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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, 3-63, and 3-75, by amending sections 104 and 902, to define major crimes as the offenses of murder, manslaughter, and negligent homicide; by amending sections 911, 912, and 913, to change the penalty for the crimes of murder, manslaughter, and negligent homicide, respectively; by providing that major crimes are punishable by at least 15 years imprisonment; and for other purposes.

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

L       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  
4 shall apply throughout this code, unless otherwise specified or  
5 a 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 offense  
10 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  
14 unjustifiable risk and causes the criminal result; or if his failure  
15 to be aware of the risk constitutes a gross deviation from the  
16 standard of care that a reasonable person would exercise in the  
17 situation.

18           (3) 'Defendant.' The term 'defendant' includes a person  
19 who 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 he  
25 is aware of the nature of his conduct or that those circumstances

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

4 (6) 'Major crimes.' A 'major crimes' ~~is any crime which~~  
5 ~~is punishable by imprisonment for a period of three years or~~  
6 ~~more~~ are the offenses of murder, manslaughter, and negligent  
7 homicide. Major crimes are punishable by imprisonment for a period  
8 of 15 years or more. An attempt to commit a major crime is also  
9 a major crime.

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

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

23 (9) 'Recklessness.' 'Recklessness' means to act with  
24 willful disregard to the attendant circumstances, or if unaware  
25 of the circumstances, to act in such a manner that constitutes

1 a gross deviation from the standard of care that a reasonable  
2 person would exercise in the situation.

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

6 (11) 'Public servant.' A 'public servant' means any  
7 officer or employee of, or any person acting on behalf of, the  
8 Federated States of Micronesia, including legislators and judges,  
9 and any person acting as an advisor, consultant, or otherwise,  
10 in performing a governmental function; but the term does not  
11 include witnesses. The term 'public servant' includes a public  
12 servant of the Government of the Trust Territory of the Pacific  
13 Islands when acting in judicial or administrative proceeding  
14 which has been brought in, or arises out of, the Federated States  
15 of Micronesia.

16 (12) 'State.' The term 'State' means a State of the  
17 Federated States of Micronesia."

18 Section 2. Section 902 of title 11 of the Code of the Federated States  
19 of Micronesia is hereby amended to read as follows:

20 "Section 902. Major crimes defined. 'Major crimes' are defined  
21 as follows:

22 (1) ~~all crimes which are punishable by imprisonment for~~  
23 ~~a period of three years or more; and~~ The crimes of murder,  
24 manslaughter, and negligent homicide as well as any attempt to  
25 commit such crimes; and

1                   (2) *all crimes resulting in loss of theft of property or*  
2                   *services in the value of \$1,000 or more, as well as any attempt*  
3                   *to commit such crimes* Crimes that are punishable by imprisonment  
4                   for a period of 15 years or more."

5           Section 3. Section 911 of title 11 of the Code of the Federated  
6 States of Micronesia is hereby amended to read as follows:

7           "Section 911. Murder.

8                   (1) Murder. Except as provided in section 912 (1)(b), a  
9                   person commits the offense of murder if he unlawfully causes the  
10                  death of another human being:

11                           (a) intentionally or knowingly; or

12                           (b) recklessly under circumstances manifesting extreme  
13                   indifference to the value of human life.

14                   (2) Penalty. A person convicted of murder shall be punished  
15                   by imprisonment for a minimum term of ~~five~~ 15 years, and may be  
16                   punished by imprisonment for a maximum term of life."

17           Section 4. Section 912 of title 11 of the Code of the Federated States  
18 of Micronesia is hereby amended to read as follows:

19           "Section 912. Manslaughter.

20                   (1) A person commits the offense of manslaughter if he  
21                   causes the death of another human being when:

22                           (a) the person has acted recklessly; or

23                           (b) a homicide which would otherwise be murder is  
24                   committed under influence of extreme mental or emotional disturbance  
25                   for which there is reasonable explanation or excuse. The reason-

1           ableness of such explanation or excuse shall be determined from  
2           the viewpoint of a person in the defendant's situation under  
3           the circumstances as he believes them to be.

4                   (2) Manslaughter is punishable by imprisonment for  
5           not more than ~~ten~~ 25 years."

6           Section 5. Section 913 of title 11 of the Code of the Federated States  
7 of Micronesia is hereby amended to read as follows:

8           "Section 913. Negligent homicide.


9                   (1) A person commits the offense of negligent homicide if  
10           he negligently causes the death of another human being.

11                   (2) A person acts negligently when he should be aware of  
12           a substantial and unjustifiable risk that death will result from  
13           his conduct. The risk must be of such a nature and degree that  
14           the defendant's failure to perceive it, considering the nature and  
15           purpose of his conduct and the circumstances known to him, in-  
16           volves a gross deviation from the standard of care that a reason-  
17           able person would observe in the defendant's situation.

18                   (3) Negligent homicide is punishable by imprisonment for  
19           not more than ~~three~~ 20 years."

20           Section 6. This act shall become law upon approval by the President of  
21 the Federated States of Micronesia or upon its becoming law without such  
22 approval.

23  
24 Date: OCTOBER 30, 1985

Introduced by:   
John R. Haglegam

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