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TITLE 17

CRIMES

Chapter 1

General Provisions

§ 101. Classification of **crimes**.

§ 102. Aiding and Abetting.

§ 103. Accessories.

§ 104. Attempts.

§ 105. Insanity as defense.

§ 106. Presumption as to responsibility of children.

§ 107. Limitation of prosecution.

§ 108. Limitation of punishment for **crimes** in violation of native customs.

§ 101. Classification of **crimes.**

A felony is a **crime** or offense which may be punishable by imprisonment for a period of more than one year. Every other **crime** is a misdemeanor.

Source

(Code 1966, § 375.) 11 TTC § 1.

Notes

Gotina v. ROP, 8 ROP Intrm. 56, 59 (1999).

§ 102. Aiding and Abetting.

Every person is punishable as a principal who commits an offense against the Republic or aids, abets, counsels, commands, induces, or procures its commission or who causes an **act** to be done, which, if directly performed by him, would be an offense against the Republic. No distinction is made between principals in the first and second degrees, and no distinction is made between a principal and what has heretofore been called an accessory before the fact.

Source

(Code 1966, § 430.) 11 TTC § 2, modified.

Notes

Labarda v. ROP, 11 ROP 43, 45 (2004).

ROP v. Ngiraingas, 2 ROP Intrm. 78, 79 (1990).

[Header B: **17 PNCA § 102** **CRIMES**

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ROP v. Sakuma, 2 ROP Intrm. 23, 31 (1990).

Trust Territory v. Macaranas, (App. Div., April 1976).

Trust Territory v. Ngirmang, 6 TTR 117 (1972).

Ropon v. Trust Territory, 2 TTR 313 (1962).

§ 103. Accessories.

Every person who, knowing that an offense against the Republic has been committed, receives, relieves, comforts, or assists the offender in order to hinder or prevent his apprehension, trial, or punishment, is an accessory after the fact. An accessory after the fact shall be imprisoned not more than one-half the maximum term of imprisonment or fined not more than one-half the maximum fine prescribed for punishment of the principal, or both; or if the principal is punishable by life imprisonment, the accessory shall be imprisoned not more than 10 years.

Source

(Code 1966, § 430(d).) 11 TTC § 3, modified.

Notes

ROP v. Chisato, 2 ROP Intrm. 227, 228 (1991).

Ropon v. Trust Territory, 2 TTR 313 (1962).

Yangilemau v. Mahoburimalei, 1 TTR 429 (1958).

§ 104. Attempts.

(a) Except as otherwise provided in subsection (b) of this section, every person who shall unlawfully attempt to commit any of the **crimes** named in this title, or in any other title of this Code, which attempt shall fall short of actual commission of the **crime** itself, shall be guilty of attempt to commit the said **crime**, and where no separate provision is made by law for punishment upon conviction of such attempt, a person so convicted shall be punished by imprisonment for a term not exceeding one-half of the maximum term of imprisonment which may lawfully be imposed upon conviction for commission of the offense attempted, or by a fine in an amount not exceeding one-half of the fine which may lawfully be imposed upon conviction for commission of the offense attempted, or by both such fine and imprisonment.

(b) Every person who shall unlawfully attempt to commit murder, which attempt shall fall short of actual commission of the **crime** itself, shall be guilty of attempted murder, and shall be sentenced as follows:

[Header A: **GENERAL PROVISIONS 17 PNCA § 106**

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(1) for attempted murder in the first degree, imprisonment for a term of 30 years; and

(2) for attempted murder in the second degree, imprisonment for a term of not less than 30 months nor more than 30 years.

Source

(Code 1966, § 431; P.L. No. 6-107, § 1.) 11 TTC § 4.

Notes

Ongalibang v. ROP, 8 ROP Intrm. 219, 220 (2000).

Franz v. ROP, 8 ROP Intrm. 52, 53, 54, 55 (1999).

Blailes and Wasisang v. Republic of Palau, 5 ROP Intrm. 36, 37, 44 (1994).

ROP v. Ngiraboi, 2 ROP Intrm. 257, 260, 272 (1991).

Trust Territory v. Benemang, 5 TTR 32 (1970).

Elechuus v. Trust Territory, 3 TTR 297 (1967).

§ 105. Insanity as defense.

No person judged by competent medical authority to be insane can be convicted of any **crime** because of the presumption that such person cannot have criminal intent.

Source

(Code 1966, § 432.) 11 TTC § 5.

§ 106. Presumption as to responsibility of children.

Children under the age of 10 years are conclusively presumed to be incapable of committing any **crime**. Children between the ages of 10 and 14 years are also conclusively presumed to be incapable of committing any **crime**, except the **crimes** of murder and rape, in which case the presumption is rebuttable. The provisions of this section, however, shall not prevent **proceedings** against and the disciplining of any person under 18 years of age as a delinquent child.

Source

(Code 1966, § 432.) 11 TTC § 6, modified.

Cross-reference

For statutory provisions on delinquent children and liability of parents for **acts** of delinquent children, see chapter 61 of Title 34.

Notes

Santos v. Trust Territory, 5 TTR 607 (1972).

[Header B: **17 PNCA § 107 CRIMES**

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Celis v. Trust Territory, 3 TTR 237 (1967).

§ 107. Limitation of prosecution.

No person shall be prosecuted, tried or punished for any **crime**, except murder in the first or second degree, unless the prosecution is commenced within six years next after such **crime** shall have been committed; provided, however, that nothing in this section shall bar any prosecution against any person who shall flee from justice, or absent himself from the Republic, or so secrete himself that he cannot be found by officers of the law, so that process cannot be served upon him.

Source

(Code 1966, § 433.) 11 TTC § 7, modified. Amended by RPPL 5-21 § 1

Notes

RPPL 5-21 § 6 states that this section “shall not be construed to revive any causes of action which are time-barred as of the effective date of this **Act** [2/16/99]. However, in all instances in which causes of action have not run as of the effective date of this **Act**, such causes of action shall be subject to a six year statute of limitations period.”

ROP v. Siang, 10 ROP 202, 203 (Tr. Div. 2002).

ROP v. Benita Decherong, 2 ROP Intrm. 152, 163 (1990).

ROP v. Tascano, 2 ROP Intrm. 179, 181 (1990).

§ 108. Limitation of punishment for **crimes** in violation of native customs.

The penalty for any **act** which is made a **crime** solely by generally respected native custom shall not exceed a fine of \$100.00, or six months imprisonment, or both.

Source

(Code 1966, § 434.) 11 TTC § 8.

Cross-reference

For constitutional provisions on traditional rights, see ROP Const., Art. V; for Trust Territory Bill of Rights provision on recognition of local customs, see Title 1, § 414; for statutory provision on recognition of custom in granting annulments, divorces or adoptions, see Title 21, § 103; for provision on recognition of custom in sentencing and related matters, see Title 17, § 3101.

Notes

Sechelong v. Trust Territory, 2 TTR 92 (1959).

Lornis v. Trust Territory, 2 TTR 114 (1959).

Fred v. Trust Territory, 1 TTR 600 (App. Div., 1957).

Aisea v. Trust Territory, 1 TTR 245 (1955).

Purako v. Efou, 1 TTR 236 (1955).

Chapter 2

Abortion

§ 201. Defined; punishment.

§ 201. Defined; punishment.

Every person who shall unlawfully cause the miscarriage or premature delivery of a woman, with the intent to do so, shall be guilty of abortion and upon conviction thereof shall be imprisoned for a period of not more than five years.

Source

(Code 1966, § 405.) 11 TTC § 51.

Notes

Trust Territory v. Tarkong, 5 TTR 549 (1971).

Trust Territory v. Tarkong, 5 TTR 252 (1971).

Commission Case Annotation

In a case where the defendant was charged with having unlawfully caused the miscarriage or premature delivery of a fetus from herself, the Trial Division of the Trust Territory High Court held that section 405 of the Trust Territory Code relating to abortion was so vague and indefinite its attempted enforcement in this case constitutes a denial of due process and it is, therefore invalid. Cf. Trust Territory v. Tarkong, 5 TTR 252 (Tr. Div. July 1970). On appeal the aforementioned case was affirmed, the Appellate Division stating that section 405 of the Trust Territory Code denies due process of law to the defendant because of its vagueness and indefiniteness, and is, therefore invalid. Cf. Trust Territory v. Tarkong, 5 TTR 549 (App. Div. Nov. 1971).

[Header B: 17 PNCA § 301 **CRIMES**

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Chapter 3

Abuse of Process

§ 301. Interference with service of process.

§ 302. Concealment, removal or alteration of record or process.

§ 301. Interference with service of process.

Every person who, knowingly and wilfully obstructs, resists, or opposes the Director of the Bureau of Public Safety, public safety officer or other person duly authorized, in serving or executing, or attempting to serve or execute any process issued by any court or official authorized to issue the same, or whoever assaults, beats or wounds the Director of the Bureau of Public Safety, public safety officer, or other person duly authorized, knowing him to be such officer, or other person so duly authorized, in serving or executing any such process shall be guilty of obstructing justice and, upon conviction thereof, shall be imprisoned for a period of not more than one year, or fined not more than \$1,000.00, or both.

Source

(Code 1966, § 253(a).) 11 TTC § 101, modified.

§ 302. Concealment, removal or alteration of record or process.

Every person who wilfully and unlawfully conceals, removes, takes away, mutilates, obliterates, alters, or destroys, or attempts to do so, or wilfully takes and carries away record or process in or from any court or official authorized to issue or serve the same, shall be guilty of tampering with judicial records or process, as the case may be, and upon conviction thereof, shall be imprisoned for not more than five years, or fined not more than \$1,000.00, or both.

Source

11 TTC § 102.

[Header A: **ARSON 17 PNCA § 401**

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[Footer A: Supp. 5 17 - 7]

Chapter 4

Arson

§ 401. Defined; punishment.

§ 401. Defined; punishment.

(a) Every person who shall unlawfully, wilfully and maliciously set fire to or burn any office, warehouse, store, barn, shed, cook-house, boat, canoe, lumber, copra or any other building or shelter, crop, timber or other property, shall be guilty of arson, and upon conviction thereof shall be fined not more than \$1,000.00, or imprisoned not more than five years, or both.

(b) If the building is a dwelling or if the life of any person be placed in jeopardy, he shall be fined not more than \$5,000.00, or imprisoned not more than 20 years, or both.

Source

(Code 1966, § 390.) 11 TTC § 151, modified.

Notes

Scott v. ROP, 10 ROP 92, 94, 95, 97, 98, 99 (2003).

Figir v. Trust Territory, 4 TTR 368 (1969).

[Header B: **17 PNCA § 501** **CRIMES**

Chapter 5

Assault and Battery

§ 501. Assault.

§ 502. Aggravated assault.

§ 503. Assault and battery.

§ 504. Assault and battery with a dangerous weapon.

§ 501. Assault.

Every person who shall unlawfully offer or attempt, with force or violence, to strike, beat, wound, or to do bodily harm to another, shall be guilty of assault, and upon conviction thereof shall be imprisoned for a period of not more than six months, or fined not more than \$100.00, or both.

Source

(Code 1966, § 378.) 11 TTC § 201.

Notes

Franz v. ROP, 8 ROP Intrm. 52, 56 (1999).

ROP v. Olkeriil, 6 ROP Intrm. 361, 366 (Tr. Div. 1997).

Trust Territory v. Benemang, 5 TTR 32 (1970).

Amis v. Trust Territory, 2 TTR 364 (1962).

Nichig v. Trust Territory, 1 TTR 409 (1958).

Partridge v. Trust Territory, 1 TTR 265 (1955).

Yaoch v. Trust Territory, 1 TTR 192 (1954).

§ 502. Aggravated assault.

Every person who shall unlawfully assault, strike, beat, or wound another with a dangerous weapon, with intent to kill, rape, rob, inflict grievous bodily harm, or to commit any other felony against the person of another, shall be guilty of aggravated assault, and upon conviction thereof shall be imprisoned for a period of not more than 10 years.

Source

11 TTC § 202.

Notes

ROP v. Olkeriil, 6 ROP Intrm. 361, 367 (Tr. Div. 1997).

In re Uludong, 5 ROP Intrm. 50, 50 (1995).

Kazuo v. ROP, 3 ROP Intrm. 343, 347 (1993).

Trust Territory v. Jima, 6 TTR 91 (1972).

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[Footer A: Supp. 5 17 - 8A]

Ngirailengelang v. Trust Territory, 2 TTR 646 (App. Div. 1963).

Ngeruangel v. Trust Territory, 2 TTR 620 (App. Div. 1960).

§ 503. Assault and battery.

Every person who shall unlawfully strike, beat, wound or otherwise do bodily harm to another, shall be guilty of assault and battery, and upon conviction thereof shall be imprisoned for a period of not more than six months, or shall be fined not more than \$100.00, or both.

Source

(Code 1966, § 379.) 11 TTC § 203.

Notes

Kruger v. Doran, 8 ROP Intrm. 350, 353 (Tr. Div. 2000).

Franz v. ROP, 8 ROP Intrm. 52, 53 (1999).

ROP v. Olkeriil, 6 ROP Intrm. 361, 364 (Tr. Div. 1997).

Ongelebei v. Olkeriil, 6 ROP Intrm. 330, 332 (Tr. Div. 1997).

In re Uludong, 5 ROP Intrm. 50, 50 (1995).

Trust Territory v. Benemang, 5 TTR 32 (1970).

Timulch v. Trust Territory, 3 TTR 208 (1966).

Fattun v. Trust Territory, 3 TTR 571 (App. Div. 1965).

Ngiralai v. Trust Territory, 2 TTR 445 (1963).

Dachuo v. Trust Territory, 2 TTR 286 (1961).

Paul v. Trust Territory, 2 TTR 603, (App. Div. 1959).

Partridge v. Trust Territory, 1 TTR 265 (1955).

Yaoch v. Trust Territory, 1 TTR 192 (1954).

§ 504. Assault and battery with a dangerous weapon.

Every person who shall unlawfully commit assault and battery upon another by means of a dangerous weapon shall be guilty of assault and battery with a dangerous weapon, and upon conviction thereof shall be imprisoned for a term of not more than five years, or fined not more than \$1,000.00, or both.

Source

(Code 1966, § 377-A.) 11 TTC § 204.

Notes

Noah v. ROP, 11 ROP 227, 234 (2004).

Franz v. ROP, 8 ROP Intrm. 52, 53, 54 (1999).

ROP v. Olkeriil, 6 ROP Intrm. 361, 364 (Tr. Div. 1997).

In re Uludong, 5 ROP Intrm. 50, 50 (1995).

Takada v. Supreme Court, 3 ROP Intrm. 262, 262-65 (1993).

Trust Territory v. Lino, 6 TTR 7 (1972).

[Footer A: Supp. 5 17 - 8B]

Trust Territory v. Jima, 6 TTR 91 (1972).

[Header B: **17 PNCA § 504** **CRIMES**

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Trust Territory v. Benemang, 5 TTR 32 (1970).

Mechol v. Kyos, 5 TTR 262 (1970).

Trust Territory v. Sokau, 4 TTR 434 (1969).

Asako v. Trust Territory, 3 TTR 191 (1966).

Ngiraibai v. Trust Territory, 2 TTR 522, (1964).

Paul v. Trust Territory, 2 TTR 603 (App. Div. 1959).

Ngeruangel v. Trust Territory, 2 TTR 620 (App. Div. 1959).

[Header A: **ASSAULT AND BATTERY 17 PNCA**

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[Footer A: Supp. 5 17 - 9]

[Header B: **17 PNCA § 601** **CRIMES**

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[Footer A: Supp. 5 17 - 10]

Chapter 6

Bigamy

§ 601. Defined; punishment.

§ 601. Defined; punishment.

Every person who, being legally married, shall unlawfully and wilfully marry another during the tenure of the marriage contract shall be guilty of bigamy, and upon conviction thereof shall be

imprisoned for a period of not more than five years; provided, however, that no person shall be found guilty of bigamy whose wife or husband has been absent for a period of five years, without being known by such person to be alive during that time.

Source

(Code 1966, § 406.) 11 TTC § 251.

Notes

Umiich v. Trust Territory, 3 TTR 231 (1967).

Purako v. Efou, 1 TTR 236 (1955).

[Header A: **BRIBERY 17 PNCA § 701**

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[Footer A: 17 - 11]

Chapter 7

Bribery

§ 701. Defined; punishment.

§ 701. Defined; punishment.

Every person who shall unlawfully and voluntarily give or receive anything of value in wrongful and corrupt payment for an official **act** done or not done, to be done or not to be done, shall be guilty of bribery, and upon conviction thereof shall be imprisoned for a period of not more than five years, and shall be fined three times the value of the payment received; or, if the value of the payment cannot be determined in dollars, shall be imprisoned for a period of not more than five years, and fined not more than \$1,000.00.

Source

(Code 1966, § 412.) 11 TTC § 301.

[Header B: **17 PNCA § 801 CRIMES**

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Chapter 8

Burglary

§ 801. Defined; punishment.

§ 801. Defined; punishment.

Every person who shall unlawfully and by force, or by stealth or trickery, enter a dwelling house or other building of another with the intent to commit a felony, petit larceny, an assault or an assault and battery therein, shall be guilty of burglary, and upon conviction thereof shall be imprisoned for a term of not more than 10 years.

Source

(Code 1966, § 391.) 11 TTC § 351.

Notes

ROP v. Oisewang, (Criminal Appeal No. 3-85).

Trust Territory v. Macaranas, (App. Div. April 1976).

Yinug v. Googag, 4 TTR 156 (1968).

Trust Territory v. Peter, 3 TTR 251 (1967).

Olber v. Trust Territory, 1 TTR 559 (App. Div. 1951).

[Header A: CONSPIRACY 17 PNCA § 901

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[Footer A: Supp. 3 17 - 13]

Chapter 9

Conspiracy

§ 901. Defined; punishment.

§ 901. Defined; punishment.

If two or more persons conspire either to commit any **crime** against the Republic, or to defraud the Republic or the United States in any manner or for any purpose, and one or more of such parties do any **act** to effect the object of the conspiracy, each of the parties to such conspiracy shall be guilty of conspiracy, and upon conviction thereof shall be imprisoned for a period of not more than five years, or fined not more than \$2,000.00, or both. If, however, the offense, the commission of which is the object of conspiracy, is a misdemeanor only, the punishment for such conspiracy shall not exceed the maximum penalty provided for such misdemeanor.

Source

(Code 1966, § 414.) 11 TTC § 401, modified.

Notes

Gotina v. ROP, 8 ROP Intrm. 56, 58, 59 (1999).

[Header B: 17 PNCA § 1001 **CRIMES**

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Chapter 10

Contempt

§ 1001. Defined; punishment.

§ 1001. Defined; punishment.

Every person who shall unlawfully, knowingly, and wilfully interfere directly with the operation and function of a court, by open defiance of an order, in or near the courtroom; or by disturbing the peace in or near the courtroom; or by speaking or writing in such a manner as to intimate that the court is unfair or corrupt; or, when a witness, by refusing to answer lawful questions; or shall resist or refuse, or fail to comply with a lawful order of the court; or shall interfere with an officer of the court in the pursuit of his official duties, shall be guilty of criminal contempt and upon conviction thereof shall be imprisoned for a period of not more than six months, or shall be fined not more than \$100.00, or both.

Source

(Code 1966, § 415.) 11 TTC § 451.

Cross-reference

For Contempt of Courts **Act**, see chapter 22 of Title 14.

Notes

Ennato v. Kintin, 5 TTR 243 (1970).

Aimeliik People v. Remengesau, 2 TTR 320 (1962).

Ranipu v. Trust Territory, 2 TTR 167 (1961).

[Header A: COUNTERFEITING 17 PNCA § 1101

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[Footer A: Supp. 5 17 - 15]

Chapter 11

Counterfeiting

§ 1101. Defined; punishment.

§ 1101. Defined; punishment.

(a) Every person who, with intent to defraud, falsely makes, forges, photographs, counterfeits or alters any currency or obligation or security of any country, shall be guilty of counterfeiting, and upon conviction thereof shall be fined not more than \$10,000, or imprisoned not more than 15 years, or both.

(b) Every person who, with intent to defraud, passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or with like intent bring into the Republic or keeps in possession or conceals any falsely made, forged, photographed, counterfeited or altered currency or obligation or security of any country shall be guilty of counterfeiting, and upon conviction thereof shall be fined not more than \$15,000, or imprisoned not more than 15 years, or both.

(c) Every person who knowingly buys, sells, exchanges, transfers, receives, or delivers any false, forged, photographed, counterfeited or altered currency or obligation or security of any country, with the intent that the same shall be passed, published, or used as true and genuine, shall be guilty of counterfeiting, and upon conviction thereof shall be fined not more than \$15,000, or imprisoned not more than 15 years, or both.

Source

(Code 1966, § 394-A.) 11 TTC § 501, modified. Amended by RPPL 6-19 § 1(a)[1101].

Notes

Trust Territory v. Remengesau, 6 TTR 94 (1972).

[Header B: 17 PNCA § 1201 **CRIMES**

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Chapter 12

Disturbances, Riots, and other **Crimes** against the Peace

§ 1201. Disturbing the peace.

§ 1202. Riot.

§ 1203. Drunken and disorderly conduct.

§ 1204. Affray.

§ 1205. Security to keep the peace.

§ 1201. Disturbing the peace.

Every person who shall unlawfully and wilfully commit any **acts** which annoy or disturb other persons so that they are deprived of their right to peace and quiet, or which provoke a breach of the peace, shall be guilty of disturbing the peace, and upon conviction thereof shall be imprisoned for a period of not more than six months, or fined not more than \$50.00, or both.

Source

(Code 1966, § 426.) 11 TTC § 551.

Notes

An Guiling v. ROP, 11 ROP 132, 133, 135, 136 (2004).

Oingerang v. Trust Territory, 2 TTR 385 (1963).

Ranipu v. Trust Territory, 2 TTR 167 (1961).

Medewes v. Trust Territory, 1 TTR 214 (1954).

§ 1202. Riot.

Whenever three or more persons shall assemble, and by force and violence or by loud noise and shouting shall unlawfully place others in fear or danger, they shall be guilty of riot, and upon conviction thereof shall be imprisoned for a period of not more than six months or fined not more than \$50.00, or both.

Source

(Code 1966, § 428.) 11 TTC § 552.

§ 1203. Drunken and disorderly conduct.

Every person who is drunk and disorderly on any street, road, or other public place from the voluntary use of intoxicating liquor shall be guilty of drunken and disorderly conduct, and upon conviction thereof shall be imprisoned for a period of not more than six months, or

[Header A: **CRIMES AGAINST THE PEACE 17 PNCA § 1205**

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[Footer A: Supp. 5 17 - 17]

fined not more than \$50.00, or both.

Source

(Code 1966, § 427.) 11 TTC § 553.

Notes

Yinmed v. Trust Territory, 2 TTR 492 (1963).

Nokei v. Trust Territory, 2 TTR 329 (1962).

Raimes v. Trust Territory, 1 TTR 262 (1955).

§ 1204. Affray.

Every person who shall unlawfully and wilfully engage in altercation or fight with one or more persons in a public place, so that others are put in fear or danger, shall be guilty of affray, and upon conviction thereof shall be imprisoned for a period of not more than six months, or fined not more than \$50.00, or both.

Source

(Code 1966, § 424.) 11 TTC § 554.

Notes

Tkoel v. Trust Territory, 2 TTR 513 (1964).

Nokei v. Trust Territory, 2 TTR 329 (1962).

§ 1205. Security to keep the peace.

(a) A complaint may be made to any court that a person has threatened to commit an offense against the person or property of another. When such complaint is made, the court shall examine under oath the complainant and any witnesses he may produce, reduce the complaint to writing and cause it to be signed and sworn to by the complainant. If the court is satisfied that there is danger that such offense will be committed, the court shall issue a warrant to any public safety officer setting out the substance of the complaint and commanding the officer to apprehend the person complained of and bring him before the court at a certain time.

(b) When the person complained of is brought before the court, the testimony produced on both sides shall be heard if the charge is denied. If it appears that there is no just reason to fear the commission of the offense, the defendant shall be discharged; and if the judge or justice is of the opinion that the prosecution was commenced maliciously

[Header B: **17 PNCA § 1205** **CRIMES**

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without proper cause he may give judgment against the complainant for the costs of the prosecution. If, however, the court finds there is just reason to fear the commission of such offense, the person complained of may be required to enter into an undertaking in a sum fixed by the court, not exceeding \$100.00, to keep the peace toward the government of the Republic and particularly toward the complainant. The defendant shall deposit the sum fixed in cash with the Clerk of Courts or the court may grant him permission to give bond in the same amount with one or more sufficient sureties. The undertaking to keep the peace shall be valid and binding for six months, and may upon the renewal of the complaint be extended for a longer period.

(c) If the undertaking required in the preceding subsection is given, the defendant shall be discharged. If the defendant does not give such security, the court shall commit the defendant to jail for a period not to exceed six months, specifying in the order of commitment the requirement to give security, the amount thereof, and the omission to give it. Any person committed to jail as above provided may be discharged upon giving the required undertaking.

(d) If the court finds, after hearing, that the defendant has violated his undertaking to keep the peace, the court may direct a forfeiture of the whole or such part of the deposit or bond as it appears that justice requires, and may enforce such forfeiture in the same manner as a forfeiture of bail in a criminal case.

(e) If the defendant fulfills his undertaking to keep the peace, he may claim his deposit from the Clerk of Courts upon presentation of receipt.

Source

(Code 1966, § 429.) 11 TTC § 555, modified.

[Header A: **ESCAPE AND RESCUE 17 PNCA § 1301**

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[Footer A: Supp. 4 17 - 19]

Chapter 13

Escape and Rescue

§ 1301. Escape.

§ 1302. Rescue.

§ 1301. Escape.

Every person who, being a law enforcement officer, or having lawful custody of a prisoner, shall unlawfully, wilfully or negligently allow said prisoner to depart from such custody, except by due process of law; or whosoever, being a prisoner, shall unlawfully and wilfully depart from such custody, shall be guilty of escape, and upon conviction thereof shall be imprisoned for not more than three years.

Source

(Code 1966, § 416.) 11 TTC § 601.

§ 1302. Rescue.

Every person who shall unlawfully, knowingly, forcibly and wilfully rescue any prisoner from the custody of any person lawfully having custody thereof shall be guilty of rescue, and upon conviction thereof shall be imprisoned for not more than three years.

Source

(Code 1966, § 420.) 11 TTC § 602.

[Header B: 17 PNCA § 1401 **CRIMES**

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Chapter 14

False Arrest

§ 1401. Defined; punishment.

§ 1401. Defined; punishment.

Every person who shall detain another by force and against his or her will, then and there not being in possession of authority to do so, shall be guilty of false arrest, and upon conviction thereof shall be imprisoned not more than 5 years, or fined not more than \$2,000, or both.

Source

(Code 1966, § 380.) 11 TTC § 651. Amended by RPPL 6-19 § 1(b)[1401].

Notes

ROP v. Olkeriil, 6 ROP Intrm. 361, 363 (Tr. Div. 1997).

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Chapter 15

Forgery

§ 1501. Defined; punishment.

§ 1501. Defined; punishment.

Every person who shall falsely make or materially alter a writing or document of apparent legal weight and authenticity, with intent thereby to defraud, shall be guilty of forgery, and upon conviction thereof shall be imprisoned not more than 10 years, or fined not more than \$5,000, or both.

Source

(Code 1966, § 394.) 11 TTC § 701. Amended by RPPL 6-19 § 1(c)[1501].

Notes

Ongidobel v. ROP, 9 ROP 63, 65 (2002).

Mechol v. ROP, 9 ROP 17, 18 (2001).

Likauche v. Trust Territory, 2 TTR 375 (1963).

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Chapter 16

Gambling

§ 1601. Gambling defined; punishment.

§ 1601. Gambling defined; punishment.

Except as herein specified, all forms of gambling shall be prohibited in the Republic.

(a) Any game for the purpose of raising funds for a worthy cause or for entertainment, sponsored by any school, church organization, social public gathering or open non-profit organizations shall be permitted.

(b) Under no circumstances shall gambling or betting for money or other stakes be allowed in the following games: poker, blackjack, dice, hanafuda or slot machines of any kind.

(c) Whoever shall assist, advise or guard a group of gamblers who would be convicted under this section shall be named an accessory after the fact and shall be guilty of violating this section with the gamblers and be subject to punishment under subsection (d) of this section.

(d) Any person violating this section shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$100.00, or imprisoned for not more than 6 months, or both.

(e) The operation of a Virtual Pachinko Business or an Internet Digits Lottery Game Business pursuant to a concession agreement entered into pursuant to 11 PNC Chapter 14 shall be permitted; provided, that the internet site or sites of the Virtual Pachinko Business and Internet Digits Lottery Game Business are inaccessible to persons located within the Republic, and that Palauan citizens shall not be allowed to play Virtual Pachinko or the Internet Digits Lottery Game. The Internet Digits Lottery Game shall be blocked at any the server located in Palau as well as on the software with a flashing screen that states: ***This site cannot accept wagers or bets from within the Republic of Palau and Paragon Investments International Incorporated will not pay any funds to any person located in the Republic of Palau***. The Virtual Pachinko Game shall be blocked at any the server located in Palau as well as on the software with a flashing screen that states: ***This site cannot accept wagers or bets from within the Republic of Palau and

this Virtual Pachinko

[Header A: **GAMBLING 17 PNCA § 1601**

]

[Footer A: Supp. 4 17 - 21B]

operator will not pay any funds to any person located in the Republic of Palau***.

Source

PDC § 705, modified. Subsection (e) is added by RPPL 5-45 § 1(b), modified.

Notes

The second sentence in subsection (e) read, in part, in the original legislation “blocked at any the server”.

Basilus v. ROP, 1 ROP Intrm. 417, 418, 419, 420 (1987).

[Footer A: Supp. 4 17 - 22]

[Header B: **17 PNCA CRIMES**

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[Footer A: Supp. 2 17 - 23]

Chapter 17

Homicide

§ 1701. Murder in the first degree.

§ 1702. Murder in the second degree.

§ 1703. Voluntary manslaughter.

§ 1704. Involuntary manslaughter.

§ 1701. Murder in the first degree.

Every person who shall unlawfully take the life of another with malice aforethought by poison, lying in wait, torture, or any other kind of wilful, deliberate, malicious, and premeditated killing, or while in the perpetration of, or in the attempt to perpetrate, any arson, rape, burglary, or robbery, shall be guilty of murder in the first degree, and upon conviction thereof shall be sentenced to life imprisonment.

Source

(Code 1966, § 385.) 11 TTC § 751.

Notes

Sadao v. ROP, 5 ROP Intrm. 250, 251 (1995).

Ngiraked v. ROP, 5 ROP Intrm. 159, 173 (1995).

Ngemaes v. ROP, 4 ROP Intrm. 250, 252 (1994).

ROP v. Worswick, 3 ROP Intrm. 269, 270 (1993).

ROP v. Ngiraboi, 2 ROP Intrm. 257, 260 (1991).

Mad v. Trust Territory, 6 TTR 550 (1973).

Trust Territory v. Mad, 5 TTR 195 (1970).

Trust Territory v. Minor, 4 TTR 324 (1969).

Helgenberger v. Trust Territory, 4 TTR 530 (App. Div. 1969).

Mendiola v. Trust Territory, 2 TTR 651 (App. Div. 1964).

§ 1702. Murder in the second degree.

Every person who shall unlawfully take the life of another with malice aforethought, or while in the perpetration of, or in the attempt to perpetrate, any felony other than those enumerated in section 1701 of this chapter, shall be guilty of murder in the second degree, and upon conviction thereof shall be imprisoned for a period of not less than five years or for life.

Source

(Code 1966, § 386.) 11 TTC § 752.

[Header B: 17 PNCA § 1702 **CRIMES**

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Notes

Sadao v. ROP, 5 ROP Intrm. 250, 251 (1995).

Blailes v. ROP, 5 ROP Intrm. 36, 37, 44 (1994).

Ngemaes v. ROP, 4 ROP Intrm. 250, 252 (1994).

ROP v. Ngiraboi, 2 ROP Intrm. 257, 260, 272 (1991).

Trust Territory v Sechur, (App. Div. June 1976).

Trust Territory v. Minor, 4 TTR 324 (1969).

Mendiola v. Trust Territory, 2 TTR 651 (App. Div. 1964).

§ 1703. Voluntary manslaughter.

Every person who shall unlawfully take the life of another without malice aforethought, upon a sudden quarrel or heat of passion, shall be guilty of voluntary manslaughter, and upon conviction thereof shall be imprisoned for a term of not more than 10 years.

Source

(Code 1966, § 384.) 11 TTC § 753.

Notes

Sadao v. ROP, 5 ROP Intrm. 250, 252 (1995).

Omelau v. ROP, 5 ROP Intrm. 23, 25 (1994).

Debesol v. Trust Territory, 4 TTR 556 (App. Div. 1969).

Decena v. Trust Territory, 3 TTR 601 (App. Div. 1966).

Santiago v. Trust Territory, 3 TTR 575 (App. Div. 1965).

