
AN ACT

To provide a criminal code, to repeal Title II of the Trust Territory Code, and for other purposes.

Be it enacted by the Legislature of Truk State.

1 Section 1. Purpose. The purpose of this Act is to set out a
2 criminal code, to adjust for the new definition of "major crimes" and to
3 address those areas not previously covered under state law.

4 Section 2. Repeal and Supersede. Title II of the Trust
5 Territory Code is hereby repealed in its entirety and superseded by
6 the following:

7 "CHAPTER 1. GENERAL PROVISIONS

8 Section 101. Short Title. This title shall be known
9 and cited as the "Truk State Criminal Code."

10 Section 102. Applicability to offenses committed
11 before and after the effective date.

12 (1) Except as provided in Subsection (2) of this
13 section, this code does not apply to offenses committed
14 before its effective date. For purposes of this section, an
15 offense is committed before the effective date if any of the
16 elements of the offense occurred before that date.

17 (2) Prosecutions for offenses committed before the
18 effective date are governed by the prior law, which is
19 continued in effect for that purpose, as if the Code were
20 not in force.

21 Section 103. Territorial applicability.

22 (1) Except as otherwise provided in this section,
23 a person may be convicted under the law of the State of Truk
24 of an offense committed by his own conduct or the conduct of
25 another for which he is legally accountable, if:

26 (a) either the conduct or the result which
27 is an element of the offense occurs within this
28 jurisdiction; or

29 (b) conduct occurring outside this juris-
30 diction is sufficient under the law of this juris-
31 diction to constitute an attempt to commit an offense

1 within this jurisdiction ; or

2 (c) conduct occurring outside this juris-
3 diction is sufficient under the law of this juris-
4 diction to constitute a conspiracy to commit an
5 offense within this jurisdiction and an overt act
6 in furtherance of such conspiracy occurs within
7 this jurisdiction; or

8 (d) conduct occurring within this juris-
9 diction establishes complicity in the commission
10 of, or an attempt, solicitation, or conspiracy to
11 commit, an offense in another jurisdiction which
12 also is an offense under the law of this
13 jurisdiction; or

14 (e) the offense consists of the omnis-
15 sion, while within or outside this jurisdiction,
16 to perform a legal duty imposed by the law of the
17 State of Truk with respect to domicile
18 residence, or a relationship to a person, thing,
19 or transaction in this jurisdiction; or

20 (f) the offense is based on a statute of
21 the State of Truk which expressly prohibits
22 conduct outside this jurisdiction, when the
23 conduct bears a reasonable relation to a legiti-
24 mate interest of the State of Truk and the defen-
25 dant knows that his conduct is likely to affect
26 that interest.

27 (2) The term "this jurisdiction" means the State of
28 Truk, which includes the land and water and air space above
29 the land and water with respect to which the State of Truk
30 has legislative jurisdiction.

31 Section 104. Definitions. The definitions in this
32 section shall apply throughout this code, unless otherwise
33 specified or a different meaning is plainly required.

34 (1) Classification of crimes. A "felony" is an
35 offense which may be punished by imprisonment for a period
36 of more than one year. Every other offense is a misdemeanor.

(2) Defendant. The term "defendant" includes a person who is an accessory or accomplice of the defendant.

(3) Persons. The terms "person," "he," "accused," and "defendant" include any natural person and, where relevant, a corporation or an unincorporated association.

(4) State. The term "State" means the State of Truk.

Section 105. Time limitations for beginning prosecutions.

(1) A prosecution for a misdemeanor offense must be commenced within two years after it is committed.

(2) A prosecution for a felony offense must be commenced within three years after it is committed.

(3) If the time limitation set forth in subsection (1) or (2) of this section has expired, a prosecution may nevertheless be commenced for:

(a) Any offense, an element of which is either fraud or a breach of fiduciary obligation, within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years; or

(b) Any offense based on misconduct in office by a public officer or employee at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years.

(4) The time limitation does not run:

(a) During any time when the accused is continuously absent from the jurisdiction or has no reasonably determinable place of abode or work within the jurisdiction; or

(b) During any time when a prosecution

against the accused for the same conduct is pending in this jurisdiction.

(5) A prosecution is commenced either when an information or complaint is filed or when an arrest warrant or other process is executed without unreasonable delay.

Section 106. Defenses.

(1) A defense is a fact or set of facts which negates penal liability.

(2) No defense may be considered by the trier of fact unless evidence of the specified fact or facts has been presented. If such evidence is presented then:

(a) if the defense is not an affirmative defense, the defendant is entitled to an acquittal if the trier of fact finds that the evidence, when considered in the light of any contrary prosecution evidence, raises a reasonable doubt as to the defendant's guilt; or

(b) if the defense is an affirmative defense, the defendant is entitled to an acquittal if the trier of facts finds that the evidence, when considered in the light of any contrary prosecution evidence, proves by a preponderance of the evidence the specified fact or facts which negate penal liability.

(3) A defense is an affirmative defense if it is so designated by this code or another applicable statute.

Section 107. Customary law. For purpose of administration and enforcement of this code:

(1) Generally accepted customs prevailing within the State of Truk relating to crimes and criminal liability shall be recognized and considered

by the Truk State Court. Where conflicting customs are both relevant, the Court shall determine the weight to be accorded to each;

(2) Unless otherwise made applicable or given legal effect by statute, the applicability and effect of customary law in a criminal case arising under this act shall be determined by the Court of jurisdiction in such criminal case.

(3) Where there is a dispute as to the existence or effect of customary law applicable to a criminal case arising under this code, the party asserting applicability of customary law has the burden of proving by a preponderance of the evidence the existence, applicability, and customary effect of such customary law.

Section 108. Jurisdiction. All trials of offenses shall be held in the Trial Division of the Truk State Court.

CHAPTER 2

Section 201. Attempts.

(1) A person commits the offense of an attempt to commit a crime if, with intent to commit an offense, he does an act which constitutes a substantial step in a course of conduct planned to culminate in the commission of that offense.

(2) It is an affirmative defense to a charge of attempt that the offense was not committed because the defendant desisted voluntarily and in good faith and abandoned his intention to commit the offense.

(3) Conduct shall not be considered a substantial step under this section unless it is strongly corroborative of the defendant's criminal intent.

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2 Section 202. Solicitation.

3 (1) A person commits the offense of soli-
4 citation if, with intent to provide or facilitate
5 the commission of an offense, he commands, encour-
6 ages, or requests another person to engage in
7 conduct, cause the result specified by the defini-
8 tion of the offense, or engage in conduct which
9 would be sufficient to establish complicity
10 in the specified conduct or result.

11 (2) It is immaterial under subsection (1) of this
12 section that the defendant fails to communicate with the
13 person he solicits if his conduct was designed to cause such
14 communication.

15 (3) It is an affirmative defense to the prosecution
16 for solicitation that the defendant, under circumstances
17 showing a complete and voluntary renunciation of his criminal
18 intent, made a reasonable effort to prevent the conduct or
19 result solicited.

