
AN ACT

To amend title 12 of the Code of the Federated States of Micronesia by repealing chapter 10 in its entirety and adding a new chapter 14 to establish procedures for the surrender of persons who have committed crimes in foreign countries; by adding a new chapter 15 to establish procedures for the transfer of offenders to and from foreign countries; and for other purposes.

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

1 Section 1. Chapter 10 of title 12 of the Code of the Federated
2 States of Micronesia is hereby repealed in its entirety.

3 Section 2. Title 12 of the Code of the Federated States of
4 Micronesia is hereby amended by adding a new section 1401 of chapter
5 14 to read as follows:

6 "Section 1401. Scope and limitation of chapter. The
7 provisions of this chapter relating to the surrender of
8 persons who have committed crimes in foreign countries
9 shall continue in force only during the existence of any
10 extradition agreement with such foreign government and
11 shall be read in light of and consistent with the
12 extradition agreement pursuant to which a request for
13 extradition is made."

14 Section 3. Title 12 of the Code of the Federated States of
15 Micronesia is hereby amended by adding a new section 1402 of chapter
16 14 to read as follows:

17 "Section 1402. Fugitives from foreign country to Federated
18 States of Micronesia. Whenever there is an agreement for
19 extradition between the Federated States of Micronesia and
20 any foreign government, any Federated States of Micronesia
21 justice or any judge authorized to do so by a Federated
22 States of Micronesia court may, upon complaint made under

1 oath charging any person found within his jurisdiction with
2 having committed within the jurisdiction of any such
3 foreign government any of the crimes provided for by such
4 agreement, issue his warrant for the apprehension of the
5 person so charged, that he may be brought before such
6 justice or judge, to the end that the evidence of
7 criminality may be heard and considered. If, on such
8 hearing, he deems the evidence sufficient to sustain the
9 charge under the provisions of the proper treaty or
10 convention, he shall certify the same, together with a copy
11 of all the testimony taken before him, to the Secretary of
12 External Affairs, that a warrant may issue upon the
13 requisition of the proper authorities of such foreign
14 government, for the surrender of such person, according to
15 the stipulations of the treaty or convention; and he shall
16 issue his warrant for the commitment of the person so
17 charged to the proper jail, there to remain until such
18 surrender shall be made."

19 Section 4. Title 12 of the Code of the Federated States of
20 Micronesia is hereby amended by adding a new section 1403 of chapter
21 14 to read as follows:

22 "Section 1403. Secretary of External Affairs to surrender
23 fugitive. The Secretary of External Affairs may order the
24 person committed under section 1402 of this title to be
25 delivered to any authorized agent of such foreign

1 government, to be tried for the offenses of which charged.
2 Such agent may hold such person in custody, and take him to
3 the territory of such foreign government, pursuant to such
4 treaty. A person so accused who escapes may be retaken in
5 the same manner as any person accused of any offense."

6 Section 5. Title 12 of the Code of the Federated States of
7 Micronesia is hereby amended by adding a new section 1404 of chapter
8 14 to read as follows:

9 "Section 1404. Time of commitment pending extradition.
10 Whenever any person who is committed for rendition to a
11 foreign government to remain until delivered up in
12 pursuance of a requisition, is not so delivered up and
13 conveyed out of the Federated States of Micronesia within 2
14 calendar months after such commitment, over and above the
15 time actually required to convey the prisoner from the jail
16 to which he was committed, by the readiest way, out of the
17 Federated States of Micronesia, any Federated States of
18 Micronesia justice or any judge authorized to do so by a
19 Federated States of Micronesia court upon application made
20 to him by or on behalf of the person so committed, and upon
21 proof made to him that reasonable notice of the intention
22 to make such application has been given to the Secretary of
23 External Affairs, may order the person so committed to be
24 discharged out of custody, unless sufficient cause is shown
25 to such judge why such discharge ought not to be ordered."

1 Section 6. Title 12 of the Code of the Federated States of
2 Micronesia is hereby amended by adding a new section 1405 of chapter
3 14 to read as follows:

4 "Section 1405. Place and character of hearing. Hearings
5 in cases of extradition under an extradition agreement
6 shall be held on land, publicly, and in a courthouse
7 easily accessible to the public."

