

AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 9-42, 5-40, 5-24 and 10-30, by amending section 1141 and 1147 for the purpose of strengthening the laws pertaining to trafficking in controlled substances, and for other purposes.

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

Section 1. Section 1141 of title 11 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 1141. Trafficking.

(1) Except as authorized by this chapter, it shall be unlawful for any person knowingly or intentionally:

(a) to import, export, manufacture, deliver, or possess with intent to manufacture, deliver, or dispense, a controlled substance; or

(b) to create, distribute, or possess with intent to deliver, a counterfeit controlled substance.

(2) Any person who violates subsection (1) of this section with respect to:

(a) a large amount of an especially dangerous controlled substance, as defined in subsection 2(a)(i)a) through 2(a)(i)d) of this section, shall be sentenced to a term of imprisonment for not more than 15 years, a fine of not more than \$15,000, or both;

(i) for the purposes of subsection (2)(a) of this section, 'a large amount of an especially dangerous controlled substance' is:

a) 100 grams or more of a substance containing a detectable amount of heroin;

b) 500 grams or more of a substance containing a detectable amount of cocaine, its salts, its isomers, or salts of its isomers;

c) 10 grams or more of a substance containing a detectable amount of lysergic acid diethylamide (LSD); or

d) 10 grams or more of crystal methamphetamine;

(b) any other substance classified in schedules I or II which is a narcotic drug or crystal methamphetamine shall be sentenced to a term of imprisonment for not more than ten years, a fine of not more than \$10,000, or both;

(c) any controlled substance classified in schedules I, II or III which falls outside the parameters of subsections 2(a) and 2(b) of this section, shall be sentenced to a term of imprisonment of not more than five years, a fine of not more than \$5,000, or both;

(d) a substance classified in schedule IV shall be sentenced to a term of imprisonment for not more than two years, a fine of not more than \$1,000, or both;

(e) a substance classified in schedule V shall be sentenced to a term of imprisonment for not more than one year, a fine of not more than \$1,000, or both.

(3) Notwithstanding subsection (2)(c) of this section, any person who violates subsection (1)(a) of this section by distributing not more than one

ounce of marihuana for no remuneration shall be treated as provided in subsection (3)(a) of section 1142 of this chapter."

Section 2. Section 1147 of title 11 of the Code of the Federated States of Micronesia is hereby amended to read as follows:

"Section 1147. Distribution to persons under eighteen.

Any person who is at least eighteen years of age who violates subsection (1)(a) of section 1141 of this chapter by distributing a substance listed in schedules I or II which is a narcotic drug or crystal methamphetamine to a person under eighteen years of age who is at least three years his junior is punishable by a term of imprisonment of up to twice that authorized by subsection (2)(a) of section 1141 of this chapter, by the fine authorized by subsection (2)(a) of section 1141 of this chapter, or both. Any person who is at least eighteen years of age who violates subsection (1)(a) of section 1141 of this chapter by distributing any other controlled substance listed in schedules I, II, III, and IV to a person under eighteen years of age who is at least three years his junior is punishable by a term of imprisonment up to twice that authorized in subsections (2)(c) or (d) of section 1141 of this chapter, by the fine authorized by subsection (2)(c) or (d) of section 1141 of this chapter, or both."

Section 3. This act shall become law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval.

December 12, 1997

/s/ Jacob Nena
Jacob Nena
President
Federated States of Micronesia