

## YSC, Title 11. Crimes & Punishment

### Chapter 8: Miscellaneous Offenses

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#### **§801. 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:** YSL 2-48 §2, modified.

**Commission Comment:** YSL 2-48 repealed the former provisions of Title 11, that included the State Crimes Act. However, prosecutions for offenses committed before the effective date of this division are governed by the prior law, which is continued in effect for that purpose (see [section 102 of chapter 1 of this division](#)).

#### **§802. Unauthorized disposition of certain foods.**

Every person who, having any responsibility for disposition of any food commodity donated under any program of the United States government or the State or Federated States of Micronesia government, willfully makes any unauthorized disposition of such food commodity, or every person who, not being an authorized recipient thereof, willfully 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:** YSL 2-48 §2, modified.

**Cross-reference:** The statutory provisions on food and drugs are found in [chapter 3 of Title 15 \(Health and Welfare\)](#) of this Code.

#### **§803. Theft of electricity; injuring or altering meter.**

Every person who willfully 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 wires 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 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:** YSL 2-48 §2, modified.

**Cross-reference:** The statutory provisions on Public Utilities are found in Title 14 of this Code.

#### **§804. Violation of business license provisions.**

Any person who engages in an activity for which a State business license is required by State law and who does not have a currently valid license for such activity shall upon conviction be fined not less than \$25.00 nor more than \$500.00, or be imprisoned for not more than six months, or both. Any person who violates or fails to comply with a lawful regulation of the Yap State Business License Board shall upon conviction be fined not more than \$150.00, or be imprisoned for not more than 60 days, or both.

**Source:** YSL 2-48 §2, modified.

**Cross-reference:** The statutory provision on penalties for engaging in business without a license is found in [section 281 of Title 22 \(Business and Professions\)](#) of this Code. The statutory provisions on business licenses and the Business License Board are found in Title 22 of this Code.

#### **§805. Petroleum disposal: intentional.**

Any person who intentionally performs any act made unlawful by the provisions of [section 401 of Title 18 of this Code](#) shall upon conviction be imprisoned for not more than sixty days or be fined not more than \$25,000.00, or both.

**Source:** YSL 2-48 §2, modified.

**Cross-reference:** [Section 401 of Title 18 \(Conservation and Resources\)](#) is on unlawful acts of petroleum disposal.

#### **§806. Petroleum disposal: negligent.**

Any person who negligently performs any act made unlawful by the provisions of [section 401 of Title 18 of this Code](#) shall upon conviction be fined not more than \$25,000.00, if fifty gallons or more of petroleum product have been so released or disposed.

**Source:** YSL 2-48 §2, modified.

**Cross-reference:** Section 401 of Title 18 (Conservation and Resources) is on unlawful acts of petroleum disposal.

#### **§807. Vacant.**

**Source:** Repealed by YSL 2-87 §1.

#### **§808. Illegal possession and consumption of alcoholic beverages.**

No person under the age of 21 years or not in immediate possession of a valid drinking permit shall possess or consume any alcoholic beverages in the State. "Immediate possession of a drinking permit" means having a drinking permit in his immediate possession at all times when he is possessing or consuming alcoholic beverages. A person who is 21 years of age or more may purchase a drinking permit at the Division of Public Safety which permit shall cost \$5.00 and which shall be valid for a period of one year from the date of issuance. The permit requirement shall not apply to anyone whose stay in Yap does not exceed 30 days. A person who is convicted of violating this section shall be punished in accordance with the following standards:

(a) If the convicted person is under 21 years of age, then he shall be fined not less than \$20.00, but not more than \$300.00 or imprisoned for not more than six months, or both.

(b) If the person convicted is not in immediate possession of a valid drinking permit, then he shall be fined not less than \$30.00, but not more than \$500.00, or imprisoned for not more than six months, or both.

