who
is an accessory or accomplice of the defendant.

(3) National Offense. A "national offense" is an offense
defined by this Code or which is otherwise an offense against
the Federated States of Micronesia.

(4) Official Proceeding. "Official proceeding" means a
proceeding heard or which may be heard before any legislative,
judicial, administrative or other governmental agency of the
Federated States of Micronesia, or official authorized to take
evidence under oath, including any referee, hearing examiner,
commissioner, notary or other person taking testimony or
deposition in connection with any such proceeding. The term "official proceeding" includes all judicial and administrative proceedings of the Government of the Trust Territory of the Pacific Islands which arise out of the Federated States of Micronesia.

(5) Persons. The terms "person", "he", "accused", and "defendant" include any natural person and, where relevant, a corporation or an unincorporated association.

(6) Public Servant. A "public servant" means any officer or employee of, or any person acting on behalf of, the Federated States of Micronesia, including legislators and judges, and any person acting as an advisor, consultant or otherwise, in performing a governmental function; but the term does not include witnesses. The term "public servant" includes a public servant of the Government of the Trust Territory of the Pacific Islands when acting in judicial or administrative proceeding which has been brought in, or arises out of, the Federated States of Micronesia.

(7) State. The term "State" means a state of the Federated States of Micronesia.

(8) Major Crime. A "major crime" is any crime which is punishable by imprisonment for a period of 3 years or more. An attempt to commit a major crime is also a major crime.

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

(10) **Knowledge.** A person acts knowingly, or with knowledge, with respect to his conduct or to attendant circumstances when he is aware of the nature of his conduct or that those circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is practically certain to cause the result.

(11) **Recklessness.** "Recklessness" means to act with willful disregard to the attendant circumstances, or if unaware of the circumstances, to act in such a manner that constitutes a gross deviation from the standard of care that a reasonable person would exercise in the situation.

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

"Section 105. Time Limitations for Beginning Prosecutions.

(1) A prosecution for murder may be commenced at any time.

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

(a) a prosecution for an offense which is punishable
by imprisonment for more than 10 years must be commenced within 6 years after it is committed.

(b) a prosecution for any other felony must be commenced within 3 years after it is committed.

(c) a prosecution for a misdemeanor offense must be commenced within 2 years after it is committed.

(d) a prosecution for a petty misdemeanor must be commenced within 6 months after it is committed.

(3) If the time limitation set forth in Subsection (2) of this Section has expired, a prosecution may nevertheless be commenced for:

(a) any offense, an element of which is either fraud or a breach of fiduciary obligation, within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(b) any offense based on misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years.

(4) The time limitation does not run:

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

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

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

"Section 106. Venue.

(1) All trials of offenses shall be held in the state in
which the offense was committed.

(2) If elements of the offense were committed in different
states, the trial may be held in any state in which a material
element was committed.

(3) A defendant may petition the court for a change of venue
for good cause. The government may petition for a change of venue
for good cause of any place where trial may be held under this
Section.

"Section 107. Defenses.

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

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

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

(b) if the defense is an affirmative defense, the
defendant is entitled to an acquittal if the trier of facts finds
that the evidence, when considered in the light of any contrary
prosecution evidence, proves by a preponderance of the evidence
the specified fact or facts which negative penal liability.

(3) A defense is an affirmative defense if it is so
designated by this Code or another statute.

"Section 108. Customary Law. For purposes of administration and
enforcement of this act:

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

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

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

"Chapter 2

INCHOATE CRIMES

Sections

201. Attempts.


203. Conspiracy.

204. Penalties for Attempt, Solicitation, and Conspiracy.

"Section 201. Attempts.

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

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

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

"Section 202. Solicitation.

(1) A person commits the offense of solicitation if, with
intent to promote or facilitate the commission of a national
offense, he commands, encourages or requests another person to
engage in conduct, cause the result specified by the definition of
the offense, or engage in conduct which would be sufficient to
establish complicity in the specified conduct or result.

(2) It is immaterial under Subsection (1) of this Section
that the defendant fails to communicate with the person he solicits
if his conduct was designed to cause such communication.

(3) It is an affirmative defense to the prosecution for
solicitation that the defendant, under circumstances showing a
complete and voluntary renunciation of his criminal intent, made
a reasonable effort to prevent the conduct or result solicited.

"Section 203. Conspiracy.

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

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

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

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

(3) It is an affirmative defense that the defendant, under
circumstances showing a complete and voluntary renunciation of
his criminal intent, made a reasonable effort to prevent the
conduct or result which is the object of the conspiracy.
"Section 204. Penalties for Attempt, Solicitation, and
Conspiracy. A person convicted of attempt, solicitation or
conspiracy shall be punished:

(1) By imprisonment for not more than 10 years if the
maximum sentence provided for any offense which was the object
of the attempt, solicitation, or conspiracy is life imprisonment;
or

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

"Chapter 3

GENERAL PRINCIPLES OF RESPONSIBILITY

Sections

301. Liability for Crimes of Another.
302. Physical or Mental Disease, Disorder or Defect
Excluding Criminal Responsibility.
303. Evidence of Physical or Mental Disease, Disorder or
Defect Admissible When Relevant to Element of the Offense.
304. Physical or Mental Disease, Disorder or Defect
Excluding Fitness to Proceed.
305. Statements for Purposes of Examination and Treatment.
306. Intoxication.

"Section 301. Liability for Crimes of Another.

(1) A person is criminally liable for the conduct of another, if:

(a) he intentionally aids, abets, advises, solicits, counsels, or conspires with or otherwise procures the other to commit an offense; or

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

(c) having a legal duty to prevent the commission of an offense, he fails to make proper effort to do so.

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

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

"Section 302. Physical or Mental Disease, Disorder or Defect Excluding Criminal Responsibility.

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

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

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

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

"Section 303. Evidence of Physical or Mental Disease, Disorder or
Defect Admissible When Relevant to Element of the Offense.
Evidence that the defendant suffered from a physical or mental
disease, disorder or defect is admissible whenever it is relevant
to prove that the defendant did or did not have a state of mind
which is an element of the offense.

