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AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia, as amended by Public Law No. 2-71, by amending sections 1205, 1207, 1230, and 1231 for the purpose of modifying the time of disqualification from being issued a firearm identification card and the penalty for not possessing a firearm identification card, and for other purposes.

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

1           Section 1. Section 1205 of title 11 of the Code of the Federated  
2 States of Micronesia is hereby amended to read as follows:

3           "Section 1205. Identification cards required; Issuance.

4                   (1) No person shall acquire or possess any firearm,  
5 dangerous device, or ammunition unless he holds an identi-  
6 fication card issued pursuant to this chapter. The  
7 identification card is evidence of the holder's eligibility  
8 to possess and use or carry firearms, dangerous devices,  
9 or ammunition.

10                   (2) Identification cards shall be issued only by the  
11 Office of the Attorney General pursuant to regulations made  
12 by the Office of the Attorney General in the manner which is  
13 or may be provided by law. The identification card shall have  
14 on its face all of the following:

- 15                           (a) the name and address of the holder;  
16                           (b) the sex, height, and weight of the holder;  
17                           (c) the birth date of the holder;  
18                           (d) the date of expiration for the card, which  
19 shall be two years from the date of issue;  
20                           (e) a photograph of the holder taken within ten  
21 days prior to issuance;  
22                           (f) an endorsement setting forth the extent of

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1 the holder's eligibility to possess, use, and carry fire-  
2 arms, dangerous devices, or ammunition;

3 (g) the number of the identification card.

4 (3) An applicant for an identification card shall make  
5 application therefor on a form approved by the Office of the  
6 Attorney General and shall supply such information as may be  
7 necessary to afford the issuing agency reasonable opportunity  
8 to ascertain the facts required to appear on the face of the  
9 identification card, and to determine whether the applicant  
10 complies with all requirements of this chapter to possess  
11 and use, or carry, firearms, dangerous devices, or ammunition,  
12 as the case may be.

13 (4) No identification card shall issue until fifteen  
14 days after application therefor, and unless the issuing agency  
15 is satisfied that the applicant may lawfully possess and use,  
16 or carry, firearms, dangerous devices, or ammunition of the  
17 type or types enumerated on the identification card. Unless  
18 the application for use and possession is denied, the identifica-  
19 tion card shall issue within sixty days from the date of  
20 application.

21 (5) No person shall be issued an identification card if  
22 he has been:

23 (a) acquitted of any criminal charge by reason of  
24 insanity;

25 (b) adjudicated mentally incompetent;

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1 (c) treated in a hospital for mental illness, drug  
2 addiction, or alcoholism;

3 (d) convicted of a crime of which actual or attempted  
4 personal injury or death is an element;

5 (e) convicted of a crime in connection with which  
6 firearms or dangerous devices were used or found in his  
7 possession;

8 (f) convicted of a crime of which the use, posses-  
9 sion, or sale of narcotics or dangerous drugs is an element.

10 (6) No person shall be issued an identification card if  
11 he has a physical condition or impairment which makes him unable  
12 to use a firearm or dangerous device with proper control.

13 (7) Any person suffering from a physical or mental defect,  
14 condition, illness, or impairment which would make him ineligible  
15 for an identification card pursuant to this section may submit  
16 the certificate of a physician licensed to practice in the  
17 Trust Territory to the issuing agency or officer. If the  
18 certificate states that it is the subscribing physician's best  
19 opinion that the defect, condition, illness, or impairment does  
20 not make the applicant incapable of possessing and using a  
21 firearm or dangerous device without danger to the public  
22 safety, the identification card may be issued. But no such  
23 card shall be valid for a period longer than six months.

24 (8) Any person who is ineligible for an identification  
25 card by reason of conviction of crime may be issued such a card

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1 if his most recent discharge from probation or parole or the  
2 termination of his most recent sentence, whichever is later, is  
3 more than ten years prior to the time of application for the  
4 identification card and if the issuing agency finds that his  
5 record, taken as a whole, does not indicate that his possessing  
6 and using, or carrying, a firearm or dangerous device, as the  
7 case may be, are not likely to constitute a special danger to  
8 the public safety; PROVIDED that, if the crime which renders  
9 him ineligible for an identification card is solely the failure  
10 to have an identification card issued to him, then the rein-  
11 statement to eligibility pursuant to this subsection shall  
12 occur five years after the date of his sentencing.