Kirispin v. Trust Territory, 2 TTR 628 (App. Div. 1960).

§ 1704. Involuntary manslaughter.

Every person who shall unlawfully take the life of another without malice, in the commission of an unlawful **act** not amounting to a felony, or in the commission of a lawful **act** which might produce death in an unlawful manner, or without due caution and circumspection, shall be guilty of involuntary manslaughter, and upon conviction thereof shall be sentenced to imprisonment for a term of not more than three years or fined not exceeding \$1,000.00, or both.

Source

(Code 1966, § 383.) 11 TTC § 754.

Notes

Rasa v. Trust Territory, 6 TTR 535 (1973).

Trust Territory v. Rasa, 5 TTR 276 (1970).

[Header A: **KIDNAPING 17 PNCA § 1801**

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[Footer A: Supp. 4 17 - 25]

Chapter 18

Kidnaping

§ 1801. Defined; punishment.

§ 1801. Defined; punishment.

Every person who forcibly or fraudulently and deceitfully, and without authority by law, imprisons, seizes, detains, or inveigles away any person other than his or her minor child, with intent to cause such person to be secreted within the Republic against his or her will, or sent out of the Republic against his or her will, or sold or held as a slave or for ransom, shall be guilty of kidnaping, and upon conviction thereof shall be imprisoned not more than 15 years, or fined not more than \$10,000, or both.

Source

(Code 1966, § 381.) 11 TTC § 801, modified. Amended by RPPL 6-19 § 1(d)[1801].

[Header B: **17 PNCA § 1901** **CRIMES**

]

Chapter 19

Larceny

§ 1901. Petit larceny.

§ 1902. Grand larceny.

§ 1903. Cheating.

§ 1904. Embezzlement.

§ 1905. Receiving stolen goods.

§ 1906. Unlawful issuance of bank checks or drafts.

§ 1907. Larceny from a dwelling house.

§ 1901. Petit larceny.

Every person who shall unlawfully steal, take and carry away personal property of another, of the value of less than \$50.00, without the owner's knowledge or consent, and with the intent to permanently convert it to his own use, shall be guilty of petit larceny, and upon conviction

thereof shall be imprisoned for a period of not more than six months, or fined not more than \$100.00, or both.

Source

(Code 1966, § 397.) 11 TTC § 851.

Notes

Celis v. Trust Territory, 3 TTR 237 (1967).

Ebas v. Trust Territory, 2 TTR 95 (1959).

Niforongu v. Trust Territory, 1 TTR 549 (1958).

Fanamthin v. Trust Territory, 1 TTR 412 (1958).

Marbou v. Trust Territory, 1 TTR 269 (1955).

Ngirmidol v. Trust Territory, 1 TTR 273 (1955).

§ 1902. Grand larceny.

Every person who shall unlawfully steal, take and carry away personal property of another, of the value of \$50.00 or more, without the owner's knowledge or consent, and with the intent to permanently convert it to his own use, shall be guilty of grand larceny, and upon conviction thereof shall be imprisoned for a period of not more than five years, or fined not more than \$1,000.00, or both.

Source

(Code 1966, § 395.) 11 TTC § 852.

[Header A: **LARCENY 17 PNCA § 1904**

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Notes

ROP v. Ngiraingas, 2 ROP Intrm. 78 (1990).

Trust Territory v. Elias, 6 TTR 364 (1973).

Trust Territory v. Mick, 4 TTR 147 (1968).

§ 1903. Cheating.

Every person who shall unlawfully obtain the property or money of another by false pretenses, knowing the pretenses to be false, and with the intent thereby to permanently defraud the owner thereof, shall be guilty of cheating, and, if the value of the property thus obtained be \$50.00 or more, shall be imprisoned for a period of not more than five years; or if the value of the property thus obtained be less than \$50.00, shall be imprisoned for a period of not more than six months, or fined not more than \$100.00, or both.

Source

11 TTC § 853.

Notes

ROP v. Tascano, 2 ROP Intrm. 179 (1990).

Elechuus v. Trust Territory, 3 TTR 297 (1967).

Likauche v. Trust Territory, 2 TTR 375 (1963).

§ 1904. Embezzlement.

Every person who, after having lawfully obtained possession of the personal property of another, shall take and carry away said property without the owner's knowledge and consent, and with the intent to permanently convert it to his own use shall be guilty of embezzlement, and, if the value of said property be \$50.00 or more, shall be imprisoned for a period of not more than five years, or fined not more than \$1,000.00, or both; or if the value of the property thus obtained be less than \$50.00, shall be imprisoned for a period of not more than six months, or fined not more than \$100.00, or both.

Source

(Code 1966, § 393.) 11 TTC § 854.

Notes

Mechol v. ROP, 9 ROP 17 (2001).

Sablan v. Republic of Palau, 5 ROP Intrm. 29, 30 (1994).

ROP v. Decherong, 2 ROP Intrm. 152, 153 (1990).

ROP v. Decherong, 1 ROP Intrm. 438, 439 (1988).

Trust Territoty v. Sugiyama, 8 TTR 374 (1983).

Trust Territory v. Mick, 4 TTR 147 (1968).

[Header B: 17 PNCA § 1904 **CRIMES**

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Willianter v. Trust Territory, 3 TTR 227 (1966).

Paul v. Trust Territory, 2 TTR 238 (1961).

§ 1905. Receiving stolen goods.

Every person who shall unlawfully take into his possession, with the consent of the donor, stolen or embezzled property, then and there knowing said property to have been stolen or embezzled, with fraudulent intent thereby or to aid in the theft, shall be guilty of receiving stolen goods, and upon conviction thereof shall be imprisoned for a period of not more than one year, or fined not more than \$100.00, or both.

Source

(Code 1966, § 399.) 11 TTC § 855.

§ 1906. Unlawful issuance of bank checks or drafts.

(a) Every person who, for the procurement of any article or thing of value, with intent to defraud or, for the payment of any past due obligation, or for any other purpose, with intent to deceive, makes, draws, utters, or delivers any check, draft, or

order for payment of money upon a bank or other depository, knowing at the time that the maker or drawer has not or will not have sufficient funds in, or credit with, the bank or other depository for the payment of that check, draft, or order in full upon its presentment, shall be guilty of cheating and, if the value of the property thus obtained be \$50.00 or more, shall be imprisoned for a period of not more than five years; or if the value of the property thus obtained be less than \$50.00, shall be imprisoned for a period of not more than six months, or fined not more than \$100.00, or both.

(b) The making, drawing, uttering, or delivering by a maker or drawer of a check, draft, or order, payment of which is refused by the drawee because of insufficient funds of the maker or drawer in the drawee's possession or control, is prima facie evidence of his intent to defraud or deceive and of his knowledge of insufficient funds in, or credit with, that bank or other depository, unless the maker or drawer pays the holder the amount due within five days after receiving notice, orally or in writing, that the check, draft, or order was not paid on presentment.

(c) In this section, the word "credit" means an arrangement or an understanding expressed or implied, with the bank or other depository for the payment of that check, draft, or order.

Source

(Code 1966, § 403.) 11 TTC § 856.

[Header A: LARCENY 17 PNCA § 1907

]

§ 1907. Larceny from a dwelling house.

Every person who shall unlawfully steal, take and carry away the personal property of another, of any value whatsoever, from his or another's dwelling house, without the owner's knowledge or consent, and with the intent to permanently convert it to his own use, but without the force necessary to constitute a burglary, shall be guilty of larceny from a dwelling house, and upon conviction thereof shall be imprisoned for a period of not more than five years.

Source

(Code 1966, § 396.) 11 TTC § 857.

[Header B: 17 PNCA § 2001 CRIMES

]

Chapter 20

Libel

§ 2001. Defined; punishment.

§ 2001. Defined; punishment.

Every person who shall wilfully and maliciously, speak, write, print, or in any other manner publish material which exposes another person to hatred, contempt, or ridicule, shall be guilty of criminal libel, and upon conviction thereof shall be imprisoned not more than 2 years, or fined not more than \$2,000, or both.

Source

(Code 1966, § 425.) 11 TTC § 901. Amended by RPPL 6-19 § 1(e)[2001].

Cross-reference

For Uniform Single Publication **Act**, see chapter 33 of Title 14.

Notes

Uto v. Trust Territory, 2 TTR 209 (1961).

[Header A: **LARCENY 17 PNCA § 1907**

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[Header B: **17 PNCA § 2001 CRIMES**

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[Footer A: 17 - 31]

[Header A: **MALICIOUS MISCHIEF 17 PNCA § 2101**

]

Chapter 21

Malicious Mischief

§ 2101. Defined; punishment.

§ 2101. Defined; punishment.

Every person who shall willfully and without consent destroy, damage or otherwise injure property belonging to another, including the property of the Republic or any state thereof, [or] shall be guilty of malicious mischief, and upon conviction thereof shall be imprisoned for not more than six months, or fined not more than \$10,000.00, or both. Upon conviction for malicious mischief involving damage or destruction of government property, the person shall pay the entire cost of restoration or replacement of such property, or any part thereof, as determined by the court. In cases involving government property in which more than one person is convicted, the court shall determine the allocation of cost for restoring such property.

Source

(Code 1966, §398.) 11 TTC § 951, amended by RPPL 2-28 § 1, and RPPL 4-22 § 2, modified.

Cross-reference

A separate chapter on littering is found in Chapter 35 of this title. A provision for damage to vehicles is found at 42 PNCA § 519.

Notes

The bracketed “[or]” in section 2101 was added in RPPL 4-22.

[Header B: 17 PNCA § 2201 **CRIMES**

]

Chapter 22

Mayhem

§ 2201. Defined; punishment.

§ 2201. Defined; punishment.

Every person who, with intent to maim or disfigure, shall cut, bite, or slit the nose, ear, or lip, or cut off or disable the tongue, or put out or destroy an eye, or cut off or disable a limb or any member of another person, shall be guilty of mayhem and upon conviction thereof shall

be imprisoned for a period of not more than seven years, or fined not more than \$1,000.00, or both.

Source

(Code 1966, § 382.) 11 TTC § 1001.

[Header A: **MISCONDUCT IN PUBLIC OFFICE 17 PNCA § 2301**

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[Footer A: Supp. 4 17 - 33]

Chapter 23

Misconduct in Public Office

§ 2301. Defined; punishment.

§ 2301. Defined; punishment.

Every person who, being a public official, shall do any illegal **acts** under the color of office, or wilfully neglect to perform the duties of his office as provided by law, shall be guilty of misconduct in public office, and upon conviction thereof shall be imprisoned for a period of not more than ten years, or fined not more than \$10,000.00, or both.

Source

(Code 1966, § 417.) 11 TTC § 1051. Amended by RPPL 5-3 § 2. Amended by RPPL 5-21 § 2.

Notes

Mechol v. ROP, 9 ROP 17 (2001).

[Header B: 17 PNCA § 2401 **CRIMES**

]

Chapter 24

Nuisance

§ 2401. Defined; punishment.

§ 2401. Defined; punishment.

Every person who shall unlawfully maintain or allow to be maintained a condition of things which is prejudicial to the health, comfort, safety, property, sense of decency, or morals of the people of the Republic by an illegal **act**, or by neglect of legal duty, shall be guilty of maintaining a nuisance, and upon conviction thereof shall be imprisoned for a period of not more than six months, or fined not more than \$100.00, or both.

Source

(Code 1966, § 408.) 11 TTC § 1101, modified.

Notes

Zakios v. Trust Territory, 2 TTR 102 (1959).

In re Ichiro, 3 TTR 406 (1968).

[Header A: **LARCENY 17 PNCA § 1907**

]

[Header A: **OBSTRUCTING JUSTICE 17 PNCA § 2501**

]

Chapter 25

Obstructing Justice

§ 2501. Defined; punishment.

§ 2501. Defined; punishment.

Every person who shall unlawfully resist or interfere with any law enforcement officer in the lawful pursuit of his duties, or cause another to do so, or shall unlawfully endeavor to influence, intimidate or tamper with a witness, or persuade such witness in any way to provide false testimony in any trial or legal **proceeding**, or attempt to prevent their attendance at any trial or legal **proceeding**, shall be guilty of obstructing justice, and upon conviction thereof shall be imprisoned for a period of not more than five years, or shall be fined not more than \$5,000.00, or both.

Source

(Code 1966, § 418.) 11 TTC § 1151, modified. Amended by RPPL 5-21 § 3.

Notes

Ongidobel v. ROP, 9 ROP 63, 65 (2002).

Chieh-Chun Tsai, 9 ROP 142, 144, 145 (2002).

Arokoy v. Trust Territory, 1 TTR 426 (1958).

[Header B: 17 PNCA § 2601 **CRIMES**

]

Chapter 26

Perjury

§ 2601. Defined; punishment.

§ 2601. Defined; punishment.

Every person who takes an oath or any legal substitute therefor before a competent tribunal, officer, or person, in any case in which a law of the Republic authorizes an oath or any legal substitute therefor to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, deposition, or certificate by him subscribed is true, and who wilfully and contrary to such oath or legal substitute therefor states or subscribes any material which he does not believe to be true, shall be guilty of perjury, and upon conviction thereof shall be imprisoned for a period of not more than five years.

Source

(Code 1966, § 419.) 11 TTC § 1201, modified.

[Header A: **ROBBERY** 17 PNCA § 2701

]

[Footer A: Supp. 2 17 - 37]

Chapter 27

Robbery

§ 2701. Defined; punishment.

§ 2701. Defined; punishment.

Every person who shall unlawfully steal, take and carry away the personal property of another, of whatever value, from his person or in his presence and against his will, by the use of force or intimidation, with the intent to permanently convert said property to his own use, shall be guilty of robbery, and upon conviction thereof shall be imprisoned for not more than 10 years.

Source

(Code 1966, § 400.) 11 TTC § 1251.

Notes

Ngemaes v. ROP, 4 ROP Intrm. 250, 252 (1994).

[Header B: 17 PNCA § 2801 **CRIMES**

]

Chapter 28

Sex Crimes

§ 2801. Incest.

§ 2802. Rape.

§ 2803. Sodomy.

§ 2804. Carnal knowledge.

§ 2805. Adultery.

§ 2806. Indecent assault.

§ 2801. Incest.

Every person who shall unlawfully engage in sexual intercourse with another of such a close blood relationship or affinity that marriage between the two who so engage is prohibited by law or custom, shall be guilty of incest, and upon conviction thereof shall be imprisoned for a period of not more than five years; provided, however, that the burden of proof of such relationship or affinity shall rest with the prosecution.

Source

(Code 1966, § 407.) 11 TTC § 1301.

Notes

Yangilemau v. Mahoburimalei, 1 TTR 429 (1958).

§ 2802. Rape.

Every person who shall unlawfully have sexual intercourse with a female, not his wife, by force and against her will, shall be guilty of rape, and upon conviction thereof shall be imprisoned for a period of not more than 25 years.

Source

11 TTC § 1302.

Notes

Liep v. ROP, 5 ROP Intrm. 5, 5 (1994).

Trust Territory v. Ona, 5 TTR 634 (1972).

Trust Territory v. Manalo, 5 TTR 208 (1970).

Trust Territory v. Ngiraitpang, 5 TTR 282 (1970).

[Header A: **SEX CRIMES** 17 PNCA § 2806

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[Footer A: Supp. 3 17 - 39]

§ 2803. Sodomy.

Every person who shall unlawfully and voluntarily have any sexual relations of an unnatural manner with a member of the same or the other sex, or who shall have any carnal connection in any manner with a beast, shall be guilty of sodomy, and upon conviction thereof shall be imprisoned for a period of not more than 10 years; provided, that the term “sodomy” shall embrace any and all parts of the sometimes written “abominable and detestable **crime** against nature.”

Source

(Code 1966, § 409.) 11 TTC § 1303.

§ 2804. Carnal knowledge.

Whoever shall have carnal knowledge of the person of a female under 15 years of age who is not his wife shall, upon conviction thereof, be imprisoned for a period of not more than 10 years.

Source

(PL 6-61, 4-4-68, 68(2)-17.) PDC § 400.

§ 2805. Adultery.

Any two persons of the opposite sex, not husband and wife, of whom one is a married person, who shall voluntarily engage in sexual intercourse, shall be guilty of adultery and, upon conviction thereof, shall each be imprisoned for a period of not more than six months, or fined not more than \$100.00, or both; provided that such persons shall not be charged with adultery except on the initiative and with the full and voluntary consent of the person in the marriage relationship directly injured by such an **act** of adultery.

Source

(RES. 2-56, 2-3-57.) PDC § 401.

§ 2806. Indecent assault.

Whosoever takes indecent and improper liberties with the person of a child under the age of 14 years without committing or intending to commit the **crime** of rape or carnal knowledge shall be imprisoned for not more than five years.

Source

(PL 3-4-68.) PDC § 403.

Notes

Ngirengkoi v. ROP, 8 ROP Intrm. 41, 43 (1999).

]

Chapter 29

Trespass

§ 2901. Defined; punishment.

§ 2901. Defined; punishment.

Every person who shall unlawfully violate or interfere with the peaceful use and possession of the dwelling house, premises, or property of another, whether by force or by stealth, but without committing or attempting to commit any of the **crimes** defined in chapters four (arson), eight (burglary), 15 (forgery), 19 (larceny), 21 (malicious mischief), and 27 (robbery) of this title, shall be guilty of trespass, and upon conviction thereof shall be imprisoned for not more than six months, or fined not more than \$100.00, or both.

Source

(Code 1966, § 401.) 11 TTC § 1351.

Notes

Tasio v. Trust Territory, 3 TTR 262 (1967).

Figir v. Trust Territory, 3 TTR 127 (1966).

Bisente v. Trust Territory, 1 TTR 327 (1957).

Olber v. Trust Territory, 1 TTR 559 (App. Div. 1951).

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Chapter 30

Miscellaneous **Crimes**

§ 3001. Compounding a **crime**.

§ 3002. Tampering with mail.

§ 3003. Unauthorized disposition of certain foods.

§ 3004. Duty to report wounds or deaths.

§ 3005. Possession or removal of government property.

§ 3006. Theft of electricity; injuring or altering meter.

§ 3007. Conversion of public funds and property.

§ 3008. Falsely implicating another in a **crime**.

§ 3001. Compounding a **crime.**

Every person who, having knowledge that a **crime** has been, is being, or is about to be committed, shall unlawfully, knowingly, and wilfully agree for a reward not to prosecute it, shall be guilty of compounding a **crime**, and upon conviction thereof shall be imprisoned for a period of not more than one year, or fined not more than \$100.00, or both.

Source

(Code 1966, § 413.) 11 TTC § 1401.

§ 3002. Tampering with mail.

Every person who, without authority, opens, or destroys any mail not directed to him, shall upon conviction thereof be imprisoned not more than six months, or fined not more than \$100.00, or both.

Source

(Code 1966, § 402.) 11 TTC § 1402.

Cross-reference

For statutory provisions regarding prohibited **acts** with regard to the mails, see chapter 1, subchapter III of Title 32.

§ 3003. Unauthorized disposition of certain foods.

Every person who, having any responsibility for disposition of any food commodity donated under

[Header B: **17 PNCA § 3003 **CRIMES****

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any program of the United States government or the Republic government, wilfully makes any unauthorized disposition of such food commodity, or every person who, not being an authorized recipient thereof, wilfully converts to his own use or benefit any such food commodity, shall upon conviction thereof, be punished by imprisonment for not more than six months, or fined not more than \$500.00, or both.

Source

(Code 1966, § 404.) 11 TTC § 1403, modified.

§ 3004. Duty to report wounds or deaths.

(a) Every person who gains knowledge of a death or injury resulting from a knife wound, bullet wound, powder burn, or sustained in a suspicious or unusual manner or under conditions suggesting poisoning or violence, shall make a report thereof immediately, and in any case within five days of obtaining such knowledge, to the nearest law enforcement official or to any police officer or to the Director of the Bureau of Public Safety. Said report shall state:

- (1) the name and location of injured or deceased person;

(2) the date of injury or death, or date of gaining knowledge thereof by informant, if date of injury or death is unknown;

(3) the cause and manner of injury or death;

(4) the name of the person causing injury or death, if known.

(b) No person making a report in compliance with this section shall be deemed to have violated the confidential relationship existing between doctor and patient.

(c) Copies of such report shall be furnished without charge to the district public defender at his request.

(d) Any person violating subsection (a) of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00, or imprisoned for not more than one year, or both.

Source

11 TTC § 1404, modified.

[Header A: MISCELLANEOUS **CRIMES** 17 PNCA § 3007

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[Footer A: Supp. 5 17 - 43]

§ 3005. Possession or removal of government property.

It shall be unlawful for any person without proper authority to have in his possession or remove from its location any property of any kind, wherever situated, of the government of the United States or of the government of the Republic, its political subdivisions, or municipal governments. Any person convicted of a violation of this section shall be fined not more than \$100.00, or imprisoned not more than six months, or both.

Source

11 TTC § 1405, modified.

§ 3006. Theft of electricity; injuring or altering meter.

Every person who wilfully and knowingly, with intent to injure or defraud, makes or causes to be made any connection with the electric lines of any agency or corporation authorized to generate, transmit, or sell electric current by means of electric wire or electric appliance of any character whatsoever, without the written authority of such agency or corporation, or who shall, knowingly

and with like intent, injure, alter, or procure to be injured or altered any electric meter, or obstruct its working, or procure the same to be tampered with or injured, or use or cause to be used any electric meter or appliance so tampered with or injured, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned for not more than six months, or fined not more than \$100.00, or both.

Source

(P.L. No. 7-1, § 1.) 11 TTC § 1406.

§ 3007. Conversion of public funds and property.

Whoever embezzles, steals, purloins, or knowingly converts to his use or the use of another, or without authority, sells, conveys or disposes of any money, funds or thing of value of the government of the Republic, its political subdivisions, state or municipal governments, or of any ministry, department or agency thereof; or whoever receives, conceals, or retains the same with intent to convert it to their use or gain, knowing it to have been embezzled, stolen, purloined or converted, shall, upon conviction, be imprisoned for not more than 10 years, or fined not more than \$10,000.00, or both, but if the value of such property does not exceed the sum of \$100.00, he shall be imprisoned for not more than 1 year, or fined not more than \$1,000.00, or both.

Source

RPPL 5-21 § 5.

[Header B: 17 PNCA § 3008 **CRIMES**

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[Footer A: Supp. 5 17 - 44]

§ 3008. Falsely implicating another in a **crime.**

Any person who manufactures, or causes the manufacturing of, any evidence against another person, or places, or causes to be placed, incriminating evidence on the person, or on or within the property of the other person, with the intent of causing such other person to be charged with a **crime**, shall be guilty of violating this section and shall be imprisoned for not less than 5 years nor more than 25 years, and fined not less than \$5,000 nor more than \$25,000.

Source

RPPL 5-3 § 4.

§ 3009. Fraudulent recording.

Every person who submits to the Clerk of Courts for recording or records a document establishing or purporting to be evidence of an interest in land which document the person knows to be forged or fraudulent shall be guilty of fraudulent recording and upon conviction thereof shall be subject to imprisonment for a period of not more than five years or a maximum fine of \$20,000, or both.

Source

RPPL 6-46 § 6.

§ 3010. Fraudulent conveyance of land prohibited.

Every person who attempts to convey an interest in land that he or she has previously conveyed to another shall be guilty of fraudulent conveyance of land and upon conviction shall be subject to imprisonment for not more than five years or a maximum fine of \$20,000, or both.

Source

[Header A: **PUNISHMENT; JUDGMENT & SENTENCING 17 PNCA § 3102**

]

[Footer A: Supp. 5 17 - 44A]

Chapter 31

Punishments; Judgment and Sentencing

§ 3101. Recognition of custom in imposing or suspending sentences and in granting probation.

§ 3102. Consideration of previous convictions.

§ 3103. Imposition of fines; procedure upon nonpayment of fines.

§ 3104. Orders requiring specified residence.

§ 3105. Restitution, compensation or forfeiture.

§ 3106. Closing of business.

§ 3107. Labor without imprisonment.

§ 3108. Designation of place of confinement.

§ 3109. Suspension of sentence.

§ 3110. Probation.

§ 3111. Deportation of non-citizens.

§ 3101. Recognition of custom in imposing or suspending sentences and in granting probation.

In imposing or suspending the execution of sentences, or in suspending the imposition of sentence and granting probation, in accordance with this title, due recognition shall be given to the customs of the inhabitants of the Republic in accordance with the last two clauses of article 6, paragraph 1 of the trusteeship agreement.

Source

(Code 1966, § 436; P.L. No. 7-92, § 2.) 11 TTC § 1451, modified.

Cross-reference

For constitutional provisions on traditional rights, see ROP Const. art. V; for Trust Territory Bill of Rights provision on recognition of local customs, see Title 1, § 414; for statutory provision on recognition of custom in granting annulments, divorces or adoptions, see Title 21, § 103; for provision on violation of native customs, see Title 17, § 108.

§ 3102. Consideration of previous convictions.

Before imposing or suspending the execution of sentence upon a person found guilty of a criminal offense, or in suspending the imposition of sentence and granting probation, evidence

of good or bad character, including any prior criminal record of the defendant, may be received and considered by the court.

[Header B: 17 PNCA § 3102 **CRIMES**

]

[Footer A: Supp. 5 17 - 44B]

Source

(Code 1966, § 168; P.L. No. 7-92, § 3.) 11 TTC § 1452.

Notes

Taman v. Trust Territory, 1 TTR 415 (1958).

§ 3103. Imposition of fines; procedure upon nonpayment of fines.

Where an offense is made punishable by fine the court imposing the fine may give such directions as appear to be just with respect to the payment of the fine. In default of payment of the fine or any part thereof the court may order the defendant to be imprisoned for such period of time as it may direct. These directions may be given and orders for imprisonment made at any time, and may be modified if the court deems justice so requires, until the fine is paid in full or the imprisonment served which has been ordered in default of payment; provided, that the accused shall be given an opportunity to be heard before any such direction or order is given, made, or modified, except when that is done at the time sentence is imposed; and provided further, that no defendant shall be imprisoned for a longer period of time than that fixed by law for such offense.

Source

(Code 1966, § 169.) 11 TTC § 1453.

Notes

In Re Gotina, 8 ROP Intrm. 102, 103 (2000).

Raismet v. Trust Territory, 1 TTR 631 (App. Div. 1958).

§ 3104. Orders requiring specified residence.

A court of the Republic may, in lieu of or in addition to other lawful punishment, direct that a person found by it to be guilty of a criminal offense shall establish his place of residence within a specified area and maintain it there for a period of time not exceeding the maximum period of imprisonment which may be imposed for the offense.

Source

(Code 1966, § 170.) 11 TTC § 1454, modified.

Notes

Tinteru v. Trust Territory, 4 TTR 361 (1969).

[Header A: **PUNISHMENT; JUDGMENT & SENTENCING 17 PNCA § 3107**

]

§ 3105. Restitution, compensation or forfeiture.

A defendant convicted of any **crime** in the Republic of Palau may be ordered to pay restitution, or forfeit property which has been unlawfully acquired, in lieu of, or in addition to any other lawful punishments, to any victim that has suffered a loss due to the criminal conduct, in order to compensate the victim of such **crime**. A victim includes any individual or entity, including the National and State Governments, or any combination thereof. The Court may order restitution in any criminal case to the extent agreed by the parties in a plea agreement. The Court may also order that part or all of the restitution ordered under this section be paid directly to a hospital or a health care provider for care rendered to the victim, upon proof that the victim's unpaid debt to the hospital or the health care provider resulted directly from the **crime** for which such restitution was ordered. Proof of damages for purposes of compensating a victim of a **crime** under this section shall be by a preponderance of the evidence.

Source

(Code 1966, § 171.) 11 TTC § 1455, modified. Amended by RPPL 5-21 § 4.

Notes

Scott v. ROP, 10 ROP 92, 99 (2003).

Moolang v. Figir, 3 TTR 455 (1968).

See ROP Const., Article IV, Section 8.

§ 3106. Closing of business.

If a defendant is convicted of an offense involving the sale of a harmful article or the operation of an unlawful business, the court may, in lieu of or in addition to other lawful punishment, order that the place of sale or business be vacated or closed for a specified time.

Source

(Code 1966, § 172.) 11 TTC § 1456.

§ 3107. Labor without imprisonment.

In any case in which a court is authorized to impose sentence of imprisonment, the court may, if it deems best, instead of imposing imprisonment, sentence the accused to perform hard labor in accordance with his physical ability on any public project for a period not exceeding that for which imprisonment might be imposed.

[Header B: 17 PNCA § 3107 **CRIMES**

]

Source

(Code 1966, § 173.) 11 TTC § 1457.

Notes

In Re Gotina, 8 ROP Intrm. 102, 104 (2000).

§ 3108. Designation of place of confinement.

Any court upon sentencing a person to imprisonment may designate in the commitment order a place of confinement within the Republic where the trial is held. The place of confinement may be changed or otherwise designated as follows at any time while the sentence is still in force:

(a) The President, subject to instruction, if any, from higher authority, may transfer the person to or designate any place of confinement within Republic; or,

(b) The President may transfer the person to or designate any place of confinement.

Source

(Code 1966, § 496.) 11 TTC § 1458, modified.

§ 3109. Suspension of sentence.

The court which imposes a sentence upon a person convicted of a criminal offense may direct that the execution of the whole or any part of a sentence of imprisonment imposed by it shall be suspended on such terms as to good behavior and on such conditions as the court may think proper to impose. A subsequent conviction by a court for any offense shall have the effect of revoking the suspension of the execution of the previous sentence unless the court otherwise directs.

Source

(Code 1966, § 174.) 11 TTC § 1459.

Notes

Ngemaes v. ROP, 4 ROP Intrm. 250, 250-53 (August 11, 1994).

Mad v. Trust Territory, 6 TTR 550 (1973).

Trust Territory v. Singeo, 6 TTR 71 (1972).

Tinteru v. Trust Territory, 4 TTR 361 (1969).

[Footer A: Supp. 4 17 - 47]

§ 3110. Probation.

(a) Upon entering a judgment of conviction of any offense not punishable by life imprisonment, the court, when satisfied that the ends of justice and the best interests of the

[Header A: **PUNISHMENT; JUDGMENT & SENTENCING 17 PNCA § 3110**

]

public as well as the defendant will be served, may suspend the imposition of sentence and may direct that the suspension continue for a period of time, not exceeding the maximum term of sentence which may be imposed, and upon the terms and conditions which the court determines, and shall place the person on probation, under the charge and supervision of a probation officer or any other person designated by the court, during the suspension.

(b) Upon violation of any of the terms and conditions of probation at any time during the probationary period, the court may issue a warrant for the rearrest of the person on probation and, after giving the person an opportunity to be heard and to rebut any evidence presented against him, may revoke and terminate the probation.

(c) Upon the revocation of the probation, the court may then impose any sentence which may have initially been imposed had the court not suspended imposition of sentence in the first instance.

(d) The court may at any time during the period of probation modify its order of suspension of imposition of sentence. The court may at any time, when the ends of justice and the best interests of the public as well as the defendant will be served, and when the good conduct and reform of the person held on probation warrants it, terminate the period of probation and discharge the person held. If the court has not revoked the order of probation and pronounced sentence, the defendant shall, at the end of the term of probation, be discharged by the court.

(e) Upon discharge of the defendant without imposition of sentence, the court shall vacate the judgment of conviction and the defendant shall not be deemed to have been convicted of the **crime** for any purpose.

Source

(P.L. No. 7-92, § 1.) 11 TTC § 1460.

Cross-reference

Drug offenses. First convictions may be discharged and records expunged under 34 PNCA § 3308.

Notes

Kruger v. Doran, 8 ROP Intrm. 350, 351, 352, 353, 354, 355 (Tr. Div. 2000).

Ngemaes v. ROP, 4 ROP Intrm. 250, 250-53 (1994).

§ 3111. Deportation of non-citizens.

If the interests of the people of the Republic will be served, the court, at the time of sentencing,

[Header B: 17 PNCA § 3111 **CRIMES**

]

may order any non-citizen who is convicted of a felony, other than a **crime** punishable by life imprisonment, to be permanently deported after serving no less than one-third of the term of imprisonment that would otherwise be imposed and paying any fine imposed by the court. It shall be unlawful for any person who is deported pursuant to this section to subsequently re-enter the Republic, and any person who violates this provision shall be required to serve the maximum sentence that could have been imposed on that person for the **crime** for which the person was deported.

Source

RPPL 5-3 § 3.

]

Chapter 32

Executive Clemency

§ 3201. Short title; purpose.

§ 3202. Executive clemency.

§ 3203. Petition.

§ 3204. Ministerial review.

§ 3205. Report.

§ 3206. Clemency initiated by the President.

§ 3207. Issuance of clemency.

§ 3208. Transmittal.

§ 3209. Inquiries.

§ 3210. Public record.

§ 3211. Severability.

§ 3201. Short title; purpose.

This chapter shall be known and may be cited as the “Executive Clemency **Act**”. The purpose of this chapter is to set procedures by which the President may exercise his power pursuant to Article VIII, Section 7(5) of the Palau Constitution.

