A BILL FOR AN ACT

To amend Public Law No. 3-38, the Postal Crimes Act, and for other purposes.

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

Section 1. Section 104 of chapter 1 of Public Law No. 3-38 is hereby amended to read as follows:

"Section 104. Foreign mail as Federated States of Micronesia mail. All foreign mail, while being transported across the territory of the Federated States of Micronesia under authority of law, is mail of the Federated States of Micronesia, and any offense in respect thereto shall be punishable as though it were Federated States of Micronesia mail."

Section 2. Public Law No. 3-38 is hereby amended by the addition of a new section 105 to read as follows:

"Section 105. Mail carriers. For purposes of this act, any party, person, or business who carries the mail, be it foreign mail or otherwise, as an agent, contractor, or subcontractor to the National Government, shall be deemed a mail carrier and an employee or agent of the National Postal Service."

Section 3. Chapter 2 of Public Law No. 3-38 is hereby amended to read as follows:

"CHAPTER 2

POSTAL CRIMES

Section 201. Carriage of mail generally. Whoever, other than a mail carrier, carries mail, collects, receives, or carries any letter or packet, contrary to law, shall be fined not more than $100, or imprisoned not more than
Section 202. Carriage of matter out of mail over post routes. Whoever, having charge or control of any conveyance which regularly performs trips for compensation on any post route over which the mail is regularly carried, and who carries any letters or packets, except such as relate to some part of the cargo of such conveyance, or to the current business of the carrier, or to some article carried at the same time by the same conveyance, shall be fined not more than $100 violates this section.

Section 203. Private express for letters and packets prohibited.

(1) Whoever establishes any private express for the conveyance of letters or packets for compensation, or in any manner causes or provides for the conveyance of the same by regular trips or at stated periods on any post route over which the mail is regularly carried, shall be fined not more than $500, or imprisoned not more than 6 months, or both violates this section. This section shall not prohibit any person from receiving and delivering to the nearest post office or other authorized depository for mail, matter properly stamped.

(2) Whoever transmits by private express, or delivers to any agent thereof, or deposits at any appointed place, for the purpose of being so transmitted, any letter or
packet shall be fined not more than $200 violates this section.

(3) This section shall not prohibit the conveyance or transmission of letters or packets by private hands without compensation or by special messenger employed for the particular occasion only.

"Section 204. Transportation of persons acting as private express. Whoever, having charge or control of any conveyance, knowingly conveys or permits the conveyance of any person acting or employed as a private express for the conveyance of letters or packets for compensation, and actually in possession of the same for the purpose of conveying them contrary to law, shall be fined not more than $200 violates this section.

"Section 205. Post office conducted without authority. Whoever, without authority from the Postal Service, sets up or establishes any office or place of business bearing the sign, name, or title of post office, shall be fined not more than $500 violates this section.

"Section 206. Prompt delivery of mail. Whoever, having charge or control of delivering mail to the postmaster or post office, intentionally or knowingly fails to deliver that mail all letters and packages within his power or control, addressed to or destined for the postmaster or post office within 3 hours after its arrival, if received
during business hours, or if received after business hours, within 2 hours after the next opening of business, all letters and packages within his power or control addressed to or destined for the postmaster of post office shall be filed not later than 8:00 violates this section.

"Section 207. Desertion of mails. Whoever, having taken charge of any mail, voluntarily quits or deserts the same before he has delivered it to the post office or to a Postal Service employee or official authorized to receive the same, shall be fined not more than $500, or imprisonment not more than 1 year, or both violates this section.

"Section 208. Obstruction of mails generally. Whoever knowingly and willfully obstructs or retards the passage of the mail or any carrier or conveyance carrying the mail, shall be fined not more than $200, or imprisonment not more than 6 months, or both violates this section.

"Section 209. Obstruction of correspondence. Whoever takes any article or mail out of any post office or any authorized depository for mail matter, or from any mail carrier, or which has been in any post office or authorized depository or in the custody of any mail carrier, before it has been delivered to the person to whom it was directed, with design to obstruct the correspondence or to pry into the business or secrets of another, or opens, secrets,
embezzles, or destroys the same, shall be fined not more than $2,000 or imprisoned not more than 3 years, or both, violates this section.

