

AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-24 and 5-40, by amending section 1205 and 1231 and by adding a new section 1232, to require periodic renewal of identification cards, to require periodic reporting of ownership or possession of dangerous devices, and to require reporting of losses of dangerous weapons by persons with a penalty for non-reporting, all relating to weapons control, and for other purposes.

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

Section 1. Section 1205 of title 11 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 1205. Identification cards required; Issuance.

(1) No person shall acquire or possess any firearm, dangerous device, or ammunition unless he holds an identification card issued pursuant to this chapter. The identification card is evidence of the holder's eligibility to possess and use or carry firearms, dangerous devices, or ammunition. A person need not own or possess any firearm, dangerous device, or ammunition to apply for and have issued to him an identification card.

(2) Identification cards shall be issued only by the Office of the Attorney General pursuant to regulations made by the Office of the Attorney General in the manner which is or may be provided by law. The identification card shall have on its face all of the following:

- (a) the name and address of the holder;
- (b) the sex, height, and weight of the holder;
- (c) the birth date of the holder;
- (d) the date of expiration for the card, which shall be two years from the date of issue;
- (e) a photograph of the holder taken within ten days prior to issuance;

(f) an endorsement setting forth the extent of the holder's eligibility to possess, use, and carry firearms, dangerous devices, or ammunition; and

(g) the number of the identification card.

(3) An applicant for the issuance or renewal of an identification card shall make application therefor on a form approved by the Office of the Attorney General and shall supply such information as may be necessary to afford the issuing agency reasonable opportunity to ascertain the facts required to appear on the face of the identification card, and to determine whether the applicant complies with all requirements of this chapter to possess and use, or carry, firearms, dangerous devices, or ammunition, as the case may be. Such information shall include a complete description and serial number, if any, of any firearm or dangerous device the applicant owns or possesses.

(4) No identification cards shall issue until fifteen days after application therefor, and unless the issuing agency is satisfied that the applicant may lawfully possess and use, or carry, firearms, dangerous devices, or ammunition of the type or types enumerated on the identification card. Unless the application for use and possession is denied, the identification card shall issue within sixty days from the date of application.

An identification card issued pursuant to this section shall be valid for two years from the date of its issuance unless it has been revoked. A valid identification card issued pursuant to this section may be renewed bi-annually upon application by the holder made on the form approved by the Office of the Attorney General.

(5) No person shall be issued an identification card if he has been:

- (a) acquitted of any criminal charge by reason of insanity;
- (b) adjudicated mentally incompetent;
- (c) treated in a hospital for mental illness, drug addiction, or alcoholism;
- (d) convicted of a crime of which actual or attempted personal injury or death is an element;
- (e) convicted of a crime in connection with which firearms or dangerous devices were used or found in his possession; or
- (f) convicted of a crime of which the use, possession, or sale of narcotics or dangerous drugs is an element.

(6) No person shall be issued an identification card if he has a physical condition or impairment which makes him unable to use a firearm or dangerous device with proper control.

(7) Any person suffering from a physical or mental defect, condition, illness, or impairment which would make him ineligible for an identification card pursuant to this section may submit the certificate of a physician licensed to practice in the Federated States of Micronesia to the issuing agency or officer. If the certificate states that it is the subscribing physician's best opinion that the defect, condition, illness, or impairment does not make the applicant incapable of possessing and using a firearm or dangerous device without danger to the public safety, the identification card may be issued. But no such card shall be valid for a period longer than six months.

(8) Any person who is ineligible for an identification card by reason of conviction of crime may be issued such a card if his most recent discharge from probation or parole or the termination of his most recent sentence, whichever is later, is more than ten years prior to the time of application for the identification card and if the issuing agency finds that his record, taken as a whole, does not indicate that his possessing and using, or carrying, a firearm or dangerous device, as the case may be, are not likely to constitute a special danger to the public safety; provided, that if the crime which renders him ineligible for an identification card is solely the failure to have an identification card issued to him, then the reinstatement to eligibility pursuant to this subsection shall occur five years after the date of his sentencing.

(9) A duplicate identification card may be issued to the holder of a lost, destroyed, or defaced identification card upon proof of such loss, destruction, or defacement as the Office of the Attorney General may require, upon payment of the fee required by section 1230 of this chapter, and upon surrender of any

remaining portion of the original card. Notice shall be given to the Office of the Attorney General by the holder within forty-eight hours of his discovery of such loss, defacement, or destruction. The holder shall notify the Office of the Attorney General of any change of name or address from those appearing upon the identification card within forty-eight hours of such change.

(10) A person who is neither a citizen nor resident of the Federated States of Micronesia shall not be eligible for an identification card, except upon receiving special permission from the Attorney General."

Section 2. Section 1231 of title 11 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 1231. Penalties for violation of chapter.

(1) Any person who fails to comply with section 1207 or section 1232 of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$100, or imprisoned not more than three months, or both.

(2) Any person who violates any other provisions of this chapter or any regulations issued pursuant thereto is guilty of a felony, and upon conviction thereof shall be fined not more than \$2,000, or imprisoned not more than five years, or both, and shall be subject to confiscation of any firearm, dangerous device, or ammunition, without compensation, involved in a violation of this chapter. The holder of any dealer's license, or the manager or supervisor of employees of any establishment so licensed, or both, shall be liable for any violation of this chapter by his employee or agent committed in the course of the dealer's business, to the same extent as such employee or agent.

(3) It shall be an affirmative defense under subsection (1) of this section, that the defendant was issued a valid identification card at the time of his arrest, but neglected to have it upon his person."

Section 3. Title 11 of the Code of the Federated States of Micronesia is hereby amended by adding a new section 1232 to read as follows:

"Section 1232. Reporting of loss of Firearm, Dangerous Device, or Ammunition. Any person other than a dealer or wholesaler who owns or possesses any dangerous device, firearm, or ammunition shall report its loss to the Office of the Attorney General, National Police within five days of discovering its loss."

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.

January 9, 1996

/s/ Bailey Olter
Bailey Olter
President
Federated States of Micronesia