20 Section 203. Conspiracy.

21 (1) A person commits the offense of conspiracy if,
22 with intent to promote or facilitate the commission of an
23 offense:

24 (a) he agrees with one or more persons that
25 they, or one or more of them, will engage in or solicit the
26 conduct or will cause or solicit the result specified by the
27 definition of the offense; and

28 (b) he or another person with whom he
29 conspired commits an overt act in pursuance of the conspiracy.

30 (2) If a person conspires to commit a number of
31 offenses, he is guilty of only one conspiracy if the multiple
32 offenses are the object of the same agreement or continuous
33 conspiratorial relationship.

34 (3) It is an affirmative defense that the defendant,
35 under circumstances showing a complete and voluntary
36 renunciation of his criminal intent, made a reasonable effort
37 to prevent the conduct or result which is the object of the
conspiracy.

1 Section 204. Penalties for attempt, solicitation,
2 and conspiracy. A person convicted of attempt, sollicita-
3 tion, or conspiracy shall be punished by imprisonment for
4 not more than one-half the maximum sentence which is
5 provided for the most serious offense which was the
6 object of the attempt, sollicitator. or conspiracy.

7 CHAPTER 3

8 Section 301. Liability for crimes of another.

9 (1) A person is criminally liable for the conduct
10 of another, if:

11 (a) he intentionally aids, abets, advises,
12 solicits, counsels or conspires with or otherwise
13 procures the other to commit an offense; or

14 (b) while acting with the state of mind
15 that is sufficient for the commission of the offense,
16 he causes an innocent or irresponsible person to
17 engage in such conduct; or

18 (c) having a legal duty to prevent the
19 commission of an offense, he fails to make proper
20 effort to do so.

21 (2) A person liable under subsection (1) of this
22 section is also liable for any other offense committed in
23 the pursuance of the intended crime if reasonably foresee-
24 able by him as a probable consequence of committing or
25 attempting to commit the offense intended.

26 (3) A person liable under this section may be
27 charged with and convicted of the offense although the
28 person who directly committed it has not been prosecuted
29 or convicted, or has been convicted of a different offense
30 or degree of offense, or has been acquitted.

31 Section 302. Physical or mental disease, disorder,
32 or defect excluding criminal responsibility.

33 (1) A person is not responsible for criminal conduct
34 if at the time of such conduct, as a result of physical or
35 mental disease, disorder, or defect, he lacks substantial
36 capacity either to appreciate the wrongfulness of his con-

duct or to conform his conduct to the requirements of law.

(2) The terms "physical or mental disease, disorder, or defect" do not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

(3) Physical or mental disease, disorder, or defect excluding responsibility is an affirmative defense.

(4) When the defendant is acquitted on the grounds of physical or mental disease, disorder, or defect excluding responsibility, the judgment shall so state.

Section 303. Evidence of physical or mental disease, disorder, or defect admissible when relevant to element of the offense. Evidence that the defendant suffered from a physical or mental disease, disorder, or defect is admissible whenever it is relevant to prove that the defendant did or did not have a state of mind which is an element of the offense.

Section 304. Physical or mental disease, disorder, or defect excluding fitness to proceed.

(1) No person who, as a result of physical or mental disease, disorder, or defect, lacks capacity to understand the proceedings against him or to assist in his own defense shall be tried, convicted, or sentenced for the commission of an offense so long as such incapacity endures.

(2) If the Court determines that the defendant lacks fitness to proceed, the proceedings against him shall be suspended, and the Court shall commit him, for a reasonable period of time, to an appropriate institution for the purpose of restoring fitness to proceed. If the Court is satisfied that the defendant may be released on conditions without danger to himself or to the person or property of another, the Court shall order his release, which shall continue at the discretion of the Court, on

1 such conditions as the Court determines necessary.

2 (3) When the Court, on its own motion or upon
3 the application of the institution, or the prosecuting
4 attorney, or the defendant, determines, after a hearing,
5 if a hearing is requested, that the defendant has regained
6 fitness to proceed, the proceeding shall be resumed. If
7 the Court determines that so much time has elapsed due
8 to the unfitness of the defendant to proceed that it
9 would be unjust to resume the criminal proceeding, the
10 Court may dismiss the charge and may order the defendant
11 to be discharged or, subject to the law governing the
12 civil commitment or conditional release of persons
13 suffering from physical or mental disease, disorder, or
14 defect, order the defendant to be committed or released
15 on such conditions as the Court determines necessary.

16 Section 305. Statements for purposes of examination
17 and treatment. A statement of a person made pursuant to
18 treatment under this chapter, or made pursuant to an
19 examination for the purpose of assessing criminal respon-
20 sibility or fitness to proceed, shall not be admissible in
21 evidence against him in any criminal proceeding on any issue
22 other than of his physical or mental condition, but it shall
23 be admissible as to issues of his physical or mental condition
24 whether or not it would otherwise be deemed a privileged
25 communication, unless such statement constitutes an admission
26 of guilt of the offense charged.

27 Section 306. Intoxication.

28 (1) An act committed while in a state of voluntary
29 intoxication is no less criminal by reason thereof, but evi-
30 dence of intoxication of the defendant shall be admissible to
31 prove or negate the conduct alleged or the state of mind which
32 is an element of the offense.

33 (2) Intoxication does not, in itself, constitute a
34 physical or mental disease, disorder, or defect within the mean-
35 ing of this chapter.
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(3) When recklessness constitutes an element of the offense, if the defendant, due to voluntary intoxication, is unaware of a risk that he would have been aware of had he been sober, such unawareness is immaterial.

(4) "Intoxication" means a disturbance of mental or physical capabilities resulting from the introduction of substances into the body.

Section 307. Presumption as to responsibility of children. Children under the age of ten are conclusively presumed to be incapable of committing any crime. Children between the ages of ten and fourteen are presumed to be incapable of committing any crime, in which case the presumption is rebuttable. The provisions of this section, however, shall not prevent proceedings against and the disciplining of any person under eighteen years of age as a delinquent child.

CHAPTER 4

Section 401. Definitions. For the purpose of this Chapter, the following terms shall have the meaning indicated below:

(1) "Bodily injury" means physical pain, illness, or any impairment of physical condition;

(2) "Serious bodily injury" means bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ; or other bodily injury of like severity.

(3) "Serious psychological injury" means psychological or emotional damage that requires protracted treatment or is characterized by extreme behavioral changes or severe physical symptoms;

(4) "Dangerous weapon" means any firearm, or other weapon, device, instrument, material, or substance, whether animate or inanimate, which, in the manner it is used or intended to be used, is capable of producing death or serious

1 bodily injury;

2 (5) "Sexual penetration" means sexual intercourse,
3 cunnilingus, fellatio, or anal intercourse, or the causing of
4 penetration to any extent and with any object of the genital
5 or anal opening of another whether or not there is any
6 emission;

7 (6) "Sexual contact" means any touching of the sexual
8 or other intimate parts of a person not married to the
9 defendant, done with the intent of gratifying the sexual desire
10 of either party.

