
A BILL FOR AN ACT

To further amend section 104 of title 11 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 11-72 and 11-76, and create a new subchapter III under chapter 6 to require the registration of deportees convicted of crimes in foreign countries, to provide penalties for failure to register, and in order to bring within definition of national crime the failure to register as a deportee, and for other purposes.

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

1 Section 1. Title 11 of the Code of the Federated States
2 of Micronesia, as amended, is hereby further amended by
3 creating a new subchapter III under chapter 6 entitled
4 "Registration of Deportees".

5 Section 2. Title 11 of the Code of the Federated States
6 of Micronesia, as amended, is hereby further amended by
7 inserting a new section 631 under subchapter III of chapter 6
8 to read as follows:

9 "Section 631. Purpose of the subchapter. In view of
10 the increasing number of deportees who are being
11 returned to the Federated States of Micronesia for
12 criminal convictions for crimes against persons,
13 property, or against the public interest, and in view
14 of the number of deportees being returned before
15 their full sentence is completed in the United States
16 or elsewhere, it is the purpose of this Act to
17 register all returning deportees for the safety of

1 the People of the Federated States of Micronesia."

2 Section 3. Title 11 of the Code of the Federated States
3 of Micronesia, as amended, is hereby further amended by
4 inserting a new section 631 under subchapter III of chapter 6
5 to read as follows:

6 "Section 632. Definition. As used in this section,
7 the term "convicted" means, with respect to a
8 person's felony or misdemeanor offense, a
9 determination or guilt, which is the result of a
10 trial or the entry of a plea of guilty or nolo
11 contendere, regardless of whether adjudication is
12 withheld."

13 Section 4. Title 11 of the Code of the Federated States
14 of Micronesia, as amended, is hereby further amended by
15 inserting a new section 633 under subchapter III of chapter 6
16 to read as follows:

17 "Section 633. Registration of deportees; exemptions;
18 penalties.

19 (1) Any person who has been convicted of a felony
20 or misdemeanor in any foreign territory,
21 commonwealth, or country shall, within 72 hours after
22 entering the Federated States of Micronesia, register
23 with the National Police, be fingerprinted and
24 photographed, and list the crime for which convicted,
25 place of conviction, sentence imposed, if any, name,

1 aliases, if any, address, and occupation.

2 (2) This section does not apply to an offender:

3 (a) Who has received a full pardon for the
4 offense for which convicted; or

5 (b) Who has been lawfully released from
6 incarceration or other sentence or supervision for a
7 felony or misdemeanor conviction, whichever is later
8 in time, for more than 5 years prior to such time for
9 registration, unless the offender is a fugitive from
10 justice on a felony charge or has been convicted of
11 any offense since release from such incarceration or
12 other sentence or supervision.

13 (3) Deportees who were deported to the Federated
14 States of Micronesia prior to the entry of this Act
15 shall have their information entered into the
16 National Police registration system by the National
17 Police together with a scanned copy of the departing
18 documents.

19 (4) The failure of any such convicted person to
20 comply with this section with regard to any offender
21 not listed in subsection 3 of this section
22 constitutes a misdemeanor punishable under chapter 1
23 and chapter 12 of this title.

24 (5) A person convicted under this section shall be
25 imprisoned for not more than one year.

1 (6) Nothing in this section shall be construed to
2 affect any law of the Federated States of Micronesia
3 relating to registration of criminals where the
4 penalties for registration, notification, or
5 reporting obligations are in addition to, or in
6 excess of, those imposed by tis section."

7 Section 5. Section 104 title 11 of the Code of the
8 Federated States of Micronesia, as amended by Public Laws Nos.
9 11-72 and 11-76, is hereby further amended to read as follows:

10 (1) 'Crime' means an act committed or omitted in
11 violation of any law forbidding or commanding it, and
12 which, upon conviction, is punishable by either or
13 both of the following:

14 (a) imprisonment; or

15 (b) fine.

16 (2) 'Criminal negligence' means to engage in
17 conduct which creates a substantial and unjustifiable
18 risk of bodily injury to another, or to engage in
19 conduct which constitutes gross deviation from the
20 standard of care that a reasonable person would
21 exercise, which conduct causes the criminal result.

