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1 chapter 13 to read as follows:

2 "Section 1303. Definitions. The following terms shall  
3 have the following meanings for the purposes of this  
4 chapter:

5 (1) **act of violence** means an act or omission outside  
6 the Federated States of Micronesia that, if done or  
7 omitted in the Federated States of Micronesia would  
8 constitute a felony;

9 (2) **aircraft** means any aircraft, whether or not a the  
10 Federated States of Micronesia-controlled aircraft,  
11 other than an aircraft in the military, customs or  
12 police services.

13 (3) **authorized officer** means:

14 (a) the Chief of Police; or

15 (b) a police officer authorized by the Chief of  
16 Police for a provision of this Chapter; or

17 (c) a person authorized by the Attorney General  
18 for a provision of this Act.

19 (4) **child** means a person under 18 years.

20 (5) **commander**, for an aircraft, means the person who  
21 is for the time being in command of the aircraft.

22 (6) **commercial carrier** includes a corporation, or the  
23 owner, operator, or person in charge of any means of  
24 transport that engages in the transport of goods or  
25 people for commercial gain.

26 (7) **consular officer** means a consular officer of the

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1 Federated States of Micronesia, including a consul-  
2 general, consul, pro-consul and consular agent of [the  
3 Federated States of Micronesia].

4 (8) **Convention country** means a country that is  
5 declared by the Attorney General, by Order, to be a  
6 party to a Convention.

7 (9) **counter terrorism convention** means an instrument  
8 mentioned in Schedule 1.

9 (10) **the Federated States of Micronesia-controlled**  
10 **aircraft** means an aircraft that is for the time being  
11 registered in the Federated States of Micronesia.

12 (11) **Court** means the Supreme Court of the Federated  
13 State of Micronesia.

14 (12) **craft** includes any aircraft, ship, boat or other  
15 machine or vessel used or capable of being used for the  
16 carriage or transportation of persons or goods, or both,  
17 by air or water or over or under water.

18 (13) **detection agent** means a substance mentioned in the  
19 table to Part 2 of the Technical Annex to the Plastic  
20 Explosives Convention.

21 (14) **entity** means a person, group, trust, corporation,  
22 partnership, fund or an unincorporated association or  
23 organization.

24 (15) **exploitation** includes all forms of sexual  
25 exploitation (including sexual servitude and

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1 exploitation of another person's prostitution), forced  
2 labour or services, slavery or practices similar to  
3 slavery, servitude and the removal of organs.

4 (16) **explosive or other lethal device** means:

5 (a) an explosive or other incendiary weapon or  
6 device that is designed or has the capability to cause  
7 death, serious bodily injury or substantial material  
8 damage; or

9 (b) a weapon or device that is designed or has  
10 the capability to cause death, serious bodily injury or  
11 substantial material damage through the release,  
12 dissemination or impact of toxic chemicals, biological  
13 agents, toxins or similar substances or radiation or  
14 radioactive materials.

15 (17) **financial institution** means a person that carries  
16 on a business of any of the following:

17 (a) accepting deposits and other repayable funds  
18 from the public;

19 (b) lending, including consumer credit, mortgage  
20 credit, factoring (with or without recourse) and  
21 financing of commercial transactions;

22 (c) financial leasing;

23 (d) providing money transmission services;

24 (e) issuing and administering means of payment

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1 (for example, credit cards, travellers' cheques and  
2 bankers' drafts);

3 (f) entering into guarantees and commitments;

4 (g) trading for the institution's own account, or  
5 for account of customers, in money market instruments  
6 (for example, cheques, bills and certificates of  
7 deposit), foreign exchange, financial futures and  
8 options, exchange and interest rate instruments, and  
9 transferable securities;

10 (h) underwriting share issues and participation  
11 in such issues;

12 (i) giving advice to undertakings on capital  
13 structure, industrial strategy and related questions,  
14 and advice and services relating to mergers and the  
15 purchase of undertakings;

16 (j) money-broking;

17 (k) providing portfolio management and advice;

18 (l) safekeeping and administration of securities;

19 (m) providing credit reference services;

20 (n) providing safe custody services;

21 (o) insurance, insurance intermediation,  
22 securities dealing or futures broking;

23 (p) trustee administration or investment  
24 management of a superannuation scheme, other than a

1 closed-end scheme;

2 (q) dealing in bullion;

3 (r) operating a gambling house, casino or  
4 lottery, including over the Internet;

5 (s) a trustee or manager of a unit trust;

6 (t) a trust or corporation service provider;

7 (u) a legal practitioner when helping to plan or  
8 execute, for his or her client, any of the following  
9 transactions:

10 (i) depositing or investing funds;

11 (ii) buying or selling real property or a  
12 business entity;

13 (iii) managing assets;

14 (iv) opening or managing an account with a  
15 financial institution;

16 (v) managing contributions necessary for the  
17 creation, operation or management of a corporation;

18 (vi) creating, operating or managing a trust  
19 or corporation; or

20 (v) a legal practitioner when acting for a  
21 client in a financial or real estate transaction, to the  
22 extent that he or she receives funds in the course of  
23 his or her business for deposit or investment, or to  
24 settle a real estate transaction;

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1 (w) an accountant, to the extent that he or  
2 she receives funds in the course of his or her business  
3 for deposit or investment;

4 (x) dealing in real estate or high value  
5 items, including antiques;

6 (y) any other business prescribed by law or  
7 regulation.

8 (18) **Financial Intelligence Unit** has the meaning given  
9 by the *Financial Transactions Reporting Act 2007*.

10 (19) **fixed platform** means an artificial island,  
11 installation or structure permanently attached to the  
12 sea bed for the purposes of exploration or exploitation  
13 of resources or for other economic purposes.

14 (20) **forfeiture order** means an order made by the Court  
15 under section 1327.

16 (21) **fraudulent travel or identity document** means a  
17 travel or identity document that:

18 (a) has been made, or altered in any way, by  
19 a person other than a person or agency lawfully  
20 authorised to make or issue the travel or identity  
21 document on behalf of a country; or

22 (b) has been issued or obtained through  
23 misrepresentation, corruption or duress or in any other  
24 unlawful manner; or

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1 (c) is being used by a person other than the  
2 lawful holder.

3 (22) **Hague Convention** means the Convention for the  
4 Suppression of Unlawful Seizure of Aircraft, done at The  
5 Hague on 16 December 1970.

6 (23) **Hostage Convention** means the International  
7 Convention Against the Taking of Hostages adopted by the  
8 General Assembly of the United Nations on 17 December  
9 1979.

10 (24) **illegal entry** means entering the Federated States  
11 of Micronesia or any other country without complying  
12 with the requirements for lawful entry of that country.

13 (25) **international nuclear transport** means the carriage  
14 of a consignment of nuclear material by any means of  
15 transportation intended to go beyond the territory of  
16 the country where the shipment originates:

17 (a) beginning with the departure from a facility  
18 of the shipper in the country; and

19 (b) ending with the arrival at a facility of the  
20 receiver within the country of ultimate destination.

21 (26) **international organisation** means any organisation  
22 of States or Governments of States or any organ or any  
23 agency of any organisation of that kind.

24 (27) **internationally protected person** means:

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1 (a) any of the following persons while in a  
2 foreign country, including a member of the person's  
3 family accompanying him or her:

4 (i) a Head of State (including any member of  
5 a collegial body performing the functions of a Head of  
6 State);

7 (ii) a Head of Government;

8 (iii) a Minister responsible for Foreign  
9 Affairs; or

10 (b) a representative or official of a country or  
11 an official or other agent of an international  
12 organization of an inter-governmental character who,  
13 when and where a crime against the person or the  
14 person's official premises, private accommodation or  
15 means of transport is committed, is entitled under  
16 international law to special protection from attack on  
17 the person's freedom or dignity, as well as on the  
18 person's family forming part of that person's household.

19 (28) **landing** includes alighting on water.

20 (29) **material benefit** includes any type of financial or  
21 non-financial inducement, payment, bribe, reward,  
22 advantage or service.

23 (30) **means of delivery** means missiles, rockets and  
24 other unmanned systems capable of delivering nuclear,  
25 chemical and biological weapons that are specifically

1           designed for delivering those weapons.

2           (31) **military aircraft** means an aircraft of the naval,  
3           military or air forces of any country.

4           (32) **military device** includes a shell, bomb,  
5           projectile, mine, missile, rocket, charge, grenade or  
6           perforator, lawfully manufactured exclusively for  
7           military or police purposes.

8           (33) **military service** includes naval and air force  
9           service.

10          (34) **Montreal Convention** means the Convention for the  
11          Suppression of Unlawful Acts Against the Safety of Civil  
12          Aviation, done at Montreal on 23 September 1971.

13          (35) **New York Convention** means the Convention on the  
14          Prevention and Punishment of Crimes Against  
15          Internationally Protected Persons, Including Diplomatic  
16          Agents, done at New York on 14 December 1973.

17          (36) **Nuclear, chemical, or biological weapon** means:

18                 (a) nuclear weapons and other nuclear explosive  
19                 devices:

20                 (b) chemical weapons which are, together or  
21                 separately:

22                         (i) toxic chemicals and their precursors,  
23                 except where intended for:

24                                 (aa) industrial, agricultural, research,

1           medical pharmaceutical, or other peaceful purposes; or

2                           (bb) protective purposes, namely those  
3           purposes directly related to protection against toxic  
4           chemicals and to protection against chemical weapons; or

5                           (cc) military purposes not connected  
6           with the use of chemical weapons and not dependent on  
7           the use of the toxic properties of chemicals as a method  
8           of warfare; or

9                           (dd) law enforcement including domestic  
10          riot control purposes, as long as the types and  
11          quantities are consistent with such purposes:

12                           (ii) munitions and devices specifically  
13          designed to cause death or other harm through the toxic  
14          properties of those toxic chemicals specified in  
15          subparagraph (i), which would be released as a result of  
16          the employment of such munitions and devices:

17                           (iii) any equipment specifically designed for  
18          use directly in connection with the employment of  
19          munitions and devices specified in subparagraph (ii):

20                           (c) biological weapons which are:

21                                   (i) microbial or other biological agents, or  
22          toxins whatever their origin or method of production, of  
23          types and in quantities that have no justification for  
24          prophylactic, protective, or other peaceful purposes; or

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1 (ii) weapons, equipment or means of delivery  
2 designed to use such agents or toxins for hostile  
3 purposes or in armed conflict.

4 (37) **nuclear facility** means:

5 (a) any nuclear reactor, including reactors  
6 installed on vessels, vehicles, aircraft (whether or not  
7 used for military, customs or police services) or space  
8 objects for use as an energy source in order to propel  
9 the vessels, vehicles, aircraft or space objects of for  
10 any other purpose;

11 (b) any plant or convenience being used for the  
12 production, storage or processing or transport of  
13 radioactive material.

14 (38) **nuclear material** means any of the following:

15 (a) plutonium with an isotopic concentration of  
16 not more than 80% in plutonium-238;

17 (b) uranium-233;

18 (c) uranium containing uranium-233 or uranium-235  
19 or both;

20 (d) uranium with a naturally occurring isotopic  
21 concentration, other than uranium in the form of ore or  
22 ore residue;

23 (e) a substance containing nuclear material.

24 (39) **Nuclear Material Convention** means the Convention

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1 for the Physical Protection of Nuclear Material, done at  
2 Vienna and New York on 3 March 1980.

3 (40) **Nuclear Terrorism Convention** means the  
4 International Convention for the Suppression of Acts of  
5 Nuclear Terrorism, adopted by the General Assembly of  
6 the United Nations on 13 April 2005.

7 (41) **operator**, for a craft, means the owner, operator  
8 or person having for the time being command or charge of  
9 the craft, other than a pilot of a ship, a harbour  
10 master or a law enforcement officer acting in the course  
11 of his or her duties.