11 Section 402. Negligent homicide.

12 (1) A person commits the offense of negligent homicide
13 if he negligently causes the death of another human being.

14 (2) A person acts negligently when he should be aware
15 of a substantial and unjustifiable risk that death will result
16 from his conduct. The risk must be of such a nature and degree
17 that the defendant's failure to perceive it, considering the
18 nature and purpose of his conduct and the circumstances known
19 to him, involves a gross deviation from the standard of care
20 that a reasonable person would observe in the defendant's
21 situation.

22 (3) A person convicted of negligent homicide shall be
23 punished by imprisonment for a period of not more than three
24 years, or a fine of not more than \$2,500, or both.

25 Section 403. Sexual assault.

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

33 (2) A person convicted under this section shall be
34 punished:

35 (a) if a dangerous weapon was used by the
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1 defendant, by imprisonment for not more than nine
2 years, or a fine of not more than \$10,000, or both;

3 (b) otherwise, by imprisonment for not more
4 than five years, or a fine of not more than \$5,000, or
5 both.

6 Section 404. Sexual Abuse.

7 (1) A person commits the offense of sexual abuse if
8 he intentionally has sexual contact with another person who
9 is less than thirteen years old or causes such a person to
10 have sexual contact with him.

11 (2) Defense. It is an affirmative defense that the
12 defendant reasonably believed the child to be older than
13 thirteen.

14 (3) A person convicted under this section shall be
15 punished by imprisonment for not more than five years, or a
16 fine of not more than \$5,000.00, or both.

17 Section 405. Incest. Every person who shall unlawfully
18 engage in sexual intercourse with another of such a close blood
19 relationship or affinity that marriage between the two who so
20 engage is prohibited by law or custom, shall be guilty of
21 incest, and upon conviction thereof shall be imprisoned for a
22 period of not more than three months; provided, however, that
23 the burden of proof of such relationship or affinity shall rest
24 with the prosecution.

25 Section 406. Endangering welfare of children. Every
26 parent, guardian, or other person supervising the welfare of a
27 child under 18 years of age, who knowingly endangers the
28 child's welfare by violating a duty of care, protection, or
29 support shall be guilty of endangering the welfare of children,
30 and upon conviction thereof shall be imprisoned for a period of
31 not more than one year, or fined not more than \$500.00, or both.

32 Section 407. Assault with a dangerous weapon.

33 (1) A person commits the offense of assault with a
34 dangerous weapon if he attempts to cause or purposely causes
35 bodily injury to another person with a dangerous weapon.
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2 (2) A person convicted of assault with a dangerous
3 weapon shall be punished by imprisonment for not more than
4 five years, or a fine of not more than \$5,000.00, or both.

5 Section 408. Assault.

6 (1) A person commits the offense of assault if he
7 unlawfully offers or attempts, with force or violence, to
8 strike, beat, wound, or do bodily harm to another.

9 (2) A person convicted under this section shall be
10 punished by imprisonment for not more than six months, or
11 fined not more than \$100.00, or both.

12 Section 409. Assault and Battery.

13 (1) A person commits the offense of assault and
14 battery if he does unlawfully strike, beat, wound or
15 otherwise do bodily harm to another.

16 (2) A person convicted of assault and battery shall
17 be punished by imprisonment for not more than three years,
18 or a fine of not more than \$100.00, or both.

19 Section 410. Mayhem.

20 (1) A person commits the offense of mayhem if he,
21 with intent to maim or disfigure, does cut, bite, or slit
22 the nose, ear, or lip, or cut off or disable the tongue, or
23 cut out or destroy an eye, or cut off or disable a limb or
24 any member of another person.

25 (2) A person convicted of mayhem shall be punished
26 by imprisonment for not more than three years, or a fine of
27 not more than \$1,000.00, or both.

28 Section 411. Reckless Endangering.

29 (1) A person commits the offense of reckless
30 endangering if he recklessly engages in conduct which places
31 or may place another person in danger of death or serious
32 bodily injury.

33 (2) A person convicted of the offense of reckless
34 endangering shall be punished by imprisonment of not more
35 than six months, or a fine of not more than \$100.00, or both.
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Section 412. Threats.

(1) A person commits the offense of threats if he does threaten to commit any crime of violence with the purpose to terrorize another person.

(2) A person convicted of the offense of threats shall be punished by imprisonment of not more than six months, or a fine of not more than \$100.00, or both.

Section 413. False Imprisonment.

(1) A person commits the offense of false imprisonment if he does knowingly and unlawfully detain another person by force and against his will, so as to interfere substantially with his liberty.

(2) A person convicted of the offense of false imprisonment shall be punished by imprisonment of not more than six months, or a fine not more than \$100.00, or both.

Section 414. Criminal Coercion.

(1) A person commits the offense of criminal coercion if he intentionally compels or induces another person to engage in conduct from which he has a legal right to abstain or to abstain from conduct in which he has a legal to engage, by means of instilling in him a fear that, if the demand is not complied with, the defendant or a third person will:

(a) commit any felony offense; or

(b) accuse anyone of a felony offense; or

(c) expose any secret or publicize any asserted fact whether true or false, tending to subject any person to hatred, contempt, or ridicule or to impair his credit or business repute; or

(d) reveal any information sought to be concealed by the person; or

(e) testify or provide information or withhold testimony or information with respect to any person's legal claim or defense; or

1 (f) take or withhold action as a public
2 servant or cause a public servant to take or
3 withhold such action.

4 (2) Defense. It is a defense to a prosecution under
5 paragraphs (b), (c), (d), and (f) of subsection (1) of this
6 section, that the defendant believed the threatened
7 accusation or exposure to be true or the proposed action of
8 a public servant justified, and that his sole intention was
9 to compel or induce the victim to take reasonable action to
10 prevent or remedy the wrong which was the subject of the
11 threatened accusation, exposure, or action of a public
12 servant.

13 (3) A person convicted under this section shall be
14 punished:

15 (a) if a dangerous weapon is used to instill
16 fear, by imprisonment for not more than nine years,
17 or a fine of not more than \$10,000, or both;

18 (b) otherwise, by imprisonment for not more
19 than five years, or a fine of not more than \$5,000,
20 or both.

21 CHAPTER 5

22 Section 501. Definitions. For the purpose of this
23 chapter, the following terms shall have the meaning indica-
24 ted below:

25 (1) "Property" means anything of value, including
26 real estate, tangible and intangible personal property,
27 contract right, choses-in-action, and other interests in or
28 claims to wealth, admission, or transportation, tickets,
29 captured or domestic animals, food and drink, electric or
30 other power.

31 (2) "Property of another" means property which any
32 person other than the defendant has an interest in which
33 the actor is not privileged to infringe, regardless of the
34 fact that the defendant also has an interest in the property
35 and regardless of the fact that the other person might be
36 precluded from civil recovery because the property was used
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in an unlawful transaction or was subject to forfeiture as contraband. Property in possession of the defendant shall not be deemed property of another who has only a security interest therein, even if legal title is in the creditor pursuant to a conditional sales contract or other security agreement.