8 Section 7. Title 12 of the Code of the Federated States of
9 Micronesia is hereby amended by adding a new section 1406 of chapter
10 14 to read as follows:

11 "Section 1406. Evidence on hearing. Depositions,
12 warrants, or other papers or copies thereof offered in
13 evidence upon the hearing of any extradition case shall be
14 received and admitted as evidence on such hearing for all
15 the purposes of such hearing if they shall be properly and
16 legally authenticated so as to entitle them to be received
17 for similar purposes by the tribunals of the foreign country from
18 which the accused party shall have escaped, and the certificate
19 of the principal representative or liaison officer of the Fed-
20 erated States of Micronesia resident in such foreign country, if
21 any, shall be proof that the same, so offered, are authenticated
22 in the manner required. Depositions, warrants, or other papers
23 or copies thereof offered in evidence upon the hearing of any
24 extradition case may also be authenticated by any means provided
25 for in an extradition agreement."

1 Section 8. Title 12 of the Code of the Federated States of
2 Micronesia is hereby amended by adding a new section 1407 of chapter
3 14 to read as follows:

4 "Section 1407. Witnesses for indigent fugitives. On the
5 hearing of any case under a claim of extradition by a foreign
6 government, upon affidavit being filed by the person charged set-
7 ting forth that there are witnesses whose evidence is material
8 to his defense, that he cannot safely go to trial without them,
9 what he expects to prove by each of them, and that he is not
10 possessed of sufficient means, and is actually unable to pay the
11 fees of such witnesses, the justice or judge hearing the matter
12 may order that such witnesses be subpoenaed; and the costs in-
13 curred by the process, and the fees of witnesses, shall be paid
14 in the same manner as in the case of witnesses subpoenaed in
15 behalf of the Federated States of Micronesia."

16 Section 9. Title 12 of the Code of the Federated States of
17 Micronesia is hereby amended by adding a new section 1408 of chapter
18 14 to read as follows:

19 "Section 1408. Protection of accused. Whenever any person
20 is delivered by any foreign government to an agent of the
21 Federated States of Micronesia, for the purpose of being
22 brought within the Federated States of Micronesia and tried
23 for any offense of which he is duly accused, the Attorney
24 General shall have power to take all necessary measures for
25 the transportation and safekeeping of such accused person,

1 and for his security against lawless violence, until the
2 final conclusion of his trial for the offenses specified in
3 the warrant of extradition, and until his final discharge
4 from custody or imprisonment for or on account of such
5 offenses, and for a reasonable time thereafter."

6 Section 10. Title 12 of the Code of the Federated States of
7 Micronesia is hereby amended by adding a new section 1409 of chapter
8 14 to read as follows:

9 "Section 1409. Receiving and transporting offenders. An
10 officer of the Division of Security and Investigation or a
11 State police officer authorized by the Attorney General
12 shall receive, in behalf of the Federated States of
13 Micronesia, the delivery, by a foreign government, of any person
14 accused of a crime committed within the Federated States of
15 Micronesia, and shall convey him to the place of his trial."

16 Section 11. Title 12 of the Code of the Federated States of
17 Micronesia is hereby amended by adding a new section 1410 of chapter
18 14 to read as follows:

19 "Section 1410. Payment of fees and costs.

20 (1) All costs or expenses incurred in any extradition
21 proceeding in apprehending, securing, and transmitting a
22 fugitive shall be paid by the demanding authority. All
23 witness fees and costs of every nature in cases of
24 international extradition shall be certified by the justice
25 or judge before whom the hearing shall take place to the

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1 Attorney General, and the same shall be paid out of
2 appropriations to defray the expenses of the judiciary or
3 the Office of the Attorney General as the case may be.

4 (2) The Attorney General shall certify to the
5 Secretary of External Affairs the amounts to be paid to the
6 Federated States of Micronesia on account of said fees and
7 costs in extradition cases by the foreign government
8 requesting the extradition, and the Secretary of External
9 Affairs shall cause said amounts to be collected and
10 transmitted to the Attorney General for deposit in the
11 General Fund of the Federated States of Micronesia."

