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:

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

"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.

(4) The customary act of forgiveness is a complete defense for a first offender charged with any crime set out in this act. If the accused is charged with his first criminal offense, the court shall dismiss the charge against him if the victim or his family unequivocally forgives the accused of the criminal act charged."
Section 2. **Effective date.** This act shall become law upon approval by the President of the Federated States of Micronesia or upon becoming law without such approval.

Date: 6/2/81

Introduced by: Jack Fritz