

AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia (Annotated), as amended, by amending sections 1141 and 1147 thereof, to correct technical errors in the 2014 F.S.M.C. (Annotated), and for other purposes.

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

1           Section 1. The purpose of this Act is to correct  
2 technical errors in the codification of sections 1141 and 1147  
3 of title 11 of the Code of the Federated States of Micronesia  
4 (Annotated). Public Law No. 10-54 amended sections 1141 and  
5 1147 of title 11; the amendments made by that law were  
6 unintentionally omitted from the 2014 F.S.M.C. (Annotated).  
7 This Act amends sections 1141 and 1147 of title 11 to  
8 accurately reflect the provision of Public Law No. 10-54.

9           Section 2. Section 1141 of title 11 of the Code of the  
10 Federated States of Micronesia (Annotated), as amended, is  
11 hereby amended to read as follows:

12                   "Section 1141. Trafficking.

13                   (1) Except as authorized by this chapter, it shall be  
14 unlawful for any person knowingly or intentionally:

15                           (a) to import, export, manufacture, deliver, or  
16 possess with intent to manufacture, deliver, or  
17 dispense, a controlled substance; or

18                           (b) to create, distribute, or possess with

1 intent to deliver, a counterfeit controlled substance.

2 (2) Any person who violates subsection (1) of this  
3 section with respect to:

4 (a) a large amount of an especially dangerous  
5 controlled substance, as defined in subsection 2(a)(i)a)  
6 through 2(a)(i)d) of this section, shall be sentenced to  
7 a term of imprisonment for not more than 15 years, a  
8 fine of not more than \$15,000, or both;

9 (i) for the purposes of subsection 2(a) of  
10 this section, 'a large amount of an especially dangerous  
11 controlled substance' is:

12 a) 100 grams or more of a substance  
13 containing a detectable amount of heroin;

14 b) 500 grams or more of a substance  
15 containing a detectable amount of cocaine, its salts,  
16 its isomers, or salts of its isomers;

17 c) 10 grams or more of a substance  
18 containing a detectable amount of lysergic acid  
19 diethylamide (LSD); or

20 d) 10 grams or more of crystal  
21 methamphetamine;

22 (a) any other substance classified in  
23 schedules I or II which is a narcotic drug or crystal  
24 methamphetamine shall be sentenced to a term of  
25 imprisonment for not more than ten years, a fine of not

1 more than \$10,000, or both;

2 (b) any controlled substance classified in  
3 schedules I, II, or III, which falls outside the  
4 parameters of subsections (2)(a) and (2)(b) of this  
5 section, shall be sentenced to a term of imprisonment of  
6 not more than five years, a fine of not more than  
7 \$5,000, or both;

8 (c) a substance classified in schedule IV shall  
9 be sentenced to a term of imprisonment for not more than  
10 two years, a fine of not more than \$1,000, or both;

11 a substance classified in schedule V shall be sentenced  
12 to a term of imprisonment for not more than one year, a  
13 fine of not more than \$1,000, or both."

14 (d) a substance classified in schedule V shall  
15 be sentenced to a term of imprisonment for not more  
16 than one year, a fine of not more than \$1,000, or  
17 both."

18 (1) Notwithstanding subsection (2)(c) of this  
19 section, any person who violates subsection (1)(a) of  
20 this section by distributing not more than one ounce of  
21 marihuana for no remuneration shall be treated as  
22 provided in subsection (3)(a) of section 1142 of this  
23 chapter.

24 Section 3. Section 1147 of title 11 of the Code of the  
25 Federated States of Micronesia (Annotated), is hereby amended

1 to read as follows:

2           "Section 1147. Distribution to persons under  
3           eighteen.

4           Any person who is at least 18 years of age who  
5           violates subsection (1)(a) of section 1141 of this  
6           chapter by distributing a substance listed in  
7           schedules I and II which is a narcotic drug or  
8           crystal methamphetamine to a person under 18 years of  
9           age who is at least three years his junior is  
10          punishable by a term of imprisonment of up to twice  
11          that authorized by subsection (2)(a) of section 1141  
12          of this chapter, by the fine authorized by subsection  
13          (2)(a) of section 1141 of this chapter, or both. Any  
14          person who is at least 18 years of age who violates  
15          subsection (1)(a) of section 1141 of this chapter by  
16          distributing any other controlled substance listed in  
17          schedules I, II, III and IV to a person under 18  
18          years of age who is at least three years his junior  
19          is punishable by a term of imprisonment up to twice  
20          that authorized in subsections (2)(c) or (d) of  
21          section 1141 of this chapter, by the fine authorized  
22          by subsection (2)(c) or (d) of section 1141 of this  
23          chapter, or both."

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1           Section 4. This act shall become law upon approval by the  
2 President of the Federated States of Micronesia or upon its  
3 becoming law without such approval.

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\_\_\_\_\_ July 5, 2019

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/s/ David W. Panuelo

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David W. Panuelo

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President

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Federated States of Micronesia

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