

CHAPTER 12

Joint Administration of Law Enforcement

SECTIONS

- § 1201. Definitions.**
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§ 1201. Definitions.

(1) “Law enforcement function” means any duty, responsibility, authority, or discretion in connection with enforcement of the criminal laws of the Federated States of Micronesia which, under the Constitution of the Federated States of Micronesia and National laws, is vested in the executive branch of the National Government.

(2) “National offense” means an offense defined by the National criminal laws of the Federated States of Micronesia or contained in other applicable National laws.

Source: PL 1-126 § 1; PL 12-39 § 1.

Editor’s note: Subsections rearranged in alphabetical order in the 1982 edition of this code. The reference to “a major crime” in subsection 2 was removed by PL 12-39 § 1.

Cross-reference: The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code. The statutory provisions the President and the Executive are found in title 2 of this code.

Case annotations: The Weapons Control Act seems well-attuned to the recognition of shared National-State interest in maintaining an orderly society and the goal of cooperation in law enforcement as reflected in the major crimes clause, art. IX, § 2(p) of the Constitution as well as the Joint Law Enforcement Act. 12 F.S.M.C. 1201. *Joker v. FSM*, 2 FSM R. 38, 44 (App. 1985).

§ 1202. Joint administration of law enforcement functions.

The President of the Federated States of Micronesia may authorize appropriate State government officials to act on behalf of the National Government in performing the following law enforcement functions:

- (1) detection and prevention of National offenses;

- (2) arrest and detention of persons having committed or being charged with a National offense;
- (3) investigation and prosecution of criminal cases involving the commission of a National offense;
- (4) providing legal defense and assistance to persons being prosecuted for a National offense;
- (5) incarceration of persons convicted of a National offense and under a sentence of imprisonment;
- (6) granting of parole to persons convicted of a National offense and eligible under applicable laws for parole from a sentence of imprisonment;
- (7) probation and parole supervision over persons serving a penal sentence following conviction of a National offense; and
- (8) extradition and transfer of prisoners.

Source: PL 1-126 § 2; amended by PL 5-23 § 1.

Cross-reference: The statutory provisions on the Judiciary and the FSM Supreme Court are found in title 4 (Judicial) of this code. The statutory provisions the Executive and the President are found in title 2 (Executive) of this code.

§ 1203. Joint administration agreements.

Joint administration of law enforcement functions pursuant to section 1202 of this chapter shall be undertaken only as provided for in a formal written agreement between the President and the State government with which joint administration of law enforcement functions is to be established. An agreement for joint administration of the law enforcement functions specified in section 1202 of this chapter shall clearly define policies and procedures under which State government officials may act on behalf of the National Government. Each agreement for joint administration of law enforcement functions between the National Government and a State government shall be signed by the President and shall expressly reserve to the President final legal and administrative authority for the proper and lawful performance of National law enforcement functions.

Source: PL 1-126 § 3.

Cross-reference: The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code. The statutory provisions the President and the Executive are found in title 2 of this code.

§ 1204. Regulations.

The Secretary of Justice, after consultation with each State's Attorney General, shall issue written regulations implementing the provisions of this chapter and the joint law enforcement agreements referred to in section 1203 of this chapter. Such regulations shall be issued pursuant to the provisions of subsection 102(1) of title 17 of this code.

Source: PL 12-39 § 2.

Cross-reference: The statutory provisions on the FSM Supreme Court and the Judiciary are found in title 4 of this code. The statutory provisions the President and the Executive are found in title 2 of this code. Chapter 1 of title 17 of this code is on Administrative Procedures.

Editor's note: Section 3 of PL 12-39 states: “The regulations required under section 2 of this act shall be issued within 120 days of this act becoming law.”