

THE TWENTY-EIGHTH LEGISLATURE

THIRD REGULAR SESSION

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

AN ACT ESTABLISHING THE CODE ON DOMESTIC AND FAMILY VIOLENCE, AND TO CREATE PROTECTION FOR VICTIMS OF SEXUAL VIOLENCE; AMENDING SECTIONS 41.0408, 46.3604, 46.3610, 46.3611, 46.3612, 46.3615, 46.3616 A.S.C.A.; AND CREATING A TITLE 47, CHAPTERS 01 THROUGH 08 UNDER THE AMERICAN SAMOA CODE ANNOTATED.

Preamble:

The purpose of this law is to recognize the importance of domestic violence as a serious crime against society and to assure the victim of domestic violence the maximum protection from abuse which the law and those who enforce the law can provide. It is the intent of the legislature that the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is not excused or tolerated. Furthermore, it is the intent of the Legislature that criminal laws be enforced without regard to whether the persons involved are or were married, cohabiting, or involved in a relationship.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 41.0408 is amended to read:

“41.0408 Sponsors for persons permitted to remain.

(a) Every person who applies for permission from the board to remain in American Samoa is required to have a sponsor.

(b) The following persons are eligible to act as sponsor:

(1) all American Samoans, and nationals of the United States;

(2) any partnership or corporation authorized to do business in American Samoa.

(c) Persons sponsoring aliens for domestic purposes shall comply with the following requirements:

(1) Persons may be sponsored for the purpose of domestic work, including agricultural labor, provided the board is satisfied of the need for the domestic help and of the lack of permanent residents for such employment and the person is within the numerical limitations established in chapter 03. No person may sponsor more than one person for domestic work unless it is clearly established to the satisfaction of the board that more than one domestic worker is necessary by reason of age or infirmity of the sponsor or a member of his family, and no person may sponsor more than one person for agricultural work unless the board is satisfied that the sponsor needs the additional workers and can afford their care in all ways while they are in American Samoa;

(2) Where a person sponsors more than one alien for domestic or agricultural work without approval of the board gained after satisfaction of the foregoing criteria, the additional aliens shall be subject to termination of sponsorship and deportation from the territory;

(3) All aliens sponsored for domestic or agricultural purposes shall reside with their sponsors. Failure to comply shall be grounds for termination of sponsorship and deportation.

(d) Persons may be sponsored for purposes of other employment provided the board is satisfied of the need and of the lack of permanent residents for such employment, and the person is within the numerical limitations established in chapter 03. The board furthermore shall have the right to limit the number of aliens sponsored for other employment by a sponsor as dictated by the circumstances.

(e) A sponsor shall be responsible for all medical bills, taxes, transportation, to the alien's native country, educational costs, legal expense of the public defender, and other public debts of the alien and dependents.

(f) Any person sponsoring another must reside in American Samoa during the period of sponsorship. Should it appear to the board that the sponsor has departed from American Samoa for an indefinite period of time, the person sponsored may have his permission to remain revoked. A sponsor shall lose his authority to sponsor a person if he fails to pay all costs as established by (e) above, or if he resides outside American Samoa in excess of 3 consecutive months.

(g) A sponsor may revoke his sponsorship or terminate the employment of any person sponsored by giving written notice to the board and to the person sponsored.

(h) ~~Sponsorship of persons shall not be transferred from one employer to another in the absence of some compelling reason in the public interest of the people of American Samoa.~~ Sponsorship of persons may be transferred from one employer to another provided the board is satisfied of the need and of the lack of permanent residents for such employment.

(i) Unless otherwise noted, Ppersons who are in American Samoa and are sponsored shall have the right to remain in American Samoa for up to ~~10~~ 20 days following revocation of sponsorship or termination of employment, the board may order deportation in less than ten days pursuant to chapter 06. The sponsor's obligations under subsection (e) above shall continue during this period.

(j) Persons who are in American Samoa and subjected to domestic or family violence by his or her sponsor or that sponsor's household or family members shall have the right to remain in American Samoa for up to 45 days following revocation of sponsorship or termination of employment. To qualify as someone "subjected to domestic or family violence" the court must make a specific finding as such.

(k) Should an alien have a case pending against his or her sponsor, the alien may remain in American Samoa until a judgment has been reached in his or her case."

Sec 2. 46.3604 is amended to read:

"46.3604 Rape.

(a) A person commits the crime of rape if:

(1) he has sexual intercourse with another person ~~to whom he is not married~~, without that person's consent by the use of forcible compulsion; or

(2) he has sexual intercourse with another person ~~to whom he is not married~~ who is 16 years of age or less.

(b) Rape is a class B felony unless in the course of it the actor inflicts serious physical injury on any person or displays a deadly weapon in a threatening manner, then rape is a class A felony."

Sec 3. 46.3610 is amended to read:

“46.3610 Sexual assault.

