

A BILL FOR AN ACT

To amend title 11 of the Code of the Federated States of Micronesia (Annotated), by creating a new chapter 13 to grant the Supreme Court of the Federated States of Micronesia the power to expunge the record of a person accused or convicted of a national crime, and for other purposes.

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

1 Section 1. Title 11 of the Code of the Federated States of
2 Micronesia (Annotated), is hereby amended by creating a new
3 chapter 13 entitled: "Expungement".

4 Section 2. Title 11 of the Code of the Federated States of
5 Micronesia (Annotated), is hereby amended by inserting a new
6 section 1301 to chapter 13, to read as follows:

7 "Section 1301. Purpose.

8 The purpose of this chapter is to grant the Supreme
9 Court of the Federated States of Micronesia the power
10 to expunge the record of a person accused or convicted
11 of a national crime."

12 Section 3. Title 11 of the Code of the Federated States of
13 Micronesia (Annotated), is hereby amended by inserting a new
14 section 1302 in chapter 13, to read as follows:

15 "Section 1302. Procedure.

16 (1) The Supreme Court of the Federated States of
17 Micronesia may enter an order of expungement if the
18 court determines after hearing that either a
19 constitutional right of a person has been violated or

1 there is an extreme need or exceptional circumstance
2 that warrants expungement.

3 (2) An order entered pursuant to subsection (1) of
4 this section shall expunge from all official records
5 all recordation relating to the person's arrest,
6 indictment or information, trial, finding of guilt, and
7 sentencing. The effect of such order shall be to
8 restore the person, in the contemplation of the law, to
9 the status he occupied before such arrest or indictment
10 or information. No person as to whom such order has
11 been entered shall be held thereafter under any
12 provisions of any law to be guilty of perjury or
13 otherwise giving a false statement by reason of his
14 failures to recite or acknowledge such arrest, or
15 indictment or information, or trial, or sentence in
16 response to any inquiry made of him for any purpose."

17 Section 4. This act shall become law upon approval by the
18 President of the Federated States of Micronesia or upon its
19 becoming law without such approval.

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21 Date: 9/20/16

Introduced by: /s/ Wesley W. Simina
Wesley W. Simina