12 (42) **organised criminal group** means a group of at least  
13 3 persons, existing for a period of time, that acts  
14 together with an objective of obtaining material  
15 benefits from the commission of offences that are  
16 punishable by a maximum penalty of at least 4 years  
17 imprisonment.

18 (43) **people smuggling** means the arranging or assisting  
19 of an unauthorised person's illegal entry into any  
20 country.

21 (44) **People Smuggling Protocol** means the Protocol  
22 Against the Smuggling of Migrants by Land, Sea and Air,  
23 Supplementing the United Nations Convention Against  
24 Transnational Organised Crime.

25 (45) **People Trafficking Protocol** means the Protocol to

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1 Prevent, Suppress and Punish Trafficking in Persons,  
2 Especially Women and Children, Supplementing the United  
3 Nations Convention Against Transnational Organised  
4 Crime.

5 (46) **plastic explosive** means an explosive that:

6 (a) is formulated with 1 or more high explosives  
7 that in their pure form have a vapour pressure less than  
8 10 Pa at a temperature of 25; and

9 (b) is formulated with a binder material; and

10 (c) is, when mixed, malleable or flexible at  
11 normal room temperature.

12 (47) **Plastic Explosives Convention** means the Convention  
13 on the Marking of Plastic Explosives for the Purpose of  
14 Identification, done at Montreal on 1 March 1991.

15 (48) **premises** includes the whole or any part of a  
16 structure, building, craft or vehicle;

17 (49) **privileged communication** means a confidential  
18 communication, whether made directly or indirectly  
19 through an agent:

20 (a) between:

21 (i) a lawyer in his or her professional  
22 capacity and another lawyer in the same capacity; or

23 (ii) a lawyer in his or her professional  
24 capacity and his or her client; and

25 (b) to obtain or give legal advice or assistance;

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1           and

2                   (c) not for the purpose of committing or  
3           assisting the commission of an illegal or wrongful act.

4           (50) **property** includes:

5                   (a) assets of every kind, whether corporeal or  
6           incorporeal, moveable or immovable, tangible or  
7           intangible; and

8                   (b) legal documents or instruments in any form  
9           including electronic or digital, evidencing title to, or  
10          interest in, such assets, including but not limited to  
11          bank credits, travellers cheques, bank cheques, money  
12          orders, shares, securities, bonds, drafts and letters of  
13          credit.

14          (51) **public official** includes a person who provides a  
15          public service.

16          (52) **radioactive device** means:

17                   (a) any nuclear explosive device; or

18                   (b) any radioactive material dispersal or  
19          radiation-emitting device which may, owing to its  
20          radiological properties, cause death, serious bodily  
21          injury or substantial damage to property or to the  
22          environment.

23          (53) **radioactive material** means nuclear material and  
24          other radioactive substances which contain nuclides  
25          which undergo spontaneous disintegration (a process

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1 accompanied by emission of one or more types of ionising  
2 radiation, such as alpha-, beta-, neutron particles and  
3 gamma rays) and which may, owing to their radiological  
4 or fissile properties, cause death, serious bodily  
5 injury or substantial damage to property or to the  
6 environment.

7 (54) **receiving country** means:

8 (a) for people smuggling – the country into which  
9 the unauthorised person's entry is arranged; or

10 (b) for people trafficking – the country into  
11 which a trafficked person is brought as part of an act  
12 of trafficking in persons.

13 (55) **registrable property** means property the title to  
14 which is passed by registration on a register kept under  
15 a law in force in the Federated States of Micronesia.

16 (56) **ship** means a vessel that is not permanently  
17 attached to the sea bed:

18 (a) including a hovercraft, hydrofoil, submarine  
19 or other floating craft; but

20 (b) not including a warship, a ship owned or  
21 operated by a state and being used as a naval auxiliary  
22 or for customs or police purposes or a ship that has  
23 been withdrawn from navigation.

24 (57) **specified entity** means a person or entity:

25 (a) that is a United Nations listed entity as

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1 described in section 1304; or

2 (b) for which a declaration under section 1305  
3 has been made.

4 (58) **specified means** means any of the following:

5 (a) threat;

6 (b) use of force or other forms of coercion;

7 (c) abduction;

8 (d) fraud;

9 (e) deception;

10 (f) abuse of power or of a position of  
11 vulnerability;

12 (g) giving or receiving payments or benefits to  
13 achieve the consent of a person having control over  
14 another person.

15 (59) **terrorist act** has the meaning given by subsection  
16 (72).

17 (60) **terrorist group** means:

18 (a) an entity that has as one of its activities  
19 or purposes committing, or facilitating the commission  
20 of, a terrorist act; or

21 (b) a specified entity.

22 (61) **terrorist property** means:

23 (a) property that has been, is being, or is  
24 likely to be used to commit a terrorist act; or

25 (b) property that has been, is being, or is  
26 likely to be used by a terrorist group; or

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1 (c) property owned or controlled, or derived or  
2 generated from property owned or controlled, by or on  
3 behalf of a specified entity.

4 (62) **Tokyo Convention** means the Convention on Offences  
5 and Certain Other Acts Committed on Board Aircraft, done  
6 at Tokyo on 14 September 1963.

7 (63) **trafficked person** means a person who is the victim  
8 of trafficking in persons.

9 (64) **trafficking in persons** means the recruitment,  
10 transportation, transfer, harbouring or receipt of a  
11 person for the purpose of exploitation.

12 (65) **unauthorised person**, for a country, means a person  
13 who is not a citizen of the country or is not in  
14 possession of all the documents required by the law of  
15 the country for the person's lawful entry into the  
16 country.

17 (66) **unlawful employee**, for an employer, means a person  
18 whom the employer knows, or ought reasonably to know, is  
19 not entitled to lawfully undertake employment in the  
20 employer's service.

21 (67) **unmarked plastic explosive** mean a plastic  
22 explosive that:

23 (a) does not contain a detection agent; or

24 (b) at the time of manufacture, does not contain  
25 the minimum concentration level of a detection agent  
26 mentioned in the table to Part 2 of the Technical Annex

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1 to the Plastic Explosives Convention.

2 (68) **weapon** includes a firearm, chemical, biological or  
3 nuclear weapon.

4 (69) For this Chapter:

5 (a) the period during which an aircraft is in  
6 flight is taken to include:

7 (i) any period from the moment when all its  
8 external doors are closed following embarkation until  
9 the moment when any door is opened for disembarkation;  
10 and

11 (ii) for a forced landing – any period until  
12 the competent authorities take over responsibility for  
13 the aircraft and for persons and property on board; and

14 (b) an aircraft is taken to be in service:

15 (i) during the whole of the period that  
16 begins with the pre-flight preparation of the aircraft  
17 for a flight and ends 24 hours after the aircraft lands  
18 having completed that flight; and

19 (ii) at any time (outside that period) while,  
20 in accordance with paragraph (a), the aircraft is in  
21 flight.

22 (70) For this chapter a reference to an aircraft in  
23 flight includes a reference to an aircraft during any  
24 period when it is on the surface of the sea or land but  
25 not within the territorial limits of any country.

26 (71) For this Chapter: unless the context otherwise

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1 requires, a reference to a country or the territorial  
2 limits of a country is taken to include a reference to  
3 the territorial waters, if any, of the country.

4 (72) **For this Chapter:**

5 **terrorist act** means an act or omission in or outside the  
6 Federated States of Micronesia that:

7 (a) constitutes an offence within the scope of a  
8 counter terrorism convention; or

9 (b) is mentioned in subsection (73).

10 (73) For subsection (72) (1) (b), the act or omission:

11 (a) must:

12 (i) involve death or serious bodily injury  
13 to a person; or

14 (ii) involve serious damage to property; or

15 (iii) endanger a person's life; or

16 (iv) create a serious risk to the health or  
17 safety of the public or a section of the public; or

18 (v) involve the use of weapons; or

19 (vi) involve introducing into the  
20 environment, distributing or exposing the public to any:

21 (aa) dangerous, hazardous, radioactive  
22 or harmful substance; or

23 (bb) toxic chemical; or

24 (cc) microbial or other biological agent  
25 or toxin; or

26 (vii) involve serious disruption to any system

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1 or the provision of services directly related to  
2 essential infrastructure; and

3 (b) must be intended or, by its nature and  
4 context, reasonably be regarded as being intended:

5 (i) to intimidate the public or a section of  
6 the public; or

7 (ii) to compel a government or an  
8 international organization to do, or refrain from doing,  
9 any act; and

10 (c) must be made for the purpose of advancing a  
11 political, ideological, or religious cause.

12 (74) However, an act or omission mentioned in  
13 subsection (73) does not include an act or omission  
14 that:

15 (a) is committed as part of an advocacy, protest,  
16 demonstration, dissent or industrial action and is not  
17 intended to result in any harm mentioned in subsection  
18 (73) (i), (ii), (iii), (iv), (v), or (vi); or

19 (b) occurs in a situation of armed conflict and  
20 is, at the time and in the place it occurred, in  
21 accordance with rules of international law applicable to  
22 the conflict.

23 **SPECIFIED ENTITIES**

24 **United Nations listed entities to be specified entities**

25 "Section 1304:

26 (1) For the purposes of this Chapter, the entities

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1 listed from time to time by the Security Council of the  
2 United Nations as terrorist entities are "specified  
3 entities".

4 (2) The Attorney General must give notice of the list  
5 of terrorist entities referred to in subsection (1), and  
6 continue to give notice as and when the security council  
7 of the United Nations adds or removes any terrorist  
8 entity from that list.

9 (3) A list of the United Nations terrorist entities  
10 prepared and certified by the Attorney General is deemed  
11 to be prima facie evidence that the list is a correct  
12 list of entities by the security council of the United  
13 Nations as terrorist entities.

14 **Section 1305: Declarations that certain entities are**  
15 **SPECIFIED ENTITIES**

16 (1) Subject to subsection (2), the Attorney General  
17 may declare an entity to be a specified entity.

18 (2) In acting under subsection (1) the Attorney  
19 General must have reasonable grounds to believe that:

20 (a) an entity has knowingly committed, attempted  
21 to commit, participated in committing or facilitated the  
22 commission of a terrorist act; or

23 (b) an entity is knowingly acting on behalf of,  
24 at the direction of, or in association with an entity  
25 mentioned in paragraph(a): or

26 (c) an entity (other than an individual) is

1 wholly owned or effectively controlled directly or  
2 indirectly by an entity mentioned in paragraph (a) or  
3 (b)

4 (3) The declaration must be published by notice.

5 **Section 1306 Revocation of Declaration**

6 (1) The Attorney General must revoke a declaration  
7 under section 1305 where there are reasonable grounds to  
8 do so.

9 (2) A revocation under subsection (1) must be  
10 published by notice.

11 **Section 1307 Judicial Review**

12 (1) Upon application by a specified entity the Court  
13 may revoke a declaration under section 1305 concerning  
14 the specified entity.

15 (2) The Court must:

16 (a) If the Court decides that there are  
17 reasonable grounds for the Attorney General's actions  
18 under section 1305, dismiss the application.

19 (b) If the Court decides that there are no  
20 reasonable grounds for the Attorney General's actions  
21 under section 1305, revoke the declaration.

22 (3) Where the Court revokes a declaration the Attorney  
23 General must publish notice of the revocation.

24 **Section 1308 Procedure**

25 For a hearing under sections 1307 and 1309.

26 (1) The specified entity must give reasonable written

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1 notice of the application to the Attorney General.

2 (2) The Court must:

3 (a) hear from the Attorney General;

4 (b) may hear any evidence or information  
5 presented by the Attorney General in the absence of the  
6 specified entity or counsel representing the specified  
7 entity, or the public, if the Court thinks that  
8 disclosure of the information would prejudice national  
9 security or endanger the safety of any person;

10 (c) may receive in evidence anything that would  
11 not otherwise be admissible as evidence (including  
12 information from any source) that the Court thinks is  
13 reliable and relevant; and

14 (d) where the Court acts under paragraph(b), give  
15 the specified entity a statement summarizing the  
16 information available to the Court, without disclosing  
17 any information that the Court thinks could prejudice  
18 national security or endanger the safety of any person.