(a) A person commits the crime of sexual assault if he has sexual intercourse with another person ~~to whom he is not married~~ and who is incapacitated or ~~14~~ 16 years of age or less.

(b) Sexual assault is class C felony unless in the course of it the actor inflicts serious physical injury on any person or displays a deadly weapon in a threatening manner, then the crime is a class B felony.”

Sec. 4 46.3611 is amended to read:

“46.3611 Sodomy.

(a) A person commits the crime of sodomy if:

(1) he has deviate sexual intercourse with another person ~~to whom he is not married~~ without that person’s consent or by the use of forcible compulsion; or

(2) he has deviate sexual intercourse with another person who is ~~14~~ 16 years of age or less.

(b) Sodomy is a class B felony unless in the course of it the actor inflicts serious physical injury on any person or displays a deadly weapon, then sodomy is a class A felony.”

Sec. 5 46.3612 is amended to read:

“46.3612 Deviate sexual assault.

(a) A person commits the crime of deviate sexual assault if he has deviate sexual intercourse with another person ~~to whom he is not married~~ without consent or who is incapacitated or who is ~~14~~ 16 years of age or less.

(b) Deviate sexual assault is a class C felony unless in the course of it the actor inflicts serious physical injury on any person or displays a deadly weapon in a threatening manner, then the crime is a class B felony.”

Sec 6. 46.3615 is amended to read:

“46.3615 Sexual abuse in the first degree.

(a) A person commits the crime of sexual abuse in the first degree if:

(1) he subjects another person ~~to whom he is not married~~ to sexual contact without that person’s consent or by the use of forcible compulsion; or

(2) he subjects another person who is ~~14~~ 16 years of age or less to sexual contact.

(b) Sexual abuse in the first degree is a class D felony unless in the course of it the actor inflicts serious physical harm on any person or displays a deadly weapon in a threatening manner, then the crime is a class C felony.”

Sec 7. 46.3616 is amended to read:

“46.3616 Sexual abuse in the second degree.

(a) A person commits the crime of sexual abuse in the second degree if he subjects another person ~~to whom he is not married~~ to sexual contact without that person’s consent.

(b) Sexual abuse in the second degree is a class B misdemeanor unless in the course of it the actor displays a deadly weapon in a threatening manner, then the crime is a class A misdemeanor.”

Sec 8. There is created a Title 47 under the American Samoa Code Annotated:

“Title 47

DOMESTIC AND FAMILY VIOLENCE

Chapters:

01 General Provisions

02 Civil Orders for Protection

- 03 Family and Children
- 04 Criminal Violations
- 05 Criminal Proceedings
- 06 Law Enforcement
- 07 Probation and Parole
- 08 Prevention and Treatment of Domestic Violence

Chapter 01

GENERAL PROVISIONS.

Sections:

- 47.0101 Purpose.
- 47.0102 Definitions.

47.0101 Purpose.

The purpose of this title is to recognize the importance of domestic violence as a serious crime against society and to assure the victim of domestic violence the maximum protection from abuse which the law and those who enforce the law can provide. It is the intent of the Legislature that the official response to cases of domestic violence shall stress the enforcement of the laws to protect the victim and shall communicate the attitude that violent behavior is not excused or tolerated. Furthermore, it is the intent of the Legislature that criminal laws be enforced without regard to whether the persons involved are or were married, cohabiting, or involved in a relationship.

47.0102 Definitions.

As used in this chapter, unless the context clearly requires otherwise:

(1) “Domestic or family violence” means the occurrence of one or more of the following acts by a family or household member, but does not include acts of self-defense:

(A) Attempting to cause or causing physical harm to another family or household member;

(B) Placing a family or household member in fear of physical harm; or

(C) Causing a family or household member to engage involuntarily in sexual activity by force, threat of force, or duress.

(2) “Family or household members” include:

(A) Adults or minors who are current or former spouses;

(B) Adults or minors who live together or who have lived together;

(C) Adults or minors who are dating or who have dated;

(D) Adults or minors who are engaged in or who have engaged in a sexual relationship;

(E) Adults or minors who are related by blood or adoption.

(F) Adults or minors who are related or formerly related by marriage;

(G) Persons who have a child in common; and

(H) Minor children of a person in a relationship that is described in paragraphs (A) through (H).

Chapter 02

CIVIL ORDERS FOR PROTECTION

Sections:

47.0201 Eligible petitioners for order.

47.0202 Uniform form required for petitions and orders--Required statements in petitions and orders--Duty of clerk to provide petitions and clerical assistance.

- 47.0203 Emergency order for protection--Available relief--Availability of judge or court officer--Expiration of order.
- 47.0204 Order for protection--Modification of orders--Relief available ex parte--Relief available after hearing--Duties of the court--Duration of order.
- 47.0205 Required hearing--Duty of court when order for protection denied.
- 47.0206 Court costs and fees.
- 47.0207 Registration and enforcement of foreign orders for protection--Duties of court clerk.