13 (9) A duplicate identification card may be issued to the  
14 holder of a lost, destroyed, or defaced identification card  
15 upon proof of such loss, destruction, or defacement as the  
16 Office of the Attorney General may require, upon payment of  
17 the fee required by section 1230 of this chapter, and upon  
18 surrender of any remaining portion of the original card. Notice  
19 shall be given to the Office of the Attorney General by the  
20 holder within forty-eight hours of his discovery of such loss,  
21 defacement, or destruction. The holder shall notify the Office  
22 of the Attorney General of any change of name or address from  
23 those appearing upon the identification card within forty-eight  
24 hours of such change.

25 (10) A person who is neither a citizen nor resident

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1 of the Trust Territory shall not be eligible for an identifi-  
2 cation card, except upon receiving special permission from the  
3 Attorney General."

4 Section 2. Section 1207 of title 11 of the Code of the Federated  
5 States of Micronesia is hereby amended to read as follows:

6 "Section 1207. Carrying firearms. No person shall carry a  
7 firearm unless he has a valid identification card and is  
8 carrying the firearm unloaded in a closed case or other securely  
9 wrapped or closed package or container, or locked in the trunk  
10 of his vehicle while en route to or from a target range or area  
11 where he hunts or takes part in other sports involving firearms,  
12 or carries the firearm in plain sight on his person while actively  
13 engaged in hunting or sports involving the use of firearms."

14 Section 3. Section 1230 of title 11 of the Code of the Federated  
15 States of Micronesia is hereby amended to read as follows:

16 "Section 1230. Fees for licenses and identification cards.

17 (1) The fees for issuance and renewal of licenses and  
18 identification cards as required by this chapter shall be as  
19 follows:

- 20 (a) for an identification card, \$5;  
21 (b) for a dealer's license, \$150;  
22 (c) for a manufacturer's license, \$500;  
23 (d) for a wholesaler's license, \$500;  
24 (e) for replacement of lost, destroyed, or  
25 defaced identification card, \$5.

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1           (2) Fees collected pursuant to the provisions of this  
2           chapter shall be paid to the General Fund of the Federated  
3           States of Micronesia."

4           Section 4. Section 1231 of title 11 of the Code of the Federated  
5 States of Micronesia is hereby amended to read as follows:

6           "Section 1231. Penalties for violation of chapter.

7           (1) Any person who fails to comply with section 1207 of  
8           this chapter shall be guilty of a misdemeanor, and upon  
9           conviction thereof shall be fined not more than \$100, or  
10          imprisoned not more than three months, or both.

11          (2) Any person who violates any other provisions of  
12          this chapter or any regulations issued pursuant thereto shall  
13          be guilty of a felony, and upon conviction thereof shall be  
14          fined not more than \$2,000, or imprisoned not more than five  
15          years, or both, and shall be subject to confiscation of any  
16          firearm, dangerous device, or ammunition, without compensation,  
17          involved in a violation of this chapter. The holder of any  
18          dealer's license, or the manager or supervisor of employees of  
19          any establishment so licensed, or both, shall be liable for  
20          any violation of this chapter by his employee or agent  
21          committed in the course of the dealer's business, to the same  
22          extent as such employee or agent.

23          (3) It shall be an affirmative defense under subsection  
24          (1) of this section, that the defendant was issued a valid  
25          identification card at the time of his arrest, but neglected

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1 to have it upon his person."

2 Section 5. This act shall become law upon approval by the  
3 President of the Federated States of Micronesia or upon its becoming  
4 law without such approval.

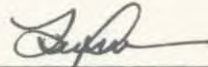
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November 28, 1984

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Tosiwo Nakayama  
President  
Federated States of Micronesia

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