

NITIJELA OF THE MARSHALL ISLANDS

24th CONSTITUTIONAL REGULAR SESSION, 2003

BILL NO. 144 ND1

P.L. 2003-90

An Act

To amend certain sections of the Judiciary Act 1983, 27 MIRC Chp. 2 (the Act) in order to: (a). revise the rate of compensation of temporary judges of the Supreme Court and the High Court; (b). to increase the jurisdictional limits for the District Court and Community Courts, and; (c). to allow a justice of the High Court to serve as a member of the Nuclear Claims Tribunal.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

Section 1. Short Title.

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

Section 2. Amendments.

To achieve the intent expressed above, the following provisions of the Act are amended;

(1) Section 210 subsection (4) is hereby amended to read in the following manner;

“(4) A judge of the Supreme Court or of the High Court appointed as hereinbefore provided to replace a disqualified judge of, or otherwise fill a vacancy in, such court shall be paid such amount of compensation as may be agreed upon by the Chief Justice of the court concerned and such judge; provided, however, that the amount of compensation paid shall not exceed the pro rated salary of an Associate Justice of the High Court based upon the highest salary payable, plus air fare and per diem for those not already on site.

(2) Subsection 228(1)(a) of the Judiciary Act, is amended to read in the

1 following manner;

2 “(a) subject to Subsection (2) of this Section, in all civil
3 cases, including proceedings for change of name, where the amount
4 claimed or the value of the property involved does not exceed
5 \$10,000 except:”

6 (3) Subsection 228(1)(b) of the Judiciary Act, is amended to read in the
7 following manner

8 “(b) in all criminal cases involving offenses against any law of the
9 Republic, for which the maximum penalty does not exceed a fine of \$4,000 or
10 imprisonment for a term of less than three (3) years, or both; and”

11 (4) To conform with the amendment made above to Subsection 228(1)(a) of
12 the Judiciary Act, which establishes the civil jurisdiction of the District Court, Subsection
13 228(2)(a) is amended to read as follows:

14 “(a) to award alimony and support for children in divorce
15 cases and in separate support and separate maintenance cases, and
16 support for the children of unmarried parents, regardless of the
17 limitation set forth in Subsection 228(1)(a) above; and

18 (5) Subsection 234(2)(a) of the Judiciary Act, which establishes the civil
19 jurisdiction of the Community Courts subject to certain exceptions, is amended to read as
20 follows:

1 “(a) in all civil cases (not including divorce, adoption or
2 change of name), where the amount claimed or the value of the
3 property involved does not exceed \$200, except:

4 (6) Subsection 234(2)(b) of the Judiciary Act, which establishes the criminal
5 jurisdiction of the Community Courts, is amended to read as follows:

6 “(b) in all criminal cases involving offenses against any law
7 of the Republic, for which the maximum penalty does not exceed a
8 fine of \$400 or imprisonment for a term of six (6) months, or both;
9 and”

10 (7) A new subsection (6) is inserted at the end of Section 268 of the Judiciary
11 Act 1983 to read as follows:

12 “(6) Paragraphs (1)(c) and (1)(d) of this Section do not
13 prevent a justice of the High Court from serving pro tem as a
14 member of the Nuclear Claims Tribunal upon designation by the
15 Chief Justice of the High Court at the request of the Chairman of
16 the Nuclear Claims Tribunal.

17 Section 3. **Effective Date.**

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

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CERTIFICATE

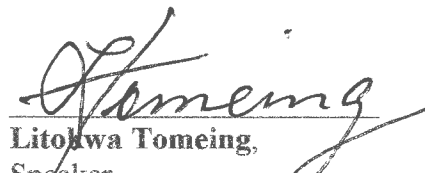
I hereby certify:


(1) that Nitijela Bill No. 144^{ND1} was passed by the Nitijela of the Marshall Islands on the 29th day of September, 2003; and

(2) that I am satisfied that Nitijela Bill No. 144^{ND-1} was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

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

Attest:


Litokwa Tomeing,
Speaker,
Nitijela of the Marshall Islands


Joe E. Riklon
Clerk,
Nitijela of the Marshall Islands