



SOKEHS MUNICIPAL COUNCIL

SOKEHS MUNICIPALITY

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CB No. 10-45

SC 10-10-21

A BILL FOR AN ACT

To repeal SC3-29-94, SC4-37-97 and SC7-50-11, entirely and define certain Crimes and prescribe penalties thereof andr other purposes.

BE IT ORDAINED BY THE SOKEHS MUNICIPAL COUNCIL:

1 CHAPTER 1. GENERAL PROVISIONS

2 Section 1-1. Short Title. This act shall be known and may be
3 cited as the "*SOKEHS MUNICIPAL CRIME ACT OF 2021*".

4 Section 1-2. Municipal. Whenever this act refers to this
5 Municipal it shall mean the Sokehs Municipality. In order for a
6 crime to be committed in this municipality some elements of the
7 crime must have now taken place within the borders of the
8 municipality.

9 Section 1-3. Insanity as Defense. No person judged by
10 competent medical authorities to be insane can be convicted of
11 any crime because of the presumption that such person cannot
12 have criminal intent.

13 Section 1-4. Intoxication. An act committed while in a
14 State of voluntary intoxication, is no less criminal by reason
15 thereof, and intoxication does not in its self, constitute a physical
16 or mental decease, disorder or defect. When recklessness
17 establishes an element of the offense and the defendant, due to

1 voluntary intoxication, was unaware of the risk that he would have
2 been aware of had been sober, such unawareness is immaterial.
3 Intoxication means a disturbance of mental or physical capabilities
4 resulting from the introduction of any substance in to a person's
5 body.

6 Section 1-5. **Presumptions as to Responsibility of Children**
7 **Under the Age of Ten (10) are Conclusively Presumed to Be**
8 **Incapable of Committing any Crime.** Children between the ages
9 often and fourteen are presumed to be incapable of committing
10 any crime in which case the presumption is rebuttable. Provisions
11 of this Section, however, shall not prevent proceedings against
12 and the disciplining of any person under eighteen years of age as
13 a delinquent child.

14 Section 1-6. **Liability of Parents.** Any act committed by a
15 minor which would constitute an offense under this provision
16 except for the age of said minor shall be the responsibility of the
17 custodial adult or parent of said minor. Pursuant to said
18 liability, the Municipal Court may order that the parent make an
19 restitution or pay any fine as may be otherwise authorized by this
20 Act, but for the age of the juvenile.

21 Section 1-7. **Limitation of Prosecution.** No person shall be

1 prosecuted, trial or punished for any crime, unless the prosecution
2 is commenced within three years after such crime shall have
3 been committed. Provided, However, that nothing in this Section
4 shall bar any prosecution against any person who shall flee from
5 justice, or absent himself from Sokehs or Pohnpei, or so secrete
6 himself that he cannot be found by the officers of the law, so
7 that process cannot be served upon him.

8 Section 1-8. **Discretion as to Arrest or Prosecution of**
9 **Crimes for which there is a Satisfactory Customary Settlement.**

10 Prior to any arrest or subsequent prosecution of an offender under
11 the crimes of this municipality, the pertinent officers of the Police
12 Department may first ascertain whether there the victim or victims
13 of the offensive action are satisfied therewith. If such findings are
14 made, the Department may in its discretion, close the case and
15 abstain from any further action relative thereto.

16 Section 1-9. **Principal Defined.** Every person is punishable
17 as a principal who commits an offense against this municipal, or
18 aids, abets, counsels, commands, induces or procures its
19 commission or who causes an act to be done, which if directly
20 performed by him would be an offense against this municipal.

1 No distinction is made between principals in the first and
2 second degrees, and no distinction is made between an principal
3 and what has thereof been called an accessory before the fact.

4 Section 1-10. **Accessories.** Every person who knowing
5 that an offense against this municipal has been committed,
6 receives, comforts, or assists the offender in order to binder
7 to prevent his apprehension, trial, or punishment, is an accessory
8 after the fact. An accessory after the fact shall be imprisoned not
9 more than half the maximum term of imprisonment or fine not
10 more than half the maximum fine prescribed or punishment of the
11 principal, or both.

