

THE TWENTY-EIGHTH LEGISLATURE OF AMERICAN SAMOA

THIRD REGULAR SESSION

Begun and held at Fagatogo, Tutuila, American Samoa
on Monday, the twelfth day of January
two thousand and four

AN ACT ESTABLISHING A SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN AND AMERICAN SAMOA NUTRITION ASSISTANCE PROGRAM FRAUD VIOLATIONS AND FORFEITURE PROCEEDINGS RELATED THERETO; CREATING A NEW CHAPTER 49 UNDER TITLE 46 A.S.C.A.

Preamble:

Because of the need to discourage and prevent fraud in the Special Supplemental Food Program for Women, Infants and Children (known as WIC) and the American Samoa Nutrition Assistance Program (known as "Food Stamp") and the negative effect of that fraud on the People of American Samoa and those individuals eligible for WIC and Food Stamp benefits, it is declared to be public policy that the misuse of Special Supplemental Food Program for Women, Infants and Children (WIC) and American Samoa Nutrition Assistance Program (Food Stamp) Benefits be identified and dealt with swiftly and appropriately considering the onerous nature of the crime.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is created a Chapter 49 under Title 46 A.S.C.A. which reads:

"Chapter 49

WIC AND FOOD STAMP RELATED OFFENSES

Sections:

- 46.4901 Violations.
- 46.4902 Administrative malfeasance.
- 46.4903 Unauthorized possession of identification document.
- 46.4904 Penalties.

personnel as identified in the policy and procedures of the American Samoa Department of Human and Social Services, or the Attorney General, is subject to disciplinary proceedings under the rules of the applicable American Samoa Government agency.

46.4903 Unauthorized possession of identification document.

(a) Any person who possesses for an unlawful purpose another person's identification document issued by the American Samoa Department of Human and Social Services Special Supplemental Food Program for Women, Infants and Children (WIC) is guilty of a violation of this Section and shall be punished for a class D felony. For purposes of this Section, "identification document" includes, but is not limited to, an authorization to participate in the American Samoa Department of Human and Social Services Special Supplemental Food Program for Women, Infants and Children (WIC) or card or other document that identifies a person as being entitled to benefits in the American Samoa Department of Human and Social Services Special Supplemental Food Program for Women, Infants and Children (WIC).

(b) Any person who possesses for an unlawful purpose another person's identification document issued by the American Samoa Department of Human and Social Services American Samoa Nutrition Assistance Program (Food Stamp) is guilty of a violation of this section and shall be punished for a class D felony. For purposes of this section, "identification document" includes, but is not limited to, an authorization to participate in the American Samoa Department of Human and Social Services American Samoa Nutrition Assistance Program (Food Stamp) or card or other document that identifies a person as being entitled to benefits in the American Samoa Department of Human and Social Services American Samoa Nutrition Assistance Program (Food Stamp).

46.4904 Penalties.

(a) If a person, firm, corporation, association, agency, institution, or other legal entity is found by a court to have engaged in an act, practice, or course of conduct declared unlawful under this chapter and:

(1) the total amount of the money involved in the violation, including the monetary value of the American Samoa Department of Human and Social Services Special Supplemental Food Program for Women, Infants and Children (WIC) Food Instruments, the American Samoa Department of Human and Social Services American Samoa Nutrition Assistance Program (Food Stamp) Food Instruments and the value of commodities, is less than \$100, the violation is a class A misdemeanor and the defendant shall be permanently ineligible to participate in the American Samoa Department of Human and Social Services Special Supplemental food Program for Women, Infants and Children (WIC) and/or the

46.4905 Forfeiture.

46.4901 Violations.

A person who knowingly (i) uses, acquires, possesses, or transfers American Samoa Department of Human and Social Services Special Supplemental Food Program for Women, Infants and Children (WIC) Food Instruments or authorizations to participate in the American Samoa Department of Human and Social Services Special Supplemental Food Program for Women, Infants and Children (WIC) in any manner not authorized by law or the rules of the American Samoa Department of Human and Social Services Special Supplemental Food Program for Women, Infants and Children (WIC) and/or American Samoa Nutrition Assistance Program (Food Stamp) Food Instruments or authorizations to participate in the American Samoa Department of Human and Social Services American Samoa Nutrition Assistance Program (Food Stamp) in any manner not authorized by law or the rules of the American Samoa Nutrition Assistance Program (Food Stamp); (ii) alters, uses, acquires, possesses, or transfers altered American Samoa Department of Human and Social Services Special Supplemental Food Program for Women, Infants and Children (WIC) Food Instruments or authorizations to participate in the American Samoa Department of Human and Social Services Special Supplemental Food Program for Women, Infants and Children (WIC) and/or American Samoa Department of Human and Social Services Nutrition Assistance Program (Food Stamp) Food Instruments or authorizations to participate in the American Samoa Department of Human and Social Services American Samoa Nutrition Assistance Program (Food Stamp); or (iii) conspires to commit acts set forth in (i) or (ii) is guilty of a violation of this section and shall be punished as provided in section 46.4904.