12 Section 12. Title 12 of the Code of the Federated States of
13 Micronesia is hereby amended by adding a new section 1501 of chapter
14 15 to read as follows:

15 "Section 1501. Scope and limitation of chapter.

16 (1) The provisions of this chapter relating to the
17 transfer of offenders shall be applicable only when an
18 international agreement providing for such a transfer is in
19 force, and shall only be applicable to transfers of
20 offenders to and from a foreign country pursuant to such an
21 agreement. The provisions of this chapter shall be read in
22 light of and consistent with the international agreement
23 pursuant to which a request for transfer is made. A
24 sentence imposed by a foreign country upon an offender who
25 is subsequently transferred to the Federated States of

1 Micronesia pursuant to an international agreement shall be
2 subject to being fully executed in the Federated States of
3 Micronesia even though the international agreement under
4 which the offender was transferred is no longer in force.

5 (2) An offender may be transferred from the Federated
6 States of Micronesia pursuant to this chapter only to a
7 country of which the offender is a citizen or national.
8 Only an offender who is a citizen or national of the
9 Federated States of Micronesia may be transferred to the
10 Federated States of Micronesia. An offender may be
11 transferred to or from the Federated States of Micronesia
12 only with the offender's consent, and only if the offense
13 for which the offender was sentenced satisfies the
14 requirement of double criminality as defined in section
15 1502 of this title. Once an offender's consent to
16 transfer has been verified by a verifying officer, that
17 consent shall be irrevocable. If at the time of transfer
18 the offender is under 18 years of age the transfer shall
19 not be accomplished unless consent to the transfer is given
20 by a parent or guardian or by an appropriate court of the
21 sentencing country.

22 (3) An offender shall not be transferred to or from
23 the Federated States of Micronesia if a proceeding by way
24 of appeal or of collateral attack upon the conviction or
25 sentence is pending.

1 (4) The Federated States of Micronesia upon receiving
2 notice from the country which imposed the sentence that the
3 offender has been granted a pardon, commutation, or
4 amnesty, or that there has been an ameliorating
5 modification or a revocation of the sentence shall give
6 the offender the benefit of the action taken by the
7 sentencing country."

8 Section 13. Title 12 of the Code of the Federated States of
9 Micronesia is hereby amended by adding a new section 1502 of chapter
10 15 to read as follows:

11 "Section 1502. Definitions. As used in this chapter:

12 (1) 'Double criminality' means that at the time of
13 transfer of an offender the offense for which he has been
14 sentenced is still an offense in the transferring country
15 and is also an offense in the receiving country. With
16 regard to a country which has a federal form of government,
17 an act shall be deemed to be an offense in that country if
18 it is an offense under the federal laws or the laws of any
19 State or province thereof;

20 (2) 'Imprisonment' means a penalty imposed by a court
21 under which the individual is confined to an institution;

22 (3) 'International agreement' means an agreement
23 concluded by the Federated States of Micronesia with
24 another nation or nations pursuant to which an offender
25 sentenced in the courts of one country may be transferred

1 to the country of which he is a citizen or national for the
2 purpose of serving the sentence;

3 (4) 'Juvenile' means a person who is under 18 years
4 of age;

5 (5) 'Juvenile delinquency' means:

6 (a) A violation of the laws of the Federated
7 States of Micronesia or a State thereof or of a foreign
8 country or a State or province thereof committed by a juvenile
9 which would have been a crime if committed by an adult; or

10 (b) Noncriminal acts committed by a juvenile for
11 which supervision or treatment by juvenile authorities of the
12 Federated States of Micronesia, a State thereof, or of the foreign
13 country concerned, or a State or province thereof, is authorized;

14 (6) 'Offender' means a person who has been convicted
15 of an offense or who has been adjudged to have committed an
16 act of juvenile delinquency;

17 (7) 'Parole' means any form of release of an offender
18 from imprisonment to the community by a releasing authority
19 prior to the expiration of his sentence, subject to
20 conditions imposed by the releasing authority and to its
21 supervision;

22 (8) 'Probation' means any form of sentence to a
23 penalty of imprisonment the execution of which is
24 suspended and the offender is permitted to remain at liberty
25 under supervision and subject to conditions for the breach

1 of which the suspended penalty of imprisonment may be
2 ordered executed;

3 (9) 'Sentence' means not only the penalty imposed but
4 also the judgment of conviction in a criminal case or a
5 judgment of acquittal in the same proceeding, or the
6 adjudication of delinquency in a juvenile delinquency
7 proceeding or dismissal of allegations of delinquency in
8 the same proceedings;

9 (10) 'State' means any State of the Federated States
10 of Micronesia; and

11 (11) 'Transfer' means a transfer of an individual for
12 the purpose of the execution in one country of a sentence
13 imposed by the courts of another country."

