

A BILL FOR AN ACT

To further amend title 3 of the Code of the Federated States of Micronesia, as amended by Public Law No. 2-36, by adding a new chapter 6 for the purpose of setting forth the procedures for removal of the President, Vice-President, and Justices of the Supreme Court of the Federated States of Micronesia, and for other purposes.

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

1 Section 1. Title 3 of the Code of the Federated States of Micro-
2 nesia is hereby further amended by the addition of a new chapter 6 to be
3 entitled "Impeachment and Removal."

4 Section 2. Title 3 of the Code of the Federated States of Micro-
5 nesia is hereby further amended by the addition of a new section 601
6 of chapter 6 to read as follows:

7 "Section 601. Definitions. For the purposes of this chapter,
8 unless otherwise required by the context:

9 (1) 'Bribery' means any act prohibited by section 531
10 of title 11 of the Code of the Federated States of Micronesia.

11 (2) 'Conduct involving corruption in office' means any
12 act prohibited by either chapter 5 or chapter 13 of title
13 11 of the Code of the Federated States of Micronesia; PROVIDED,
14 however, that any action prohibited by section 531 of title
15 11 of the Code of the Federated States of Micronesia shall be
16 considered bribery rather than conduct involving corruption
17 in office.

18 (3) 'Official' means the President of the Federated
19 States of Micronesia, the Vice-President of the Federated
20 States of Micronesia, or a Justice of the Supreme Court of
21 the Federated States of Micronesia.

22 (4) 'Treason' means any act prohibited by chapter 4 of
23 title 11 of the Code of the Federated States of Micronesia. "

24 Section 3. Title 3 of the Code of the Federated States of Micronesia
25 is hereby further amended by the addition of a new section 602 of chapter

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1 6 to read as follows:

2 "Section 602. Resolution; Probability; Notification.

3 (1) Impeachment proceedings must be initiated by a
4 resolution of Congress. An impeachment resolution:

5 (a) Shall state that the Congress has found that
6 it is probable that the accused official committed an act of
7 treason, bribery, or conduct involving corruption in office;

8 (b) Shall plainly describe each alleged instance of
9 treason, bribery, or conduct involving corruption in office
10 for which the Congress has made a finding of probability; and

11 (c) Shall provide or state the location of documentary
12 evidence of each alleged instance of treason, bribery, or conduct
13 involving corruption in office for which Congress has made a
14 finding of probability.

15 (2) For purposes of this section, it is probable that an
16 act occurred if it is more likely than not that the act occurred.

17 (3) A finding of probability in an impeachment resolution
18 shall not be subject to judicial review.

19 (4) An affirmative vote of two-thirds of the Members
20 of Congress is required to pass an impeachment resolution.

21 (5) If Congress passes an impeachment resolution, the
22 Speaker shall notify the accused official and present him with
23 a copy of the resolution."

24 Section 4. Title 3 of the Code of the Federated States of Micronesia
25 is hereby further amended by the addition of a new section 603 of chapter

1 6 to read as follows:

2 "Section 603. Impeached official's status. Upon receipt of
3 an impeachment resolution pursuant to section 602 of this
4 chapter, an official shall not exercise the powers and duties
5 of office, shall not receive Government compensation or
6 benefits, and shall not use Government property."

7 Section 5. Title 3 of the Code of the Federated States of Micro-
8 nesia is hereby further amended by the addition of a new section 604 of
9 chapter 6 to read as follows:

10 "Section 604. Prosecutor. The Speaker shall appoint and employ
11 an impartial, competent person who is not holding a National
12 Government public office or National Government employment to
13 prosecute a resolution of impeachment before the Congress.
14 The Legislative Counsel of the Congress of the Federated States
15 of Micronesia and his staff shall advise the Speaker and the
16 Congress during proceedings pursuant to this chapter."

17 Section 6. Title 3 of the Code of the Federated States of Micro-
18 nesia is hereby further amended by the addition of a new section 605 of
19 chapter 6 to read as follows:

20 "Section 605. Impeached official's counsel. Persons holding
21 public office may not serve as an impeached official's counsel
22 or assist the official in impeachment proceedings. For purposes
23 of this section, testifying as a witness on the official's
24 behalf shall not be considered to be assisting the official."

25 Section 7. Title 3 of the Code of the Federated States of Micro-

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1 nesia is hereby further amended by the addition of a new section 606
2 of chapter 6 to read as follows:

3 "Section 606. Trial.

4 (1) An impeached official has the right to counsel, to
5 confront a witness, and to compel a witness to testify.

6 (2) The Speaker or a Member of Congress designated by
7 the Speaker shall conduct the trial of an impeached official.

8 (3) To the extent consistent with law, trial on the impeachment
9 resolution is pursuant to the Supreme Court of the Federated States
10 of Micronesia's rules of criminal procedure and evidence,
11 except that the Congress may, by rule, provide for other or
12 different rules."

13 Section 8. Title 3 of the Code of the Federated States of Micro-
14 nesia is hereby further amended by the addition of a new section 607 of
15 chapter 6 to read as follows:

16 "Section 607. Vote.

17 (1) The Congress shall listen to the evidence presented
18 by the prosecutor and the impeached official, and at the
19 conclusion of proceedings meet to consider the evidence and
20 reach a judgment.

21 (2) Whether the deliberations of Congress are public
22 shall be determined by a majority vote of the Members present.

23 (3) The vote on the judgment shall be public and by call
24 of the roll.

25 (4) Proof beyond a reasonable doubt is necessary to

1 establish a judgment of guilty.

2 (5) The Congress shall express its vote by a written
3 judgment, certified by the Speaker and the Clerk, which shall
4 plainly state a judgment of guilty or not guilty. If the
5 Congress reaches a judgment of guilty, the judgment shall
6 express the consequences of the judgment for the impeached
7 official which may include removal from office. An impeached
8 official who by virtue of Congress' judgment resumes his
9 Government duties shall be entitled to receive compensation
10 deferred pursuant to section 603 of this chapter unless found
11 guilty in the judgment.

12 (6) The Speaker shall promptly inform the President, the
13 Vice-President, the Chief Justice of the Supreme Court, the
14 Attorney General, the Governors of each State, and the public
15 of the Congress' judgment and its consequences. If one of
16 these persons is the impeached official and another person is
17 lawfully acting in his place, the Speaker shall inform the
18 person who is so acting of the Congress' judgment and its
19 consequences."

20 Section 9. Title 3 of the Code of the Federated States of Micronesia
21 is hereby further amended by the addition of a new section 608 of chapter
22 6 to read as follows:

23 "Section 608. Review. When the President or Vice-President is
24 removed from office, the Supreme Court shall review the decision.
25 When a Justice of the Supreme Court is removed, the decision

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1 shall be reviewed by a special tribunal composed of one State
2 court judge from each State appointed by the State chief
3 executive. The special tribunal shall meet at the call of the
4 President."

5 Section 10. This act shall become law upon approval by the President
6 of the Federated States of Micronesia or upon its becoming law without
7 such approval.

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9 Date: 6/11/86

Introduced by:


John R. Hagelgam

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