Source

RPPL 3-22 § 1, modified.

Notes

Former § 3201 (Code 1966, § 435.) 11 TTC § 1501 was repealed by RPPL 3-22 § 2.

§ 3202. Executive clemency.

The powers of presidential pardon, commutation, reprieve, and suspension and remission of fines and forfeitures are hereinafter referred to collectively as “executive clemency”.

Source

RPPL 3-22 § 3, modified.

§ 3203. Petition.

Any person who has been convicted of or entered a plea of guilty to any criminal offense in any court of the Republic, or in the Trust Territory High Court, Trial Division for the District

[Header B: 17 PNCA § 3203 CRIMES

]

of Palau, and who has been sentenced by the court, may petition the President for an executive pardon, commutation, reprieve, or for suspension and remission of fines and forfeitures. A petitioner for executive clemency shall, either himself or through counsel,

prepare and submit to the Minister of Justice (the Minister) four copies of a petition for executive clemency. At a minimum, the petition must contain the following:

- (a) petitioner's name and date of birth;
- (b) a copy of the order of conviction and judgment;
- (c) a copy of the petitioner's criminal record, showing the date and nature of any other convictions;
- (d) a statement as to whether or not there are presently any criminal charges pending the against the petitioner;
- (e) a statement of the reasons why the petitioner feels executive clemency is appropriate;
- (f) the form of executive clemency requested;
- (g) the dates and dispositions of any other petitions by the petitioner for executive clemency; and
- (h) any other information or matters which the petitioner deems appropriate, including, but not limited to, letters of recommendation, employment history, and future plans of the petitioner.

Source

RPPL 3-22 § 4, modified.

Notes

Subsections formerly codified with numbers, now codified with letters to conform with Code format.

§ 3204. Ministerial review.

Upon receipt of the four copies of a petition, the Minister shall retain one, and shall send one to the Attorney General, one to the Director of the Bureau of Public Safety, and one to the Parole Board for their review and written recommendations. Each such recommendation shall be issued no later than 60 days following the receipt by the Minister, the copies of the petition.

[Header A: **EXECUTIVE CLEMENCY 17 PNCA § 3207**

]

Source

RPPL 3-22 § 5, modified.

§ 3205. Report.

By no later than five days following the receipt by the Minister of all recommendations solicited pursuant to section 3204 of this chapter, the Minister shall prepare his own recommendation, and shall then transmit a copy of the petition, his recommendation, and the solicited recommendations to the President. Based on these documents, the President shall decide whether or not to grant executive clemency.

Source

RPPL 3-22 § 6, modified.

§ 3206. Clemency initiated by the President.

An exercise of executive clemency initiated by the President and not by a petitioner shall issue only after submission by the President to the Minister of a notice of intent to exercise such clemency. Such notice shall include the information specified in subsections (a), (b), (c), (d), (e), (f), and (g) of section 3203 of this chapter. The information shall be reviewed and recommendations shall be made in accordance with the procedures set forth in sections 3204 and 3205 of this chapter. Such form of executive clemency may be exercised only subsequent to a conviction or guilty plea as set forth in section 3203 of this chapter.

Source

RPPL 3-22 § 7, modified.

§ 3207. Issuance of clemency.

The President shall, within 30 days of the receipt of petition documents from the Minister of Justice, decide whether to exercise executive clemency. Should he decline to grant clemency, he shall notify the petitioner in writing of such decision. If the President decides to exercise executive clemency, he shall do so through issuance of an order of pardon, which shall state the following:

(a) petitioner's name;

(b) date of conviction; and

(c) nature of executive clemency granted.

[Header B: 17 PNCA § 3207 **CRIMES**

]

Source

RPPL 3-22 § 8, modified.

Notes

Subsections formerly codified with numbers, now codified with letters to conform with Code format.

§ 3208. Transmittal.

Each order of pardon shall be sent to:

(a) the court in which the conviction occurred, or in which the petitioner pled guilty to the **crime** for which he was granted clemency, for placement in the case file;

(b) the Attorney General, for notations to criminal records;

(c) the Director of the Bureau of Public Safety, for notations to criminal records; and

(d) the presiding officers of the Olbiil Era Kelulau.

Source

RPPL 3-22 § 9, modified.

Notes

Subsections formerly codified with numbers, now codified with letters to conform with Code format.

§ 3209. Inquiries.

After the exercise of executive clemency, inquiries to the court in which a petitioner or pardoned person's conviction occurred, to the Attorney General, or to the Director of the Bureau of Public Safety concerning the criminal record of the petitioner or pardoned person will be answered only after the notations to petitioner's or pardoned persons record reflecting the order of pardon have been made. Responses to such inquiries shall include reference to the conviction or guilty plea of the petitioner or pardoned person regarding the **crime** for which the order of pardon was issued.

Source

RPPL 3-22 § 10, modified.

[Header A: **EXECUTIVE CLEMENCY 17 PNCA § 3211**

]

[Footer A: Supp. 3 17 - 53]

§ 3210. Public record.

Subsequent to the President's decision regarding any petition for or grant of executive clemency, a copy of each document submitted as part of or regarding such petition or grant shall be transmitted to the Office of the Attorney General and shall be available upon request for public inspection.

Source

RPPL 3-22 § 11, modified.

§ 3211. Severability.

If any provision of this chapter is declared invalid or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of the chapter and applicability of such provision to other persons and circumstances shall not be affected thereby, and to this extent the provisions of this chapter are deemed severable.

Source

RPPL 3-22 § 11, modified.

[Header B: **17 PNCA § 3301** **CRIMES**

]

Chapter 33

Firearms Control Act

§ 3301. Short title.

§ 3302. Declaration of policy and legislative findings.

§ 3303. Definitions.

§ 3304. Surrender of firearms.

§ 3305. Reasonable compensation.

§ 3306. Prohibition of firearms and ammunition; penalty.

§ 3307. Possession of firearms and ammunition by law enforcement officers and members of the armed forces.

§ 3308. Disposal of firearms and ammunition; records.

§ 3309. Amnesty.

§ 3310. Conflict of law.

§ 3301. Short title.

This chapter may be cited as the “National Firearms Control **Act**”.

Source

RPPL 1-25 § 1(a), modified.

Cross-reference

ROP Const., Art. XIII, §§ 12, 13.

Notes

ROP v. Imeong, 7 ROP Intrm. 257 (Tr. Div. 1998).

ROP v. Ngiraboi, 2 ROP Intrm. 257 (1991).

Kazuo v. ROP, (Criminal Appeal No. 6-89).

§ 3302. Declaration of policy and legislative findings.

The Olbiil Era Kelulau hereby finds and declares to be the public policy of this nation, the following:

(a) The exclusive power to control and regulate the use, possession, manufacture, distribution and importation of firearms and ammunition is solely in the national government;

(b) The strict control and restriction on the use, possession, manufacture, distribution and

[Header A: **FIREARMS CONTROL **ACT** 17 PNCA § 3303**

]

[Footer A: Supp. 5 17 - 55]

importation of firearms and ammunition is designed to assure the public health,

welfare and safety of the people as expressed in the provisions of Article XIII of the Constitution.

(c) The penalties for violating the vital interest of the people of Palau in controlling firearms and ammunition is constitutionally mandated and beyond purview of any

branch or official of the national government.

Source

Notes

Ngemaes v. ROP, 4 ROP Intrm. 250 (1994).

§ 3303. Definitions.

Unless a different meaning clearly appears in the context, in this chapter:

(a) “Ammunition” means any projectile, including but not limited to bullets and buckshot along with its fuse and primer, if any, that is designed to be shot or expelled from a firearm.

(b) “Armed Forces Personnel” means any person who is a member of a military unit which is a part of an official branch of the armed services.

(c) “Firearm” means any device, by whatever name known, including but not limited to rifles, pistols and other types of guns, which is designed to or may be converted to shoot or expel any projectile by the action of any explosion, a release, or an expansion of gas; the term “Firearm” does not include devices designed solely for signaling, line throwing, spear fishing or industrial purposes, nor does it include blowguns or air guns.

(d) “Import” or “Importation” means the **act** of bringing goods and merchandise into Palau from a foreign country, including but not limited to the United States and other Micronesian entities.

(e) “Knowingly” means that a person **acts** knowingly when, if the element of an offense involves the nature of his conduct, he is aware that his conduct is of that nature; if the element involves a result of his conduct, he is aware that it is practically certain that his conduct will cause such a result; if the element involves an attendant circumstance, he is aware of the existence of such circumstance.

[Header B: **17 PNCA § 3303** **CRIMES**

]

(f) “Law Enforcement Officer” means a sheriff, police officer, marshal or deputy marshal of the Palau National Judiciary, customs or immigration officer or any other municipal entity whose duty it is to preserve the peace and enforce the laws in the Republic or any of its lawful subdivisions.

(g) “Manufacture” means the process or operation of producing goods or material by hand, machinery or other agency.

(h) “Person” means any natural person, corporation, partnership, or any other entity cognizable by law.

(i) "Possess" means to have in one's actual or constructive custody or control.

Source

RPPL 1-25 § 2, terms put into alphabetical order and section modified. Subsection (f) is amended by RPPL 5-16

§ 2.

Notes

Noah v. ROP, 11 ROP 227, 230 (2004).

ROP v. Ngiraboi, 2 ROP Intrm. 257, 270 (1991).

§ 3304. Surrender of firearms.

Every person who possesses, owns or has in his custody or control any firearm(s) or any ammunition shall surrender such firearm(s) or ammunition to the President or his duly authorized representative(s). The owners or possessors of firearms or ammunition so surrendered shall be paid a reasonable compensation therefor.

Source

RPPL 1-25 § 3, modified.

§ 3305. Reasonable compensation.

The President shall have the authority to determine what constitutes reasonable compensation, and shall make such determinations in a fair and equitable manner consistent with the requirements of due process.

Source

RPPL 1-25 § 4, modified.

[Header A: **FIREARMS CONTROL ACT** 17 PNCA § 3307

]

§ 3306. Prohibition of firearms and ammunition; penalty.

(a) Any person who knowingly shall import, possess, use, manufacture or have in his custody or control, any firearm shall be guilty of a felony and upon conviction thereof shall be fined not more than \$5,000.00, receive no compensation for the firearm(s), and be imprisoned for not less than 15 years.

(b) Any person who knowingly shall import, possess, use, manufacture or have in his custody or control any ammunition shall be guilty of a felony and upon conviction thereof shall be fined not more than \$1,000.00, receive no compensation for such ammunition, or be imprisoned not more than 5 years or all of these.

Source

Commission Case Annotation

The sentencing provisions of RPPL 1-25, § 5(a) (§ 3306(a) herein) and Art. XV, § 10 of the Constitution of the Republic of Palau relating to the unlawful possession of firearms is found to be in conflict with the Trusteeship Agreement and is not yet in force and effect. This provision will become effective upon termination of the Trusteeship Agreement. Cf. Kazuo v. Republic of Palau, Special **Proceeding** No. 7-83 for Writ of Prohibition in the Appellate Division of the Supreme Court (**Crim.** Case No. 184-83) and Yano v. Republic of Palau, Special **Proceeding** No. 8-83 for Writ of Prohibition in the Appellate Division of the Supreme Court (**Crim.** Case No. 284- 83). Decision rendered on November 13, 1984 in both cases.

Notes

Noah v. ROP, 11 ROP 227, 228, 230, 232, 233 (2004).

Ongalibang v. ROP, 8 ROP Intrm. 219, 220 (2000).

Kotaro v. ROP, 7 ROP Intrm. 57, 62 (1998).

King v. ROP, 6 ROP Intrm. 131, 131 (1997).

Blailes v. ROP, 5 ROP Intrm. 136, 136 (1994).

Emaudiong v. Espangel, 5 ROP Intrm. 131, 131 (1994).

ROP v. Wolff, 4 ROP Intrm. 278, 281 (Tr. Div. 1993).

Ngemaes v. ROP, 4 ROP Intrm. 250, 250-51 (1994).

Kazuo v. ROP, 3 ROP Intrm. 343, 343-47 (1993).

ROP v. Ngiraboi, 2 ROP 257, 258, 260, 265, 267, 270 (1991).

ROP v. Sakuma, 2 ROP Intrm. 23, 27, 36-41 (1990).

ROP v. Singeo, 1 ROP Intrm. 551, 553, 558 (1989).

Gibbons v. ROP, 1 ROP Intrm. 547A (1988).

§ 3307. Possession of firearms and ammunition by law enforcement officers and members of the armed forces.

(a) A law enforcement officer may possess a firearm while **acting** in an official capacity

only with express written permission of the President or the state chief executive in the case of a state law enforcement officer within the state jurisdiction upon approval of the

[Header B: **17 PNCA § 3307** **CRIMES**

]

same by the President. Such written permission shall express the purpose and time of authorized possession; but, in no case, shall any law enforcement officer possess a firearm while on off-duty hours. The President and each state chief executive shall submit a quarterly report to the

presiding officers of the Olbiil Era Kelulau disclosing the names of all law enforcement officers who were given such permission and the circumstances under which they were given.

(b) Members of the Armed Forces lawfully in the Republic may possess firearms and ammunition only in those areas certified by the President.

(c) Any law enforcement officer or Armed Forces personnel in violation of these provisions shall be subject to the provisions of section 3306 of this chapter.

(d) Nothing in this chapter shall apply in any way to United States military, law enforcement or any other authorized personnel lawfully within the Republic during the term of the United Nations Trusteeship Agreement, or during the term of any other Agreement which may lawfully exist between the United States and the Republic providing for the presence in the Republic of United States military, law enforcement or other authorized personnel.

Source

RPPL 1-25 § 6, modified.

Notes

Noah v. ROP, 11 ROP 227, 232, 233 (2004).

Kotaro v. ROP, 7 ROP Intrm. 57, 61 (1998).

ROP v. Wolff, 4 ROP Intrm. 278, 281 (Tr. Div. 1993).

§ 3308. Disposal of firearms and ammunition; records.

The President shall maintain a complete and accurate record of all firearms and ammunition surrendered, the amount of awarded compensation for each firearm or ammunition, and disposition of each firearm and ammunition. The President shall dispose of all firearms and ammunition provided that such disposal shall be made to prevent any firearm or ammunition from being possessed, used or coming within the custody or control of any person within the Republic. Such ammunition and firearms may be sold, and a complete record maintained and the money deposited in the National Treasury to any person outside of the Republic who may lawfully purchase such ammunition and firearms. The Public Auditor and the Budget Officer of

the Olbiil Era Kelulau shall make quarterly audits of all books and records of such sales.

[Header A: **FIREARMS CONTROL ACT** 17 PNCA § 3310

]

Source

RPPL 1-25 § 7, modified.

§ 3309. Amnesty.

Every person who shall voluntarily surrender any firearm or ammunition pursuant to section 3304 of this chapter and prior to January 1, 1982 shall not be subject to the provisions of section 3306 of this chapter, nor shall such persons be subject to prosecution under the provisions of the

Trust Territory Weapons Control **Act** for the possession, importation, manufacture or use of such firearms.

Source

RPPL 1-25 § 8, modified.

Notes

Noah v. ROP, 11 ROP 227, 233 (2004).

§ 3310. Conflict of law.

Any other provisions of law which conflict with this chapter shall be deemed superseded and void to the extent of the conflict.

Source

RPPL 1-25 § 9, modified.

[Header B: **17 PNCA § 3401** **CRIMES**

]

Chapter 34

Trust Territory Weapons Control **Act**

§ 3401. Short title.

§ 3402. Manufacture, sale or possession of firearms and dangerous devices.

§ 3403. Exemptions from provisions of chapter.

§ 3404. Definitions.

§ 3405. Identification cards.

§ 3406. Identification card prerequisite to purchase, possession and use; prima facie evidence of possession.

§ 3407. Carrying firearms.

§ 3408. New residents, temporary residents and visitors of the Trust Territory.

§ 3409. Law enforcement officers.

§ 3410. Licenses for transfer; required.

§ 3411. Same; issuance and renewal of dealer's license.

§ 3412. Same; display; conduct of dealer's business.

§ 3413. Records and reports by dealers.

§ 3414. Repair of firearms.

§ 3415. Transfer or sale of ammunition.

- § 3416. Private sales or transfers.
- § 3417. Receipt or use as security.
- § 3418. Manufacturers and wholesalers.
- § 3419. Registry of firearms and ammunition.
- § 3420. Cancellation, denial, suspension and revocation of licenses.
- § 3421. Shipment and delivery of firearms, dangerous devices and ammunition.
- § 3422. Loss, destruction or theft of firearms or dangerous devices.
- § 3423. Prohibited **acts**.
- § 3424. Forfeiture of unlawful item.
- § 3425. Closing of establishments during emergencies.
- § 3426. Registration of weapons possessed on effective date of chapter.
- § 3427. Surrender of and compensation for weapons held on effective date by ineligible persons.
- § 3428. Local laws.
- § 3429. Authority of Attorney General to promulgate regulations.
- § 3430. Fees for licenses and identification cards.
- § 3431. Penalties for violation of chapter.
- § 3401. Short title.**

This chapter is known and may be cited as the “Trust Territory Weapons Control **Act**.”

[Header A: **TT WEAPONS CONTROL ACT 17 PNCA § 3403**

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[Footer A: 17 - 61]

Source

(P.L. No. 4C-13, § 1.) 63 TTC § 551.

Commission Comment

While the Trust Territory Weapons Control **Act** is set forth in its entirety herein, it must be noted that this **Act** is superseded and void to the extent it is in conflict with the provisions of the National Firearms Control **Act** of Title 17, chapter 33 of this Code. Its continuing effect, therefore, is mainly with regards to dangerous devices as defined in section 3404.

§ 3402. Manufacture, sale or possession of firearm and dangerous devices.

No person shall manufacture, purchase, sell, possess or carry any firearm, dangerous device or ammunition other than as hereinafter provided.

Source

(P.L. No. 4C-13, § 2.) 63 TTC § 552.

Commission Comment

While the Trust Territory Weapons Control Act is set forth in its entirety herein, it must be noted that this Act is superseded and void to the extent it is in conflict with the provisions of the National Firearms Control Act of Title 17, chapter 33 of this Code. Its continuing effect, therefore, is mainly with regards to dangerous devices as defined in section 3404.

§ 3403. Exemptions from provisions of chapter.

This chapter shall not apply to:

- (a) law enforcement officers while engaged on official duty except to the extent that particular provisions of this chapter are expressly made applicable to them.
- (b) firearms which are in unserviceable condition and which are incapable of being fired or discharged and which are kept as curios, ornaments or for their historical significance or value.
- (c) weapons or other dangerous devices which are not firearms and which are kept as ornaments, curios, or objects of historical or archaeological interest; provided, that the article or articles referred to herein are kept or displayed only in private homes, museums, or in connection with public exhibitions.
- (d) persons in the armed forces of the United States, whenever such persons are engaged on official duty except to the extent that particular provisions of this chapter

[Header B: 17 PNCA § 3403 **CRIMES**

]

are expressly made applicable to them.

- (e) persons designated by the Attorney General as crocodile hunters; provided, however, that not more than one person shall be so designated at any one time; and provided further that the Attorney General shall by regulation limit the size and type of weapons which may be used by such crocodile hunter.

Source

(P.L. No. 4C-13, § 3; P.L. No. 4C-10, § 3; P.L. No. 4C-40.) 63 TTC § 553, modified.

§ 3404. Definitions.

- (a) “Automatic weapon” means a weapon of any description irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine,

ribbon or other receptacle, by one continued movement of the trigger or firing mechanism.

(b) “Carry” means having on one’s person or in a motor vehicle or other conveyance.

(c) “Dangerous device” means any explosive, incendiary or poison gas bomb, grenade, mine or similar device, switch or gravity blade knife, blackjack, sandbag, metal, wooden or shark’s tooth knuckles, dagger, any instrument designed or redesigned for use as a weapon, or any other instrument which can be used for the purpose of inflicting bodily harm and which under the circumstances of its possession serves no lawful purpose.

(d) “Firearm” means any device, by whatever name known, which is designed or may be converted to expel or hurl a projectile or projectiles by the action of an explosion, a release, or an expansion of gas, including but not limited to guns, except a device designed or redesigned for use solely as a signaling, line throwing, spearfishing, or industrial device, or a device which hurls a projectile by means of the release or expansion of carbon dioxide or air.

(e) “Gun” means a handgun or long gun.

(f) “Handgun” means a pistol or revolver with an overall length of less than 26 inches.

(g) “Long gun” means a rifle with one or more barrels more than 18 inches in length.

[Header A: **TT WEAPONS CONTROL ACT** 17 PNCA § 3405

]

(h) “Person” means any natural person, corporation, partnership, or other business entity.

(i) “Semi-automatic weapon” means a weapon of any description irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other receptacle by a like number of movements of the trigger or firing mechanism without recocking or resetting the trigger or firing mechanism.

(j) “Transfer” means sale, gift, purchase or any other means by which ownership or temporary rights of use and control are conveyed or shifted from one person to another.

Source

(P.L. No. 4C-13, § 4; P.L. No. 4C-40, § 2; P.L. No. 5-61, § 1.) 63 TTC § 554, terms put into alphabetical order and section modified.

§ 3405. Identification cards.

(a) No person shall acquire or possess any firearm, dangerous device or ammunition unless he holds an identification card issued pursuant to this chapter. The identification card is evidence of the holder's eligibility to possess and use or carry firearms, dangerous devices, or ammunition.

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

(1) the name and address of the holder.

(2) the sex, height and weight of the holder.

(3) the birth date of the holder.

(4) the date of expiration for the card which shall be two years from the date of issue.

(5) a photograph of the holder taken within 10 days prior to issuance.

[Header B: 17 PNCA § 3405 **CRIMES**

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(6) an endorsement setting forth the extent of the holder's eligibility to possess, use and carry firearms, dangerous devices, or ammunition.

(7) the number of the identification card.

(c) An applicant for an identification card shall make application therefor on a form approved by the Office of the Attorney General and shall supply such information as may be necessary to afford the issuing agency reasonable opportunity to ascertain the facts required to appear on the face of the identification card, and to determine

whether the applicant complies with all requirements of this chapter to possess and use, or carry, firearms, dangerous devices, or ammunition, as the case may be.

(d) No identification card shall issue until 15 days after application therefor, and unless the issuing agency is satisfied that the applicant may lawfully possess and use, or carry firearms, dangerous devices, or ammunition of the type or types enumerated on the identification card. Unless the application for use and possession is denied, the identification card shall issue within 60 days from the date of application.

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

(1) acquitted of any criminal charge by reason of insanity.

(2) adjudicated mentally incompetent.

(3) treated in a hospital for mental illness, drug addiction or alcoholism.

(4) convicted of a **crime** of which actual or attempted personal injury or death is an element.

(5) convicted of a **crime** in connection with which firearms or dangerous devices were used or found in his possession.

(6) convicted of a **crime** of which the use, possession or sale of narcotics or dangerous drugs is an element.

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

(g) Any person suffering from a physical or mental defect, condition, illness or impairment which would make him ineligible for an identification card pursuant to this

section may submit the certificate of a physician licensed to practice in the Trust Territory to the issuing agency or officer. If the certificate states that it is the subscribing physician's best opinion that the defect, condition, illness or impairment does not make the applicant incapable of possessing and using a firearm or dangerous device without danger to the public safety, the identification card may be issued. But no such card shall be valid for a period longer than six months.

(h) Any person who is ineligible for an identification card by reason of conviction of **crime** may be issued such a card if his most recent discharge from probation or parole or the termination of his most recent sentence, whichever is later, is more than 10 years prior to the time of application for the identification card and if the issuing agency finds that his record, taken as a whole, does not indicate that his possessing and using, or carrying, a firearm or dangerous device, as the case may be, are not likely to constitute a special danger to the public safety.

(i) The holder of an identification card shall have it on or about his person at all times when he is carrying or using a firearm or dangerous device and shall display the card upon the request of any law enforcement official.

(j) A duplicate identification card may be issued to the holder of a lost, destroyed or defaced identification card upon proof of such loss, destruction or defacement as the Office of the Attorney General may require, upon payment of the fee required by section 3430 of this chapter and upon surrender of any remaining portion of the original card. Notice shall be given the Office of the Attorney General by the holder within 48 hours of his discovery of such loss, defacement or destruction. The holder shall notify the Office of the Attorney General of any change of name or address from those appearing upon the identification card within 48 hours of such change.

(k) A person who is neither a citizen nor resident of the Trust Territory shall not be eligible for an identification card, except upon receiving special permission from the Attorney General

Source

(P.L. No. 4C-13, § 5.) 63 TTC § 555, modified.

§ 3406. Identification card prerequisite to purchase, possession and use; prima facie evidence of possession.

(a) No person shall purchase, possess or use a firearm, dangerous device, or ammunition unless he is the holder of an identification card issued pursuant to this

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chapter evidencing the eligibility of such person to purchase, possess and use a firearm, dangerous device or ammunition. Such person shall be at least 21 years of age.

(b) Where a firearm, dangerous device, or ammunition is found in a vehicle or vessel, it shall be prima facie evidence that such firearm, dangerous device, or ammunition is in the possession of the occupant if there is but one. If there is more than one occupant, it shall be prima facie evidence that it is in the possession of all, except under the following circumstances:

(1) where it is found upon the person of one of the occupants;

(2) where the vehicle or vessel is not a stolen one and the firearm, dangerous device, or ammunition is out of view in a glove compartment, automobile trunk, or other enclosed customary depository, in which case it is prima facie evidence that such firearm, dangerous device, or ammunition is in the possession of the occupant or occupants who own or have authority to operate the vehicle or vessel;

(3) where, in the case of a taxicab, the firearm, dangerous device, or ammunition is found in the passengers' portion of the vehicle, it shall

be prima facie evidence that it is in the possession of all the passengers, if there are any, and, if not, that it is in the possession of the driver.

Source

(P.L. No. 4C-13, § 6; P.L. No. 5-61, § 2.) 63 TTC § 556, modified.

§ 3407. Carrying firearms.

No person shall carry a firearm unless he has in his immediate possession a valid identification card, and is carrying the firearm unloaded in a closed case or other securely wrapped or closed package or container, or locked in the trunk of his vehicle while en route to or from a target range, or area where he hunts, or takes part in other sports involving firearms, or carries the firearm in plain sight on his person while actively engaged in hunting or sports involving the use of firearms.

Source

(P.L. No. 4C-13, § 7.) 63 TTC § 557, modified.

[Header A: **TT WEAPONS CONTROL ACT 17 PNCA § 3409**

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Commission Comment

While the Trust Territory Weapons Control **Act** is set forth in its entirety herein, it must be noted that this **Act** is superseded and void to the extent it is in conflict with the provisions of the National Firearms Control **Act** of Title 17, chapter 33 of this Code. Its continuing effect, therefore, is mainly with regards to dangerous devices as defined in section 3404.

§ 3408. New residents, temporary residents and visitors of the Trust Territory.

Visitors, new residents, and temporary residents in the Trust Territory shall not import, transport, purchase, use or possess any firearm, dangerous device or ammunition in the Trust Territory without an identification card issued pursuant to this chapter. Any person who possesses any firearms, dangerous devices, or ammunition shall, before or immediately upon his entrance into the Trust Territory, turn it in to the Attorney General's office or the chief of police of any district of the Trust Territory. Such firearm, dangerous device or ammunition shall be returned to such person upon his being issued an identification card pursuant to the provisions of this chapter or upon his departure from the Trust Territory.

Source

(P.L. No. 4C-13, § 8.) 63 TTC § 558, modified.

§ 3409. Law enforcement officers.

(a) Possession, use and carriage of firearms, ammunition and dangerous devices by law enforcement officers derives from the laws governing the powers, functions and organization of the police and other organized forces of peace officers. Eligibility of law enforcement officers to possess, use and carry firearms, ammunition or dangerous devices while on duty is not subject to the holding of identification cards or any other qualifications prescribed in this chapter or in regulations pursuant thereto.

(b) Transfer of any firearm from or to a law enforcement officer or agency shall, except as provided in subsection (a) of this section, be subject to the provisions of this chapter and regulations made pursuant thereto.

(c) The head of a law enforcement agency of the Trust Territory or any subdivision thereof shall furnish to the Office of the Attorney General the names, addresses, ranks and badge numbers or similar identification of each person on his force who is authorized to possess, use and carry firearms in the course of his official duty. Upon the occurrence of any changes in personnel to whom this subsection applies, the head of the law enforcement agency shall inform the Office of the Attorney General promptly of the change.

[Header B: 17 PNCA § 3409 **CRIMES**

]

(d) Whenever a law enforcement officer is not engaged in official duties, this chapter shall be applicable to him in the same manner and to the same extent as to any other person.

Source

(P.L. No. 4C-13, § 9.) 63 TTC § 559, modified.

§ 3410. Licenses for transfer; required.

(a) No dealer, manufacturer or wholesaler shall transfer firearms, dangerous devices or ammunition except pursuant to a license therefor as provided in this section.

(b) Any person, firm, corporation, association or other entity proposing to engage in the business of selling firearms, ammunition, and dangerous devices at retail shall apply for a dealer's license. The application shall be on a form approved by the Office of the Attorney General and shall contain the following information:

(1) the name and address of the applicant, including the address of each separate location within the Trust Territory at which the applicant proposes to do business pursuant to the license; and

(2) if the applicant is a partnership or association, the names and addresses of the partners or associates, or if the applicant is a corporation, the names and addresses of the officers and directors; and

(3) such other information bearing on the applicant's ability to operate the business in a manner consonant with the public safety as the Office of the Attorney General may require.

Source

(P.L. No. 4C-13, § 10.) 63 TTC § 560, modified.

§ 3411. Same; issuance and renewal of dealer's license.

(a) Upon receipt of a proper application and payment of the prescribed fee, the Office of the Attorney General shall within 60 days issue a dealer's license to an applicant, if he is found to be eligible therefor pursuant to this chapter and any applicable regulations of the Attorney General. Such regulations shall place a reasonable limit on number of dealers. The license shall list the types of firearms, ammunition, and dangerous devices which the dealer has been authorized to offer for sale.

[Header A: **TT WEAPONS CONTROL ACT** 17 PNCA § 3412

]

(b) A license issued pursuant to this section shall be valid for one year from the date of its issuance, unless sooner cancelled, suspended or revoked. A license shall bear the expiration date thereof on its face.

(c) A license issued pursuant to this section may be renewed annually upon application by the holder made on a form approved by the Office of the Attorney General. Eligibility for renewal shall be on the same terms and conditions as for an original license, except that renewal also may be denied on account of violation of this chapter or regulations of the Office of the Attorney General made pursuant thereto or for any conduct in the operation of the applicant's business which gives the Office of the Attorney General grounds to believe that the applicant will no longer operate in a manner consonant with the public safety.

Source

(P.L. No. 4C-13, § 11.) 63 TTC § 561, modified.

§ 3412. Same; display; conduct of dealer's business.

The holder of a dealer's license shall:

- (a) display his license in a conspicuous place at all times at the establishment described in the license. If a dealer as more than one place of business at which he sells firearms, dangerous devices and ammunition or any of them, he shall display in the same manner a certified copy of his license at each such additional place of business.
- (b) keep the records and file the reports required by this chapter and regulations made pursuant thereto.
- (c) display no firearms, dangerous devices or ammunition in any place where they can be seen from outside the premises.
- (d) keep all firearms, dangerous devices and ammunition in a securely locked place at all times except when they are actually being shown to a customer or prospective customer or when actually being repaired or otherwise worked on.
- (e) permit only employees who are holders of identification cards making them eligible to purchase, possess and use firearms, ammunition or dangerous devices, to have access to firearms, dangerous devices or ammunition.

[Header B: 17 PNCA § 3412 **CRIMES**

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Source

(P.L. No. 4C-13, § 12.) 63 TTC § 562, modified.

§ 3413. Records and reports by dealers.

- (a) Every licensed dealer shall maintain records containing an inventory of firearms, dangerous devices, and ammunition or any of them received together with the name and address of the person from whom received, and the manufacturer, type and serial number of each firearm and dangerous device, the name and address of the person to whom transferred, the identification card number of such person, the manufacturer, type and serial number of the gun or dangerous device transferred and the date of transfer. Such records shall be available for inspection at all reasonable times by the Office of the Attorney General and his duly designated representatives. Such records shall be retained at least five years.

(b) Every dealer, at the time of any transfer of any firearm or dangerous device to any person other than a licensed dealer shall, within 24 hours of the transfer, supply the following information to the Office of the Attorney General on a form approved by it:

(1) the name, address and license number of the dealer.

(2) the manufacturer, type and serial number of firearm or dangerous device transferred. No firearm shall be transferred which does not have a serial number or from which the serial number has been removed, defaced, or altered.

(3) the name, address and identification card number of the transferee.

Source

(P.L. No. 4C-13, § 13.) 63 TTC § 563, modified.

§ 3414. Repair of firearms.

(a) No person, other than a dealer or manufacturer licensed pursuant to this chapter shall repair firearms or accept the same for repair.