14 Section 14. Title 12 of the Code of the Federated States of
15 Micronesia is hereby amended by adding a new section 1503 of chapter
16 15 to read as follows:

17 "Section 1503. Authority of the Attorney General. The
18 Attorney General is authorized:

19 (1) To act on behalf of the Federated States of
20 Micronesia as the authority referred to in an international
21 agreement;

22 (2) To receive custody of offenders under a sentence
23 of imprisonment, on parole, or on probation who are
24 citizens or nationals of the Federated States of Micronesia
25 transferred from foreign countries and as appropriate

1 confine them in penal or correctional institutions, or
2 assign them to the probation authorities for supervision;

3 (3) To transfer offenders under a sentence of
4 imprisonment or on probation to the foreign countries of
5 which they are citizens or nationals;

6 (4) To make regulations, in accordance with chapter 1 of
7 title 17 of the Code of the Federated States of Micronesia, for
8 the proper implementation of such treaties in accordance with
9 this chapter and to make regulations to implement this chapter;

10 (5) To render to foreign countries and to receive
11 from them the certifications and reports required to be
12 made under such treaties;

13 (6) To make arrangements by agreement with the States
14 for the transfer of offenders in their custody who are
15 citizens or nationals of foreign countries to the foreign
16 countries of which they are citizens or nationals and for
17 the confinement, where appropriate, in State institutions of
18 offenders transferred to the Federated States of Micronesia;

19 (7) To make agreements and establish regulations for
20 the transportation through the territory of the Federated
21 States of Micronesia of offenders convicted in a foreign
22 country who are being transported to a third country for
23 the execution of their sentences, the expenses of which
24 shall be paid by the country requesting the transportation;

25 (8) To make agreements with the appropriate

1 authorities of a foreign country and to issue regulations
2 for the transfer and treatment of juveniles who are
3 transferred pursuant to an international agreement, the
4 expenses of which shall be paid by the country of which the
5 juvenile is a citizen or national;

6 (9) In concert with the Director of the Office of
7 Health Services, to make arrangements with the appropriate
8 authorities of a foreign country and to issue regulations, in ac-
9 cordance with chapter 1 of title 17 of the Code of the Federated
10 States of Micronesia, for the transfer and treatment of indivi-
11 duals who are accused of an offense but who have been determined
12 to be mentally ill, the expenses of which shall be paid by the
13 country of which such person is a citizen or national;

14 (10) To receive, on behalf of the Federated States of
15 Micronesia, the delivery by a foreign government of any citizen
16 or national of the Federated States of Micronesia being trans-
17 ferred to the Federated States of Micronesia for the purpose of
18 serving a sentence imposed by the courts of the foreign country,
19 and to convey him within the Federated States of Micronesia."

20 Section 15. Title 12 of the Code of the Federated States of
21 Micronesia is hereby amended by adding a new section 1504 of chapter
22 15 to read as follows:

23 "Section 1504. Applicability of Federated States of
24 Micronesia laws. All laws of the Federated States of
25 Micronesia, as appropriate, pertaining to prisoners,

1 probationers, and juvenile offenders shall be applicable to
2 offenders transferred to the Federated States of
3 Micronesia, unless an international agreement or this
4 chapter provides otherwise."

5 Section 16. Title 12 of the Code of the Federated States of
6 Micronesia is hereby amended by adding a new section 1505 of chapter
7 15 to read as follows:

8 "Section 1505. Transfer of offenders on probation.

9 (1) Prior to consenting to the transfer to the
10 Federated States of Micronesia of an offender who is on
11 probation, the Attorney General shall determine that the
12 appropriate Federated States of Micronesia court is willing
13 to undertake the supervision of the offender.

