

AN ACT

To amend Truk State Law No. 5-32, the State Judiciary Act of 1982, and for other purposes.

Be it enacted by the Legislature of Truk State.

Section 1. Section 12 of Truk State Law No. 5-32, the State Judiciary Act of 1982, is hereby amended as follows:

"Section 12. Composition and Divisions of State Court.

The State Court is a court of record consisting of a Trial Division and an Appellate Division. The Appellate Division of the State Court shall be the highest court in the State. The State Court shall consist of a Chief Justice and three Associate Justices. Each Justice is a member of both the Trial Division and the Appellate Division, except that sessions of the Trial Division may be held by one Justice. The number of Associate Justices may be increased by law upon request of the Chief Justice. A retired Justice may serve temporarily on the State Court as requested by the Chief Justice."

Section 2. Section 13 of Truk State Law No. 5-32, is hereby amended to read as follows:

"Section 13. Qualifications of State Court Justices.

A person nominated to the position of Chief Justice or Associate Justice of the State Court shall be a citizen of the Federated States of Micronesia and a Trukese by birth, be at least thirty-five years of age, have been a resident of the State for at least twenty-five years, and five years immediately preceding his appointment, and either be a graduate from an accredited law school, and be admitted to


the practice of law in any jurisdiction or be of equivalent competence obtained through at least eight years experience in practicing law or service as a judge."

Section 3. Section 17 of Truk State Law No. 5-32, is hereby amended to read as follows:

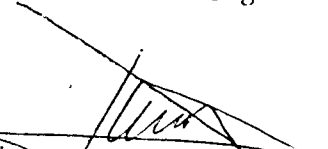
"Section 17. Jurisdiction of Appellate Division of the State Court. The Appellate Division of the State Court shall have jurisdiction to review all decisions appealed from the Trial Division and shall adopt Appellate Rules of Procedures governing such review. A single Justice, except the Trial Justice who heard the case, may make all necessary orders concerning any appeal for want of jurisdiction, or failure to take or prosecute the appeal in accordance with the applicable law or rules of procedure. No Justice may sit with the Appellate Division in a case heard by him in the Trial Division. At least three Justices shall hear and decide appeals. Decision is by a majority of those sitting."

Section 4. Effective Date. This Act shall take effect upon approval by the Governor, or upon its becoming law without such approval.

Signed by:


Eusebio Bos, Speaker
Truk Legislature

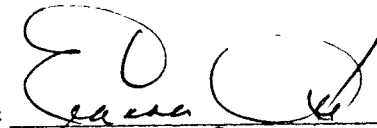
Attested to:


Datasí Albert
Legislative Chief Clerk
Truk Legislature

Date:

7/26/83

Approved by:


Erhart Aten, Governor
Truk State Government

Date:

July 28, 1983