Section 502. Burglary.

(1) A person commits the offense of burglary if he enters a building or occupied structure, or separately occupied or secured portion thereof, with the purpose to commit any felony, assault, or larceny therein, unless the premises are at the time open to the public or the defendant is licensed or privileged to enter.

(2) Definition. "Occupied structure" means any structure, vehicle, vessel, or place adapted for overnight accommodation of persons, or for carrying on business therein, whether or not a person is actually present.

(3) A person convicted under this section shall be punished by imprisonment for not more than five years, or a fine of not more than \$5,000, or both.

Section 503. Robbery.

(1) A person commits the offense of robbery if he takes away anything of value from the person of another, or from the immediate control of another, by use or threatened use of immediate force or violence.

(2) A person convicted under this section shall be punished by imprisonment for not more than five years, or a fine of not more than \$5,000, or both.

Section 504. Larceny from a dwelling house.

(1) A person commits the offense of larceny from a dwelling house if he does unlawfully steal, take and carry away the personal property of another, of any value whatsoever, from his or another's dwelling house, without the owner's knowledge or consent, and with the intent to permanently convert it to his own use, but without the force necessary to constitute a burglary.

(2) A person convicted under this section shall be punished by imprisonment of not more than three years, or a fine of not more than \$1,000.00, or both.

Section 505. Arson.

(1) A person commits the offense of arson if he starts a fire or causes an explosion with the purpose of:

(a) destroying a building or occupied structure of another; or

(b) destroying or damaging any property, whether his own or another's, to collect insurance for such loss. It shall be an affirmative defense to prosecution under this subsection that the behavior did not recklessly endanger any building or occupied structure of another, or place any person in danger of death or bodily injury.

(2) A person convicted under this section shall be punished by imprisonment for not more than nine years, or a fine of not more than \$10,000, or both.

Section 506. Malicious mischief.

(1) A person commits the offense of malicious mischief if he does unlawfully destroy, damage, or otherwise injure property belonging to another, including the property of the State or a municipality thereof, or shall unlawfully throw, discard or scatter upon any public road, street or ground or other land owned, reserved, controlled or maintained, for any purpose other than a public dumping ground, by the government of the State, municipality or other subdivision thereof, any waste material, garbage or other debris, in any form or substance, or otherwise carelessly or willfully litter such places.

(2) A person convicted of malicious mischief shall be punished by imprisonment for not more than six months, or a fine of not more than \$100.00, or both.

Section 507. Trespass.

(1) A person commits the offense of trespass if he does unlawfully violate or interfere with the peaceful use

1 and possession of the dwelling house, premises, or property
2 of another, whether by force or by stealth.

3 (2) A person convicted of the offense of trespass
4 shall be punished by imprisonment for not more than six
5 months, or a fine of not more than \$100.00, or both.

6 Section 508. Petit larceny.

7 (1) A person commits the offense of petit larceny
8 if he does unlawfully steal, take and carry away the
9 personal property of another, of the value of less than
10 \$100.00, without the owner's knowledge or consent, and with
11 the intent to permanently convert it to his own use.

12 (2) A person convicted of petit larceny shall be
13 punished by imprisonment for not more than six months, or
14 a fine of not more than \$100.00, or both.

15 Section 509. Grand larceny.

16 (1) A person commits the offense of grand larceny
17 if he does unlawfully steal, take and carry away the
18 personal property of another, of the value of \$200.00 or
19 more but less than \$5,000.00, without the owner's knowledge
20 or consent, and with the intent to permanently convert it to
21 his own use.

22 (2) A person convicted of grand larceny shall be
23 punished by imprisonment for not more than five years, or
24 a fine of not more than \$1,000.00, or both.

25 Section 510. Cheating.

26 (1) A person commits the offense of cheating if he
27 does unlawfully obtain the property, services or [money] of
28 another by false pretenses, knowing the pretenses to be
29 false, and with the intent thereby to permanently defraud
30 the owner thereof.

31 (2) A person convicted of the offense of cheating
32 shall be punished:

33 (a) if the value of the property thus
34 obtained be \$200.00 or more but less than \$5,000.00,
35 by imprisonment for not more than five years, or a
36 fine of not more than \$1,000.00, or both.

(b) if the value of the property thus obtained be less than \$200.00, by imprisonment for not more than six months, or a fine of not more than \$100.00, or both.

Section 511. Embezzlement.

(1) A person commits the offense of embezzlement if he, after having lawfully obtained possession of the personal property of another, shall take and carry away said property without the owner's knowledge and consent, and with the intent to permanently convert it to his own use.

(2) A person convicted of embezzlement shall be punished:

(a) if the value of said property be \$200.00 or more, but less than \$5,000.00, by imprisonment for not more than five years, or a fine of not more than \$1,000.00, or both;

(b) if the value of the property thus obtained be less than \$200.00, by imprisonment for not more than six months, or a fine of not more than \$100.00, or both.

Section 512. Theft of property lost, mislaid, or delivered by mistake. Every person who comes into control of property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient, commits theft if, with purpose to deprive the owner thereof, he fails to take reasonable measures to restore the property to a person entitled to have it, and upon conviction thereof shall be imprisoned for a period of not more than one year, or fined not more than \$100.00, or both.

Section 513. Receiving stolen goods. Every person who purposely receives, retains, or disposes of property of another, believing that it probably has been stolen, unless the property is received, retained, or disposed with purpose to restore it to the owner, shall be guilty of receiving

1 stolen property, and upon conviction thereof shall be impri-
2 soned for a period of not more than one year, or fined not more
3 than \$100, 00, or both.

4 Section 514. Theft of services. Every person who pur-
5 purposely obtains services which he knows are available only for
6 compensation by deception or threat, or by false token or other
7 means to avoid payment for the service, or who having control
8 over the disposition of services of others to which he is not
9 entitled knowingly diverts such services to his own benefit or
10 to the benefit of another not entitled thereto, shall be guilty
11 of theft of services, and upon conviction thereof shall be im-
12 prisoned for a period of not more than one year, or fined not
13 more than \$100.00, or both.

14 Section 515. Theft by failure to make required disposi-
15 tion of funds received. Every person who purposely obtains
16 property upon agreement, or subject to a known legal obligation,
17 to make specified payment or other disposition shall be guilty
18 of theft if he deals with the property so obtained as his own
19 and fails to make the required payment or disposition, and upon
20 conviction hereof shall be imprisoned for a period of not more
21 than one year, or fined not more than \$100.00, or both.

22 Section 516. Unauthorized use of vehicle. Every person
23 who knowingly operates another person's automobile, motorcycle,
24 airplane, motorboat, or other motor propelled vehicle, without
25 consent of the owner shall be guilty of unauthorized use of a
26 vehicle, and upon conviction thereof shall be imprisoned for a
27 period of not more than six months, or fined not more than
28 \$100.00, or both.