12 **CHAPTER 11. OFFENSES RELATED TO THE PLANNING**
13 **ATTEMPT AND COMMISSION OF OTHER CRIMES AND THE DUTY**
14 **TO REPORT WOUNDS OR DEATH.**

15 Section 2-1. **Conspiracy.** If two or more persons conspire
16 either to commit any crime against this municipal and one or
17 more of such parties do any act to effect the object of the
18 conspiracy, each of the parties to such conspiracy shall be guilty
19 of conspiracy.

20 Section 2-2. **Attempts.** Every person shall unlawfully
21 attempt to commit any of the crimes s prescribed by the laws

1 of this municipal which attempt shall fall short of commission
2 of the crime itself, shall be guilty of attempt to commit the
3 said crime, a person so convicted shall be punished by
4 imprisonment for a term not exceeding half of the maximum
5 term of imprisonment of the offense attempt, or by fine in amount
6 not exceeding half of the fine which may lawfully be imposed
7 upon conviction for commission of the offense attempted, or by
8 both such fine and imprisonment.

9 Section 2-3. **Compounding a Crime.** Every person, having
10 knowledge that the crime has been, is being, or is about to be
11 committed, shall unlawfully, knowingly and willfully agree for a
12 reward not to report the crime to the appropriate authority
13 shall be guilty of compounding a crime. This Section shall not be
14 construed to prevent any person from offering or accepting in
15 good faith a customary settlement in relation to his offense or
16 that any other person.

17 Section 2-4. **Duty to Report Wounds or Death.** Every person
18 who gains knowledge of a death injury resulting from a knife
19 wound, bullet wound, powder burn, or sustained in a suspicious
20 or unusual manner or under conditions suggestion poisoning or

1 violence, shall make a report thereof immediately, and in any case
2 within five days of obtaining such knowledge, to any law
3 enforcement official, said report shall:

- 4 1. The name and the location of the injured or
5 deceased person;
- 6 2. The date of injury or death, or date of gaining
7 knowledge thereof informant, if date of injury or death is unknown.
- 8 3. The cause and manner of injury or death; and
- 9 4. The name of the person causing injury or death,
10 if known.

11 Section 2-5. No person making a report in compliance with
12 this section shall be deemed to have violated the confidential
13 relationship existing between doctor patient.

14 Section 2-6. Copies of such report shall be furnished without
15 charge to the Pohnpei Public Defender at his request.

16 Section 2-7. Any person violating subsection (1) of this
17 section shall be guilty of failure to report a wound or death.

18 **CHAPTER III. INTERFERENCE WITH SERVICE PROCESS**

19 Section 3-1. Every person who knowingly and willfully,
20 obstructs, resists, or opposes any policeman or other person duly
21 authorized, in serving or executing or attempting to serve of

1 execute any process issued by a court or official authorized to
2 issue the same, shall be guilty of interference with service of
3 process.

4 Section 3-2. Every person who shall unlawfully, knowingly
5 and willfully interfere directly with the operation and function
6 of the Municipal Court or the Municipal Council; by open defiance
7 of an order, in or near the courtroom or Municipal Council's
8 Chamber or meeting room, or when witness, by refusing to
9 answer lawful questions; or shall resist or refuse, or fail to comply
10 with a lawful order of the Court in the pursuit of their official
11 duties, shall be guilty of criminal contempt.

12 Section 3-3. Obstruction Justice. Every person who shall
13 unlawfully resist or interfere with any law enforcement officer
14 in the lawful pursuit of his duties, or shall unlawfully tamper with
15 witnesses or attempt to prevent their attendance at trials, shall
16 be guilty of obstruction justice.

17 Section 3-4. False Arrest. Every person who shall unlawfully
18 detain another person by force and against his will, then and there
19 not being in possession of authority to do so, shall be guilty of
20 false arrest.