46.4902 Administrative malfeasance.

(a) A person who misappropriates, misuses, or unlawfully withholds or converts to his or her own use or to the use of another any public funds made available for the American Samoa Department of Human and Social Services Special Supplemental Food Program for Women, Infants and Children (WIC) and/or the American Samoa Department of Human and Social Services American Samoa Nutrition Assistance Program (Food Stamp) is guilty of a violation of this section and shall be punished as provided in section 46.4904.

(b) An official or employee of the American Samoa Government who facilitates, aids, abets, assists or knowingly participates in a violation of this Chapter is guilty of a violation of this section and shall be punished as provided in section 46.4904.

(c) An official or employee of the American Samoa Government who willfully fails to report a known violation of this chapter to the designated

Department of Human and Social Services American Samoa Nutrition Assistance Program (Food Stamp).

(2) the total amount of money involved in the violation, including the monetary value of the American Samoa Department of Human and Social Services Special Supplemental Food Program for Women, Infants and Children (WIC) Food Instruments, the American Samoa Department of Human and Social Services American Samoa Nutrition Assistance Program (Food Stamp) Food Instruments and/or the value of commodities, is \$100 or more the violation is a class C felony and the defendant shall be permanently ineligible to participate in the American Samoa Department of Human and Social Services Special Supplemental Food Program for Women, Infants and Children (WIC) and/or the Department of Human and Social Services American Samoa Nutrition Assistance Program (Food Stamp).

(b) For purposes of determining the classification of offense under this section, all of the money received as a result of the unlawful act, practice, or course of conduct, including the value of any WIC Food Instruments and/or Food Stamp Food Instruments, shall be aggregated.

46.4905 Forfeiture.

(a) A person who commits a felony violation of this chapter shall forfeit, according to this section, (i) any moneys, profits, or proceeds the person acquired, in whole or in part, as a result of committing the violation and (ii) any property or interest in property that the sentencing court determines the person acquired, in whole or in part, as a result of committing the violation or the person maintained or used, in whole or in part, to facilitate, directly or indirectly, the commission of the violation. The person shall forfeit any interest in, securities of claim against, or contractual right of any kind that affords the person a source of influence over, any enterprise that the person has established, operated, controlled, conducted, or participated in conducting, if the person's relationship to or connection with the interest, security of claim, or contractual right, directly or indirectly, in whole or in part, is traceable to any thing or benefit that the person has obtained or acquired as a result of a felony violation under this chapter.

(b) The following items are subject to forfeiture:

(1) All moneys, things of value, books, records, and research products and materials that are used or intended to be used in committing a felony violation of this chapter.

(2) Everything of value furnished, or intended to be furnished, in exchange for any material or substance in violation of this chapter, all proceeds traceable to that exchange, and all moneys, negotiable instruments, and securities used or intended to be used to commit or in any manner to facilitate the commission of a felony violation of this Chapter.

(3) All real property, including any right, title, and interest (including, but not limited to, any leasehold interest or the beneficial interest in a land trust) in the whole of any lot or tract of land and any appurtenances or improvements, that is used or intended to be used, in any manner or part, to commit or in any manner to facilitate the commission of a felony violation of this chapter or that is the proceeds of any act that constitutes a felony violation of this chapter.

(c) Property subject to forfeiture under this chapter may be seized by the Department of Public Safety and Attorney General's Office upon process or seizure warrant issued by any court having jurisdiction over the property. The Department of Public Safety and Attorney General's Office may seize property under this Chapter without process under any of the following circumstances:

(1) If the seizure is incident to inspection under an administrative inspection warrant.

(2) If the property subject to seizure has been the subject of a prior judgment in favor of the American Samoa Government criminal proceeding or in an injunction or forfeiture proceeding under this chapter.

(3) If there is probable cause to believe that the property is directly or indirectly dangerous to health or safety.

(4) If there is probable cause to believe that the property is subject to forfeiture under this chapter and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable.

(5) In accordance with any other section within the American Samoa Code Annotated.

(d) Proceedings instituted pursuant to this section shall be subject to and conducted in accordance with the procedures set forth in this subsection.

(1) The sentencing court, on petition by the Attorney General's Office at any time following sentencing of the defendant, shall conduct a hearing to determine whether any property or property interest of the defendant is subject to forfeiture under this section. At the forfeiture hearing the American Samoa Government has the burden of establishing, by a preponderance of the evidence, that the property or property interest is subject to forfeiture.

(2) In an action brought by the American Samoa Government under this section, in which a restraining order, injunction, prohibition, or other action in connection with any property or interest subject to forfeiture under this section is sought, the High Court presiding over the trial of the person charged with a felony violation of this chapter shall first determine whether there is probable cause to believe that the person so charged has committed an offense under this chapter and whether the property or interest is subject to forfeiture under this section. To make that determination, the High Court shall conduct a hearing without a jury, at which the American Samoa Government must establish that there is:

(i) probable cause that the person charged committed a felony offense under this chapter, and

(ii) probable cause that property or interest may be subject to forfeiture under this section. The hearing may be conducted simultaneously with a preliminary hearing or by motion of the American Samoa Government at any stage in the proceedings. The High Court may accept, at the preliminary hearing the filing of an information or complaint charging that the defendant committed a felony offense under this chapter.