29 Section 517. Forgery.

30 (1) A person commits the offense of forgery if:

31 (a) he forges a writing which is or purports to be
32 a will, deed, contract, release, commercial instrument, or
33 other document evidencing, creating, transferring, altering,
34 terminating or

otherwise affecting legal relations.

(2) Definitions.

(a) A person forges a writing if, with the purpose to defraud or injure anyone, or with knowledge that he is facilitating a fraud or injury to be perpetrated by anyone, he:

(i) alters any writing of another without his authority; or

(ii) makes, completes, executes, authenticates, issues, or transfers any writing so that it purports to be the act of another who did not authorize that act, or purports to have been executed at a time or place or in a numbered sequence other than was in fact the case, or purports to be a copy of an original when no such original existed; or

(iii) utters any writing which he knows to be forged in a manner specified in subparagraphs (i) or (ii) of this subparagraph.

(3) A person convicted of forgery shall be punished by imprisonment for not more than five years, or a fine of not more than \$5,000, or both.

Section 518. Obtaining signature by deception. Every person who, with intent to defraud, causes another person, by deception, to sign or execute a written instrument shall be guilty of obtaining signature by deception, and upon conviction thereof shall be imprisoned for a period of not more than one year, or fined not more than \$1,000.00, or both.

Section 519. Fraudulent destruction, removal, or concealment of recorded instruments. Every person who, with purpose to deceive anyone, destroys, removes or conceals any will, deed, mortgage, security instrument or other writing for which the law provides public recording, shall be guilty of fraudulent destruction, removal, or concealment, and upon conviction thereof shall be imprisoned for a period of not more than one year, or fined not more than \$1,000.00, or both.

1 Section 520. Tampering with records. Every person
2 who, knowing that he has no privilege to do so, falsifies,
3 destroys, removes or conceals any writing or record with
4 purpose to deceive or injure anyone or to conceal any wrong-
5 doing shall be guilty of tampering with records, and upon
6 conviction thereof shall be imprisoned for a period of not
7 more than one year, or fined not more than \$1,000.00, or both.

8 Section 521. Unlawful issuance of bank checks or drafts.

9 (1) Every person who, for the procurement of any article
10 or thing of value, with intent to defraud or for the payment
11 of any past due obligation, or for any other purpose, with
12 intent to deceive, makes draws, utters or delivers any check,
13 draft, or order for payment of money upon a bank or other
14 depository, knowing at the time that the maker or drawer has
15 not or will not have sufficient funds in, or credit with, the
16 bank or other depository for the payment of that check, draft,
17 or order in full upon its presentment, shall be guilty of
18 unlawful issuance of checks and, if the value of the property
19 thus obtained be \$200.00 or more but less than \$5,000.00, shall
20 be imprisoned for a period of not more than three years, or
21 fined not more than \$1,000.00, or both; or if the value of
22 the property thus obtained be less than \$200.00, shall be
23 imprisoned for a period of not more than six months, or fined
24 not more than \$100.00, or both.

25 (2) The making, drawing, uttering, or delivering by a
26 maker or drawer of a check, draft, or order, payment of which
27 is refused by the drawee because of insufficient funds of the
28 maker or drawer in the drawee's possession or control, is
29 prima facie evidence of his intent to defraud or deceive and
30 of his knowledge of insufficient funds in, or credit with,
31 that bank or other depository, unless the maker or drawer pays
32 the holder the amount due within five days after receiving
33 notice, orally or in writing, that the check, draft, or order
34 was not paid on presentment.

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1 (5) In this Section, the word "credit" means an arrangement or
2 an understanding expressed or implied, with the bank or other depository
3 for the payment of that check, draft, or order.

4 CHAPTER 6.

5 Section 601. Disturbing the peace. Every person who shall
6 unlawfully and willfully commit any acts which annoy or disturb other
7 persons so that they are deprived of their right to peace and quiet, or
8 which provokes a breach of the peace, shall be guilty of disturbing the
9 peace, and upon conviction thereof shall be imprisoned for a period
10 of not more than six months, or fined not more than \$50.00, or both.

11 Section 602. Riot. Whenever three or more persons shall assemble,
12 and by force and violence or by loud noise and shouting shall unlawfully
13 place others in fear or danger, they shall be guilty of riot, and upon
14 conviction thereof shall be imprisoned for a period of not more than
15 six months, or fined not more than \$50.00, or both.

16 Section 603. Drunken and disorderly conduct. Every person who
17 is drunk and disorderly on any street, road, or other public place from
18 the voluntary use of intoxicating liquor or other drug shall be guilty
19 of drunken and disorderly conduct, and upon conviction thereof shall
20 be imprisoned for a period of not more than six months, or fined not
21 more than \$50.00, or both.

22 Section 604. Affray. Every person who shall unlawfully and
23 willfully engage in an altercation or fight with one or more persons in
24 a public place, so that others are put in fear or danger, shall be
25 guilty of affray, and upon conviction thereof shall be imprisoned for
26 a period of not more than six months, or fined not more than \$50.00,
27 or both.

28 Section 605. Security to keep the peace.

29 () A complaint may be made to any court that a person has threat-
30 ened to commit an offense against the person or property of another. When
31 such complaint is made, the court shall examine under oath the complainant
32 and any witnesses he may produce, reduce the complaint to writing and
33 cause it to be signed and sworn to by the complainant. If the court is
34 satisfied that there is danger that such offense will be committed, the

1 court shall issue a warrant to any policeman setting out the substance
2 of the complaint and commanding the officer to apprehend the person
3 complained of and bring him before the court at a certain time.

4 2) When the person complained of is brought before the court,
5 the testimony produced on both sides shall be heard if the charge is
6 denied. If it appears that there is no just reason to fear the commission
7 of the offense, the defendant shall be discharged, and if the judge is
8 of the opinion that the prosecution was commenced maliciously without
9 proper cause he may give judgment against the complainant for the costs
10 of the prosecution. If, however, the court finds there is just reason
11 to fear the commission of such offense, the person complained of may
12 be required to enter into an undertaking in a sum fixed by the court,
13 not exceeding \$500.00, to keep the peace toward the State and particularly
14 toward the complainant. The defendant shall deposit the sum fixed in
15 cash with the clerk of courts or the court may grant him permission to
16 give bond in the same amount with one or more sufficient sureties. The
17 undertaking to keep the peace shall be valid and binding for six months,
18 and may upon the renewal of the complaint be extended for a longer period.

19 3) If the court finds, after hearing, that the defendant has
20 violated his undertaking to keep the peace, the court may direct a for-
21 feiture of the whole or such part of the deposit or bond as it appears
22 that justice requires, and may enforce such forfeiture in the same
23 manner as a forfeiture of bail in a criminal case.

24 4) If the defendant fulfills his undertaking to keep the peace,
25 he may claim his deposit from the clerk of courts upon presentation of
26 receipts.

27 Section 606. False public alarm. Every person who initiates or
28 circulates a report or warning of an impending bombing or other crime or
29 catastrophe, knowing that the report or warning is false or baseless and
30 that it is likely to cause evacuation of a building, place of assembly,
31 or facility of public transport, or to cause public inconvenience or
32 alarm, shall be guilty of false public alarms, and upon conviction thereof
33 shall be imprisoned for a period of not more than six months, or fined
34 not more than \$50.00, or both.

