

TITLE 63
CITATIONS

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CHAPTER 1 ISSUANCE OF CITATIONS

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Section

1-101 Use of citation

1-103 Failure to appear; penalty

1-102 Answer before Clerk of Court

1-104 Arrest for failure to appear

§1-101. Use of citation. —

(1) For infractions or offenses punishable by less than one year imprisonment, except crimes involving a breach of the peace, the investigating police officer may, in lieu of arresting the person to be charged, issue and serve a citation upon such person.

(2) The citation shall set forth the particulars of the alleged infraction or offense and bear the signature of the issuing officer certifying under penalty of perjury the truth of the particulars noted on the citation.

(3) Unless the citation is issued pursuant to §10-107(1) when a vehicle is unoccupied, the citation shall be signed by the violator as acknowledgement that he or she will appear at the time and place specified on the citation.

(4) The issuing officer shall file the citation with the Clerk of the Pohnpei Supreme Court. The citation shall constitute a summons and complaint to which the defendant may plead guilty.

(5) The citation shall be on a form to be prescribed by the Director of the Department of Public Safety and approved by the Attorney General.

Source: S.L. No. 1L-118-87 §1, 2/10/87; S.L. No. 5L-14-00 §3-42, 9/8/00

§1-102. Answer before Clerk of Court. — A citation lawfully issued under this chapter shall be answered by appearing either in person or through counsel before the Clerk of the Pohnpei Supreme Court on or before the date specified in the citation.

Source: S.L. No. 1L-118-87 §2, 2/10/87

§1-103. Failure to appear; penalty. —

(1) Regardless of the disposition of the charge for which the citation was issued, it shall be unlawful for any person to willfully violate the written promise to appear signed by the person on the citation. It shall also be unlawful for any person for which a citation has been issued without the defendant's signature pursuant to §10-107 to willfully fail to appear before the Clerk of the Pohnpei Supreme Court as noted on the citation.

(2) Any person who violates this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment for not more than six months, a fine of not more than \$100, or both such fine and imprisonment.

Source: S.L. No. 1L-118-87 §3, 2/10/87

§1-104. Arrest for failure to appear. — Upon the failure of any person to appear as promised on the citation issued to that person pursuant to this chapter, a warrant of arrest may be issued. Such warrant shall be ordered by a justice of the Pohnpei Supreme Court and shall be supported by a sworn certification by the Clerk of Court that the person to be arrested failed to appear pursuant to the citation lawfully issued to the person.

Source: S.L. No. 1L-118-87 §4, 2/10/87

(Next page is Title 64 divider)