"Section 304. Physical or Mental Disease, Disorder or Defect
Excluding Fitness to Proceed.

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

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

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

"Section 305. Statements for Purposes of Examination and
Treatment. A statement of a person made pursuant to treatment
under this Chapter, or made pursuant to an examination for the
purpose of assessing criminal responsibility or fitness to
proceed, shall not be admissible in evidence against him in any
criminal proceeding on any issue other than that of his physical
or mental condition excluding responsibility or fitness to proceed,
but it shall be admissible upon those issues whether or not it
would otherwise be deemed a privileged communication, unless such
statement constitutes an admission of guilt of the offense charged.
"Section 306. Intoxication.
(1) An act committed while in a state of voluntary intoxi-
cation is not less criminal by reason thereof, but evidence of
intoxication of the defendant shall be admissible to prove or
negate the conduct alleged or the state of mind which is an element
of the offense.
(2) Intoxication does not, in itself, constitute a physical
or mental disease, disorder or defect within the meaning of this
Chapter.
(3) When recklessness establishes an element of the offense,
if the defendant, due to voluntary intoxication, is unaware of a
risk that he would have been aware of had he been sober, such
unawareness is immaterial.
(4) "Intoxication" means a disturbance of mental or physical
capabilities resulting from the introduction of substances into
the body.
"Chapter 4
OFFENSES AGAINST THE NATIONAL SECURITY
Sections
401. Treason.
"Section 401. Treason.

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

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

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

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

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

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

"Section 402. Armed Insurrection.

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

(2) Penalty. A person convicted under Subsection (1) of this
Section shall be punished by imprisonment for not more than 10
years.

"Section 403. Advocating Armed Insurrection.

(1) A person commits an offense if, with intent to induce or
otherwise cause others to engage in armed insurrection in violation
of Section 402, he:

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

(b) organizes an association which engages in the
advocacy prohibited in Paragraph (a), or, as an active member of
such association, facilitates such advocacy.

(2) Penalty. A person convicted under this Section shall
be punished by imprisonment for not more than 5 years.

"Section 404. Revealing Classified Information.

(1) A person commits an offense if he:

(a) intentionally communicates classified information
to an unauthorized person; or
(b) knowingly obtains classified information without authorization; or

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

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

(3) A person convicted under this Section shall be punished by imprisonment for not more than 5 years.

"Chapter 5

OFFENSES AGAINST PUBLIC ADMINISTRATION

Subchapter I. OBSTRUCTING GOVERNMENT OPERATIONS

Sections

501. Obstructing Administration of Law or Other Governmental Function.

502. Resisting Arrest or Other Lawful Enforcement.

503. Hindering Apprehension or Prosecution.

504. Compounding.

505. Escape.

506. Escape; Other Contraband.

507. Bail Jumping; Default in Required Appearance.

508. Disrupting Government Meetings.

Subchapter II. ABUSE OF OFFICE

Sections

522. Speculating or Wagering on Official Action or Information.

Subchapter III. Bribery and Related Offenses to Corrupt Influence

Sections


532. Threats and Other Improper Influence in Official and Political Matters.

533. Retaliation for Past Official Action.

534. Gifts to Public Servants by Persons Subject to Their Jurisdiction.

535. Compensating Public Servant for Assisting Private Interests in Relation to Matters Before Him.

536. Selling Political Endorsement; Special Influence.

Subchapter IV. Perjury and Related Offenses of Falsification

Sections

551. Perjury.

552. False Swearing in Official Matters.

553. Unsworn Falsification to Authorities.

554. Limitations on Prosecutions of Perjury and Related Offenses.

555. Tampering With Witnesses and Informants.

556. Retaliation Against Witnesses or Informants.

557. Tampering With or Fabricating Physical Evidence.
558. Tampering With Public Records or Information.
559. Impersonating a Public Servant.

Subchapter I. OBSTRUCTING GOVERNMENT OPERATIONS

"Section 501. Obstructing Administration of Law or Other Governmental Function.

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

(2) A person convicted under this Section shall be punished by imprisonment for not more than 1 year.

"Section 502. Resisting Arrest or Other Law Enforcement.

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

(2) A person convicted under this Section shall be punished
by imprisonment for not more than 1 year.

"Section 503. Hindering Apprehension or Prosecution.

(1) A person commits an offense if, with purpose to hinder
the apprehension, prosecution, conviction or punishment of another
for a national offense he:

(a) harbors or conceals the other; or

(b) provides or aids in providing a weapon, transporta-
tion, disguise or other means of avoiding apprehension or
effecting escape; or

(c) conceals or destroys evidence of the offense, or
tampers with a witness, informant, document or other source of
information, regardless of its admissibility in evidence; or

(d) warns the other of impending discovery or apprehen-
sion, except that this paragraph does not apply to a warning given
in connection with an effort to bring another into compliance with
law; or

(e) volunteers false information to any law enforcement
officer.

(2) A person convicted under this Section shall be punished:

(a) by imprisonment for not more than 5 years if the
conduct which the defendant knows has been charged or is liable to
be charged against the person aided is punishable by imprisonment
for 10 or more years;

(b) otherwise, by imprisonment for not more than 1 year.

"Section 504. Compounding.
(1) A person commits an offense if he accepts or agrees to accept any pecuniary benefit in consideration of refraining from reporting to law enforcement authorities the commission or suspected commission of any national offense or information relating to such an offense. It is a defense to prosecution under this Section that the pecuniary benefit did not exceed an amount which the defendant believed to be due as restitution or indemnification for harm caused by the offense.

(2) A person convicted under this Section shall be punished by imprisonment for not more than 1 year.

"Section 505. Escape.

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

(2) Permitting or Facilitating Escape. A public servant
involved in detention commits an offense if he knowingly permits an escape. Any person who knowingly causes or facilitates an escape commits an offense.

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

(a) the escape involved no substantial risk of harm to the person or property of anyone other than the defendant; or
(b) the detaining authority did not act in good faith under color of law.