1 Section 607. Obstructing highways and other public places.

2 Every person who, having no legal privilege to do so, purposely or
3 recklessly obstructs any highway or public passage, whether alone or with
4 others, shall be guilty of obstructing highways or other public places,
5 and upon conviction thereof shall be imprisoned for a period of not more
6 than six months, or fined not more than \$50.00, or both.

7 Section 608. Disrupting meetings. Every person who, with purpose
8 to prevent or disrupt a lawful meeting or gathering, does any act tending
9 to obstruct or interfere with it physically, or makes any utterance, gesture
10 or display designed to outrage the sensibilities of the group, shall be
11 guilty of disrupting meetings and upon conviction thereof shall be imprisoned
12 for a period of not more than six months, or fined not more than \$50.00,
13 or both.

14 Section 609. Nuisance. Every person who shall unlawfully maintain
15 or allow to be maintained a condition of things which is prejudicial to
16 the health, comfort, safety, property, sense of decency, or morals of the
17 people of the State by an illegal act, or by neglect of legal duty, shall
18 be guilty of maintaining a nuisance, and upon conviction thereof shall be
19 imprisoned for a period of not more than six months, or fined not more than
20 \$100.00, or both.

21 Section 610. Weapons prohibition in bars.

22 (1) No person in the State shall be in any bar, pub, dram shop
23 or other establishment that sells alcoholic beverages for consumption on
24 the premises if such person is in immediate possession of any knife with a
25 blade longer than three inches, any ice pick, spear, club, billy, truncheon,
26 or rock.

27 (2) The prohibition of this section shall not apply to employees
28 of such establishments who are on duty and whose employment requires the
29 use of knives or ice picks and who possess none of the other objects listed
30 in subsection (1) of this section.

31 (3) Any person who violates the prohibition of this section shall
32 be fined not less than \$10.00 nor more than \$50.00, or imprisoned for not
33 more than sixty days, or both.

CHAPTER 7.

Section 701. Definitions.

1) "Benefit" means gain or advantage, or anything regarded by the beneficiary as gain or advantage, including benefit to any other person or entity in whose welfare he is interested;

2) "Government" means any branch, department, office, division, board, commission, committee, or authority of the State of Truk or any municipality or locality within it.

3) "Harm" means loss, disadvantage or injury or anything so regarded by the person affected, including loss, disadvantage or injury to any other person or entity in whose welfare he is interested.

Section 702. Bribery. Every person who shall unlawfully and voluntarily offer or receive any benefit as consideration to influence an official act to be done or not done, shall be guilty of bribery, and upon conviction thereof, shall be imprisoned for a period of not more than three years, and fined three times the value of the benefit offered or received, or both. If the value of the benefit cannot be determined in dollars, the fine shall be not more than \$5,000.00.

Section 703. Threats to influence official matters. Every person who threatens unlawful harm to any person employed by the government with purpose to influence him in the exercise of his official duties, shall be guilty of threats to influence official matters, and upon conviction thereof shall be imprisoned for not more than three years or fined not more than \$5,000.00, or both.

Section 704. Retaliation for past official action. Every person who harms another by any unlawful act in retaliation for anything lawfully done by the latter in his capacity as public servant, shall be guilty of retaliation for past official action, and upon conviction thereof shall be imprisoned for a period of not more than one year, or fined not more than \$1,000.00, or both.

Section 705. Improper compensation. Every person employed by the government who solicits, accepts, or agrees to accept compensation for advice or other assistance in preparing or promoting a bill, contract, claim, or other transaction or proposal as to which he knows that he has

1 or is likely to have an official discretion to exercise, shall be guilty
2 of improper compensation, and upon conviction thereof shall be imprisoned
3 for a period of not more than one year, or fined not more than \$1,000.00,
4 or both.

5 Section 706. Acts affecting personal financial interest. Every
6 person who in his official capacity participates personally and substantially
7 in any matter in which, to his knowledge, he, his spouse or children, close
8 relative, partner, organization in which he is serving as officer, director,
9 trustee, partner, or employee, has a financial interest shall be guilty
10 of engaging in acts affecting personal financial interest, and upon con-
11 viction thereof shall be imprisoned for a period of not more than one year,
12 or fined not more than \$1,000.00, or both.

13 Section 707. Possession or removal of government property. It
14 shall be unlawful for any person, knowing he does not have proper authority,
15 to have in his possession or remove from its location any property of any
16 kind, wherever situated, in which the State Government, its political sub-
17 division or municipal governments, has any legal, equitable, or possessory
18 interest. Any person convicted of a violation of this section shall be fined
19 not more than \$100.00, or imprisoned not more than six months, or both.

20 Section 708. Misconduct in public office. Every person who,
21 being a public official, shall do any illegal acts under the color of office,
22 or willfully neglect to perform the duties of his office as provided by law,
23 shall be guilty of misconduct in public office, and upon conviction thereof
24 shall be imprisoned for a period of not more than one year, or fined not
25 more than \$1,000.00, or both.

26 CHAPTER 8.

27 Section 801. Prohibition of gambling. Any person who wagers, bets,
28 or gambles money or causes, permits or allows money to be wagered, bet or
29 gambled in any public place shall upon conviction thereof be fined not more
30 than \$100.00, or imprisoned not more than thirty days, or both. Nothing
31 in this section shall make it unlawful or punishable for any nonprofit
32 organization, certified as such by the Treasurer, to conduct raffles,
33 lotteries, or bingo games in order to raise money for any educational,
34 charitable or public purpose.

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CHAPTER 9.

Section 901. Perjury. Every person who takes an oath or any legal substitute therefore before a competent tribunal, officer, or person, in any case in which a law of the State authorizes an oath or any legal substitute therefore to be administered, declaring that he will testify, declare, depose, or certify truly, or that any written testimony, deposition, or certificate subscribed by him is true, and who willfully and contrary to such oath or legal substitute therefore states or subscribes to any material which he does not believe to be true, shall be guilty of perjury, and upon conviction thereof shall be imprisoned for a period of not more than three years.

Section 902. False swearing. Every person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when he does not believe the statement to be true, and the falsification occurs in an official proceeding or is intended to mislead a public servant in performing his official function, shall be guilty of false swearing, and upon conviction thereof shall be imprisoned for a period of not more than six months, or fined not more than \$100.00, or both.

Section 903. False alarm to agencies of public safety. Every person who knowingly causes a false alarm of fire or other emergency to be transmitted to any organization or official dealing with emergencies involving danger to life or property, shall be guilty of false alarm, and upon conviction thereof shall be imprisoned for a period of not more than six months, or fined not more than \$100.00, or both.

Section 904. False reports to law enforcement authorities. Every person who knowingly gives false information to any law enforcement officer with purpose to implicate another is guilty of false reports, and upon conviction thereof shall be imprisoned for a period of not more than six months, or fined not more than \$100.00, or both.

