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A BILL FOR AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia (Annotated), as amended, by amending sections 1141 and 1147 thereof, to correct technical errors in the 2014 F.S.M.C. (Annotated), and for other purposes.

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

1           Section 1. The purpose of this Act is to correct  
2 technical errors in the codification of sections 1141 and 1147  
3 of title 11 of the Code of the Federated States of Micronesia  
4 (Annotated). Public Law No. 10-54 amended sections 1141 and  
5 1147 of title 11; the amendments made by that law were  
6 unintentionally omitted from the 2014 F.S.M.C. (Annotated).  
7 This Act amends sections 1141 and 1147 of title 11 to  
8 accurately reflect the provision of Public Law No. 10-54.

9           Section 2. Section 1141 of title 11 of the Code of the  
10 Federated States of Micronesia (Annotated), as amended, is  
11 hereby amended to read as follows:

12                   "Section 1141. Trafficking.

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

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

18                           (b) to create, distribute, or possess with

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1 intent to deliver, a counterfeit controlled substance.

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

4 (a) a large amount of an especially dangerous  
5 controlled substance, as defined in subsection  
6 2(a)(i)a) through 2(a)(i)d) of this section, shall be  
7 sentenced to a term of imprisonment for not more than  
8 15 years, a fine of not more than \$15,000, or both;

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

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

14 b) 500 grams or more of a substance  
15 containing a detectable amount of cocaine, its salts,  
16 its isomers, or salts of its isomers;

17 c) 10 grams or more of a substance  
18 containing a detectable amount of lysergic acid  
19 diethylamide (LSD); or

20 d) 10 grams or more of crystal  
21 methamphetamine;

22 (a) [~~a~~] any other substance classified in  
23 schedules I or II which is a narcotic drug or crystal  
24 methamphetamine shall be sentenced to a term of  
25 imprisonment for not more than ten years, a fine of not

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1 more than \$10,000, or both;

2 (b) [~~(b)~~] any [~~other~~] controlled substance  
3 classified in schedules I, II, or III, which falls  
4 outside the parameters of subsections (2)(a) and (2)(b)  
5 of this section, shall be sentenced to a term of  
6 imprisonment of not more than five years, a fine of not  
7 more than \$5,000, or both;

8 (c) [~~(c)~~] a substance classified in schedule  
9 IV shall be sentenced to a term of imprisonment for not  
10 more than two years, a fine of not more than \$1,000, or  
11 both;

12 (d) [~~(d)~~] a substance classified in schedule V  
13 shall be sentenced to a term of imprisonment for not  
14 more than one year, a fine of not more than \$1,000, or  
15 both."

16 (1) Notwithstanding subsection [~~(2)(b)~~] (2)(c) of  
17 this section, any person who violates subsection (1)(a)  
18 of this section by distributing not more than one ounce  
19 of marihuana for no remuneration shall be treated as  
20 provided in subsection (3)(a) of section 1142 of this  
21 chapter.

22 Section 3. Section 1147 of title 11 of the Code of the  
23 Federated States of Micronesia (Annotated), is hereby amended  
24 to read as follows:

25 "Section 1147. Distribution to persons under

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1           eighteen.

2           Any person who is at least 18 years of age who

3           violates subsection (1)(a) of section 1141 of this

4           chapter by distributing a substance listed in

5           schedules I and II which is a narcotic drug or crystal

6           methamphetamine to a person under 18 years of age who

7           is at least three years his junior is punishable by a

8           term of imprisonment of up to twice that authorized by

9           subsection [~~(1)(a)~~] (2)(a) of section 1141 of this

10          chapter, by the fine authorized by subsection [~~(1)(a)~~]

11          (2)(a) of section 1141 of this chapter, or both. Any

12          person who is at least 18 years of age who violates

13          subsection (1)(a) of section 1141 of this chapter by

14          distributing any other controlled substance listed in

15          schedules I, II, III and IV to a person under 18 years

16          of age who is at least three years his junior is

17          punishable by a term of imprisonment up to twice that

18          authorized in subsections [~~(2)(b) or (c)~~] (2)(c) or

19          (d) of section 1141 of this chapter, by the fine

20          authorized by subsection [~~(2)(b) or (c)~~] (2)(c) or (d)

21          of section 1141 of this chapter, or both.”

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