14 (2) Upon the receipt of an offender on probation from
15 the authorities of a foreign country, the Attorney General
16 shall cause the offender to be brought before the Federated
17 States of Micronesia court which is to exercise supervision
18 over the offender.

19 (3) The court shall place the offender under the
20 supervision of a justice ombudsman of the court. The
21 offender shall be supervised by a justice ombudsman, under
22 such conditions as are deemed appropriate by the court as
23 though probation had been imposed by the Federated States
24 of Micronesia court.

25 (4) The probation may be revoked in accordance with

1 the Rules of Criminal Procedure for the Trial Division of
2 the Supreme Court of the Federated States of Micronesia. A
3 violation of the conditions of probation shall constitute
4 grounds for revocation. If probation is revoked the
5 suspended sentence imposed by the sentencing court shall be
6 executed.

7 (5) The provisions of section 1506 of this title
8 shall be applicable following a revocation of probation.

9 (6) Prior to consenting to the transfer from the
10 Federated States of Micronesia of an offender who is on
11 probation, the Attorney General shall obtain the assent of
12 the court exercising jurisdiction over the probationer."

13 Section 17. Title 12 of the Code of the Federated States of
14 Micronesia is hereby amended by adding a new section 1506 of chapter
15 15 to read as follows:

16 "Section 1506. Transfer of offenders serving sentence of
17 imprisonment.

18 (1) Except as provided elsewhere in this section, an
19 offender serving a sentence of imprisonment in a foreign
20 country transferred to the custody of the Attorney General
21 shall remain in the custody of the Attorney General under
22 the same conditions and for the same period of time as an
23 offender who had been committed to the custody of the
24 Attorney General by a court of the Federated States of
25 Micronesia for the period of time imposed by the sentencing

1 court.

2 (2) The transferred offender shall be entitled to all
3 credits toward the service of the sentence which had been
4 given by the transferring country for time served as of the
5 time of the transfer.

6 (3) Any sentence for an offense against the Federated
7 States of Micronesia, imposed while the transferred
8 offender is serving the sentence of imprisonment imposed in
9 a foreign country, shall be aggregated with the foreign
10 sentence, in the same manner as if the foreign sentence was
11 one imposed by a Federated States of Micronesia court for
12 an offense against the Federated States of Micronesia."

13 Section 18. Title 12 of the Code of the Federated States of
14 Micronesia is hereby amended by adding a new section 1507 of chapter
15 15 to read as follows:

16 "Section 1507. Transfer of offenders on parole. Upon the
17 receipt of an offender who is on parole from the
18 authorities of a foreign country, the Attorney General
19 shall assign the offender to a justice ombudsman of the
20 appropriate Federated States of Micronesia court for
21 supervision."

22 Section 19. Title 12 of the Code of the Federated States of
23 Micronesia is hereby amended by adding a new section 1508 of chapter
24 15 to read as follows:

25 "Section 1508. Verification of consent of offender to

1 transfer from the Federated States of Micronesia.

2 (1) Prior to the transfer of an offender from the
3 Federated States of Micronesia, the fact that the offender
4 consents to such transfer and that such consent is
5 voluntary and with full knowledge of the consequences
6 thereof shall be verified by a Federated States of
7 Micronesia justice or a judge authorized to do so by a
8 Federated States of Micronesia court.

9 (2) The verifying officer shall inquire of the
10 offender whether he understands and agrees that the
11 transfer will be subject to the following conditions:

12 (a) Only the appropriate courts in the Federated
13 States of Micronesia may modify or set aside the conviction
14 or sentence, and any proceedings seeking such action may
15 only be brought in such courts;

16 (b) The sentence shall be carried out according
17 to the laws of the country to which he is to be transferred
18 and that those laws are subject to change;

19 (c) If a court in the country to which he is
20 transferred should determine upon a proceeding initiated by
21 him or on his behalf that his transfer was not accomplished
22 in accordance with the international agreement or laws of
23 that country, he may be returned to the Federated States of
24 Micronesia for the purpose of completing the sentence if
25 the Federated States of Micronesia requests his return; and

1 (d) His consent to transfer, once verified by
2 the verifying officer, is irrevocable.

