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AN ACT

To further amend title 11 of the Code of the Federated States of Micronesia, as amended by Public Laws Nos. 5-24 and 5-40, by amending section 1205 and 1231 and by adding a new section 1232, to require periodic renewal of identification cards, to require periodic reporting of ownership or possession of dangerous devices, and to require reporting of losses of dangerous weapons by persons with a penalty for non-reporting, all relating to weapons control, 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 States  
2 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 identification  
6 card issued pursuant to this chapter. The identification card is  
7 evidence of the holder's eligibility to possess and use or carry  
8 firearms, dangerous devices, or ammunition. A person need not  
9 own or possess any firearm, dangerous device, or ammunition to  
10 apply for and have issued to him an identification card.

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

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

1 (f) an endorsement setting forth the extent of the  
2 holder's eligibility to possess, use, and carry firearms, dangerous  
3 devices, or ammunition; and

4 (g) the number of the identification card.

5 (3) An applicant for the issuance or renewal of an  
6 identification card shall make application therefor on a form  
7 approved by the Office of the Attorney General and shall supply  
8 such information as may be necessary to afford the issuing  
9 agency reasonable opportunity to ascertain the facts required to  
10 appear on the face of the identification card, and to determine  
11 whether the applicant complies with all requirements of this  
12 chapter to possess and use, or carry, firearms, dangerous  
13 devices, or ammunition, as the case may be. Such information  
14 shall include a complete description and serial number, if any, of  
15 any firearm or dangerous device the applicant owns or  
16 possesses.

17 (4) No identification cards shall issue until fifteen days  
18 after application therefor, and unless the issuing agency is  
19 satisfied that the applicant may lawfully possess and use, or  
20 carry, firearms, dangerous devices, or ammunition of the type or  
21 types enumerated on the identification card. Unless the  
22 application for use and possession is denied, the identification  
23 card shall issue within sixty days from the date of application.  
24 An identification card issued pursuant to this section shall be valid  
25 for two years from the date of its issuance unless it has been

1           revoked. A valid identification card issued pursuant to this section  
2           may be renewed bi-annually upon application by the holder made  
3           on the form approved by the Office of the Attorney General.

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

6                           (a) acquitted of any criminal charge by reason of  
7           insanity;

8                           (b) adjudicated mentally incompetent;

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

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

13                          (e) convicted of a crime in connection with which  
14          firearms or dangerous devices were used or found in his  
15          possession; or

16                          (f) convicted of a crime of which the use,  
17          possession, or sale of narcotics or dangerous drugs is an  
18          element.

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

22                   (7) Any person suffering from a physical or mental defect,  
23          condition, illness, or impairment which would make him ineligible for  
24          an identification card pursuant to this section may submit the  
25          certificate of a physician licensed to practice in the Federated

1 States of Micronesia to the issuing agency or officer. If the  
 2 certificate states that it is the subscribing physician's best opinion  
 3 that the defect, condition, illness, or impairment does not make  
 4 the applicant incapable of possessing and using a firearm or  
 5 dangerous device without danger to the public safety, the  
 6 identification card may be issued. But no such card shall be valid  
 7 for a period longer than six months.

8 (8) Any person who is ineligible for an identification card by  
 9 reason of conviction of crime may be issued such a card if his  
 10 most recent discharge from probation or parole or the  
 11 termination of his most recent sentence, whichever is later, is  
 12 more than ten years prior to the time of application for the  
 13 identification card and if the issuing agency finds that his record,  
 14 taken as a whole, does not indicate that his possessing and using,  
 15 or carrying, a firearm or dangerous device, as the case may be,  
 16 are not likely to constitute a special danger to the public safety;  
 17 provided, that if the crime which renders him ineligible for an  
 18 identification card is solely the failure to have an identification card  
 19 issued to him, then the reinstatement to eligibility pursuant to this  
 20 subsection shall occur five years after the date of his sentencing.

21 (9) A duplicate identification card may be issued to the  
 22 holder of a lost, destroyed, or defaced identification card upon  
 23 proof of such loss, destruction, or defacement as the Office of the  
 24 Attorney General may require, upon payment of the fee required  
 25 by section 1230 of this chapter, and upon surrender of any

1 remaining portion of the original card. Notice shall be given to the  
2 Office of the Attorney General by the holder within forty-eight  
3 hours of his discovery of such loss, defacement, or destruction.  
4 The holder shall notify the Office of the Attorney General of any  
5 change of name or address from those appearing upon the  
6 identification card within forty-eight hours of such change.

7 (10) A person who is neither a citizen nor resident of the  
8 Federated States of Micronesia shall not be eligible for an  
9 identification card, except upon receiving special permission from  
10 the Attorney General."

11 Section 2. Section 1231 of title 11 of the Code of the Federated States  
12 of Micronesia is hereby amended to read as follows:

13 "Section 1231. Penalties for violation of chapter.

14 (1) Any person who fails to comply with section 1207 or  
15 section 1232 of this chapter is guilty of a misdemeanor, and upon  
16 conviction thereof shall be fined not more than \$100, or  
17 imprisoned not more than three months, or both.

18 (2) Any person who violates any other provisions of this  
19 chapter or any regulations issued pursuant thereto is guilty of a  
20 felony, and upon conviction thereof shall be fined not more than  
21 \$2,000, or imprisoned not more than five years, or both, and shall  
22 be subject to confiscation of any firearm, dangerous device, or  
23 ammunition, without compensation, involved in a violation of this  
24 chapter. The holder of any dealer's license, or the manager or  
25 supervisor of employees of any establishment so licensed, or both,

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1 shall be liable for any violation of this chapter by his employee or  
2 agent committed in the course of the dealer's business, to the  
3 same extent as such employee or agent.

4 (3) It shall be an affirmative defense under subsection (1)  
5 of this section, that the defendant was issued a valid identification  
6 card at the time of his arrest, but neglected to have it upon his  
7 person."

8 Section 3. Title 11 of the Code of the Federated States of Micronesia is  
9 hereby amended by adding a new section 1232 to read as follows:

10 "Section 1232. Reporting of loss of Firearm, Dangerous Device,  
11 or Ammunition. Any person other than a dealer or wholesaler  
12 who owns or possesses any dangerous device, firearm, or  
13 ammunition shall report its loss to the Office of the Attorney  
14 General, National Police within five days of discovering its loss."

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

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Bailey Olter  
President  
Federated States of Micronesia

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