

Public Law No. 5 - 40

FIFTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

SECOND REGULAR SESSION, 1987

CONGRESSIONAL BILL No. 5-161, C.D.1,
C.D.2

AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia, as amended, by amending sections 902, 914, 918, 920, 921, 922, 924, 931, 941, 944 and 951 of chapter 9, regarding the definition of "major crimes" and elements of offenses so classified; by repealing sections 913, 917, 919, 942, 943, 952 and 953; by renumbering sections 915, 916 and 923; and for other purposes.

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

1 Section 1. Section 902 of title 11 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 902. Major crimes defined. 'Major crimes' are
4 defined as all crimes which are punishable by imprisonment
5 for a period of 10 years or more."

6 Section 2. Section 914 of title 11 of the Code of the Federated
7 States of Micronesia is hereby amended to read as follows:

8 "Section 913. Aggravated sexual assault.

9 (1) A person commits the offense of aggravated sexual
10 assault if he intentionally subjects another person to sexual
11 penetration, or forces another person to make a sexual
12 penetration on himself or another or on a beast against the
13 other person's will, or under conditions in which the defendant
14 knows or should know that the other person is mentally or
15 physically incapable of resisting or understanding the nature
16 of his conduct, and:

17 (a) Serious bodily or psychological injury to the
18 victim results; or

19 (b) The defendant is aided or abetted by one or
20 more accomplices; or

21 (c) A dangerous weapon is used by the defendant
22 or an accomplice in such a manner as to cause the victim to



1 submit to the sexual assault.

2 (2) A person convicted under this section shall be
3 punished:

4 (a) for a violation of this section with those
5 elements contained in subsection (1)(a) of this section, by
6 imprisonment for not more than 15 years, unless elements
7 contained in either subsection (1)(b) or (c) of this section
8 are also present, in which case the maximum punishment shall
9 be 20 years;

10 (b) otherwise, by imprisonment for not more than
11 10 years."

12 Section 3. Section 918 of title 11 of the Code of the Federated
13 States of Micronesia is hereby amended to read as follows:

14 "Section 916. Aggravated assault.

15 (1) A person commits an offense of aggravated assault if
16 he causes serious bodily injury to another intentionally,
17 knowingly, or recklessly under circumstances showing extreme
18 indifference to the value of human life.

19 (2) A person convicted of aggravated assault shall be
20 punished by imprisonment for not more than 10 years."

21 Section 4. Section 920 of title 11 of the Code of the Federated
22 States of Micronesia is hereby amended to read as follows:

23 "Section 917. Aggravated robbery.

24 (1) A person commits the offense of aggravated robbery if
25 he takes away anything of value from the person of another, or

1 from the immediate control of another, by use or threatened use
2 of immediate force or violence, and:

3 (a) The defendant or an accomplice uses a dangerous
4 weapon to obtain the property; or

5 (b) The defendant or an accomplice inflicts serious
6 bodily injury.

7 (2) A person convicted under this section shall be
8 punished by imprisonment for not more than 10 years."

9 Section 5. Section 921 of title 11 of the Code of the Federated
10 States of Micronesia, as amended by Public Law No. 4-114, is hereby
11 further amended to read as follows:

12 "Section 918. Kidnapping.

13 (1) A person commits the offense of kidnapping if he
14 unlawfully removes another from his place of residence or
15 business, or a substantial distance from the vicinity where
16 he is found, or if he unlawfully confines another for a
17 substantial period in a place of isolation, with any of the
18 following purposes:

19 (a) to hold for ransom or reward, or as a shield
20 or hostage; or

21 (b) to facilitate commission of any felony or
22 flight thereafter; or

23 (c) to inflict bodily injury on or to terrorize
24 the victim or another; or

25 (d) to interfere with the performance of any

1 government or political function.

2 (2) A removal or confinement is unlawful under this
3 section if it is accomplished by force, threat, or deception,
4 or, in the case of a person who is under the age of fourteen
5 or incompetent, without the consent of a parent, guardian,
6 or other person responsible for general supervision of his
7 welfare.