(b) No person shall accept any firearms for repair unless he is shown an identification card evidencing eligibility of the holder to possess and use a firearm of the type offered for repair. Prior to returning any such firearm, the manufacturer or dealer

[Header A: **TT WEAPONS CONTROL ACT** 17 PNCA § 3416

]

shall make and keep a record identical with that required for the purchase of a firearm pursuant to section 3413 of this chapter, and shall maintain such record for at least one year.

(c) Nothing in this section shall be construed to prohibit the repair or maintenance of a firearm by the owner thereof.

Source

(P.L. No. 4C-13, § 14.) 63 TTC § 564, modified.

§ 3415. Transfer or sale of ammunition.

(a) No person may transfer ammunition, unless he is a manufacturer, wholesaler or dealer licensed pursuant to this chapter. If the transfer is other than to another manufacturer, wholesaler or dealer, the transfer shall not be made until the transferor has ascertained that the transferee is the holder of an identification card evidencing eligibility to possess and use a firearm of the type for which the ammunition is suited. Upon transfer the transferor shall record the quantity, type and caliber or gauge transferred, the name and address of the transferee and the number of the transferee's identification card.

(b) No transferee of ammunition shall transfer it to any person other than a dealer licensed pursuant to this chapter. Upon receipt of ammunition, the dealer shall make and keep all records with respect to the ammunition in the manner required by this section for ammunition sold by him.

Source

(P.L. No. 4C-13, § 15.) 63 TTC § 565, modified.

§ 3416. Private sales or transfers.

No person other than a manufacturer, wholesaler or dealer licensed pursuant to this chapter shall transfer a firearm or dangerous device to any person other than a manufacturer, wholesaler or dealer without first ascertaining that the transferee is the holder of an identification card issued pursuant to this chapter. Prior to any such transfer, the transferor shall furnish to the Office of the Attorney General in person or by registered or certified mail, return receipt requested, a properly completed form approved by the Office of the Attorney General providing information equivalent to that required to be furnished by a dealer upon the transfer by him of a firearm or dangerous device.

[Header B: 17 PNCA § 3416 **CRIMES**

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Source

(P.L. No. 4C-13, § 16.) 63 TTC § 566, modified.

§ 3417. Receipt or use as security.

(a) No person, other than a licensed dealer, shall receive a firearm as a pledge or pawn, or in any other manner as security.

(b) A dealer receiving a firearm as a pledge, pawn or otherwise, as security, shall record promptly (1) the date of receipt, (2) the full description of the item or items received, including the manufacturer, type and serial number or numbers, if any, (3) the name and address of the person making the pledge, pawn, or other deposit as security, and (4) the number of said person's identification card. No dealer shall accept the pledge, pawn, or other deposit as security unless the person making the same exhibits an identification card evidencing his entitlement to possess and use a gun of the type involved.

(c) Upon the return or other disposition of the firearm in his possession pursuant to this section, the dealer shall make a record of the return or other disposition, including the date thereof and the name and address of the person to whom the firearm was returned or disposed. No firearm shall be returned or disposed of to any person who, at the time of such return or disposition, does not exhibit a valid identification card issued in his own name and entitling him to possess and use the firearm involved.

Source

(P.L. No. 4C-13, § 17.) 63 TTC § 567, modified.

§ 3418. Manufacturers and wholesalers.

(a) No person shall manufacture or deal in firearms, dangerous devices or ammunition at wholesale unless:

(1) he is the holder of a dealer's license issued pursuant to section 3411 of this chapter; or

(2) he is the holder of a license issued pursuant to this section.

(b) Any person proposing to manufacture or deal at wholesale in firearms, dangerous devices or ammunition, which person is not the holder of a dealer's license, shall make

[Header A: **TT WEAPONS CONTROL ACT** 17 PNCA § 3419

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application for a manufacturer's or wholesaler's license. Such application shall contain the same information required for a dealer's license and any additional information required by the Attorney General as may be appropriate to administer this chapter. No manufacturer's license or wholesaler's license shall authorize transfer or delivery within the Trust Territory except to a licensed dealer, manufacturer or wholesaler or to a political subdivision of the Trust Territory or, subject to applicable laws of the Trust Territory, for export.

(c) The Office of the Attorney General shall issue, renew, cancel, deny, suspend or revoke manufacturers' and wholesalers' licenses on the same terms and subject to the same conditions as provided for dealers' licenses.

(d) Every manufacturer shall assign a unique serial number to each firearm manufactured by him and shall inscribe such number in or on the firearm in such manner as will resist removal, alteration, defacement or obliteration. The Office of

the Attorney General may make regulations for the style of such serial numbers and for the manner of their inscription.

Source

(P.L. No. 4C-13, § 18.) 63 TTC § 568, modified.

§ 3419. Registry of firearms and ammunition.

(a) The Office of the Attorney General shall maintain a registry of firearms. The records in the registry shall be kept permanently unless there is a record of the destruction of the gun.

(b) Records kept in the registry shall include all records required to be filed with the Office of the Attorney General pursuant to this chapter, copies of all records filed with an agency or officer of local government pursuant to this chapter, and any records deposited with the Office of the Attorney General pursuant to subsection (c) of this section.

(c) Any dealer, manufacturer or wholesaler licensed pursuant to this chapter, upon his discontinuance of the licensed business or activity, shall transmit all records kept by him pursuant to this chapter to the Office of the Attorney General.

(d) Records relating to the repair of firearms shall be kept by the Office of the Attorney General for a period of at least five years after transmittal.

[Header B: 17 PNCA § 3419 **CRIMES**

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(e) Records in the registry shall not be public records. They shall be made available only to law enforcement officers of the Trust Territory or its subdivisions, or at the discretion of the Office of the Attorney General, to law enforcement officers and agencies of foreign governments.

Source

(P.L. No. 4C-13, § 19.) 63 TTC § 569, modified.

§ 3420. Cancellation, denial, suspension and revocation of licenses.

(a) Any license issued pursuant to this chapter shall be surrendered for cancellation immediately on the discontinuance or termination of business or upon the holder's discontinuing the manufacturing, selling, acquisition for sale or repair of firearms and the sale of ammunition.

(b) The issuing officer or agency may deny, suspend or revoke an identification card or a license issued pursuant to this chapter for failure of the applicant or holder to meet or continue to meet any of the requirements for eligibility therefor, or for any violation of this chapter or regulations in force pursuant thereto.

(c) The Office of the Attorney General by regulation shall make classifications of offenses and other violations of this chapter or regulations in force thereunder.

Regulations made pursuant to this subsection shall set forth those offenses and violations for which identification cards and licenses may be suspended or revoked, and those for which the penalty must be revocation. Such regulations shall be of general application.

(d) Any person who, by reason of the suspension or revocation of his identification card, is no longer eligible to continue in possession of a firearm, dangerous device or ammunition shall surrender any and all firearms, dangerous devices and ammunition to a district chief of police, or shall dispose of the firearms, dangerous devices and ammunition forthwith under the direction and supervision of a district chief

of police. In the case of suspension of an identification card, the owner of the firearm, dangerous device or ammunition may request that the constabulary keep same during the period of suspension and, except as herein provided, the firearm, dangerous device or ammunition shall be restored to the owner when he again becomes eligible to possess same and requests return. Any firearm, dangerous device or ammunition in the possession of a district chief of police pursuant to this subsection may be disposed of, without compensation to the owner, upon revocation of the suspended identification card or at the end of 60 days after receipt or the date of termination of

[Header A: **TT WEAPONS CONTROL ACT** 17 PNCA § 3421

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the suspension, whichever is later. However, if **proceedings** in connection with the suspension or revocation are not yet finally determined, disposal shall not be until such final determination has been made.

(f) Any denial, suspension or revocation of an identification card or a license shall be subject to review by the High Commissioner upon request by the aggrieved person, and thereafter to the district court of any district having jurisdiction thereof.

Source

(P.L. No. 4C-13, § 20.) 63 TTC § 570, modified.

§ 3421. Shipment and delivery of firearms, dangerous devices and ammunition.

(a) No person shall ship, transport or deliver any firearm, dangerous device or ammunition to anyone other than a licensed manufacturer, wholesaler, dealer or person who possesses a valid identification card.

(b) Any person who ships, transports or delivers firearms or dangerous devices to a manufacturer, wholesaler, dealer or person possessing an identification card in the Trust Territory shall, before delivery, furnish to the Office of the Attorney General an invoice listing his name and address, the name and address of the manufacturer, wholesaler, dealer or person possessing the identification card to whom such firearms or dangerous devices are to be delivered, the place of origin of the shipment, the number of firearms and dangerous devices of each type and the manufacturer and serial number of each firearm and dangerous device in the shipment.

(c) Any person who ships, transports or delivers ammunition to a manufacturer, wholesaler, dealer or person possessing an identification card in the Trust Territory shall, before delivery, furnish to the Office of the Attorney General an invoice listing his name and address, the name and address of the manufacturer, wholesaler, dealer or person possessing an identification card to whom the ammunition is to be delivered, the place of origin of the shipment and the quantity of ammunition of each type in the shipment.

(d) If shipment is by common carrier, a copy of the invoice required by subsections (b) and (c) of this section shall also be delivered to the common carrier. The common carrier shall deliver the invoice and any said shipment to the district chief of police who will verify the accuracy of the shipment, and compliance with this chapter, before delivery to the manufacturer, wholesaler, dealer or person possessing an identification card. A copy of the invoice shall be left with the manufacturer, wholesaler, dealer or

[Header B: 17 PNCA § 3421 **CRIMES**

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person possessing an identification card at the time of delivery.

(e) If shipment is by other than common carrier, a copy of the invoice shall be furnished to the manufacturer, wholesaler, dealer or person possessing an identification card at the time of delivery.

(f) No person shall ship, transport, or deliver firearms, dangerous devices or ammunition via air without first complying with international regulations pertaining to air shipment of firearms, dangerous devices or ammunition.

Source

(P.L. No. 4C-13, § 21.) 63 TTC § 571, modified.

§ 3422. Loss, destruction or theft of firearms or dangerous devices.

Whoever owns or possesses a firearm or dangerous device shall, within 24 hours of discovery, notify the Office of the Attorney General of the loss, theft or destruction of any such firearm or dangerous device and, after such notice, of recovery thereof.

Source

(P.L. No. 4C-13, § 22.) 63 TTC § 572, modified.

§ 3423. Prohibited acts.

No person shall:

- (a) knowingly remove, obliterate or alter the importer's or manufacturer's serial number of any firearm.
- (b) knowingly deface, alter or destroy an identification card.
- (c) acquire, possess or use any firearm silencer or muffler.
- (d) carry any gun or dangerous device while under the influence of alcohol or narcotic or other disabling drug.
- (e) import, sell, transfer, give away, purchase, possess or use any handgun, automatic weapon, rifle larger than .22 caliber, shotgun larger than .410 gauge, or any other firearm.

[Header A: **TT WEAPONS CONTROL ACT** 17 PNCA § 3425

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(f) board or attempt to board any commercial aircraft while carrying any firearm, dangerous device or ammunition, either on his person or in his luggage. Such firearm, dangerous device or ammunition shall be turned in prior to departure to an appropriate official or to the pilot of the airline or aircraft concerned, who shall keep a record of the name of the person turning in such firearm, dangerous device, or ammunition, and the type and quantity turned in. Upon completion of such person's travel, the official of the airline or pilot of the aircraft shall personally deliver the article or articles turned in to the police chief of the district in which such completion took place, or to his delegate. Such person may reobtain the article or articles turned in upon either:

- (1) presentation of a valid identification card or license for such article or articles to the police officer having custody thereof, or
- (2) departure from the district.

(g) use or attempt to use any firearm, dangerous device, or ammunition in connection with or in aid of the commission of any **crime** against the laws of the Trust Territory, except those set forth under other provisions of this chapter.

Source

(P.L. No. 4C-13, § 23; P.L. No. 4C-40, § 1.) 63 TTC § 573, modified.

§ 3424. Forfeiture of unlawful item.

All firearms, dangerous devices or ammunition unlawfully possessed, carried, used, shipped, transported or delivered into the Trust Territory are declared to be inimical to the public safety and are forfeited to the Trust Territory. When such forfeited articles are taken from any person, they shall be surrendered to the Office of the Attorney General.

Source

(P.L. No. 4C-13, § 24.) 63 TTC § 574, modified.

§ 3425. Closing of establishments during emergencies.

In case of emergency concerning the public safety declared by the High Commissioner or any district administrator, all establishments dealing in guns, dangerous devices or ammunition may be ordered closed by such official and required to remain closed during the continuance of the emergency. During any such closure, any and all guns, dangerous devices and ammunition belonging to or in the keeping of a closed establishment may be impounded.

[Header B: 17 PNCA § 3425 **CRIMES**

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Source

(P.L. No. 4C-13, § 25.) 63 TTC § 575.

§ 3426. Registration of weapons possessed on effective date of chapter.

(a) Any person having in his possession a firearm or dangerous device on the effective date of this chapter shall, within 90 days of such effective date, furnish on a form approved by the Office of the Attorney General to the agency or officer authorized to receive information concerning the transfer of firearms or dangerous devices pursuant to this chapter, equivalent information concerning any firearm or dangerous device in his possession.

(b) If, prior to the expiration of the 90-day period provided in subsection (a), the firearm is transferred, the transferor shall comply with the provisions of this chapter for furnishing of information on transfer and need not comply with subsection (a) of this section.

Source

(P.L. No. 4C-13, § 26.) 63 TTC § 576, modified.

§ 3427. Surrender of and compensation for weapons held on effective date by ineligible persons.

Any person who possessed any firearm or dangerous device in the Trust Territory prior to the effective date of this chapter, and who is determined to be ineligible to possess or is prohibited from possession such firearm or dangerous device under this chapter, shall tender such firearm or

dangerous device to the Office of the Attorney General or his delegate within 90 days of the effective date of this chapter and be reasonably compensated therefor.

Source

(P.L. No. 4C-13, § 27.) 63 TTC § 577, modified.

§ 3428. Local laws.

Nothing in this chapter shall be deemed to prevent any state from further restricting, by local law or ordinance, the transfer, possession, use or carriage of firearms, ammunition or dangerous devices. This chapter shall supersede all district laws and municipal ordinances in conflict with this chapter.

[Header A: **TT WEAPONS CONTROL ACT** 17 PNCA § 3431

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Source

(P.L. No. 4C-13, § 28.) 63 TTC § 578, modified.

§ 3429. Authority of Attorney General to promulgate regulations.

The Office of the Attorney General shall have power to issue, amend and repeal regulations implementing this chapter in the manner which is or may be provided by law, as may be required by the public interest, safety and welfare.

Source

(P.L. No. 4C-13, § 29.) 63 TTC § 579, modified.

§ 3430. Fees for licenses and identification cards.

The fees for issuance and renewal of licenses and identification cards as required by this chapter shall be as follows:

- (a) for an identification card, twenty dollars.
- (b) for a dealer's license, one hundred fifty dollars.
- (c) for a manufacturer's license, five hundred dollars.
- (d) for a wholesaler's license, five hundred dollars.
- (e) for replacement of lost, destroyed, or defaced identification card, five dollars.

Fees collected pursuant to the provisions of this chapter shall be paid to the treasurer of the Trust Territory and become part of the general fund of the Congress of Micronesia as local revenue realization available for appropriation by the Congress of Micronesia.

Source

(P.L. No. 4C-13, § 30.) 63 TTC § 580.

§ 3431. Penalties for violation of chapter.

(a) Any person who, being the holder of a valid identification card, fails to comply with section 3407 of this title shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars, or imprisoned not more than

[Header B: **17 PNCA § 3431** **CRIMES**

]

three months, or both.

(b) Any person who violates any other provisions of this chapter or any regulations issued pursuant thereto shall be guilty of a felony, and upon conviction thereof shall be fined not more than two thousand dollars, or imprisoned not more than five years, or both, and shall be subject to confiscation of any firearm, dangerous device, or ammunition, without compensation, involved in a violation of this chapter. The holder of any dealer's license, or the manager or supervisor of employees of any establishment so licensed, or both, shall be liable for any violation of this chapter by his employee or agent committed in the course of the dealer's business, to the same extent as such employee or agent.

Source

(P.L. No. 4C-13, § 31; P.L. No. 6-100, § 1.) 63 TTC § 581, modified.

[Header A: **LITTERING 17 PNCA § 3501**

]

[Footer A: Supp. 4 17 - 81]

Chapter 35

Littering

§ 3501. Definitions.

§ 3502. Littering.

§ 3503. Penalties.

§ 3504. Citation form.

§ 3505. Authority to cite for littering.

§ 3506. Enforcement.

§ 3507. Public awareness.

§ 3501. Definitions.

(a) “Debris” means the remains of something broken down or destroyed.

(b) “Eroded materials” means any soil, rocks, vegetation or other naturally occurring matter.

(c) “Person” means any individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department or instrumentality of the national government, or of any state government.

(d) “Public Roads” means primary and secondary roads in the Republic of Palau including but not limited to public water ways or water areas generally used by the public.

(e) “Trash” shall include, but not necessarily be limited to, ashes, broken articles, empty cans, garbage, plastic, paper, or motor vehicles and machinery or parts thereof not in condition for normal use.

(f) “Waste” means any solid or liquid materials not fit for use.

Source

RPPL 2-28 § 2, terms arranged in alphabetical order and section modified. A new subsection (c) was added by RPPL 6-34 § 1(a)[3501(c)].

Commission Comment

The provisions for littering were removed from the **crime** of malicious mischief and made into a separate offense by RPPL 2-28.

Notes

Subsections (c), (d), and (e) were amended to (d), (e), and (f) respectively by RPPL 6-34 § 1(a)[3501(c)].

[Header B: **17 PNCA § 3502** **CRIMES**

]

§ 3502. Littering.

Every person who shall willfully throw, discard, dispose, or cause to be scattered, on any public roads or lands, other than those maintained as public dumping sites, any waste, trash, eroded

material or debris in any form or substance, or shall fail to clean up any such materials that he has accidentally or negligently scattered in such places, shall be guilty of littering.

[Header B: **17 PNCA § 3502** **CRIMES**

]

Source

RPPL 2-28 § 3, modified.

§ 3503. Penalties.

(a) Upon initial conviction for littering a person shall be subject to a fine of not less than fifty dollars.

(b) A second conviction for littering shall subject a person to a fine of two times the amount imposed in subsection (a).

(c) Subsequent convictions shall subject a person to imprisonment for not more than six months, or a fine of three times the amount of the last fine imposed on such person, or both.

(d) Any fines collected pursuant to this section shall be deposited in the National Treasury.

Source

RPPL 2-28 § 4, modified. Amended by RPPL 6-34 § 1(b)[3503].

§ 3504. Citation form.

The Minister of Justice shall formulate a citation form appropriate to implement this chapter.

Source

RPPL 2-28 § 5, modified.

§ 3505. Authority to cite for littering.

In addition, the Bureau of Public Safety of the Ministry of Justice, the Division of Environment

[Header A: **LITTERING 17 PNCA § 3507**

]

[Footer A: Supp. 5 17 - 83]

and Sanitation Services of the Ministry of Health, Bureau of Public Health, and the Environmental Quality Protection Board shall have the authority to issue citations for littering, pursuant to 17 PNC § 3502. All of these agencies shall report the issuance of citations to the

Bureau of Public Safety of the Ministry of Justice. The Ministry of Justice shall be responsible for monitoring and enforcing citations issued pursuant to this section.

Source

RPPL 6-34 § 2[3505].

§ 3506. Enforcement.

No provision of this chapter shall operate to prohibit each state from enacting their own anti-littering laws, except that until such time as a state has enacted an anti-littering law, the provisions of this chapter shall govern. Anti-littering legislation enacted by any state of the Republic may not be in conflict with this chapter except a state may expand the scope of prohibited acts and provide for increased penalties. There shall be concurrent jurisdiction in the enforcement of this chapter and state laws prohibiting littering.

Source

RPPL 6-34 § 3, modified.

§ 3507. Public awareness.

Within six months of the effective date of this section, the Environmental Quality Protection Board, in conjunction with the Bureau of Public Safety of the Ministry of Justice and the Division of Environment and Sanitation Services of the Ministry of Health, Bureau of Public Health, will coordinate announcements to the public regarding the substance of this chapter.

Source

RPPL 6-34 § 4, modified.

[Header B: 17 PNCA § 3601 **CRIMES**

]

Chapter 36

Anti-Prostitution Act

§ 3601. Short title; purpose.

§ 3602. Definitions.

§ 3603. Penalties.

§ 3601. Short title; purpose.

(a) This chapter 36 shall be known and may be cited as the “Anti-Prostitution Act.”

(b) The purpose of this chapter is to make it illegal to engage in, advance, or profit from prostitution in the Republic of Palau and to further provide strict criminal penalties for prostitution and related offenses.

Source

RPPL 5-20 § 1, modified. Subsection (b) amended by RPPL 6-49 § 1.

§ 3602. Definitions.

As used in this chapter:

(a) A person “advances prostitution” if, **acting** other than as a prostitute or a patron of a prostitute, he knowingly causes or aids a person to commit or engage in prostitution, procures or solicits patrons for prostitution, provides persons to engage in the **act** of prostitution, permits premises under his or her control to be regularly used for prostitution purposes, operates or assists in the operation of a house of prostitution or a prostitution enterprise, or engages in any other conduct designed to institute, aid, or facilitate an **act** or enterprise of prostitution.

(b) “Coercion” means the use of physical force or the making of a threat of physical force against another to compel such person to commit an **act** of prostitution. A threat of physical force includes any verbal or non-verbal **act** that induces a reasonable apprehension of bodily harm. “Coercion” also includes the withholding of pay or travel documents from a non-citizen worker for the purpose of compelling an **act** of prostitution.

(c) A person “profits from prostitution” if, **acting** other than as a prostitute, such person accepts or receives money or other property pursuant to an agreement or understanding

[Header A: **ANTI-PROSTITUTION ACT** 17 PNCA § 3603

]

regarding prostitution activity with any person who participates, or is to participate, in

[Header B: 17 PNCA § 3601 **CRIMES**

]

such activity.

(d) “Prostitution” means knowingly engaging in, agreeing to engage in or offering to engage in sexual contact or sexual penetration in return for a pecuniary benefit or in exchange for any property or thing of value.

(e) “Prostitute” means any person who engages in prostitution.

(f) “Sexual contact” means the intentional touching of the genital or anal area of another for the purpose of sexual arousal or gratification.

(g) “Sexual penetration” means sexual intercourse, cunnilingus, fellatio, anal intercourse or any other intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body.

Source

RPPL 5-20 § 1, modified.

Notes

Chieh-Chun Tsai, 9 ROP 142, 144 (2002).

§ 3603. Penalties.

(a) Any person who commits the offense of prostitution shall be guilty of a felony, and upon conviction thereof shall be fined not less than \$2,500 nor more than \$10,000, imprisoned for one year and one day, or both.

(b) Any person who advances or profits from prostitution by compelling a person by coercion to engage in prostitution, or profits from such coercive conduct by another, or advances or profits from prostitution of a person less than eighteen years old, is guilty of a felony and, upon conviction thereof, shall be fined not less \$10,000 nor more than \$100,000, imprisoned for not more than three years, or both. Every person who is convicted three or more times under this subsection, within a five year period, shall be fined not less than \$30,000 nor more than \$300,000, imprisoned for not more than ten years, or both.

(c) Every person who advances or profits from prostitution, except as provided in subsection (b), shall be guilty of a felony and, upon conviction thereof, shall be fined not

less than \$5,000 nor more than \$50,000, imprisoned for one year and one day, or both.

[Header B: 17 PNCA § 3603 **CRIMES**

]

(d) Every person who solicits, offers, purchases or pays or promises money or any other thing of value to any person for the purpose of sexual contact or sexual penetration shall be guilty of a felony and upon conviction thereof shall be fined not less than \$2,500 nor more than \$10,000, imprisoned for one year and one day, or both.

(e) Every person who is convicted three or more times under any section of this chapter, other than subsection (b), within a five year period, shall be guilty of a felony for the third and each subsequent conviction and shall be fined not less than \$10,000 nor more than \$50,000, imprisoned for not more than three years, or both.

(f) Every non-citizen convicted under subsection (a), (b), (c) or (d) shall have his or her entry permit revoked and shall be deported upon the completion of any sentence

imposed by this section. The Minister of Justice shall promulgate regulations for the deportation of persons pursuant to this section.

(g) If a person who is convicted of a violation of this chapter is the holder of a business license pursuant to 40 PNC Chapter 15, and the licensed business was knowingly used as the location for or otherwise to facilitate the conduct constituting the violation, the business license shall be revoked.

Source

RPPL 5-20 § 1. Sections § 3603 (a), (b), (c), (d) and (e) amended by RPPL 6-49 § 1. Subsection (g) is added by RPPL 6-49 § 2.

Notes

Chieh-Chun Tsai v. ROP, 9 ROP 142, 144 (2002).

[Header A: SMUGGLING 17 PNCA § 3701

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[Footer A: Supp. 4 17 - 87]

Chapter 37

Smuggling

§ 3701. Entry of goods falsely classified.

§ 3702. Entry of goods by means of false statements.

§ 3703. Entry of goods for less than legal tax.

§ 3704. Smuggling goods into the Republic.

§ 3705. Smuggling goods into foreign countries.

§ 3706. Removing goods from customs custody; breaking seals.

§ 3707. False claim for refund of import tax.

§ 3708. Concealing or destroying invoices or other papers.

§ 3709. Importation or exportation of stolen motor vehicles, off-highway mobile equipment, vessels, or aircraft.

§ 3701. Entry of goods falsely classified.

Whoever knowingly effects any entry into the Republic of goods, wares, or merchandise, at less than the true weight or measure thereof, or upon a false classification as to quality or value, or by the payment of less than the amount of tax legally due, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Source

Notes

Section 1 of RPPL 6-20 reads: Legislative Findings and Purpose. The Olbiil Era Kelulau finds that the smuggling of goods into the Republic is a serious problem. The level at which consumer and other goods are brought into the Republic without being taxed according to law is no longer acceptable; the Republic is being deprived of ever more critical import tax revenues. In addition, when illegal goods such as drugs and guns are smuggled into the Republic, all of us suffer by being forced to live in an unsafe Palau.

The Olbiil Era Kelulau therefore finds it appropriate to seek both to make Palau safer and to increase import tax revenues, not by raising taxes, but by deterring smuggling through criminalization of smuggling and a variety of smuggling-related activities. The new legal framework, for which U.S. federal law was the model, will enable the Republic's law enforcement arms effectively to prosecute and deter the abuses that deprive the government of revenues and endanger the public. Enforcement of the new law will also add revenues to the National Treasury collected in the form of fines and as the **proceeds** of forfeitures. The Olbiil Era Kelulau further finds that the new anti-smuggling law will facilitate international cooperation in law enforcement and will enhance the Republic's standing among nations as a place where smuggling is seriously prosecuted and punished by law and where smugglers and smuggled goods are emphatically unwelcome.

§ 3702. Entry of goods by means of false statements.

(a) Whoever introduces or attempts to introduce into the commerce of the Republic any imported goods by means of any fraudulent or false invoice, declaration, affidavit, letter, paper, or translation of any of the foregoing, or by means of any false statement, written or oral, or by means of any false or fraudulent practice, or makes any false statement in any declaration without reasonable cause to believe the truth of such statement, or procures the making of any such false statement as to any matter material thereto without reasonable cause to believe the truth of such statement, whether or not the Republic shall or may be deprived of any lawful tax revenues, shall, upon conviction thereof, be fined for each offense not more than \$5,000 or imprisoned not more than five years, or both.

(b) Whoever is guilty of any willful **act** or omission whereby the Republic shall or may

[Header B: **17 PNCA § 3702** **CRIMES**

]

be deprived of any lawful taxes accruing upon goods embraced or referred to in an invoice, declaration, affidavit, letter, paper, or statement described in subsection (a), or affected by such **act** or omission, shall, upon conviction thereof, be fined for each offense not more than \$5,000 or imprisoned not more than five years, or both.

(c) Nothing in this section shall be construed to relieve imported goods from forfeiture under other provisions of law.

Source

§ 3703. Entry of goods for less than legal tax.

Whoever, being an officer of the Bureau of Revenue, Customs and Taxation, knowingly admits to entry any goods, wares, or merchandise upon payment of less than the amount of tax legally due, shall be fined not more than \$5,000 or imprisoned not more than five years, or both, and removed from office.

Source

RPPL 6-20 § 2[3703].

§ 3704. Smuggling goods into the Republic.

(a) Every person who knowingly, with intent to defraud the Republic, introduces taxable goods into the Republic and fails to declare the goods and their true value and pay import taxes thereon pursuant to 40 PNC Chapter 13, or who passes or attempts to pass a false or fraudulent declaration or other statement of the value of the goods, or a false or fraudulent translation of such a declaration or statement, shall, upon conviction thereof, be imprisoned not more than five years, or fined not less than twice the value of the goods, or both.

(b) Every person who fraudulently or knowingly introduces or attempts to introduce goods into the Republic contrary to the laws of the Republic, or who receives, conceals, buys, sells, or in any way facilitates the transportation, concealment, or sale of such goods after importation, knowing the goods to have been imported or introduced into the Republic contrary to law, shall, upon conviction thereof, be imprisoned not more than five years, or fined not more than \$5,000, or both, in addition to being subject to any other penalty under law for possession of the prohibited goods.

[Header A: **SMUGGLING 17 PNCA § 3705**

]

(c) Goods, or the value thereof, introduced into the Republic in violation of this section and to be recovered from any person described in subsections (a) or (b), shall be forfeited to the Republic.

Source

RPPL 6-20 § 2[3704].

§ 3705. Smuggling goods into foreign countries.

(a) Any person owning in whole or in part any vessel or aircraft registered in the Republic who employs, or participates in or allows the employment of, such vessel or aircraft for the purpose of smuggling, or attempting to smuggle, or assisting in smuggling, any goods into the territory of any foreign government in violation of the laws there in force, if under the laws of such foreign government any penalty or forfeiture is provided for violation of the laws of the Republic respecting the customs revenue, and any citizen of, or person domiciled in, or any corporation incorporated in, the Republic, controlling or substantially participating in the control of any such vessel or aircraft, directly or indirectly, whether through ownership of corporate shares or otherwise, and allowing the employment of the vessel or aircraft for any such purpose, and any person found or discovered to have been on board any vessel or aircraft so employed and participating or assisting in such purpose, shall, upon conviction thereof, be fined not more than \$5,000 or imprisoned not more than five years, or both.

(b) It shall constitute an offense under this section to hire out or charter a vessel or aircraft if the lessor or charterer has knowledge or reasonable grounds for belief that the lessee or person chartering the vessel or aircraft intends to employ the vessel or aircraft

for any of the purposes described in this section and if the vessel or aircraft is, during the time such lease or charter is in effect, employed for any such purpose.

Source

RPPL 6-20 § 2[3705].

§ 3706. Removing goods from customs custody; breaking seals.

It shall constitute an offense under this section, punishable by a fine of not more than \$5,000 or imprisonment not more than five years, or both:

(a) without authority, to affix or attach a customs seal, fastening, or mark, or any seal,

[Header B: 17 PNCA § 3705 **CRIMES**

]

fastening, or mark purporting to be a customs seal, fastening, or mark to any vessel, vehicle, aircraft, warehouse, or package; or

(b) without authority, willfully to remove, break, injure, or deface any customs seal or other fastening or mark placed upon any vessel, vehicle, aircraft, warehouse, or package containing goods or baggage in bond or in customs custody; or

(c) maliciously to enter any customs warehouse or bonded warehouse or any vessel, aircraft, or vehicle laden with or containing bonded goods with intent unlawfully to remove therefrom any goods or baggage therein, or unlawfully to remove any goods or baggage in such vessel, aircraft, vehicle, or warehouse or otherwise in customs custody and control; or

(d) to receive or transport any goods or baggage unlawfully removed from any such vessel, aircraft, vehicle, or warehouse, knowing the same to have been unlawfully removed.

Source

RPPL 6-20 § 2[3706].

§ 3707. False claim for refund of import tax.

Whoever knowingly and willfully files any false or fraudulent entry or claim for the payment of a refund of import tax upon the export of goods or knowingly or willfully makes or files any false affidavit, abstract, record, certificate, or other document, or a false translation of any of the

foregoing, with the intention of securing the payment to himself or herself or others any refund of import taxes on the exportation of goods greater than that legally due thereon, shall be fined not

more than \$5,000 or imprisoned not more than five years, or both, and such goods or the value thereof shall be forfeited.

Source

RPPL 6-20 § 2[3707].

§ 3708. Concealing or destroying invoices or other papers.

It shall constitute an offense under this section, punishable by a fine of not more than \$5,000 or imprisonment not more than five years, or both:

(a) willfully to conceal or destroy any invoice, book, or paper relating to any goods imported into the Republic, after an inspection thereof has been demanded by an officer of the Bureau of Revenue, Customs and Taxation; or

[Header A: **SMUGGLING 17 PNCA § 3709**

]

(b) to conceal or destroy at any time any such invoice, book, or paper for the purpose of suppressing evidence of fraud contained therein.

Source

RPPL 6-20 § 2[3708].