19 **Section 1309 Appeal**

20 The Attorney General or a specified entity may appeal to  
21 the Appellate Division of the Supreme Court against a  
22 decision made by a Court under section 1307.

23 **SPECIFIED ENTITIES OFFENCES**

24 **Section 1310 Terrorism financing**

25 (1) A person must not provide or collect, by any  
26 means, directly or indirectly, any property, intending,

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1 knowing or having reasonable grounds to believe that the  
2 property will be used, in full or in part, to carry out  
3 a terrorist act.

4 (2) A person must not provide or collect, by any  
5 means, directly or indirectly, any property intending,  
6 knowing, or having reasonable grounds to believe that  
7 they will benefit an entity that the person knows is a  
8 specified entity.

9 (3) In a prosecution for an offence against subsection  
10 (1), it is not necessary for the prosecutor to prove  
11 that the property collected or provided was actually  
12 used, in full or in part, to carry out a terrorist act.  
13 Maximum penalty: imprisonment for 15 years.

14 **Section 1311 Terrorist act**

15 A person commits an offence who engages in a terrorist  
16 act.

17 Maximum penalty: imprisonment for life.

18 **Section 1312 Provision of property or services to**  
19 **specified entity**

20 (1) A person must not, directly or indirectly,  
21 knowingly make available property or financial or other  
22 related services to, or for the benefit of, a specified  
23 entity.

24 Maximum penalty: imprisonment for 10 years.

25 (2) Subsection (1) does not apply if the provision of

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1 the property or service is of a kind that is authorised  
2 by a resolution of the United Nations Security Council.

3 **Section 1313 Dealing with terrorist property**

4 (1) A person must not knowingly:

5 (a) deal, directly or indirectly, in any  
6 terrorist property; or

7 (b) collect or acquire or possess terrorist  
8 property; or

9 (c) enter into, or facilitate, directly or  
10 indirectly, any transaction in respect of terrorist  
11 property; or

12 (d) convert, conceal or disguise terrorist  
13 property.

14 Maximum penalty: imprisonment for 10 years.

15 (2) A person does not commit an offence under  
16 paragraph (1) (a), (b) or (c) if the person:

17 (a) tells the Attorney-General, in writing, as soon as  
18 the person becomes aware that the property is terrorist  
19 property; and

20 (b) acts in accordance with any directions of the  
21 Attorney-General concerning the property.

22 **Section 1314 Harboursing of persons committing terrorist**  
23 **acts:**

24 A person must not harbour or conceal, or prevent, hinder  
25 or interfere with the apprehension of, any other person  
26 knowing or having reason to believe that the other

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1 person:

2 (a) has committed or is planning or likely to  
3 commit a terrorist act; or

4 (b) is a member of a specified entity.

5 Maximum penalty: imprisonment for 10 years.

6 **Section 1315 Provision of weapons to terrorist groups**

7 A person must not knowingly offer to provide, or  
8 provide, a weapon or explosive or other lethal device  
9 to:

10 (a) a specified entity; or

11 (b) a member of a specified entity; or

12 (c) any other person for use by, or for the  
13 benefit of, a specified entity or a member of a  
14 specified entity.

15 Maximum penalty: imprisonment for 20 years.

16 **Section 1316 Participation in terrorist group**

17 A person must not participate (whether as a member,  
18 associate member or prospective member) in a terrorist  
19 group that is a specified entity, knowing that it is a  
20 specified entity.

21 Maximum penalty: imprisonment for 15 years.

22 **Section 1317 Recruitment of persons to be members of**  
23 **terrorist groups or to participate in terrorist acts**

24 A person must not knowingly agree to recruit, or  
25 recruit, another person:

26 (a) to be a member of a terrorist group; or

1 (b) to participate in the commission of a  
2 terrorist act.

3 Maximum penalty: imprisonment for 15 years.

4 **Section 1318 Nuclear terrorism**

5 (1) A person must not:

6 (a) unlawfully possess radioactive material or  
7 make or possess a radioactive device:

8 (i) with the intent to cause death or  
9 serious bodily injury; or

10 (ii) with the intent to cause substantial  
11 damage to property or to the environment;

12 (b) unlawfully use in any way radioactive  
13 material or a radioactive device, or use or damage a  
14 nuclear facility in a manner which causes a release or  
15 increases the risk of the release of radioactive  
16 material:

17 (i) with the intent to cause death or  
18 serious bodily injury; or

19 (ii) with the intent to cause substantial  
20 damage to property or to the environment; or

21 (iii) with the intent to compel a person,  
22 State or an international organization to do or refrain  
23 from doing any act.

24 (1) A person must not:

25 (a) threaten to commit an offence mentioned in  
26 subsection (1)(b); or

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1 (b) unlawfully and intentionally make a demand  
2 supported by a threat or use of force:

3 (i) for the supply of radioactive material  
4 or a radioactive device; or

5 (ii) for a nuclear facility to be made  
6 available or for access to a nuclear facility.

7 (3) A threat referred to in subsection (2) must be  
8 made in circumstances which indicate the credibility of  
9 the threat. Maximum penalty: imprisonment for 20 years.

10 **MANAGEMENT AND FORFEITURE OF PROPERTY OF SPECIFIED**  
11 **ENTITIES**

12 **Section 1319 Direction to take control of property**

13 (1) The Attorney-General may direct the Court Clerk to  
14 take custody and control of property if the Attorney  
15 General has reasonable grounds to believe that the  
16 property is terrorist property.

17 (2) The direction:

18 (a) must specify the property concerned; and

19 (b) may be subject to conditions.

20 (3) A person who has custody or control of property  
21 mentioned in the direction must allow the Court Clerk to  
22 take custody and control of the property in accordance  
23 with the direction.

24 **Section 1320 Notice of direction**

25 (1) Notice of the making of a direction under section  
26 1319 and 1321 must be given:

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1 (a) as soon as possible to the person who owns or  
2 controls the property, if practicable, if the person or  
3 a representative of the person is in the Federated  
4 States of Micronesia; and

5 (b) to any other person that the Attorney-General  
6 thinks may have an interest in the property.

7 (2) Failure to comply with subsection (1) does not  
8 affect the validity of the direction.

9 **Section 1321 Variation, revocation, or expiry of**  
10 **direction**

11 (1) The Attorney General may:

12 (a) make another direction under section 1319  
13 varying the conditions of the direction or the property  
14 that is subject to the direction.

15 (b) revoke the direction.

16 (2) Notice of any direction under this section must be  
17 given in accordance with the provisions of section 1320.

18 (3) If not earlier revoked, a direction under section  
19 1319 or this section expires if:

20 (a) for property of a specified entity—the entity  
21 ceases to be a specified entity; or

22 (b) a forfeiture order is made under section 1327  
23 in relation to the property.

24 **Section 1322 Judicial review and appeal**

25 (1) Upon application by a person who owns or controls  
26 property subject to a direction under section 1319 or

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1 1321, the Court may vary or revoke the direction.

2 (2) The Court must:

3 (a) if the Court decides that there are  
4 reasonable grounds for the Attorney General's actions  
5 under section 1319 or 1321, dismiss the application.

6 (b) if the Court decides that there are no  
7 reasonable grounds for the Attorney General's actions  
8 under section 1319 or 1321, revoke the direction.

9 (3) Reasonable written notice of an application under  
10 subsection (1) must be given to the Attorney General by  
11 the applicant.

12 (4) Before deciding on the application, the Court must  
13 hear from the Attorney General.

14 (5) If the Court revokes the direction, the Attorney  
15 General must:

16 (a) tell the person who owns or controls the  
17 property in writing; and

18 (b) publish a notice of revocation.

19 (6) The Attorney General or a person whose property is  
20 subject to a direction may appeal to the Appellate  
21 Division of the Supreme Court.

22 **Section 1323 Further provisions on management of**  
23 **property of specified entities**

24 Subject to this chapter the provisions of the Money  
25 Laundering and Proceeds of Crime Act 2000 apply, with  
26 all necessary modifications, to property that is the

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1 subject of a direction under section 1319 or 1321, as if  
2 the direction were a restraining order under the Money  
3 Laundrying and Proceeds of Crime Act 2000.

4 **Section 1324 Third parties may apply for relief**

5 (1) A person, other than the person who owns or  
6 controls the property, who claims an interest in  
7 property that is subject to a direction under section  
8 1319 or 1321 may apply to the Court for an order under  
9 section 1325.

10 (2) The person must give written notice of the  
11 application to the Attorney-General, who is a party to  
12 any proceedings on the application.

13 **Section 1325 Court may grant relief to third party**

14 (1) Subsection (2) applies if:

15 (a) a person makes an application under section  
16 1324; and

17 (b) the Court is satisfied that the person's  
18 claim to the interest is valid.

19 (2) The Court must make an order:

20 (a) declaring the nature, extent, and value of  
21 the person's interest in the property; and

22 (a) declaring that the interest is no longer  
23 subject to the order under section 1319 or 1321; and

24 (b) if the interest is held by the Court Clerk:

25 (i) directing the Court Clerk to transfer  
26 the interest to the person; or

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1 (ii) declaring that there is payable by the  
2 Court Clerk to the person an amount equal to the value  
3 of the interest declared by the Court.

4 (3) However, the Court may, if it thinks fit, refuse  
5 to make an order if it is satisfied that:

6 (a) the person was knowingly involved in any way  
7 in the carrying out of the terrorist acts that are the  
8 basis of the designation of the entity as a specified  
9 entity, or is an entity that is wholly owned or  
10 effectively controlled, directly or indirectly, by the  
11 specified entity; or

12 (b) if the person acquired the interest at the  
13 time of or after the designation of the entity as a  
14 specified entity, the applicant did not acquire the  
15 interest in the property in good faith and for value,  
16 without knowing or having reason to believe that the  
17 property was, at the time of the acquisition, property  
18 subject to a direction under section 1319 or 1321.

19 **Section 1326 Application for forfeiture order**

20 (1) The Attorney-General may apply to the Court for a  
21 forfeiture order against terrorist property.

22 (2) The Attorney-General must:

23 (a) name as respondents to the application only  
24 those persons who are known to own or control the  
25 property the subject of the application; and

26 (b) give notice of the application to each

1           respondent in the manner directed by the Court.

2           (3) The Court may, at any time before the final  
3           determination of the application, make orders for:

4                   (a) service of the application on any person whom  
5           the Court thinks has an interest in the property; and

6                   (b) publication of notice of the application.

7           (4) Any person who claims an interest in the property  
8           may appear and present evidence at the hearing of the  
9           application.

10           **Section 1327 Making forfeiture order**

11           (1) If the Court is satisfied, on the balance of  
12           probabilities, that the property the subject of the  
13           application is terrorist property, the Court must order  
14           that the property be forfeited to the Federated States  
15           of Micronesia.

16           (2) If the Court is satisfied that a person mentioned  
17           in paragraph 1326 (2) (a) or (3) (a):

18                   (a) has an interest in the property the subject  
19           of the application; and

20                   (b) has exercised reasonable care to ensure that  
21           the property is not terrorist property; and

22                   (c) is not a member of a specified entity;

23           the Court must order that the interest is not a  
24           affected by the order and declare the nature and extent  
25           of the interest.

26           (3) If the Court makes a forfeiture order, the Court

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1           may give any directions that are necessary or convenient  
2           to give effect to the order.

3           (4) If the Court refuses to make a forfeiture order,  
4           the Court must make an order that describes the property  
5           and declare that it is not terrorist property.

6           **Section 1328 Effect of forfeiture order**

7           (1) If the Court makes a forfeiture order against  
8           property (other than registrable property), the order  
9           vests the property absolutely in the Federated States of  
10          Micronesia.