(4) Penalty. A person convicted of escape shall be punished by imprisonment for not more than 10 years if the defendant employs force, a deadly weapon or other dangerous instrumentality to make the escape. Otherwise, a person convicted of escape shall be punished by imprisonment for not more than 3 years.

"Section 506. Implements for Escape; Other Contraband.

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

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

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

(4) Penalty. A person convicted under this Section shall be punished by imprisonment for not more than 1 year.

"Section 507. Bail Jumping; Default in Required Appearance.

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

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

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

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

(a) by imprisonment for not more than 3 years if the required appearance was to answer to a charge of felony, or for disposition of any such charge, and the defendant took flight or went into hiding to avoid apprehension, trial or punishment;

(b) otherwise, by imprisonment for not more than 1 year.

"Section 508. Disrupting Government Meetings.

(1) A person commits an offense if, with intent to prevent or substantially disrupt, or recklessly creating a risk thereof, or after a reasonable warning or request to desist has been made, he continues in conduct which prevents or substantially disrupts any official proceeding or any meeting, ceremony, procession or other official gathering of the Federated States of Micronesia, he:

(a) does any act which physically obstructs or interferes with the gathering; or

(b) engages in fighting or in violent behavior; or

(c) addresses abusive language to any person present,
which is likely to provoke a violent response; or

(d) creates a hazardous or physically offensive

condition by any act which is not performed under any authorized
license or permit.

(2) A person convicted under this Section shall be punished
by imprisonment for not more than 1 year.

Subchapter II. ABUSE OF OFFICE

"Section 521. Official Oppression.

(1) A person acting or purporting to act in an official
capacity on behalf of the Federated States of Micronesia, or
taking advantage of such actual or purported capacity, commits an
offense if, knowing that his conduct is illegal, he:

(a) subjects another to arrest, detention, search,
seizure, mistreatment, dispossession, assessment, lien or other
infringement of personal or property rights; or

(b) denies or impedes another in the exercise or enjoy-
ment of any right, privilege, power or immunity.

(2) A person convicted under this Section shall be punished
by imprisonment for not more than 1 year.

"Section 522. Speculating or Wagering on Official Action or
Information.

(1) A public servant commits an offense if, in contempla-
tion of official action by himself or by a governmental unit with
which he is associated, or in reliance on information to which he
has access in his official capacity and which has not been made
public, he:

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

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

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

(2) A person convicted under this Section shall be punished by imprisonment for not more than 1 year.

Subchapter III. BRIBERY AND RELATED OFFENSES OF CORRUPT INFLUENCE


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

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

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

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

(2) Defense. It is a defense to a prosecution under this Section that the defendant conferred or agreed to confer the pecuniary benefit as a result of extortion or coercion.

(3) Definition. For purposes of this Section, "public servant" includes in addition to those persons who are defined as a public servant under Section 104 of this Code, persons who have been elected, appointed, or designated to become a public servant although not yet occupying that position.

(4) Penalty. A person convicted under this Section shall be punished by imprisonment for not more than 5 years.

"Section 532. Threats and Other Improper Influence in Official and Political Matters.

(1) A person commits an offense if he:

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

(b) threatens harm to any public servant with purpose to influence his decision, opinion, recommendation, vote or other exercise of discretion in a judicial or administrative proceeding; or

(c) threatens harm to any public servant with purpose to influence him to violate his known legal duty; or
(d) privately addresses to any public servant who has
or will have an official discretion in a judicial or administra-
tive proceeding any representation, entreaty, argument or other
communication with purpose to influence the outcome on the basis
of considerations other than those authorized by law.

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

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

(a) by imprisonment for not more than 5 years if the
defendant threatened to commit a crime or made a threat with
purpose to influence a judicial or administrative proceeding;

(b) otherwise, by imprisonment for not more than 1
year.

"Section 533. Retaliation for Past Official Action.

(1) A person commits an offense if he harms another by any
unlawful act in retaliation for anything lawfully done by the
latter in the capacity of public servant.

(2) A person convicted under this Section shall be punished
by imprisonment for not more than 1 year.

"Section 534. Gifts to Public Servants by Persons Subject to
Their Jurisdiction.

(1) Regulatory and Law Enforcement Officials. A public
servant in any department or agency exercising regulatory
functions, or conducting inspections or investigations, or
carrying on civil or criminal litigation on behalf of the govern-
ment, or having custody of prisoners, commits an offense if he
solicits, accepts, or agrees to accept any pecuniary benefit from
a person known to be subject to such regulation, inspection,
investigation or custody, or against whom such litigation is
known to be pending or contemplated.

(2) **Officials Concerned with Government Contracts and**
Pecuniary Transactions. A public servant having any discretionary
function to perform in connection with contracts, purchases, pay-
ments, claims or other pecuniary transactions of the Government
commits an offense if he solicits, accepts or agrees to accept
any pecuniary benefit from any person known to be interested in
or likely to become interested in any such contract, purchase,
payment, claim or transaction.

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

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

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

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

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

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

(6) Offering Benefits Prohibited. A person commits an
offense if he knowingly confers, or offers or agrees to confer,
any benefit prohibited in this Section.

(7) Penalty. A person convicted under this Section shall
be punished by imprisonment for not more than 1 year.

"Section 535. Compensating Public Servant for Assisting
Private Interests in Relation to Matters Before Him."
(1) Receiving Compensation. A public servant commits an
offense if he solicits, accepts or agrees to accept compensation for
advice or other assistance in preparing or promoting a bill, contract,
claim, or other transaction or proposal as to which he knows that
he has or is likely to have an official discretion to exercise.

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

(3) Penalty. A person convicted under this Section shall be
punished by imprisonment for not more than 1 year.

"Section 536. Selling Political Endorsement; Special Influence.

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

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

(3) Paying for Endorsement or Special Influence. A person commits an offense if he offers, confers or agrees to confer any pecuniary benefit receipt of which is prohibited by this Section.

