

J:GO

A BILL FOR AN ACT

To amend the National Criminal Code, Public Law No. 1-134, to establish as a defense the customary act of forgiveness, and for other purposes.

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

1 Section 1. Section 108 of Public Law No. 1-134 is hereby
2 amended to read as follows:

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

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

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

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

20 (4) The customary act of forgiveness is a complete
21 defense for a first offender charged with any crime set out
22 in this act. If the accused is charged with his first criminal
23 offense, the court shall dismiss the charge against him if
24 the victim or his family unequivocally forgives the accused
25 of the criminal act charged."

1 Section 2. Effective date. This act shall become law upon
2 approval by the President of the Federated States of Micronesia or
3 upon becoming law without such approval.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Date: 6/3/81

Introduced by: 
Jack Fritz