(3) Upon making a finding of probable cause, the High Court shall enter a restraining order, injunction, or prohibition or shall take other action in connection with the property or other interest subject to forfeiture under this section as is necessary to insure that the property is not removed from the jurisdiction of the High Court, concealed, destroyed, or otherwise disposed of by the owner of that property or interest before a forfeiture hearing is convened pursuant to this section. The Attorney General shall file a certified copy of the restraining order, injunction, or other prohibition issued under this section shall affect the rights of any bona fide purchaser, mortgagee, judgment creditor, or other lienholder that arose before the date the certified copy is filed.

(4) The court may at any time, on verified petition by the defendant, conduct a hearing to determine whether all or any portion of the property or interest, which the court previously determined to be subject to forfeiture or subject to any restraining order, injunction, prohibition, or other action, should be released. The court may in its discretion release the property to the defendant for good cause shown.

(5) Upon conviction of a person for a felony violation of this chapter, the High Court shall authorize the Commissioner of the Department of Public Safety and Attorney General's Office to seize any property or other interest declared forfeited under this section on terms and conditions the High Court deems proper.

(e) Property taken or detained under this section shall be held in the custody of the Attorney General subject only to the order and judgments of the High Court having jurisdiction over the forfeiture proceedings under this section. When property is seized under this section, the Attorney General's Office shall promptly conduct an inventory of the seized property and estimate the property's value to the High Court. Upon receiving the notice of seizure, the Attorney General may do any of the following:

(1) Place the property under seal.

(2) Remove the property to a storage area designated by the Attorney General for safekeeping.

(3) Deposit into an interest bearing account, property in the form of negotiable instruments or money which is not needed for evidentiary purposes.

(4) Place the property under constructive seizure by posting notice of the pending forfeiture on it, by giving notice of the pending forfeiture to its owners and interest holders, or by filing a notice of the pending forfeiture to its owners and interest holders, or by filing a notice of the pending forfeiture in any appropriate public record relating to property.

(5) Provide for another agency or custodian, including an owner, a secured party, or lienholder, to take custody of the property on terms and conditions set by the Attorney General.

(f) When property is forfeited under this section, the Attorney General shall sell the property unless the property is required by law to be destroyed or is harmful to the public. The Attorney General shall distribute the proceeds of the sale, together with any moneys forfeited or seized, in accordance with subsection (g). On the application of the prosecutor who was responsible for the investigation, arrest, and prosecution that lead to the forfeiture, however, the Attorney General may return any item of forfeited property to the prosecutor for official use in the enforcement of laws relating to this Section if the prosecutor can demonstrate that the item requested would be useful to the prosecutor in their enforcement efforts.

(g) All moneys from penalties and the proceeds of sale of all property forfeited and seized under this section shall be distributed to the WIC and Food Stamp programs administered by the American Samoa Department of Human and Social Services."


LUTU TENARI S. FUIMAONO
President of the Senate


MATAGI RAY MA'ILO MCMOORE
Speaker of the House

Hereby Approved this 17th day of March 2004

Governor OF American Samoa

NOFOAIGA LUASEFULU-VALU FONO FAITULAFONO A AMERIKA SAMOA

FONO TELE LONA TOLU

Nofoia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulu lua o Ianuari
lua afe ma le fā

O SE TULAFONO E FA'ATULAGAINA AI SE POROKALAMA O MEAAI TAUMAFa FA'APOOPO MO TINA, PEPE, MA TAMAITI MA SOLITULAFONO TAUFa'ASESE O LE POROKALAMA FESOASOANI O MEAAI TAUMAFa A AMERIKA SAMOA FA'APEA MA TAUALUMAGA MO LE FA'AAGAFUAINA E FA'ATATAU I AI; FA'AVAEINA AI SE MATA'UPU FOU 49 I LALO O LE ULUTALA 46 T.T.A.S.

Fa'atomuaga

Ona o se mana'oga e fa'aitiitia ma taofia le taufa'asese i le Porokalama o Meaai Taumafa Fa'aopoopo Fa'apitoa mo Tina, Pepe ma Tamaiti (ua lauiloa o le UIKI) ma le Porokalama Fesoasoani o Meaai Taumafa a Amerika Samoa (ua lauiloa o Pepa o Meaai Taumafa) ma le a'afiaga le manuia o le taufa'asese a Tagata o Amerika Samoa fa'apea ma tagata ua ta'uagava'aina mo le UIKI ma le Porokalama o Alagamanuia Fesoasoani o Meaai Taumafa a Amerika Samoa (Pepa o Meaai Taumafa) ina ia mautinoa ma molia vave ma iloiloina talafeagai le mamafa tu o le tulaga o lenei solitulafono.

IA FA'ATULAFONAINA E LE FONO FAITULAFONO A AMERIKA SAMOA

Maga 1. Ua fa'avaeina se Mata'upu 49 i lalo o le Ulutala 46 o le T.T.A.S., e faitauina:

“Mata'upu 49

SOLITULAFONO E FESO'OTA'I MA LE UIKI MA PEPA O MEAAI TAUMAFa

Maga:

- 46.4901 Solitulafono.
- 46.4902 Amioletonu a tagata e umia tofi lautele.
- 46.4903 Fa'aaogaina e le tusa ma le tulafono o pepa fa'amaumau a isi tagata.
- 46.4904 Fa'asalaga.
- 46.4905 Fa'amutaina.

