

AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia, as amended, by adding a new chapter 14 to authorize any trial justice of the National Courts to review a sentence he imposed on a prisoner, after said prisoner has served one-third of his sentence, and, in the case of any prisoner serving a life sentence or a sentence of 30 or more years, after he has served 10 years of his sentence, for the purpose of determining the eligibility for parole of said prisoner, 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 Micronesia
2 is hereby further amended by the addition of a new section 1401 of chapter
3 14 to read as follows:

4 "Section 1401. Authorization. Any trial justice of the
5 National Courts, or any duly appointed temporary justice thereof,
6 is hereby authorized to review a sentence he imposed on a prisoner,
7 after the prisoner has served one-third of his sentence, and, in
8 the case of any prisoner serving a life sentence or a sentence of
9 30 or more years, after said prisoner has served 10 years of
10 his sentence, for the purpose of determining the eligibility for
11 parole of said prisoner. If the justice who sentenced a prisoner
12 is not available to review the sentence, the Chief Justice may
13 designate another justice for the review. The justice, in doing
14 so, shall request and consider the views of the prosecution,
15 the prisoner and his counsel, the victim or head of the victim's
16 family, and, when requested by the prosecution or the prisoner,
17 such community leaders as clergy and municipal and village
18 leaders. The justice shall base his determination upon the
19 prisoner's behavior in prison and any factors indicative
20 of the prisoner's chances for a successful adaptation to
21 community life after release. The determination of the
22 justice may be appealed only on the grounds of abuse of

1 discretion resulting from the justice exceeding constraints
2 imposed by this statute, rules made pursuant thereto, or the
3 Constitution of the Federated States of Micronesia. The Chief
4 Justice may make rules to implement this section, and in these
5 rules may provide for a reasonable minimum waiting period
6 between successive reviews of the same sentence."

7 Section 2. The application of this act shall be retroactive to
8 sentences imposed for offenses committed on or after July 12, 1981.

9 Section 3. This act shall become law upon approval by the President
10 of the Federated States of Micronesia or upon its becoming law without
11 such approval. This act shall take effect 90 days after becoming law.

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November 10, 1987



John R. Haglelgam
President
Federated States of Micronesia