1 Section 3-5. **Libel**. Every person who shall unlawfully,
2 willfully, knowingly or with reckless disregard for the truth, and
3 maliciously speaks, writes, prints, or in any other manner
4 publishes materials which falsely exposes another person to
5 hatred, contempt, or ridicule, shall be guilty of criminal libel.

6 Section 3-6. **Disorderly Conduct**. A person with intent to
7 cause public inconvenience, annoyance or alarm, that person;

8 (a) Engages in fighting or other violent, tumultuous
9 or threatening behavior;

10 (b) Make such unreasonable noise as to cause public
11 inconvenience, annoyance or alarm;

12 (c) Use abusive or obscene language or makes
13 abusive or obscene gestures in a public place;

14 (d) Without lawful authority disturbs or disrupts
15 an awful assembly or meeting of persons;

16 (e) Obstructs vehicular or pedestrian traffic or assess;

17 (f) When congregating with other person in a public
18 place, refuses to comply with a lawful order of the Police to
19 disperse; or

20 (g) Creates a hazardous or physically offensive
21 condition serving no lawful purpose, thereby creating public

1 inconvenience, annoyance or alarm.

6 Section 3-7. **Drunk, disorderly Conduct.** Every person
7 who is drunk and disorderly on any street, road or other public
8 places from the voluntary use of intoxication liquor shall be
9 guilty or drunk and disorderly conduct.

10 Section 3-8. **Open Can.** Any person who has in his
11 immediate possession any open container containing intoxication
12 liquor, on any street, road or other public places shall be charge
13 for.

14 Section 3-9. **Firearms.** No person shall purchase, possess
15 or use a firearms or dangerous device or ammunition unless he
16 is a holder of an identification card issued pursuant to Pohnpei
17 State law 2L-136-83, nor shall any person carry a firearms unless
18 he has in his immediate possession a valid identification card. It
19 is unlawful for any person to purchase, possess or use a firearm or
20 dangerous device in violation of State Law 2L-136-82.

21 Section 3-10. **Weapons Prohibited in Establishments Serving**
22 **Alcoholic.** No person in this municipality shall be in any bar, pub
23 night club or other establishment that sells alcoholic beverages
24 for consumption on the premises that posses any other instruments

1 capable of causing serious injury of death.

2 1. The prohibition of this Section shall not apply to
3 employees of such establishments who are on duty and whose
4 employment requires the use of knives or ice picks and who
5 possess none of the other objects listed in this section.

6 2. Any person who violates the prohibition of this
7 section shall be guilty of possession of a prohibited weapon in an
8 establishment serving alcoholic beverages.

9 Section 3-11. **Disturbing the Peace**. Every person who shall
10 unlawfully commit any act which annoys or disturbs other persons
11 so that they are deprived or their right to peach and quiet, or
12 which provokes a breach of the peace or which puts other in fear
13 or danger, shall be guilty or disturbing the peace.

14 Section 3-12. **Petit Larceny**. Every person who shall
15 unlawfully steal, take and carry away the personal property of
16 another, of the value of not more than five hundreds (\$500.00)
17 dollars without the owner's knowledge or consent, and with
18 intent to permanently deprive the owner of its use, shall be guilty of
19 petit larceny.

20 Section 3-13. **False Premises**. Every person who shall
21 unlawfully obtain the property, services or money of another

1 by false pretenses, knowing the pretenses to be false, and the
2 intent thereby to permanently defraud the owner thereof, and
3 property having value of not more than one thousand (\$1,000.00)
4 dollars shall be guilty of false premises.

5 Section 3-14. **Petit Embezzlement.** Every person who after
6 having lawfully obtained possession of the personal property of
7 another shall take and carry away said property without the
8 owner's knowledge and consent, and with the intent to
9 permanently deprive the owner of its use, said property having
10 a value of not more than one thousand (\$1,000.00) dollars, shall
11 be guilty of petit embezzlement.

12 Section 3-15. **Trespass.** Every person who shall unlawfully
13 violate or interfere with the peaceful use and possession of the
14 dwelling house, of its premises, or property of another, whether
15 by force or stealth, shall be guilty of trespass.