1 Section 905. Tampering with witnesses. Every person who,
2 believing that an official proceeding or investigation is pending
3 or about to be instituted, attempts to induce, threaten, or other-
4 wise cause a witness to testify or inform falsely, or withhold any
5 testimony, or elude legal process, or absent himself from any
6 proceeding to which he has been legally summoned, shall be guilty
7 of tampering with witnesses, and upon conviction thereof shall be
8 imprisoned for a period of not more than six months, or fined not
9 more than \$100.00, or both.

10 Section 906. Tampering with evidence. Every person who,
11 believing that an official proceeding or investigation is pending
12 or about to be instituted, alters, destroys, conceals or removes any
13 record, document or thing with purpose to impair its variety or avail-
14 ability in such proceeding or investigation shall be guilty of tampering
15 with evidence, and upon conviction thereof shall be imprisoned for a
16 period of not more than six months, or fined not more than \$100.00, or
17 both.

18 Section 907. Interference with service of process. Every
19 person who knowingly and willfully obstructs, resists, or opposes the
20 Chief of Police, a policeman or other person duly authorized in serving
21 or executing, or attempting to serve or execute any process issued by
22 any court or official authorized to issue the same, or who assaults,
23 beat or wounds any Chief of Police, policeman, or other person so duly
24 authorized, knowing him to be such officer, or other person duly
25 authorized, in serving or executing any such process shall be guilty
26 of interference with service and, upon conviction thereof, shall be
27 imprisoned for a period of not more than one year, or fined not more
28 than \$1,000.00, or both.

29 Section 908. Concealment, removal or alteration of record
30 or process. Every person who willfully and unlawfully conceals,
31 removes, takes away, mutilates, obliterates, alters, or destroys, or
32 attempts to do so, or willfully takes and carries away record or process
33 in or from any court or official authorized to issue or serve them,
34 shall be guilty of tampering with judicial records or process, as the

1 case may be, and upon conviction thereof, shall be imprisoned for not
2 more than three years, or fined not more than \$1,000.00, or both.

3 Section 909. Obstruction of justice. Every person who
4 purposely obstructs, impairs or prevents the administration of law by
5 force, threats, violence, physical interference or obstacle, or any
6 other act, shall be guilty of obstruction of justice, and upon con-
7 viction thereof shall be imprisoned for a period of not more than
8 three years, or shall be fined not more than \$1,000.00 or both.

9 Section 910. Resisting arrest. Every person who, for the
10 purpose of preventing a law enforcement officer from effecting a lawful
11 arrest or discharging any other duty, creates a substantial risk of
12 bodily injury to the officer or anyone else, or employs means justifying
13 or requiring substantial force to overcome the resistance, shall be
14 guilty of resisting arrest, and upon conviction thereof shall be
15 imprisoned for a period of not more than one year, or fined not more
16 than \$1,000.00, or both.

17 Section 911. Compounding. Every person who, having know-
18 ledge that a crime has been, is being, or is about to be committed,
19 shall unlawfully, and willfully agree for a reward not to prosecute it,
20 shall be guilty of compounding a crime and upon conviction thereof shall
21 be imprisoned for a period of not more than one year, or fined not more
22 than \$100.00, or both.

23 Section 912. Escape. Every person who, being a law enforce-
24 ment officer, or having lawful custody of a prisoner, shall unlawfully,
25 willfully or negligently allow said prisoner to depart from such custody,
26 except by due process of law; or whosesoever, being a prisoner, shall
27 unlawfully and willfully depart from such custody, shall be guilty of
28 escape, and upon conviction thereof shall be imprisoned for a period
29 of not more than three years.

30 Section 913. Assisting an Escape. Every person who shall
31 unlawfully, knowingly and willfully assist any prisoner to escape from
32 the custody of any person lawfully having custody thereof shall be
33 guilty of assisting an escape, and upon conviction thereof shall be
34 imprisoned for a period of not more than three years.

1 Section 914. Failure to appear. Every person set at
2 liberty by court order, with or without bail, upon condition that
3 he will subsequently appear at a specified time and place, who, with-
4 out lawful excuse, fails to appear at that time and place, shall be
5 guilty of failure to appear, and upon conviction thereof shall be
6 imprisoned for not more than six months, or fined not more than \$100.00,
7 or both.

8 Section 915. Duty to report injury or death.

9 (1) Every person who gains knowledge of a death or injury
10 resulting from a knife wound, bullet wound, powder burn, or sustained
11 in a suspicious or unusual manner or under conditions suggesting
12 poisoning or violence, shall make a report thereof immediately, and
13 in any case within five days of obtaining such knowledge, to the
14 nearest law enforcement official or to any police officer or to the
15 Chief of Police. Said report shall state:

16 (a) The name and location of injured or deceased
17 persons;

18 (b) The date of injury or death, or date of gaining
19 knowledge thereof by informant, if date of injury or death
20 is unknown;

21 (c) The cause and manner of injury or death;

22 (d) The name of the person causing injury or death;
23 if known.

24 (2) No person making a report in compliance with this section
25 shall be deemed to have violated the confidential relationship existing
26 between doctor and patient.

27 (3) Copies of such report shall be furnished without charge
28 to the State Public Defender at his request.

29 (4) Any person violating subsection (1) of this section shall
30 be guilty of a misdemeanor and upon conviction thereof shall be fined
31 not more than \$500.00, or imprisoned for not more than one year,
32 or both.

CHAPTER 10.

Section 1001. Tampering with mail. Every person who, without authority, opens, or destroys any mail not directed to him, shall be guilty of tampering with mail and upon conviction thereof be imprisoned not more than six months, or fined not more than \$100.00, or both.

Section 1002. Unauthorized disposition of certain foods. Every person who, having any responsibility for disposition of any food commodity distributed to Truk State under any program of a foreign government or any state or the Federated States of Micronesia Government, willfully makes any unauthorized disposition of such food commodity, or every person who, not being an authorized recipient thereof, willfully converts to his own use or benefit any such food commodity, shall upon conviction thereof be punished by imprisonment for not more than six months, or fined not more than \$500.00, or both.

Section 1003. Theft of electricity; injuring or altering meter. Every person who willfully and knowingly, with intent to injure or defraud, makes or causes to be made any connection with the electric lines of any agency or corporation authorized to generate, transmit, or sell electric current by means of electric wires or electric appliance of any character whatsoever without the written authority of such agency or corporation, or who shall knowingly and with like intent injure, alter, or procure to be injured or altered any electric meter, or obstruct its working, or procure the same to be tampered with or injured, or use or cause to be used any electric meter or appliance so tampered with or injured, shall be guilty of a misdemeanor, and upon conviction thereof shall be imprisoned for not more than six months, or fined not more than \$100.00, or both.

Section 1004. Junk vehicles.

(1) Any person who permits a junk vehicle to remain upon public property at any time after thirty days have elapsed from the date of receipt of a junk vehicle warning shall be guilty of littering.

