

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

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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



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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

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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

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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

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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:

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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:

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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



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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

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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.

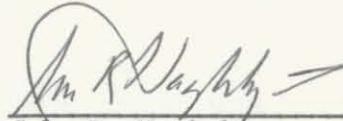
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1 Section 15. This act shall become law upon approval by the  
2 President of the Federated States of Micronesia or upon its becoming  
3 law without such approval.

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December 11<sup>th</sup>, 1987



John R. Haglelgam  
President  
Federated States of Micronesia