"Section 210. Delay or destruction of mail. Whoever, being a Postal Service officer, an employee, or their agent, unlawfully secretes, destroys, detains, delays, or opens any article of mail entrusted to him or which shall come into his possession, and which was intended to be conveyed by mail, shall be fined not more than $2,000 or imprisoned not more than 3 years, or both, violates this section.

"Section 211. Keys or locks stolen or reproduced.

(1) Whoever steals, embezzles, or obtains by false pretense any key suited to any lock adopted by the Postal Service and in use on any of the mails or bags thereof, or any key to any authorized receptacle for the deposit or delivery of mail matter; or

(2) Whoever knowingly and unlawfully makes, forges, or counterfeits any such key or possesses any such mail lock or key with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of; or

(3) Whoever, being engaged as a contractor or otherwise in the manufacture of any such mail lock or key, delivers any lock or part thereof, or key, used or
designed for use by the Postal Service, to any person not
duly authorized by the Postal Service to receive the same,

unless the person receiving it is the contractee of the
agent for transmitting the same or engaged in the contractee's
interests as authorized by the contract shall be fined not
more than $500, or imprisoned not more than 3 years or
both violates this section.

"Section 212. Destruction of letter boxes or mail.

Whoever willfully or maliciously injures, tears down, or
destroy any letter box or other receptacle intended or
used for the receipt or delivery of mail, or breaks open
the same or willfully or maliciously injures, defaces, or
destroy any mail deposited therein, shall be fined not
more than $1,000, or imprisoned not more than 3 years or
both violates this section.

"Section 213. Damage to mail bags. Whoever tears, cuts,
or otherwise damages any mail bag, pouch, or other things
used or designed for use in the conveyance of the mail,
with intent to tear or steal remove any such mail or to
render the same insecure, contrary to law, shall be fined
not more than $1,000, or imprisoned not more than 3 years or
both violates this section.

"Section 214. Theft of property used by Postal Service.

Whoever steals or embezzles any property used by the Postal
Service or appropriates any such property to his own or
any other than its proper use, or conveys away such
property to the hindrance or detriment of the
Postal Service, shall be fined not \textit{above} less than
$1,000 \text{ or }$3,000, or imprisoned not \textit{above} less than 3 years,
or both; but if the value of such property does not exceed
$100, he shall be fined not \textit{above} less than \$50 \text{ or }$1,000, or
imprisoned not \textit{above} less than 1 year, or both.

"Section 215. Theft of mail matter generally. Whoever
steals, destroys, or otherwise unlawfully takes any
article of mail from a post office, a Postal Service
officer, employee, or their agent, or any authorized mail
receptacle or locale, \textit{shall be fined not above} less than
$2,000; or \textit{imprisoned not above} less than 3 years, or both
violates this section.

"Section 216. Receipt of stolen mail matter generally.
Whoever buys, receives, conceals, or unlawfully possesses
any article of mail which has been stolen or otherwise
unlawfully taken, knowing the same to have been \textit{stolen or
otherwise} unlawfully taken, \textit{shall be fined not above} less than
$2,000; or \textit{imprisoned not above} less than 3 years, or both
violates this section.

"Section 217. Theft of mail matter by officer or employee.
Whoever, being a Postal Service officer, \textit{or} employee,
or their agent, embezzles any article of mail entrusted to
him or which comes into his possession intended to be
conveyed by mail, or steals or removes any of the contents
of a parcel intended to be conveyed by mail, shall be
tagged not more than $1000; or imprisoned not more than 2
years of both violates this section.

"Section 213. Misappropriation of postal funds. Whoever,
being a Postal Service officer, employee, or their agent,
loans, uses, pledges, or converts to his own use, or to
the use of any third party, except as authorized by law,
any money or property coming under his control in the
execution or under control of his office, employment, or
service is guilty of embezzlement and shall be fined not
more than $5,000, or if a sum equal to the amount or
value of the money or property embezzled, or imprisoned
not more than 5 years, or both; but if the amount
or value thereof does not exceed $100, he shall be fined
not more than $1,000, or imprisoned not more than
1 year, or both.

