

AN ACT

To further amend section 104 of title 11 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 11-72 and 11-76, and create a new subchapter III under chapter 6 to require the registration of deportees convicted of crimes in foreign countries, to provide penalties for failure to register, and in order to bring within definition of national crime the failure to register as a deportee, and for other purposes.

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

1 Section 1. Title 11 of the Code of the Federated States of
2 Micronesia, as amended, is hereby further amended by creating a
3 new subchapter III under chapter 6 entitled "Registration of
4 Deportees".

5 Section 2. Title 11 of the Code of the Federated States of
6 Micronesia, as amended, is hereby further amended by inserting a
7 new section 631 under subchapter III of chapter 6 to read as
8 follows:

9 "Section 631. Purpose of the subchapter. In view of
10 the increasing number of deportees who are being
11 returned to the Federated States of Micronesia for
12 criminal convictions for crimes against persons,
13 property, or against the public interest, and in view of
14 the number of deportees being returned before their full
15 sentence is completed in the United States or elsewhere,
16 it is the purpose of this Act to register all returning
17 deportees for the safety of the People of the Federated

1 States of Micronesia.”

2 Section 3. Title 11 of the Code of the Federated States of
3 Micronesia, as amended, is hereby further amended by inserting a
4 new section 631 under subchapter III of chapter 6 to read as
5 follows:

6 “Section 632. Definition. As used in this section, the
7 term “convicted” means, with respect to a person’s
8 felony or misdemeanor offense, a determination or guilt,
9 which is the result of a trial or the entry of a plea of
10 guilty or nolo contendere, regardless of whether
11 adjudication is withheld.”

12 Section 4. Title 11 of the Code of the Federated States of
13 Micronesia, as amended, is hereby further amended by inserting a
14 new section 633 under subchapter III of chapter 6 to read as
15 follows:

16 “Section 633. Registration of deportees; exemptions;
17 penalties.

18 (1) Any FSM citizen who has been convicted of a felony
19 or misdemeanor in any foreign territory, commonwealth,
20 or country shall, within 5 working days hours after
21 entering the Federated States of Micronesia, register
22 with the National Police or State Police acting under
23 the JLEA allow them to be fingerprinted and
24 photographed, and list the crime_for which convicted,
25 place of conviction, sentence imposed, if any, name,

1 aliases, if any, address, and occupation.

2 (2) This section does not apply to an offender:

3 (a) Who has received a full pardon for the
4 offense for which convicted; or

5 (b) Who has been lawfully released from
6 incarceration or other sentence or supervision for a
7 felony or misdemeanor conviction, whichever is later in
8 time, for more than 5 years prior to such time for
9 registration, unless the offender is a fugitive from
10 justice on a felony charge or has been convicted of any
11 offense since release from such incarceration or other
12 sentence or supervision.

13 (3) Deportees who were deported to the Federated
14 States of Micronesia prior to the entry of this Act
15 shall have their information entered into the National
16 Police registration system by the National Police
17 together with a scanned copy of the departing documents.

18 (4) The failure of any such convicted person to comply
19 with this section with regard to any offender not listed
20 in subsection 3 of this section constitutes a
21 misdemeanor punishable under chapter 1 and chapter 12 of
22 this title.

23 (5) A person convicted under this section shall be
24 imprisoned for not more than one year.

25 (6) Nothing in this section shall be construed to

1 affect any law of the Federated States of Micronesia
2 relating to registration of criminals where the
3 penalties for registration, notification, or reporting
4 obligations are in addition to, or in excess of, those
5 imposed by tis section.

6 (7) This section shall not take effect and may not be
7 enforced until the data system for the registered
8 database is in place and operative for all four States
9 and the National Government with all costs of
10 implementation and enforcement to be borne solely by the
11 National Government."

12 Section 5. Title 11 of the Code of the Federated States of
13 Micronesia, as amended, is hereby further amended by inserting new
14 section 634 under subchapter III of Chapter 6 to read as follows:

15 "Section 634. Removal of registrees from the database.

16 (1) Registrees who have not been convicted of a
17 subsequent crime, in the FSM or any other jurisdiction,
18 from the date of their registration may be removed from
19 the database under the timeframes set forth in this
20 section.

21 (2) The timeframe for removal from the database is as
22 follow:

23 (a) For misdemeanors other than violent or sexual
24 crimes, a registree shall be removed from the database
25 after 5 years.

1 (b) For felonies other than violent or sexual
2 crimes, a registree shall be removed from the database
3 after 7 years.

4 (c) For all other crimes not including homicide,
5 mayhem, or sexual crimes, a registree shall be removed
6 after 10 years.

7 (d) For all other crimes, after 10 years a
8 registree may file a special petition to the Department
9 of Justice to be removed from the database. Such
10 petition shall be granted or denied under the role
11 discretion of the Attorney General of the FSM. A
12 registree shall not file such a special petition more
13 than once every 3 years.