§ 3709. Importation or exportation of stolen motor vehicles, off-highway mobile equipment, vessels, or aircraft.

(a) It shall constitute an offense under this section, punishable by a fine of not more than \$5,000 or imprisonment not more than five years, or both, knowingly to import, export, or attempt to import or export:

(1) any motor vehicle, off-highway mobile equipment, vessel, aircraft, or part of any motor vehicle, off-highway mobile equipment, vessel, or aircraft, knowing the same to have been stolen; or

(2) any motor vehicle, off-highway mobile equipment, vessel, aircraft, or part of any motor vehicle, off-highway mobile equipment, vessel, or aircraft, knowing that the identification number of such motor vehicle, equipment, or part has been removed, obliterated, tampered with, or altered.

(b) Subsection (a)(2) shall not apply if the removal, obliteration, tampering or alteration is caused by collision or fire or, in the case of a motor vehicle, is not a violation of 42 PNC 519 (relating to tampering with a vehicle).

(c) As used in this section:

(1) “motor vehicle” has the meaning given that term in 42 PNC 101;

(2) “off-highway mobile equipment” means any self-propelled agricultural equipment, self-propelled construction equipment, and self-propelled special use equipment, used or designed for running on land but not on rail or highway;

(3) “vessel” has the meaning of that term as used in 7 PNC;

(4) “aircraft” has the meaning given that term in 8 PNC 101(e), as amended by RPPL No. 5-19; and

(5) “identification number” means a number or symbol assigned to the vehicle,

[Header B: **17 PNCA § 3709** **CRIMES**

]

equipment, vessel, or aircraft, or part thereof, by the manufacturer primarily for the purpose of identifying such vehicle, equipment, vessel, or aircraft, or part.”

Source

RPPL 6-20 § 2[3709].

[Footer A: Supp. 4 17 - 93]

[Header A: **MONEY LAUNDERING 17 PNCA § 3802**

]

Chapter 38

Money Laundering

Subchapter I

Definitions

§ 3801. Definition of money laundering

§ 3802. Definitions

§ 3801. Definition of money laundering.

(a) For the purposes of this chapter, the following **acts** either singly or collectively shall constitute the offense of money laundering:

(1) the conversion or transfer of property for the purpose of concealing or disguising the illegal origin of such property; or

(2) the concealment or disguise of the illegal nature, source, location, disposition, movement, or ownership of property; or

(3) the acquisition, possession, or control of property by any person who knows

[Header B: **17 PNCA § 3802 CRIMES**

]

that the property constitutes the **proceeds** of **crime** as defined herein.

(b) Knowledge, intent, or purpose is required as an element of the offense of money laundering and may be inferred from objective factual circumstances.

Source

RPPL 6-4 § 1[3].

Notes

Section 1[1] of RPPL 6-4 reads, “Short title. This **Act** shall be known and may be cited as the Money Laundering and **Proceeds of Crime Act** of 2001.” Section 1[2] reads, “Purpose. The Republic of Palau shall, by the implementation of this Act, facilitate the transparency of transactions of credit and financial institutions as defined herein, for the purposes of the detection and suppression of money laundering offenses as defined herein.”

§ 3802. Definitions.

In this chapter, unless the context otherwise requires:

(a) “account” means any facility or arrangement by which a financial institution or cash dealer does any one or more of the following:

(1) accepts deposits of currency;

(2) allows withdrawals of currency or transfers into or out of the account;

(3) pays checks or payment orders drawn on a financial institution or cash dealer by, or collects checks or payment orders on behalf of, a person;

(4) supplies a facility or arrangement for a safety deposit box;

(b) “appeal” includes proceedings by way of discharging or setting aside a judgment, and an application for a new trial or for a stay of execution;

(c) “Attorney General” means the Attorney General of the Republic of Palau;

(d) “authorized officer” means a person or class of persons designated by the Minister of Justice as an authorized officer;

(e) “cash dealer” or “over the counter exchange dealer” means:

(1) a person who carries on a business of an insurer, an insurance intermediary, a securities dealer or a futures broker;

(2) a person who carries on a business of dealing in bullion, of issuing, selling or redeeming travelers checks, money orders or similar instruments, or of collecting, holding and delivering cash as part of a business of providing payroll services;

[Header A: **MONEY LAUNDERING 17 PNCA § 3802**

]

(3) an operator of a gambling house, bingo parlor, casino or lottery, including but not limited to all forms of internet gambling; or

(4) a trustee, or manager of a unit trust;

(f) “confiscation” means the permanent deprivation of property by final order of the Supreme Court after all appeals are exhausted;

(g) “criminal organization” means any structured association having the aim of committing crimes;

(h) “currency” means any coin or paper that is designated as legal tender and which is customarily used and accepted as a medium of exchange in the country of issue;

(i) “document” means any material on which data is recorded or marked and which is capable of being read or understood by a person, computer system or other device, and any record of information, and includes:

(1) anything on which there is writing;

(2) anything on which there are marks, figures, symbols, or perforations having meaning for persons qualified to interpret them;

(3) anything from which sounds, images or writings can be produced, with or without the aid of anything else; and

(4) a map, plan, drawing, photograph or similar thing;

(j) “financial institution” or “credit institution” means any bank, savings and loan institution, credit union, securities broker or dealer, or an entity or person whose primary business activity includes:

(1) acceptance of deposits and other repayable funds from the public;

(2) lending, including consumer credit, mortgage credit, factoring (with or without recourse) and financing of commercial transactions;

(3) financial leasing;

(4) money transmission services;

[Header B: **17 PNCA § 3802 CRIMES**

]

(5) issuing and administering means of payment (such as credit cards, travelers checks and bankers drafts);

(6) guarantees and commitments;

(7) trading for their own account or for account of customers in money market instruments (such as checks, bills, certificates of deposit), foreign exchange, financial futures and options, exchange and interest rate instruments, and transferable securities;

(8) underwriting share issues and participation in such issues;

(9) money-brokering;

(10) portfolio management and advice;

(11) safekeeping and administration of securities;

(12) credit reference services;

(13) safe custody services;

(k) “Financial Intelligence Unit” (“FIU”) means the governmental agency created pursuant to section 3831;

(l) “instrumentality” means any property used or intended to be used in any manner to commit one or more criminal offenses;

(m) “interest”, in relation to property, means:

(1) a legal or equitable estate or interest in the property;

(2) a right, power or privilege in connection with the property;

(n) “money laundering offense” means knowingly and intentionally engaging in activities covered by section 3801;

(o) “offender” means any person legally culpable for a criminal offense under the laws of the Republic of Palau as the principal, accessory, conspirator or co-conspirator, or a person aiding and abetting the principal as such terms are defined pursuant to 17 PNC;

(p) “person” means any natural or legal person;

(q) “proceeding or proceedings” means any procedure conducted by or under the supervision of a judge or judicial officer however described in relation to any alleged or proven offense, or property derived from such offense, and includes an inquiry, investigation, or preliminary or final determination of facts;

(r) “proceeds of crime” means any property or economic advantage derived from a crime;

[Header A: **MONEY LAUNDERING 17 PNCA § 3812**

]

(s) “property” means assets of every kind, whether movable or immovable, tangible or intangible, and legal documents or instruments evidencing an interest in such assets;

(t) “Supreme Court” means the Supreme Court of the Republic of Palau, and all its divisions;

(u) “unit trust” means any arrangement made for the purpose or having the effect of providing, for a person having funds available for investment, facilities for the participation by the person as a beneficiary under a trust, in any profits or income arising from the acquisition, holding, management or disposal of any property pursuant to the trust.

Source

RPPL 6-4 § 1[4], modified.

Subchapter II

Prevention of Money Laundering

§ 3811. Report on the use of cash and bearer securities.

§ 3812. Requirement to effect domestic or international transfers of funds via credit or financial institutions.

§ 3813. Financial institutions and cash dealers to verify customers’ identity.

§ 3811. Report on the use of cash and bearer securities.

Credit or financial institutions shall keep regular reports of all transactions made in cash or bearer

[Header B: **17 PNCA § 3812 CRIMES**

]

securities in excess of US \$10,000.00, or its equivalent in foreign cash or bearer securities.

Source

RPPL 6-4 § 1[5].

§ 3812. Requirement to effect domestic or international transfers of funds via credit or financial institutions.

Any transfer to or from foreign countries of moneys or securities involving a sum greater than US \$10,000.00 or its equivalent shall be made by or through a credit or financial institution licensed under the laws of the Republic of Palau.

Source

RPPL 6-4 § 1[6].

§ 3813. Financial institutions and cash dealers to verify customers' identity.

(a) Credit and financial institutions shall be required to verify their customers' identity and address before opening ordinary accounts or passbooks, taking stocks, bond, or other securities into safekeeping, granting safe-deposit facilities, managing assets, or effecting or receiving payments on behalf of either natural or legal persons.

(b) A natural person's identity and address shall be evidenced by the presentation of either an original official identification document that is unexpired and bears a photograph or a reasonable alternative. A copy thereof shall be taken.

(c) A legal person shall be identified by the production of its articles of incorporation or charter or its equivalent or any other document establishing that it has been lawfully registered and that it is actually in existence at the time of the identification. A copy thereof shall be taken.

(d) Natural or legal persons authorized to enter into transactions at credit or financial institutions on behalf of third parties shall produce the documents referred to in subsections (b) and (c) above for themselves and the beneficial owners.

Source

RPPL 6-4 § 1[7].

[Header A: **MONEY LAUNDERING 17 PNCA § 3823**

]

Subchapter III

Transparency in Financial Transactions

§ 3821. Identification of casual customers.

§ 3822. Identification of beneficial owners.

§ 3823. Special monitoring of certain transactions.

§ 3824. Record-keeping by credit and financial institutions.

§ 3825. Communication of information.

§ 3826. Internal anti-money-laundering programs at credit and financial institutions.

§ 3827. Over-the-counter exchange dealings.

§ 3821. Identification of casual customers of financial institutions.

(a) Casual customers of financial institutions shall be identified, in the manner specified in section 3813 in the case of any transaction involving a sum greater than the equivalent of US \$10,000.00. If the amount of the transaction is unknown at the time of the operation, the customer shall be identified as soon as the threshold amount of US \$10,000.00 becomes known or is reached by the transaction.

(b) Identification of casual customers pursuant to this section shall also be carried out in cases where the customer's separate transactions are conducted in a manner that reasonably appears to have an unlawful criminal purpose; in that case, the credit or financial institution shall submit a confidential report as described in section 3823 to the FIU and the Office of the Attorney General pursuant to section 3835.

Source

RPPL 6-4 § 1[8], modified.

§ 3822. Identification of beneficial owners.

If, in the opinion of the credit or financial institution, it is uncertain whether a customer is acting on his or her own behalf, the credit or financial institution shall seek information by any legal and reasonable means to ascertain the true identity of the principal or party on whose behalf the customer is acting. If good faith attempts by credit and financial institutions to verify the identity of any beneficial owner and the true identity of the beneficial owner have doubtful results, the banking relationship shall be terminated, without prejudice to the credit or financial institution.

[Header B: **17 PNCA § 3823 CRIMES**

]

Source

RPPL 6-4 § 1[9].

§ 3823. Special monitoring of certain transactions.

Where a transaction involves a sum greater than the equivalent of US \$10,000.00 and is conducted in a manner that appears to have an unlawful purpose, the credit or financial institution shall provide information as to the origin and destination of the money, the purpose of the transaction, and the identity of the transacting parties to the FIU. The credit or financial

institution shall submit to the FIU and Office of the Attorney General, pursuant to section 3835, a confidential written report containing all relevant information on the methods of the transaction and the identity of the principal and, where applicable, of the transacting parties. The report shall be maintained as specified in section 3824.

Source

RPPL 6-4 § 1[10], modified.

§ 3824. Record-keeping by credit and financial institutions.

Credit and financial institutions shall maintain and hold at the disposal of the authorities pursuant to section 3825:

(a) records of customer identification for five years after the account has been closed or the relations with the customer have ended; and

(b) records of transactions conducted by customers and the reports provided for in section 3823 for five years following execution of the transaction.

Source

RPPL 6-4 § 1[11], modified.

§ 3825. Communication of information.

(a) The confidential information and records referred to in sections 3813 through 3824 shall be delivered to the FIU and the Office of the Attorney General upon the application of the Office of the Attorney General to the Supreme Court, Trial Division, for an order allowing the FIU and the Office of the Attorney General to examine the contents of confidential reports and records of a credit or financial institution based upon a finding of

[Header A: **MONEY LAUNDERING 17 PNCA § 3826**

]

probable cause. The Court's order shall further specify with particularity the documents to be produced or delivered by the reporting party. Such application shall be made pursuant to an investigation by the FIU for the detection and suppression of money laundering or predicate offenses.

(b) Upon an ex parte showing of probable cause, the Supreme Court shall order the credit or financial institution or over the counter cash exchange dealer to produce and deliver the above described confidential reports and records. When exigent circumstances require it, the Office of the Attorney General may make the aforesaid application for an order via telephonic exchange with any sitting Justice of the Supreme Court at any time. The Office of the Attorney General's written affirmation of the Court's oral order for production shall be transmitted to the reporting party immediately, either by facsimile or by any other written means.

(c) Notwithstanding the foregoing, the Office of the Attorney General shall follow up the aforesaid request with a sworn written application to the Court for the order by the close of business on the next business day following receipt by the reporting party of the Court's oral order directing the production and delivery of reports and records. Should the Office of the Attorney General fail to submit the written application by the close of business on the business day following the issuance of the Order all the confidential reports and records shall be returned to the credit or financial institution and any copies destroyed immediately by the FIU and the Office of the Attorney General.

(d) Upon receipt of confidential information by the Office of the Attorney General pursuant to this section, the Ministry of Justice, Financial Intelligence Unit ("FIU"), the Office of the Attorney General, and all related employees and agencies shall be prohibited from disclosing or making known the existence and content of the information received. Under no circumstances shall persons be required to transmit the above information and reports, nor shall any other individual having knowledge thereof be required to communicate such information or reports to any natural or legal person other than those specified in subsection (a).

Source

RPPL 6-4 § 1[12], modified.

§ 3826. Internal anti-money-laundering programs at credit and financial institutions.

Credit and financial institutions shall develop written policies and procedures, to the extent such programs and procedures do not currently exist, for the prevention of money laundering. Such programs shall include the following:

[Header B: **17 PNCA § 3827 CRIMES**

]

(a) Centralization of information on the identity of customers, principals, beneficiaries, authorized agents, and beneficial owners, and regarding suspicious transactions;

(b) Designation of compliance officers, at central management level, in each branch and at each agency or local office;

(c) On-going training for officials or employees;

(d) Internal audit arrangements to check compliance with and effectiveness of the measures taken to implement this chapter.

Source

RPPL 6-4 § 1[13].

§ 3827. Over-the-counter exchange dealings.

Natural or legal persons whose sole occupation is that of an over-the-counter exchange dealer shall be required to do the following:

(a) Before commencing to do business in the Republic of Palau, to submit a declaration of activity to the Minister of Justice for the purpose of obtaining a license to establish and operate an over-the-counter exchange dealer business, as provided for under the applicable laws of Palau, and, in that declaration, to furnish proof of the lawful origin of the capital required to establish the business;

(b) To verify the identity of their customers, by requiring the presentation, prior to any transaction involving a sum greater than the equivalent of US \$2,500.00 or, in the case of any transaction conducted in conditions of unusual or unjustified complexity, of an official original document of identification of the customer that is unexpired and bears a photograph, a copy of which shall be taken.

(c) To record, in chronological order, all transactions, their nature and amount, indicating the customer's complete name, such information to be maintained, in a register numbered and signed by the competent administrative officer of the business, and to retain such register for five years after the last transaction is recorded.

Source

RPPL 6-4 § 1[14].

Notes

The word “numbered” in subsection (c) reads “numbers” in RPPL 6-4 § 1[14].

[Header A: MONEY LAUNDERING 17 PNCA § 3831

]

Subchapter IV

Detection of Money Laundering

- § 3831. Cooperation with anti-money-laundering authorities.
- § 3832. General provisions.
- § 3833. Access to information.
- § 3834. Relationships with foreign financial intelligence units.
- § 3835. Requirement to report suspicious transaction.
- § 3836. Stop notice on uncompleted transactions.
- § 3837. Exemption from liability for bona fide reporting of suspicions.
- § 3838. Exemption from liability arising out of the execution of transactions.
- § 3839. Special investigative techniques.
- § 3840. Undercover operations and controlled delivery.

- § 3841. Disallowance of bank secrecy.
- § 3842. Seizure.
- § 3843. Provisional measures.
- § 3844. Money laundering penalties.
- § 3845. Penalties applicable to corporate entities.
- § 3846. Civil penalties.
- § 3847. Penalties for other offenses
- § 3848. Confiscation.
- § 3849. Confiscation of property of criminal organizations.
- § 3850. Avoidance of certain legal instruments.
- § 3851. Disposal of confiscated property.
- § 3852. Applicable law for rulemaking and regulations.
- § 3853. Cultural traditions exempted from compliance with this chapter.
- § 3831. Cooperation with anti-money-laundering authorities.**

(a) A Financial Intelligence Unit (“FIU”) shall be created within the Office of the Attorney General. Other agencies of the government may be assigned to assist the FIU by the President at the request of the Attorney General. The Attorney General, in consultation with the President of the Republic of Palau, may promulgate regulations pertaining to the duties and functions of the FIU pursuant to the Administrative Procedure Act, 6 PNC Chapter 1.

(b) The FIU members shall be required to keep confidential any information obtained within the scope of their duties, even after cessation of those duties with the FIU. Such

[Header B: **17 PNCA § 3831 CRIMES**

]

information may not be used for any purposes other than those provided for by this chapter.

(c) The FIU members may not concurrently hold any other public or private employment or hold or pursue any elective office in the Palau National Government [or] any State Government, or engage in other assignments or activities which might affect the independence of their position.

(d) The FIU shall receive the reports transmitted by the persons referred to in sections 3823 and 3835. The FIU shall analyze the reports on the basis of the information at its disposal and shall gather, in particular from organizations and government ministries and agencies involved in combating organized crime, any additional information that may help to establish the origin of the funds or the nature of the suspect transactions forming the subject of the reports.

(e) The reports required of the persons referred to in section 3835 shall be sent to the FIU by any rapid means of confidential communication. The FIU shall confirm in writing receipt of any reports received by the FIU pursuant to section 3835.

(f) An annual report shall be submitted by the FIU to the President, the Minister of Justice, and the Olbiil Era Kelulau. The report shall provide an overall analysis and evaluation of the reports received and of money laundering trends.

Source

RPPL 6-4 § 1[15], modified.

Notes

The bracketed word “[or]” in subsection (c) does not appear in RPPL 6-4 § 1[15], modified.

§ 3832. General provisions.

The FIU shall be responsible for receiving, analyzing, and processing reports required pursuant to this chapter. All officials, employees, and agents of the national government or any other government shall keep confidential the information thus obtained, which may not be used for any purposes other than those provided for in this chapter.

Source

RPPL 6-4 § [16].

§ 3833. Access to information.

The FIU may also obtain from any public authority or from any natural or legal person

[Header A: **MONEY LAUNDERING 17 PNCA § 3835**

]

information and records, specified in section 3825, within the scope of investigations conducted following the report of a suspicion of illegal activities as set forth in section 3839. The FIU shall, upon request, be granted reasonable access to databases of all public authorities. In all cases, the use of information thus obtained shall be limited to the purposes of this chapter.

Source

RPPL 6-4 § 1[17], modified

§ 3834. Relationships with foreign financial intelligence units abroad.

(a) The FIU, subject to a reciprocal arrangement with foreign governments, shall exchange information with financial intelligence units of foreign countries responsible for receiving and processing reports of money laundering, provided that

such exchanges are governed by confidentiality requirements substantially similar to those set forth in this chapter.

(b) Upon receipt of a request for information or transmission from a counterpart foreign financial intelligence unit, the FIU may comply with that request within the scope of the powers set forth in the reciprocal agreement, so long as such compliance is not in conflict with Palau law.

Source

RPPL 6-4 § 1[18].

§ 3835. Requirement to report suspicious transactions.

(a) Any natural or legal person who, in connection with his, her, or its trade or occupation, carries out or advises on operations involving deposits, exchange operations, investments, conversions, or any other movements of capital, and in particular to credit and financial institutions and financial intermediaries, and any over-the-counter exchange dealer, as defined in section 3827, shall be required to report to the FIU transactions referred to in section 3823 involving money that reasonably appears to be derived from the perpetration of a crime described in section 3801. The persons referred to in this section shall be required to report the transactions carried out even if it was not feasible to defer their execution or if it became clear only after completion of a transaction that it involved a money laundering offense. Any natural or legal person referred to in this

subsection shall also be required to report without delay any information that might confirm or invalidate the suspicion of a violation of section 3801.

[Header B: **17 PNCA § 3835 CRIMES**

]

(b) Reports of suspicions of violations of section 3801 shall be transmitted to the FIU by a confidential communication in writing. Reports of suspicions of violations communicated by telephone shall be confirmed by a confidential communication in writing within the shortest reasonable time. Such reports shall, as appropriate, indicate:

(1) the reasons why the transaction was executed; or

(2) the time limit within which the transaction is to be executed. The FIU shall immediately acknowledge receipt of such reports by confidential written communication to the reporting party.

Source

RPPL 6-4 § 1[19], modified.

§ 3836. Stop notice on uncompleted transactions.

(a) If the FIU considers it necessary, the Office of the Attorney General shall petition the Supreme Court for an order to stop the execution of a transaction. Upon an ex parte showing of probable cause, the Supreme Court shall order stoppage of the transaction. When exigent circumstances require it, the Office of the Attorney General may make the aforesaid application for an order via telephonic communication with any sitting Justice of the Supreme Court at any time.

(b) Notwithstanding the foregoing, the Office of the Attorney General shall follow up a telephonic request with a sworn written application to the Court within the business day following receipt of the Court's oral order directing the stoppage. The Court's order stopping the transaction shall be transmitted to the reporting party immediately, either by facsimile or by any other written means. The stop notice order shall defer the execution of the transaction for a period not to exceed 72 hours. Should the Office of the Attorney General fail to submit the written application as required herein, after issuance of the Court's stop notice order, the transaction may be completed.

(c) To extend the stoppage of the transaction, the Office of the Attorney General must immediately notify all parties to the transaction by facsimile and simultaneously move the Court for an order allowing an extension of the stoppage for an additional period not to exceed eight (8) days. Upon receipt of the motion, the Court shall order an expedited

hearing to be held within the shortest possible time after actual notice of the motion to all parties.

[Header A: **MONEY LAUNDERING 17 PNCA § 3838**

]

Source

RPPL 6-4 § 1[20].

§ 3837. Exemption from liability for bona fide reporting of suspicions.

(a) No cause of action, suit, or other judicial proceeding for breach of banking or professional secrecy may be instituted against a person who in good faith has carried out a transaction which later is determined to be a suspect transaction or money laundering offense or has transmitted information or submitted a report pursuant to this chapter.

(b) No civil or criminal action may be brought, nor any professional sanction taken, against any person who in good faith transmits information or submits reports pursuant to this chapter, even if the investigation or judicial decision does not give rise to a charge for any offense.

(c) No civil or criminal action may be brought against any person by reason of any material or non-material loss or economic or non-economic damage of any kind

resulting from the freezing of a transaction or the reporting of suspicious transactions or possible violations or other wrongdoing as contemplated by this chapter.

Source

RPPL 6-4 § 1[21], modified.

Notes

The word “does” in subsection (b) reads “do” in RPPL 6-41 § 1[21].

§ 3838. Exemption from liability arising out of the execution of transactions.

(a) In cases where a suspect transaction has been carried out and unless the Supreme Court has determined that there is probable cause to believe there was a conspiracy with the perpetrator or perpetrators of the money laundering offense, no criminal proceedings in respect of money laundering may be brought against any person who, in connection with his, her, or its trade or occupation, carried out or gave advice regarding the suspect transaction.

(b) The foregoing exemption of liability shall only apply if a person subject to this chapter carries out any transaction at the request of the FIU, the Office of the Attorney General, or the Office of the Minister of Justice, acting pursuant this chapter.

Source

RPPL 6-4 § 1[22].

[Header B: 17 PNCA § 3838 CRIMES

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§ 3839. Special investigative techniques.

In the course of an investigation, the FIU or the Office of the Attorney General may:

- (a) monitor bank accounts;
- (b) access computer systems, networks, and servers;
- (c) place under surveillance or tap telephone lines, facsimile machines, or electronic transmission or communication facilities;
- (d) electronically record acts and behavior or conversations; and
- (e) inspect communications of notarial and private deeds or of bank, financial, and commercial records.

The Supreme Court may also order the seizure of the aforementioned documents. These operations (subsections (a)-(e) as set forth in this section) shall be possible only when the aforesaid evidence exists which constitutes probable cause for suspecting that such accounts, telephone lines, computer systems and networks, or documents are or may be used by persons suspected of participating in offenses referred to in section 3801. Absent exigent circumstances, these operations (subsections (a)-(e) as set forth in this section) shall be permitted only pursuant to a warrant issued by the Supreme Court. All investigations and applications for hearing for the above orders shall be filed under seal and kept confidential unless and until charges constituting crimes in the Republic of Palau are brought against suspected parties. Where appropriate, the Court may order that the charges remain under seal until all related investigations have been completed.

Source

RPPL 6-4 § 1[23], modified.

§ 3840. Undercover operations and controlled delivery.

No punishment may be imposed on officials competent to investigate the money laundering

offenses who, for the sole purpose of obtaining evidence relating to offenses referred to in this chapter, perform, in the manner specified herein, acts which might be construed as elements constituting any of the offenses referred to in this chapter. The authorization of the Supreme Court shall be obtained prior to any operation as described in sections 3825 and 3839. A detailed report in the form of a sworn affidavit by the officer supervising the investigation shall be transmitted to the Supreme Court upon application for any further order to the Court which may

[Header A: **MONEY LAUNDERING 17 PNCA § 3842**

]

include allowing the officials charged with investigating the money laundering offenses to carry out such operations, including the delay of, freezing or seizure of money or any other property, until the investigation has been completed and, if necessary, order specific measures for the safekeeping of such property. However, money, assets, and property shall not be frozen for any period in excess [of three (3)] months after seizure or freezing, absent a conviction for the crimes under investigation.

Source

RPPL 6-4 § 1[24], modified.

Notes

The bracketed words “[of three (3)]” in the last sentence reads “of 3” in RPPL 6-4 § 1[24].

§ 3841. Disallowance of bank secrecy.

Banking or professional secrecy may not be invoked as grounds for refusal to provide information referred to in section 3824 or required in connection with an investigation which relates to money laundering and is ordered by or carried out pursuant to an order of the Supreme Court.

Source

RPPL 6-4 § 1[25], modified.

§ 3842. Seizure.

Subject to the requirements of 18 PNC, all members of Palau's law enforcement agencies responsible for the detection and suppression of money laundering offenses shall be empowered to seize property connected with the offense under investigation, as well as any evidentiary items that may make it possible to identify such property.

Source

RPPL 6-4 § 1[26].

§ 3843. Provisional measures.

The Supreme Court may upon motion of the Office of the Attorney General issue a temporary order, at the expense of the national government, freezing capital and financial transactions relating to property of whatsoever nature that is liable to seizure or confiscation under this chapter. The lifting of those measures may be ordered at any time at the request of the Office of the Attorney General or upon motion of the beneficial owner the order of the Supreme Court. However, any capital, property, transactions, money, or other assets seized or confiscated and not

[Header B: **17 PNCA § 3843 CRIMES**

]

adjudicated by the Court to be the fruit of the crime of money laundering may not be seized or confiscated for any period in excess of three (3) months, after a seizure or confiscation, absent a conviction.

Source

RPPL 6-4 § 1[28].

§ 3844. Money laundering penalties.

Any natural person convicted of violating section 3801 as a principal shall be fined not less than US \$5,000.00, nor more than double the amount laundered or attempted to be laundered, whichever is greater, or imprisoned for not more than ten years, or both. Any natural person convicted for being an accessory to a violation of section 3801 shall be punished pursuant to 17 PNC 103. Any natural person convicted of attempting to violate section 3801 shall be punished pursuant to 17 PNC 104. Any natural person found guilty of aiding and abetting a violation of section 3801 shall be punished pursuant to 17 PNC 102. Any natural person found guilty of conspiracy to violate section 3801 shall be punished pursuant to 17 PNC 901.

Source

RPPL 6-4 § 1[28], modified.

§ 3845. Penalties applicable to corporate entities.

Corporate entities, other than the Republic of Palau, on whose behalf or for whose benefit a money laundering offense has been committed by one of their agents or representatives shall be fined in an amount equal to two times the fines specified for natural persons, with prejudice to the conviction of those individuals as perpetrators of the offense or accessories to it. In the case of corporate entities which are convicted of three or more offenses under section 3801 within a five-year period, such entities may be:

- (a) permanently or for a maximum of five years banned from directly or indirectly

carrying on the business activities in the Republic of Palau for which they are licensed or conducted at the time of the offense;

(b) ordered to close permanently or for a maximum of five years their premises which were used for the commission of the offense; or

(c) required to publicize the judgment in the press or by radio or television.

[Header A: **MONEY LAUNDERING 17 PNCA § 3847**

]

Source

RPPL 6-4 § 1[29], modified.

Notes

The words “one of their agents” in the first sentence of this section reads “one or their agents” in RPPL 6-4 § 1[29].

§ 3846. Civil penalties.

Any person who fails to comply with sections 3811, 3812, 3813, 3821, 3822, 3824, 3826, or 3827 shall, upon conviction therefor on the basis of clear and convincing evidence, be subject to a civil penalty not to exceed US \$50,000.00 upon application by the Office of the Attorney General. The rules governing adjudicative proceedings under the Administrative Procedure Act, 6 PNC Chapter 1, shall not apply to this section.

Source

RPPL 6-4 § 1[30], modified.

§ 3847. Penalties for other offenses.

(a) A penalty of not more than two years’ imprisonment or a fine not to exceed US \$10,000.00 shall be imposed on:

(1) persons and directors or employees of organizations that carry out or advise on operations involving deposits, exchange operations, investments, conversions, or any other movements of capital, and in particular to credit and financial institutions and financial intermediaries, who knowingly disclose, to the owner of the sums or to the principal of the transactions specified in that section, a report which they are required to make or the action taken on it as specified in sections 3823, 3825, 3835, and 3840;

(2) anyone who knowingly destroys or removes registers or records which are maintained pursuant to sections 3823, 3824, or 3827;

(3) anyone who under a false identity performs or attempts to perform any of the operations specified in sections 3811, 3812, 3813, 3821, 3822, 3823, or 3827;

(4) anyone who, having learned by reason of his or her trade or occupation of an investigation into a case of money laundering, knowingly discloses that fact, by any means, to the person or persons to whom the investigation relates;

(5) anyone who knowingly communicates deeds or records specified in section 3839(e) to the FIU or Office of the Attorney General or to the officials competent to

[Header B: **17 PNCA § 3847 CRIMES**

]

investigate the offenses, knowing such deeds or records to contain material errors or omissions, without informing them of that fact;

(6) anyone who upon a reasonable suspicion fails to report, pursuant to section 3835, in cases where the circumstances of the transaction admit the conclusion that the money was derived from one of the offenses referred to in section 3835.

(b) Persons found guilty of any offense or offenses set forth in subsection (a) may also be banned permanently or for a maximum of five years from pursuing the trade or occupation which provided the opportunity for the offense to be committed.

Source

RPPL 6-4 § 1[31], modified.

§ 3848. Confiscation.

(a) In the event of a conviction for actual or attempted money laundering, an order shall be issued by the Supreme Court for the confiscation of the property forming the subject of the offense, including income and other benefits obtained therefrom, against any person to whom they may belong, if it can be established that the owner was not a bona fide purchaser for value or did not acquire the property in return for the provision of services corresponding to its value or the owner did not acquire the property on any other legitimate grounds.

(b) If the government can establish beyond a reasonable doubt the connection between such evidence and the offense, an order may additionally be issued for the confiscation of the property of the convicted offender to the enrichment obtained by him or her during a period of three years preceding his or her conviction. The confiscation order shall specify the property with particularity and contain the necessary details to identify and locate it.

Source

RPPL 6-4 § 1[32].

§ 3849. Confiscation of property of criminal organizations.

In the event the Supreme Court has determined beyond a reasonable doubt, property over which a criminal organization has power of disposal, that property shall be confiscated if there is a judicial determination beyond a reasonable doubt of a connection between that property and an offense under section 3801.

[Header A: **MONEY LAUNDERING 17 PNCA § 3851**

]

Source

RPPL 6-4 § 1[33], modified.

§ 3850. Avoidance of certain legal instruments.

Any instrument, the purpose of which is to fraudulently convey property and keep it from confiscation, shall be voidable upon a determination by the Supreme Court that the instrument has been done for fraudulent purposes.

Source

RPPL 6-4 § 1[34].

§ 3851. Disposal of confiscated property.