(4) Penalty. A person convicted under this Section shall be punished by imprisonment for not more than 1 year.

Subchapter IV. PERJURY AND RELATED OFFENSES OF FALSIFICATION

"Section 551. Perjury.

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

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

(3) Penalty. A person convicted of perjury shall be punished by not more than 5 years imprisonment.

"Section 552. False Swearing in Official Matters."
(1) A person commits the offense of false swearing if:

   (a) he makes a false statement under oath or
equivalent affirmation, or swears or affirms the truth of
such a statement previously made, when he does not believe the
statement to be true, and:

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

      (ii) the falsification is intended to mis-
lead a public servant in performing his official function;
or

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

(2) A person convicted of false swearing shall be
punished by imprisonment for not more than 1 year.

"Section 553. Unsworn Falsification to Authorities.

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

   (a) makes any written false statement which he
does not believe to be true; or
(b) purposely creates a false impression in a
written application for any pecuniary or other benefit, by
omitting information necessary to prevent statements therein
from being misleading; or
(c) submits or invites reliance on any writing
which he knows to be forged, altered or otherwise lacking in
authenticity; or
(d) submits or invites reliance on any sample,
specimen, map, boundary-mark, or other object which he knows
to be false.

(2) Statements "Under Penalty". A person commits the
offense of falsification if he makes a written false state-
ment which he does not believe to be true, on or pursuant to
a form bearing notice, authorized by statute or regulation of
the Federated States of Micronesia, to the effect that false
statements made therein are punishable.

(3) Penalty. A person convicted under this Section shall
be punished by imprisonment for not more than 1 year.

"Section 554. Limitations on Prosecutions of Perjury and
Related Offenses. The following limitations apply to
prosecutions under Sections 551, 552, and 553:

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

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

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

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

"Section 555. Tampering with Witnesses and Informants.

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

(a) testify or inform falsely; or

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

(c) elude legal process summoning him to testify or supply evidence; or

(d) absent himself from any proceeding or investigation to which he has been legally summoned.

(2) **Penalty.** A person convicted under Subsection (1) of this Section shall be punished:

(a) if the defendant uses force, deception, threat or offer of pecuniary benefit, by imprisonment for not more than 5 years;

(b) otherwise, by imprisonment for not more than 1 year.

(3) **Witness or Informant Taking Bribe.** A person commits an offense if he solicits, accepts or agrees to accept any benefit in consideration of his doing any of the things specified in Subsection (1) of this Section.

(4) **Penalty.** A person convicted under Subsection (3) of this Section shall be punished by imprisonment for not more than 5 years.

"Section 556. Retaliation Against Witness or Informant.

(1) A person commits an offense if he harms another by any unlawful act in retaliation for anything lawfully done
in the capacity of witness or informant.

(2) A person convicted under this Section shall be
punished by imprisonment for not more than 1 year.

"Section 557. Tampering With or Fabricating Physical
Evidence.

(1) A person commits an offense if, believing that an
official proceeding or investigation is pending or about to
be instituted, he:

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

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

(2) A person convicted under this Section shall be
punished by imprisonment for not more than 1 year.

"Section 558. Tampering With Public Records or Information.

(1) A person commits an offense if he:

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

(b) makes, presents or uses any record, document
or thing knowing it to be false, and with purpose that it
be taken as a genuine part of information or records
referred to in Paragraph (a); or
(c) purposely and unlawfully destroys, conceals,
removes or otherwise impairs the verity or availability of
any such record, document or thing.

(2) A person convicted under this Section shall be
punished:

(a) by imprisonment for not more than 5 years if
the defendant's purpose was to defraud or injure anyone;
(b) otherwise, by imprisonment for not more than
1 year.

"Section 559. Impersonating a Public Servant.

(1) A person commits an offense if he falsely pretends
to be a public servant with purpose to induce another to
submit to such pretended official authority or otherwise
to act in reliance upon that pretense to his prejudice.
(2) A person convicted under this Section shall be
punished by imprisonment for not more than 1 year.

"Chapter 6

OFFENSES AGAINST GOVERNMENT PROPERTY

Sections

601. Theft Against the Government.
602. Criminal Mischief Against the Government.


604. Trespass on Government Property.

"Section 601. Theft Against the Government.

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

(2) Major Crimes Provisions Applicable. The provisions of Subchapter III of Chapter 9 relating to major crimes, excluding Subsections (1) and (2) of Section 931, shall apply to all cases of theft against the Government.

(3) Penalty. A person convicted under this Section shall be punished:

(a) if the value of the property or service is $5,000 or more, by imprisonment for not more than 10 years; or

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

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

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

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

"Section 602. Criminal Mischief Against the Government.

(1) Criminal Mischief. A person commits the offense of criminal mischief against the Government if he intentionally or recklessly:

(a) causes any damage to property in which the Government of the Federated States of Micronesia has any legal, equitable, or possessory interest; or

(b) causes the Government of the Federated States of Micronesia by deception or threat, to suffer any loss.

(2) Amount Involved. The amount involved in an offense of criminal mischief shall be deemed to be the highest value, by any reasonable standard, of the loss which the defendant caused or attempted to cause. Amounts involved in acts of criminal mischief committed pursuant to one scheme or course of conduct may be aggregated in determining the grade of the offense.

(3) Claim of Right. It is an affirmative defense to prosecution under Subsection (1)(a) of this Section that the defendant:

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

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

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

(a) if the value of the loss is $5,000 or more, by imprisonment for not more than 10 years; or

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

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

(d) if the value of the loss is at least $25 but less than $100, by imprisonment for not more than 6 months; or

(e) if the value of the loss is less than $25, by imprisonment for not more than 30 days.

"Section 603. Unauthorized Possession or Removal of Government Property.

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

(2) **Amount Involved.** The amount involved in a violation of Subsection (1) of this Section shall be deemed to be the highest value, by any reasonable standard, of either the loss to the Government or the fair rental value of the property.
involved. Amounts involved in acts of unauthorized
possession or removal committed pursuant to one scheme or
course of conduct may be aggregated in determining the
grade of the offense.

