

AN ACT

Raising the age of consent from 16 to 18 by amending 61 PC 5-142; amending 51 PC 2-104 and adding a new 51 PC 2-106 relative thereto; and for other purposes.

BE IT ENACTED BY THE POHNPEI LEGISLATURE:

1 Section 1. Section 5-142 of Title 61 of the Pohnpei Code is
2 amended to read as follows:

3 “§5-142. Sexual abuse.

4 (1) Every person who intentionally has sexual
5 contact or sexual penetration with another person who is less
6 than 18 years of age or causes such a person to have sexual
7 contact or sexual penetration with him shall be guilty of
8 sexual abuse and upon conviction thereof shall be imprisoned
9 for a period of not more than five years or fined not more than
10 \$5,000, or both such fine and imprisonment.

11 (2) It is an affirmative defense that the defendant
12 reasonably believed the child to be 18 years of age or older.

13 (3) “Sexual contact” means any touching of the
14 sexual or other intimate parts of a person, done with the intent
15 of gratifying the sexual desire of either party. “Sexual
16 penetration” means sexual intercourse, cunnilingus, fellatio or
17 anal intercourse, or the causing of penetration to any extent
18 and with any object of the genital or anal openings of another
19 person whether or not there is any emission.”

20 Section 2. Section 2-104 of Title 51 of the Pohnpei Code is
21 amended to read as follows:

22 “§2-104. Records; certificate; register. It shall be the
23 duty of every person authorized to perform marriages to make
24 and preserve a record of every marriage performed by him,
25 regardless of the citizenship of the parties, showing the names

1 of the persons married, their places of residence, their dates of
2 birth, and the date of marriage, and to deliver to the bride
3 immediately after the ceremony a certificate of the record of
4 such marriage, signed by him, two witnesses, if there were as
5 many as two, and the persons married. He shall send a copy
6 of the marriage certificate, not later than ten days after the
7 granting of the same, to the Clerk of the Pohnpei Supreme
8 Court to be recorded in the marriage register. Forms issued
9 by the Governor for such marriage certificates shall be used
10 when available, but lack of such forms shall not excuse failure
11 to provide the bride with the certificate and the Clerk with the
12 copy required above in substantially the same form and
13 containing the same information as in the forms issued by the
14 Governor.”

15 Section 3. Chapter 2 of Title 51 of the Pohnpei Code is
16 amended to add a new Section 2-106 to read as follows:

17 “§2-106. Minimum age to enter into a valid marriage.
18 No person may enter into a legal state of marriage in the state
19 of Pohnpei who is under eighteen years of age. Any such
20 purported marriage involving either party who is under the
21 age of eighteen years, whether by civil ceremony, religious
22 ceremony, traditional customs or any other means, is invalid.”

23 Section 4. This act shall take effect upon its approval by the
24 Governor, or upon its becoming law without such approval;
25 PROVIDED that the amendments to the Pohnpei Code set forth in this

1 act shall take effect on July 1, 2019, PROVIDED FURTHER that prior
2 to said date, the Division of Social Services within the Department of
3 Health Services shall cause a public information program to be carried
4 out in order to inform the general public of the contents and
5 requirements of the amendments to the Code set forth in this act;
6 PROVIDED FURTHER that the amendments to the Code set forth in
7 this act shall not affect the legality of sexual contacts or marriages
8 consummated prior to the effective date of the amendments to the
9 Code as set forth in this act, the legality of which shall be governed by
10 the provisions of the Pohnpei Code in effect immediately before the
11 amendments added to the Code by this act.

12

13 PASSED BY THE POHNPEI LEGISLATURE ON THE 18TH DAY
14 OF FEBRUARY, 2019.

15

16 
Speaker, Pohnpei Legislature

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19 Attest: 
Legislative Clerk

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21 Pursuant to Article 8(13)5 of
22 Pohnpei Constitution.

23 Approved: _____
Governor, Pohnpei

3/20/19
Date

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