3 (3) The verifying officer, before determining that an
4 offender's consent is voluntary and given with full
5 knowledge of the consequences, shall advise the offender of
6 his right to consult with counsel as provided by this
7 chapter. If the offender wishes to consult with counsel
8 before giving his consent, he shall be advised that the
9 proceedings will be continued until he has had an
10 opportunity to consult with counsel.

11 (4) The verifying officer shall make the necessary
12 inquiries to determine that the offender's consent is
13 voluntary and not the result of any promises, threats, or
14 other improper inducements, and that the offender accepts
15 the transfer subject to the conditions set forth in
16 subsection (2) of this section. The consent and acceptance
17 shall be on an appropriate form prescribed by the Attorney
18 General.

19 (5) The proceedings shall be taken down by a reporter
20 or recorded by suitable recording equipment. The Attorney
21 General shall maintain custody of the records."

22 Section 20. Title 12 of the Code of the Federated States of
23 Micronesia is hereby amended by adding a new section 1509 of chapter
24 15 to read as follows:

25 "Section 1509. Verification of consent of offender to

1 transfer to the Federated States of Micronesia.

2 (1) Prior to the transfer of an offender to the
3 Federated States of Micronesia, the fact that the offender
4 consents to such transfer and that such consent is
5 voluntary and with full knowledge of the consequences
6 thereof shall be verified in the country in which the
7 sentence was imposed by a Federated States of Micronesia
8 justice, a judge authorized to do so by a Federated States
9 of Micronesia court, or a person specifically designated by
10 a Federated States of Micronesia justice. The designation
11 of a citizen who is an employee or officer of a department
12 or agency of the Federated States of Micronesia shall be
13 with the approval of the head of that department or agency.

14 (2) The verifying officer shall inquire of the
15 offender whether he understands and agrees that the
16 transfer will be subject to the following conditions:

17 (a) Only the country in which he was convicted
18 and sentenced can modify or set aside the conviction or
19 sentence, and any proceedings seeking such action may only
20 be brought in that country;

21 (b) The sentence shall be carried out according
22 to the laws of the Federated States of Micronesia and that
23 those laws are subject to change;

24 (c) If a Federated States of Micronesia court
25 should determine upon a proceeding initiated by him or on

1 his behalf that his transfer was not accomplished in
2 accordance with the international agreement or laws of the
3 Federated States of Micronesia, he may be returned to the
4 country which imposed the sentence for the purpose of
5 completing the sentence if that country requests his
6 return; and

7 (d) His consent to transfer, once verified by
8 the verifying officer, is irrevocable.

9 (3) The verifying officer, before determining that an
10 offender's consent is voluntary and given with full
11 knowledge of the consequences, shall advise the offender of
12 his right to consult with counsel as provided by this
13 chapter. If the offender wishes to consult with counsel
14 before giving his consent, he shall be advised that the
15 proceedings will be continued until he has had an
16 opportunity to consult with counsel.

17 (4) The verifying officer shall make the necessary
18 inquiries to determine that the offender's consent is
19 voluntary and not the result of any promises, threats, or
20 other improper inducements, and that the offender accepts
21 the transfer subject to the conditions set forth in
22 subsection (2) of this section. The consent and acceptance shall
23 be on an appropriate form prescribed by the Attorney General.

24 (5) The proceedings shall be taken down by a reporter
25 or recorded by suitable recording equipment. The Attorney

1 General shall maintain custody of the records."

2 Section 21. Title 12 of the Code of the Federated States of
3 Micronesia is hereby amended by adding a new section 1510 of chapter
4 15 to read as follows:

5 "Section 1510. Right to counsel; Appointment of counsel.