8 (3) A person convicted under this section shall be punished
9 by imprisonment for a maximum term of 10 years. If the person
10 committing the offense voluntarily releases the victim alive
11 and in a safe place prior to trial, this shall be considered
12 during sentencing as a mitigating factor."

13 Section 6. Section 922 of title 11 of the Code of the Federated
14 States of Micronesia is hereby amended to read as follows:

15 "Section 919. Criminal coercion through use of a dangerous
16 instrument.

17 (1) Criminal coercion through use of a dangerous
18 instrument. A person commits the offense of criminal coercion
19 through use of a dangerous instrument if he intentionally
20 compels or induces another person to engage in conduct from
21 which he has a legal right to abstain or to abstain from conduct
22 in which he has a legal right to engage, by instilling in him a
23 fear through use of a dangerous instrument that, if the demand
24 is not complied with, the defendant or a third person will:

25 (a) commit any felony offense; or

- 1 (b) accuse anyone of a felony offense; or
2 (c) expose any secret or publicize any asserted
3 fact, whether true or false, tending to subject any person
4 to hatred, contempt, or ridicule or to impair his credit or
5 business repute; or
6 (d) reveal any information sought to be concealed
7 by the person; or
8 (e) testify or provide information or withhold
9 testimony or information with respect to any person's legal
10 claim or defense; or
11 (f) take or withhold action as a public servant or
12 cause a public servant to take or withhold such action.

13 (2) Defense. It is a defense to a prosecution under
14 paragraphs (b), (c), (d), and (f) of subsection (1) of this
15 section, that the defendant believed the threatened
16 accusation or exposure to be true or the proposed action of
17 a public servant justified, and that his sole intention
18 was to compel or induce the victim to take reasonable action
19 to prevent or remedy the wrong which was the subject of
20 the threatened accusation, exposure, or action of a public
21 servant.

22 (3) Penalty. A person convicted under this section
23 shall be punished by imprisonment for not more than 10 years."

24 Section 7. Section 924 of title 11 of the Code of the Federated
25 States of Micronesia is hereby amended to read as follows:

1 "Section 921. Mutiny on a vessel on the high seas or on
2 National waters.

3 (1) A person commits an offense if, by force, threat
4 of force, or deception, he usurps or attempts to usurp
5 command of a vessel on the high seas or on waters within
6 the jurisdiction of the Federated States of Micronesia but not
7 within the jurisdiction of any State of the Federated States
8 of Micronesia.

9 (2) A person convicted under this section shall be
10 punished by imprisonment for not more than 10 years."

11 Section 8. Section 931 of title 11 of the Code of the Federated
12 States of Micronesia is hereby amended to read as follows:

13 "Section 931. Grand theft.

14 (1) Theft. A person commits the offense of grand theft
15 if he commits theft of property or services in the value of
16 \$5,000 or more.

17 (2) Penalty. A person convicted of grand theft shall be
18 punished by imprisonment for not more than 10 years.

19 (3) Amount involved. The amount involved in a theft
20 shall be deemed to be the highest value, by any reasonable
21 standard, of the property or service which the defendant stole
22 or attempted to steal. Amounts involved in thefts committed
23 pursuant to one scheme or course of conduct, whether from
24 the same person or several persons, may be aggregated in
25 determining whether an offense has been committed and the grade

1 of the offense.

2 (4) Claim of right. It is an affirmative defense to
3 prosecution for theft that the defendant:

4 (a) was unaware that the property or service was
5 that of another; or

6 (b) acted under an honest claim of right to the
7 property or service involved or that he had a right to acquire
8 or dispose of it as he did; or

9 (c) took property exposed for sale, intending to
10 purchase and pay for it promptly, or reasonably believing that
11 the owner, if present, would have consented."

12 Section 9. Section 941 of title 11 of the Code of the Federated
13 States of Micronesia is hereby amended to read as follows:

14 "Section 941. Forgery of specified instruments.

15 (1) Forgery of specified instruments. A person commits
16 the offense of forgery of specified instruments if he forges a
17 writing which is or purports to be part of an issue of money,
18 securities, postage or revenue stamps, or other instruments
19 issued by any Government or part of an issue of stock, bonds,
20 or other instruments representing interests in or claims
21 against any property or enterprise.