11          (2) If the Court makes a forfeiture order against  
12          registrable property:

13                 (a) the order vests the property in the Federated  
14                 States of Micronesia in equity, but does not vest it in  
15                 the Federated States of Micronesia at law until the  
16                 applicable registration requirements have been complied  
17                 with; and

18                 (b) the Federated States of Micronesia is  
19                 entitled to be registered as owner of the property; and

20                 (c) the Attorney-General may do, or authorise the  
21                 doing of, anything necessary or convenient to obtain the  
22                 registration of the Federated States of Micronesia as  
23                 owner, including the execution of any necessary  
24                 instrument; and

25                 (d) the Attorney-General may do anything  
26                 necessary or convenient to give notice of, or otherwise

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1 protect, the Federated States of Micronesia equitable  
2 interest in the property; and

3 (e) anything done by the Attorney-General under  
4 paragraph (d) is not a dealing for paragraph (3) (a).

5 (3) If the Court makes a forfeiture order against  
6 property (including registrable property):

7 (a) the property must not, except with the leave  
8 of the Court and in accordance with any directions of  
9 the Court, be disposed of, or otherwise dealt with, by  
10 or for the Federated States of Micronesia, before 6  
11 months after the forfeiture order was made; and

12 (b) the property may be disposed of, and the  
13 proceeds applied or otherwise dealt with as the  
14 Attorney-General directs, after 6 months after the  
15 forfeiture order was made.

16 **Section 1329 Protection of third parties**

17 (1) A person who claims an interest in property that  
18 has been forfeited and who has not been given notice  
19 under paragraph 1326 (2) (a) or (3) (a) may apply to the  
20 Court, within 6 months after the forfeiture order was  
21 made, for an order under subsection (4).

22 (2) The person must give reasonable written notice of  
23 the application to the Attorney-General.

24 (3) The Attorney-General:

25 (a) is a party to the proceedings in an  
26 application under subsection (1); and

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1 (b) may make an application under subsection (1)  
2 for a person.

3 (4) If a person applies to the Court for an order  
4 about the person's interest in property, the Court must  
5 make an order declaring the nature, extent and value (as  
6 at the time the order is made) of the person's interest  
7 if the Court is satisfied in accordance with subsection  
8 1327 (2).

9 (5) An appeal lies to the Appellate Division of the  
10 Supreme Court from an order under subsection (4).

11 **Section 1330 Return of property**

12 (1) The Attorney-General must, on application by a  
13 person who has obtained an order under subsection  
14 1329 (4), if the period for appeals has expired and any  
15 appeal from that order has been determined or has  
16 lapsed:

17 (a) return the property, or the part of it to  
18 which the interest of the applicant relates, to the  
19 applicant; or

20 (b) if the interest in the property is no longer  
21 vested in the Federated States of Micronesia, pay an  
22 amount equal to the value of the interest of the  
23 applicant, as declared in the order, to the applicant.

24 (2) Subsection (1) does not apply to any property  
25 returned, or amount paid, to the person under section  
26 1325.

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1           **Section 1331 Appeal**

2           The Attorney-General or a person affected by a decision  
3           made by the Court under this Chapter may appeal to the  
4           Appellate Division of the Supreme Court against the  
5           decision.

6           **Section 1332 Disclosure of information**

7           (1) A financial institution must immediately tell the  
8           Attorney General about the existence of any property in  
9           its possession or control:

10           (a) that is owned or controlled, directly or  
11           indirectly, by or for a specified entity, including  
12           property derived or generated from that property; or

13           (b) for which there are reasonable grounds to  
14           suspect is property of a kind mentioned in paragraph  
15           (a).

16           (2) The Attorney General may tell the financial  
17           intelligence authority or other appropriate authority of  
18           a foreign country about any information it has about any  
19           property of the kind mentioned in subsection (1), if the  
20           authority thinks the information would be relevant to  
21           the foreign country.

22           (3) Information may be given under subsection (2)  
23           subject to any conditions that the Attorney General  
24           determines.

25           (4) A financial institution must tell the Financial  
26           Intelligence Unit about every dealing that occurs in the

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1 course of its activities and for which there are  
2 reasonable grounds to suspect is related to the  
3 commission of a terrorist act.

4 (5) No civil or criminal proceedings lie against a  
5 person for making a disclosure or report, in good faith,  
6 under subsection (1), (2) or (4).

7 (6) Nothing in subsection (1) or (4) requires a lawyer  
8 to disclose a privileged communication, other than  
9 information about a financial transaction recorded for a  
10 trust account of the lawyer.

11 (7) A person who receives information under subsection  
12 (1), (2) or (4) must not disclose the information or its  
13 source except:

14 (a) for the purposes of:

15 (i) the enforcement of this chapter; or

16 (ii) the detection, investigation or  
17 prosecution of an offence under this chapter; or

18 (iii) providing assistance under the Mutual  
19 Assistance in Criminal Matters Act 2000; or

20 (b) in accordance with an order of a court.

21 (8) A person must not contravene subsection (1) or  
22 (4).

23 Maximum penalty: imprisonment for 5 years.

24 **GENERAL POWERS**

25 **Section 1332 Controlled delivery of property**

26 (1) This section applies to an authorised officer who

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1           has reasonable grounds to believe that a person has  
2           committed, is committing or is about to commit an  
3           offence under this chapter.

4           (2) The authorised officer may allow property, that  
5           the authorised officer reasonably suspects has been, is  
6           being or may be used to commit an offence under this  
7           chapter, to enter, leave or move through the Federated  
8           States of Micronesia for the purpose of gathering  
9           evidence to identify a person or to facilitate a  
10          prosecution for the offence.

11          (3) An authorised officer does not commit an offence  
12          under this chapter if:

13                 (a) the authorised officer is engaged in  
14                 investigation of a suspected offence under this chapter;  
15                 and

16                 (b) the offence involves property that the  
17                 authorised officer reasonably suspects has been, is  
18                 being or may be used to commit an offence under this  
19                 chapter; and

20                 (c) the authorised officer does not take action,  
21                 that the authorised officer would otherwise be required  
22                 to take under this chapter, for the purpose of the  
23                 investigation.

24                 **Section 1333 Provision of information relating to**  
25                 **persons, goods or craft entering or leaving the country**

26                 (1) The operator of a craft:

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1 (a) arriving in or departing from the Federated  
2 States of Micronesia; or

3 (b) registered in the Federated States of  
4 Micronesia, departing from any place outside the  
5 Federated States of Micronesia;  
6 must give the Secretary of Justice any information in  
7 his or her possession, relating to persons or goods on  
8 board, or expected to be on board, the craft.

9 (2) A person must not contravene subsection (1).  
10 Maximum penalty: 3 years.

11 (3) The Secretary of Justice may give the competent  
12 authority in a foreign country any information:

13 (a) in his or her possession relating to persons  
14 entering or leaving the Federated States of Micronesia;  
15 and

16 (b) that is required by the laws of the foreign  
17 country.

18 (4) The provision of information under subsection (1)  
19 or

20 (3) is taken not to be a contravention of any  
21 provision of law prohibiting the disclosure of the  
22 information.

23 (5) No information provided to the Secretary of  
24 Justice under subsection (1) may be used or disclosed by  
25 the Secretary of Justice except for the purpose of  
26 protecting border security, national security or public

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1 safety.

2 (6) The President may make regulations generally to  
3 give effect to the purposes of this section, including  
4 regulations prescribing the types or classes of  
5 information that may be:

6 (a) provided under this section; or

7 (b) disclosed to the competent authority of a  
8 foreign country.

9 **Section 1334 Power to prevent entry and order the**  
10 **removal of persons**

11 (1) An authorised officer must not grant an  
12 endorsement or other authority permitting a person to  
13 enter the Federated States of Micronesia if he or she  
14 has reasonable grounds to suspect that that person has  
15 been, is, or will be, involved in the commission of a  
16 terrorist act.

17 (2) If the Secretary of Justice has reasonable grounds  
18 to suspect that a person, other than a citizen, in the  
19 Federated States of Micronesia has been, is or will be,  
20 involved in the commission of a terrorist act, he or she  
21 may make an order requiring the person to leave the  
22 Federated States of Micronesia and to remain out of the  
23 Federated States of Micronesia.

24 (3) A person against whom an order under subsection  
25 (2) is made must leave the Federated States of  
26 Micronesia and must, so long as the order is in force,

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1 remain out of the Federated States of Micronesia.

2 (4) A person against whom an order under subsection  
3 (2) is made may be:

4 (a) detained in such manner as may be directed by  
5 the Secretary of Justice for no more than 7 days, or any  
6 longer period that is reasonably needed to arrange for  
7 the person's removal from the Federated States of  
8 Micronesia; and

9 (b) placed on a craft leaving the Federated  
10 States of Micronesia.

11 **Section 1335 Exchange of information relating to**  
12 **terrorist groups and terrorist acts**

13 (1) The Attorney General may disclose to the  
14 appropriate authority of a foreign country any  
15 information in his or her possession relating to any of  
16 the following:

17 (a) the actions or movements of terrorist groups  
18 or  
19 persons suspected of involvement in the commission of  
20 terrorist acts;

21 (b) the use of forged or falsified travel papers  
22 by persons suspected of involvement in the commission of  
23 terrorist acts;

24 (c) traffic in explosives or other lethal devices  
25 by terrorist groups or persons suspected of involvement  
26 in the commission of terrorist acts;

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1 (d) the use of communication technologies by  
2 terrorist groups; and if the disclosure is not  
3 prohibited by any provision of law and will not, in the  
4 Attorney General's view, prejudice national security or  
5 public safety.

6 **Section 1336 Regulations**

7 The President may make regulations in relation to all  
8 matters for which regulations are required or authorised  
9 to be made by this chapter, including the power to add  
10 or omit items to or from Schedule 1.

11 **Section 1337 Detention of goods suspected to be**  
12 **terrorist property**

13 (1) An authorised officer may, without warrant, seize  
14 and detain goods if-

15 (a) the goods came to his or her attention, or  
16 into his or her possession, during a search, inspection,  
17 audit, or examination under -

18 (i) the any relevant customs law; or

19 (ii) the Financial Transactions Reporting Act  
20 of 2007.

21 (b) the goods are in the Federated States of  
22 Micronesia and he or she is satisfied that they either:

23 (i) are being, or are intended to be,  
24 exported into the Federated States of Micronesia; or

25 (ii) are being, or have been, imported into  
26 the Federated States of Micronesia; and

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1 (c) he or she has good cause to suspect that the  
2 goods are terrorist property.

3 **Section 1338 Return of cash necessary to satisfy**  
4 **essential human needs**

5 (1) The power to detain goods under section 1337 does  
6 not extend to, and the authorised officer must if  
7 practicable return immediately, cash seized under  
8 section 1337 if the authorised officer is satisfied that  
9 the cash is (or things for which it might be exchanged  
10 are) necessary to satisfy the essential human needs:

11 (a) of (or of a dependant of) an individual from  
12 whom the cash has been seized; and

13 (b) arising on, or within 7 days after, the date  
14 on which the detention would otherwise be effected.

15 (2) Nothing in subsection (1) requires the authorised  
16 officer to return any cash that the authorised officer  
17 is satisfied is not necessary for the purpose specified  
18 in that subsection.

19 (3) If the 7 day period referred to in section  
20 1340(1)(a) is extended under section 1341, subsection  
21 (1) applies to the extension, and the reference in  
22 subsection (1)(b) to 7 days must be read as a reference  
23 to the number of days (not exceeding 21) of that 7 day  
24 period as extended.

25 **Section 1339 Further provisions about detention under**  
26 **section 1337**

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1           (1) Reasonable force may be used if it is necessary  
2           for any of the following purposes:

3                   (a) to seize goods under section 1337:

4                   (b) to detain goods under section 1337.