16 Section 3-16. **Unauthorized use of Vehicle and Vessels.** Any
17 person who shall without the permission of the owner thereof
18 or proper authorization, take any automobile, truck, motor cycle,
19 motor boat, or other vehicle or vessel owned by the State of
20 Pohnpei, the Federated States of Micronesia, this municipality

1 or any other person, firm, establishment, corporation or any
 2 other entry (entity) for the purpose of temporarily operating
 3 said vehicle or vessel, shall be deemed guilty of unauthorized
 4 use of a vehicle or vessel.

5 Section 3-17. **Malicious Mischief**. Every person who shall
 6 unlawfully destroy, damage, or otherwise injure belonging to
 7 another, including the property of this Municipal, or shall
 8 unlawfully and with willful intent to deface or destroy the
 9 appearance of the property of with the reckless disregard for the
 10 consequences of his action, throw, discard or scatter upon any
 11 public road, street or other than a public dumping ground by the
 12 government of the Pohnpei State or this Municipal, any waste
 13 materials garbage or other debris, in any form or substance, shall be
 14 guilty of malicious mischief.

15 Section 3-18. **Nuisance**. Every person who shall knowingly
 16 maintain or allow to be maintain a condition of things which is
 17 prejudicial to the health, comfort, safety, property, sense of
 18 decency, or moral of this Municipal, shall be guilty of maintaining
 19 a nuisance and a demand to abate the same. Such demand shall
 20 permit not less than 10 days for the nuisance to be abated.

21 **CHAPTER IV. PUNISHMENT AND SENTENCING**

1 Section 4-1. **Maximum Penalty**. Every crime defined in this
2 act is a misdemeanor and is punishable by imprisonment for a
3 period of up to six months and a fine of not more than five
4 hundreds \$500.00) dollars or both.

5 Section 4-2. **Recognition of Custom in Imposing or**
6 **Suspending Sentences and in Granting Probation**. In imposing
7 or suspending the execution of sentences or in suspending the
8 imposition of sentences and granting probation, due recognition
9 shall be given to the customs o the inhabitants of Pohnpei and
10 this municipal.

11 Section 4-3. **Consideration of Character**. Before imposing
12 or suspending the execution of sentences, the imposition of
13 sentence upon a person found guilty of a criminal offense, or in
14 suspending the imposition of sentence and granting probation,
15 evidence of good or bad character, including and prior criminal
16 record of the defendant, may be received and considered by the
17 courts.

18 Section 4-4. **Imposition of Fines; Procedure upon Non-**
19 **payment of Fines**. Where an offense is made punishable by fine,
20 the court imposing the fine may make such directions as appear
21 to be just with respect to the payment of the fine. In default

1 of payment of the fine or any part thereof, the court may order
2 the defendant to be imprisoned for such period of time as it may
3 direct. These directions may be given orders for imprisonment
4 made at any time, and may be modified if the court deems justice
5 so requires, until the fine is paid in full of the imprisonment
6 served which has been ordered in default of payment; provided
7 further, that no defendant shall be imprisoned for a long period
8 of time than fixed by law for such offense.

9 Section 4-5. **Orders Requiring Specified evidence.** The
10 courts may in lieu of or in addition to other lawful punishment,
11 direct that a person found by it to be guilty of a criminal offense
12 shall establish his place of residence within a specified area and
13 maintain it there under the supervision of a responsible adult for
14 a period of time not exceeding the minimum period of
15 imprisonments which may be imposed for such offense.

16 Section 4-6. **Restitution Compensation for Forfeiture.** If
17 a defendant is convicted for wrongful or unlawful sale, use of
18 possessions of any article or of a willful wrong causing damage
19 to another, the court may in lieu of or in addition to other lawful,
20 or the forfeiture or the article to the municipal.