(2) "Junk vehicle" is defined as any vehicle normally powered by an engine and normally having four or more wheels, which vehicle is incomplete or damaged to the extent that the hood, windshield, engine, steering wheel, radiator, or any tire or wheel (except any spare tire or

1 wheel) is missing or detached, or two or more tires are flat, or one
2 or more doors are hanging loose, or fifty percent (50%) or more of the
3 body surface is covered by rust.

4 3) "Junk vehicle warning" is defined as a written notice
5 given by a police officer to the person in legal possession of, or to the
6 owner of, any junk vehicle resting upon public property.

7 4) If the condition described in subsection (3) of this section
8 is remedied within the thirty day period, there will be no violation of
9 this section.

10 5) A vehicle shall not be considered to be a junk vehicle
11 merely because tires are missing if the vehicle is resting upon four or
12 more blocks and the owner of the vehicle is temporarily absent from the
13 island upon which the vehicle is located, where such absence is for a
14 period of at least ten days.

15 6) The provisions of this section, except for subsection (1),
16 shall not apply to any island which does not normally have direct maritime
17 shipping service from outside of the State.

18 7) Any person who violates any provision of this section
19 shall be guilty of a misdemeanor and, upon conviction, shall be fined
20 not more than \$25.00.

21 CHAPTER 11.

22 Section 1101. Recognition of custom in imposing or suspending
23 sentence and in granting probation. In imposing or suspending the
24 execution of sentences, or in suspending the imposition of sentence and
25 granting probation, due recognition shall be given to the customs of the
26 inhabitants of the State of Truk.

27 Section 1102. Limitation of punishment for crimes in violation
28 of native customs. The penalty for any act which is made a crime solely
29 by generally respected native custom shall not exceed a fine of \$100.00
30 or three months imprisonment, or both.

31 Section 1103. Consideration of previous convictions.
32 Before imposing or suspending the execution of sentence upon a person
33 found guilty of a criminal offense, or in suspending the imposition of
34 sentence and granting probation, evidence of good or bad character, including

1 any prior criminal record of the defendant, may be received and con-
2 sidered by the court.

3 Section 1104. Imposition of fines; procedure upon nonpayment
4 of fines. Where an offense is made punishable by fine, the court
5 imposing the fine may give such directions as appear to be just with
6 respect to the payment of the fine. In default of payment of the fine,
7 or any part thereof, the court may order the defendant to be imprisoned
8 for such period of time as it may direct. These directions may be given
9 and orders for imprisonment made at any time, and may be modified if the
10 court seems justice so requires, until the fine is paid in full or the
11 imprisonment served which has been ordered in default of payment; provided,
12 that the accused shall be given an opportunity to be heard before any
13 direction or order is given, made, or modified, except when that is
14 done at the time sentence is imposed; and provided further, that no
15 defendant shall be imprisoned for a longer period of time than fixed
16 by law of such offense.

17 Section 1105. Orders requiring specified residence. A court
18 may, in lieu of or in addition to other lawful punishment, direct that
19 a person found by it to be guilty of a criminal offense shall establish
20 his place of residence within a specified area and maintain it there for
21 a period of time not exceeding the maximum period of imprisonment which
22 may be imposed for the offense.

23 Section 1106. Restitution, compensation or forfeiture. If
24 a defendant is convicted of wrongful or unlawful sale, purchase, use or
25 possession of any article, or of a willful wrong causing damage to
26 another, a court may, in lieu of or in addition to other lawful punishment,
27 order restitution or compensation to the owner or person damaged or the
28 forfeiture of the article to the State.

29 Section 1107. Closing of business. If a defendant is
30 convicted of an offense involving the sale of a harmful article or the
31 operation of an unlawful business, the court may, in lieu of or in
32 addition to other lawful punishment, order that the place of sale or
33 business be vacated or closed for a specified time.
34

1 Section 1108. Labor without imprisonment. In any case in which
2 a court is authorized to impose sentence or imprisonment the court may,
3 if it seems best, instead of imposing imprisonment sentence the accused
4 to perform hard labor in accordance with his physical ability of any
5 public project for a period not exceeding that for which imprisonment
6 might be imposed.

7 Section 1109. Designation of place of confinement. Any court
8 upon sentencing a person to imprisonment may designate in the commitment
9 order a place of confinement within the State.

10
11 Section 1110. Suspension of sentence. The court which imposes
12 a sentence upon a person convicted of a criminal offense may direct that
13 the execution of the whole or any part of a sentence of imprisonment
14 imposed by it shall be suspended on such terms as to good behavior and
15 on such conditions as the court may think proper to impose. A subsequent
16 conviction by a court for any offense shall have the effect of revoking
17 the suspension of the execution of the previous sentence unless the court
18 otherwise directs.

19 Section 1111. Suspension of imposition of sentence.

20 (1) Upon entering a judgment of conviction of any offense, the
21 court, when satisfied that the ends of justice and the best interests of
22 the public as well as the defendant will be served, may suspend the
23 imposition of sentence and may direct that the suspension continue for
24 a period of time, not exceeding the maximum term of sentence which may be
25 imposed upon the terms and conditions which the court determines, and
26 shall place the person on probation under the charge and supervision of
27 a probation officer or any other person designated by the court during
28 the suspension.

29 (2) Upon violation of any of the terms and conditions of
30 probation at any time during the probationary period, the court may
31 issue a warrant for the arrest of the person on probation and, after
32 giving the person an opportunity to be heard and to rebut any evidence
33 presented against him, may revoke and terminate the probation.

1 3) Upon the revocation of the probation, the court may then
2 impose any sentence which may have initially been imposed had the court
3 not suspended imposition of sentence in the first instance.

4 4) The court may at any time during the period of probation
5 modify its order of suspension of imposition of sentence. The court may
6 at any time, when the ends of justice and the best interests of the
7 public as well as the defendant will be served, and when the good
8 conduct and reform of the person held on probation warrants it, terminate
9 the period of probation and discharge the person held. If the court has
10 not revoked the order of probation and announced sentence, the defendant
11 shall, at the end of the term of probation, be discharged by the court.

12 5) Upon discharge of the defendant without imposition of
13 sentence the court shall vacate the judgment of conviction and the
14 defendant shall not be deemed to have been convicted of the crime for
15 any purpose.

16 Section 1112. Pardons and paroles. Any person convicted and
17 sentenced by any Truk State Court pursuant to State statute, or pursuant
18 to Trust Territory statute applicable in the State of Truk may be pardoned
19 or paroled by the Governor upon such terms and conditions as he deems
20 best."

21 Section 1113. Effective Date. This Act shall take effect upon
22 its approval by the Governor, or upon its becoming law without such approval.

23
24
25 Signed by Masachiro Christlib
26 Masachiro Christlib, Speaker
27 Truk State Legislature

28 Attested to: Datasi Albert
29 Datasi Albert, Chief Clerk
30 Truk State Legislature

31
32 5/2/89
33 Date

34 Approved by: _____
35 Gideon K. Doone, Governor
Truk State Government

Date: _____