"Section 219. Falsification of postal returns to increase
compensation. Whoever, being a Postal Service officer, employee, or their agent, makes a false return, statement,
or account to any officer of the Federated States of
Micronesia, or makes a false entry in any record book or
account required by law to be kept in respect to the
business or operations of any post office, or for the
purpose of fraudulently increasing his compensation or
the compensation of any officer, employee, or agent of the Postal Service shall be fined not more than $500.

Section 220. Issuance of money orders without payment.

Whoever, being an officer, employee, or their agent, of the Postal Service, issues a money order without having previously received the money therefor shall be fined not more than $500. Postal money orders shall not be issued in denominations exceeding the sum of $100.

Section 221. Use of mails in commission of fraud.

Whoever shall intentionally or knowingly use the mails or the mail system to facilitate commission of a theft, a fraud, or any other criminal act as defined by title 11 of the Code of the Federated States of Micronesia, violates this section.

Section 222. Firearms as nonmailables.

(1) Firearms or ammunition are nonmailable and shall not be deposited in or carried by the mails or delivered by any officer or employee of the Postal Service; PROVIDED that firearms or ammunition may be conveyed in the mails, under such regulations as the Postal Service may prescribe, to State or National law enforcement officers, or to such others as the Postal Service, by regulation, may allow.

(2) For purposes of this section, 'firearm' means any
device, by whatever name known, which is designed or may be converted to expel or hurl a projectile or projectiles by the action of an explosion, a release, or an expansion of gas, including, but not limited to, guns, but excepting a device designed or redesigned for use solely as a signaling, line throwing, spearfishing, or industrial device.

(3) Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, any firearm declared nonmailable by this section shall be fined not more than $1,000, or imprisoned not more than 2 years, or both.

"Section 222 223. Injurious articles as nonmailable.

(1) All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, reptiles, and all explosives, inflammable materials, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or material which may kill or injure another, or injure the mails or other property, including radioactive materials, are nonmailable matter and shall not be conveyed in the mails or delivered from any post office or station thereof, nor by any officer or employee of the Postal Service or their agent.

(2) The Postal Service may permit the transmission
in the mails, under such rules and regulations as it shall prescribe as to preparation and packing, of any such articles which are not outwardly or of their own force dangerous or injurious to life, health, or property.

(3) The transmission in the mails of poisonous drugs and medicines may be limited by the Postal Service to shipments of such articles from the manufacturer thereof or dealer therein to hospitals and to licensed physicians, surgeons, dentists, pharmacists, and veterinarians under such rules and regulations as it shall prescribe.

(4) All spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind are nonmailable and shall not be deposited in or carried through the mails.

(5) All knives having a blade which opens automatically:

(a) By hand pressure applied to a button or other device in the handle of the knife, or

(b) By operation of inertia, gravity, or both, are nonmailable and shall not be deposited in or carried by the mails or delivered by any officer or employee of the Postal Service.

(6) Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, which it is directed to be delivered by the person to whom
It is declared anything declared nonmailable by this section, unless in accordance with the rules and regulations prescribed by the Postmaster General, shall be fined not more than $1,000, or imprisoned not more than one year, or both.

(7) Whoever knowingly deposits for mailing or delivery, or knowingly causes to be delivered by mail, anything declared nonmailable by this section, whether or not transmitted in accordance with the rules and regulations prescribed by the Postmaster General, with intent to kill or injure another, or injure the mails or other property, shall be fined not more than $10,000, or imprisoned not more than 20 years, or both.

(8) Whoever is convicted of any crime prohibited by this section, which has resulted in the death of any person, shall be subject also to imprisonment for life, if the terms of title 11, section 911, of the Code of the Federated States of Micronesia are met, and if the Court shall in its discretion so direct.

(9) Until the regulations referred to in this section and the preceding section have been promulgated by the appropriate authority, it shall be a violation of this
act to mail any firearm, ammunition, or injurious article, which violation shall be punishable by a fine of not less than $1,000, or imprisonment for not less than 1 year, or both. Upon promulgation by the proper authority of appropriate regulations allowing for the exceptions as outlined above, this section shall be void.

"Section 223 224. Canceled stamps and envelopes.