46.4901 Solitulafono.

O se tagata e (i) fa'aaogaina, tauaaoina, umia, pe tu'uina atu ma le iloa lelei Pepa o Meaai Taumafa i le Porokalama o Meaai Taumafa Fesoasoani Fa'apitoa mo Tina, Pepe ma Tamaiti (UIKI) a le Matagaluega o Tagata Soifua ma Tautua Lautele a Amerika Samoa po'o fa'atagaga e auai i le Porokalama Fa'apitoa o Meaai Taumafa Fesoasoani Fa'apitoa a le Matagaluega mo Tagata Soifua ma Tautua Lautele mo Tina, Pepe, ma Tamaiti (UIKI) i so'o se tulaga e le fa'atagaina e le tulafono po'o tulafono fa'afae a le Matagaluega o Tagata Soifua ma Tautua Lautele o le Porokalama o Meaai Taumafa Fesoasoani mo Tina, Pepe ma Tamaiti (UIKI) ma/po'o le Porokalama Fesoasoani o Meaai Taumafa (Pepa o Meaai Taumafa) Pepa o Meaai Taumafa po'o fa'atagaga e auai i le Porokalama Fesoasoani o Meaai Taumafa a le Matagaluega o Tagata Soifua ma Tautua Lautele a Amerika Samoa (Pepa o Meaai Taumafa) i so'o se tulaga e le fa'atagaina e le tulafono po'o tulafono fa'afae a le Porokalama Fesoasoani o Meaai Taumafa a Amerika Samoa (Pepa o Meaai Taumafa); (ii) suia, fa'aaoga, tauaaoina, umia, pe tu'uina atu Pepa Fa'ataga o Meaai Taumafa ua suia o le Porokalama o Meaai Taumafa Fa'aopoopo Fa'apitoa a le Matagaluega o Tagata Soifua ma Tautua Lautele a Amerika Samoa mo Tina, Pepe ma Tamaiti (UIKI) po'o fa'atagaga e auai i le Porokalama o Meaai Taumafa Fa'aopoopo Fa'apitoa a le Matagaluega o Tagata Soifua ma Tautua Lautele a Amerika Samoa mo Tina, Pepe ma Tamaiti (UIKI) ma/po'o Pepa Fa'ataga o Meaai Taumafa o le Porokalama Fesoasoani o Meaai Taumafa a le Matagaluega o Tagata Soifua ma Tautua Lautele po'o fa'ataga e auai i le Porokalama Fesoasoani o Meaai Taumafa a Amerika Samoa o le Matagaluega o Tagata Soifua ma Tautua Lautele a Amerika Samoa (Pepa o Meaai Taumafa; po'o (iii) faiga fa'alilolilo e soli ai e pei ona ta'ua i le (i) po'o le (ii) e molia o se solitulafono o lenei Maga ma o le a fa'asalaina e pei ona aiia'i i le Maga 46.4904.

46.4902 Amioletonu a tagata e umia tofi lautele.

(a) O se tagata na te fa'aaogaina, fa'aaoga sese, pe taofia e le tusa ma le tulafono pe suia mo lona (ali'i/tama'ita'i) fa'aaogaina pe mo le fa'aaogaina e se

tasi so'o se vaegatupe lautele ua fa'aavanoaina mo le Porokalama o Meaai Taumafa Fa'aopoopo Fa'apitoa a le Matagaluega o Tagata Soifua ma Tautua Lautele a Amerika Samoa mo Tina, Pepe ma Tamaiti (UIKI) ma/po'o Porokalama Fesoasoani o Meaai Taumafa a le Matagaluega o Tagata Soifua ma Tautua Lautele a Amerika Samoa (Pepa o Meaai Taumafa) e molia o se solitulafono o lenei Maga ma e fa'asalaina e pei ona ta'ua i le Maga 46.4904.

(e) O se ali'i/tama'ita'i mautofi po'o se tagatafaigaluega o le Malo o Amerika Samoa o se na te fa'afaigofieina, fesoasoani, u'una'ia pe lagolagoina pe iloa lelei le auai i le soliga o lenei Mata'upu e molia o se solitulafono o lenei Maga ma e fa'asalaina e pei ona aiaia i le Maga 46.4904

(i) O se ali'i/tama'ita'i mautofi po'o se tagata faigaluega a le Malo o Amerika Samoa na te le ripotia ma le loto i ai se solitulafono ua faia o lenei Mata'upu i tagatafaigaluega ua ta'ua e pei ona fa'amaonia i le tulafono fa'afoe ma taualumaga a le Matagaluega a Tagata Soifua ma Tautua Lautele, po'o le Loia Sili, e a'afia i iloilogaga o a'oa'iga i lalo o tulafono e fa'aaogaina i vaega o le Malo o Amerika Samoa.