5           (2) If the person for whom the goods have been seized  
6           and detained under section 1337 is identified but is not  
7           present when the seizure and detention occurs (for  
8           example, because the goods concerned are in mail or  
9           cargo or in unaccompanied baggage), the authorised  
10          officer must make all reasonable efforts to notify that  
11          person of the detention and seizure as soon as  
12          practicable.

13          (3) Goods detained under section 1337 must be taken to  
14          such a place of security as an authorised officer  
15          directs, and there detained, unless section 1342  
16          applies.

17          (4) An authorised officer or a person lawfully  
18          assisting an authorised officer is not liable for the  
19          loss of or damage to any property occasioned by anything  
20          done or omitted to be done or purported to have been  
21          done by an authorised officer or person lawfully  
22          assisting in the exercise of any power conferred on him  
23          or her under sections 1337 to 1342.

24          (5) Nothing in section 1337 limits or affects powers  
25          Under customs and other laws concerning powers of  
26          detention and seizure.

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1           **Section 1340 Return of goods detained under section 1337**

2           (1) In this section, investigation period, in relation  
3 to goods seized and detained under section 1337:

4                 (a) means the period of 7 days after the date on  
5 which the goods were seized and detained; and

6                 (b) includes any extension of that period granted  
7 by the Court under section 1341.

8           (2) Goods seized and detained under section 1337 must  
9 be returned to the person from whom they were seized as  
10 soon as practicable after whichever of the following  
11 occurs first:

12                 (a) the completion of all relevant  
13 investigations, if they show that the goods are not  
14 terrorist property; or

15                 (b) the expiry of the investigation period.

16           (3) However, the authorised officer need not return  
17 the goods as provided in subsection (2), and may  
18 continue to detain them pending a decision by the  
19 Attorney General under sections 1319 or 1321, if the  
20 authorised officer is advised by, or on behalf of, the  
21 Attorney-General that the goods are terrorist property.

22           **Section 1341 Extension of 7 day period in section**  
23           **1340 (1) (a)**

24           (1) The 7 day period in section 1340(1) (a) may be  
25 extended (but once only) by order of the Court for a  
26 reasonable period up to a further 14 days if, on an

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1 application for the purpose made before the expiry of  
2 that 7 day period, that Court is satisfied:

3 (a) that the good cause to suspect required by  
4 section 1337(1)(c) exists; and

5 (b) that the extension to be granted is necessary  
6 to enable investigations in or outside the Federated  
7 States of Micronesia in relation to the goods or entity  
8 to be completed.

9 (2) The application must be made in writing and served  
10 on the person from whom the goods were seized (if that  
11 person can be identified and located), and must include  
12 the following particulars:

13 (a) a description of the goods detained:

14 (b) the date on which the detention commenced:

15 (c) a statement of the facts supporting the good  
16 cause to suspect required by section 1337(1)(c); and

17 (d) a statement of the reasons why the extension  
18 sought is necessary to enable investigations in or  
19 outside the Federated States of Micronesia in relation  
20 to the goods or entity to be completed.

21 (3) The person from whom the goods were seized is  
22 entitled to appear and be heard on the application.

23 (4) The authorised officer must make all reasonable  
24 efforts to notify the person from whom the goods were  
25 seized, at least 24 hours before the hearing of the  
26 application, of the time and place of that hearing.

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1           **Section 1342 Custody of certain good detained under**  
2           **section 1337**

3           (1) If goods detained under section 1337 are a craft,  
4           vehicle or animal, an authorised officer may leave those  
5           goods in the custody of either:

6                   (a) the person from whom the goods have been  
7                   seized; or

8                   (b) any other person authorised by the authorised  
9                   officer and who consents to having such custody.

10          (2) Every person who has the custody of goods under  
11          subsection (1) must, until a final decision is made  
12          under section 1340 as to whether or not they are to be  
13          returned, hold them in safekeeping, without charge to  
14          the Federated States of Micronesia and in accordance  
15          with any reasonable conditions that may be imposed by  
16          the authorised officer.

17          (3) A person to whom subsection (2) applies must also:

18                   (a) make the goods available to an authorised  
19                   officer on request; and

20                   (b) not alter, or dispose of, or remove the goods  
21                   from the Federated States of Micronesia, unless he or  
22                   she is authorised to do so by the authorised officer;  
23                   and

24                   (c) return the goods on demand to the custody of  
25                   the authorised officer.

26           **Section 1343 Offences in relation to certain detained**



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1           **Section 1345 Specified aircraft**

2           If the Attorney General is satisfied that the  
3           requirements of Article 18 of the Tokyo Convention have  
4           been satisfied, the Attorney General may, by notice,  
5           declare that a specified aircraft is taken to be  
6           registered in a specified Convention country.

7           **Section 1346 General powers of commander of aircraft**

8           (1) The commander of an aircraft in flight may take  
9           any reasonable measures necessary for the purposes  
10          mentioned in subsection (2) in relation to any person on  
11          board the aircraft, including restraint of the person  
12          and the use of force, if the commander has reasonable  
13          grounds to believe:

14                 (a) that the person has done or is about to do  
15                 any act on the aircraft while it is in flight that  
16                 jeopardises or may jeopardise:

17                         (i) the safety of the aircraft or of persons  
18                         or property on board the aircraft; or

19                         (ii) good order and discipline on board the  
20                         aircraft; or

21                 (b) that the person has done on the aircraft  
22                 while in flight any act that in the opinion of the  
23                 commander is a serious offence under a law in force in  
24                 the country in which the aircraft is registered, not  
25                 being a law of a political nature or based on racial or  
26                 religious discrimination.

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1           (2) The purposes mentioned in subsection (1) are:

2                   (a) to protect the safety of the aircraft or of  
3 persons or property on board the aircraft; or

4                   (b) to maintain good order and discipline on  
5 board the aircraft; or

6                   (c) to enable the commander to disembark or  
7 deliver that person in accordance with subsection (5).

8           (3) For paragraph (1) (b), a Federated States of  
9 Micronesia controlled aircraft is taken to be registered  
10 in the Federated States of Micronesia, whether or not it  
11 is so registered and whether or not it is registered in  
12 another country.

13           (4) A member of the crew of an aircraft and any other  
14 person on board the aircraft may, at the request or with  
15 the authority of the commander of the aircraft, and a  
16 member must if required by the commander, render  
17 assistance in restraining any person whom the commander  
18 is entitled under subsection (1) to restrain.

19           (5) At any time when the aircraft is in flight, a  
20 member of the crew of the aircraft or any other person  
21 may, without obtaining the authority of the commander,  
22 take any measures mentioned in subsection (1) in  
23 relation to any person on board the aircraft that the  
24 member or other person has reasonable grounds to believe  
25 are immediately necessary to protect the safety of the  
26 aircraft or of persons or property on board the

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1 aircraft.

2 **Section 1347 Restraint of persons on aircraft**

3 (1) Any restraint imposed on a person on board an  
4 aircraft under section 1347 may be continued after the  
5 time when the aircraft first ceases to be in flight only  
6 if:

7 (a) the aircraft first ceases to be in flight in  
8 the territory of a country that is not a party to the  
9 Tokyo Convention and its authorities refuse to permit  
10 the disembarkation of the person in order to deliver  
11 that person to the competent authorities of the country;  
12 or

13 (b) the aircraft makes a forced landing and the  
14 commander is unable to deliver that person to the  
15 competent authorities; or

16 (c) the person agrees to continued restraint for  
17 onward carriage.

18 (2) The commander must as soon as is reasonably  
19 practicable, and if possible before landing in a  
20 country's territory, cause notification to be given to  
21 the appropriate authority of the country where the  
22 aircraft ceases to be in flight of the fact that a  
23 person on board the aircraft is under restraint and of  
24 the reasons for the restraint.

25 (3) Subject to the notification mentioned in  
26 subsection (2), restraint may be continued after the

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1 aircraft first ceases to be in flight:

2 (a) for any period (including the period of any  
3 further flight) between that time and the first occasion  
4 on which the commander is able with any requisite  
5 consent of the appropriate authorities to disembark or  
6 deliver the person under restraint in accordance with  
7 section 1348; or

8 (b) if the person under restraint agrees to  
9 continue his or her journey under restraint on board  
10 that aircraft.

11 **Section 1348 Disembarkation and delivery of person**

12 (1) The commander of an aircraft may disembark any  
13 person on board an aircraft in any country in which the  
14 aircraft may be if, for any person on board the  
15 aircraft, the commander:

16 (a) has reasonable grounds to believe that the  
17 person is about to do any act mentioned in paragraph  
18 1346 (1) (a); and

19 (b) believes that it is necessary to do so in  
20 order to protect the safety of the aircraft or of  
21 persons or property on board the aircraft or to maintain  
22 good order and discipline on board the aircraft.

23 (2) For any person on board the aircraft that the  
24 commander of an aircraft has reasonable grounds to  
25 believe as mentioned in paragraph 1346 (1) (b), the  
26 commander may deliver the person:

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1 (a) in the Federated States of Micronesia to a  
2 police officer; or

3 (b) in any other country that is a party to the  
4 Tokyo Convention, to an officer having functions  
5 corresponding to the functions of either a police  
6 officer or of an immigration officer in the Federated  
7 States of Micronesia.

8 **Section 1349 Reporting and notification obligations**

9 (1) The commander of an aircraft:

10 (a) if he or she disembarks a person under  
11 subsection 1348 (1), for a Federated States of  
12 Micronesia controlled aircraft, in any country or, for  
13 any other aircraft, in the Federated States of  
14 Micronesia, must report the fact of, and the reason for,  
15 the disembarkation to:

16 (i) an appropriate authority in the country  
17 of disembarkation; or

18 (ii) the appropriate diplomatic or consular  
19 office of the country of nationality of that person; and

20 (b) if he or she intends to deliver a person under  
21 section 1348 in the Federated States of Micronesia or,  
22 for a Federated States of Micronesia controlled  
23 aircraft, in any other country that is a Convention  
24 country, must, before or as soon as reasonably  
25 practicable after landing, give notification of his or  
26 her intention and of the reasons:

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1 (i) if the country is the Federated States  
2 of Micronesia, to a police officer or immigration  
3 officer or, for any other country, to an officer having  
4 functions corresponding to the functions either of a  
5 police officer or of an immigration officer in the  
6 Federated States of Micronesia; and

7 (ii) in either case to the appropriate  
8 diplomatic or consular office of the country of  
9 nationality of the person.]; and

10 (c) must give to the appropriate authority  
11 evidence in his or her possession about the person's  
12 behaviour.

13 (2) A commander of an aircraft who, without reasonable  
14 cause, fails to comply with the requirements of this  
15 section commits an offence.

16 Maximum penalty: imprisonment for 3 years.

17 (3) If the person is delivered to a police officer:

18 (a) the police officer must take the person into  
19 custody unless he or she has reasonable grounds to  
20 believe that the person has not committed the offence;  
21 and

22 (b) if the police officer refuses to take the  
23 person into custody – give written reasons for the  
24 refusal.

25 **Section 1350 Indemnity for actions under sections 1344**  
26 **to 1349**



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1 of Micronesia.

2 (3) Subsection (1) applies to an act committed in  
3 relation to an aircraft used in military, customs or  
4 police service only if:

5 (a) the act is committed in or over the Federated  
6 States of Micronesia; or

7 (b) if the act is committed outside [the  
8 Federated States of Micronesia], the person committing  
9 the act is a citizen of [the Federated States of  
10 Micronesia].

11 **MONTREAL CONVENTION AND PROTOCOL – CIVIL AVIATION**  
12 **Section 1352 Offence to destroy, damage or endanger**  
13 **safety of aircraft**

14 (1) A person must not unlawfully and intentionally:

15 (a) destroy an aircraft in service or so damage  
16 an aircraft as to render it incapable of flight or as to  
17 be likely to endanger its safety in flight; or

18 (b) commit on board an aircraft in flight an act  
19 of violence that is likely to endanger the safety of the  
20 aircraft.

