

**AN ACT**

Amending the Chuuk State Criminal Code by imposing mandatory sentences for certain violent crimes committed in the State, and for other purposes.

BE IT ENACTED BY THE CHUUK STATE LEGISLATURE:

1           Section 1. Finding of the Legislature: The Chuuk State Legislature finds that given the  
2   apparent increase in the commission of violent crimes in the State, and without intending blame  
3   on any particular community or relevant governmental agency, one necessary response or  
4   improvement to the State's Criminal Justice System or law enforcement effort to promote public  
5   peace and safety is to help the court impose stiffer sentences on the convicted violators in certain  
6   violent felony criminal cases to help deter future criminal tendencies and involvement.

7           Section 2. Amendment. Section 407 of Chuuk State Law No 6-66, also known as the  
8   Chuuk State Criminal Code, is hereby amended to read as follows:

9           "Section 407. Assault with a dangerous weapon.

10                   (1) A person commits the offense of assault with a dangerous weapon if he  
11                   attempts to cause or purposely causes bodily injury to another person with a  
12                   dangerous weapon.

13                   (2) A person convicted of assault with a dangerous weapon shall be punished by  
14                   imprisonment for not less than five years, or a fine of not less than 5,000.00, or  
15                   both.

16                   (3) Upon conviction, and if it is only one victim, the defendant will serve a  
17                   mandatory 5-years sentence in addition to what other jail terms the sentencing  
18                   court may impose. If there are more than one victim, he or she shall serve one  
19                   additional mandatory year sentence for each additional victim (in addition to the  
20                   first mandatory 5-years for the first victim).

21           Section 3. Amendment. Section 415 of Chuuk State Law 6-66, also known as the Chuuk  
22   State Criminal Code, and as modified by Section 1 of Chuuk State Law 191-26, is hereby further  
23   amended to read as follows:

24           "Section 415: Murder.

1 (1) Murder. Except as provided in Subsection (1)(b) of this Section, a person  
2 commits the offense of murder if he unlawfully causes the death of another  
3 human being:

4 (a) intentionally or knowingly; or

5 (b) recklessly under circumstances manifesting, extreme indifference to  
6 the value of human life.

7 (2) Penalty. A person convicted of murder shall be punished by imprisonment  
8 for a minimum term of not less than 40 year, and eligible for parole in 20 years.

9 Section 3. Amendment. Section 416 of Chuuk State Law 6-66 as modified by Chuuk  
10 State Law 191-26, is hereby amended to read as follows:

11 "Section 416. Manslaughter.

12 (1) A person commits the offense of manslaughter if he causes the death of  
13 another human being when:

14 (a) acting recklessly; or

15 (b) a homicide which would otherwise be murder is committed under  
16 influence of extreme mental or emotional disturbance for which there is  
17 reasonable explanation or excuse. The reasonableness of such explanation  
18 or excuse shall be determined from the viewpoint of a person in the  
19 defendant's situation under the circumstances as he believes them to be.

20 (2) Manslaughter is punishable by imprisonment for not more than twenty years,  
21 but not less than five years.

22 (3) Upon conviction, if the offense is the first homicide offense for the defendant  
23 and involved only one victim, he or she shall serve a mandatory 5-year jail  
24 sentence in addition to what jail sentence the sentencing court may impose. If it is  
25 his or her first offense but involves more than one victim, each additional victim  
26 shall merit 5 years mandatory jail term. If it is his or her second manslaughter or  
27 homicide conviction and involved only one victim, his or her mandatory jail term  
28 shall be 4 years in addition to what the sentencing court may impose.

29 (4) For the purpose of this Section, the defendant's prior conviction for a  
30 substantively similar offense from any FSM or US jurisdiction where the

1 defendant was afforded Due Process protection, shall be counted as his first  
2 conviction."

3 Section 4. Amendment. Section 417 of Chuuk State Law No 6-66 as modified by Chuuk  
4 State Law 191-26, is hereby amended to read as follows:

5 "Section 417. Aggravated assault.

6 (1) A person commits an offense of aggravated assault if he causes serious bodily  
7 injury to another intentionally, knowingly, or recklessly under circumstances  
8 showing extreme indifference to the value of human life.

9 (2) A person convicted of aggravated assault shall be punished by imprisonment  
10 for not more than 20 but no less than 5 years.

11 (3) Upon conviction, if the offense is the first offense for the defendant and  
12 involved only one victim, he or she shall serve a mandatory 5-year jail sentence in  
13 addition to what sentences the sentencing court will impose, If it is his or her first  
14 offense but involves more than one victim, each additional victim shall merit an  
15 additional 1-year mandatory jail ter. If it is his or her second aggravated assault  
16 conviction or second to a first conviction involving a violent felony conviction as  
17 homicide or sexual assault and involved only one victim, his or her mandatory jail  
18 term shall be 2 years in addition to what the sentencing court may impose.

