

AN ACT

To amend Section 68 of Title 12 of the Trust Territory Code, regarding rights of persons arrested.

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

1 Section 1. Section 68 of Title 12 of the Trust Territory Code is
2 hereby amended to read as follows:

3 "Section 68. Rights of persons arrested. In any case of arrest,
4 or arrest for examination, as provided in Subsection (4), Section
5 61 of this Chapter, it shall be unlawful to:

6 (1) Deny to counsel, whether such counsel is retained by
7 the arrested person or a member of his family or is a Public
8 Defender not yet appointed by the court, the right to see the
9 arrested person once, at any time, for a reasonable period of time
10 at the place of detention, and thereafter at reasonable intervals
11 and for reasonable periods of time; or

12 (2) Deny to the arrested person the right to see at reasonable
13 intervals, and for reasonable periods of time at the place of his
14 detention, counsel, or members of his family, or his employer, or a
15 representative of his employer; or

16 (3) Refuse or fail to make a reasonable effort to send a
17 message by telephone, cable, wireless, messenger or other expeditious
18 means, to any person mentioned in Subsection (2) of this Section,
19 provided the arrested person so requests and such message can be sent
20 without expense to the government or the arrested person prepays any
21 expense there may be to the government; or

22 (4) Fail either to release or charge such arrested person with

1 a criminal offense within a reasonable time, which under no
2 circumstances shall exceed twenty-four hours;

3 (5) Fail to either release the accused or to bring him before
4 a court, judge, or judicial officer for a bail hearing within a
5 reasonable time, which under no circumstances shall exceed twenty-
6 four hours after his arrest, unless the location of the nearest
7 court makes such appearance impossible. When the location of the
8 court makes such appearance impossible, the Municipal or Community
9 Court judge for the area where the person was arrested shall be
10 immediately notified by the arresting person or officer and shall
11 set any conditions for the release of the person that the judge
12 believes will protect the public and will insure the presence of
13 the person when transportation to the nearest court becomes possible.
14 The person arrested shall be transported to the nearest court without
15 unnecessary delay;

16 (6) Further, it shall be unlawful for those having custody of
17 one arrested, before questioning him about his participation in any
18 crime, to fail to inform him of his rights and their obligations
19 under Subsections (1)-(5) of this Section;

20 (7) In addition, any person arrested shall be advised as
21 follows:

22 (a) That the individual has a right to remain silent;

23 (b) That the police will, if the individual so requests,
24 endeavor to call counsel to the place of detention and allow the
25 individual to confer with counsel there before he is questioned

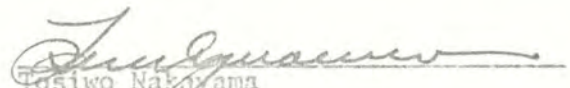
1 further, and allow him to have counsel present while he is
2 questioned by the police if he so desires; and

3 (c) That the services of the Public Defender, when in
4 the vicinity, or of his local representative, are available for
5 these purposes without charge."

6 Section 2. This act shall take effect upon approval by the President of
7 the Federated States of Micronesia, or upon its becoming law without such
8 approval.

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January 9, 1980, 1979


Tosiwo Nakayama
President
Federated States of Micronesia