21 Maximum penalty: imprisonment for 25 years.

22 (2) A person must not unlawfully and intentionally  
23 place or cause to be placed on an aircraft in service a  
24 device or substance that is likely to destroy the  
25 aircraft or is likely to damage it so as to render it  
26 incapable of flight or so as to be likely to endanger

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1           its safety in flight.

2           Maximum penalty: imprisonment for 25 years.

3           (3) Subsections (1) and (2) apply to an act committed  
4           in relation to an aircraft used in military, customs or  
5           police service only if:

6                   (a) the act is committed in or over the Federated  
7           States of Micronesia; or

8                   (b) if the act is committed outside the Federated  
9           States of Micronesia, the person committing the act is a  
10          citizen of the Federated States of Micronesia.

11          **Section 1353 Offences involving other acts endangering**  
12          **or likely to danger the safety of aircraft**

13          (1) A person must not unlawfully and intentionally  
14          destroy or damage any property to which this section  
15          applies or interfere with the operation of that  
16          property, if the destruction, damage or interference is  
17          likely to endanger the safety of aircraft in flight.

18          Maximum penalty: imprisonment for 25 years.

19          (2) Without limiting the application of subsection  
20          (1), subsection (1) applies to any property used for the  
21          provision of air navigation facilities including any  
22          land, building, aircraft, ship, craft, apparatus or  
23          equipment, whether it is on board an aircraft or  
24          elsewhere.

25          (3) A person must not intentionally communicate any  
26          information which he or she knows to be false,

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1 misleading or deceptive in a material particular, if the  
2 communication of the information endangers the safety of  
3 an aircraft in flight or is likely to endanger the  
4 safety of an aircraft in flight.

5 Maximum penalty: imprisonment for 25 years.

6 (4) Subsections (1) and (3) applies to the commission  
7 of an act only if:

8 (a) the act is committed in the Federated States  
9 of Micronesia, or

10 (b) if the act is committed outside the Federated  
11 States of Micronesia:

12 (i) the person committing the act is a  
13 citizen of the Federated States of Micronesia; or

14 (ii) the commission of the act endangers or  
15 is likely to endanger the safety in flight of an  
16 aircraft registered in the Federated States of  
17 Micronesia or chartered by demise to a lessee whose  
18 principal place of business, or (if none) whose  
19 permanent residence, is in the Federated States of  
20 Micronesia; or

21 (iii) the act is committed on board an  
22 aircraft that is registered or chartered the Federated  
23 States of Micronesia; or

24 (iv) the act is committed on board an  
25 aircraft that lands in the Federated States of  
26 Micronesia with the person who committed the act still

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1 on board; or

2 (v) the person is present in the Federated  
3 States of Micronesia.

4 (5) Subsection (1) also applies to an act committed  
5 outside the Federated States of Micronesia and that is  
6 committed in relation to property that is situated  
7 outside the Federated States of Micronesia and is not  
8 used for the provision of air navigation facilities in  
9 connection with international air navigation, only if  
10 the person committing the act is a citizen of the  
11 Federated States of Micronesia.

12 **Section 1354 Offences involving acts of violence at**  
13 **airports serving international civil aviation**

14 (1) A person must not unlawfully and intentionally,  
15 using any device, substance or weapon:

16 (a) perform an act of violence, against a person  
17 at an airport serving international civil aviation, that  
18 causes or is likely to cause serious injury or death; or

19 (b) destroy or seriously damage the facilities of  
20 an airport serving international civil aviation or an  
21 aircraft not in service located there or disrupt the  
22 services of the airport;

23 if the act endangers or is likely to endanger safety at  
24 the airport.

25 Maximum penalty: imprisonment for 25 years.

26 **INTERNATIONALLY PROTECTED PERSONS**

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1           **Section 1355 Offences against internationally protected**  
2           **person**

3           (1) A person must not intentionally:

4                   (a) commit murder, kidnapping or other attack on  
5           the person or liberty of an internationally protected  
6           person; or

7                   (b) commit a violent attack on the official  
8           premises, private accommodation or means of transport,  
9           of an internationally protected person, likely to  
10          endanger that person or that person's liberty; or

11                   (c) threaten to commit an attack.

12          Maximum penalty: imprisonment for life years.

13           **HOSTAGES**

14           **Section 1356 Offence of taking hostage**

15           (1) A person must not:

16                   (a) seize or detain another person; and

17                   (b) threaten to kill, injure or continue to  
18          detain the other person;

19          with intent to compel the government of a country, an  
20          international organization or a person or group of  
21          persons to act or refrain from acting as an explicit or  
22          implicit condition for the safety or release of the  
23          other person.

24          Maximum penalty: imprisonment for 25 years.

25                           **NUCLEAR MATERIAL**

26           **Section 1357 Movement of nuclear material**

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1           (1) A person must not knowingly import or export  
2 nuclear material to or from the Federated States of  
3 Micronesia except in accordance with a license or  
4 written permit given by Secretary of Justice.  
5 Maximum penalty: imprisonment for 10 years.

6           (2) A person must not knowingly, without licence or  
7 written permission from Secretary of Justice, transport  
8 nuclear material:

9                   (a) over the territory of the Federated States of  
10 Micronesia; or

11                   (b) through any of its seaports or airports.  
12 Maximum penalty: imprisonment for 10 years.

13           (3) A person must not knowingly transport nuclear  
14 material between 2 places in the Federated States of  
15 Micronesia, through international waters or airspace,  
16 without licence or written permission from Secretary of  
17 Justice.  
18 Maximum penalty: imprisonment for 10 years.

19           (4) A licence or written permission mentioned in  
20 subsection (1), (2) or (3) may be given only if the  
21 Secretary of Justice has received a written assurance  
22 from the person that the material will, during  
23 international nuclear transport, be protected at the  
24 levels mentioned in the Nuclear Material Convention.

25           (5) A person must not knowingly make a false statement  
26 or provide a false assurance to the Secretary of Justice

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1 under subsection (1), (2) or (3).

2 Maximum penalty: imprisonment for 5 years.

3 **Section 1358 Offences relating to nuclear material**

4 (1) A person must not:

5 (a) without lawful authority intentionally  
6 receive, possess, use, transfer, alter, dispose of or  
7 disperse nuclear material in a way that causes or is  
8 likely to cause death or serious injury to a person or  
9 substantial damage to property or to the environment; or

10 (b) steal nuclear material; or

11 (c) embezzle or fraudulently obtain nuclear  
12 material; or

13 (d) demand nuclear material by threat or use of  
14 force or any other form of intimidation; or

15 (e) threaten:

16 (i) to use nuclear material to cause death  
17 or serious injury to any person or substantial damage to  
18 any property or to the environment; or

19 (ii) to steal nuclear material to compel a  
20 person, state or an international organization to do or  
21 refrain from doing any act; or

22 (f) without lawful authority commit an act, or  
23 threaten to commit an act against a nuclear facility, or  
24 interfere with a nuclear facility in a way that causes  
25 or is likely to cause death or serious injury to a  
26 person or substantial damage to property or to the

1 environment.

2 Maximum penalty: imprisonment for 25 years.

3 **MARITIME SAFETY**

4 **Section 1359 Offences**

5 (1) A person must not unlawfully and intentionally:

6 (a) seize, or exercise control over, a ship or  
7 fixed platform by force or threat of force or other form  
8 of intimidation; or

9 (b) commit an act of violence, against a person  
10 on board a ship or fixed platform, that is likely to  
11 endanger the safe navigation of the ship or safety of  
12 the fixed platform; or

13 (c) destroy a ship or fixed platform; or

14 (d) cause damage, to a ship or its cargo or a  
15 fixed platform, that is likely to endanger the safe  
16 navigation of the ship or safety of the fixed platform;  
17 or

18 (e) place, or cause to be placed, on a ship or  
19 fixed platform a device or substance, likely:

20 (i) for a ship – to destroy the ship, or to  
21 cause damage to the ship or its cargo likely to endanger  
22 the safe navigation of the ship; or

23 (ii) for a fixed platform – to destroy the  
24 fixed platform or to endanger its safety; or

25 (f) destroy or seriously damage maritime  
26 navigational facilities or seriously interfere with

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1           their operation in a way that is likely to endanger the  
2           safe navigation of a ship; or

3                   (g) communicate information, that he or she knows  
4           to be false, endangering the safe navigation of a ship;  
5           or

6                   (h) injure or kill a person in connection with  
7           the commission, or attempted commission, of an offence  
8           mentioned in paragraph (a), (b), (c), (d), (e), (f), or  
9           (g).

10          Maximum penalty: imprisonment for 25 years.

11               (2) A person must not, with the intention of  
12          compelling another person to do or to refrain from doing  
13          any act, threaten to commit an offence mentioned in  
14          paragraph (1) (b), (c), (d) or (f) in relation to a ship  
15          or fixed platform, if the threat is likely to endanger  
16          the safety of the ship or fixed platform.

17          Maximum penalty: imprisonment for 15 years.

18          **Section 1360 Protocol offences**

19               (1) A person must not unlawfully and intentionally:

20                   (a) with the intention of intimidating a  
21          population or compelling a government or international  
22          organization to do or to refrain from doing any act:

23                           (i) use against or on or discharge from a  
24          fixed platform or ship any nuclear, chemical, or  
25          biological weapon or radioactive or nuclear material in  
26          a manner that causes or is likely to cause death or

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1           serious injury or damage:

2                       (ii) discharge from a fixed platform or ship  
3           oil, liquefied natural gas, or other hazardous or  
4           noxious substance, which is not covered by paragraph

5           (a) (i) in such quantity or concentration that causes or  
6           is likely to cause death or serious injury or damage:

7                       (aa) use a ship in a manner that causes  
8           death or serious injury or damage:

9                       (bb) threaten to commit an offence in  
10          paragraphs (a) (i), (ii) or (iii):

11                   (b) transport on a craft:

12                       (i) any explosive or radioactive material  
13          knowing that it is intended to cause or threatened to be  
14          used to cause death or serious injury or damage with the  
15          intention to intimidate a population or compel a  
16          government or international organization to do or  
17          refrain for doing any act:

18                       (ii) any nuclear, chemical, or biological  
19          weapon:

20                       (iii) any source material, special fissionable  
21          material, or equipment or material especially designed  
22          or prepared for the processing use or production of  
23          special fissionable material knowing that it is intended  
24          to be used in a nuclear explosive activity or in any  
25          other nuclear activity not under safeguard pursuant to  
26          an International Atomic Energy Agency comprehensive

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1           safeguards agreement:

2                           (iv) any equipment, material, or software or  
3           related technology that is intended to significantly  
4           contribute to the design, manufacture, or delivery of a  
5           nuclear, chemical or biological weapon:

6                           (v) a person who has committed an act that  
7           constitutes and offence under this section with the  
8           intent to assist that person to avoid criminal  
9           prosecution:

10                          (c) injure or cause the death of another person  
11           in connection with the commission of any offence under  
12           this section.

13           Maximum Penalty: imprisonment for 25 years.

14           **Section 1361 Arrest and delivery**

15                          (1) The master of a ship registered in the Federated  
16           States of Micronesia who has reasonable grounds to  
17           believe that a person has committed an offence under  
18           section 1360 against, or on board, any ship may:

19                                  (a) arrest and detain the person; and

20                                  (b) deliver the person to the appropriate  
21           authorities in any other Convention State.

22                          (2) The master of the ship must:

23                                  (a) notify the authorities in the other  
24           Convention State before delivering the person; and

25                                  (b) give to the authorities evidence in his or  
26           her possession that the person has committed the

1 offence.

2 Maximum penalty: imprisonment for 3 years.

3 (3) If the person is delivered to a police officer:

4 (a) the police officer must take the person into  
5 custody unless he or she has reasonable grounds to  
6 believe that the person has not committed the offence;  
7 and

8 (b) if the police officer refuses to take the  
9 person into custody – give written reasons for the  
10 refusal.

