

A BILL FOR AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia, as amended, by amending sections 1005 and 1031, as enacted by Public Law No. 11-72, to extend identification cards to require a yearly description of firearms and dangerous devices, to provide for the cancellation of citations when a valid identification card is produced, and for other purposes.

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

1 Section 1. Section 1005 of title 11 of the Code of the Federated
2 States of Micronesia, as enacted by Public Law No. 11-72, is hereby
3 amended to read as follows:

4 "Section 1005. Identification cards required; issuance.

5 (1) No person shall acquire or possess any firearm,
6 dangerous device, or ammunition unless he or she holds an
7 identification card issued pursuant to this chapter. The
8 identification card is evidence of the holder's eligibility
9 to possess and use or carry firearms, dangerous devices, or
10 ammunition. A person need not own or possess any firearm,
11 dangerous device, or ammunition to apply for and have issued
12 to him an identification card.

13 (2) Identification cards shall be issued only by the
14 Department of Justice pursuant to regulations made by the
15 Department of Justice in the manner which is or may be
16 provided by law. The identification card shall have on its
17 face all of the following:

- 1 (a) the name and address of the holder;
- 2 (b) the sex, height, and weight of the holder;
- 3 (c) the birth date of the holder;
- 4 (d) the date of expiration for the card, which shall
- 5 be [~~two~~] four years from the date of issue;
- 6 (e) a photograph of the holder taken within ten days
- 7 prior to issuance;
- 8 (f) an endorsement setting forth the extent of the
- 9 holder's eligibility to possess, use, and carry firearms,
- 10 dangerous devices, or ammunition; and
- 11 (g) the number of the identification card.

12 (3) An applicant for the issuance or renewal of an

13 identification card shall make application therefor on a form

14 approved by the Department of Justice and shall supply such

15 information as may be necessary to afford the issuing agency

16 reasonable opportunity to ascertain the facts required to

17 appear on the face of the identification card, and to

18 determine whether the applicant complies with all

19 requirements of this chapter to possess and use, or carry

20 firearms, dangerous devices, or ammunition, as the case may

21 be. Such information shall include a complete description

22 and serial number, if any, of any firearm or dangerous device

23 the applicant owns or possesses.

24 (4) No identification cards shall be issued until fifteen

25 days after application therefor, and unless the issuing

1 agency is satisfied that the applicant may lawfully possess
2 and use, or carry firearms, dangerous devices, or ammunition
3 of the type or types enumerated on the identification card;
4 provided, however, that the Secretary may issue an
5 identification card prior to the expiration of fifteen days
6 where such issuance is in the best interest of the National
7 Government. Unless the application for use and possession is
8 denied, the identification card shall be issued within sixty
9 days from the date of application. An identification card
10 issued pursuant to this section shall be valid for [~~two~~] four
11 years from the date of its issuance unless it has been
12 revoked. A valid identification card issued pursuant to this
13 section may be renewed [~~biannually~~] once every four years
14 upon application by the holder made on the form approved by
15 the Department of Justice.

16 (5) A person issued an identification card, on the
17 anniversary of issuance thereof, shall provide the Department
18 of Justice, in person, by telephone, in writing, or by such
19 other additional means as may be specified by regulation, a
20 complete description and serial number, if any, of each
21 firearm or dangerous device the cardholder owns or possesses.

22 ([~~5~~]6) No person shall be issued an identification card if he
23 or she has been:

24 (a) acquitted of any criminal charge by reason of
25 insanity;

1 (b) adjudicated mentally incompetent;

2 (c) treated in a hospital for mental illness, drug
3 addiction, or alcoholism;

4 (d) convicted of a crime of which actual or attempted
5 personal injury or death is an element;

6 (e) convicted of a crime in connection with which
7 firearms or dangerous devices were used or found in his or
8 her possession; or

9 (f) convicted of a crime of which the use, possession,
10 or sale of narcotics or dangerous drugs is an element.