(a) Confiscated property and proceeds under this chapter shall accrue and be forfeited to the Republic of Palau, which property and proceeds shall be delivered to the general fund of the Republic after the auction sale of such property. Said confiscated property shall remain encumbered, up to its value, by any rights in rem lawfully established in favor of third parties.

(b) In cases where confiscation is ordered under a judgment by default, the confiscated property shall accrue to the Republic of Palau and be liquidated in accordance with law. However, if the Supreme Court, ruling on an application to set aside such judgment, acquits the person prosecuted, it shall order that the Republic of Palau pay full and fair restitution for the value of the confiscated property, unless it is established beyond a reasonable doubt that such property is the proceeds of crime committed in Palau.

Source

RPPL 6-4 § 1[35], modified.

§ 3852. Applicable law for rulemaking and regulations.

The Administrative Procedure Act, 6 PNC Chapter 1, shall apply for all rules and regulations promulgated under this chapter.

Source

RPPL 6-4 § 1[36].

[Header B: **17 PNCA § 3852 CRIMES**

]

§ 3853. Cultural traditions exempted from compliance with this chapter.

This chapter shall not apply to bona fide transfers or exchanges of property pursuant to recognized cultural traditions and customs of Palau.

Source

RPPL 6-4 § 1[37].

[Header A: **ANTI-PEOPLE SMUGGLING & TRAFFICKING 17 PNCA § 3902**

]

[Footer A: Supp. 5 17 - 115]

Chapter 39

Anti-People Smuggling and Trafficking

§ 3901. Short title.

§ 3902. Definitions

§ 3903. Offense of people smuggling.

§ 3904. Offense of aggravated people smuggling.

§ 3905. Offense relating to fraudulent passport, travel and/or any other identity documents.

§ 3906. Offense of people trafficking.

§ 3907. Offense of trafficking in children.

§ 3908. Offense of exploiting a trafficked person.

§ 3909. Consent of trafficked person irrelevant.

§ 3910. Immunity of trafficked person.

§ 3911. Penalty for non-citizen.

§ 3912. Scope of application.

§ 3913. Obligation of commercial carriers.

§ 3901. Short title. This chapter shall be know and may be cites as the “Anti-People Smuggling and Trafficking Act.”

Source

RPPL 7-5 § 1, modified.

§ 3901. Definitions.

(a) “Child” means a person who is less than 18 years of age.

(b) “Commercial carrier” means a company, or the owner, operator or master of any means of transport, any vessel or aircraft, that engages in the transportation of cargo or passengers for commercial gain.

(c) “Company” means a corporation, partnership, or other entity that is not an individual.

(d) “Exploitation” means sexual servitude, exploitation of another person by and through prostitution, forced labor or services, or slavery.

(e) “Fraudulent passport and/or travel or identity document” means a passport, travel and/or any other identity document that:

(1) has been made or altered in a material way, by a person other than a person or agency lawfully authorized to make or issue the passport, travel and/or any other identity document on behalf of the country that issued the document; or

(2) has been issued or obtained through misrepresentation, bribery, corruption,

[Header B: **17 PNCA § 3902 CRIMES**

]

duress, or in any other unlawful manner; or

(3) is being improperly used by a person other than the rightful holder.

(f) “Illegal entry” means crossing the border of the Republic of Palau or any other country without complying with the requirements for lawful entry of that country.

(g) “People smuggling” means arranging or assisting a person’s illegal entry into any country of which the person is not a citizen, including the Republic of Palau, either knowing or being reckless as to the fact that the person’s entry is illegal.

(h) “People trafficking” means the recruitment, transportation, transfer, harboring or receipt of a person for the purposes of exploitation as described in sections 3905 or 3906.

(i) “Receiving country” means any country into which a trafficked person is brought as part of an act of people trafficking.

(j) “Smuggled person” means any person who is a victim or object of an act of people smuggling, regardless of whether that person participated in the people smuggling.

(k) “Trafficked person” means any person who is the victim or object of an act of people trafficking.

Source

RPPL 7-5 § 2.

§ 3903. Offense of people smuggling.

Every person who engages in people smuggling shall be guilty of people smuggling regardless of whether the smuggled person arrives in the receiving country and upon conviction thereof shall be fined not more than \$25,000, or imprisoned not more than 10 years or both.

Source

RPPL 7-5 § 3, modified.

[Header A: ANTI-PEOPLE SMUGGLING & TRAFFICKING 17 PNCA § 3906

]

§ 3904. Offense of aggravated people smuggling.

Every person who engages in people smuggling under circumstances in which the life or safety of the smuggled person is, or is likely to be, endangered shall be guilty of aggravated people smuggling regardless of whether the smuggled person arrives in the receiving country, and upon conviction thereof shall be fined not more than \$50,000 or imprisoned not more than 15 years or both.

Source

RPPL 7-5 § 4.

§ 3905. Offense relating to fraudulent passport, travel and/or any other identity documents.

Every person who makes, obtains, gives, sells, or possesses a fraudulent passport, travel and/or any other identity document for the purpose of facilitating people smuggling or facilitating the continued presence of a smuggled person in a receiving country shall be guilty of travel document fraud, and upon conviction thereof shall be fined not more than \$25,000, or imprisoned not more than 10 years or both.

Source

RPPL 7-5 § 5, modified.

§ 3906. Offense of people trafficking.

Every person who knowingly or recklessly recruits, transports, transfers, harbors or receives any person or persons for the purpose of exploitation by threat, use of force, abduction, fraud, deception, abuse of power, or the giving or receiving of payments or benefits to achieve the

consent of a person having control over another person, shall be guilty of people trafficking, and upon conviction thereof shall be fined not more than \$250,000, or imprisoned not more than 25 years or both.

Source

RPPL 7-5 § 6, modified.

[Header B: 17 PNCA § 3907 CRIMES

]

§ 3907. Offense of trafficking in children.

Every person who knowingly or recklessly recruits, transports, transfers, harbors or receives a child by any means for the purposes of exploitation shall be guilty of trafficking in children and upon conviction thereof, shall be fined not more than \$500,000, or imprisoned for not more than 50 years or both.

Source

RPPL 7-5 § 7.

§ 3908. Offense of exploiting a trafficked person.

Every person who knowingly or recklessly engages in, participates in, or profits from the exploitation of a trafficked person shall be guilty of exploitation of a trafficked person and, upon conviction thereof, shall be fined not more than \$50,000, or imprisoned for not more than 10 years or both.

Source

RPPL 7-5 § 8.

§ 3909. Consent of trafficked person irrelevant.

For sections 3905, 3906 and 3907 of this chapter, it is not a defense that the trafficked person consented to the people trafficking or to the exploitation.

Source

RPPL 7-5 § 9, modified.

§ 3910. Immunity of trafficked person.

A trafficked person shall not be subject to criminal prosecution with respect to:

(a) The act of people trafficking;

(b) That person's period of unlawful residence in the receiving country; and

(c) That person's procurement or possession of any fraudulent travel or identity

documents which he or she obtained, or with which he or she was supplied, for the purpose of entering the receiving country; and

[Header A: **ANTI-PEOPLE SMUGGLING & TRAFFICKING 17 PNCA § 3912**

]

(d) That person's illegal entry into the receiving country.

Source

RPPL 7-5 § 10.

§ 3911. Penalty for non-citizen.

Every non-citizen convicted under any one of sections 3903, 3904, 3905, 3906, 3907, and/or 3908 of this chapter shall have his or her entry permit revoked and shall be deported upon completion of any sentence imposed by this section. The Minister of Justice shall promulgate regulations for the deportation of persons pursuant to this chapter.

Source

RPPL 7-5 § 11, modified.

§ 3912. Scope of application.

The offenses described in sections 3902, 3903, 3904, 3905, 3906, and 3907 of this chapter apply, regardless of whether the conduct constituting the offense took place inside or outside the Republic of Palau if:

(a) the Republic of Palau is the receiving country or the exploitation occurs in the Republic of Palau;

(b) the receiving country is a foreign country but the people smuggling or people trafficking started in the Republic of Palau or transits the Republic of Palau; or

(c) the person who engages in the people smuggling or people trafficking is a citizen of the Republic of Palau.

Source

RPPL 7-5 § 12, modified.

§ 3913. Obligation of commercial carriers.

If a commercial carrier carries a person into the Republic of Palau and, upon entry into the Republic of Palau, the person does not have the passport and/or travel documents required for

[Header B: **17 PNCA § 3913 CRIMES**

]

lawful entry, the commercial carrier shall be liable to pay the costs of the person's detention in, and removal from, the Republic of Palau unless:

(a) the carrier had reasonable grounds to believe that the documents that the person had were the travel documents required for lawful entry of that person into the Republic of Palau; or

(b) the person possessed the passport and/or travel documents required for lawful entry into the Republic of Palau when that person boarded, or last boarded, the means of transport to travel to the Republic of Palau; or

(c) entry into the Republic of Palau occurred only because of illness of or injury to person on board, stress of weather, or other circumstances beyond the control of the commercial carrier.

Source

RPPL 7-5 § 13.

[Header A: **PROHIBITIONS AGAINST CHEMICAL WEAPONS 17 PNCA § 4002**

]

Chapter 40

Prohibitions Against Chemical Weapons

Subchapter 1

Preliminary

§ 4001. Short title.

§ 4002. Findings and purpose.

§ 4003. Definitions.

§ 4004. Application.

§ 4001. Short title.

This chapter may be cited as the "Chemical Weapons Prohibition Act".

Source

RPPL 7-8 § 1, modified.

§ 4002. Findings and purpose.

The Olbiil Era Kelulau finds and declares as follows:

(a) The purpose of this chapter is to protect the people of the Republic of Palau and the environment of the Republic of Palau from chemical weapons, and to implement the Republic's obligations under the "Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on their Destruction."

(b) Every person exercising power or discretion conferred under this chapter must have regard to the Republic's obligations under the Convention and the exercise of any power or discretion or the performance of any duty or function authorized by this chapter must not be inconsistent with the Republic's obligations under the Convention.

Source

RPPL 7-8 § 1, modified.

[Header B: 17 PNCA § 4003 CRIMES

]

§ 4003. Definitions.

As used in this Chapter:

(a) "Chemical weapons" means the following, together or separately:

(1) Toxic chemicals and their precursors, except where intended for purposes not prohibited under the Convention, as long as the types and quantities are consistent with such purposes;

(2) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (1) hereof, which would be released as a result of the employment of such munitions and devices; and

(3) Any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (2) hereof.

(b) "Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on their Destruction, held in Paris on the 13th day of January 1993, and includes the Annexes to the Convention and the Annexes that are, or will become, binding on the Republic of Palau from time to time;

(c) “International Inspector” means an individual designated by the Technical Secretariat according to the procedures as set forth in Part II, Section A, of the Verification Annex to the Convention, to carry out an inspection or visit in accordance with the Convention, and includes any inspection assistant as defined in the Convention;

(d) “Key component of binary or multicomponent chemical systems” means the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system;

(e) “Minister” means the Minister of Justice;

(f) “Ministry” means the Ministry of Justice;

(g) “Organization” means the Organization for the Prohibition of Chemical Weapons established pursuant to Article VIII of the Convention;

[Header A: **PROHIBITIONS AGAINST CHEMICAL WEAPONS 17 PNCA § 4003**

]

(h) “Precursor” means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multi-component chemical system;

(i) “Purposes not prohibited under the Convention” means:

(1) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

(2) Protective purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

(3) Military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; and

(4) Law enforcement, including domestic riot control purposes.

(j) “Republic” means the Republic of Palau and every part of the territory of Palau, including the marine space and the territorial sea and the airspace above the territory of Palau, and also includes all governments of Palau;

(k) “Riot control agent” means any chemical which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure;

(l) “Toxic chemical” means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals, including the chemicals listed on Schedules 1, 2, and 3 hereto;

(m) Terms and expressions used and not defined in this chapter but defined in the Convention shall, unless the context otherwise requires, have the same meaning as in the Convention.

Source

RPPL 7-8 § 1, modified.

[Header B: 17 PNCA § 4004 CRIMES

]

§ 4004. Application.

(a) This chapter applies to all people within the territory or jurisdiction of the Republic, and to all of the Republic, Republic aircraft, and Republic ships or vessels.

(b) This chapter also extends to all acts done or omitted to be done by a Palauan citizen or national outside of the Republic. This does not relieve the Palauan citizen or national from any liability to the foreign territory or jurisdiction, while outside the Republic.

Source

RPPL 7-8 § 1, modified.

Subchapter 2

Offenses

§ 4005. Chemical weapons.

§ 4006. Forfeiture and seizure.

§ 4007. Riot control agents.

§ 4008. Schedule 1 toxic chemicals.

§ 4009. Imports and exports of toxic chemicals and precursors.

§ 4005. Chemical weapons.

Every person commits an offense who intentionally or knowingly:

- (a) develops, produces, otherwise acquires, stockpiles, or retains chemical weapons;
- (b) transfers, directly or indirectly, chemical weapons to another person;
- (c) uses chemical weapons;
- (d) engages in any military preparations to use chemical weapons; or
- (e) assists, encourages, or induces, in any way, any person to engage in any activity prohibited to the Republic under the Convention.

Upon conviction of such offense, the person shall be sentenced up to life imprisonment or a fine not exceeding \$1,000,000, or both.

[Header A: **PROHIBITIONS AGAINST CHEMICAL WEAPONS 17 PNCA § 4008**

]

Source

RPPL 7-8 § 1.

§ 4006. Forfeiture and seizure.

- (a) If any chemical weapon is developed, produced, otherwise acquired, stockpiled, retained or transferred in contravention of this chapter, the chemical weapon is forfeited to the Republic.
- (b) Any law enforcement officer of the Republic may, with a warrant, or without a warrant in exigent circumstances, seize such chemical weapon that is forfeited or that he or she has reasonable grounds to believe to be forfeited to the Republic under subsection (a); and
- (c) The chemical weapon seized shall be stored, until disposed of, at the discretion of the Minister.

Source

RPPL 7-8 § 1, modified.

§ 4007. Riot control agents.

Every person commits an offense who knowingly uses riot control agents as a method of warfare, and upon conviction thereof shall be sentenced up to life imprisonment or a fine not exceeding \$1,000,000, or both.

Source

RPPL 7-8 § 1.

§ 4008. Schedule 1 toxic chemicals.

Every person commits an offense who intentionally or recklessly produces, acquires, retains, or uses any toxic chemical listed on schedule 1 without the consent of the Minister, and upon conviction thereof shall be sentenced to a term of imprisonment not exceeding five years, a fine not exceeding \$100,000, or both.

[Header B: **17 PNCA § 4008 CRIMES**

]

Source

RPPL 7-8 § 1.

§ 4009. Imports and exports of toxic chemicals and precursors.

(a) Except with the consent of the Minister, the importation into the Republic, and the exportation from the Republic, of any toxic chemicals or precursors listed in Schedules 1, 2, and 3 of the Annex on Chemicals is hereby prohibited.

(b) In determining whether or not to give consent, the Minister shall be guided by the restrictions on transfer set out in Parts VI to VIII of the Verification Annex to the Convention.

(c) Every person commits an offense who intentionally or recklessly imports or exports any chemical or precursor in contravention of subsection (a) of this section, and upon conviction thereof shall be sentenced to a term of imprisonment not exceeding five years, a fine not exceeding \$100,000, or both.

Source

RPPL 7-8 § 1.

Subchapter 3

Information and Documents

§ 4010. Purpose.

§ 4011. Supply of information.

§ 4012. Minister may seek information.

§ 4013. False or misleading statements or documents.

§ 4010. Purpose.

(a) The purpose of Subchapter 3 of this chapter is to ensure:

(1) That toxic chemicals and their precursors are only developed, produced, otherwise acquired, retained, transferred, or used for purposes not prohibited under the Convention;

(2) That the Minister has knowledge of dealings with chemicals that facilitates

[Header A: **PROHIBITIONS AGAINST CHEMICAL WEAPONS 17 PNCA § 4011**

]

the making of the Republic's periodic declarations under the Convention; and

(3) That the Republic is otherwise able to fulfill its obligations under the Convention and to the Organization.

(b) Any power under Subchapter 3 of this chapter may be exercised only for that purpose.

Source

RPPL 7-8 § 1, modified.

§ 4011. Supply of information.

(a) Any person who produces, acquires, retains, transfers, or uses toxic chemicals or their precursors listed on schedules 1, 2, or 3 must:

(1) Advise the Minister of such chemicals and, as the case may be, the facility as soon as practicable after this section commences to apply to the chemicals or facility, by giving written notice in a form approved by the Minister, containing such information as is required by the form;

(2) Keep records in relation to the chemicals and the facility, and the purpose to which the chemicals are put;

(3) Prepare, from those records, periodic reports relating to the chemicals and the facility in a form approved by the Minister; and

(4) Send the periodic reports to the Minister at intervals specified by the Minister or by regulation.

(b) The records and reports required under this section must be sufficient to satisfy the Minister that the Convention and the provisions of this chapter and any regulations made under this chapter are being complied with.

(c) Every person who refuses or fails to comply with this section commits an offense, and upon conviction thereof shall be sentenced to a term of imprisonment not exceeding one year or a fine not exceeding \$100,000, or both.

Source

RPPL 7-8 § 1, modified.

[Header B: 17 PNCA § 4011 CRIMES

]

§ 4012. Minister may seek information.

(a) This section applies if the Minister considers that any person is capable of giving information that is relevant to the implementation of the Convention or the enforcement of this chapter.

(b) The Minister may, by written notice given to a person, require the person to give the type of information described in subsection (a) hereof:

(1) If the person is a natural person, by writing signed by the person; or

(2) If the person is a corporation, by writing signed by an officer authorized to sign on behalf of the corporation, within such reasonable period and in such manner as is specified in the notice.

(c) The Minister may, by written notice given to a person, require the person to give to the Minister particular documents, or documents of a particular kind, specified in the notice, within such reasonable period as is specified in the notice.

(d) Every person who, without reasonable excuse, fails to comply with a notice under this section to the extent that the person is capable of complying with it

commits an offense and upon conviction thereof shall be sentenced to imprisonment for a term not exceeding one year or a fine not exceeding \$100,000, or both.

(e) The power of the Minister under this section to require a person to give information or documents to the Minister is in addition to any obligation to give information or documents that the person may have under section 4011 of this chapter.

Source

RPPL 7-8 § 1, modified.

§ 4013. False or misleading statements or documents.

Every person commits an offense who, in any document prepared pursuant to this chapter, makes a statement or omits any matter knowing that, or being reckless as to whether, the statement or

omission makes the document false or misleading in a material particular, and upon conviction shall be sentenced to imprisonment for a term not exceeding one year or a fine not exceeding \$100,000, or both.

[Header A: **PROHIBITIONS AGAINST CHEMICAL WEAPONS 17 PNCA § 4014**

]

Source

RPPL 7-8 § 1, modified.

Subchapter 4

Inspections

§ 4014. Purpose.

§ 4015. Verification of toxic chemicals.

§ 4016. Inspections.

§ 4017. Persons who may accompany international inspectors.

§ 4018. Appointment of officials of the Republic.

§ 4019. Search warrants.

§ 4020. Use of force.

§ 4021. Obligations of persons accompanying international inspectors.

§ 4022. Obstruction of international inspectors.

§ 4014. Purpose.

The purpose of Subchapter 4 of this chapter is to facilitate inspections under the Convention by:

(a) Confirming the right of international inspectors to inspect facilities and other places in the Republic in accordance with the Convention and any facility agreement;

(b) Enabling the Republic's law enforcement officers to secure access for any international inspector where consent cannot be obtained; and

(c) Enabling the Republic's law enforcement officers to accompany or assist any international inspector.

Source

RPPL 7-8 § 1, modified.

§ 4015. Verification of toxic chemicals.

All toxic chemicals and their precursors listed in Schedules 1, 2, and 3, and facilities related to such chemicals are hereby declared to be subject to verification measures as provided in the Convention.

[Header B: **17 PNCA § 4015 CRIMES**

]

Source

RPPL 7-8 § 1.

§ 4016. Inspections.

An international inspector shall be permitted to enter any facility described in Section 4015 hereof and such inspector shall be permitted to inspect any such facility or place pursuant to the Convention and, in the case of any facility, an inspector shall be permitted to inspect any applicable facility agreement; and an international inspector shall be permitted to exercise, in connection with the inspection, any function contemplated and exercise any power provided for in the Convention.

Source

RPPL 7-8 § 1.

§ 4017. Persons who may accompany international inspectors.

In order to facilitate inspections, an international inspector may be accompanied by:

(a) An observer;

(b) Any person appointed by the Minister under section 4018 of this chapter; and

(c) Any law enforcement officer.

Source

RPPL 7-8 § 1, modified.

§ 4018. Appointment of officials of the Republic.

The Minister may appoint any person to accompany or assist any national or international

inspector.

Source

RPPL 7-8 § 1.

[Header A: PROHIBITIONS AGAINST CHEMICAL WEAPONS 17 PNCA § 4021

]

§ 4019. Search warrants.

In order to facilitate enforcement of this chapter, any member of the Bureau of Public Safety, or other person appointed under section 4018 of this chapter, may apply for a search warrant where the consent of the person who is in control of any place cannot be obtained or as otherwise provided for by law.

Source

RPPL 7-8 § 1, modified.

§ 4020. Use of force.

If force is required to enter and inspect any place specified in a warrant (whether by breaking down a door or otherwise), or in breaking open anything in the place, a member of the Bureau of Public Safety, or other person appointed under Section 4018 of this chapter, who accompanies an international inspector, may use such force as is reasonable in the circumstances.

Source

RPPL 7-8 § 1, modified.

§ 4021. Obligations of persons accompanying international inspectors.

Every member of the Bureau of Public Safety, or other person appointed under section 4018 of this chapter, who accompanies an international inspector on any inspection shall:

(a) carry his or her identification or badge; and

(b) produce the identification or badge to any person appearing to be in charge of the place entered:

(1) On entering the place, if such person appearing to be in charge is then present;

(2) At any reasonable time thereafter, if asked to do so by the person; or

(3) If there is no person appearing to be in charge of the place at any time between the time of entry and the time the inspection concerned has been completed, must, as soon as is practicable after completing the inspection, give an occupier or person in charge of the place a written notice stating that the place has

[Header B: **17 PNCA § 4021 CRIMES**

]

been entered, and specifying the time and date of entry, the circumstances and purpose of entry and the name of every person entering; and

(i) Must have any warrant with him or her and produce it if required to do so;

(ii) Where any thing is seized, must give an occupier or person in charge of the place a written inventory of all things so seized; and

(iii) Must report any offense or suspected offense to the Bureau of Public Safety as soon as practicable.

Source

RPPL 7-8 § 1, modified.

§ 4022. Obstruction of international inspectors.

(a) Every person commits an offense, and upon conviction shall be sentenced to imprisonment for a term not exceeding six (6) months or a fine not exceeding \$20,000, or both, who willfully obstructs, hinders, resists, or deceives any international inspector who is exercising in the Republic any function contemplated, or any power provided for, in this chapter or through the Convention.

(b) Nothing in this section applies to a refusal to give consent to entry by an international inspector who is not acting pursuant to a search warrant.

Source

RPPL 7-8 § 1, modified.

]

Subpart V

Miscellaneous Provisions

§ 4023. Confidentiality.

§ 4024. Transfers to States not a Party to the Convention.

§ 4025. Regulations.

§ 4026. Designations.

§ 4027. Schedule 1.

§ 4028. Schedule 2.

§ 4029. Schedule 3.

§ 4023. Confidentiality.

(a) Every person must keep confidential any information that is given pursuant to this chapter or the Convention concerning the affairs of another person.

(b) Such information may be disclosed only with the consent of the person to whose affairs it relates or for the purpose of:

(1) Enabling the Republic to fulfill its obligations under the Convention;

(2) The enforcement of this chapter; or

(3) Dealing with an emergency involving public safety.

(c) Every person who violates this section commits an offense, and upon conviction shall be sentenced to imprisonment for a term not exceeding six (6) months or a fine not exceeding \$20,000, or both.

Source

RPPL 7-8 § 1, modified.

§ 4024. Transfers to States not a Party to the Convention.

When transferring Schedule 3 chemicals to States not a Party to the Convention, the Republic shall require from the recipient State a certificate stating, in relation to the transferred chemicals:

(a) That they will only be used for the purposes not prohibited under this Convention;

[Header B: **17 PNCA § 4024 CRIMES**

]

(b) That they will not be re-transferred;

(c) Their types and quantities;

(d) Their end-use(s); and

(e) The name(s) and address(es) of the end-user(s).

Source

RPPL 7-8 § 1.

§ 4025. Regulations.

The Minister may from time to time make regulations:

(a) Providing for any matter that is necessary or desirable for the purpose of implementing the Convention or any agreement that is concluded between the Republic and the Organization pursuant to the Convention; and

(b) Providing for such other matters as are contemplated by or necessary for giving full effect to this chapter and for its due administration.

Source

RPPL 7-8 § 1, modified.

§ 4026. Designations.

The Minister of State shall, by notice in writing, designate and constitute within the Ministry of State, a Chemical Weapons Convention Officer as the National Authority of the Republic to serve as the focal point for effective liaison with the Organization and with other State Parties to the Convention. The Attorney General shall be designated as the legal expert for the Republic with respect to the Organization.

Source

RPPL 7-8 § 1.

[Header A: **PROHIBITIONS AGAINST CHEMICAL WEAPONS 17 PNCA § 4027**

]

§ 4027. Schedule 1.

The following substances are included in Schedule 1:

(a) Toxic chemicals:

(1) O-Alkyl (\leq C10, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates e.g. Sarin: O-Isopropyl methylphosphonofluoridate Soman; O-Pinacolyl methylphosphonofluoridate

(2) O-Alkyl (\leq C10, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidocyanidates e.g. Tabun; O-Ethyl N,N-dimethyl phosphoramidocyanidate

(3) O-Alkyl (H or \leq C10, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated or protonated salts e.g. VX; O-Ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate

(4) Sulfur mustards:

(i) 2-Chloroethylchloromethylsulfide

(ii) Mustard gas: Bis(2-chloroethyl)sulfide

(iii) Bis(2-chloroethylthio)methane

(iv) Sesquimustard: 1,2-Bis(2-chloroethylthio)ethane

(v) 1,3-Bis(2-chloroethylthio)-n-propane

(vi) 1,4-Bis(2-chloroethylthio)-n-butane

(vii) 1,5-Bis(2-chloroethylthio)-n-pentane

(viii) Bis(2-chloroethylthiomethyl)ether

(ix) O-Mustard: Bis(2-chloroethylthioethyl)ether

[Header B: **17 PNCA § 4027 CRIMES**

]

(5) Lewisites:

(i) Lewisite 1: 2-Chlorovinylchloroarsine

(ii) Lewisite 2: Bis(2-chlorovinyl)chloroarsine

(iii) Lewisite 3: Tris(2-chlorovinyl)arsine

(6) Nitrogen mustards:

(i) HN1: Bis(2-chloroethyl)ethylamine

(ii) HN2: Bis(2-chloroethyl)methylamine

(iii) HN3: Tris(2-chloroethyl)amine

(7) Saxitoxin

(8) Ricin

(b) Precursors:

(1) Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluorides e.g. DF:
Methylphosphonyldifluoride

(2) O-Alkyl (H or \leq C10, incl. cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonites and corresponding alkylated or protonated salts e.g. QL: O-Ethyl O-2-diisopropylaminoethyl methylphosphonite

(3) Chlorosarin: O-Isopropyl methylphosphonochloridate

(4) Chlorosoman: O-Pinacolyl methylphosphonochloridate

Source

RPPL 7-8 § 1, modified.

[Header A: PROHIBITIONS AGAINST CHEMICAL WEAPONS 17 PNCA § 4028

]

§ 4028. Schedule 2.

The following substances are included in Schedule 2:

(a) Toxic chemicals:

(1) Amiton: O,O-Diethyl S-[2-(diethylamino)ethyl] phosphorothiolate and corresponding alkylated or protonated salts

(2) PFIB: 1,1,3,3,3-Pentafluoro-2-(trifluoromethyl)-1-propene

(3) BZ: 3-Quinuclidinyl benzilate (*)

(b) Precursors:

(1) Chemicals, except for those listed in Schedule 1, containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms, e.g. Methylphosphonyl dichloride, Dimethyl methylphosphonate

Exemption: Fonofos: O-Ethyl S-phenyl ethylphosphonothiolothionate

(2) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides

(3) Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates

(4) Arsenic trichloride

(5) 2,2-Diphenyl-2-hydroxyacetic acid

(6) Quinuclidine-3-ol

(7) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chlorides and corresponding protonated salts

(8) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ols and corresponding protonated salts

Exemptions: N,N-Dimethylaminoethanol and corresponding protonated salts; and N,N-Diethylaminoethanol and corresponding protonated salts

[Header B: **17 PNCA § 4028 CRIMES**

]

(9) N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiols and corresponding protonated salts

(10) Thiodiglycol: Bis(2-hydroxyethyl)sulfide

(11) Pinacolyl alcohol: 3,3-Dimethylbutane-2-ol

Source

RPPL 7-8 § 1, modified.

§ 4029. Schedule 3.

The following substances are included in Schedule 3:

(a) Toxic chemicals:

(1) Phosgene: Carbonyl dichloride

(2) Cyanogen chloride

(3) Hydrogen cyanide

(4) Chloropicrin: Trichloronitromethane

(b) Precursors:

(1) Phosphorus oxychloride

(2) Phosphorus trichloride

(3) Phosphorus pentachloride

(4) Trimethyl phosphite

(5) Triethyl phosphite

(6) Dimethyl phosphite

(7) Diethyl phosphite

[Header A: **PROHIBITIONS AGAINST CHEMICAL WEAPONS 17 PNCA § 4029**

]

(8) Sulfur monochloride

(9) Sulfur dichloride

(10) Thionyl chloride

(11) Ethyldiethanolamine

(12) Methyldiethanolamine

(13) Triethanolamine

Source

RPPL 7-8 § 1.

[Header B: **17 PNCA CRIMES**

]

[Header A: **CASH COURIER DISCLOSURE 17 PNCA § 4102**

]

[Footer A: Supp. 5 17 - 141]

Chapter 41

Cash Courier Disclosure Act

§ 4101. Short title.

§ 4102. Definitions.

§ 4103. Report on the transport of cash and negotiable instruments.

§ 4104. Requirement to promulgate regulation.

§ 4105. Availability of information.

§ 4106. Enforcement authority with respect to transportation of currency or negotiable instruments.

§ 4107. Penalties.

§ 4108. Applicable law for rulemaking and regulations.

§ 4101. Short title.

This chapter shall be know and may be cited as the “Cash Courier Disclosure Act of 2007”.

Source

RPPL 7-27 § 2, modified.

Notes

RPPL 7-27 § 1 reads: “Purpose. The purpose of this Act is to establish measures to detect the physical cross-border transportation of currency and negotiable instruments, and to prevent terrorists and other criminals from financing their activities or laundering the proceeds of their crimes.”

§ 4102. Definitions.

In this chapter, unless the context otherwise requires:

- (a) “Attorney General” means the Attorney General of the Republic of Palau;

 - (b) “currency” refers to banknotes and coins that are in circulation as a medium of exchange;

 - (c) “declaration” means the form prescribed by the Division of Customs, which requires a signed, written disclosure of the transport of currency or negotiable instruments into or out of the Republic of Palau;

 - (d) “Division of Customs” means the Ministry of Finance, Bureau of Revenue, Customs & Taxation, Division of Customs;

 - (e) “Financial Intelligence Unit” means the governmental unit created pursuant to section 15 of RPPL No. 6-4;

 - (f) “negotiable instruments” includes monetary instruments in bearer form, including but not limited to, checks, travelers checks, promissory notes and money orders that are either endorsed without restrictions, made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery, such as signed instruments, with the payee’s name omitted;

 - (g) “person” means any natural or legal person;

 - (h) “Supreme Court” means the Supreme Court of the Republic of Palau, and all its
- [Header B: **17 PNCA § 4102 CRIMES**
-]
- divisions;
- (i) “transport cash or negotiable instruments” refers to any in-bound or out-bound physical transportation of currency or negotiable instruments from one country to another country. The term includes the following modes of transportation:

- (1) physical transportation by a natural person, or in that person's accompanying luggage or vehicle;
- (2) shipment of currency through containerized cargo; or
- (3) the mailing of currency or negotiable instruments by a natural or legal person.

Source

RPPL 7-27 § 3[3901], modified.

§ 4103. Report on the transport of cash and negotiable instruments.

(a) Any person who attempts to, or physically transports cash or negotiable instruments in an aggregate amount of \$10,000 or more (or its equivalent in foreign currency) at one time into or out of the Republic of Palau shall make a written, signed declaration thereof to the Division of Customs on the form prescribed by the Division of Customs. A copy shall be provided to the Financial Intelligence Unit. A person is deemed to have caused such transportation, mailing or shipping when he or she, aids, abets, counsels,

commands, procures, or requests it to be done by a financial institution or any other person.

