
AN ACT

Prescribing the authority of the President to establish programs for the joint administration of certain national law enforcement functions by the National and State Governments, and for other purposes.

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

1 Section 1. Definitions. As used in this act:

2 (1) "National offense" means an offense defined by the National
3 Criminal Code of the Federated States of Micronesia, or a major crime
4 contained in other applicable laws;

5 (2) "Law enforcement function" means any duty, responsibility,
6 authority, or discretion in connection with enforcement of the criminal
7 laws of the Federated States of Micronesia which under the Constitution of
8 the Federated States of Micronesia and national laws is vested in the
9 executive branch of the National Government.

10 Section 2. Joint Administration of Law Enforcement Functions. The
11 President of the Federated States of Micronesia may authorize appropriate
12 state government officials to act on behalf of the National Government in
13 performing the following law enforcement functions:

14 (1) Detection and prevention of national offenses;

15 (2) Arrest and detention of persons having committed or being
16 charged with a national offense;

17 (3) Investigation and prosecution of criminal cases involving
18 the commission of a national offense;

19 (4) Providing legal defense and assistance to persons being
20 prosecuted for a national offense;

21 (5) Incarceration of persons convicted of a national offense
22 and under a sentence of imprisonment;

1 (6) Granting of parole to persons convicted of a national
2 offense and eligible under applicable laws for parole from a sentence of
3 imprisonment;

4 (7) Probation and parole supervision over persons serving a
5 penal sentence following conviction of a national offense.

6 Section 3. Joint Administration Agreements. Joint administration of
7 law enforcement functions pursuant to Section 2 of this act shall be
8 undertaken only as provided for in a formal written agreement between the
9 President and the state government with which joint administration of law
10 enforcement functions is to be established. An agreement for joint
11 administration of the law enforcement functions specified in Section 2 of
12 this act shall clearly define policies and procedures under which state
13 government officials may act on behalf of the National Government. Each
14 agreement for joint administration of law enforcement functions between
15 the National Government and a state government shall be signed by the
16 President, and shall expressly reserve to the President final legal and
17 administrative authority for the proper and lawful performance of national
18 law enforcement functions.

19 Section 4. Effective Date. This act shall take effect upon approval
20 by the President of the Federated States of Micronesia, or upon its
21 becoming law without such approval.

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December 3, 1980

Tosiwo Nakayama
Tosiwo Nakayama
President
Federated States of Micronesia