46.4903 Tauaaoina o Pepa Fa'amaonia a isi tagata.

(a) O so'o se tagata e tauaaoina mo se fa'amoemoe e le tusa ma le tulafono se pepa fa'amaonia a se tasi tagata ua tu'uina atu e le Matagaluega o Tagata Soifua ma Tautua Lautele a Amerika Samoa o le Porokalama Fa'aopoopo Fa'apitoa o Meaai Taumafa mo Tina, Pepe ma Tamaiti (UIKI) e molia o se solitulafono o lenei Maga ma o le a fa'asalaina o se solitulafono mamafa o le vasega O. Mo fa'amoemoega o lenei Maga, "pepa fa'amaonia" e aofia ai, ae le fa'atapula'aina i, se fa'atagaga e auai i le porokalama o Meaai Taumafa Fa'aopoopo Fa'apitoa a le Matagaluega o Tagata Soifua ma Tautua Lautele o Amerika Samoa mo Tina, Pepe ma Tamaiti (UIKI) po'o se kati (card) po'o isi fa'amaumaga e iloa tino ai se tagata ua ta'uagava'aina i alagamanuia i le Porokalama o Meaai Taumafa Fa'aopoopo Fa'apitoa o le Matagaluega o Tagata Soifua ma Tautua Lautele a Amerika Samoa mo Tina, Pepe ma Tamaiti (UIKI).

(e) So'o se tagata ua ia tauaaoina mo se fa'amoemoega e le tusa ma le tulafono se pepa fa'amaumau o se tasi tagata ua tu'uina atu e le Matagaluega o Tagata Soifua ma Tautua Lautele o le Porokalama o Meaai Taumafa Fesoasoani a Amerika Samoa (Pepa o Meaai Taumafa) e molia o se solitulafono o lenei Maga ma o le a fa'asalaina o se solitulafono mamafa vasega O. Mo fa'amoemoega o lenei Maga, "Pepa fa'amaonia" e aofia ai, ae le fa'atapula'aina i, se fa'atagaga e auai i le Porokalama Fesoasoani o Meaai Taumafa i le Matagaluega o Tagata Soifua ma Tautua Lautele a Amerika Samoa (Pepa o Meaai Taumafa) po'o se kati (card) po'o isi fa'amaumaga e iloaitino ai se tagata ua ta'uagava'aina e maua fa'amanuiaga i le Porokalama o Meaai Taumafa Fesoasoani i le Matagaluega o Tagata Soifua ma Tautua Lautele a Amerika Samoa (Pepa o Meaai Taumafa).

46.4904 Fa'asalaga.

(a) Afai e maua e se fa'amasinoga se tagata, pisinisi, koporesi, asosi, ofisa, fa'alapotopotoga, po'o isi tagata na a'afia i se gaoioiga, tulaga, po'o se taualumaga o gaoioiga ua fa'a'iloina e le tusa ma le tulafono i lalo o lenei Mata'upu ma;

(1) o le aofa'iga o le tupe na a'afia ai i le solitulafono, e aofia ai le taua o le tupe i le Matagaluega o Tagata Soifua ma Tautua Lautele a Amerika Samoa o le Porokalama o Meaai Taumafa Fa'aopoopo Fa'apitoa mo Tina, Pepe ma Tamaiti (UIKI) Pepa o Meaai Taumafa, i le Matagaluega o Tagata Soifua ma Tautua Lautele a Amerika Samoa o le Porokalama o Meaai Taumafa Fesoasoani (Pepa o Meaai Taumafa) Feagaiga o Meaai Taumafa fa'apea ma le tau o oloa, e itiiti ifo nai le \$100, o le solitulafono o se solitulafono mama i le vasega A ma o le-ua-molia o le a le toe ta'uagava'aina tumau e auai i le Porokalama o Meaai Taumafa Fa'aopoopo i le Matagaluega o Tagata Soifua ma Tautua Lautele mo Tina, Pepe ma Tamaiti (UIKI) ma/po'o le Porokalama o Meaai Taumafa Fesoasoani i le Matagaluega o Tagata Soifua ma Tautua Lautele a Amerika Samoa (Pepa o Meaai Taumafa).

(2) o le aofa'iga atoa o tupe na a'afia ai i le solitulafono, e aofia ai le taua o tupe i le Matagaluega o Tagata Soifua ma Tautua Lautele o le Porokalama o Meaai Taumafa Fa'aopoopo Fa'apitoa mo Tina, Pepe ma Tamaiti (UIKI) Feagaiga o Meaai Taumafa, i le Matagaluega o Tagata Soifua ma Tautua Lautele a Amerika Samoa o le Porokalama o Meaai Fesoasoani (Pepa o Meaai Taumafa) Feagaiga o Meaai Taumafa ma /po'o le tau o fefa'ataua'iga, e \$100 pe sili atu o le solitulafono o se solitulafono mamafa vasega I ma o le-ua-molia o le a le toe ta'uagava'aina tumau e auai i le Porokalama o Meaai Fa'aopoopo Fa'apitoa o le Matagaluega o Tagata Soifua ma Tautua Lautele o Amerika Samoa mo Tina, Pepe ma Tamaiti (UIKI) ma/po'o le Porokalama o Meaai Taumafa Fesoasoani o le Matagaluega o Tagata Soifua ma Tautua Lautele a Amerika Samoa (Pepa o Meaai Taumafa).

