

CHAPTER 8

Emergency Proclamations

SECTIONS

§ 801. Proclamation of emergency.

§ 802. Emergency restrictions.

§ 803. Crime defined and penalty.

§ 804. Powers not limited.

Editor's note: Former chapter 8 of this title on Emergency Proclamations was repealed in its entirety by PL 11-72 § 1. This new chapter 8 was enacted by PL 11-72 § 79 and is part of the Revised Criminal Code Act.

§ 801. Proclamation of emergency.

When required to preserve public peace, health, or safety in any area, at a time of extreme emergency caused by civil disturbance, natural disaster, or immediate threat of war, or insurrection, the President of the Federated States of Micronesia may declare a state of emergency and issue appropriate decrees.

Source: PL 11-72 § 80.

Cross-reference: FSM Const., art. X, § 9. The provisions of the Constitution are found in Part I of this code.

The Disaster Relief Fund provisions are in subchapter II of chapter 6 (Funds) of title 55 (Government Finance and Contracts) of this code.

The Disaster Relief Assistance Act are in chapter 7 of title 41 (Public Health, Safety & Welfare) of this code. The provision on Emergency Account are found at 55 F.S.M.C. 109. The statutory provisions on the Executive and the President are found in title 2 (Executive) of this code.

§ 802. Emergency restrictions.

(1) During the existence of a state of emergency, the President may, by proclamation, prohibit:

(a) any person being on the public roads or at any other public place during the hours proclaimed by the President to be a period of curfew;

(b) the manufacture, transfer, use, possession, or transportation of any device or object designed to explode or produce uncontained combustion;

(c) the transportation, possession, or use of combustible, flammable, or explosive materials in a container of any kind except in connection with the normal operation of motor vehicles, motor boats, normal home use, or legitimate commercial use;

(d) the possession of firearms or any other dangerous weapon by a person in any place other than his or her place of residence, work, or business;

(e) the sale, purchase, dispensing, importing, or exporting of alcoholic beverages or other commodities or goods designated by the President;

(f) the use of certain roads by the public; and

(g) other activities the President reasonably believes should be prohibited to help preserve public peace, health, or safety.

(2) Any proclamation issued under this section becomes effective immediately upon being signed by the President, who shall immediately give public notice of its contents by the most effective means available. The restrictions may be imposed during times, upon conditions, with exceptions and in areas designated by proclamation of the President.

(3) Prohibitions imposed by proclamation issued under this section, shall automatically terminate at noon on the fifth day after it becomes effective unless sooner terminated by proclamation of the President

Source: PL 11-72 § 81.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code. The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code.

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The FSM Supreme Court website contains court decisions, rules, calendar, and other information of the court, the Constitution, the code of the Federated States of Micronesia, and other legal resource information at <http://www.fsmsupremecourt.org/>.

The official website of the Congress of the Federated States of Micronesia contains the public laws enacted by the Congress, sessions, committee hearings, rules, and other Congressional information at <http://www.fsmcongress.fm/>.

§ 803. Offense defined and penalty.

Any person who, during a state of emergency, fails to comply with restrictions imposed by proclamation of the President under section 802 of this chapter commits a crime, and upon conviction, shall be punished by imprisonment for not more than five years.

Source: PL 11-72 § 82.

§ 804. Powers not limited.

Nothing in this chapter shall limit any other power to maintain the public peace and safety which is vested in the President.

Source: PL 11-72 § 83.

Cross-reference: The statutory provisions on the Executive and the President are found in title 2 (Executive) of this code.