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, 3-75 and 4-83, by amending further section 301, as amended by Public Law No. 4-83, to reinstate a provision allowing conviction of persons who are criminally liable for the conduct of another although the person who directly committed the offense has been acquitted, to clarify that the specific pleading requirement applies only to aiding and abetting, and for other purposes.

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

1. Section 301 of title 11 of the Code of the Federated States of Micronesia, as amended by Public Law No. 4-83, is hereby further amended to read as follows:

"Section 301. Liability for crimes of another.

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

(a) he intentionally aids, abets, advises, solicits, counsels, or conspires with or otherwise procures the other to commit an offense; or

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

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

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

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

(4) No person may be convicted under this section of
aiding and abetting unless the information specifically
alleges that the defendant aided and abetted and that said
information provides specific acts constituting the means
of aiding and abetting so as to afford the defendant
adequate notice to prepare his defense."

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: 1/17/87

Introduced by: John R. Hageligan
(by request)