

AN ACT

To amend Public Law No. 3-38, the Postal Crimes Act, codified as sections 201 through 204 and 207 through 234 of title 39 of the Code of the Federated States of Micronesia, by amending sections 206 and 222, codified as sections 212 and 228 of title 39 of the Code of the Federated States of Micronesia; by adding new sections 235 through 245 of title 39 of the Code of the Federated States of Micronesia; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Section 212 of title 39 of the Code of the Federated
2 States of Micronesia is hereby amended to read as follows:

3 "Section 212. Prompt delivery of mail.

4 (1) Whoever, having charge or control of delivering
5 mail from an arriving vessel to the Postmaster or Post
6 Office, fails to so deliver that mail, including all
7 letters and packages within his power or control addressed
8 to or destined for the Postmaster or Post Office, within
9 three hours after it is available for such delivery, shall
10 be fined not more than \$200.

11 (2) Whoever, having charge or control of delivering
12 mail from an arriving aircraft to the Postmaster or Post
13 Office, fails to so deliver that mail, including all
14 letters and packages within his power or control addressed
15 to or destined for the Postmaster or Post Office, within
16 one hour after it is available for such delivery, shall
17 be fined not more than \$200.

18 (3) Whoever, having charge or control of delivering
19 mail from an arriving vessel or aircraft to the Post-
20 master or Post Office, or from the Postmaster or Post
21 Office to a vessel or aircraft, engages in an
22 unnecessary detour from the delivery route, shall be



1 fined not more than \$200."

2 Section 2. Section 228 of title 39 of the Code of the Federated
3 States of Micronesia is hereby amended to read as follows:

4 "Section 228. Injurious articles as nonmailable.

5 (1) All kinds of poison, and all articles and
6 compositions containing poison, and controlled substances
7 as defined in subsection (3) of section 1112 of title 11
8 of this Code, and all poisonous animals, insects, reptiles,
9 and all explosives, inflammable materials, and mechanical,
10 chemical, or other devices or compositions which may
11 ignite or explode, and all disease germs or scabs, and all
12 other natural or artificial articles, compositions, or
13 material which may kill or injure another, or injure the
14 mails or other property, are nonmailable matter and shall
15 not be conveyed in the mails or delivered from any post
16 office or station thereof, nor by any officer or employee
17 of the Postal Service.

18 (2) The Postal Service may permit the transmission
19 in the mails, under such rules and regulations as it shall
20 prescribe as to preparation and packing, of any such
21 articles which are not outwardly or of their own force
22 dangerous or injurious to life, health, or property.

23 (3) The transmission in the mails of poisonous
24 drugs and medicines and controlled substances may be
25 limited by the Postal Service to shipments of such

1 articles from the manufacturer thereof or dealer therein
2 to licensed physicians, surgeons, dentists, pharmacists,
3 and veterinarians under such rules and regulations as it
4 shall prescribe.

5 (4) All spirituous, vinous, malted, fermented, or
6 other intoxicating liquors of any kind are nonmailable and
7 shall not be deposited in or carried through the mails.

8 (5) All knives having a blade which opens auto-
9 matically (a) by hand pressure applied to a button or
10 other device in the handle of the knife, or (b) by
11 operation of inertia, gravity, or both, are nonmailable
12 and shall not be deposited in or carried by the mails or
13 delivered by any officer or employee of the Postal Service.

14 (6) Whoever knowingly deposits for mailing or
15 delivery, or knowingly causes to be delivered by mail,
16 according to the direction thereon, or at any place at
17 which it is directed to be delivered by the person to
18 whom it is addressed, anything declared nonmailable by
19 this section, unless in accordance with the rules
20 and regulations authorized to be prescribed by the
21 Postmaster General, shall be fined not more than \$1,000, or
22 imprisoned not more than one year, or both.

23 (7) Whoever knowingly deposits for mailing or
24 delivery, or knowingly causes to be delivered by mail,
25 according to the direction thereon, or at any place to

1 which it is directed to be delivered by the person to
2 whom it is addressed, anything declared nonmailable by
3 this section, whether or not transmitted in accordance
4 with the rules and regulations authorized to be
5 prescribed by the Postmaster General, with intent to kill
6 or injure another, or injure the mails or other property,
7 shall be fined not more than \$10,000, or imprisoned not
8 more than twenty years, or both.

