

JGO

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:

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

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

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

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

16 (3) refuse or fail to make a reasonable effort to send a
17 message by telephone, cable, wireless, messenger, or other ex-
18 peditious means to any person mentioned in subsection (2) of
19 this section, provided the arrested person so requests and such
20 message can be sent without expense to the Government or the
21 arrested person prepays any expense there may be to the
22 Government; or

23 (4) fail either to release or charge such arrested person
24 with a criminal offense *within a reasonable time, which under*
25 *no circumstances shall exceed twenty-four hours*; without

1 unnecessary delay; or

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

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

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

- 22 (a) that the individual has a right to remain silent;
- 23 (b) that the police will, if the individual so requests,
24 endeavor to call counsel to the place of detention and allow the
25 individual to confer with counsel there before he is questioned

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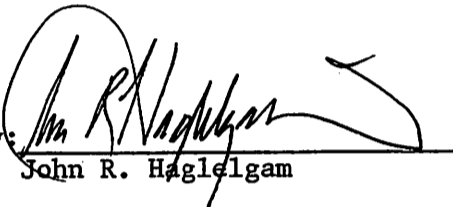
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1 further, and allow him to have counsel present while he is
2 questioned by the police if he so desires; and

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

6 Section 2. This act shall become law upon approval by the President
7 of the Federated States of Micronesia or upon its becoming law without
8 such approval.

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10 Date: 6/02/86

Introduced by: 
John R. Hagelgam

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