21 Section 4-7. **Closing of Business.** If a defendant is convicted

1 of an offense involving the sale of a harmful article or the
2 operation of an unlawful business, the court may, in lieu of or in
3 addition to other lawful punishment, order that his place of sale
4 or business be vacated or closed for a specific time, not exceeding
5 the maximum of period of imprisonment which may be imposed
6 for the offense.

7 Section 4-8. **Labor without Imprisonment.** In any case in
8 which the court is authorized to impose sentence of imprisonment,
9 sentence the accused to perform labor without compensation
10 in accordance with his physical ability on any public project for
11 a period not exceeding the maximum period which may be
12 impose for such offense.

13 Section 4-9. **Suspension of Sentences.** The court which
14 impose a sentence upon a person convicted of a criminal offense
15 may direct that the execution of the whole or an part of a
16 sentence of imprisonment imposed by it shall be suspended on
17 such terms as good behavior and on such conditions as the court
18 may thin proper to impose. A subsequent conviction by a court
19 for any offense shall have the effect of revoking the suspension
20 of the execution of the previous sentence unless the court
21 otherwise direct.

1 4-10. Suspension of Imposition of Sentence.

2 1. Upon entering a judgment of conviction of any
3 offense, the court, when satisfied that the ends of justice and
4 the best interest of the public as well the defendant will be
5 served, may suspend the imposition of sentence, and may direct
6 that the suspension continue for a period of time, not exceeding
7 the maximum term of sentence which may be imposed; upon the
8 terms and conditions which the court may determine, and shall
9 place the person on probation, under the charge and supervision
10 of a probation officer or any other person designated by the
11 court during the suspension.

12 2. Upon of any of the terms and condition of
13 probation at any time during the probationary period, the court
14 may issue a warrant for the re-arrest of the person on probation
15 and after giving the person an opportunity to be heard and to
16 rebut any evidence presented against his may revoke and
17 terminate the probation.

18 3. Upon the revocation of the probation, the court
19 may then impose any sentence which may have initially been
20 imposed had the court not suspended imposition of sentence in
21 the first instance, but shall credit time spent in probation against

1 the sentence so imposed.

2 4. The court may at any time during the period of
3 probation modify its order of suspension of imposition of
4 sentences. The Court may at any time when the ends of justice
5 and the best interest of the public as well as the defendant will
6 be served, and when the good conduct and reform of the person
7 held on probation warrant it, terminate the period of probation
8 and discharge the person held.

9 5. Upon discharge of the defendant without
10 imposition of sentence, the court may upon motion of the
11 defendant shall vacate the judgment of conviction and the
12 defendants shall not be deemed convicted of the crime for any
13 purposes.

14 **CHAPTER V. MISCELANEIOUS PROVISIONS**

15 Section 5-1. This act shall repeal Sokehs Municipal
16 Ordinance relative to this act, including any subsequent
17 amendments thereof in their entirety, and shall supersede the
18 same.


19 Section 5-2. **Other Laws or Ordinances not Effected.** Any
20 other laws or ordinances in effect in this municipal prescribing
21 criminal penalties, not specifically repealed by Section 5-1 of

1 Chapter V of this act shall retain in full force an effect.


2 Section 5-3. **Severability.** In the event any provisions of
3 this act, or the applications thereof to any person or
4 circumstances is held invalid, the invalidity does not affect other
5 provision or application of the act which can be given effect
6 without the invalid provision or application, and to this end the
7 provisions of this act are severable.

8 Section 5-4. **Effective Date.** This act shall effect upon its
9 approvals by the Chief magistrate of Sokehs, or upon its becoming
10 and ordinance without such approval.


11 PASSED BY THE SOKEHS MUNICIPAL COUNCIL ON 22TH OF APRIL,
12 2021.

13
14 
14 Albert Johnny
15 Speaker
15 Sokehs Municipal Council X

4/22/21
Date

16
17 
17 ATTEST: Maridell Ferdinand
18 Chief Clerk

4/22/21
Date

18
19 
19 Approved By: Michael T. Leimen
20 Chief Magistrate
20 Sokehs Municipal Gov't

4/23/21
Date

21