9 (8) Whoever is convicted of any crime prohibited by
10 this section, which has resulted in the death of any
11 person, shall be subject also to imprisonment for life,
12 if the Court in its discretion so directs."

13 Section 3. Title 39 of the Code of the Federated States of
14 Micronesia is hereby amended by adding a new section 235 to read as
15 follows:

16 "Section 235. Mailing threatening communications.

17 (1) Whoever knowingly deposits in any post office
18 or authorized depository for mail matter, to be sent or
19 delivered by the Postal Service or knowingly causes to be
20 delivered by the Postal Service according to the
21 direction thereon, any communication, with or without a
22 name or designating mark subscribed thereto, addressed to
23 any other person, and containing any demand or request
24 for ransom or reward for the release of any kidnapped
25 person, shall be fined not more than \$5,000 or

1 imprisoned not more than 10 years, or both.

2 (2) Whoever, with intent to extort from any
3 person any money or other thing of value, so deposits,
4 or causes to be delivered, as aforesaid, any communi-
5 cation containing any threat to kidnap any person or any
6 threat to injure the person of the addressee or of another,
7 shall be fined not more than \$5,000 or imprisoned not more
8 than 10 years, or both.

9 (3) Whoever knowingly so deposits or causes to be
10 delivered as aforesaid, any communication with or without
11 a name or designating mark subscribed thereto, addressed
12 to any other person and containing any threat to kidnap
13 any person or any threat to injure the person of the
14 addressee or of another, shall be fined not more than
15 \$1,000 or imprisoned not more than 3 years, or both.

16 (4) Whoever, with intent to extort from any person
17 any money or other thing of value, knowingly so deposits
18 or causes to be delivered, as aforesaid, any communication,
19 with or without a name or designating mark subscribed
20 thereto, addressed to any other person and containing any
21 threat to injure the property or reputation of the
22 addressee or of another, or the reputation of a deceased
23 person, or any threat to accuse the addressee or any other
24 person of a crime, shall be fined not more than \$500 or
25 imprisoned not more than 2 years, or both."

1 Section 4. Title 39 of the Code of the Federated States of
2 Micronesia is hereby amended by adding a new section 236 to read
3 as follows:

4 "Section 236. Libelous matter on wrappers or envelopes.

5 (1) All matter otherwise mailable by law, upon the
6 envelope or outside cover or wrapper of which, or any
7 postal card upon which is written or printed or otherwise
8 impressed or apparent any delineation, epithet, term, or
9 language of libelous, scurrilous, defamatory, or threat-
10 ening character, or calculated by the terms or manner or
11 style of display and obviously intended to reflect
12 injuriously upon the character or conduct of another,
13 is nonmailable matter, and shall not be conveyed in
14 the mails nor delivered from any post office nor by
15 any letter carrier, and shall be withdrawn from the mails
16 under such regulations as the Postal Service shall
17 prescribe.

18 (2) Whoever knowingly deposits for mailing or
19 delivery, anything declared by this section to be
20 nonmailable matter, or knowingly takes the same from
21 the mails for the purpose of circulating or disposing of
22 or aiding in the circulation or disposition of the same,
23 shall be fined not more than \$1,000 or imprisoned not more
24 than 1 year, or both."

25 Section 5. Title 39 of the Code of the Federated States of

1 Micronesia is hereby amended by adding a new section 237 to read as
2 follows:

3 "Section 237. Mailing indecent matter on wrappers or
4 envelopes.

5 (1) All matter otherwise mailable by law, upon the
6 envelope or outside cover or wrapper of which, and all
7 postal cards upon which, any delineations, epithets,
8 terms, or language of an indecent, lewd, lascivious, or
9 obscene character are written or printed or otherwise
10 impressed or apparent, are nonmailable matter, and shall
11 not be conveyed in the mails nor delivered from any post
12 office nor by any letter carrier, and shall be withdrawn
13 from the mails under such regulations as the Postal
14 Service shall prescribe.

15 (2) Whoever knowingly deposits for mailing or
16 delivery, anything declared by this section to be non-
17 mailable matter, or knowingly takes the same from the
18 mails for the purpose of circulating or disposing of or
19 aiding in the circulating or disposition of the same, shall
20 be fined not more than \$5,000 or imprisoned not more than
21 3 years, or both."