22 (3) 'Felony' means any crime, which is punishable
23 by imprisonment for more than one year.

24 (4) 'Intent' means acting with the conscious
25 purpose to engage in the conduct specified, refrain

1 from the omission specified or cause the specific
2 result.

3 (5) 'Knowledge' means being aware of the nature of
4 the conduct or omission or of the existing
5 circumstances, or believing that a fact exists which
6 brings the conduct or omission within the provisions
7 of this code. It does not require any knowledge of
8 the unlawfulness of such conduct or omission.

9 (6) 'Misdemeanor' means any crime, which is not a
10 felony.

11 (7) 'National crime' means:

12 (a) any crime, which is

13 (i) inherently national in character and
14 defined anywhere in this title; ~~[or]~~

15 (ii) otherwise a crime against the
16 Federated States of Micronesia;

17 (b) A crime is 'inherently national in
18 character' when any of the following is true:

19 (i) the crime is committed in the
20 exclusive economic zone of the Federated States of
21 Micronesia as defined in title 18 of this Code;

22 (ii) the crime is committed in the airspace
23 above the territory comprising the Federated States
24 of Micronesia as defined in article I, section 1 of
25 the FSM Constitution;

1 (iii) the crime is committed on any airborne
2 vehicle of the National Government, regardless of
3 that vehicle's location;

4 (iv) the crime is committed on any
5 watergoing vessel flagged and registered by the
6 Federated States of Micronesia regardless of that
7 watergoing vessel's location;

8 (v) the crime is committed on any
9 watergoing vessel of the National Government
10 regardless of that vessel's location;

11 (vi) the crime is committed against a
12 national public servant in the course of, in
13 connection with, or as a result of that person's
14 employment or services;

15 (vii) the crime is committed against a
16 former national public servant in retaliation for an
17 act undertaken while that person was engaged in
18 public service and within the scope of his or her
19 official duties;

20 (viii) the crime is committed by a national
21 public official or public servant while that person
22 is engaged in his or her official duties or in
23 violation of a fiduciary duty;

24 (ix) the crime involves property belonging
25 to the National Government; [e]

1 (x) the crime is committed against any
2 person participating in or attempting to participate
3 in a national election; or

4 (xi) a person has been convicted of a
5 felony or misdemeanor in any foreign territory,
6 commonwealth, or country and fails to register as a
7 deportee whenever required by a law of the Federated
8 States of Micronesia to register.

9 (8) 'Official proceeding' means any procedure
10 conducted by or under the supervision of a judge,
11 magistrate, judicial officer or other public official
12 in relation to any alleged offense or proven offense,
13 and includes an inquiry, investigation, or
14 preliminary or final determination of facts.

15 (9) Person. The terms 'person', 'he', 'she',
16 'accused' and 'defendant' include any natural or
17 legal person, including but not limited to, a
18 government, corporation or unincorporated
19 association, or other organization.

20 (10) 'Principal' means a person who commits or
21 participates in the commission of a crime and shall
22 include a co-conspirator, accomplice or an aid or
23 abettor.

24 (11) 'Public official' and 'public servant' means
25 any person elected, appointed or employee to perform

1 a governmental function on behalf of the Federated
2 Stats of Micronesia, or any department, agency or
3 branch thereof, or any allottee as defined in the
4 Financial Management Act of 1979, in any official
5 function under or by authority of any such agency or
6 branch of government. The terms include, but are not
7 limited to, legislators, judges, law enforcement
8 officers, advisors and consultants, but do not
9 include witnesses.

10 (12) 'Reckless' means to engage in conduct with a
11 willful disregard for the safety of others or to
12 engage in conduct in a manner that constitutes a
13 gross deviation from the standard of care that a
14 reasonable person would exercise in the situation.

15 (13) 'Serious bodily injury' means bodily injury
16 which creates a high probability of death or which
17 causes serious permanent disfigurement or which
18 causes a permanent or protracted loss or impairment
19 of the function of any bodily member or organ, or
20 other bodily injury of like severity.

21 (14) 'Willfully' means to act with a purpose or
22 willingness to commit an act, or to make an omission.
23 It does not require any intent to violate the law, or
24 to injure another, or to acquire any advantage.

25 (15) 'Property' shall mean both real and personal