47.0201 Eligible petitioners for order.

(a) A person who is or has been a victim of domestic or family violence may file a petition for an order for protection against a family or household member who commits an act of domestic or family violence.

(b) A parent, guardian, or other representative may file a petition for an order for protection on behalf of a child against a family or household member who commits an act of domestic or family violence.

(c) There is no minimum requirement of residency to petition for an order for protection.

47.0202 Uniform form required for petitions and orders--Required statements in petitions and orders--Duty of clerk to provide petitions and clerical assistance.

(a) The Attorney General's office shall:

(1) Develop and adopt uniform forms for petitions and orders for protection, including but not limited to such orders issued pursuant to divorce, custody, and other domestic relations hearings; and

(2) Provide the forms to the clerk of each court authorized to issue such orders.

(b) In addition to any other required information, the petition for an order for protection must contain a statement listing each civil or criminal action involving both parties.

(c) The following statements must be printed in bold face type or in capital letters on the order for protection:

(1) “Violations of this order may be punished by confinement in jail and by a fine”.

(2) “If so ordered by the court, the respondent is forbidden to enter or stay at the petitioner’s residence, even if invited to do so by the petitioner or any other person. In no event is the order for protection voided.”

(d) The clerk of the court or other designated person shall provide to a person requesting an order for protection:

(1) The forms adopted pursuant to subsection (a); and

(2) Clerical assistance in filling out the forms and filing the petition.

47.0203 Emergency order for protection--Available relief--Availability of judge or court officer--Expiration of order.

(a) A court may issue a written or oral emergency order for protection ex parte when a law enforcement officer states to the court in person or by telephone, and the court finds reasonable grounds to believe, that the petitioner is in immediate danger of domestic or family violence based on an allegation of a recent incident of domestic or family violence by a family or household member.

(b) A law enforcement officer who receives an oral order for protection from a court shall:

(1) Write and sign the order on the form required pursuant to section 47.0202;

(2) Serve a copy on the respondent;

(3) Immediately provide the petitioner with a copy of the order; and

(4) Provide the order to the court by the end of the next judicial day.

(c) The court may grant the following relief in an emergency order for protection:

(1) Enjoin the respondent from threatening to commit or committing acts of domestic or family violence against the petitioner and any designated family or household member;

(2) Prohibit the respondent from harassing, annoying, telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly;

(3) Remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence.;

(4) Order the respondent to stay away from the residence, school, place of employment of the petitioner, or any specified place frequented by the petitioner and any designated family or household member;

(5) Order possession and use of an automobile and other essential personal effects, regardless of the ownership of the essential personal effects, and direct the appropriate law enforcement officer to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to possession of the residence, automobile, and other essential personal effects, or to supervise the petitioner's or respondent's removal of personal belongings;

(6) Grant temporary custody of a minor child to the petitioner; and

(7) Order such other relief as the court deems necessary to protect and provide for the safety of the petitioner and any designated family or household member.

(d) A judge or other court officer with authority to issue an order for protection must be available 24 hours a day to hear petitions for emergency orders for protection.

(e) An emergency order for protection expires 72 hours after issuance.

47.0204 Order for protection--Modification of orders--Relief available ex parte--Relief available after hearing--Duties of the Court--Duration of order.

(a) If it appears from a petition for an order for protection or a petition to modify an order for protection that domestic or family violence has occurred or a modification of an order for protection is required, a court may:

(1) Without notice or hearing, immediately issue an order for protection ex parte or modify an order for protection ex parte as it deems necessary to protect the petitioner.

(2) Upon notice, issue an order for protection or modify an order after a hearing whether or not the respondent appears.

(b) A court may grant the following relief without notice and hearing in an order for protection or a modification issued ex parte:

(1) Enjoin the respondent from threatening to commit or committing acts of domestic or family violence against the petitioner and any designated family or household member;

(2) Prohibit the respondent from harassing, annoying, telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly;

(3) Remove and exclude the respondent from the residence of the petitioner, regardless of ownership of the residence;

(4) Order the respondent to stay away from the residence, school, or place of employment of the petitioner, or any specified place frequented by the petitioner and any designated family or household member;

(5) Prohibit the respondent from using or possessing a firearm or other weapon specified by the court;

(6) Order possession and use of an automobile and other essential personal effects, regardless of the ownership of the essential personal effects, and direct the appropriate law enforcement officer to accompany the petitioner to the residence of the parties to ensure that the petitioner is safely restored to possession of the residence, automobile, and other essential personal effects, or to supervise the petitioner's or respondent's removal of personal belongings;

(7) Grant temporary custody of any minor children to the petitioner; and

(8) Order such other relief as it deems necessary to provide for the safety and welfare of the petitioner and any designated family or household member.