22 (2) Definitions.

23 (a) A person forges a writing if, with purpose to
24 defraud or injure anyone, or with knowledge that he is
25 facilitating a fraud or injury to be perpetrated by anyone, he:

1 (i) alters any writing of another without his
2 authority; or

3 (ii) makes, completes, executes, authenticates,
4 issues, or transfers any writing so that it purports to be the
5 act of another who did not authorize that act, or to have been
6 executed at a time or place or in a numbered sequence other
7 than was in fact the case, or to be a copy of an original when
8 no such original existed; or

9 (iii) utters any writing which he knows to be
10 forged in a manner specified in subparagraphs (i) or
11 (ii) of this subparagraph.

12 (b) 'Writing' includes printing or any other method
13 of recording information, money, coins, tokens, stamps, seals,
14 credit cards, badges, trademarks, and other symbols of value,
15 right, privilege, or identification.

16 (3) Penalty. A person convicted of forgery shall be
17 punished by imprisonment for not more than 10 years."

18 Section 10. Section 944 of title 11 of the Code of the Federated
19 States of Micronesia is hereby amended to read as follows:

20 "Section 942. Grand misuse of credit cards.

21 (1) A person commits an offense if he misuses a credit
22 card or credit cards to obtain, within any consecutive
23 six-month period, property or services in the value of \$5,000
24 or more from one or more persons.

25 (2) A person misuses a credit card if he uses a credit

1 card for the purpose of obtaining property or services with
2 knowledge that:

- 3 (a) the card is stolen or forged; or
4 (b) the card has been revoked or cancelled; or
5 (c) for any other reason his use of the card is
6 unauthorized by the issuer.

7 (3) It is an affirmative defense to prosecution under
8 paragraph (c) of subsection (2) if the actor proves by a
9 preponderance of the evidence that he had the purpose and
10 ability to meet all obligations to the issuer arising out
11 of his use of the card.

12 (4) A person convicted under this section shall be
13 punished by imprisonment for not more than 10 years."

14 Section 11. Section 951 of title 11 of the Code of the Federated
15 States of Micronesia is hereby amended to read as follows:

16 "Section 951. Aggravated burglary.

17 (1) Aggravated burglary. A person commits the
18 offense of aggravated burglary if he enters a building or
19 occupied structure, or separately occupied or secured portion
20 thereof, with the purpose to commit any felony, assault, or
21 larceny therein, unless the premises are at the time open
22 to the public or the person is licensed or privileged to
23 enter, and:

24 (a) The defendant or an accomplice inflicts bodily
25 injury on anyone; or

1 (b) The defendant or an accomplice is armed with a
2 dangerous instrument.

3 (2) Definition. 'Occupied structure' means any structure,
4 vehicle, vessel, or place adapted for overnight accommodation of
5 persons, or for carrying on business therein, whether or not a
6 person is actually present.

7 (3) Penalty. A person convicted under this section shall
8 be punished by imprisonment for not more than 10 years.

9 (4) Limitation. A person may not be convicted both
10 for aggravated burglary and the offense which it was his
11 purpose to commit after the burglarious entry or for an
12 attempt to commit that offense, unless the additional offense
13 constitutes a felony that is punishable by a maximum
14 imprisonment of 10 years or more."

15 Section 12. Sections 913, 917, 919, 942, 943, 952, and 953 of
16 chapter 9 of title 11 of the Code of the Federated States of Micronesia are
17 hereby repealed in their entirety.

18 Section 13. Sections 915, 916 and 923 of chapter 9 of title 11 of
19 the Code of the Federated States of Micronesia are hereby renumbered as
20 sections 914, 915 and 920, respectively.

21 Section 14. This act shall take effect 1 year after becoming law.

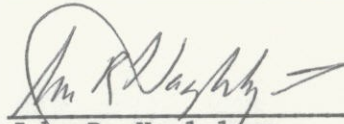
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1 Section 15. This act shall become law upon approval by the
2 President of the Federated States of Micronesia or upon its becoming
3 law without such approval.

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December 11th, 1987



John R. Haglelgam
President
Federated States of Micronesia