(b) This section shall not require a declaration to be submitted by:

(1) a bank licensed by the Financial Institutions Commission or its agent in respect to currency or other negotiable instruments physically carried into or out of Palau for its own domestic use or purposes;

(2) a common carrier of passengers in respect to currency or other negotiable

[Header A: **CASH COURIER DISCLOSURE 17 PNCA § 4104**

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instruments in the possession of its passengers;

(3) a common carrier of goods in respect to shipments of currency or negotiable instruments not declared to be such by the shipper;

(4) a traveler's check issuer or its agent in respect to the transportation of travelers' checks prior to their delivery to selling agents for eventual sale to the public.

(c) A transfer of funds through normal banking procedures that does not involve the physical transportation of currency or negotiable instruments is not required to be reported by this section. This section does not require that more than one declaration be filed covering a particular transportation, mailing or shipping of currency or other negotiable instruments with respect to which a complete and truthful declaration has been filed by a person. However, no person required by paragraph (a) of this section to file a declaration shall be excused from liability for failure to do so if, in fact, a complete and truthful declaration has not been filed. A copy of any declaration that is filed shall accompany the currency until its final destination.

Source

RPPL 7-27 § 3[3902], modified.

§ 4104. Requirement to promulgate regulation.

The Division of Customs shall promulgate such regulations as may be necessary to enforce the requirements of this chapter.

Source

RPPL 7-27 § 3[3903], modified.

§ 4105. Availability of information.

(a) If the Division of Customs suspects or has reasonable grounds to suspect that a negotiable instrument or currency is being transported in violation of this chapter, or if the Division of Customs suspects or has reasonable grounds to suspect that any negotiable instrument or currency, regardless of amount, is the proceeds of criminal activity or related to terrorist financing, it shall report the factual basis to the Attorney General, and file a suspicious transaction report with the Financial Intelligence Unit within 48 hours. The report filed with the Financial Intelligence Unit shall be in form and manner set forth

[Header B: **17 PNCA § 4105 CRIMES**

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in regulations promulgated by the Financial Intelligence Unit for this purpose.

(b) The Division of Customs and the Financial Intelligence Unit may make any information set forth in any report received pursuant to this chapter available to another agency of the government or to an agency of a foreign government, upon the request of the head of such department or agency made in writing and stating the particular information desired, and the criminal, tax or regulatory purpose for which the information is sought.

(c) Any information made available under this section to other departments or agencies of the government of Palau, or any foreign government, shall be received by them in confidence, and shall not be disclosed to any person except for official purposes relating to the investigation, proceeding, or matter in connection with which the information is sought.

Source

RPPL 7-27 § 3[3904], modified.

§ 4106. Enforcement authority with respect to transportation of currency or negotiable instruments.

(a) If an officer of the Division of Customs suspects or has reasonable cause to believe that there is a negotiable instrument or currency being transported without the filing of the declaration required by § 4103 of this chapter, he or she may stop and search, without a search warrant, a vessel, aircraft, or other conveyance, envelope, or other container, or person entering or departing from the Republic of Palau with respect to which or whom the officer reasonably believes is transporting such instrument or currency. Such authority shall only be applicable at ports of entry to the Republic of Palau.

(b) If an officer of the Division of Customs suspects or has reasonable cause to believe that a negotiable instrument or currency is the proceeds of a criminal activity or are related to terrorist financing, he or she may stop and search, without a search warrant, a vessel, aircraft, or other conveyance, envelope or other container, or person entering or departing from the Republic of Palau with respect to which or whom the officer reasonably believes is transporting such instrument or currency. Such authority shall only be applicable at ports of entry to the Republic of Palau.

(c) If the Office of the Attorney General has reason to believe that currency or negotiable instruments in an aggregate amount of \$10,000 or more (or its equivalent in foreign

[Header A: **CASH COURIER DISCLOSURE 17 PNCA § 4107**

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currency) are being or have been transported, and no declaration has been filed, or a materially incomplete or inaccurate declaration has been filed, the Office of the Attorney General may apply to the Supreme Court for a search warrant. Upon a showing of probable cause, the court may issue a warrant authorizing the search of any or all of the following:

(1) one or more designated persons;

(2) one or more designated or described places or premises;

(3) one or more designated or described letters, parcels, packages, or other physical objects;

(4) one or more designated or described vehicles.

(d) If an officer of the Division of Customs has reasonable cause to believe that a negotiable instrument or currency is being transported without the filing of the declaration required by § 4103 of this chapter, or that a negotiable instrument or currency is the proceeds of crime or related to terrorist financing, the officer may seize the currency or negotiable instrument and hold them for a period of 14 calendar days pending investigation of the matter. For good cause shown, the Office of the Attorney General may apply to the Supreme Court for additional 14-day extensions of this period.

Source

RPPL 7-27 § 3[3905], modified.

§ 4107. Penalties.

The penalties stated below are in addition to any criminal or civil penalties which may be imposed under any other provisions of law applicable in the Republic of Palau.

(a) Administrative penalty. For any failure to file a declaration required under this chapter, or for filing such a declaration containing any material omission or misstatement, the Chief of the Division of Customs may assess an administrative penalty of 5% of the amount of the currency or negotiable instruments transported, mailed, or shipped.

(b) Civil penalty. The Attorney General may bring a civil action in the Republic of Palau against any person who willfully violates the requirements of this chapter. Upon proof by a preponderance of the evidence that such person committed the offense, the person shall

[Header B: 17 PNCA § 4107 CRIMES

]

be subject to a civil penalty not to exceed twice the amount of the currency or negotiable instruments carried, or attempted to be carried, by the defendant. Willfulness may be inferred through objective factual circumstances.

(c) Penalties applicable to corporate entities. Corporate entities, other than the Republic of Palau, on whose behalf or for whose benefit a violation of § 4103 has been committed by one or their agents or representatives, shall be fined in an amount equal to two times the fines specified for natural persons. In the case of corporate entities that are found guilty of three or more offenses under § 4103 within a five-year period, such entities may be:

(1) permanently or for a minimum of five years banned from directly or indirectly carrying on the business activities in the Republic of Palau for which they are licensed or conducted at the time of the offense;

(2) ordered to close permanently; or

(3) required to publicize the judgment in the press or by radio or television.

Source

RPPL 7-27 § 3[3906], modified.

§ 4108. Applicable law for rulemaking and regulations.

The Administrative Procedure Act, 6 PNC Chapter 1, shall apply for all rules and regulations promulgated under this chapter.

Source

RPPL 7-27 § 3[3907], modified.

[Header A: **TERRORISM 17 PNCA § 4201**

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[Footer A: Supp. 5 17 - 147]

CHAPTER 1

Terrorism

Subchapter 1

General Provisions

§ 4201. Short title.

§ 4202. Definitions.

§ 4203. Application, jurisdiction, and enforcement.

§ 4204. Terrorist acts.

§ 4205. Criminal penalties; criminal complicity and inchoate offenses; no time limitation on prosecution; detention of suspected terrorists.

§ 4206. Criminal forfeiture.

§ 4207. Liability of legal persons and foreign governments.

§ 4208. Civil penalties; reimbursement.

§ 4209. Civil forfeiture.

§ 4210. Private causes of action for terrorism.

§ 4211. Injunctions.

§ 4212. Duty to take measures.

§ 4213. Extradition.

§ 4214. Mutual legal assistance.

§ 4215. Intelligence sharing.

§ 4216. No asylum.

§ 4217. Prevention.

§ 4218. Transfer of persons.

§ 4219. Other rights, obligations and responsibilities not affected; no liability for actions taken in good faith.

§ 4220. Resolution of disputes

§ 4221. Implementing regulations.

§ 4201. Short title.

This chapter shall be called the “Counter-Terrorism Act of 2007.”

Source

RPPL 7-28 § 2.

Notes

Section 1. Findings and purpose. The Olbiil Era Kelulau finds that the worldwide escalation of terrorism in

[Header B: **17 PNCA § 4201 CRIMES**

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all its forms and manifestations endangers and takes innocent human lives, jeopardizes fundamental freedoms, and seriously impairs the dignity of human beings. Everyone has the right to life, liberty, and security of person. The United Nations Security Council Resolution 1373 of September 28, 2001 mandates that all UN member States take specific and immediate measures to prohibit and criminalize the financing of terrorism. The Special Recommendations on Terrorist Financing issued by the Financial Action Task Force on Money Laundering on October 31, 2001, as amended, also calls for taking action to detect, prevent, and suppress the financing of terrorism. The enactment of counter-terrorism legislation is necessary in order to protect the rights of individuals to live in peace, freedom, and security and to fulfill the mandate for enhanced international cooperation to combat terrorism. The Olbiil Era Kelulau enacts this legislation for the purpose of implementing into the national law the international terrorism conventions to which Palau is a party, and relevant criminal provisions of related international conventions, the United Nations Security Council Resolutions 1373 and 1526, and the Financial Action Task Force Special Recommendations on Terrorist Financing. This legislation creates a comprehensive legal framework covering all aspects of terrorism, both domestic and international, dedicated to the prevention, repression, and elimination of terrorism in all its forms and manifestations in Palau.

§ 4202. Definitions.

For the purposes of this chapter:

(a) “alleged offender” means a person as to whom there is sufficient evidence to determine *prima facie* that such person has engaged in terrorism or any person who is listed by the United Nations 1267 Sanctions Committee, listed on the Committee List as referenced in the United Nations Security Resolution 1526, listed on any such list officially adopted or approved by the United Nations Security Council, or listed under United States Executive Order 13224;

(b) “biological agent” means any microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or any naturally occurring or bio-engineered component of any such microorganism, virus, infectious substance, or biological product, capable of causing:

(1) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(2) deterioration of food, water, equipment, supplies, or material of any kind; or

(3) deleterious alteration of the environment;

(c) “biological weapon” means the following, together or separately, a:

(1) biological agent;

[Header A: **TERRORISM 17 PNCA § 4202**

]

(2) toxin; or

(3) delivery system;

that has been developed, produced, transferred, acquired, retained, or possessed for use as a weapon; provided, however, for purposes of this section, the term “for use as a weapon” does not include the development, production, transfer, acquisition, retention, or possession of any biological agent, toxin or delivery system for prophylactic, protective, or other peaceful purposes;

(d) “chemical weapon” means, together or separately:

(1) a toxic chemical and its precursors, except where intended for a purpose not prohibited by law, as long as the type and quantity is consistent with such purpose;

(2) a munition or device, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subsection (1) of this subsection, which would be released as a result of the employment of such munition or device; or

(3) any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subsection (2);

(e) “continental shelf” means the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance; and as extended by law;

(f) “crime(s) established by this chapter” means:

(1) the terrorist act offense established by section 4204 under the General Provisions of Subchapter 1;

(2) the offenses established under other subchapters of this chapter giving effect to the criminal provisions of the international terrorism conventions, including: financing of terrorism prohibited (section 4225); weapons of mass destruction offenses (section 4235); internationally protected persons offenses (section 4242);

[Header B: **17 PNCA § 4202 CRIMES**

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hostage-taking offenses (section 4246); terrorist bombing offenses (section 4252); prohibition on plastic explosives; offenses (section 4256); civil aviation offenses (section 4262); maritime offenses (section 4272); nuclear material offenses (section 4281); or

(3) the criminal complicity and inchoate offenses established by subsection (c) of section 4205;

(g) “delivery system” means, with respect to biological weapons:

(1) any apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector; or

(2) any vector.

(h) “engage(s) in” with respect to terrorist acts, terrorism offenses, and terrorism, means in an individual capacity or as a member of an organization:

(1) to perpetrate, commit, or carry out or to incite to commit or carry out;

(2) to threaten, attempt, solicit, or conspire to carry out or commit;

(3) to prepare or plan;

(4) to gather information on potential targets for;

(5) to solicit, collect or provide property or other things of value, with the knowledge or intention that the property or other things of value will be used:

(i) for terrorism; or

(ii) by a terrorist organization;

(6) to solicit, recruit, or train any person:

(i) to engage in terrorism;

(ii) to engage in conduct otherwise described in this section or prohibited by this chapter; or

(iii) for membership in a terrorist organization; or

(7) to commit or carry out an act that the actor knows, or reasonably should know, affords material support, including a safe house, transportation, communications, property, transfer of property or other material benefit, false documentation or identification, weapons, including, without limitation, chemical, biological, or radiological weapons, explosives, or training:

(i) for terrorism;

(ii) to any individual whom the actor knows, or reasonably should know, engages in terrorism; or

(iii) for a terrorist organization;

(i) “fixed platform” means an artificial island, installation, or structure permanently attached to the seabed for the purpose of exploration or exploitation of resources or for other economic purposes;

(j) “foreign government” means any foreign state or nation, or any agency, instrumentality or political subdivision of any such government or nation, whether or not it is engaging in legal activities or is operating legally or in a lawful manner;

(k) “foreign national” means a natural person who is neither a citizen nor a national of Palau;

(l) “foreign state” means:

(1) any country other than Palau; and

(2) every constituent part of such country, including a territory, dependency or protectorate which administers its own laws;

(m) “freeze” means to prohibit the transfer, conversion, disposition, or movement of funds or other assets on the basis of, and for the duration of the validity of, an action initiated by a competent authority or a court under a freezing mechanism;

(n) “in flight” means, with respect to aircraft, at any time from the moment when all the external doors are closed following embarkation until the moment when any such door is opened for disembarkation; provided, however, in the case of a forced landing, the flight shall be deemed to continue until the competent authorities take over the responsibility for the aircraft and for persons and property on board;

(o) “infrastructure facility” means any publicly or privately owned facility providing or distributing services for the benefit of the public, such as water, sewage, energy, fuel or communications;

(p) “in service” means, with respect to aircraft, from the beginning of the pre-flight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; and, the period of service shall, in any event, extend for the entire period during which the aircraft is in flight;

(q) “internationally protected person” means and includes:

(1) a head of state, including any member of a collegial body performing the functions of a head of state under the constitution of the state concerned, a head of government or a minister of foreign affairs, whenever any such person is in a foreign state, as well as members of such person’s family who accompany him or her;

(2) any representative or official of the Republic of Palau or of a foreign state, or any official or other agent of an international organization of an intergovernmental character who, at the time when and in the place where a crime against such person, the person’s official premises, private accommodation or means of transport is committed, is entitled pursuant to international law to special protection from any attack on his or her person, freedom or dignity, as well as members of such person’s family forming part of the person’s household;

(r) “international terrorism conventions” means and includes:

(1) the “Convention on Offences and Certain Other Acts Committed on Board Aircraft”, convened in Tokyo on September 14, 1963 (deposited with the International Civil Aviation Organization);

(2) the “Convention for the Suppression of Unlawful Seizure of Aircraft”, convened at The Hague on December 16, 1970 (deposited with the International Civil Aviation Organization);

(3) the “Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation”, convened in Montreal on September 23, 1971 (deposited with the International Civil Aviation Organization);

(4) the “Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents”, adopted by the General Assembly of the United Nations on December 14, 1973 (deposited with the Secretary-General of the United Nations);

(5) the “International Convention against the Taking of Hostages”, adopted by the General Assembly of the United Nations on December 17, 1979 (deposited with the Secretary-General of the United Nations);

(6) the “Convention on the Physical Protection of Nuclear Material”, opened for signature in New York and Vienna on March 3, 1980 (deposited with the Director General of the International Atomic Energy Agency);

(7) the “Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, convened in Montreal on February 24, 1988, and supplementary to the 1971 Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation” (deposited with the International Civil Aviation Organization);

(8) the “Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation”, convened in Rome on March 10, 1988 (deposited with the International Maritime Organization);

(9) the “Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf”, convened in Rome on March 10, 1988 (deposited with the International Maritime Organization);

(10) the “Convention on the Marking of Plastic Explosives for the Purpose of Detection”, convened in Montreal on March 1, 1991 (deposited with the International Civil Aviation Organization);

(11) the “International Convention for the Suppression of Terrorist Bombings”, adopted by the General Assembly of the United Nations on December 15, 1997 (deposited with the Secretary-General of the United Nations);

(12) the “International Convention for the Suppression of the Financing of Terrorism”, adopted by the General Assembly of the United Nations on December 9, 1999 (deposited with the Secretary-General of the United Nations); and

(13) any conventions regarding terrorism to which Palau becomes a state party.

(s) “key component of a binary or multi-component chemical system” means, with respect to precursors and chemical weapons, the precursor which plays the most

important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multi-component system;

(t) “Minister of Justice” means the Minister of Justice of the Republic of Palau, and includes any person to whom the Minister of Justice delegates authority to carry out the duties and responsibilities of the Minister of Justice established by this chapter;

(u) “nuclear material” has the same meaning as defined in the Convention on the Physical Protection of Nuclear Material;

(v) “Palau” means the Republic of Palau, and every part of the territory of Palau, including the marine space and the territorial sea and the airspace above the territory of Palau, and also includes all governments of Palau;

(w) “person” means and includes both natural and legal persons and any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, whether or not it is engaging in legal activities or is operating legally and in a lawful manner;

(x) “place of public use” means those parts of any building, land, street, waterway or other location that are accessible or open to members of the public, whether continuously, periodically or occasionally, and encompasses any commercial, business, cultural, historical, educational, religious, governmental, entertainment, recreational or similar place that is so accessible or open to the public;

(y) “plastic explosive” means an explosive material in flexible or elastic sheet form formulated with one or more high explosives which in their pure form has a vapor pressure less than 10^{-4} Pa at a temperature of 25° Celsius, is formulated with a binder material, and is as a mixture malleable or flexible at normal room temperature;

(z) “precursor” means, with respect to chemical weapons, any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multi-component chemical system;

(aa) “proceeds” means any property derived from or obtained, directly or indirectly, through or from terrorism;

(bb) “property” means real and personal property of every kind whatsoever;

(cc) “public transportation system” means all facilities, conveyances, and instrumentalities, whether publicly or privately owned, that are used in or for publicly available services for the transportation of persons or cargo;

(dd) “purpose not prohibited by law” with respect to chemical weapons, means:

(1) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes;

(2) protective purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

(3) military purposes of Palau that is not connected with the use of a chemical weapon or that is not dependent on the use of the toxic or poisonous properties of the chemical weapon to cause death or other harm; and

(4) law enforcement including domestic riot control purposes;

(ee) “serious bodily injury” means physical pain, illness or any impairment of physical condition that creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ;

(ff) “serious offense” means any act committed in Palau that is punishable by a period of imprisonment of more than one year and any act committed abroad, which constitutes a felony if it had been committed in Palau;

(gg) “ship” means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft;

(hh) “state or government facility” means any permanent or temporary facility or conveyance that is used or occupied by representatives of a country, members of government, the legislature, or the judiciary, or by officials or employees of a country or any other public authority or entity, or by employees or officials of an intergovernmental organization in connection with their official duties;

(ii) “substantial property damage” means damage in an amount exceeding \$10,000;

(jj) “terrorism” means terrorism offenses and terrorist acts;

(kk) “terrorism offense” means:

(1) any crime established by this chapter;

(2) any crime established by the Palau National Code and declared to be a terrorism offense by the Olbiil Era Kelulau;

(3) any crime established by an international terrorism convention;

(4) any crime recognized under international humanitarian law as a terrorism offense; and

(5) any crime established under the law of a foreign state, where such crime, if committed in Palau, would constitute a terrorism offense under the Palau National Code;

(ll) “terrorist” means a person who engages in terrorism;

(mm) “terrorist act” means any act that is intended, or by its nature or context can be reasonably regarded as intended, to advance political, ideological, or religious causes, by intimidating the public or any portion of the public, or by compelling or attempting to compel a government or an international or regional organization to do or refrain from doing any act, and:

(1) involves the seizing or detaining, and threatening to kill, injure, harm, or continue to detain, another person;

(2) endangers the life of any person;

(3) creates a risk to the health or the safety of the public, or to any portion of the public;

(4) endangers the national security or national defense of any country;

(5) involves substantial damage to property;

(6) involves the hijacking, seizure or sabotage of any conveyance (including an aircraft, vessel, ship, or vehicle), or of any fixed platform attached to the continental shelf;

(7) involves any act that is designed to disrupt or destroy an electronic system, including, without limitation:

(i) an information system;

(ii) a telecommunications system;

(iii) a financial system;

(iv) a system used for the delivery of essential government services;

(v) a system used for, or by, an essential public utility; or

(vi) a system used for, or by, a transport system; or

(8) involves any act that is designed to disrupt the provision of essential emergency services such as the police, civil defense, or medical services;

(nn) “terrorist organization” means a group composed of two or more persons, whether organized or not, that engages in terrorism;

(oo) “toxic chemical” means any chemical which through its chemical action on life processes can cause death, temporary incapacitation, or permanent harm to humans or animals, and includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions, or elsewhere;

(pp) “toxin” means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of production, including:

(1) any poisonous substance or biological product that may be engineered as a result of biotechnology produced by a living organism; or

(2) any poisonous isomer or biological product, homolog, or derivative of such a substance;

(qq) “vector” means, with respect to delivery systems and biological weapons, a living organism, or molecule, including a recombinant molecule, or biological product that may be engineered as a result of biotechnology, capable of carrying a biological agent or toxin to a host;

(rr) “weapon of mass destruction” means, any:

(1) chemical weapon or any other weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or its precursors;

(2) biological weapon, or any other weapon involving a disease organism; or

(3) nuclear material, weapon, or device, and any other weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

Source

RPPL 7-28 § 3, modified.

Notes

Some of the words defined were assigned different subsection letters to put all words in alphabetical order.

§ 4203. Application, jurisdiction, and enforcement.

Ministry of Justice shall have primary enforcement authority for this chapter.

(a) Palau shall have and take jurisdiction over and prosecute any crime established by this chapter when the offense:

(1) is committed in Palau;

(2) is committed by a Palau citizen or national;

(3) is committed on board an aircraft or ship:

(A) registered under Palau national law at the time the offense was

[Header A: **TERRORISM 17 PNCA § 4204**

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committed; or

(B) operating under or flying the Palau flag;

(i) which lands in the territory of the Republic of Palau with the alleged offender still on board; or

(ii) leased or chartered without crew to a lessee who has its principal place of business in Palau, or who is a habitual resident of Palau;

(4) is committed against or on board a fixed platform while it is located on Palau's continental shelf;

(5) was directed towards or resulted in the carrying out of a crime against a Palau citizen or national, or during its commission a Palau citizen or national is seized, threatened, injured or killed;

(6) was directed towards or resulted in the carrying out of a crime against the government of Palau or a Palau government facility abroad, including diplomatic or consular premises of Palau;

(7) was directed towards or resulted in a crime committed in an attempt to compel Palau to do or abstain from doing any act;

(8) was committed by a stateless person whose habitual residence is in Palau; or

(9) is committed in a foreign state by an alleged offender who is present in Palau, and the alleged offender is not extradited to a foreign state that has established jurisdiction over the offense or the alleged offender.

(b) Application of any provisions of this chapter, relating to or implementing the provisions of any international terrorism convention or protocol, shall conform to and meet the requirements of the particular convention or protocol, and shall be subject to the exclusions and jurisdictional requirements contained therein.

Source

RPPL 7-28 § 4, modified.

[Header B: 17 PNCA § 4205 CRIMES

]

§ 4204. Terrorist acts.

It shall be a crime, punishable by the penalties established by section 4205, for any person to knowingly, by any means, directly or indirectly, engage in a terrorist act.

Source

RPPL 7-28 § 5, modified.

§ 4205. Criminal penalties; criminal complicity and inchoate offenses; no time limitation on prosecution; detention of suspected terrorists.

(a) Crimes established by this chapter resulting in the death of any natural person, are punishable by a minimum term of imprisonment of ten (10) years and a maximum term of life, and unless otherwise expressly provided, a maximum fine of \$1,000,000. All other crimes established by this chapter, unless otherwise expressly provided, are punishable by a minimum term of imprisonment of twenty (20) years and a maximum term of life, and unless otherwise expressly provided, a maximum fine of \$1,000,000, and in every case. The court shall not place on probation any person convicted of such a crime, nor shall the term of imprisonment imposed run concurrently with any other term of imprisonment.

(b) In lieu of the amount of the fine otherwise authorized by this chapter, and in addition to any term of imprisonment, a defendant who derived profits or other proceeds from a crime established by this chapter may be fined not more than twice the gross profits or other proceeds, where the profits or proceeds from the offense exceed the maximum assessable fine.

(c) A person also commits a crime, punishable by the same penalties established by subsection (a), if that person knowingly:

(1) attempts or conspires to commit;

(2) participates as an accomplice in; or

(3) organizes or directs others to commit;

any crime established by this chapter.

(d) Any person who threatens to commit any crime established by this chapter shall, upon conviction, be subject to a minimum term of imprisonment of five (5) years and a

[Header A: **TERRORISM 17 PNCA § 4206**

]

maximum term of life, or a fine of not more than \$250,000, or both.

(e) Notwithstanding any other provision of law, there shall be no limitation of time on when a prosecution for a crime established by this chapter can be brought. In situations of urgency, where there are reasonable grounds to believe that detention of any person is necessary to prevent terrorism from occurring, or to prevent any person from interfering with an investigation relating to suspected terrorism, any law enforcement officer, immigration officer, or customs official in Palau shall be authorized to detain such person for a period of 48 hours for purposes of investigation; provided, however, such period of detention may be extended by court order for an additional seven (7) days, without the filing of criminal charges against such person.

(f) The court, in imposing sentence on any person convicted of a terrorism offense, shall order, in addition to any other sentence imposed, that the person forfeit to Palau all property described in section 4206.

Source

RPPL 7-28 § 6, modified.

§ 4206. Criminal forfeiture.

(a) Any person convicted of a terrorism offense shall be required to forfeit to Palau, irrespective of any other provision of law:

(1) any property used or intended to be used by a person involved in the offense;

(2) any property constituting or derived from proceeds the person obtained, directly or indirectly, from the offense; and

(3) any property used in any manner or part, to commit, or to facilitate the commission of, such offense.

Such a forfeiture shall be ordered by the Supreme Court when any such person is convicted upon a finding supported by a preponderance of the evidence that any particular property is within one or more of the categories in section 4206(a)(1), (2), or (3).

(b) When the specific property cannot be identified, found, or recovered, the court shall confiscate property of equal value from the owner of the property in question.

[Header B: **17 PNCA § 4206 CRIMES**

]

(c) Any instrument executed free of charge or for a consideration *inter vivos* or *mortis causa*, the purpose of which is to safeguard property from confiscation measures as provided in this section, is void. In the case of the nullification of a contract involving payment, the buyer is reimbursed only for the amount actually paid.

(d) Weapons of mass destruction, plastic explosives, and nuclear material shall be seized, confiscated, and forfeited to Palau; and the Minister of Justice shall provide for their destruction or other appropriate disposition.

(e) For the purposes of forfeiture proceedings under this section, a temporary restraining order and seizure warrant may be entered upon application of the Attorney General without notice or opportunity for a hearing when an information or complaint has not yet been filed with respect to the property, where there is probable cause to believe that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture under this section and exigent circumstances exist that place the life or health of any person in danger.

(f) The provisions of this section shall be implemented without prejudice to the property rights of third parties acting in good faith.

(g) The owner or possessor of any property seized under this section shall be liable to Palau for any expenses incurred incident to the seizure, including any expenses relating to the handling, storage, transportation, and destruction or other disposition of the seized property.

Source

RPPL 7-28 § 7, modified.

§ 4207. Liability of legal persons and foreign governments.

(a) Legal persons and any foreign government shall be liable in the same manner and to the same extent as any natural person for any terrorism offense.

(b) The maximum assessable fine for legal persons and foreign governments shall be increased by ten times the amount assessable in the case of a natural person.

(c) Where, in proceedings for a violation of this chapter, it is necessary to establish the state of mind of a legal person, it is sufficient to show that a director, officer, or agent who engaged in the conduct within the scope of his or her actual apparent authority, had

[Header A: **TERRORISM 17 PNCA § 4208**

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that state of mind. Where, in proceedings for a violation of this chapter, it is necessary to establish the state of mind of a foreign government, it is sufficient to show that its agent engaged in the conduct within the scope of his or her apparent authority, and had that state of mind.

(d) Any conduct engaged in by:

(1) a director, officer, agent of a legal person, or an agent of a foreign government, within the scope of his or her actual or apparent authority; or

(2) any other person at the direction, with the consent of or by agreement, whether express or implied, of a director, officer, agent of the legal person, or agent of a foreign government, where the giving of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, officer, or agent;

shall be deemed, for the purposes of this chapter, to have also been engaged in by the legal person or the foreign government.

(e) Legal persons who are found to have committed or aided any offense under this chapter may additionally be:

(1) banned for a minimum period of five (5) years from directly or indirectly carrying on certain business activities;

(2) ordered to permanently close their premises that were used for the commission of the offense;

(3) dissolved if they were created for the purpose of committing the offense; and

(4) required to publicize the judgment in the press or any other audiovisual media.

Source

RPPL 7-28 § 8, modified.

[Header B: 17 PNCA § 4208 CRIMES

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§ 4208. Civil penalties; reimbursement.

(a) The Attorney General may bring a civil action in Palau against any person who commits a crime established by this chapter, and upon proof by a preponderance of the evidence that such person committed the offense, the person shall be subject to pay a civil penalty in an amount not to exceed \$25,000,000 for each such offense.

(b) The imposition of a civil penalty under subsection (a) does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to Palau or any other person.

(c) The court shall order any person convicted of a crime established by this chapter to reimburse Palau for any expenses incurred by Palau incident to investigation and prosecution for the offense, including, without limitation, the seizure, storage, handling, transportation, destruction, or other disposition of any property that was seized in connection with an investigation of the commission of the offense by that person.

(d) A person ordered to reimburse Palau pursuant to subsection (c) shall be jointly and severally liable for such expenses with each other person, if any, who is ordered under subsection (c) to reimburse Palau for the same expenses.

Source

RPPL 7-28 § 9, modified.

§ 4209. Civil forfeiture.

(a) The Attorney General may apply to the court for an order forfeiting property to Palau, and the court shall order forfeiture thereof, upon proof by a preponderance of the evidence, that the property:

(1) is owned, possessed, used or intended to be used by a person in the commission of a terrorist act;

(2) constitutes, is derived from, or is money proceeds which a person obtained, directly or indirectly, as the result of a terrorist act; or

(3) was used or intended to be used in any manner or part to commit, or to facilitate the commission of a terrorist act.

[Header A: **TERRORISM 17 PNCA § 4210**

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(b) Notice of civil forfeiture and rights of third parties.

(1) The Attorney General shall give no less than fourteen (14) days written notice of the application for civil forfeiture, to any person known to own, control, or have an interest in the subject property;

(2) Notice of the application shall be given to such other persons who may have an interest in the property, as ordered by the court.

(3) Any persons claiming an interest in the subject property shall be given an opportunity to be heard in the proceedings, and if the person demonstrates by a preponderance of the evidence that such a claimant did not participate or attempt to participate in any terrorist act, has a *bona fide* interest in the property, and is not a member of a terrorist group, the court shall order that such interest shall not be affected by the civil forfeiture order, and the court shall declare the nature and extent of any such interest.

(4) Notwithstanding the above, if a person obtains an interest in property after it has been used in the commission or attempted commission of a terrorist act, no order shall be made under subsection (3) above with respect to that interest unless the person is a *bona fide* purchaser for value, without reason to suspect that the property was used in the commission or attempted commission of a terrorist act.

(5) After a civil forfeiture order is entered, a person claiming an interest in the forfeited property may, within six (6) months of the date of the entry of the order, request relief from the operation of the order under subsection (3) above, unless such person had knowledge of the application for the civil forfeiture order before the order was made or appeared at the hearing on the application.

(c) Voidable transfers. The court may set aside any conveyance or transfer of any property which was seized, forfeited, or is subject to seizure or forfeiture under sections 4206, 4208 or 4209 of this chapter, unless the conveyance or transfer was made for valuable consideration to a person acting in good faith and without notice.

Source

RPPL 7-28 § 10, modified.

[Header B: 17 PNCA § 4212 CRIMES

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§ 4210. Private causes of action for terrorism.

(a) Any Palau citizen or national injured in his or her person, property, or business by reason of terrorism, or his or her estate, survivors, or heirs, may sue therefore in the Palau court and shall recover threefold the damages he or she has sustained, and the cost of the suit, including reasonable attorney fees.

(b) A final judgment or decree rendered in favor of Palau in any criminal proceeding relating to a terrorism offense shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

(c) A final judgment or decree rendered in favor of any foreign state in any criminal proceeding relating to a terrorism offense shall, to the extent that such judgment or decree may be accorded full faith and credit under the laws of Palau, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil

[Header B: 17 PNCA § 4210 CRIMES

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proceeding under this section.

(d) No action shall be maintained under subsection (a) for injury or loss by reason of an act of war.

(e) No action shall be maintained under subsection (a) against Palau, an agency of Palau, or an officer or employee of Palau, or any agency thereof acting within his or her official capacity or under color of legal authority.

Source

RPPL 7-28 § 11.

§ 4211. Injunctions.