(c) (1) A wholesaler, retailer, on-sale licensee, off-sale licensee, special events licensee, their employees or agents while acting within the scope of their duties, or a person to whom alcoholic beverage is administered only if by or under the direction of a bona fide religious order or a medical officer, shall be exempted from the permit requirement;

(2) A person who is on probation for a felony or who has been convicted at least two times for felonies committed under the influence of alcoholic beverages or who has been certified to be mentally ill by competent medical officers, shall not be issued a drinking permit;

(3) A person who has been convicted at least two times under the [State Motor Vehicle Act](#) for misdemeanors which were committed while under the influence of alcoholic beverages, or a person who has been convicted at least two times for violations under this section shall not be issued a drinking permit for at least one year; and

(4) In applying the provisions of this section, the courts shall take into account the requirements and dictates of the customs and traditions of the people of the State of Yap.

**Source:** YSL 2-48 §2, as amended by YSL 3-10 §1, modified.

**Cross-reference:** The statutory provisions on Alcoholic Beverages are found in Title 30 of this Code. The statutory provision on juvenile curfew is found in [section 1205 of Title 11 of this Code](#). The statutory provisions on the Judiciary are found in Title 4 of this Code.

### **§809. Consumption in and on public areas.**

(a) It shall be unlawful for any person to consume alcoholic beverages in any public building or on public grounds adjacent thereto without prior permission of the appropriate official as stated in subsection (b), nor shall any person consume alcoholic beverages on any public road or recreational area. "Public building" means a building or space owned or managed by the State or any agency thereof for public offices or for other public purposes. "Recreational area" means an area accessible to the general public and owned or managed by the State or any agency thereof for the purposes of amusement, play, or other form of relaxation.

(b) The Governor may authorize consumption of alcoholic beverages in any public building or on the public grounds adjacent thereto, except the Legislature building or on public grounds adjacent thereto. The Speaker may authorize consumption in the Legislature building or on public grounds adjacent thereto.

(c) Any person who violates any provision of this section shall be subject to a fine of not less than \$30.00 but not more than \$300.00, or imprisonment of not more than six months or both. Any person who violates any provision of this section and has been issued a citation for the violation may settle the violation by paying a fine of \$30.00 to the Clerk of Court within two weeks from the date of citation.

(d) If any provision or application of this section to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this section, and to this end the provisions of this section are severable.

**Source:** YSL 2-48 §2, as amended by YSL 3-22 §20, modified.

**Cross-reference:** The statutory provision on consumption in and on public areas is found in section 407 of Title 30 (Alcoholic Beverages) of this Code. The statutory provisions on the Legislature are found in Title 2 of this Code. The statutory provisions on the Executive are found in Title 3 of this Code.

### **§810. Violation of vital statistics provisions.**

Any person who shall willfully violate or refuse to comply with any provisions of sections 1501 or 1502 of Title 20 shall upon conviction thereof be imprisoned for a period of not more than ten days, or fined not more than \$25.00, or both.

**Source:** YSL 2-48 §2, modified.

**Cross-reference:** [Section 1501 of Title 20 \(Planning and Economic Development\)](#) is on vital statistics. [Section 1502 of Title 20](#) is on reporting births and deaths.

### **§811. Violation of public planning provisions.**

Any person who violates any section of chapters 1, 2, 3, 5, or 10 of Title 20 of this Code or any regulation, order or ruling promulgated pursuant to those chapters shall upon conviction thereof be fined not more than \$500.00, or imprisoned for not more than six months, or both.

**Source:** YSL 2-48 §2, modified.

**Cross-reference:** [Chapter 1 of Title 20 \(Planning and Economic Development\)](#) is on Planning Commissions. [Chapter 2 of Title 20](#) is on Land Use Control. [Chapter 3 of Title 20](#) is on Building Permits. [Chapter 5 of Title 20](#) is on Land Coordinate System. [Chapter 10 of Title 20](#) is on the Yap Visitors Bureau.

### **§812. Public nuisance.**

Any person who keeps any animal found to be a public nuisance under [sections 306 and 307 of Title 21 of this Code](#) shall upon conviction thereof be fined not more than \$50.00 or imprisoned not more than 30 days, or both.

**Source:** YSL 2-48 §2, modified.

**Cross-reference:** [Section 306 of Title 21 \(Agriculture and Animals\)](#) is on animals as a public nuisance. [Section 307 of Title 21](#) is on discretion to declare a nuisance.

