

J.C. 670

A BILL FOR AN ACT

To amend section 104 of title 11 of the Code of the Federated States of Micronesia, the National Criminal Code, by repealing subsection 6, and for other purposes.

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

1 Section 1. Section 104 of title 11 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 104. Definitions. The definitions in this section shall
4 apply throughout this code, unless otherwise specified or a
5 different meaning is plainly required.

6 (1) Classification of crimes. A 'felony' is an offense
7 which may be punished by imprisonment for more than one year.
8 A 'petty misdemeanor' is an offense which may be punished by
9 imprisonment for not more than thirty days. Every other
10 offense is a 'misdemeanor.'

11 (2) Criminal negligence. A person acts with criminal
12 negligence, or is criminally negligent, with respect to attendant
13 circumstances when his conduct creates a substantial and un-
14 justifiable risk and causes the criminal result; or if his
15 failure to be aware of the risk constitutes a gross deviation
16 from the standard of care that a reasonable person would
17 exercise in the situation.

18 (3) Defendant. The term 'defendant' includes a person who
19 is an accessory or accomplice of the defendant.

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

23 (5) Knowledge. A person acts knowingly, or with knowledge,
24 with respect to his conduct or to attendant circumstances when
25 he is aware of the nature of his conduct or that those

1 circumstances exist. A person acts knowingly, or with
2 knowledge, with respect to a result of his conduct when he
3 is aware that his conduct is practically certain to cause the
4 result.

5 (6) Major crime. A 'major crime' is any crime which is
6 punishable by imprisonment for a period of three years or more.
7 An attempt to commit a major crime is also a major crime.

8 (7) National offense. A 'National offense' is an offense
9 defined by this code or which is otherwise an offense against
10 the Federated States of Micronesia.

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

21 (9) Recklessness. 'Recklessness' means to act with
22 willful disregard to the attendant circumstances, or, if unaware
23 of the circumstances, to act in such a manner that constitutes
24 gross deviation from the standard of care that a reasonable person
25 would exercise in the situation.

J.H.G.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

(110) 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.

(111) State. The term 'State' means a State of the Federated States of Micronesia."

Section 2. 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: 5/28/73

Introduced by: John Haglelgam
(by request)