(e) Mo fa'amoemoega e iloiloina ai le fa'avasegaina o solitulafono i lalo o lenei Maga, o tupe uma e maua e mafua i gaoioiga e le tusa ma le tulafono, amioga, po'o taualumaga o gaoioiga, e aofia ai le taua o so'o se Feagaiga o Meaai Taumafa a le UIKI ma /po'o Feagaiga o Pepa o Meaai Taumafa, o le a tu'ufa'atasiaina.

46.4905 Fa'amutaina.

(a) O se tagata e faia se solitulafono mamafa o lenei Mata'upu o le a fa'amutaina e tusa ma lenei Maga, (i) so'o se tupe, porofiti, po'o tupemaua e maua atoa po'o se vaega e se tagata, e mafua mai le faia o le solitulafono ma (ii) o so'o se meatotino po'o mana'oga i meatotino ua iloiloina e le fa'amasinoga ua maua atoa po'o se vaega e lenei tagata, e mafua mai i le fa'ataunu'uina o le solitulafono

pe o taofia pe o fa'aaogaina atoa po'o se vaega e lenei tagata, e fa'afaigofie tonu ai pe fa'atafatafa, le fa'atinoina o le solitulafono. O le a fa'amutaina so'o se mana'oga, puipuiga o talosaga e fa'asaga i ai, po'o le malosi o se feagaiga o so'o se ituaiga o lenei tagata e tu'uina atu ai i lenei tagata se auala o le malosi iai, so'o se fuafuaga ua fa'atulagaina, fa'agaoioiga, puleaina, ta'ita'ia, pe auai i le fa'agaoioiga e lenei tagata, afai o le faia o le tagata iai po'o se so'otaga i le siea o se meatotino, folafolaga o le talosaga, po'o le aia o se feagaiga, patino pe fa'atafatafa, atoatoa po'o se vaega e feso'ota'i ma so'o se mea po'o se penefiti ua maua pe na maua e lenei tagata e mafua mai i le soliga o le tulafono mamafa i lalo o lenei Mata'upu.

(e) O mea o lo'o ta'ua i lalo e a'afia i le fa'agafuaga:

(1) Tupe uma, mea taua, tusi, fa'amaumauga, o i'uga o su'esu'ega ma mea e fa'aaogaina pe fa'amoemoe e fa'aaogaina i le fa'ataunu'uina o se soliga o tulafono mamafa o lenei Mata'upu.

(2) O mea uma taua na tu'uina atu, pe fa'amoemoe e tu'uina atu, e fesui'i mo so'o se mea po'o se meatotino e soli ai lenei Mata'upu, o tupemaua uma e feso'ota'i ma lena fesui'aiga, ma tupe uma, feagaiga osia, ma meatotino fa'aaogaina pe fuafuaina e fa'aaogaina e soli ai pe i so'o se tulaga e fa'afaigofie ai le fa'ataunu'uina o se solitulafono mamafa o lenei Mata'upu.

(3) O fanua uma, e aofia ai so'o se aiā, pule ma siea (e aofia ai, ae le fa'atapula'aina i, i so'o se siea o lisi po'o penefiti o siea i se fanua taus) i le tulaga atoa o so'o se fasifanua la'ititi po'o se vaega o fanua ma so'o se meatotino po'o so'o se fa'aleleiga taua, ua fa'aaogaina pe fa'amoemoeina e fa'aaogaina, i so'o se tulaga po'o se vaega, e fa'ataunu'u ai pe i so'o se tulaga e fa'afaigofie ai le fa'atinoga o se solitulafono mamafa o lenei Mata'upu po'o le fa'aauauina o so'o se gaioiga ua fa'atupula'ia ai se solitulafono mamafa o lenei Mata'upu.

(i) O meatotino e a'afia i le fa'aagafuaina i lalo o lenei Mata'upu e mafai ona ave fa'amalosia e le Matagaluga o le Saogalemu Lautele ma le Ofisa o le Loia sili i luga o taualumaga po'o se poloa'iga e ave fa'amalosia ai e tu'uina atu e so'o se fa'amasinoga o iai le malosi i lena meatotino. O le Matagaluga o le Saogalemu Lautele ma Ofisa o le Loia Sili e mafai ona ave fa'amalosia meatotino i lalo o lenei Mata'upu e aunoa ma taualumaga i lalo o so'o se tulaga ua fa'aalia i lalo:

(1) Afai o le ave fa'amalosia ua tula'i mai i se su'esu'ega i lalo o se poloa'iga o su'esu'ega fa'alepulega.

(2) Afai o lenei meatotino ua a'afia i le ave fa'amalosia na a'afia ai i se mua'i fa'ai'uga sa fa'amanuiaina ai i se iloiloga o solitulafono mamafa a le Malo o Amerika Samoa po'o se poloa'iga po'o se taualumaga o le fa'aagafuaga i lalo o lenei Mata'upu.

(3) Pe afai o iai se mafua'aga e foliga mai e talitonuina o lena meatotino e a'afia tonu pe fa'atafatafa le ogaoga i le soifua maloloina po'o le saogalemu.

