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A BILL FOR AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 2-71, and 3-63, by amending section 301 relating to liability for crimes of another, and for other purposes.

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

1 Section 1. Section 301 of title 11 of the Code of the Federated  
2 States of Micronesia is hereby amended to read as follows:

3 "Section 301. Liability for crimes of another.

4 (1) A person is criminally liable for the conduct of  
5 another, if:

6 (a) He intentionally aids, abets, advises, solicits,  
7 counsels, or conspires with or otherwise procures the other to  
8 commit an offense, or

9 (b) While acting with the state of mind that is  
10 sufficient for the commission of the offense, he causes an  
11 innocent or irresponsible person to engage in such conduct, or

12 (c) Having a legal duty to prevent the commission  
13 of an offense, he fails to make proper effort to do so.

14 (2) A person liable under subsection (1) of this section  
15 is also liable for any other offense committed in the pursuance  
16 of the intended crime if reasonably foreseeable by him as a  
17 probable consequence of committing or attempting to commit  
18 the offense intended.

19 (3) A person liable under this section may be charged  
20 with and convicted of the offense although the person who  
21 directly committed it has not been prosecuted or convicted,  
22 or has been convicted of a different offense or degree of  
23 offense, or has been acquitted.

24 (1) Whoever commits an offense against the Federated  
25 States of Micronesia, or aids, abets, counsels, commands,

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1 induces, or procures its commission is a principal.

2 (2) Whoever causes an act to be done, which if directly  
3 performed by him would be an offense against the Federated  
4 States of Micronesia, is also a principal and punishable as  
5 such.

6 (3) No person shall be convicted of the offense of aiding,  
7 abetting, counseling, commanding, inducing, or procuring the  
8 commission of an offense unless the facts giving rise to such  
9 aiding, abetting, counseling, commanding, inducing, or  
10 procuring the commission of an offense are specifically pled  
11 in the information filed therefor."

12 Section 2. This act shall become law upon approval by the President  
13 of the Federated States of Micronesia or upon its becoming law without  
14 such approval.

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16 Date: 5/21/85

Introduced by: Kalisto Refalopei  
Kalisto Refalopei

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