AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia, as amended by Public Law No. 2-71, by amending sections 1205, 1207, 1230, and 1231 for the purpose of modifying the time of disqualification from being issued a firearm identification card and the penalty for not possessing a firearm identification card, and for other purposes.

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

Section 1. Section 1205 of title 11 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 1205. Identification cards required; Issuance.

(1) No person shall acquire or possess any firearm, dangerous device, or ammunition unless he holds an identification card issued pursuant to this chapter. The identification card is evidence of the holder's eligibility to possess and use or carry firearms, dangerous devices, or ammunition.

(2) Identification cards shall be issued only by the Office of the Attorney General pursuant to regulations made by the Office of the Attorney General in the manner which is or may be provided by law. The identification card shall have on its face all of the following:

(a) the name and address of the holder;
(b) the sex, height, and weight of the holder;
(c) the birth date of the holder;
(d) the date of expiration for the card, which shall be two years from the date of issue;
(e) a photograph of the holder taken within ten days prior to issuance;
(f) an endorsement setting forth the extent of
the holder's eligibility to possess, use, and carry firearms, dangerous devices, or ammunition;

(g) the number of the identification card.

(3) An applicant for an identification card shall make application therefor on a form approved by the Office of the Attorney General and shall supply such information as may be necessary to afford the issuing agency reasonable opportunity to ascertain the facts required to appear on the face of the identification card, and to determine whether the applicant complies with all requirements of this chapter to possess and use, or carry, firearms, dangerous devices, or ammunition, as the case may be.

(4) No identification card shall issue until fifteen days after application therefor, and unless the issuing agency is satisfied that the applicant may lawfully possess and use, or carry, firearms, dangerous devices, or ammunition of the type or types enumerated on the identification card. Unless the application for use and possession is denied, the identification card shall issue within sixty days from the date of application.

(5) No person shall be issued an identification card if he has been:

(a) acquitted of any criminal charge by reason of insanity;

(b) adjudicated mentally incompetent;
(c) treated in a hospital for mental illness, drug
addiction, or alcoholism;
(d) convicted of a crime of which actual or attempted
personal injury or death is an element;
(e) convicted of a crime in connection with which
firearms or dangerous devices were used or found in his
possession;
(f) convicted of a crime of which the use, posses-
sion, or sale of narcotics or dangerous drugs is an element.

(6) No person shall be issued an identification card if
he has a physical condition or impairment which makes him unable
to use a firearm or dangerous device with proper control.

(7) Any person suffering from a physical or mental defect,
condition, illness, or impairment which would make him ineligible
for an identification card pursuant to this section may submit
the certificate of a physician licensed to practice in the
Trust Territory to the issuing agency or officer. If the
certificate states that it is the subscribing physician's best
opinion that the defect, condition, illness, or impairment does
not make the applicant incapable of possessing and using a
firearm or dangerous device without danger to the public
safety, the identification card may be issued. But no such
card shall be valid for a period longer than six months.

(8) Any person who is ineligible for an identification
card by reason of conviction of crime may be issued such a card
if his most recent discharge from probation or parole or the termination of his most recent sentence, whichever is later, is more than ten years prior to the time of application for the identification card and if the issuing agency finds that his record, taken as a whole, does not indicate that his possessing and using, or carrying, a firearm or dangerous device, as the case may be, are not likely to constitute a special danger to the public safety; PROVIDED that, if the crime which renders him ineligible for an identification card is solely the failure to have an identification card issued to him, then the reinstatement to eligibility pursuant to this subsection shall occur five years after the date of his sentencing.

(9) A duplicate identification card may be issued to the holder of a lost, destroyed, or defaced identification card upon proof of such loss, destruction, or defacement as the Office of the Attorney General may require, upon payment of the fee required by section 1230 of this chapter, and upon surrender of any remaining portion of the original card. Notice shall be given to the Office of the Attorney General by the holder within forty-eight hours of his discovery of such loss, defacement, or destruction. The holder shall notify the Office of the Attorney General of any change of name or address from those appearing upon the identification card within forty-eight hours of such change.

(10) A person who is neither a citizen nor resident
of the Trust Territory shall not be eligible for an identification card, except upon receiving special permission from the Attorney General."

Section 2. Section 1207 of title II of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 1207. Carrying firearms. No person shall carry a firearm unless he has a valid identification card and is carrying the firearm unloaded in a closed case or other securely wrapped or closed package or container, or locked in the trunk of his vehicle while en route to or from a target range or area where he hunts or takes part in other sports involving firearms, or carries the firearm in plain sight on his person while actively engaged in hunting or sports involving the use of firearms."

Section 3. Section 1230 of title II of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 1230. Fees for licenses and identification cards. (1) The fees for issuance and renewal of licenses and identification cards as required by this chapter shall be as follows:

(a) for an identification card, $5;
(b) for a dealer's license, $150;
(c) for a manufacturer's license, $500;
(d) for a wholesaler's license, $500;
(e) for replacement of lost, destroyed, or defaced identification card, $5."
(2) Fees collected pursuant to the provisions of this chapter shall be paid to the General Fund of the Federated States of Micronesia."

Section 4. Section 1231 of title 11 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 1231. Penalties for violation of chapter.

(1) Any person who fails to comply with section 1207 of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than $100, or imprisoned not more than three months, or both.

(2) Any person who violates any other provisions of this chapter or any regulations issued pursuant thereto shall be guilty of a felony, and upon conviction thereof shall be fined not more than $2,000, or imprisoned not more than five years, or both, and shall be subject to confiscation of any firearm, dangerous device, or ammunition, without compensation, involved in a violation of this chapter. The holder of any dealer's license, or the manager or supervisor of employees of any establishment so licensed, or both, shall be liable for any violation of this chapter by his employee or agent committed in the course of the dealer's business, to the same extent as such employee or agent.

(3) It shall be an affirmative defense under subsection (1) of this section, that the defendant was issued a valid identification card at the time of his arrest, but neglected
to have it upon his person."

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

November 25, 1984

Tosiwo Nakayama
President
Federated States of Micronesia