(4) Afai e iai se mafua'aga e foliga mai e talitonuina o lenei meatotino e a'afia ai i le ave fa'amalosia i lalo o lenei Mata'upu ma o le meatotino ua ave fa'amalosia i lalo o tulaga talafeagai o se ave fa'amalosia po'o le fa'apagotaina e leai se poloa'iga.

(5) E tusa ai ma so'o se isi Maga i totonu o le Tulafono ma Fautuaga Fa'aopopo o Amerika Samoa

(o) O taualumaga ua fa'avaeina e tusa ma lenei Maga o le a a'afia i ma e ta'ita'ia e tusa ma taualumaga ua fa'atulagaina i lenei soamaga.

(1) O le fa'amasinoga e fa'asalaina, e tusa ma se talosaga a le Ofisa o le Loia Sili i so'o se taimi pe a uma ona fa'asalaina se tagata ua molia, o le a na ta'ita'ia se iloiloga e iloilo ai pe o so'o se meatotino po'o se siea o meatotino a le-ua-molia e a'afia ai i le ave fa'amalosia i lalo o lenei maga. I le iloiloga o le ave fa'amalosia o le Malo o Amerika Samoa e iai le avegatau'ave e fa'avaeina, e ala i le fulisia o fa'amaoniga, o lenei meatotino po'o le siea o lenei meatotino e a'afia i le fa'aagafuaga.

(2) I se tagi e aumaia e le Malo o Amerika Samoa i lalo o lenei Maga, o se poloa'iga e taofia ai, poloa'iga o aiaiga fa'aopopo, fa'asaina, po'o isi gaoioiga e feso'ota'i ma so'o se meatotino po'o siea e a'afia i le ave fa'amalosia i lalo o lenei Maga ua sa'ilia, o le Fa'amasinoga Sili o lo'o pulefa'amalumalu i le iloiloga o se tagata ua molia i se solitulafono mamafa o lenei Mata'upu ia mua'i iloilo pe o iai se mafua'aga e foliga mai e fa'atalitonuina o le tagata ua molia sa faia se solitulafono i lalo o lenei Mata'upu ma pe o le meatotino po'o le siea ua a'afia i le ave fa'amalosia i lalo o lenei Maga. Ina ia faia iai se fa'ai'uga, o le a fa'atulagaina e le Fa'amasinoga Sili se iloiloga e aunoa ma se siuri (tagata e filifili se i'uga), ma i le iloiloga o le Malo o Amerika Samoa e tataua ona fa'amautuina o lo'o iai se:

(i) mafua'aga ua foliga mai o le tagata ua molia sa fai se solitulafono mamafa i lalo o lenei Mata'upu, ma

(ii) o se mafua'aga talafeagai e fa'apea o le meatotino po'o se siea atonu e a'afia i le fa'aagafuaga i lalo o lenei Maga. O le iloiloga e mafai ona ta'ita'ia i lea taimi fa'atasi ai ma se ulua'i iloiloga pe ala i se mau a le Malo o Amerika Samoa i so'o se tulaga i taualumaga. O le Fa'amasinoga Sili e mafai ona talia, i le ulua'i iloiloga le failaina o se fa'amatalaga po'o se tagi e molia ai e fa'apea o le-ua-molia ua faia se solitulafono mamafa i lalo o lenei Mata'upu.

(3) I le fa'amaoniana o se mafua'aga tataua, O le Fa'amasinoga o le a na fa'aaluina se poloa'iga letumau, poloa'iga o se aiaiga fa'aopopo, po'o le fa'asaina pe o le a fa'ataunu'uina isi gaoioiga e feso'ota'i ma le meatotino po'o isi siea e a'afia i le fa'aagafuaga i lalo o lenei Maga e talafeagai ina ia mautinoa o lea meatotino e le o ave'esea mai le pule'aga a le Fa'amasinoga Sili, natia, fa'aleagaina, pe ua lafoa'ia e le ona lenei meatotino po'o le siea ae le'i fa'atulagaina le iloiloga o le fa'aagafuaga e tusa ma lenei Maga. O le Loia Sili o

le a na failaina se kopi fa'amaoniaina o le poloa'iga letumau, poloa'iga e aofia ai isi aiaiga, po'o isi taofiga e tu'uina atu i lalo o lenei Maga o le a a'afia ai aiā o so'o se tagata fa'atau fa'amaoni, mokesi, i'uga a se tagata nōnōtupe, po'o isi tagata o umia fa'aletulafono e tula'i mai ae le'i o'o i le aso e failaina ai le kopi fa'amaoniaina.

(4) o le fa'amasinoga e mafai i so'o se taimi, i se talosaga fa'amaoniaina e aumaia e le-ua-molia, e fa'atulaga ai se iloiloga e iloiloaina ai pe mata o meatotino uma po'o se vaega po'o se siea, sa mua'i iloiloaina e le fa'amasinoga e tatau ona a'afia i le fa'aagafuaga po'o a'afia fo'i i so'o se poloa'iga e taofia ai letumau, poloa'iga e aofia ai isi aiaiga, fa'asaina, po'o isi gaoioiga, e tatau ona fa'asa'olotoina. O le fa'amasinoga e mafai ona i lana faitalia fa'asa'oloto le meatotino i le-ua-molia i se mafua'aga lelei ua fa'aalia mai.