(3) **Penalty.** A person convicted under this Section
shall be punished:

(a) if the amount involved is $5,000 or more,
by imprisonment for not more than 10 years; or

(b) if the amount involved is at least $1,000
but less than $5,000, by imprisonment for not more than
5 years; or

(c) if the amount involved is at least
$100 but less than $1,000, by imprisonment for not more
than 1 year; or

(d) if the amount involved is at least $25
but less than $100, by imprisonment for not more than
6 months; or

(e) if the amount involved is less than $25,
by imprisonment for not more than 30 days.

"Section 604. **Trespass on Government Property.**

(1) A person commits the offense of trespass on
government property if he knowingly enters or remains
unlawfully on any property owned, operated, or controlled
by the Government of the Federated States of Micronesia.

(2) **Penalties.** A person convicted under this
Section shall be punished:

(a) by imprisonment for not more than 1 year if

the defendant entered or remained in any building or
structure, or in any area that is fenced or enclosed in such
a manner as to exclude intruders:

(i) at night; or

(ii) while in possession of a dangerous

weapon;

(b) otherwise, by imprisonment for not more than

30 days.

"Chapter 7
CIVIL RIGHTS

Sections

701. Deprivation of Rights.

702. Right to Full and Equal Enjoyment of Public Accommodations.

"Section 701. Deprivation of Rights.

(1) Deprivation of Rights. A person commits an offense

if, whether or not acting under color of law, he deprives

another of, or injures, oppresses, threatens, or intimidates

another in the free exercise or enjoyment of, or

because of his having so exercised any right, privilege,

or immunity secured to him by the Constitution or laws

of the Federated States of Micronesia, the laws of the

Trust Territory of the Pacific Islands, or the
Constitution or laws of the United States of America which
are applicable to the Federated States of Micronesia.

(2) **Penalty.** A person convicted under this Section
shall be punished by imprisonment for not more than 1 year.

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

"Section 702. Right to Full and Equal Enjoyment of Public
Accommodations.

(1) **Equal Access.** All persons shall be entitled,
without discrimination on the ground of race, color, religion,
language, place of origin or sex, to the full and equal
enjoyment of the goods, services, facilities, privileges,
advantages, and accommodations of:

   (a) any department, agency, or institution of,
or acting on behalf of, the Federated States of Micronesia;
or

   (b) any public accommodation which affects
commerce, as defined in this Section.

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

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

(a) it is a place of lodging; or
(b) it serves or offers to serve interstate
travelers; or
(c) a substantial portion of the goods or
entertainment it sells or provides has moved in commerce.

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

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

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

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

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

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

(7) Penalty. A person convicted under this Section shall
be punished by imprisonment for not more than 1 year.

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

"Chapter 8
EMERGENCY PROCLAMATIONS

Sections
801. Proclamation of Emergency.

802. Emergency Restrictions.

803. Offense Defined and Penalty.


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

"Section 802. Emergency Restrictions.

(1) During the existence of a state of emergency, the President may, by proclamation, prohibit:

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

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

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

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

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

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

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

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

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

"Section 803. Offense Defined and Penalty. Any person who,
during a state of emergency, fails to comply with restrictions
imposed by proclamation of the President under Section 802
commits an offense, and upon conviction, shall be punished:

(1) Upon the first conviction under this Section, by
imprisonment for not more than 1 year;
(2) Upon a second or subsequent conviction under this Section, by imprisonment for not more than 5 years.

"Section 804. Powers Not Limited. Nothing in this Chapter shall limit any other power to maintain the public peace and safety which is vested in the President.

"Chapter 9

MAJOR CRIMES

Subchapter I. NATIONAL GOVERNMENT JURISDICTION

Sections


902. Major Crimes Defined.

Subchapter II. OFFENSES AGAINST THE PERSON

Sections

911. Murder.

912. Manslaughter.

913. Negligent Homicide.

914. Sexual Assault.

915. Sexual Assault; Definitions.

916. Sexual Abuse.

917. Aggravated Assault.

918. Assault With a Dangerous Weapon.

919. Robbery.

920. Kidnapping.

921. Criminal Coercion.

922. Usurping Control of Aircraft.
Public Law No. 1-134

CONGRESSIONAL BILL NO. 1-184, C.D.1, C.D.2

1 923. Mutiny on a Vessel.

2 Subchapter III. OFFENSES AGAINST PROPERTY

3 Sections

4 931. Theft.

5 932. Definitions.

6 933. Theft by Unlawful Taking or Disposition.

7 934. Theft by Deception.

8 935. Theft by Extortion.

9 936. Theft of Property Lost, Mislaid or Delivered by Mistake.

10 937. Receiving Stolen Property.

11 938. Theft of Services.

12 939. Theft by Failure to Make Required Disposition of Funds Received.

15 Subchapter IV. FORGERY AND OTHER FRAUD OFFENSES

16 Sections

17 951. Forgery.

18 952. Possession of Forged Writing or Forgery Device.

19 953. Fraudulent Destruction, Removal, or Concealment of Recordable Instruments.

20 954. Misuse of Credit Cards.

22 Subchapter V. OTHER PROPERTY OFFENSES

23 Sections

24 961. Burglary.

25 962. Arson and Related Offenses.

57 of 82
963. Criminal Mischief.

Subchapter I. NATIONAL GOVERNMENT JURISDICTION

"Section 901. Jurisdiction of National Government Over Major Crimes. The National Government of the Federated States of Micronesia has exclusive jurisdiction over all major crimes, as defined in Section 902 of this Chapter, pursuant to Article IX, Section 2 (p) of the Constitution of the Federated States of Micronesia.

"Section 902. Major Crimes Defined.

(1) "Major crimes" are defined as follows:

(a) all crimes which are punishable by imprisonment for a period of 5 years or more; and

(b) all crimes resulting in loss or theft of property or services in the value of $1,000 or more, as well as any attempt to commit such crimes.

Subchapter II. OFFENSES AGAINST THE PERSON

"Section 911. Murder.

