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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; by deleting subsection (6) in its entirety; by renumbering subsection (7); 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~~ when such counsel is
7 retained by the arrested person or a member of his family or
8 is a Public Defender ~~not yet~~ appointed by the court, the right
9 to see the arrested person once, at ~~any~~ a reasonable time, for
10 a reasonable period of time at the place of detention, and
11 thereafter at reasonable intervals and for reasonable periods
12 of time; or

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

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

24 (4) fail either to release or charge such arrested
25 person with a criminal offense within a reasonable time/

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C.B. No. 4-254

1 which under no circumstances shall exceed twenty-four hours; 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 the
7 location of the court makes such appearance impossible, the municipal
8 or community court judge for the area where the person was
9 arrested shall be immediately notified by the arresting person
10 or officer and shall set any conditions for the release of the
11 person that the judge believes will protect the public and will
12 insure the presence of the person when transportation to the
13 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 custody of
16 one arrested, before questioning him about his participation in any
17 crime, to fail to inform him of his rights and their obligations
18 under subsections (1) through (5) of this section.

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

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

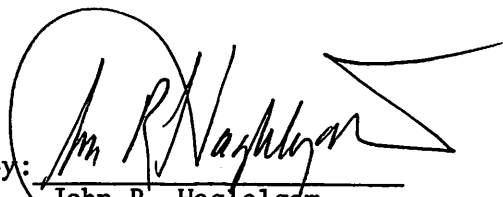
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C.B. No. 4-254

1 while he is questioned by the police if he so desires; and
2 (c) that the services of the Public Defender, when
3 in the vicinity, or of his local representative, are available
4 for these purposes without charge."

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

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9 Date: 6/10/86

Introduced by: 
John R. Hagelgam
(by request)

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