## 11 **PLASTIC EXPLOSIVES**

### 12 **Section 1362 Plastics explosives offences**

13 (1) A person must not manufacture unmarked plastic  
14 explosives, knowing that they are unmarked.

15 Maximum penalty: imprisonment for 10 years.

16 (2) A person must not possess or transport unmarked  
17 plastic explosives, knowing that they are unmarked.

18 Maximum penalty: imprisonment for [*length - X years*].

19 (3) Subject to subsection (5), it is not an offence  
20 under subsections (1) or (2) if:

21 (a) the person manufactures or holds unmarked  
22 plastic explosives in a quantity approved in writing by  
23 Secretary of Justice solely for use:

24 (i) in research, development or testing of  
25 new or modified explosives; or

26 (ii) in training in explosives detection or

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1 in the development or testing of explosives detection  
2 equipment; or

3 (iii) for forensic science purposes; or

4 (b) the unmarked plastic explosives are destined  
5 to be, and are incorporated as, an integral part of duly  
6 authorised military devices in [the Federated States of  
7 Micronesia] within 3 years after the coming into force  
8 of the Plastic Explosives Convention in the Federated  
9 States of Micronesia.

10 (4) It is not an offence under subsection (2) if the  
11 person possesses or transports unmarked plastic  
12 explosives in a quantity approved in writing by the  
13 Secretary of Justice solely for a use mentioned in  
14 subsection (3).

15 (5) If unmarked plastic explosives have been  
16 manufactured in, or imported into, the Federated States  
17 of Micronesia before the commencement of this chapter:

18 (a) if they are held by authorities performing  
19 military or police functions and are not incorporated as  
20 an integral part of a military device, they must be  
21 destroyed, marked or rendered permanently ineffective  
22 within 15 years after the commencement of this chapter;  
23 and

24 (b) if they are held by any other person, they  
25 must be destroyed, marked or rendered permanently  
26 ineffective within 3 years after the commencement of

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1           this Chapter.

2           (6) A person must not import or export unmarked  
3           plastic explosives.

4           Maximum penalty: imprisonment for 10 years.

5           **Section 1363 Power of entry**

6           (1) An officer authorised in writing by the Attorney  
7           General may enter premises where he or she has  
8           reasonable grounds to believe that explosives are being  
9           manufactured, kept or stored and do any of the  
10          following:

11                  (b) investigate and make inquiries on the  
12          premises to find out whether an offence under section  
13          1362 is being committed;

14                  (c) inspect any records, documents or equipment  
15          found on the premises;

16                  (d) take copies of, or extracts from, the records  
17          or documents.

18          (2) A person must not:

19                  (a) resist or obstruct an officer authorised for  
20          subsection (1) exercising the powers mentioned in  
21          subsection (1); or

22                  (b) knowingly give false information in response  
23          to an inquiry under subsection (1); or

24                  (c) suppress any material information in response  
25          to an inquiry under subsection (1).

26          Maximum penalty: imprisonment for 5 years.

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**TERRPROST BOMBING**

**Section 1364 Terrorist bombing offences**

(1) Subsection (2) applies to an action that is intended by a person:

(a) to cause death or serious bodily injury; or

(b) to cause extensive damage to a place mentioned in paragraph (2) (a) or (b), a facility mentioned in paragraph (2) (c) or a system mentioned in paragraph (2) (d), if the damage results in or is likely to result in major economic loss.

(2) The person must not unlawfully and intentionally deliver, place, discharge or detonate an explosive or other lethal device in, into or against:

(a) a part of a building, land, street or waterway or other location that is accessible or open to members of the public, whether continuously, periodically or occasionally, including a commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational or similar place; or

(b) a facility or conveyance that is used or occupied, in connection with his or her official duties, by:

(i) a representative of any Government; or

(ii) the Head of State of any country; or

(iii) the Prime Minister or a Minister or a

- 1 cabinet member of any country; or
- 2 (iv) a member of the legislature of any
- 3 country; or
- 4 (v) a judge of any country; or
- 5 (vi) an official or employee of a Government
- 6 or public authority or an inter-governmental
- 7 organization; or
- 8 (c) a facility, conveyance or instrumentality,
- 9 whether public or privately owned, that is used in or
- 10 for a publicly available service for the transportation
- 11 of persons or cargo; or
- 12 (d) a publicly or privately owned facility
- 13 providing or distributing services for the benefit of
- 14 the public, such as water, energy, fuel or
- 15 communications.

16 Maximum penalty: imprisonment for life.

17 **NUCLEAR TERRORISM**

18 **Section 1365 Nuclear terrorism**

19 (1) A person must not:

20 (a) unlawfully possess radioactive material or

21 make or possess a radioactive device:

22 (i) with the intent to cause death or

23 serious bodily injury; or

24 (ii) with the intent to cause substantial

25 damage to property or to the environment;

26 (iii) unlawfully use in any way radioactive

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1 material or a radioactive device, or use or damage a  
2 nuclear facility in a manner which causes a release or  
3 increases the risk of the release of radioactive  
4 material:

5 (aa) with the intent to cause death or  
6 serious bodily injury; or

7 (bb) with the intent to cause  
8 substantial damage to property or to the environment;

9 (cc) with the intent to compel a person,  
10 State or an international organization to do or refrain  
11 from doing any act.

12 (1) A person must not:

13 (a) threaten to commit an offence mentioned in  
14 subsection (1)(b); or

15 (b) unlawfully and intentionally make a demand  
16 supported by a threat or use of force:

17 (i) for the supply of radioactive material  
18 or a radioactive device; or

19 (ii) for a nuclear facility to be made  
20 available or for access to a nuclear facility.

21 (2) A threat referred to in subsection (2) must be  
22 made in circumstances which indicate the credibility of  
23 the threat.

24 Maximum penalty: imprisonment for life.

25 **TRANSNATIONAL ORGANISED CRIME**

26 **Section 1366 Participation in organized criminal group**

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1           (1) A person must not participate (whether as a  
2 member, associate member or prospective member) in an  
3 organised criminal group, knowing that it is an  
4 organised criminal group:

5           (a) knowing that his or her participation  
6 contributes to the occurrence of criminal activity; or

7           (b) reckless as to whether his or her  
8 participation contributes to the occurrence of criminal  
9 activity.]

10 Maximum penalty: imprisonment for 20 years.

11           (2) A group of people is capable of being an organised  
12 criminal group for the purposes of this section whether  
13 or not:

14           (a) some of them are subordinates or employees of  
15 others; or

16           (b) only some of the people involved in it at a  
17 particular time are involved in the planning,  
18 arrangement or execution at that time of any particular  
19 action, activity, or transaction; or

20           (c) its membership changes from time to time.

21 **Section 1367 Corruption**

22           (1) A person must not intentionally promise, offer or  
23 give to a public official, directly or indirectly, an  
24 undue advantage, for the official or for another person,  
25 for the official to act or refrain from acting in the  
26 exercise of his or her official duties.

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1 Maximum penalty: imprisonment for 15 years.

2 (2) A public official must not intentionally solicit  
3 or accept, directly or indirectly, an undue advantage,  
4 for the official or for another person, for the official  
5 to act or refrain from acting in the exercise of  
6 official duties.

7 Maximum penalty: imprisonment for 15 years.

8 **PEOPLE TRAFFICKING**

9 **Section 1368 Offence of trafficking in persons**

10 A person must not engage in trafficking in a person or  
11 be involved in the arranging of trafficking in a person,  
12 knowing that the person's entry into the Federated  
13 States of Micronesia or any other state is or was  
14 arranged by specified means.

15 Maximum penalty: imprisonment for 20 years.

16 **Section 1369 Offence of trafficking in children**

17 A person must not intentionally engage in trafficking in  
18 a person who is a child or be involved in the arranging  
19 of trafficking in a person who is a child, regardless of  
20 whether the child's entry into the Federated States of  
21 Micronesia or any other state is or was arranged by  
22 specified means.

23 Maximum penalty: imprisonment for 20 years.

24 **Section 1370 Exploitation of people not legally entitled**  
25 **to work**

26 (1) An employer who allows an unlawful employee to

1           undertake employment in the employer's service must not  
2           take an action with the intention of preventing or  
3           hindering the employee from:

4                       (a) leaving the Federated States of Micronesia;  
5           or

6                       (b) as certaining or seeking that person's  
7           entitlement under the law of the Federated States of  
8           Micronesia; or

9                       (c) disclosing to any person the circumstances of  
10          that person's employment by the employer.

11          (2) Without limiting the generality of subsection (1),  
12          the following are examples of actions of the kind  
13          mentioned in that subsection:

14                       (a) taking or retaining possession or control of  
15          a person's passport, any other travel or identity  
16          document, or travel tickets;

17                       (b) preventing or hindering a person from:

18                               (i) having access to a telephone; or

19                               (ii) using a telephone; or

20                               (iii) using a telephone privately; or

21                               (iv) leaving premises; or

22                               (v) leaving premises unaccompanied;

23                       (c) preventing or hindering any labour inspector  
24          of official from entering or having access to any place  
25          or premises to which the person is entitled to have  
26          access under any law.

1 Maximum penalty: imprisonment for 10 years.

2 **Section 1371 Consent of trafficked person**

3 (1) For sections 1368 and 1369 it is not a defence:

4 (a) that the trafficked person consented to the  
5 intended exploitation; or

6 (b) that the intended exploitation did not occur.

7 **Section 1372 Offence relating to fraudulent travel**  
8 **documents**

9 (1) A person must not knowingly, in order to obtain a  
10 material benefit:

11 (a) produce a fraudulent travel or identity  
12 document; or

13 (b) procures, provide or possess a fraudulent  
14 travel or identity document.

15 Maximum penalty: imprisonment for 10 years.

16 **Section 1373 Protection for trafficked persons**

17 (1) A trafficked person is not liable to criminal  
18 prosecution for:

19 (a) the act of trafficking in persons or being a  
20 party to an offence of trafficking in persons; or

21 (b) the person's illegal entry into the Federated  
22 States of Micronesia, in connection with the act of  
23 trafficking in person if the Federated States of  
24 Micronesia is the receiving country; or

25 (c) the person's period of unlawful residence in  
26 the Federated States of Micronesia after being

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1 trafficked, if the Federated States of Micronesia is the  
2 receiving country; or

3 (d) the person's procurement or possession of any  
4 fraudulent travel or identity documents that the person  
5 obtained, or with which the person was supplied, for the  
6 purpose of entering the receiving country in connection  
7 with the act of trafficking in persons.

8 (2) Subsection (1) does not prevent the removal of a  
9 trafficked person in accordance with [applicable  
10 *immigration laws*].

11 **Section 1374 Obligation on commercial carriers**

12 (1) A commercial carrier must not transport a person  
13 into a receiving country if, on entry into the receiving  
14 country, the person does not have the travel documents  
15 required for lawful entry into that country.

16 Maximum penalty: fine of \$100,000.

17 (2) A commercial carrier is not guilty of an offence  
18 under subsection (1) if:

19 (a) the commercial carrier had reasonable grounds  
20 to believe that the documents that the person has are  
21 the travel documents required for lawful entry of that  
22 person into the receiving country; or

23 (b) the person possessed the travel documents  
24 required for lawful entry into the receiving country  
25 when that person boarded, or last boarded, the means of  
26 transport to travel to the receiving country; or

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1 (c) entry into the receiving country occurred  
2 only because of illness of or injury to a person on  
3 board, emergency, stress of weather or other  
4 circumstances beyond the control of the commercial  
5 carrier.

6 (3) A commercial carrier that is guilty of an offence  
7 under this section is liable to pay the costs of the  
8 person's detention in, and removal from, the receiving  
9 country.

#### 10 **PEOPLE SMUGGLING**

##### 11 **Section 1375 Offence of people smuggling**

12 (1) A person must not, in order to obtain a material  
13 benefit, engage in people smuggling either knowing or  
14 being reckless as to the fact that the entry of the  
15 person being or to be smuggled into the country is  
16 illegal.