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

(a) intentionally or knowingly; or

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

(2) Penalty. A person convicted of murder shall be punished by imprisonment for a minimum term of 5 years, and may be punished by imprisonment for a maximum term of life.
"Section 912. Manslaughter.

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

(a) the person has acted recklessly; or

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

(2) Manslaughter is punishable by imprisonment for not more than 10 years.

"Section 913. Negligent Homicide.

(1) A person commits the offense of negligent homicide if he negligently causes the death of another human being.

(2) A person acts negligently when he should be aware of a substantial and unjustifiable risk that death will result from his conduct. The risk must be of such a nature and degree that the defendant's failure to perceive it, considering the nature and purpose of his conduct and the circumstances known to him, involves a gross deviation from the standard of care that a reasonable person would observe in the defendant's situation.

(3) Negligent homicide is punishable by imprisonment for not more than 3 years.

"Section 914. Sexual Assault.
(1) A person commits the offense of sexual assault if he intentionally subjects another person to sexual penetration, or forces another person to make a sexual penetration on himself or another or on a beast against the other person's will, or under conditions in which the defendant knows or should know that the other person is mentally or physically incapable of resisting or understanding the nature of his conduct.

(2) A person convicted under this Section shall be punished:

(a) if serious bodily or psychological injury to the victim results, by imprisonment for not more than 15 years;

(b) otherwise, by imprisonment for not more than 5 years.

(3) The maximum punishment under Subsection (2) of this Section shall be increased by an additional 5 years if:

(a) the defendant is aided or abetted by one or more accomplices; or

(b) a dangerous weapon was used by the defendant or an accomplice in such a manner as to cause the victim to submit to the sexual assault.

"Section 915. Sexual Assault; Definitions. As used in this Chapter:

(1) "Sexual penetration" means sexual intercourse, cunnilingus, fellatio, or anal intercourse, or the causing of
penetration to any extent and with any object, of the genital or anal openings of another, whether or not there is any emission.

(2) "Serious bodily injury" means bodily injury which creates a high probability of death or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other bodily injury of like severity.

(3) "Serious psychological injury" means psychological or emotional damage that requires protracted psychological treatment or is characterized by extreme behavioral changes or severe physical symptoms.

"Section 916. Sexual Assault of Spouse by Spouse. A defendant may not be convicted of a sexual assault if the defendant and complainant were cohabiting in an ongoing voluntary sexual relationship at the time of the alleged offense, or if the complainant is the defendant's spouse, unless:

(1) The defendant was an accomplice or accessory to the sexual assault by a third person; or

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

"Section 917. Sexual Abuse.

(1) Sexual Abuse. A person commits the offense of sexual
abuse if he intentionally has sexual contact with another
person who is less than 13 years old or causes such a person
to have sexual contact with him.

(2) Definition. "Sexual contact" means any touching of
the sexual or other intimate parts of a person not married to
the defendant, done with the intent of gratifying the sexual
desire of either party.

(3) Defense. It is an affirmative defense that the
defendant reasonably believed the child to be older than 13.

(4) A person convicted under this Section shall be
punished by imprisonment for not more than 5 years.

"Section 918. Aggravated Assault.

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

(2) A person convicted of aggravated assault shall be
punished by imprisonment for not more than 10 years if he
causes serious bodily injury; otherwise, he shall be punished
by imprisonment for not more than 5 years.

"Section 919. Assault with a Dangerous Weapon.

(1) A person commits the offense of assault with a
dangerous weapon if he attempts to cause or purposely causes
bodily injury to another with a dangerous weapon.
(2) A person convicted of assault with a dangerous weapon shall be punished by imprisonment for not more than 5 years if he causes bodily injury; otherwise, he shall be punished by imprisonment for not more than 3 years.

"Section 920. Robbery.

(1) A person commits the offense of robbery if he takes away anything of value from the person of another, or from the immediate control of another, by use or threatened use of immediate force or violence.

(2) A person convicted under this Section shall be punished:

(a) by imprisonment for not more than 5 years; or

(b) if the defendant or an accomplice uses a dangerous weapon to obtain the property or inflicts serious bodily injury, the term of imprisonment shall not exceed 10 years.

"Section 921. Kidnapping.

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

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

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

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

(3) A person convicted under this Section shall be punished:
   (a) by imprisonment for a maximum term of 10 years unless the person committing the offense voluntarily releases the victim alive and in a safe place prior to trial; or
   (b) otherwise, by imprisonment for not more than 5 years.


(1) Criminal Coercion. A person commits the offense of criminal coercion if he intentionally compels or induces another person to engage in conduct from which he has a legal right to abstain or to abstain from conduct in which he has a legal right to engage, by means of instilling in him a fear that, if the demand is not complied with, the defendant or a third person will:

   (a) commit any felony offense; or
   (b) accuse anyone of a felony offense; or
(c) expose any secret or publicize any asserted fact, whether true or false, tending to subject any person to hatred, contempt or ridicule or to impair his credit or business repute; or

(d) reveal any information sought to be concealed by the person; or

(e) testify or provide information or withhold testimony or information with respect to any person's legal claim or defense; or

(f) take or withhold action as a public servant or cause a public servant to take or withhold such action.

(2) Defense. It is a defense to a prosecution under Paragraph (b), (c), (d), and (f) of Subsection (1) of this Section, that the defendant believed the threatened accusation or exposure to be true or the proposed action of a public servant justified, and that his sole intention was to compel or induce the victim to take reasonable action to prevent or remedy the wrong which was the subject of the threatened accusation, exposure, or action of a public servant.

(3) Penalty. A person convicted under this Section shall be punished:

(a) if a dangerous weapon is used to instill fear, by imprisonment for not more than 10 years;

(b) otherwise, by imprisonment for not more than 5 years.
"Section 923. Usurping Control of Aircraft.

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

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

"Section 924. Mutiny on a Vessel.

(1) A person commits an offense if, by force, threat of
force, or deception, he usurps command of a vessel.

