FOURTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA
THIRD REGULAR SESSION, 1986

C.B. No. 4-229

A BILL FOR AN ACT

To amend title 12 of the Code of the Federated States of Micronesia by amending section 218 relating to the release of arrested persons, and for other purposes.

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

Section 1. Section 218 of title 12 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 218. Rights of persons arrested. In any case of arrest, or arrest for examination, as provided in subsection (4) of section 211 of this chapter, it shall be unlawful to:

(1) deny to counsel, whether such counsel is retained by the arrested person or a member of his family or is a Public Defender not yet appointed by the court, the right to see the arrested person once, at any time, for a reasonable period of time at the place of detention, and thereafter at reasonable intervals and for reasonable periods of time; or

(2) deny to the arrested person the right to see at reasonable intervals, and for reasonable periods of time at the place of his detention, counsel, or members of his family, or his employer, or a representative of his employer; or

(3) refuse or fail to make a reasonable effort to send a message by telephone, cable, wireless, messenger, or other expeditious means to any person mentioned in subsection (2) of this section, provided the arrested person so requests and such message can be sent without expense to the Government or the arrested person prepaids any expense there may be to the Government; or

(4) fail either to release or charge such arrested person with a criminal offense within a reasonable time, which time shall not exceed without"
unnecessary delay; or

(5) fail to either release the accused or to bring him before a court, judge, or judicial officer for a bail hearing within a reasonable time, which under no circumstances shall exceed twenty-four hours after his arrest, unless the location of the nearest court makes such appearance impossible. When the location of the court makes such appearance impossible, the municipal or community court judge for the area where the person was arrested shall be immediately notified by the arresting person or officer and shall set any conditions for the release of the person that the judge believes will protect the public and will insure the presence of the person when transportation to the nearest court becomes possible. The person arrested shall be transported to the nearest court without unnecessary delay.

(6) further, it shall be unlawful for those having custody of one arrested, before questioning him about his participation in any crime, to fail to inform him of his rights and their obligations under subsections (1) through (5) of this section.

(7) In addition, any person arrested shall be advised as follows:

(a) that the individual has a right to remain silent;

(b) that the police will, if the individual so requests, endeavor to call counsel to the place of detention and allow the individual to confer with counsel there before he is questioned
further, and allow him to have counsel present while he is
questioned by the police if he so desires; and

(c) that the services of the Public Defender, when
in the vicinity, or of his local representative, are available
for these purposes without charge."

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: 6/02/86  Introduced by  
John R. Hagelgag