19 (4) For the purpose of this Section, the defendant's prior conviction for a  
20 substantively similar offense from any FSM or US jurisdiction where the  
21 defendant was afforded Due Process protection, shall be counted as his first  
22 conviction."

23 Section 5. Amendment. Section 403 of Chuuk State Law 6-66 is hereby amended to  
24 read as follows:

25 "Section 403. Sexual assault.

26 (1) A person commits the offense of sexual assault if he intentionally subjects  
27 another person to sexual penetration, or forces another person to make a sexual  
28 penetration on himself or another or an a beast, against the other person's will, or  
29 under conditions in which the defendant knows or should know that the other  
30 person is mentally or physically incapable of resisting or understanding the nature  
31 of his conduct.

1 (2) A person convicted under this Section shall be punished:

2 (a) if a dangerous weapon was used by the defendant he or she shall be  
 3 punished but not less than nine years, or a fine of not less than \$10,000, or  
 4 both; provided that if that was the defendant's first such offense and it  
 5 involved only one victim, he or she shall serve a mandatory jail term four  
 6 (4) years in addition to what other jail terms the sentencing court may  
 7 impose. An additional mandatory jail term of one year shall be added for  
 8 each additional victim in the same incident.

9 (b) otherwise, by imprisonment for not less than three years, or a fine of  
 10 not less than \$3,000, or both; provided, however, that if that was the  
 11 defendant's first conviction for such offense, he shall serve mandatory jail  
 12 term of three (3) year in addition to what jail term the sentencing court  
 13 may impose. However, if that was his second conviction for such an  
 14 offense, he shall serve a mandatory jail term of five (5) years in addition to  
 15 what jail term the sentencing court may impose.

16 (3) For the purpose of this Section, the defendant's prior conviction for a  
 17 substantively similar offense from any FSM or US jurisdiction where the  
 18 defendant was afforded Due Process protection, shall be counted as his first  
 19 conviction


20 Section 5. Amendment. Section 404 of CSL 6-66 as amended by Chuuk State Law No  
 21 12-14-18 is hereby further amended to read as follows:

22 "Section 404. Sexual Abuse.

23 (1) A person commits the offense of sexual abuse if he intentionally has sexual  
 24 contact with another person who is less than eighteen years old or causes such a  
 25 person to have sexual contact with him or her.

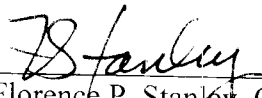
26 (2) A person convicted under this Section shall be punished by imprisonment for  
 27 not less than five years, or a fine of not less than 5,000.00, or both; provided,  
 28 however, that if that is the defendant's second conviction for such an offense, he  
 29 or she shall receive a mandatory jail term of two (2) years in addition to what jail  
 30 term the sentencing court may impose.

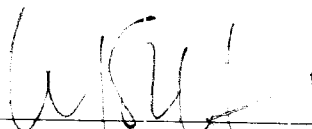
1 (3) For the purpose of this Section, the defendant's prior conviction for a  
2 substantively similar offense from any FSM or US jurisdiction where the  
3 defendant was afforded Due Process protection, shall be counted as his first  
4 conviction."

Sign by:   
Innocente I. Oneisom  
House of Representatives  
Chuuk State Legislature

Attested:

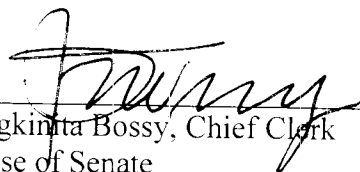
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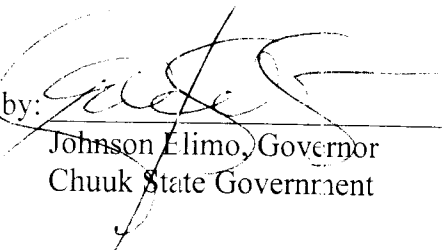
  
Florence P. Stanley, Chief Clerk  
House of Representatives  
Chuuk State legislature

Sign by:   
Mark Mailo, President  
House of Senate  
Chuuk State Legislature

Attested:

Date: 10/21/16

  
Songkinita Bossy, Chief Clerk  
House of Senate  
Chuuk State legislature

Approved by:   
Johnson Elimo, Governor  
Chuuk State Government

Date: 11/1/16

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<b>History:</b>	H.B.NO	:	13-37;HD1
	H.C.R.NO	:	13-2R-19(A)
	Introducer	:	Floor Leader Kenruo Nero (By Request)
	Date Introduced	:	March 05, 2016
	Final Reading	:	September 13, 2016