22 Section 6. Title 39 of the Code of the Federated States of
23 Micronesia is hereby amended by adding a new section 238 to read as
24 follows:

25 "Section 238. Frauds and swindles. Whoever, having

1 devised or intending to devise any scheme or artifice to
2 defraud, or for obtaining money or property by means of
3 false or fraudulent pretenses, representations, or
4 promises, or to sell, dispose of, loan, exchange, alter,
5 give away, distribute, supply, or furnish or procure for
6 unlawful use any counterfeit or spurious coin, obligation,
7 security, or other article, or anything represented to be
8 or intimated or held out to be such counterfeit or
9 spurious article, for the purpose of executing such scheme
10 or artifice or attempting so to do, places in any post
11 office or authorized depository for mail matter, any matter
12 or thing whatever to be sent or delivered by the Postal
13 Service, or takes or receives therefrom, any such matter
14 or thing, or knowingly causes to be delivered by mail
15 according to the direction thereon, or at the place at
16 which it is directed to be delivered by the person to
17 whom it is addressed, any such matter or thing, shall be
18 fined not more than \$1,000 or imprisoned not more than
19 5 years, or both."

20 Section 7. Title 39 of the Code of the Federated States of
21 Micronesia is hereby amended by adding a new section 239 to read as
22 follows:

23 "Section 239. Fictitious name or address. Whoever, for
24 the purpose of conducting, promoting, or carrying on by
25 means of the Postal Service, any scheme or device

1 mentioned in section 238 of this title or any other
2 unlawful business, uses or assumes, or requests to be
3 addressed by, any fictitious, false, or assumed title, name,
4 or address or name other than his own proper name, or takes
5 or receives from any post office or authorized depository
6 of mail matter, any letter, postal card, package, or other
7 mail matter addressed to any such fictitious, false, or
8 assumed title, name, or address, or name other than his own
9 proper name, shall be fined not more than \$1,000 or
10 imprisoned not more than 5 years, or both."

11 Section 8. Title 39 of the Code of the Federated States of
12 Micronesia is hereby amended by adding a new section 240 to read as
13 follows:

14 "Section 240. False claims for postal losses.

15 (1) Whoever makes, alleges, or presents any claim or
16 application for indemnity for the loss of any registered
17 or insured letter, parcel, package, or other article or
18 matter, or the contents thereof, knowing such claim or
19 application to be false, fictitious, or fraudulent; or

20 (2) Whoever for the purpose of obtaining or aiding
21 to obtain the payment or approval of any such claim or
22 application, makes or uses any false statement, certifi-
23 cate, affidavit, or deposition; or

24 (3) Whoever knowingly and willfully misrepresents, or
25 misstates, or, for the purpose aforesaid, knowingly and

1 willfully conceals any material fact or circumstance in
2 respect of any such claim or application for idemnity
3 shall be fined not more than \$500 or imprisoned not more
4 than 1 year, or both; PROVIDED, however, that if the amount
5 of such claim or application for indemnity is less
6 than \$100 only a fine shall be imposed."

7 Section 9. Title 39 of the Code of the Federated States of
8 Micronesia is hereby amended by adding a new section 241 to read as
9 follows:

10 "Section 241. Money orders.

11 (1) Whoever, with intent to defraud, falsely makes,
12 forges, counterfeits, engraves, or prints any order in
13 imitation of or purporting to be a blank money order or
14 a money order issued by or under the direction of the
15 Postal Service; or

16 (2) Whoever forges or counterfeits the signature or
17 initials of any person authorized to issue money orders
18 upon or to any money order, postal note, or blank therefor
19 provided or issued by or under the direction of the Postal
20 Service, or post office department or corporation of any
21 foreign country, and payable in the Federated States of
22 Micronesia, or any material signature or indorsement
23 thereon, or any material signature to any receipt or
24 certificate of identification thereof; or

25 (3) Whoever falsely alters, in any material respect,

1 any such money order or postal note; or

2 (4) Whoever, with intent to defraud, passes, utters or
3 publishes or attempts to pass, utter or publish any such
4 forged or altered money order or postal note, knowing
5 any material initials, signature, stamp impression or
6 indorsement thereon to be false, forged, or counterfeited,
7 or any material alteration therein to have been falsely
8 made; or

