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
Oinge 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
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September 2012

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

Dear Governor Jackson:

I have the honor to transmit herewith 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.

Respectfully yours,

[Signature]
Tosie K. Elley
Chief Clerk
Tenth Kosrae State Legislature

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

TENTH KOSRAE STATE LEGISLATURE
FOURTH SESSION

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

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
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. Etley
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

Section 1. Purpose. The Legislature finds that criminal acts such as embezzlement or receiving stolen goods should be deterred by equal punishment regardless of whether the offender stole the goods/property/funds or knowingly received stolen goods. Whereas embezzlement is a category one misdemeanor, receiving stolen goods has been categorized as a category two misdemeanor. This discrepancy between the two offenses in effect means a lower maximum jail time and/or fine amounts for a person who receives stolen goods compared to that of a person who commits embezzlement. The Legislature acknowledges the Court sentencing discretion but is of the view that the moral culpability of a person who commits embezzlement and that of a person knowingly receiving stolen goods should be placed on the same level. i.e. by knowingly receiving stolen goods a person may have encouraged the commission of the offense. In order to ensure stronger deterrence and show the seriousness by which the Legislature views both embezzlement and receiving stolen goods, this Bill will increase the penalty for the offense of receiving stolen goods from a category two misdemeanor to a category one misdemeanor leading to greater deterrence. This will increase both the maximum jail time and fine available to the Court when exercising its sentencing discretion and put the offense in the same category of offending as embezzlement.
Section 2. Amendment. Section 13.410 is hereby amended as follows:

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

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

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

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

Lyndon P. Abraham
Speaker, Tenth Kosrae State Legislature

Attested by:
Chief Clerk

Lyndon H. Jackson
Governor, State of Kosrae