A BILL FOR AN ACT

To provide eligibility under certain conditions for Congress membership to a person convicted of a felony; and for other purposes.

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

Section 1. Policy. Article IX Section 9 of the Constitution of the Federated States of Micronesia prohibits eligibility for Congress membership to a person convicted of a felony by a State or National court, but explicitly provides that Congress may modify that prohibition without the necessity of a constitutional amendment. The Constitutional Convention determined that the prohibition against Congress membership should be subject to congressional discretion in order to prevent unjust disqualification of a good citizen who once erred, but has since become an upstanding and worthy individual. It is, therefore, decided that granting eligibility for persons under felony conviction upon certain conditions will serve not only individual humane considerations, but will also serve the community at large by allowing a worthy person to represent his country as a Member of Congress who would otherwise be barred forever for an error of the past. Accordingly, it is the policy of the National Government of the Federated States of Micronesia to enable persons convicted of felonies to serve as Members of Congress under conditions prescribed in this act.

Section 2. Eligibility by pardon. A person convicted of a felony by a State or National court shall be eligible for Congress membership if he has been granted a pardon for the felony which restores all civil rights by the appropriate Governor when the conviction was for a State offense, or by the President of the Federated States when the conviction was for a National offense or a major crime.
Section 3. Eligibility by good behavior. A person convicted of a felony by a State or National court shall be eligible for Congress membership if for a period of seven years or more from the date of end of sentence to the date of filing for candidacy he shall not have been convicted of any crime by a State or National court.

Section 4. Multifelonies. If a person seeking candidacy for Congress membership has more than one felony conviction, then each conviction is to be treated separately to determine eligibility. Each felony conviction must be pardoned in accordance with this act, or the most recent felony conviction must have satisfied the good behavior period as set out in this act.

Section 5. Effective date. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

Date: 13/8/81

Introduced by

Bailey Olfer