

NITIJELA OF THE MARSHALL ISLANDS

24th CONSTITUTIONAL REGULAR SESSION, 2003

BILL NO. 136

P.L. 2003-104

An Act

To amend sections 136, 137, 138, 139 and 140 of the Criminal Code, (31 MIRC Chp. 1) (the Act), in order to re-define the crimes contained in those sections.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

Section 1. Short Title.

This Act may be cited as the Criminal Code (Amendment) Act 2003.

Section 2. Purpose of Amendment.

(1). The amendment is intended to raise the dollar amount that defines the crime or sets the level of punishment for the crimes of petit larceny, 31 MIRC Sec. 136; grand larceny, 31 MIRC Sec. 137; cheating, 31 MIRC Sec. 138; embezzlement, 31 MIRC Sec. 139; and unlawful issuance of bank checks or drafts, 31 MIRC Sec. 141, from fifty-dollars (\$50.00) to five hundred dollars (\$500.00).

(2) Accordingly, Sections 136, 137, 138 and 139 and Subsection 141(1) are hereby amended to read as follows:

“§136. Petit larceny.

Every person who shall unlawfully steal, take and carry away personal property of another, of the value of less than \$500, without the owner's knowledge or consent, and with the intent to permanently convert it to his own use, shall be guilty of

1 petit larceny and shall upon conviction be liable to a fine not
2 exceeding \$100 or to a term of imprisonment not exceeding
3 six (6) months, or both.”

4 “§137. **Grand larceny.**

5 Every person who shall unlawfully steal, take and carry
6 away personal property of another, of the value of \$500 or more,
7 without the owner's knowledge or consent, and with the intent to
8 permanently convert it to his own use, shall be guilty of grand
9 larceny and shall upon conviction be liable to a fine not exceeding
10 \$1,000 or to a term of imprisonment not exceeding five (5) years,
11 or both.”

12 “§138. **Cheating.**

13 Every person who shall unlawfully obtain the property or
14 money of another by false pretenses, knowing the pretenses to be
15 false, and with the intent thereby to permanently defraud the owner
16 thereof, shall be guilty of cheating and if the value of the property
17 thus obtained be \$500 or more, shall be imprisoned for a period of
18 not more than five (5) years; or if the value of the property thus
19 obtained be less than \$500, shall be imprisoned for a period of not
20 more than six (6) months, or fined not more than \$100, or both.”

1 “§139. **Embezzlement.**

2 Every person who, after having lawfully obtained possession
3 of the personal property of another, shall take and carry away said
4 property without the owner's knowledge and consent, and with the
5 intent to permanently convert it to his own use shall be guilty of
6 embezzlement, and, if the value of said property be \$500 or more,
7 shall be imprisoned for a period of not more than five (5) years, or
8 fined not more than \$1,000, or both; or if the value of the property
9 thus obtained be less than \$500, shall be imprisoned for a period of
10 not more than six (6) months, or fined not more than \$100, or
11 both.”

12 “§141. **Unlawful issuance of bank checks or drafts.**

13 (1) Every person who, for the procurement of any
14 article or thing of value, with intent to defraud or, for the payment
15 of any past due obligation, or for any other purpose, with intent to
16 deceive, makes, draws, utters, or delivers any check, draft, or order
17 for payment of money upon a bank or other depository, knowing at
18 the time that the maker or drawer has not or will not have sufficient
19 funds in, or credit with, the bank or other depository for the
20 payment of that check, draft, or order in full upon its presentment,

1 shall be guilty of cheating and, if the value of the property thus
2 obtained be \$500 or more, shall be imprisoned for a period of not
3 more than five (5) years; or if the value of the property thus
4 obtained be less than \$500, shall be imprisoned for a period of not
5 more than six (6) months, or fined not more than \$100, or both.”

6 Section 3. **Effective Date.**

7 This Act shall take effect on the date of certification in accordance with Article IV,
8 Section 21 of the Constitution.

10 **CERTIFICATE**

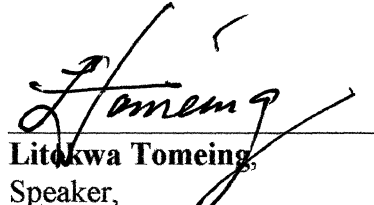
11 **I hereby certify:**

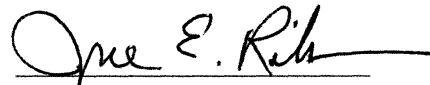
12
13 (1) that Nitijela Bill No. 136 was passed by the Nitijela of the Marshall Islands on the
14
15 4th day of September, 2003; and

16
17 (2) that I am satisfied that Nitijela Bill No. 136 was passed in accordance with the
18
19 relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of
20
21 Procedures of the Nitijela .

I hereby place my signature before the Clerk of the Nitijela this 3rd day of December, 2003.

Attest:


Litaewa Tomeing,
Speaker,
Nitijela of the Marshall Islands


Joe E. Riklon
Clerk,
Nitijela of the Marshall Islands