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A BILL FOR AN ACT

To further amend title 12 of the Code of the Federated States of Micronesia by adding a new Chapter 16 to establish the Attorney General Investigatory Act for the purpose of authorizing the Attorney General of the Federated States of Micronesia to issue administrative summonses and administer oaths in conducting criminal and civil investigations, and for other purposes.

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

1 Section 1. Title 12 of the Code of the Federated States
2 of Micronesia is hereby further amended by enacting a new
3 Chapter 16 to be entitled the "Attorney General's Investigatory
4 Act."

5 Section 2. Title 12 of the Code of the Federated States
6 of Micronesia is hereby further amended by enacting a new
7 section 1601 of chapter 16 to read as follows:

8 "Section 1601. Short title. This chapter may be
9 cited as the Attorney General's Investigatory Act."

10 Section 3. Title 12 of the Code of the Federated States
11 of Micronesia is hereby further amended by adding a new section
12 1602 of chapter 16 to read as follows:

13 "Section 1602. Definitions. As used in this
14 chapter, the following terms shall have the meanings
15 set forth below:

16 (1) "Attorney General" means the Attorney
17 General of the Federated States of Micronesia.

18 (2) "National Government Agency" means any
19 branch, department, office, division, board, bureau,
20 commission, committee, institution, or authority of
21 the National Government of the Federated States of
22 Micronesia.

23 (3) "Person" means natural persons,
24 corporations, trusts, partnerships, incorporated or
25 unincorporated, National and State Government

1 agencies and any other legal entity.

2 (4) "State Government Agency" means any branch,
3 department, office, division, board, bureau,
4 commission, committee, institution, or authority of
5 any State Government of the Federated States of
6 Micronesia."

7 Section 4. Title 12 of the Code of the Federated States
8 of Micronesia is hereby further amended by adding a new section
9 1603 of chapter 16 to read as follows:

10 "Section 1603. Authority of the Attorney General to
11 Investigate.

12 (1) When it appears to the Attorney General
13 that a person has engaged in, is engaging in, or is
14 about to engage in any act or practice violative of
15 the laws of the Federated States of Micronesia, or
16 when he believes it to be in the public interest that
17 an investigation should be made to ascertain whether
18 a person in fact has engaged in, is engaging in, or
19 is about to engage in such act or practice, he may
20 execute in writing and cause to be served upon any
21 person who is believed to have information,
22 documentary material, or physical evidence relevant
23 to the alleged or suspected violation, an
24 administrative summons requiring such person to
25 furnish, under oath or otherwise, any or all of the

1 following: a statement setting forth the relevant
2 facts and circumstances of which he has knowledge, or
3 to appear and testify, or to produce relevant
4 documentary material or physical evidence for
5 examination, at such reasonable time and place as may
6 be stated in the investigative demand.

7 (2) At any time before the return date
8 specified in an administrative summons, or within 10
9 calendar days after the summons has been served,
10 whichever period is shorter, a petition to extend the
11 return date, or to quash or modify the summons,
12 stating good cause, may be filed in the Trial
13 Division of the Supreme Court in the State where the
14 person served with the demand resides or has his
15 principal place of business."

16 Section 5. Title 12 of the Code of the Federated States
17 of Micronesia is hereby further amended by adding a new section
18 1604 of chapter 16 to read as follows:

19 "Section 1604. Services of Administrative Summons.
20 Service of any administrative summons under this
21 chapter shall be made personally within the Federated
22 States of Micronesia, but if such cannot be obtained,
23 substituted service therefor may be made in the
24 following manner:

25 (1) Personal service thereof without the

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Federated States of Micronesia; or

(2) The mailing thereof by certified mail to the last known place of business, residence or abode within or without the Federated States of Micronesia of such person for whom the same is intended; or

(3) Such service as the Supreme Court may direct in lieu of personal service within the Federated States of Micronesia."

Section 6. Title 12 of the Code of the Federated States of Micronesia is hereby further amended by adding a new section 1605 of chapter 16 to read as follows:

"Section 1605. Powers of the Attorney General to Investigate.

(1) To accomplish the objectives and duties authorized by this chapter, the Attorney General may issue administrative summonses to any person, administer oaths or affirmation to any person, and question any person under oath regarding matters reasonable and relevant to the subject of the investigation.

(2) The Attorney General may issue administrative summonses requiring the production of books, records, documents, or other relevant papers or objects necessary to conduct a full and complete investigation.

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1 (3) Any person who willfully fails or refuses
2 to appear upon receiving service of an administrative
3 summons, or who willfully fails or refuses to produce
4 any books, records, documents, or other relevant
5 papers or objects designated in an administrative
6 summons properly issued by the Attorney General upon
7 conviction thereof, shall be fined not more than
8 \$1,000, or imprisoned for not more than 1 year, or
9 both.

10 (4) Nothing in this chapter shall be construed
11 as denying any person subject to an administrative
12 summons their rights of due process as authorized
13 under the rules of evidence of the Supreme Court of
14 the Federated States of Micronesia, the Constitution
15 of the Federated States of Micronesia, or other
16 applicable law.

17 (5) Information obtained pursuant to the powers
18 conferred by this chapter shall not be made public or
19 disclosed by the Attorney General or his employees
20 beyond the extent necessary for law enforcement
21 purposes in the public interest."

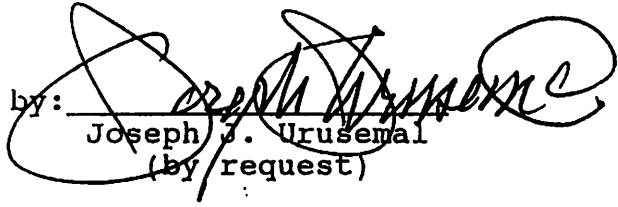
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C.B. NO. 9308

1 Section 7. This act shall become law upon approval by the
2 President of the Federated States of Micronesia or upon its
3 becoming law without such approval.

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5 Date: 8/10/97

Introduced by: 
Joseph S. Urusemal
(by request)

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