(5) Afai e nofosala se tagata mo se soliga o se tulafono mamafa o lenei Mata'upu, o le a fa'atagaina e le Fa'amasinoga Sili le Komesina o le Matagaluega o le Saogalemu Lautele fa'apea ma le Ofisa o le Loia Sili e taofia fa'amalosia so'o se meatotino po'o isi siea ua fa'alau'iteleina ua fa'aagafuaina i lalo o lenei Maga i tu'utu'uga ma aiaiga e manatu le Fa'amasinoga Sili e alagatatau.

(u) O le meatotino ua ave'esea pe ua taofia i lalo o lenei Maga o le a taofia i lalo o le tausiga a le Loia Sili e a'afia tonu i le poloa'iga ma i'uga a le Fa'amasinoga Sili o iai le malosia i taualumaga o fa'aagafuaga i lalo o lenei Maga. Afai e taofia fa'amalosia se meatotino i lalo o lenei Maga, o le Ofisa o le Loia Sili o le a fai se faitauga aofa'i o meatotino ua taofia fa'amalosia ma fuafuaina le tau o le meatotino i le Fa'amasinoga Sili. Pe afai e tauaaina se fa'aaliga o le taofiga fa'amalosia, e mafai e le Loia Sili ona faia so'o se tasi o mea ua ta'ua i lalo:

(1) Taofia fa'amaufa'ailogaina lea meatotino.

(2) Ave'ese lenei meatotino i se nofoaga e teu ai oloa ua fa'asinoia ma'oti e le Loia Sili mo le tausaina puipua.

(3) Teuina i totonu o se teugatupe o siea, meatotino i se tulaga o feagaiga e osia po'o tupe e le mana'omia mo fa'amoemoe fa'amaoniaina.

(4) Tu'uina atu o le meatotino i lalo o se taofiga fesoasoani e ala i se fa'aaliga tutu'i fa'alau'itele o le fa'aagafuaga o lo'o loma e fa'atatau iai, e ala i le tu'uina atu o fa'aaliga o le fa'aagafuaga o lo'o loma i ē e ōna ma tagata e iai a'afiaga tatau, po'o le failaina fo'i o se fa'aaliga o le fa'aagafuaga o lo'o loma i so'o se fa'amaumauga lautele talafeagai e fa'atatau i lea meatotino.

(5) Saunia mo se tasi ofisa pe mo se tausaina, e aofia ai se ē ōna, o se itu e fa'asaogalemu ai, po'o se tagata e taofia fa'aletulafono, e tausia se meatotino e ala i tu'utu'uga po'o aiaiga ua fa'atulagaina e le Loia Sili.

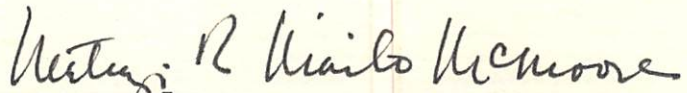
(f) Afai o le a fa'aagafuaina lenei meatotino i lalo o lenei Maga, O le Loia Sili o le a na fa'atau atu lenei meatotino vagana ai o lea meatotino e mana'omia fa'atunuina e le tulafono e fa'atama'ia pe afaina ai fo'i le lautele. O le

Loia Sili o le a na tufatufa atu tupe na maua mai ai i le fa'atauga, fa'atasi ai ma so'o se tupe na fa'aagafuaina pe taofia fa'amalosiaina, e tusa ma le soamaga (g). I se talosaga a le loia na feagai ma le su'esu'ega, fa'apagotaina, ma le moliga sa mafua ai le fa'aagafuaga, ae peita'i, e mafai e le Loia Sili ona toefa'afo'i atu so'o se meatotino ua fa'aagafuaina i le loia sa feagai ai mo le fa'aaogaina fa'aletulafono i le fa'amalosiaina o tulafono e fa'atatau i lenei Maga pe afai e mafai e le loia ona fa'aailoa mai o lea meatotino e aoga i le loia i a latou taumafaiga o le fa'amalosiaina o le tulafono.

(g) O tupe uma mai fa'asalaga ma tupe e maua mai fa'atauga o meatotino uma ua fa'aagafuaina ma taofia fa'amalosia i lalo o lenei Maga o le a tufatufaina atu i porokalama o le UIKI ma le Pepa o Meaai Taumafa ua puleaina e le Matagaluega o Tagata Soifua ma Tautua Lautele a Amerika Samoa."

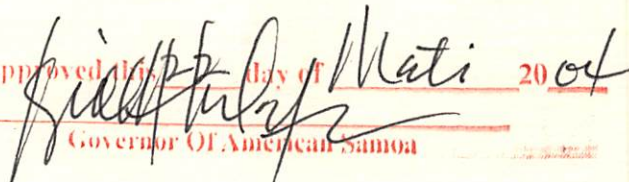


LUTU TENARI S. FUIMAONO
Peresetene, Maota Maualuga



MATAGI RAY MA'ILO MCMOORE
Fofoga Fetalai, Maota o Sui

Hereby Approved this _____ day of _____



_____ 20 of _____
Governor Of American Samoa