

PRESIDENTIAL COMM. NO. 5-487
FSM CONGRESS

AN ACT

To further amend title 4 of the Code of the Federated States of Micronesia, as amended by Public Law No. 5-12, by adding a new chapter 3 concerning extraterritorial criminal jurisdiction, to repeal title 5 of the Code of the Federated States of Micronesia in its entirety, and for other purposes.

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

1 Section 1. Title 4 of the Code of the Federated States of Micro-
2 nesia is hereby further amended by adding a new section 301 of chapter
3 3 to read as follows:

4 "Section 301. Crimes committed outside the Federated States
5 of Micronesia. The jurisdiction of the Supreme Court of the
6 Federated States of Micronesia shall extend to all criminal
7 offenses committed outside the Federated States of Micro-
8 nesia by any person on board a Federated States of Micro-
9 nesia vessel or aircraft."

10 Section 2. Title 4 of the Code of the Federated States of Micro-
11 nesia is hereby further amended by adding a new section 302 of chapter
12 3 to read as follows:

13 "Section 302. Effect of previous trial. No person shall be
14 tried in the Supreme Court of the Federated States of Micro-
15 nesia for an offense committed outside the territorial
16 limits of the Federated States of Micronesia who has already
17 been lawfully tried on the merits for substantially the same
18 offense by a court of another jurisdiction."

19 Section 3. Title 4 of the Code of the Federated States of Micro-
20 nesia is hereby further amended by adding a new section 303 of chapter
21 3 to read as follows:

22 "Section 303. Place of trial. Trials for offenses

1 committed outside the territorial limits of the Federated
2 States of Micronesia shall be held in the Federated States
3 of Micronesia Supreme Court courthouse in the State within
4 which the accused is found or into which he is first brought
5 or in which he resides."

6 Section 4. Title 4 of the Code of the Federated States of
7 Micronesia is hereby further amended by adding a new section 304 of
8 chapter 3 to read as follows:

9 "Section 304. Application of Federated States of Micronesia
10 laws on vessels and aircraft. The criminal laws of the
11 Federated States of Micronesia shall, except where a
12 contrary intent is clearly indicated in the law, apply
13 outside the territorial limits of the Federated States of
14 Micronesia to all persons on board a Federated States of
15 Micronesia vessel or aircraft."

16 Section 5. Title 4 of the Code of the Federated States of
17 Micronesia is hereby further amended by adding a new section 305 of
18 chapter 3 to read as follows:

19 "Section 305. Application of other law. The criminal law
20 of any other jurisdiction which is applicable under
21 international law may also be enforced by courts of the
22 Federated States of Micronesia in trial of offenses
23 committed outside the territorial limits of the Federated
24 States of Micronesia whenever, in the opinion of the court,
25 justice and comity will be aided thereby."

1 Section 6. Title 4 of the Code of the Federated States of
2 Micronesia is hereby further amended by adding a new section 306 of
3 chapter 3 to read as follows:

4 "Section 306. Federated States of Micronesia aircraft and
5 vessels. The terms 'Federated States of Micronesia
6 aircraft' and 'Federated States of Micronesia vessel' as
7 used in this chapter refer to aircraft and vessels
8 belonging in whole or in part to the Government of the
9 Federated States of Micronesia, or any subdivision thereof,
10 or to any citizen, national, or permanent resident of the
11 Federated States of Micronesia, or to any association,
12 partnership, company, or other entity organized under the
13 laws of the Federated States of Micronesia, including, but
14 not limited to, public corporations."

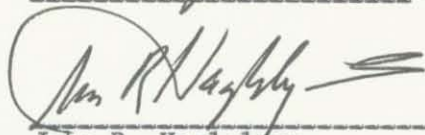
15 Section 7. Title 5 of the Code of the Federated States of
16 Micronesia is hereby repealed in its entirety.

17 Section 8. To the extent that the Supreme Court of the Federated
18 States of Micronesia determines that it would have had jurisdiction
19 pursuant to chapter 7 of title 5 of the Code of the Federated States
20 of Micronesia over a criminal offense committed prior to the
21 effective date of this act had that chapter not been repealed, the
22 Court shall retain jurisdiction over such offense.

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1 Section 9. 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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May 9, 1989

John R. Hagelgam
President
Federated States of Micronesia