(2) A person convicted under this Section shall be punished:

(a) if the offense or attempt to commit the offense
occurs on the high seas, by imprisonment for not more than 10
years;

(b) otherwise, by imprisonment for not more than 5
years.

Subchapter III. OFFENSES AGAINST PROPERTY

"Section 931. Theft.

(1) Theft. A person commits the offense of theft if he
commits theft of property or services in the value of $1,000
or more.

(2) Penalty. A person convicted of theft shall be punished:

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

(b) if the value of the property or service is $5,000
or more, by imprisonment for not more than 10 years.
(3) Amount Involved. The amount involved in a theft shall be deemed to be the highest value, by any reasonable standard, of the property or service which the defendant stole or attempted to steal. Amounts involved in thefts committed pursuant to one scheme or cause of conduct, whether from the same person or several persons, may be aggregated in determining whether an offense has been committed and the grade of the offense.

(4) Claim of Right. It is an affirmative defense to prosecution for theft that the defendant:

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

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

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

"Section 932. Definitions. As used in this Chapter:

(1) "Deprive" means:

(a) to withhold property of another permanent or for so extended a period as to appropriate a major portion of its economic value, or with intent to restore only upon payment of reward or other compensation; or

(b) to dispose of the property so as to make it unlikely
that the owner will recover it.

(2) "Financial institution" means a bank, insurance company, credit union, building and loan association, investment trust or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment.

(3) "Government" means the Federated States of Micronesia, and any department, agency or subdivision thereof, or any corporation or other association carrying out the functions of government.

(4) "Movable property" means property, the location of which can be changed, including things growing on, affixed to, or found in land, and documents, although the rights represented thereby have no physical location. "Immovable property" is all other property.

(5) "Obtain" means:

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

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

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

   (7) "Property of another" includes property in which any
person other than the defendant has an interest which the actor
is not privileged to infringe, regardless of the fact that the
defendant also has an interest in the property and regardless
of the fact that the other person might be precluded from
civil recovery because the property was used in an unlawful
transaction or was subject to forfeiture as contraband. Property
in possession of the defendant shall not be deemed property of
another who has only a security interest therein, even if legal
title is in the creditor pursuant to a conditional sales contract
or other security agreement.

"Section 933. Theft by Unlawful Taking or Disposition.

   (1) Movable Property. A person commits theft if he unlaw-
fully takes, or exercises unlawful control over movable property
of another with purpose to deprive him thereof.

   (2) Immovable Property. A person commits theft if he
unlawfully transfers immovable property of another or any interest
therein, with purpose to benefit himself or another not entitled
thereto.

"Section 934. Theft by Deception.

   (1) A person commits theft if he purposely obtains property
of another by deception. A person deceives if he purposely:

(a) creates or reinforces a false impression, in-
cluding false impressions as to law, value, intention, or other
state of mind; but deception as to a person's intention to
perform a promise shall not be inferred from the fact alone that
he did not subsequently perform the promise; or

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

   (c) fails to correct a false impression which the
deceiver previously created or reinforced, or which the deceiver
knows to be influencing another to whom he stands in a fiduciary
or confidential relationship; or

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

   (2) The term "deceive" does not, however, include falsity
as to matters having no pecuniary significance, or puffing by
statements unlikely to deceive ordinary persons in the group
addressed.

"Section 935. Theft by Extortion.

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

      (a) inflict bodily injury on anyone or commit any
other criminal offense; or

      (b) accuse anyone of a criminal offense; or

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

(d) take or withhold action as an official, or cause
an official to take or withhold action; or

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

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

(2) It is an affirmative defense to prosecution based on
Paragraphs (b), (c), or (d) in Subsection (1) of this Section
that the property obtained by threat of accusation, exposure,
lawsuit or other invocation of official action was honestly
claimed as restitution or indemnification for harm done in
the circumstances to which such accusation, exposure, lawsuit
or other official action relates, or as compensation for
property or lawful services.

"Section 936. Theft of Property Lost, Mislaid, or Delivered
by Mistake. A person who comes into control of property of
another that he knows to have been lost, mislaid, or delivered
under a mistake as to the nature or amount of the property or
the identity of the recipient commits theft if, with purpose
to deprive the owner thereof, he fails to take reasonable
measures to restore the property to a person entitled to have
it.
"Section 937. Receiving Stolen Property.

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

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

"Section 938. Theft of Services.

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

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

"Section 939. Theft by Failure to Make Required Disposition of Funds Received.

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

(a) to know any legal obligation relevant to his criminal liability under this Section; and

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

Subchapter IV. FORGERY AND OTHER FRAUD OFFENSES

"Section 951. Forgery.

(1) Forgery. A person commits the offense of forgery if:

(a) he forges a writing which is or purports to be part of an issue of money, securities, postage or revenue stamps, or other instruments issued by any government or part of an issue of stock, bonds, or other instruments representing interests in or claims against any property or enterprise; or

(b) he forges a writing which is or purports to be a will, deed, contract, release, commercial instrument, or other document evidencing, creating, transferring, altering,
terminating or otherwise affecting legal relations.

(2) Definitions.

(a) A person forges a writing if, with purpose to defraud or injure anyone, or with knowledge that he is facilitating a fraud or injury to be perpetrated by anyone, he:

(i) alters any writing of another without his authority; or

(ii) makes, completes, executes, authenticates, issues or transfers any writing so that it purports to be the act of another who did not authorize that act, or to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when no such original existed; or

(iii) utters any writing which he knows to be forged in a manner specified in Subparagraph (i) or (ii) of this Paragraph.

(b) "Writing" includes printing or any other method of recording information, money, coins, tokens, stamps, seals, credit cards, badges, trade-marks, and other symbols of value, right, privilege, or identification.

(3) Penalty. A person convicted of forgery shall be punished:

(a) by imprisonment for not more than 10 years if the conviction is under Subsection (1)(a) of this Section; or

(b) by imprisonment for not more than 5 years if
the conviction is under Subsection (1)(b) of this Section.