The Republic of Palau may obtain, in a civil action, an injunction against the development, production, stockpiling, transferring, acquisition, retention, or possession of any:

(a) biological agent, toxin, or delivery system of a type or in a quantity that under the circumstances has no apparent justification for prophylactic, protective, or other peaceful purposes; or

(b) toxic chemical or precursor, of a type or in a quantity that under the circumstances has no apparent justification for a purpose not prohibited by law or the “United Nations Convention on the Prohibition of the Development, Production, Stockpiling, and Use of Chemical Weapons and on their Destruction”.

Source

RPPL 7-28 § 12, modified.

§ 4212. Duty to take measures.

The Minister of Justice shall take appropriate measures to implement all provisions of this chapter, including, but not limited to:

(a) establish Palau’s jurisdiction over and prosecute every crime established by this chapter;

(b) investigate terrorism, and upon receiving information that an alleged offender may be present in Palau, shall take the person into custody and take other appropriate measures to

[Header A: **TERRORISM 17 PNCA § 4212**

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ensure the alleged offender’s presence for the purpose of prosecution;

(c) take into custody and extradite any alleged offender who is present in Palau, and who is subject to arrest and detention for purposes of extradition pursuant to the Extradition and Transfer Act of 2001, Chapter 10 of Title 18 of the Palau National Code;

(d) provide early warning and furnish any relevant information in the possession of Palau to those countries which the Minister of Justice believes would have jurisdiction, where there is reason to believe that a terrorism offense has been or will be committed;

(e) identify, detect, freeze, seize, and obtain forfeiture of any property used or allocated for the purpose of committing any terrorism offense as well as the proceeds derived from such offenses;

(f) serve as the national focal point with respect to all matters relating to the international terrorism conventions, and to implement, conform to, and abide by the express requirements of any international terrorism convention to which Palau is a party, in carrying out any functions under this chapter, and to ensure that any person, regarding whom the measures referred to in this section are being taken, shall be afforded the protections to which such person is expressly entitled under the relevant international terrorism convention;

(g) prevent the cross border movement of terrorists, and to track the movement of such persons, and of persons who are members of terrorist organizations;

[Header B: 17 PNCA § 4212 CRIMES

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(h) prevent the admission of terrorists into Palau, except as may be necessary to secure that person's presence for the purpose of extradition or prosecution for a terrorism offense;

(i) prevent attacks on the person, freedom, or dignity of internationally protected persons;

(j) prevent the movement into or out of Palau, of unauthorized plastic explosives (especially, unmarked plastic explosives), and to prevent their manufacture;

(k) provide timely notification of the fact that a person is in custody and of the circumstances which warrant that person's detention, directly, or through the depositary of the relevant international terrorism convention, when Palau has taken a person into custody or has taken other measures with respect to any person pursuant to this section to:

(1) the appropriate authorities of the country of which the detained person is a

[Header B: 17 PNCA § 4212 CRIMES

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citizen or national, if the person is not a citizen or national of Palau;

(2) the state party to the relevant international terrorism convention that have established jurisdiction over the person or the offense in question in accordance with the convention, and to the depositary of the convention;

(3) the country of registration of the aircraft, in cases involving aircraft;

(4) the country whose flag the ship was flying, in cases involving ships;
and

(5) any other foreign state or interested person, if the Minister of Justice considers it advisable; and

(l) order the freezing of property, by administrative decision, of individuals and organizations designated by the United Nations Security Council acting under Chapter VII of the United Nations Charter. Any individual or organization whose property has been frozen pursuant to this section and asserts that they were included on the list as the result of an error may seek to have their name removed from the list by submitting a request to this effect within thirty (30) days of the publication of the list to the agency who ordered the freezing, indicating all factors that could demonstrate the error. The agency's decision with respect to this request may be appealed to the Supreme Court of the Republic of Palau, but shall in no event be stayed or vacated pending a final decision by the court.

[Header A: **TERRORISM 17 PNCA § 4215**

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Source

RPPL 7-28 § 13, modified.

§ 4213. Extradition.

(a) Terrorism offenses are hereby declared to be extraditable offenses.

(b) Extradition for terrorism offenses shall be carried-out pursuant to and in accordance with the Extradition and Transfer Act of 2001, Chapter 10 of Title 18 of the Palau National Code.

(c) For the purpose of extradition, a terrorism offense shall be treated, as if it had been committed not only in the place in which it occurred but also in the territory of any state party to an international terrorism convention that is required to establish jurisdiction over the offense in accordance with that convention.

Source

RPPL 7-28 § 14.

§ 4214. Mutual legal assistance.

(a) The Attorney General is authorized to make requests on behalf of Palau to the appropriate authority of a foreign state, or grant requests of a foreign state, for legal assistance in any investigation or proceeding relating to terrorism, or a terrorist organization.

(b) Mutual legal assistance provided under this chapter shall be carried-out pursuant to and in accordance with the Mutual Assistance in Criminal Matters Act of 2001, Chapter 13 of Title 18 of the Palau National Code, which is hereby amended to expressly allow for the type of assistance authorized by subsection (a), the Money Laundering and Proceeds of Crime Act of 2001 or any memorandum of understanding entered into between the competent authorities on behalf of Palau and the foreign state.

Source

RPPL 7-28 § 15, modified.

[Header B: 17 PNCA § 4215 CRIMES

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§ 4215. Intelligence sharing.

The Minister of Justice, the Attorney General, the Financial Intelligence Unit, and other law enforcement authorities and officers of Palau designated by the Minister of Justice shall be freely authorized and encouraged to share and disclose intelligence information relating to terrorism, terrorist organizations, transnational organized crime, illicit drugs, money-laundering, illegal arms-trafficking, and illegal movement of nuclear, chemical, biological and other potentially deadly materials, and to provide early warning of such matters to the competent law enforcement authorities of:

(a) any foreign state that is a state party to an international terrorism convention in respect of which Palau is also a party;

(b) any foreign state that is a member of the Pacific Islands Forum;

(c) the United States, in accordance with the duties and responsibilities of Palau under the Compact of Free Association with the United States; and

(d) any other foreign state that is a member of the United Nations.

Notwithstanding the above, any restrictions on the use or disclosure of the information by the granting agency shall be binding on the receiving agency. Where a request from a foreign state requires that its existence and substance be kept confidential, such requirement shall be observed except to the extent necessary to give effect to the request. If that is not possible, the requesting authorities shall be promptly informed to that effect.

Source

RPPL 7-28 § 16.

§ 4216. No asylum.

(a) Palau shall not grant refugee status or provide asylum or safe haven to any terrorist or to any alleged offender.

(b) Any alleged offender who is denied asylum or safe haven in accordance with subsection (a) may petition the court for a hearing, to be given priority over other matters. Such hearing shall be conducted for the purpose of determining, by a preponderance of the evidence, whether such person has engaged in terrorism. During the pendency of such proceedings, the alleged offender may be detained under such

[Header A: **TERRORISM 17 PNCA § 4218**

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conditions as the court deems just and proper.

Source

RPPL 7-28 § 17.

§ 4217. Prevention.

(a) Palau shall cooperate with the competent authorities of the United States and other members of the United Nations and the Pacific Islands Forum in the prevention of terrorism by taking all practicable measures to prevent and counter preparations in the Republic of Palau for the perpetration of terrorism within or outside the territory of Palau, including measures to prohibit illegal activities of persons and organizations that knowingly encourage, instigate, organize, finance, or engage in terrorism.

(b) Palau shall further cooperate in the prevention of terrorism by exchanging accurate and verified information to provide early warning of possible terrorism, in particular by:

(1) establishing and maintaining channels of communication to facilitate the secure and rapid exchange of information concerning all aspects of terrorism and terrorist organizations;

(2) exchanging accurate and verified entry and exit data and information for ports of entry into Palau, including airports and seaports, and coordinating administrative and other measures taken, as appropriate, to prevent the cross border movement of terrorists, and to track their movement and the movement of members of terrorist organizations; and

(3) conducting inquiries, with respect to terrorists and members of terrorist organizations, concerning:

(i) the identity, whereabouts, and activities of persons of whom reasonable suspicion exists that they engage in terrorism or are members of a terrorist organization;

(ii) the movement of property linked to persons who engage in terrorism or who are members of a terrorist organization;
and

(iii) participation in research and development, and exchange of information regarding methods of detection of cross border movement of

[Header B: **17 PNCA § 4218 CRIMES**

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terrorists and members of terrorist organizations, including detection of forged or falsified travel documents, trafficking of arms, explosives, illicit drugs, contraband, or sensitive materials, and cross-border movement of nuclear, chemical, biological, and other potentially deadly materials, or use of communication technologies by terrorist groups.

Source

RPPL 7-28 § 18, modified.

§ 4218. Transfer of persons.

(a) Transfer of any person who is being detained or is serving a sentence in the territory of Palau or a foreign state, whose presence is requested in Palau or in a foreign state for purposes of identification, testimony, or otherwise providing assistance in obtaining evidence for the investigation or prosecution of a terrorism offense, shall be authorized and allowed where the countries agree on the conditions.

(b) Transfer of such persons shall be carried out pursuant to and in accordance with requirements of the Extradition and Transfer Act of 2001, Chapter 10 of Title 18 of the Palau National Code for convicted persons, whether or not the person to be transferred has already been convicted of an offense.

Source

RPPL 7-28 § 19.

§ 4219. Other rights, obligations and responsibilities not affected; no liability for actions taken in good faith.

(a) Nothing in this chapter shall affect other rights, obligations, and responsibilities of Palau and individuals under international law, in particular the purposes of the Charter of the United Nations, the Compact of Free Association with the United States, international humanitarian law and other relevant conventions.

(b) Nothing in this chapter entitles Palau or any other country to undertake in the territory of the other the exercise of jurisdiction or performance of functions that are exclusively reserved for the authorities of that country by its domestic law.

(c) Persons shall be immune from suit and civil liability for actions taken in good faith

[Header A: **TERRORISM 17 PNCA § 4225**

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pursuant to and in accordance with this chapter.

Source

RPPL 7-28 § 20, modified.

§ 4220. Resolution of disputes.

Any dispute between Palau and any state party to an international terrorism convention concerning the interpretation or application of this chapter relating to application of the convention shall be resolved in accordance with the provisions of the relevant international terrorism convention.

Source

RPPL 7-28 § 21, modified.

§ 4221. Implementing regulations.

Minister of Justice may prescribe rules and regulations reasonably necessary to implement the provisions of this chapter.

Source

RPPL 7-28 § 22, modified.

Subchapter II

Suppression of Financing of Terrorism

§ 4225. Financing of terrorism prohibited.

§ 4226. Prevention of terrorism financing through nonprofit entities.

§ 4227. Seizure and detention of terrorist related property.

§ 4225. Financing of terrorism prohibited.

(a) Any person who by any means, directly or indirectly, or as an accomplice, solicits, provides or collects property, or provides financial or other services, or organizes or directs others to solicit, provide or collect property or provide financial or other services, with the intention that they should be used or in the knowledge that they are to be used, in

[Header B: **17 PNCA § 4225 CRIMES**

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full or in part:

(1) for terrorism;

(2) for the benefit of persons who engage in terrorism, or for the benefit of entities owned or controlled, directly or indirectly, by persons who engage in terrorism; or

(3) for the benefit of persons or entities acting on behalf of or at the direction of any person referred to in subsection (a)(2);

commits a crime, the financing of terrorism, punishable by the penalties established by section 4205 of this chapter.

(b) For an act to constitute an offense under this section it shall not be necessary that the property was actually used to commit or carry out a terrorism offense, or terrorist act.

(c) No consideration of a political, philosophical, ideological, racial, ethnic, religious, or other similar nature may be taken into account in order to justify the commission of any of the aforementioned offenses.

(d) Legal persons and any foreign government shall be liable in the same manner and to the same extent as any natural person for the offense of financing of terrorism.

(e) The maximum assessable fine for legal persons and foreign governments shall be increased by ten times the amount assessable in the case of a natural person.

(f) Where, in proceedings for a violation of this section, it is necessary to establish the state of mind of a legal person, it is sufficient to show that a director, officer, or agent who engaged in the conduct within the scope of his or her actual apparent authority, had that state of mind. Where, in proceedings for a violation of this chapter, it is necessary to establish the state of mind of a foreign government, it is sufficient to show that its agent engaged in the conduct within the scope of his or her apparent authority, and had that state of mind.

(g) Any conduct engaged in by:

(1) a director, officer, or agent of a legal person, or an agent of a foreign government, within the scope of his or her actual or apparent authority;
or

(2) any other person at the direction or with the consent or agreement (whether express or implied) of a director, officer or agent of the legal person, or agent of a foreign government, where the giving of such direction, consent or agreement is within the scope of the actual or apparent authority of the director, officer or agent;

shall be deemed, for the purposes of this chapter, to have also been engaged in by the legal person or the foreign government.

(h) Legal persons who are found to have committed or aided an offense under this section may additionally be:

(1) banned for a minimum period of five (5) years from directly or indirectly carrying on certain business activities within the Republic of Palau;

(2) ordered to close permanently their premises that were used for the commission of the offense;

(3) dissolved if they were created for the purpose of committing the offense; and

(4) required to publicize the judgment in the press or any other audiovisual media.

Source

RPPL 7-28 § 24, modified.

Notes

Section 23 of RPPL 7-28 reads: The purpose of this subchapter is to create offenses relating to the financing of terrorism and to give effect to the “International Convention for the Suppression of the Financing of Terrorism”, to which Palau became a party by accession on November 14, 2001, and other relevant provisions of United Nations Security Council Resolution 1373, and the “Special Recommendations on Terrorist Financing” issued by the Financial Action Task Force on Money Laundering.

§ 4226. Prevention of terrorism financing through nonprofit entities.

(a) No corporation, business, enterprise, partnership, association, or entity, shall be granted charitable or non-profit status in Palau where there are reasonable grounds to believe that any property solicited, collected, held, used, or owned by such corporation, business, enterprise, partnership, association, or entity, may be diverted to a terrorist or a terrorist organization.

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(b) Any donation made to a non-profit corporation, association, or organization in an amount equal to or greater than \$5,000, or any greater amount to be established pursuant to regulations issued by the Financial Intelligence Unit, shall be recorded in a record maintained for the purpose by the non-profit association or organization, containing the full details of the donor, the date, the nature, and the amount of the donation. The record shall be kept for a period of three (3) years and shall be produced at the request of the Financial Intelligence Unit. When the donor of an amount in excess of that amount wishes to remain anonymous, the record may omit the identification, but the association or organization is required to disclose his or her identity at the request of the Financial Intelligence Unit.

(c) Any cash donation in an amount equal to or greater than \$10,000 or any sum established by regulation as promulgated by the Financial Intelligence Unit shall be reported to the Attorney General and the Financial Intelligence Unit pursuant to the procedures as set forth by regulation. A donation of any amount, whether cash or otherwise, shall be reported to the Attorney General and the Financial Intelligence Unit where the donation is suspected of being related to a terrorist operation, the financing of terrorism, or the proceeds of a crime as that term is defined in the Money Laundering and Proceeds of Crime Act.

(d) Any violation of the provisions of this section is punishable by one or more of the following penalties:

(1) a fine of no more than \$10,000;

(2) a temporary ban on the activities of the association or organization of no more than two (2) years; or

(3) the dissolution of the association or organization.

Source

RPPL 7-28 § 25, modified.

§ 4227. Seizure and detention of terrorist related property.

(a) Any Palau law enforcement officer or customs official may seize and, in accordance with this section, detain, any property, that the officer or official has probable cause to believe was derived from or intended for terrorism, financing of terrorism or terrorist organizations, including, without limitation, property being imported into or exported

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from Palau.

(b) Property of, or intended for, terrorist organizations shall be frozen, seized, and in accordance with this section, detained, where the organization has been designated as a terrorist organization by the United Nations Security Council, or by the Minister of Justice pursuant to regulations promulgated pursuant to this chapter, or where there is probable cause to believe that the entity involved is a terrorist organization.

(c) Property detained under subsection (a) or (b) shall not be detained for more than forty-eight (48) hours after seizure, unless a judge of the court grants an order of continued detention for a period not exceeding three (3) months from the date of seizure, upon being satisfied that:

(1) there is probable cause to believe that the property was derived from terrorism, or is intended by any person for use in the commission of a terrorism offense or for a terrorist act; and

(2) the continued detention is justified while:

(i) its origin or derivation is further investigated; or

(ii) consideration is given to the institution in Palau or elsewhere of criminal proceedings against any person for an offense with which the property is connected;

provided, however, upon request by the person from whom the property was seized and detained, the court shall grant a hearing to determine if the order of continued detention is warranted.

(d) A judge of the court may subsequently order, after hearing, with notice to all parties concerned, the continued detention of the property if satisfied of the matters mentioned in subsection (c), but the total period of detention shall not exceed two (2) years from the date of the order.

(e) Subject to subsection (f), property detained under this section may be released in whole or in part to the person on whose behalf the property was imported or exported:

(1) by order of a judge of the court that continued detention is no longer justified, upon application by or on behalf of that person and after considering any

[Header B: 17 PNCA § 4227 CRIMES

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views of the Attorney General to the contrary; or

(2) by an authorized officer or customs official, if satisfied that the continued detention is no longer justified.

(f) No property detained under this section shall be released where an application is made under this chapter or other Palau national law for the purpose of:

(1) confiscation and forfeiture of the whole or any part of the property;

(2) property's restraint pending determination of liability to confiscation and forfeiture; or

(3) proceedings are instituted in Palau, or elsewhere, against any person for a terrorism offense with which the property is connected unless and until the proceedings relating to the relevant application or the proceedings for the offense, as the case may be, have been concluded.

(g) Property seized pursuant to this section shall be subject to confiscation and forfeiture pursuant to sections 4206 and 4209 of this chapter.

Source

RPPL 7-28 § 26, modified.

Subchapter III

Cross-Border Movement of Terrorists

§ 4231. Terrorists inadmissible.

§ 4232. Reports of cross-border movement of terrorists.

§ 4231. Terrorists inadmissible.

(a) The following persons shall be considered inadmissible to Palau for purposes of immigration, or under a temporary visa of any kind, or otherwise, except for the purpose of prosecution or extradition for a terrorist offense.

(1) a foreign national:

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(i) convicted of a terrorism offense; or

(ii) who admits to having engaged in terrorism;

(iii) as to whom there is probable cause to believe such person has engaged in terrorism;

(iv) who the Minister of Justice knows, or has reasonable ground to believe, is engaged in or is likely after entry, to engage in terrorism;

(v) who has used his or her position of prominence within any country to endorse or espouse terrorism, or to persuade others to support terrorism or a terrorist organization, in a way that the Minister of Justice has determined undermines Palau's efforts to reduce or eliminate terrorism;

(vi) who is a representative of a terrorist organization, specified as such in regulations promulgated by the Minister of Justice or designated as a terrorist organization by the United Nations Security Council; or

(vii) who is a representative of a political, social, or other similar group whose public endorsement of terrorism, or terrorist organizations, the Minister of Justice has determined undermines Palau's efforts to reduce or eliminate terrorism;

(2) a foreign national, who the Minister of State, after consultation with the Minister of Justice, determines has been associated with a terrorist organization or terrorism and intends, while in Palau, to engage solely, principally, or incidentally in activities that could endanger the welfare, safety, or security of Palau.

(b) Except as otherwise provided in this section, foreign nationals who are inadmissible under this section, shall be ineligible to be admitted to Palau for any purpose, except, when necessary for the purposes of prosecution or extradition for a terrorism offense, and Title 13 of the Palau National Code is hereby amended to conform to the requirements of this section.

Source

RPPL 7-28 § 27, modified.

[Header B: 17 PNCA § 4235 CRIMES

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§ 4232. Reports of cross-border movement of terrorists.

All airlines, ships, and other entities that provide transportation, conveyance, or freight services to and from Palau shall be authorized and required to immediately report to the Minister of Justice, through disclosure of passenger manifests and any other available means, the intended movement of suspected terrorists into or out of Palau, and information regarding possible forged or falsified travel documents, trafficking of arms, explosives, illicit drugs, contraband, or sensitive materials, and cross-border movement of nuclear, chemical, biological, and other potentially deadly materials.

Source

RPPL 7-28 § 28.

Subchapter IV

Weapons of Mass Destruction

§ 4235. Weapons of mass destruction offenses.

§ 4235. Weapons of mass destruction offenses.

(a) Except as authorized by the President of the Republic of Palau, any person who knowingly, by any means, directly or indirectly, develops, produces, ships, transports, transfers, receives, acquires, retains, possesses, imports, exports, or manufactures a weapon of mass destruction, commits a crime punishable by the penalties established by section 4205 of this chapter; provided, however, if done with the intent to engage in terrorism or with knowledge that the weapon of mass destruction is intended to be used for terrorism, the maximum fine shall be increased to \$100,000,000 for natural persons and \$1,000,000,000 for legal persons.

(b) Any person who, without lawful authority expressly given by the President of the Republic of Palau, uses or deploys a weapon of mass destruction, commits a crime punishable by the penalties established by section 4205 of this chapter; provided, however the maximum fine shall be increased to \$1,000,000,000 for natural persons and \$10,000,000,000 for legal persons.

Source

RPPL 7-28 § 29, modified.

[Header A: **TERRORISM 17 PNCA § 4246**

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Subchapter V

Internationally Protected Persons

§ 4241. Implementation of the convention on internationally protected persons.

§ 4242. Internationally protected persons offenses.

§ 4241. Implementation of the convention on internationally protected persons.

The purpose of this subchapter is to create offenses relating to internationally protected persons and to give effect to the “United Nations Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons”, including diplomatic agents, to which Palau became a party by accession on November 14, 2001.

Source

RPPL 7-28 § 30, modified.

§ 4242. Internationally protected persons offenses.

Any person who knowingly, by any means, directly or indirectly, perpetrates:

(a) a murder, kidnaping, or other attack upon the person or liberty of an internationally protected person; or

(b) a violent attack upon the official premises, the private accommodation or the means of transport of an internationally protected person, which is likely to endanger the person or his or her liberty;

commits a crime punishable by the penalties established by section 4205 of this chapter.

Source

RPPL 7-28 § 31, modified.

[Header B: **17 PNCA § 4251 CRIMES**

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Subchapter VI

Hostage-Taking

§ 4245. Implementation of the convention on the taking of hostages.

§ 4246. Hostage-taking offenses.

§ 4245. Implementation of the convention on the taking of hostages.

The purpose of this subchapter is to create hostage-taking offenses and to give effect to the “International Convention Against the Taking of Hostages”, to which Palau became a party by accession on November 14, 2001.

Source

RPPL 7-28 § 32, modified.

§ 4246. Hostage-taking offenses.

Any person who knowingly, by any means, directly or indirectly, seizes or detains, and threatens to kill, to injure, or to continue to detain another person, the hostage, in order to compel a third party, namely, Palau, a foreign state, an international intergovernmental organization, a natural or legal person, or a group of persons, to do or abstain from doing any act as an explicit or implicit condition for the release of the hostage, commits a crime punishable by the penalties established by section 4205 of this chapter.

Source

RPPL 7-28 § 33, modified.

Subchapter VII

Terrorist Bombing

§ 4251. Implementation of the convention on terrorist bombings.

§ 4252. Terrorist bombing offenses.

§ 4251. Implementation of the convention on terrorist bombings.

The purpose of this subchapter is to create offenses relating to terrorism using explosive or lethal devices and to give effect to the “International Convention for the Suppression of Terrorist Bombings”, to which Palau became a party by accession on November 14, 2001.

Source

RPPL 7-28 § 34.

§ 4252. Terrorist bombing offenses.

Any person who knowingly, by any means, directly or indirectly, delivers, places, discharges, deploys, or detonates any explosive, incendiary weapon, or lethal device that is designed, or has

[Header A: **TERRORISM 17 PNCA § 4256**

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the capability, to cause death, serious bodily injury, or substantial property damage in, into, or against a place of public or private use, a state or government facility, a transportation system or an infrastructure facility:

(a) with the intent to cause death or serious bodily injury; or

(b) with the intent to cause extensive destruction of such a place, facility, or system, where such destruction results in or is likely to result in major economic loss; commits a crime punishable by the penalties established by section 4235(b) of this chapter for weapons of mass destruction.

Source

RPPL 7-28 § 35, modified.

Subchapter VIII

Plastic Explosives

§ 4255. Implementation of the convention on plastic explosives.

§ 4256. Prohibition on plastic explosives; offenses.

§ 4255. Implementation of the convention on plastic explosives.

The purpose of this subchapter is to prohibit unauthorized plastic explosives in Palau, and in particular, unmarked plastic explosives, and to give effect to the “Convention on the Marking of Plastic Explosives for the Purpose of Detection”, to which Palau became a party by accession on November 11, 1995.

Source

RPPL 7-28 § 36.

§ 4256. Prohibition on plastic explosives; offenses.

(a) Unless expressly authorized by the President of the Republic of Palau, plastic explosives shall be prohibited in Palau; provided, however, where authorized by the President for legitimate needs, plastic explosives must contain a detection agent, as defined by the “Convention on the Marking of Plastic Explosives for the Purpose of Detection”, and as described in the “Technical Annex” to that convention.

(b) Any person who knowingly, by any means, directly or indirectly, develops, produces, ships, transports, transfers, receives, acquires, retains, possesses, manufactures, imports, or exports an unauthorized plastic explosive commits a crime punishable by a minimum of ten (10) years imprisonment and a maximum fine of \$50,000; provided, however where the plastic explosive was developed, produced, shipped, transported, transferred, received, acquired, retained, possessed, manufactured, imported, or exported with the intent to engage in terrorism, the crime shall be punishable by the penalties established by

[Header B: **17 PNCA § 4261 CRIMES**

]

section 4235(a) of this chapter for weapons of mass destruction; and provided, further, where the plastic explosive was used or deployed, the penalties established by section 4235(b) of this chapter for weapons of mass destruction shall apply.

Source

RPPL 7-28 § 37, modified.

Subchapter IX

Safety of Civil Aviation

§ 4261. Implementation of the conventions on civil aviation.

§ 4262. Civil aviation offenses.

§ 4263. Power to take reasonable measures.

§ 4264. Power to disembark certain passengers.

§ 4265. Power to deliver alleged offenders to competent authorities.

§ 4266. No liability for actions taken.

§ 4261. Implementation of the conventions on civil aviation.

The purpose of this subchapter is to create offenses relating to aircraft and airports serving international civil aviation and to give effect to the international civil aviation conventions and protocol identified in section 4202(r)(1), (2), (3), and (7) of this chapter.

Source

RPPL 7-28 § 38, modified.

§ 4262. Civil aviation offenses.

In any airspace or territory where any international civil aviation convention or protocol referenced in section 4261 would apply, any person who knowingly, by any means, directly or indirectly:

(a) performs an act of violence against a person on board an aircraft in flight, if that act is

[Header A: **TERRORISM 17 PNCA § 4263**

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likely to endanger the safety of that aircraft;

(b) by force or threat, or by any other form of intimidation, seizes or exercises control of an aircraft in flight;

(c) destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight;

(d) places or causes to be placed on an aircraft in service, by any means whatsoever, a device or substance which is likely to destroy that aircraft, or to cause damage to it which renders it incapable of flight, or to cause damage to it which is likely to endanger its safety in flight;

(e) destroys or damages air navigation facilities used in international air navigation, or interferes with their operation, if any such act is likely to endanger the safety of aircraft in flight;

(f) communicates information which the person knows to be false, thereby endangering the safety of an aircraft in flight; or

(g) using any device, substance or weapon:

(1) performs an act of violence against a person at an airport serving international civil aviation, which causes, or is likely to cause, serious injury or death; or

(2) destroys or seriously damages the facilities of an airport serving international civil aviation or aircraft not in service located thereon or disrupts the services of the airport;

commits a crime punishable by the penalties established by section 4205 of this chapter; provided, however, where, in committing such crime, the person uses or deploys a weapon of mass destruction, the penalties established by section 4235(b) of this chapter shall apply.

Source

RPPL 7-28 § 39, modified.

§ 4263. Power to take reasonable measures.

(a) The aircraft commander, when he or she has reasonable grounds to believe that a

[Header B: **17 PNCA § 4263 CRIMES**

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person has committed, or is about to commit on board the aircraft, a criminal offense or an act which, whether or not it is a criminal offense, may or does jeopardize the safety of an aircraft or of persons or property therein, or which jeopardizes good order and discipline on board an aircraft, may:

(1) impose upon such person reasonable measures, including restraint, which are necessary:

(i) to protect the safety of the aircraft, or of persons or property therein;
or

(ii) to maintain good order and discipline on board; or

(iii) to enable the aircraft commander to deliver such person to competent authorities; or

(2) disembark the person in accordance with the provisions of this subchapter.

(b) The aircraft commander may require or authorize the assistance of other crew members and may request or authorize, but not require, the assistance of passengers to restrain any person whom the aircraft commander is entitled to restrain.

(c) Any crew member or passenger may also take reasonable preventive measures without such authorization when the crew member or passenger has reasonable grounds to believe that such action is immediately necessary to protect the safety of the aircraft, or of persons or property therein.

(d) Measures of restraint imposed upon a person in accordance with this section shall be imposed in accordance with and conform to the requirements of the “Convention on Offenses and Certain Other Acts Committed on Board Aircraft”.

Source

RPPL 7-28 § 40, modified.

§ 4264. Power to disembark certain passengers.

The aircraft commander may, in so far as it is necessary to protect the safety of the aircraft, or of persons, or property therein, or to maintain good order and discipline on board, disembark, in accordance with the “Convention on Offenses and Certain Other Acts Committed on Board Aircraft”, any person who the aircraft commander has reasonable grounds to believe has

[Header A: **TERRORISM 17 PNCA § 4272**

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committed, or is about to commit, on board the aircraft an act contemplated by section 4263(a)(2).

Source

RPPL 7-28 § 41, modified.

§ 4265. Power to deliver alleged offenders to competent authorities.

The aircraft commander may deliver to competent law enforcement authorities, in accordance with the “Convention on Offenses and Certain Other Acts Committed on Board Aircraft”, any person who the aircraft commander has reasonable grounds to believe has committed on board the aircraft an act which, in the commander’s opinion, is a serious offense according to the criminal laws of the country of registration of the aircraft.

Source

RPPL 7-28 § 42.

§ 4266. No liability for actions taken.

For actions taken in accordance with section 4263, 4264, or 4265, neither the aircraft commander, any other member of the crew, any passenger, the owner or operator of the aircraft, nor the person on whose behalf the flight was performed, shall be held responsible in any proceeding on account of the treatment undergone by the person in respect of whom the actions were taken.

Source

RPPL 7-28 § 43, modified.

[Header B: **17 PNCA § 4272 CRIMES**

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Subchapter X

Safety of Maritime Navigation and Fixed Platforms

§ 4271. Implementation of the convention on maritime safety and the fixed platforms protocol.

§ 4272. Maritime offenses.

§ 4271. Implementation of the convention on maritime safety and the fixed platforms protocol.

The purpose of this subchapter is to create offenses relating to the safe navigation of ships on the high seas and the safety of fixed platforms and to give effect to the:

(a) “Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation”; and

(b) “Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf”;

to which Palau became a party by accession on December 4, 2001.

Source

RPPL 7-28 § 44, modified.

§ 4272. Maritime offenses.

In any waters where the convention and protocol referenced in section 4271 would apply, any person who knowingly, by any means, directly or indirectly:

(a) seizes or exercises unauthorized control over a ship or fixed platform by force or threat thereof, or by any other form of intimidation; or

(b) injures or kills any person, or endangers the safe navigation of a ship, or endangers the safety of a fixed platform, by:

(1) committing an act of violence against a person on board the ship or fixed platform;

[Header A: **TERRORISM 17 PNCA § 4281**

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(2) **destroying or damaging the ship, its cargo, or the fixed platform;**

(3) **placing, or causing to be placed, any device or substance on the ship or fixed platform;**

(4) **destroying or damaging maritime navigational facilities, or interfering with their operation; or**

(5) **communicating information which the person knows to be false; commits a crime punishable by the penalties established by section**

4205 of this chapter; provided, however, where, in committing such crime, the person uses or deploys a weapon of mass destruction, the penalties established by section 4235(b) of this chapter shall apply.

Source

RPPL 7-28 § 45, modified.

Subchapter XI

Nuclear Material

§ 4281. Nuclear material offenses.

§ 4281. Nuclear material offenses.

Any person who intentionally, by any means, directly or indirectly:

- (a) without lawful authority, receives, possesses, uses, transfers, alters, disposes of, or disperses nuclear material, under circumstances which cause or are likely to cause death or serious bodily injury to any person or substantial damage to property;
- (b) commits a theft or robbery of nuclear material;
- (c) embezzles or fraudulently obtains nuclear material;
- (d) makes a demand for nuclear material by threat or use of force or by any other form of intimidation;
- (e) threatens:

[Header B: **17 PNCA § 4281 CRIMES**

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- (1) to use nuclear material to cause death or serious bodily injury to any person or substantial property damage; or
- (2) to commit a theft or robbery of nuclear material in order to compel a natural or legal person, or an international organization, or country to do or to refrain from doing any act;

commits a crime punishable by the penalties established by section 4235(b) of this chapter for weapons of mass destruction.

Source

RPPL 7-28 § 46, modified.

[Header B: 17 PNCA CRIMES]

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