11 (~~6~~7) No person shall be issued an identification card
12 unless that person is at least twenty-one (21) years of age
13 at the time of application therefor.

14 (~~7~~8) No person shall be issued an identification card if he
15 or she has a physical condition or impairment which makes him
16 unable to use a firearm or dangerous device with proper
17 control.

18 (~~8~~9) Any person suffering from a physical or mental defect,
19 condition, illness, or impairment which would make him
20 ineligible for an identification card pursuant to this
21 section may submit the certificate of a physician licensed to
22 practice in the Federated States of Micronesia to the issuing
23 agency or officer. If the certificate states that it is the
24 subscribing physician's best opinion that the defect,
25 condition, illness, or impairment does not make the applicant

1 incapable of possessing and using a firearm or dangerous
2 device without danger to the public safety, the
3 identification card may be issued. But no such card shall be
4 valid for a period longer than six months.

5 (~~[9]~~10) Any person who is ineligible for an identification
6 card by reason of conviction of a crime may be issued such a
7 card if his or her most recent discharge from probation or
8 parole or the termination of his or her most recent sentence,
9 whichever is later, is more than ten years prior to the time
10 of application for the identification card and if the issuing
11 agency finds that his or her record, taken as a whole, does
12 not indicate that his or her possessing and using, or
13 carrying, a firearm or dangerous device, as the case may be,
14 are not likely to constitute a special danger to the public
15 safety; provided, that if the crime which renders him
16 ineligible for an identification card is solely the failure
17 to have an identification card issued to him, then the
18 reinstatement to eligibility pursuant to this subsection
19 shall occur five years after the date of his or her
20 sentencing.

21 (~~[10]~~11) A duplicate identification card may be issued to the
22 holder of a lost, destroyed, or defaced identification card
23 upon proof of such loss, destruction, or defacement as the
24 Department of Justice may require, upon payment of the fee
25 required by section 1030 of this chapter, and upon surrender

1 of any remaining portion of the original card. Notice shall
2 be given to the Department of Justice by the holder within
3 forty-eight hours of his or her discovery of such loss,
4 defacement, or destruction. The holder shall notify the
5 Department of Justice of any change of name or address from
6 those appearing upon the identification card within forty-
7 eight hours of such change.

8 (~~11~~12) A person who is neither a citizen nor resident of
9 the Federated States of Micronesia shall not be eligible for
10 an identification card, except upon receiving special
11 permission from the Secretary."

12 Section 2. Section 1031 of title 11 of the Code of the Federated
13 States of Micronesia, as enacted by Public Law No.
14 11-72, is hereby amended to read as follows:

15 "Section 1031. Penalties for violation of chapter.

16 (1) Any person convicted of a violation of section 1007 or
17 section 1022 of this act shall be imprisoned for not more
18 than one year.

19 (2) Any person convicted of a violation of any other
20 provision of this chapter or any regulations issued pursuant
21 thereto shall be imprisoned for not more than ten years, and
22 shall be subject to confiscation of any firearm, dangerous
23 device, or ammunition, without compensation, involved in a
24 violation of this act. The holder of any dealer's license,
25 or the manager or supervisor of employees of any

1 establishment so licensed, or both, shall be liable for any
2 violation of this act by his or her employee or agent
3 committed in the course of the dealer's business, to the same
4 extent as such employee or agent.

5 (3) It shall be an affirmative defense under [~~subsection~~
6 ~~(1) of this~~] section 1007 of this title, that the defendant
7 was issued a valid identification card before the time of his
8 or her arrest, but neglected to have it upon his or her
9 person. A citation shall be cancelled if the defendant
10 produces the valid identification card to the Department of
11 Justice within twenty-four (24) hours after being cited."

12 Section 3. This act shall become law upon approval by the
13 President of the Federated States of Micronesia or upon its becoming
14 law without such approval.

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17 Date: _____ Introduced by: _____
18 Peter M. Christian

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