### **§813. Junk vehicles.**

(a) Any person who permits a junk vehicle to remain upon public or private property at any time after 30 days have elapsed from the date of receipt of a junk vehicle warning shall be guilty of littering.

(b) "Junk vehicle" is defined as any vehicle normally powered by an engine and normally having four or more wheels, which vehicle is incomplete or damaged to the extent that the hood, windshield, engine, steering wheel, radiator, or any tire or wheel (except any spare tire or wheel) is missing or detached, or two or more tires are flat, or one or more doors are hanging loose, or fifty percent (50%) or more of the body surface is covered by rust.

(c) "Junk vehicle warning" is defined as a written notice given by a police officer to the person in legal possession of any private property upon which a junk vehicle is located or to the owner of any junk vehicle resting upon public or private property.

(d) If the condition described in subsection (c) of this section is remedied within the 30 day period, there will be no violation of this section.

(e) A vehicle shall not be considered to be a junk vehicle merely because tires are missing if the vehicle is resting upon four or more blocks and the owner of the vehicle is temporarily absent from the island upon which the vehicle is located, where such absence is for a period of at least ten days.

(f) The provisions of this section, except for subsection (a), shall not apply to any island which does not normally have direct maritime shipping service from outside of the State.

(g) Any person who violates any provision of this section shall be guilty of a misdemeanor and upon conviction, shall be fined not more than \$25.00.

**Source:** YSL 2-48 §2, modified.

**Cross-reference:** The statutory provisions on Motor Vehicles and Highways are found in Title 25 of this Code.

**Commission Comment:** YSL 2-48 repealed the former provisions of Title 11, that included the State Crimes Act. However, prosecutions for offenses committed before the effective date of this division are governed by the prior law, which is continued in effect for that purpose (see section 102 of chapter 1 of this division).

#### **§814. Settlement of indebtedness.**

(a) Any indebted person residing in the State of Yap who returns or intends to return to a permanent residence outside the State of Yap; or who leaves the State of Yap for the purpose of changing or with intent to change or establish a residency in another part of the Federated States of Micronesia or outside of the Federated States of Micronesia, shall, prior to leaving the State of Yap, comply with the following requirements:

(1) Settle in full all personal debts, or sign a promissory note to repay said debts within a time specified and agreed to by his creditor(s); or obtain a written moratorium signed by the creditor(s).

(2) Upon satisfaction of the above requirement, such person shall then present a receipt, promissory note or indenture, or written moratorium to the office of the Chief of Police for the purpose of obtaining a certificate of clearance of debts or indebtedness.

(b) The following persons shall be exempt from the provisions of this section:

(1) Students who are seeking further education outside the State of Yap;

(2) Patients who are seeking medical treatment outside the State of Yap; and

(3) Government employees traveling on government travel authorization for temporary assignment or duties, except those who are permanently reassigned or relocated.

(c) Should a debtor fail to meet the requirements of this section, any creditor of said debtor may notify the Chief of Police of such failure, in which case the State Court is to issue an injunction to prohibit said debtor from traveling outside the State of Yap until all requirements of this section have been complied with by the debtor.

(d) Failure by any creditor to exercise the options specified in this section shall not be construed as constituting a waiver by said creditor of claims or debts due him by a debtor leaving the State of Yap.

(e) Any debtor who violates any provision of this section shall upon conviction be fined \$100.00 when the debt is less than \$100.00, or not less than \$100.00 nor more than 10 percent of the debt when the debt is \$100.00 or more.

**Source:** YSL 2-48 §2, as amended by YSL 3-3 §1, and YSL 4-44 §1, modified.

**Commission Comment:** YSL 2-48 repealed the former provisions of Title 11, that included the State Crimes Act. However, prosecutions for offenses committed before the effective date of this division are governed by the prior law, which is continued in effect for that purpose (see [section 102 of chapter 1 of this division](#)).

#### **§815. Reef damage.**

Any person who performs any act made unlawful by the provisions of [section 402 of Title 18 of this](#)

[Code](#) shall upon conviction be imprisoned for not more than 60 days or fined not more than \$250,000.00, or both.

**Source:** YSL 3-23 §1, modified.

**Cross-reference:** [Section 402 of title 18 of this Code](#) is on damage to reefs; acts unlawful.