17 Maximum penalty: imprisonment for 20 years.

18 (2) Subsection (1) applies whether or not the person  
19 being smuggled enters or arrives in the receiving  
20 country.

##### 21 **Section 1376 Offence to facilitate stay of an** 22 **unauthorised person**

23 A person must not knowingly facilitate the continued  
24 presence of an unauthorised person in a receiving  
25 country in order to obtain a material benefit.

26 Maximum penalty: imprisonment for 15 years.

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1           **Section 1377 Offence related to fraudulent travel or**  
2           **identity documents**

3           (1) A person must not knowingly, in order to obtain a  
4           material benefit:

5                   (a) produce a fraudulent travel or identity  
6           document; or

7                   (b) procure, provide or possess a fraudulent  
8           travel or identity document.

9           Maximum penalty: imprisonment for 10 years.

10           **Section 1378 Aggravated offences**

11           (1) A person commits an aggravated offence of any of  
12           the offences mentioned in subsection (2) who commits  
13           that offence in one or more of the following  
14           circumstances:

15                   (a) the unauthorised person is subjected to  
16           torture or to any other cruel, inhuman or degrading  
17           treatment (including exploitation);

18                   (b) the life or safety of the person being  
19           smuggled is, or is likely to be, endangered.

20           (2) Aggravated offences are offences against sections  
21           1375, 1376 and 1377.

22           Maximum penalty: imprisonment for 25 years.

23           **Section 1379 Protection for smuggled persons**

24           (1) An unauthorised person is not liable to  
25           prosecution for an offence under sections 1375-1381, by  
26           reason only of the fact that the person is the object of

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1 the following conduct:

2 (a) people smuggling;

3 (b) when committed for the purpose of enabling  
4 people smuggling, an offence under section 1377;

5 (c) an offence under section 1376.

6 (2) For the avoidance of doubt, nothing in subsection  
7 (1) prevents proceedings being taken against an  
8 unauthorised person for an act or omission that  
9 constitutes an offence under any other law.

10 **Section 1380 Obligation on commercial carriers**

11 (1) A commercial carrier must not transport a person  
12 into a receiving country if, on entry into the receiving  
13 country, the person does not have the travel documents  
14 required for lawful entry into that country.

15 Maximum penalty: fine of \$100,000.

16 (2) A commercial carrier is not guilty of an offence  
17 under subsection (1) if:

18 (a) the commercial carrier had reasonable grounds  
19 to believe that the documents that the person has are  
20 the travel documents required for lawful entry of that  
21 person into the receiving country; or

22 (b) the person possessed the travel documents  
23 required for lawful entry into the receiving country  
24 when that person boarded, or last boarded, the means of  
25 transport to travel to the receiving country; or

26 (c) entry into the receiving country occurred

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1           only because of illness of or injury to a person on  
2           board, emergency, stress of weather or other  
3           circumstances beyond the control of the commercial  
4           carrier.

5           (3) A commercial carrier that is guilty of an offence  
6           under this section is liable to pay the costs of the  
7           person's detention in, and removal from, the receiving  
8           country.

9           **Section 1381 Boarding, search and detention of craft**

10          (1) This section applies to a craft that is a ship,  
11          boat, or other machine or vessel used or capable of  
12          being used for the carriage of persons by water or over  
13          water, except for a foreign warship.

14          (2) An authorised officer may stop and board the craft  
15          within the Federated States of Micronesia if the  
16          authorised officer has reasonable grounds to believe the  
17          craft:

18                  (a) is being used to commit an offence against  
19          section 1375; and

20                  (b) the craft is in:

21                          (i) the Federated States of Micronesia; or

22                          (ii) the contiguous zone of the Federated  
23          States of Micronesia.

24          (3) The authorised officer may, when reasonably  
25          necessary for the exercise of his or her functions in  
26          connection with an offence against section 1375:

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1                   (a) direct the craft to stay where it is, or  
2                   direct it to be taken to a suitable place in the  
3                   Federated States of Micronesia, for the purpose of  
4                   search; and

5                   (b) search and detain the craft, anyone on it and  
6                   anything on it; and

7                   (c) question any person on board the craft; and

8                   (d) require the production of any documents  
9                   relating to the craft or any travel or identity  
10                  documents of a person on the craft; and

11                  (e) take a copy of any documents produced; and

12                  (f) seize and detain anything found on the craft  
13                  that appears to him or her to be evidence of an offence  
14                  against this charter; and

15                  (g) remain on the craft for such period as is  
16                  reasonably necessary for the purpose of boarding,  
17                  searching and directing the craft or carrying out an  
18                  investigation for an offence against section 1375.

19                  (4) If the craft fails to stop at the request of an  
20                  authorised officer, the officer may pursue it into  
21                  international waters and take any action that is  
22                  reasonably necessary to stop the craft to enable it to  
23                  be boarded (other than in the territorial sea of another  
24                  country).

25                  (5) The authorised officer may require the person in  
26                  charge of the craft, a member of the crew or any person

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1 on board to take any action that may be directed by the  
2 officer for paragraph (3) (a).

3 (6) The person in charge of the craft must give any  
4 authorised officer who remains on board the craft proper  
5 and sufficient food and suitable accommodation without  
6 charge.

7 (7) A person must comply with a direction of the  
8 authorised officer under paragraph (3) (a).

9 Maximum penalty: imprisonment for 3 years.

10 **GENERAL PROVISIONS**

11 **Section 1382 Jurisdiction**

12 (1) Unless otherwise provided for under this chapter,  
13 proceedings may be brought for an offence under this  
14 chapter:

15 (a) if the act or omission:

16 (i) is committed in the Federated States of  
17 Micronesia; or

18 (ii) is committed on board a ship or aircraft  
19 registered in the Federated States of Micronesia; or

20 (iii) is committed by a person who is in the  
21 Federated States of Micronesia; and

22 (b) whether or not the act or omission  
23 constituting the offence is committed in or outside the  
24 Federated States of Micronesia, if the act or omission:

25 (i) is committed by a citizen of the  
26 Federated States of Micronesia or a citizen of any

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1 country who is ordinarily resident in the Federated  
2 States of Micronesia; or

3 (ii) is committed in order to compel the  
4 Government of the Federated States of Micronesia to do  
5 or abstain from doing any act; or

6 (iii) is committed against a citizen of the  
7 Federated States of Micronesia; or

8 (iv) is committed by a person who is, after  
9 the commission of the offence, present in the Federated  
10 States of Micronesia; or

11 (v) is intended to be committed in the  
12 Federated States of Micronesia; or

13 (vi) originates in or transits the Federated  
14 States of Micronesia.

15 **Section 1383 Aiding, abetting etc commission of an**  
16 **offence**

17 (1) A person who aids, abets, counsels or procures the  
18 commission of an offence under this chapter by another  
19 person is taken to have committed the offence and is  
20 punishable as if the offence had been committed by that  
21 person.

22 (2) A person does not commit an offence under  
23 subsection (1) if, before the offence was committed, the  
24 person:

25 (a) terminated the person's involvement; and

26 (b) took all reasonable steps to prevent the

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1 commission of the offence.

2 **Section 1384 Incitement to commit an offence**

3 (1) A person who urges the commission of an offence  
4 under this chapter commits an offence.

5 Maximum penalty: imprisonment for 10 years.

6 (2) A person commits an offence under subsection (1)  
7 even if committing the offence incited is impossible.

8 **Section 1385 Conspiring to commit an offence**

9 (1) A person who conspires with another person,  
10 whether inside or outside the Federated States of  
11 Micronesia, to commit an offence under this chapter  
12 commits the offence of conspiracy and is punishable as  
13 if the offence to which the conspiracy relates had been  
14 committed.

15 (2) A person is not guilty of conspiracy to commit an  
16 offence if, before the taking of action under the  
17 agreement, the person:

18 (a) withdrew from the agreement; and

19 (b) took all reasonable steps to prevent the  
20 commission of the offence.

21 (3) A person is not guilty of conspiracy to commit an  
22 offence if:

23 (a) all other parties to the agreement have been  
24 acquitted of the conspiracy and a finding of guilt would  
25 be inconsistent with their acquittal; or

26 (b) the person is a person for whose benefit or

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1 protection the offence exists.

2 **Section 1386 Attempting to commit an offence**

3 A person who attempts to commit an offence under this  
4 chapter commits an offence and is punishable as if the  
5 offence attempted had been committed, provided that the  
6 person's conduct is more than merely preparatory to the  
7 commission of the offence.

8 **Section 1387 Liability of a corporation**

9 (1) This chapter applies to a corporation in the same  
10 way as it applies to an individual and a corporation may  
11 be found guilty of any of the offences set out in this  
12 chapter, in addition to the liability of any person for  
13 the same offence.

14 (2) For an offence under this chapter, the conduct or  
15 state of mind of an employee, agent or officer of a  
16 corporation is taken to be attributed to the corporation  
17 if that person is acting:

18 (a) within the scope of the person's employment;

19 or

20 (b) within the scope of the person's actual or  
21 apparent authority; or

22 (c) with the consent or agreement (express or  
23 implied) of a director, servant or agent of the  
24 corporation, and giving that consent is within the  
25 actual or apparent authority of the director, servant or  
26 agent.

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1           (3) A reference in this section to the state of mind  
2           of a person includes the person's knowledge, intention,  
3           opinion, belief or purpose, and the person's reasons for  
4           that intention, opinion, belief or purpose.

5           **Section 1388 Obligation to extradite or prosecute**

6           If the Attorney-General refuses a request from another  
7           country to extradite a person under the Extradition Act,  
8           and the extradition request relates to an act or  
9           omission listed in Schedule 1, the Attorney-General must  
10          submit the matter to the Police.

11          **Section 1389 Consent of Attorney-General**

12          (1) Proceedings for any offence under this chapter,  
13          for which jurisdiction is claimed under subparagraph  
14          1382 (a) (ii) for an offence committed on board an  
15          aircraft while in flight, or a vessel, elsewhere than in  
16          or over the Federated States of Micronesia or for any  
17          other offence committed outside the Federated States of  
18          Micronesia may only be instituted with the consent of  
19          the Attorney-General.

20          (2) Subsection (1) do not prevent the arrest, or the  
21          issue of a warrant for the arrest, of any person for any  
22          offence, or the remanding in custody or on bail of any  
23          person charged with any offence.

24          **Section 1390 Restricted grounds for refusal to extradite**  
25          **or provide mutual assistance**

26          (1) Despite anything in the Extradition Act 2007 or

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1 Mutual Assistance in Criminal Matters Act 2000, an  
2 offence under this or any other title, where the act or  
3 omission constituting the offence also constitutes a  
4 terrorist act, is taken, for the purposes of extradition  
5 or mutual assistance, not to be:

6 (a) an offence of a political character or  
7 an offence connected with a political offence or an  
8 offence inspired by political motives; or

9 (b) a fiscal offence.

10 (2) Despite anything in the Mutual Assistance in  
11 Criminal Matters Act 2000, no request for mutual  
12 assistance in relation to an offence under this chapter  
13 may be declined solely on the basis of bank secrecy.

14 **Section 1391 Responsibility for enforcement of this**  
15 **chapter**

16 The **Secretary of Justice has primary enforcement for**  
17 **this** chapter.

18 **Section 1392 Court jurisdiction**

19 Despite any other law the court has jurisdiction  
20 concerning all matters under or relating to this  
21 chapter.

22 Section 1393 No limitation of time for prosecutions.

23 Despite any other law there is no limitation of time on  
24 when a prosecution for an offence established under this  
25 chapter may be brought.

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Section 1394. This Act becomes law upon approval by the President of the Federated States of Micronesia or upon its becoming law without such approval, which event occurs first.

Date: \_\_\_\_\_ Introduced by: \_\_\_\_\_  
Joe N. Suka  
(by request)