6 In proceedings to verify consent of an offender for
7 transfer, the offender shall have the right to advice of
8 counsel. If the offender is financially unable to obtain
9 counsel:

10 (1) Counsel for proceedings conducted under section
11 1508 of this title shall be provided in the same manner as
12 provided to any person accused of any offense; and

13 (2) Counsel for proceedings conducted under section
14 1509 of this title shall be appointed by the verifying
15 officer pursuant to such rules as may be prescribed by the
16 Chief Justice of the Supreme Court of the Federated States
17 of Micronesia. The Attorney General shall make payments of
18 fees and expenses of the appointed counsel, in amounts
19 approved by the verifying officer, which shall not exceed
20 the amounts authorized under the rules promulgated by the
21 Chief Justice. Payment in excess of the maximum amount
22 authorized may be made for extended or complex
23 representation whenever the verifying officer certifies
24 that the amount of the excess payment is necessary to
25 provide fair compensation, and the payment is approved by

1 the Chief Justice of the Supreme Court of the Federated
2 States of Micronesia. If counsel from other agencies in
3 any branch of the Government are appointed, the Attorney
4 General shall make advance payments of travel and
5 transportation expenses to appointed counsel or reimburse
6 the employing agency for travel and transportation
7 expenses."

8 Section 22. Title 12 of the Code of the Federated States of
9 Micronesia is hereby amended by adding a new section 1511 of chapter
10 15 to read as follows:

11 "Section 1511. Transfer of juveniles. An
12 offender transferred to the Federated States of
13 Micronesia because of an act which would have been
14 an act of juvenile delinquency had it been committed
15 in the Federated States of Micronesia or any State
16 thereof shall be subject to the provisions of this
17 chapter except as otherwise provided in the relevant
18 international agreement or in an agreement between the
19 Attorney General and the authority of the foreign
20 country concluded pursuant to an international
21 agreement."

22 Section 23. Title 12 of the Code of the Federated States of
23 Micronesia is hereby amended by adding a new section 1512 of chapter
24 15 to read as follows:

25 "Section 1512. Prosecution barred by foreign conviction.

1 An offender transferred to the Federated States of
2 Micronesia shall not be detained, prosecuted, tried, or
3 sentenced by the Federated States of Micronesia, or any
4 State thereof for any offense the prosecution of which
5 would have been barred if the sentence upon which the
6 transfer was based had been by a court of the jurisdiction
7 seeking to prosecute the transferred offender, or if
8 prosecution would have been barred by the laws of the
9 jurisdiction seeking to prosecute the transferred offender
10 if the sentence on which the transfer was based had been
11 issued by a Federated States of Micronesia court or by a
12 court of a State of the Federated States of Micronesia."

13 Section 24. Title 12 of the Code of the Federated States of
14 Micronesia is hereby amended by adding a new section 1513 of chapter
15 15 to read as follows:

16 "Section 1513. Loss of rights; Disqualification. An
17 offender transferred to the Federated States of Micronesia
18 to serve a sentence imposed by a foreign court shall not
19 incur any loss of civil, political, or civic rights nor
20 incur any disqualification other than those which under the
21 laws of the Federated States of Micronesia or of the State
22 in which the issue arises would result from the fact of the
23 conviction in the foreign country."

24 Section 25. Title 12 of the Code of the Federated States of
25 Micronesia is hereby amended by adding a new section 1514 of chapter

1 15 to read as follows:

2 "Section 1514. Status of alien offender transferred to a
3 foreign country.

4 (1) An alien who is the subject of an order of
5 deportation from the Federated States of Micronesia
6 pursuant to chapter 1 of title 50 of the Code of the
7 Federated States of Micronesia, who is transferred to a
8 foreign country pursuant to this chapter shall be deemed
9 for all purposes to have been deported from this country.

10 (2) An alien who is the subject of an order of
11 exclusion and deportation from the Federated States of
12 Micronesia pursuant to chapter 1 of title 50 of the Code of
13 the Federated States of Micronesia, who is transferred
14 to a foreign country pursuant to this chapter shall be
15 deemed for all purposes to have been excluded from admis-
16 sion and deported from the Federated States of Micronesia."

17 Section 26. Title 12 of the Code of the Federated States of
18 Micronesia is hereby amended by adding a new section 1515 of chapter
19 15 to read as follows:

20 "Section 1515. Return of transferred offenders.