(11) Whoever removes, attempts to remove, or assists in removing the canceling or defacing marks from any postage stamp or the superscription from any stamped envelope, package, or postal card that has once been used in payment of postage with the intent to use the same for a like purpose; or

(22) Whoever knowingly sells or offers to sell the same; or

(33) Whoever knowingly possesses any such postage stamp, stamped envelope, package, or postal card with intent to use the same; or

(44) Whoever knowingly sells or attempts to use the same in payment of postage or
(74) Whoever unlawfully and willfully removes
from any mail matter any stamp attached thereto in
payment of postage; or

(85) Whoever knowingly uses in payment of postage any
postage stamp, postal card, postal package, or stamped
envelope, issued in pursuance of law, which has already
been used for a like purpose, shall be fined not more than
$500, or imprisoned not more than 1 year, or both, but if
he is a person employed in the postal service, he shall be
fined not more than $500, or imprisoned not more than 2
years, or both, if he willfully violates this section.

"Section 224 225. Sale or pledge of stamps. Whoever, being
a Postal Service officer, employee, or their agent,
knowingly and willfully:

(1) Uses or disposes of postage stamps, stamped
envelopes, or postal cards entrusted to his care or
custody in the payment of debts or in the purchase of
merchandise or other salable articles, or sells or
disposes of them except for cash in the normal course of
postal business; or

(2) Sells or disposes of postage stamps or postal
cards for any larger or less sum than the values indicated
on their faces; or

(3) Sells or disposes of stamped envelopes for a
larger or less sum than is charged therefor by the
Postal Service for like quantities; or

(4) Sells or disposes of postage stamps, stamped envelopes, or postal cards at any point or place outside of the vicinity of the office where such officer or employee, or their agent, is employed; or

(5) Inflates or induces the inflation of the receipts of any post office for the purpose of increasing the emoluments or compensation of any Postal Service officer, employee, or their agent; or

(6) Sells or disposes of postage stamps, stamped envelopes, or postal cards otherwise than as provided by law or regulations, shall be fined not more than $500, or

"Section 226. False evidence to secure second lower class rate. Whoever knowingly submits to any officer, of the Postal Service, any false evidence relative to any form or publication, for the purpose of securing the delivery at the second delivery rate via the mail of any article at a reduced postage rate, the transportation in the mails shall be fined not more than $500 violates this section.

"Section 227. Avoidance of postage by using lower class matter.

(1) Matter of the second, third, or fourth class a lower rate classification containing any writing or
printing in addition to the original matter, other than
as authorized by law, shall not be admitted to the mails,
nor delivered, except upon payment of postage for matter of
the highest postage rate classification,
unless by direction of a duly authorized officer of the
Postal Service, such postage shall be remitted.

(2) Whoever knowingly conceals or encloses any matter
of a higher class postage rate in that of a lower class
postage rate and deposits the same for conveyance by mail
at a lower rate than would be charged for such higher class
matter, shall be fined the sum not less than $500 violates this
section.

"Section 227 228. Postage unpaid on deposited mail matter.
Whoever knowingly and willfully deposits any mailable
matter on which no postage has been paid in any receptacle
established, approved, or accepted by the Postal Service
for the receipt or delivery of mail matter with intent
to avoid payment of lawful postage thereon, shall be fined
each offense be fined not more than $100 violates this
section.

"Section 228 229. Postage collected unlawfully. Whoever,
being a Postal Service officer, employee, or their agent,
authorized to receive the postage of mail matter, fraud-
ulently demands or receives any rate of postage or gratuity
or reward other than is provided by law for the postage
of such mail matter, shall be fined not more than $1000, or imprisoned not less than 6 months, or both, violates this section.

"Section 230. Punishments established."

(1) Any person convicted of violating section 201, 202, 227, or 229 of this act, shall be fined not less than $100, or imprisoned not less than 30 days, or both.

(2) Any person convicted of violating section 204, 206, 208, 220, or 224 of this act, shall be fined not less than $500, or imprisoned not less than 6 months, or both.

(3) Any person convicted of violating section 203, 205, 207, 210, 211, 219, 225, or 226 of this act, shall be fined not less than $1,000, or imprisoned not less than 1 year, or both.

(4) Any person convicted of violating section 209, 212, 213, 215, 216, 217, or 222 of this act, shall be fined not less than $2,000, or imprisoned not less than 2 years, or both."

Section 4. 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: 7/23/87

Introduced by: [Signature]

Jack Fritz