"Section 952. Possession of Forged Writing or Forgery Device.

(1) A person commits an offense if:

(a) he knowingly possesses any forged writing; or

(b) he knowingly brings into the Federated States
of Micronesia, or buys, sells, exchanges, transfers, receives,
or delivers, or attempts to do so, any forged writing; or

(c) he makes or possesses with knowledge of its
character any plate, die, or other device, apparatus, equipment,
or article specifically designed or adapted for use in forging
writings.

(2) This Section applies only to the forged writings
which are prohibited under Section 951 of this act.

(3) A person convicted under this Section shall be
punished by imprisonment for not more than 5 years.

"Section 953. Fraudulent Destruction, Removal or Conceal-
ment of Recordable Instruments. A person who, with purpose
to deceive or injure anyone, destroys, removes, or conceals
any will, deed, mortgage, security instrument or other writing
for which the law provides public recording, shall be punished
by imprisonment for not more than 5 years.

"Section 954. Misuse of Credit Cards.

(1) A person commits an offense if he misuses a credit
card to obtain, within any consecutive six-month period,
property or services in the value of $1,000 or more from one
or more persons.

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

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

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

(4) A person convicted under this Section shall be punished:

(a) if the value of the property or services is at least $1,000 but less than $5,000, by imprisonment for not more than 5 years; or
(b) if the value of the property or services is $5,000 or more, by imprisonment for not more than 10 years.

Subchapter V. OTHER PROPERTY OFFENSES
"Section 961. Burglary.

(1) Burglary. A person commits the offense of burglary if he enters a building or occupied structure, or separately occupied or secured portion thereof, with the purpose to commit any felony, assault, or larceny therein, unless the premises
are at the time open to the public or the person is licensed or
privileged to enter.

(2) Definition. "Occupied structure" means any structure,
vehicle, vessel or place adapted for overnight accommodation of
persons, or for carrying on business therein, whether or not a
person is actually present.

(3) Penalty. A person convicted under this Section shall
be punished:

(a) by imprisonment for not more than 5 years; or

(b) by imprisonment for not more than 10 years if the
defendant or an accomplice inflicts bodily injury on anyone or
is armed with a dangerous weapon.

(4) Limitation. A person may not be convicted both for
burglary and the offense which it was his purpose to commit
after the burglarious entry or for an attempt to commit that
offense, unless the additional offense constitutes a felony
that is punishable by a maximum imprisonment of 10 years or more.

"Section 962. Arson and Related Offenses.

(1) Arson. A person commits the offense of arson if he
starts a fire or causes an explosion with the purpose of:

(a) destroying a building or occupied structure of
another; or

(b) destroying or damaging any property, whether his
own or another's to collect insurance for such loss. It shall
be an affirmative defense to prosecution under this Subsection
that the behavior did not recklessly endanger any building or
occupied structure of another, or place any person in danger
of death or bodily injury.

(2) Penalty. A person convicted under Subsection (1)
of this Section shall be punished by imprisonment for not more
than 10 years.

(3) Reckless Burning or Exploding. A person commits the
offense of reckless burning or exploding if he purposely starts
a fire or explosion, whether on his own property or another's,
and thereby recklessly:

(a) places another person in danger of death or
bodily injury; or

(b) places a building or occupied structure of
another in danger of damage or destruction.

(4) Penalty. A person convicted under Subsection (5) of
this Section shall be punished by imprisonment for not more
than 5 years.

(5) Definitions. "Occupied structure" means any
structure, vehicle, vessel or place adapted for overnight
accommodation of persons, or for carrying on business therein,
whether or not a person is actually present. Property is that
of another, for the purpose of this Section, if anyone other
than the defendant has a possessory or proprietary interest
therein. If a building or structure is divided into separately
occupied units, any unit not occupied by the defendant is an
occupied structure of another.

"Section 963. Criminal Mischief.

(1) A person commits the offense of criminal mischief if he intentionally or recklessly:

(a) causes damage to property of another in excess of $1,000; or

(b) causes another, by deception or threat, to suffer pecuniary loss in excess of $1,000; or

(c) tampers with property of another thereby causing a substantial interruption or impairment of public communication, transportation, supply of water, power or other public service.

(2) A person convicted under this Section shall be punished by imprisonment for not more than 5 years.

"Chapter 10

SENTENCING

Sections

1001. Fines.

1002. Authorized Sentences.

1003. Custom in Sentencing.

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

(1) $100,000, when the conviction is for an offense punishable by a maximum of 10 years imprisonment;
1. (2) $5,000, when the conviction is for an offense punishable by a maximum of 5 years imprisonment;
2. (3) $1,000, when the conviction is for an offense punishable by a maximum of 1 year imprisonment;
3. (4) $200, when the conviction is for an offense punishable by a maximum of 6 months imprisonment;
4. (5) $50, when the conviction is for an offense punishable by a maximum of 30 days imprisonment;
5. (6) Any higher amount equal to double the pecuniary gain obtained from the offense by the defendant; or
6. (7) Any higher or lower amount specifically authorized by statute.

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

1. (1) Imprisonment for a term less than the maximum allowed by law;
2. (2) Imposition of a fine as prescribed by law;
3. (3) Suspension of a term of imprisonment and/or fine upon such reasonable conditions as shall be set by the court;
4. (4) Suspension of imposition of sentence on such reasonable conditions as shall be set by the court;
(5) Probation for a period not exceeding the maximum term of imprisonment to which the convicted person could have been sentenced upon such reasonable conditions as shall be set by the court;

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

(7) Confinement to a particular geographical area; and

(8) A period of community service.

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

Section 2. Trust Territory Laws Repealed. Title 11 of the Trust Territory Code is hereby repealed to the full extent of National Government jurisdiction in all matters covered by the provisions of law contained therein.
Section 3. Effective Date. Upon the approval of the President of the Federated States of Micronesia, or upon its becoming law without such approval, this act shall take effect on July 12, 1981.

January 7, 1981

Tosiwo Nakayama
President
Federated States of Micronesia