21 (1) Upon a final decision by a Federated States of
22 Micronesia court that the transfer of the offender to the
23 Federated States of Micronesia was not in accordance with
24 an international agreement or the laws of the Federated
25 States of Micronesia and ordering the offender released

1 from serving the sentence in the Federated States of
2 Micronesia the offender may be returned to the country from
3 which he was transferred to complete the sentence if the
4 country in which the sentence was imposed requests his
5 return. The Attorney General shall notify the appropriate
6 authority of the country which imposed the sentence within
7 10 days of a final decision of a court of the Federated
8 States of Micronesia ordering the offender released. The
9 notification shall specify the time within which the
10 sentencing country must request the return of the offender
11 which shall be no longer than 30 days.

12 (2) Upon receiving a request from the sentencing
13 country that the offender ordered released be returned for
14 the completion of his sentence, the Attorney General may
15 file a complaint for the return of the offender with any
16 Federated States of Micronesia justice or any judge
17 authorized by a Federated States of Micronesia court,
18 within whose jurisdiction the offender is found. The
19 complaint shall be upon oath and supported by affidavits
20 establishing that the offender was convicted and sentenced
21 by the courts of the country to which his return is
22 requested; the offender was transferred to the Federated
23 States of Micronesia for the execution of his sentence; the
24 offender was ordered released by a court of the Federated
25 States of Micronesia before he had completed his sentence

1 because the transfer of the offender was not in accordance
2 with the international agreement or the laws of the
3 Federated States of Micronesia; and that the sentencing
4 country has requested that he be returned for the
5 completion of the sentence. There shall be attached to the
6 complaint a copy of the sentence of the sentencing court
7 and of the decision of the court which ordered the offender
8 released.

9 (3) A summons or a warrant shall be issued by the
10 justice or judge ordering the offender to appear or to be
11 brought before the issuing authority. If the justice or
12 judge finds that the person before him is the offender
13 described in the complaint and that the facts alleged in
14 the complaint are true, he shall issue a warrant for
15 commitment of the offender to the custody of the Attorney
16 General until surrender shall be made. The findings and a
17 copy of all the testimony taken before him and of all
18 documents introduced before him shall be transmitted to the
19 Secretary of External Affairs, that a return warrant may
20 issue upon the requisition of the proper authorities of
21 the sentencing country, for the surrender of the offender.

22 (4) The complaint referred to in subsection (2) of
23 this section must be filed within 60 days from the date on
24 which the decision ordering the release of the offender
25 becomes final.

1 (5) An offender returned under this section shall be
2 subject to the jurisdiction of the country to which he is
3 returned for all purposes.

4 (6) The return of an offender shall be conditioned
5 upon the offender being given credit toward service of the
6 sentence for the time spent in the custody of or under the
7 supervision of the Federated States of Micronesia.

8 (7) Sections 1403 through 1407 and section 1410
9 of chapter 14 of this title shall be applicable to
10 the return of an offender under this section. However,
11 an offender returned under this section shall not be
12 deemed to have been extradited for any purpose.

13 (8) An offender whose return is sought pursuant to
14 this section may be admitted to bail or be released on his
15 own recognizance at any stage of the proceedings."

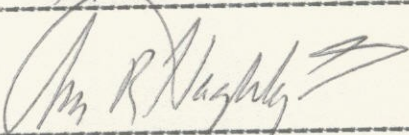
16 Section 27. Title 12 of the Code of the Federated States of
17 Micronesia is hereby amended by adding a new section 1516 of chapter
18 15 to read as follows:

19 "Section 1516. Execution of sentences imposing an
20 obligation to make restitution or reparations. If in a
21 sentence issued in a penal proceeding of a transferring
22 country an offender transferred to the Federated States of
23 Micronesia has been ordered to pay a sum of money to the
24 victim of the offense for damage caused by the offense,
25 that penalty or award of damages may be enforced as though

1 it were a civil judgment rendered by a Federated States of
2 Micronesia court. Proceedings to collect the moneys
3 ordered to be paid may be instituted by the Attorney
4 General in the appropriate Federated States of Micronesia
5 court. Moneys recovered pursuant to such proceedings shall
6 be transmitted through diplomatic channels to the treaty
7 authority of the transferring country for distribution to
8 the victim."

9 Section 28. This act shall become law upon approval by the
10 President of the Federated States of Micronesia or upon its becoming
11 law without such approval.

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November 6, 1987


John R. Haglelgam
President
Federated States of Micronesia