9 (5) Whoever issues any money order or postal note
10 without having previously received or paid the full amount
11 of money payable therefor, with the purpose of fraudulently
12 obtaining or receiving, or fraudulently enabling any
13 other person, either directly or indirectly, to obtain or
14 receive from the Federated States of Micronesia or Postal
15 Service, or any officer, employee, or agent thereof, any
16 sum of money whatever; or

17 (6) Whoever embezzles, steals, or knowingly converts
18 to his own use or to the use of another, or without
19 authority converts or disposes of any blank money order
20 form provided by or under the authority of the Postal
21 Service; or

22 (7) Whoever receives or possesses any such money order
23 form with the intent to convert it to his own use or gain or
24 use or gain of another knowing it to have been embezzled,
25 stolen or converted; or

1 (8) Whoever, with intent to defraud the Federated
2 States of Micronesia, the Postal Service, or any person,
3 transmits, presents, or causes to be transmitted or
4 presented, any money order or postal note knowing the
5 same:

6 (a) To contain any forged or counterfeited
7 signature, initials, or any stamped impression, or

8 (b) To contain any material alteration
9 therein unlawfully made, or

10 (c) To have been unlawfully issued without
11 previous payment of the amount required to be paid
12 upon such issue, or

13 (d) To have been stamped without lawful
14 authority; or

15 (9) Whoever steals, or with intent to defraud or
16 without being lawfully authorized by the Postal Service,
17 receives, possesses, disposes of or attempts to dispose
18 of any postal money order machine or any stamp, tool,
19 or instrument specifically designed to be used in preparing
20 or filling out the blanks on postal money order forms
21 shall be fined not more than \$5,000 or imprisoned not more
22 than 5 years, or both."

23 Section 10. Title 39 of the Code of the Federated States of
24 Micronesia is hereby amended by adding a new section 242 to read as
25 follows:

1 "Section 242. Robbery of mail, money or other property of
2 the Postal Service. Whoever assaults any person having
3 lawful charge, control, or custody of any mail matter
4 or of any money or other property of the Postal Service,
5 with intent to rob, steal, or purloin such mail matter,
6 money, or other property of the Postal Service, or robs
7 any such person of mail matter, or of any money, or other
8 property of the Postal Service, shall, for the first
9 offense, be imprisoned not more than 10 years; and if
10 in effecting or attempting to effect such robbery
11 he wounds the person having custody of such mail, money,
12 or other property of the Postal Service, or puts his life
13 in jeopardy by the use of a dangerous weapon, or for a
14 subsequent offense, shall be imprisoned not more than 20
15 years."

16 Section 11. Title 39 of the Code of the Federated States of
17 Micronesia is hereby amended by adding a new section 243 to read as
18 follows:

19 "Section 243. Burglary of post office. Whoever forcibly
20 breaks into or attempts to break into any post office, or
21 any building used in whole or in part as a post office, with
22 intent to commit in such post office, or building or part
23 thereof, so used, any larceny or other depredation, shall
24 be fined not more than \$1,000 or imprisoned not more than
25 5 years, or both."

Public Law No. 5 - 66
CONGRESSIONAL BILL NO. 5-312, C.D.1

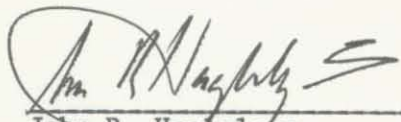
1 Section 12. Title 39 of the Code of the Federated States of
2 Micronesia is hereby amended by adding a new section 244 to read
3 as follows:

4 "Section 244. Confiscation of nonmailable items. The
5 Postmaster General or his designee may confiscate any
6 item declared nonmailable by this act which is placed in
7 the mail. Items so confiscated shall be turned over to
8 the Attorney General of the Federated States of Micronesia
9 for proper disposition. Nonmailable items may be
10 confiscated regardless of whether or not the person
11 sending or receiving such items is prosecuted for a
12 violation of this act."

13 Section 13. This act shall become law upon approval by the
14 President of the Federated States of Micronesia or upon its becoming
15 law without such approval.

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September 7, 1988



John R. Hagielgam
President
Federated States of Micronesia

