



GOV. MSG. NO. 10-120

GOVERNMENT OF KOSRAE

Office of the Governor

Post Office Box 158

Kosrae, Federated States of Micronesia 96944

Telephone: 691-370-3002/3003..Facsimile: 691-370-3162

October 18, 2012

The Honorable Lyndon P. Abraham
Speaker
Tenth Kosrae State Legislature
Tofol, Kosrae FM 96944

Dear Mr. Speaker,

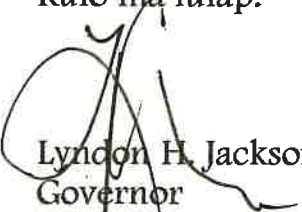
Pain kom a kulo nu sin God ke moul mwowo lasr nukewa.

Wangin pa pusra yok lasr nuke sripa yok lun L.B. No. 10-100, L.D. 1
Oing nga fulela lusen len 30 la in eis comments nuka, panang oru el
putatyang nuke pusren masap su orala Kosrae State Law No. 10-50.

“To amend the Kosrae State Code at Section 13.410 to increase the
penalty for receipt of stolen goods to the same level as the penalty as
embezzlement i.e. a category one misdemeanor; and for other
purposes.”

Certified copy ke masap se inge pa attached nu ke letter luk.

Kulo ma lulap.


Lyndon H. Jackson
Governor
State of Kosrae

/jpa





TENTH KOSRAE STATE LEGISLATURE

P. O. Box 187

Tofol, Kosrae State

Federated States of Micronesia 96944

Telephone: (691) 370-3019/3177 * Fax: 370-2177

Web Page: www.kosraelegislature.org

Lyndon P. Abraham
SPEAKER

September 17, 2012

Palikun M. Shrew
VICE SPEAKER

Robert I. Taulung
FLOOR LEADER

LELU:

Bob H. Skilling
Chang B. William
Gibson T. Siba

Lyndon P. Abraham
Tulensa W. Palik

The Honorable Lyndon H. Jackson
Governor
State of Kosrae
Kosrae, FM 96944

Dear Governor Jackson:

TAFUNSAK:
Alokoa Joab Sigrah
Espil Tulensru
Maker L. Palsis
Robert I. Taulung

I have the honor to transmit here with for your consideration and action **L. B. NO. 10-100, L.D. 1, TO AMEND THE KOSRAE STATE CODE AT SECTION 13.410 TO INCREASE THE PENALTY FOR RECEIPT OF STOLEN GOODS TO THE SAME LEVEL AS THE PENALTY AS EMBEZZLEMENT I.E. A CATEGORY ONE MISDEMEANOR; AND FOR OTHER PURPOSES.**, which passed the Legislature, Fourth Regular Session, by two-thirds of the members of the Legislature, a quorum being present.

MALEM:

Jarinson M. Charley
Jefferson M. Timothy
Palikun M. Shrew

Respectfully yours,

Tosie K. Elley
Chief Clerk
Tenth Kosrae State Legislature

UTWE:
Josaiah F. Waguk
Rinson H. Edmond

Enclosures

TENTH KOSRAE STATE LEGISLATURE
FOURTH SESSION
AUGUST 13, 2012 – SEPTEMBER 15, 2012

A BILL FOR AN ACT

TO AMEND THE KOSRAE STATE CODE AT SECTION 13.410 TO INCREASE THE PENALTY FOR RECEIPT OF STOLEN GOODS TO THE SAME LEVEL AS THE PENALTY AS EMBEZZLEMENT I.E. A CATEGORY ONE MISDEMEANOR; AND FOR OTHER PURPOSES.

INTRODUCED Senator Marinson M. Charley

DATE: August 20, 2012

ACTION BY THE LEGISLATURE

PASSED FIRST READING: September 11, 2012

REFERRING TO: J&GO Committee
SCR. No. 10-135 – A – 09/11/12

PASSED SECOND READING: September 12, 2012


Tosie K. Elley
Chief Clerk
KOSRAE STATE LEGISLATURE



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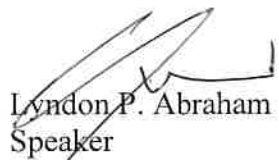
Jarinson M. Charley
Jefferson M. Timothy
Palikun M. Shrew

UTWE:

Josaiah F. Waguk
Rinson H. Edmond

LEGISLATIVE BILL NO. 10-100, L.D. 1

We hereby certify that the foregoing Bill has passed Second and Final Readings in the Legislature, Fourth Regular Session, 2012, by two-thirds of the members of the Tenth Kosrae State Legislature, a quorum being present.


Lyndon P. Abraham
Speaker

Tenth Kosrae State Legislature


Tosie K. Elley
Chief Clerk

Tenth Kosrae State Legislature

A BILL FOR AN ACT

To amend the Kosrae State Code at Section 13.410 to increase the penalty for receipt of stolen goods to the same level as the penalty as embezzlement i.e. a category one misdemeanor; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1 Section 1. Purpose. The Legislature finds that criminal acts such as embezzlement or
2 receiving stolen goods should be deterred by equal punishment regardless of whether the
3 offender stole the goods/property/funds or knowingly received stolen goods. Whereas
4 embezzlement is a category one misdemeanor, receiving stolen goods has been categorized as a
5 category two misdemeanor. This discrepancy between the two offenses in effect means a lower
6 maximum jail time and/or fine amounts for a person who receives stolen goods compared to that
7 of a person who commits embezzlement. The Legislature acknowledges the Court sentencing
8 discretion but is of the view that the moral culpability of a person who commits embezzlement
9 and that of a person knowingly receiving stolen goods should be placed on the same level. i.e.
10 by knowingly receiving stolen goods a person may have encouraged the commission of the
11 offense. In order to ensure stronger deterrence and show the seriousness by which the
12 Legislature views both embezzlement and receiving stolen goods, this Bill will increase the
13 penalty for the offense of receiving stolen goods from a category two misdemeanor to a category
14 one misdemeanor leading to greater deterrence. This will increase both the maximum jail time
15 and fine available to the Court when exercising its sentencing discretion and put the offense in
16 the same category of offending as embezzlement.

17

18

1 Section 2. Amendment. Section 13.410 is hereby amended as follows:

2 "Section 13.410. Receiving stolen goods. Receiving stolen goods is take into
3 possession property which the receiver knows to be stolen or embezzled, and converting the
4 property to his own use or taking an action inconsistent with the rights of the owner. If the value
5 of the property is fifty dollars or more, receiving stolen goods is a category one felony.

6 If the value of the property is less than fifty dollars, receiving stolen goods is a category
7 one misdemeanor.

8 Section 3. Effective Date. This act takes effect upon the approval of the Governor or
9 upon its becoming law without such approval.

10 PASSED BY THE TENTH KOSRAE STATE LEGISLATURE ON THE 12TH DAY OF
11 SEPTEMBER, 2012

12
13
14 Lyndon P. Abraham
15 Speaker, Tenth Kosrae State Legislature

16
17 Attested by: [Signature]
18 Chief Clerk

19
20 Lyndon H. Jackson
Governor, State of Kosrae

Date: _____

