

THE THIRTY-SECOND LEGISLATURE OF AMERICAN SAMOA

Second Regular Session

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the eleventh day of July
two thousand and eleven

AN ACT CRIMINALIZING ACTS OF FRAUD AGAINST THE GOVERNMENT, OFFERING FALSE INSTRUMENTS FOR FILING, AND TAMPERING WITH PUBLIC RECORDS; AMENDING SECTIONS 46.4129 AND 46.4612 A.S.C.A.; AND CREATING A SECTION 46.4130 A.S.C.A.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 46.4129 is amended to read:

“46.4129 Criminal fraud.

(a) A person commits the crime of fraud if he, through contact or transactions with the American Samoa Government, its departments, agencies, subdivisions and offices, semi-autonomous agencies, or its agents, knowingly and willfully:

(1) obtains money, property or undue advantage by use of any device, scheme or artifice to defraud by means of false or fraudulent pretenses; or

(2) falsifies, misrepresents, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or representation, or makes, ~~or uses,~~ or files any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry.

(b) Criminal fraud is a class C felony.”

Sec 2. 46.4612 is amended to read:

“46.4612 Tampering with a public record.

(a) A person commits the crime of tampering with a public record when, knowing that he does not have the authority of anyone entitled to grant it, he knowingly and willfully removes, mutilates, destroys, suppresses, conceals, makes a false entry in or falsely alters any record or other written instrument filed with, deposited in, or otherwise constituting a record kept or issued by any government office or its agents or any record required by law

~~to be kept if with the purpose to impair the verity, legibility, or availability of a public record:~~

~~(1) he knowingly makes a false entry in or falsely alters any public record; or~~

~~(2) knowing he lacks authority to do so, he destroys, suppresses, or conceals any public record.~~

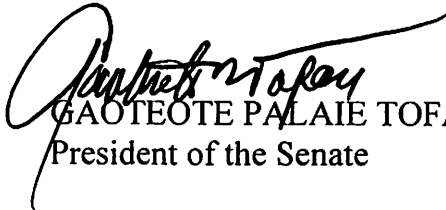
(b) Tampering with a public record is a class ~~A~~ misdemeanor C felony.”

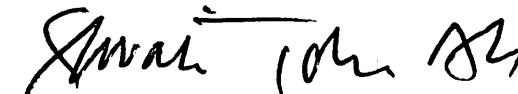
Sec 3. There is created a section 46.4130 A.S.C.A. which reads:

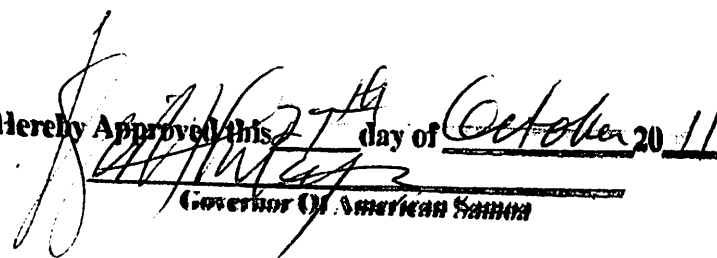
“46.4130 Offering a False Instrument for Filing.

(a) A person is guilty of the offense of offering a false instrument for filing when, knowing that a written instrument contains a false statement or false information, he knowingly and willingly offers or presents it to a department, agency, office or subdivision, or semi-autonomous agency of the government, or any of its agents, with the knowledge or belief that it will be filed with, registered or recorded in or otherwise become a part of the record kept with the respective office.

(b) Offering a false instrument for filing is a Class C felony.”


GAOTEOTE PALAIE TOFAU
President of the Senate


SAVALI TALAVOU ALE
Speaker, House of Representatives

Hereby Approved this 27th day of October 2011

Governor of American Samoa

NOFOA'IGA TOLUSEFULU-LUA FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Lona Lua

Nofoa ma usua i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulu-tasi o Iulai
lua afe sefulu-tasi

O SE TULAFONO E AVEA AI MA SOLITULAFONO LE TAUFUAASESE FAASAGA I LE MALO, AUMAIA O PEPA SESE E FAILA, MA LE TAGO FUA E LOTE E LE TUSA AI MA LE TULAFONO FAAMAUMAUGA MO LE LAUTELE; SUIA AI LE 46.4129 MA LE 46.4612 T.T.A.S.; MA FAAVAE AI LE MAGA 46.4130 T.T.A.S.