14 Section 6. Section 104 title 11 of the Code of the
15 Federated States of Micronesia, as amended by Public Laws Nos.
16 11-72 and 11-76, is hereby further amended to read as follows:

17 (1) 'Crime' means an act committed or omitted in
18 violation of any law forbidding or commanding it, and
19 which, upon conviction, is punishable by either or both
20 of the following:

21 (a) imprisonment; or

22 (b) fine.

23 (2) 'Criminal negligence' means to engage in conduct
24 which creates a substantial and unjustifiable risk of
25 bodily injury to another, or to engage in conduct which

1 constitutes gross deviation from the standard of care
2 that a reasonable person would exercise, which conduct
3 causes the criminal result.

4 (3) 'Felony' means any crime, which is punishable by
5 imprisonment for more than one year.

6 (4) 'Intent' means acting with the conscious purpose
7 to engage in the conduct specified, refrain from the
8 omission specified or cause the specific result.

9 (5) 'Knowledge' means being aware of the nature of the
10 conduct or omission or of the existing circumstances, or
11 believing that a fact exists which brings the conduct or
12 omission within the provisions of this code. It does
13 not require any knowledge of the unlawfulness of such
14 conduct or omission.

15 (6) 'Misdemeanor' means any crime, which is not a
16 felony.

17 (7) 'National crime' means:

18 (a) any crime, which is

19 (i) inherently national in character and
20 defined anywhere in this title;

21 (ii) otherwise a crime against the Federated
22 States of Micronesia;

23 (b) A crime is 'inherently national in character'
24 when any of the following is true:

25 (i) the crime is committed in the exclusive

1 economic zone of the Federated States of Micronesia as
2 defined in title 18 of this Code;

3 (ii) the crime is committed in the airspace
4 above the territory comprising the Federated States of
5 Micronesia as defined in article I, section 1 of the FSM
6 Constitution;

7 (iii) the crime is committed on any airborne
8 vehicle of the National Government, regardless of that
9 vehicle's location;

10 (iv) the crime is committed on any watergoing
11 vessel flagged and registered by the Federated States of
12 Micronesia regardless of that watergoing vessel's
13 location;

14 (v) the crime is committed on any watergoing
15 vessel of the National Government regardless of that
16 vessel's location;

17 (vi) the crime is committed against a national
18 public servant in the course of, in connection with, or
19 as a result of that person's employment or services;

20 (vii) the crime is committed against a former
21 national public servant in retaliation for an act
22 undertaken while that person was engaged in public
23 service and within the scope of his or her official
24 duties;

25 (viii) the crime is committed by a national

1 public official or public servant while that person is
2 engaged in his or her official duties or in violation of
3 a fiduciary duty;

4 (ix) the crime involves property belonging to
5 the National Government;

6 (x) the crime is committed against any person
7 participating in or attempting to participate in a
8 national election; or

9 (xi) a person has been convicted of a felony
10 or misdemeanor in any foreign territory, commonwealth,
11 or country and fails to register as a deportee whenever
12 required by a law of the Federated States of Micronesia
13 to register.

14 (8) 'Official proceeding' means any procedure
15 conducted by or under the supervision of a judge,
16 magistrate, judicial officer or other public official in
17 relation to any alleged offense or proven offense, and
18 includes an inquiry, investigation, or preliminary or
19 final determination of facts.

20 (9) Person. The terms 'person', 'he', 'she',
21 'accused' and 'defendant' include any natural or legal
22 person, including but not limited to, a government,
23 corporation or unincorporated association, or other
24 organization.

25 (10) 'Principal' means a person who commits or

1 participates in the commission of a crime and shall
2 include a co-conspirator, accomplice or an aid or
3 abettor.

4 (11) 'Public official' and 'public servant' means any
5 person elected, appointed or employee to perform a
6 governmental function on behalf of the Federated Stats
7 of Micronesia, or any department, agency or branch
8 thereof, or any allottee as defined in the Financial
9 Management Act of 1979, in any official function under
10 or by authority of any such agency or branch of
11 government. The terms include, but are not limited to,
12 legislators, judges, law enforcement officers, advisors
13 and consultants, but do not include witnesses.

14 (12) 'Reckless' means to engage in conduct with a
15 willful disregard for the safety of others or to engage
16 in conduct in a manner that constitutes a gross
17 deviation from the standard of care that a reasonable
18 person would exercise in the situation.

19 (13) 'Serious bodily injury' means bodily injury which
20 creates a high probability of death or which causes
21 serious permanent disfigurement or which causes a
22 permanent or protracted loss or impairment of the
23 function of any bodily member or organ, or other bodily
24 injury of like severity.

25 (14) 'Willfully' means to act with a purpose or

1 willingness to commit an act, or to make an omission.

2 It does not require any intent to violate the law, or to
3 injure another, or to acquire any advantage.

4 (15) 'Property' shall mean both real and personal
5 property."

6 Section 7. This act shall become law upon approval by the
7 President of the Federated States of Micronesia or upon its
8 becoming law without such approval.

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12 _____, 2014

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Manny Mori
President
Federated States of Micronesia

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