IA FAATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

Maga 1. 46.4129 ua suia nei e faitauina faapea:

“46.4129 Taufaasese solitulafono.

(a) **E soli e le tagata le tulafono o le taufaasese pe afai e, ala i sana sootaga poo se fefaatauaiga foi ma le Malo o Amerika Samoa, o ona matagaluega, vaega, soavaega ma ofisa, vaega o loo tuma’oti se isi ona vaega, poo ona foi vaega, e faia ma le iloa ma le loto i ai:**

(1) **na te maua se tupe, meatotino poo se isi lava mea e maua e ala i le faaaogaina o soo se mea, o se fuafuaga e fafau poo se togafiti e taufaasese ai; poo**

(2) **faasese, taufaavalea, natia pe ufiufi foi e ala i se togafiti, se fuafuaga e fafau, pe faia foi se faamatalaga sese, le sa’o, pe taufaasese poo le faia, pøø faaaoga, pe faila soo se tusitusiga sese poo ni pepa faamaumau ae o loo iloa lava o loo i ai faamatalaga sese, taufaasese ma le le sa’o.**

(e) **O le taufaasese solitulafono o se solitulafono mamafa o le tulaga I.”**

Maga 2. 46.4612 ua suia e faitauina:

“46.4612 Tago fua i faamaumauga lautele.

(a) **E soli e le tagata le tulafono o le tago fua e le tusa ma le tulafono i faamaumauga lautele pe afai na te iloa e lei aumaia ia te ia se faatagaga mai se tagata e maua mai ai le faatagaga, na te aveesea ma le iloa ma le loto i ai pe**

faaleaga, taofia, nana, tuu i totonu se tusitusiga sese pe suia foi soo se faamaumauga poo nisi lava pepa tusitusia o loo faila, tuu, poo soo se faamaumauga lava na aumaia e se ofisa o le malo poo ona sui poo se isi lava faamaumauga e manaomia e le tulafono ona teuina pe afai o le faamoemoe ia faanenefu ai le moni, le faitauina, poo le avanoa ai foi o se faamaumauga lautele:

(1) ~~na te faia ma le iloa se tusitusiga le sa'o pe suia foi se faamaumauga lautele; poo~~

(2) ~~e iloa e leai sana pule e faia ai, ae ua ia faaleaga, taofiofi, poo natia foi se faamamauga lautele.~~

(e) O le tago fua e aunoa ma se faatagaga i faamaumau lautele o se solitulafono ~~mama tulaga A~~ mamafa tulaga I."

Maga 3. Ua faavae nei se maga 46.4130 T.T.A.S. e faitauina:

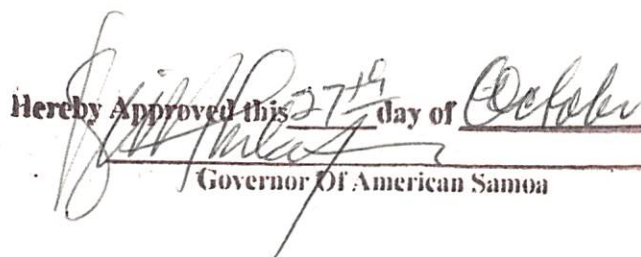
"46.4130 Ofoina o se Pepa le sa'o e failaina.

(a) E nofosala le tagata i lona aumaia o se pepa le sa'o e faila pe afai, na iloa lelei o lea pepa o loo i ai ni faamatalaga sese poo se faamaumauga sese, e ofoina ma le iloa ma le loto malie i se vaega a le malo, ofisa poo se soavaega, poo se vaega e tuma'oti se isi vaega a le malo, poo se sui, ma le iloa poo le talitonu foi o le a failaina, lesitala ma faamaumau i totonu poo se vaega foi o se faamaumauga e teuina i lea ofisa.

(e) O le ofoina o se pepa sese e failaina o se Solitulafono mamafa o le Tulaga I."


GAOTEOTE PALAIE TOFAU
Peresetene, Maota Mauuluga


SAVALI TALAVOU ALE
Fofoga Fetalai, Maota o Sui

Hereby Approved this 27th day of October 20 11

Governor Of American Samoa