(c) A court may grant the following relief in an order for protection or a modification of an order after notice and hearing, whether or not the respondent appears:

(1) Grant the relief available in accordance with subsection (b).

(2) Specify arrangements for visitation of any minor child by the respondent and require supervision of that visitation by the third party or deny visitation if necessary to protect the safety of the petitioner or child.

(3) Order the respondent to pay attorney's fees.

(4) Order the respondent to:

(a) Pay rent or make payment on a mortgage on the petitioner's residence and pay for the support of the petitioner and minor child if the respondent is found to have a duty to support the petitioner or minor child.

(b) Reimburse the petitioner or other person for any expenses associated with the domestic or family violence, including but not limited to medical expenses, counseling, shelter, and repair or replacement of damaged property; and

(c) Pay the costs and fees incurred by the petitioner in bringing the action;

(d) The Court shall:

(1) Cause the order to be delivered to the appropriate authority for service;

(2) Make reasonable efforts to ensure that the order for protection is understood by the petitioner, and the respondent, if present;

(3) Transmit, by the end of the next business day after the order is issued, a copy of the order for protection to the local law enforcement agency or agencies designated by the petitioner; and

(4) Transmit a copy of the order to the American Samoan registry.

(e) An order for protection issued ex parte or upon notice and hearing or a modification of an order for protection issued ex parte or upon notice and hearing is effective until further order of the court.

(f) The designated authority shall provide expedited service for orders for protection.

47.0205 Required hearings--Duty of court when order for protection denied.

(a) Except as otherwise provided in subsection (b), if a court issues an order for protection ex parte or a modification of an order for protection ex parte and the court provides relief pursuant to section 47.0204 (b), upon a request by either party within 30 days after service of the order or modification, the court shall set a date for a hearing on the petition. The hearing must be held within ten days after the request for a hearing is filed unless continued by the court for good cause shown.

(b) The court shall set a date for a hearing on the petition within 10 days after the filing of the petition if a court issues an order for protection ex parte or a modification of an order of protection ex parte, and:

(1) The petitioner requests or the court provides relief in accordance with section 47.0204(b)(7), concerning custody of a minor child; or

(2) The petitioner requests relief pursuant to section 47.0204(c)(2) (4).

47.0206 Court costs and fees.

Fees for filing and service of process must not be charged for any proceeding seeking only the relief provided in this chapter.

47.0207 Registration and enforcement of foreign orders for protection--
Duties of court clerk.

(a) A certified copy of an order for protection issued in the United States may be filed in the office of the clerk of the High Court. The clerk shall act upon the order in the same manner as the clerk acts upon an order for protection issued by the High Court.

(b) A filed order for protection has the same effect and must be enforced in the same manner as an order for protection issued by a court of this Territory. The court shall enforce all provisions of a registered foreign order for protection whether or not such relief is available in this Territory.

Chapter 03

FAMILY AND CHILDREN

Sections:

47.0301 Presumptions concerning custody and residence of child.

47.0302 Factors in determining custody and visitation.

47.0303 Conditions of visitation in cases involving domestic and family violence.

47.0301 Presumptions concerning custody and residence of child.

In every proceeding where there is at issue a dispute as to the custody of a child, a determination by the court that domestic or family violence has occurred raises a rebuttable presumption that it is:

(1) detrimental to the child and not in the best interest of the child to be placed in sole custody, joint legal custody, or joint physical custody with the perpetrator of family violence.

(2) in the best interest of the child to reside with the parent who is not a perpetrator of domestic or family violence in the location of that parent's choice, within or outside the Territory.

47.0302 Factors in determining custody and visitation.

(a) In addition to other factors that a court must consider in a proceeding in which the custody of a child or visitation by a parent is at issue and in which the Court has made a finding of domestic or family violence:

(1) The Court shall consider as primary the safety and well-being of the child and of the parent who is the victim of domestic or family violence.

(2) The Court shall consider the perpetrator's history of causing physical harm, bodily injury, assault, or causing reasonable fear of physical harm, bodily injury, or assault, to another person.

(b) If a parent is absent or relocates because of an act of domestic or family violence by the other parent, the absence or relocation is not a factor that weighs against the parent in determining custody or visitation.

(c) In every proceeding in which there is at issue the modification of an order for custody or visitation of a child, the finding that domestic or family violence has occurred since the last custody determination constitutes a finding of a change of circumstances.

47.0303 Conditions of visitation in cases involving domestic and family violence.

(a) A court may award visitation by a parent who committed domestic or family violence only if the court finds that adequate provision for the safety of the child and the parent who is a victim of domestic or family violence can be made.

(b) In a visitation order, a Court may:

(1) Order an exchange of a child to occur in a protected setting.

(2) Order visitation supervised by another person or agency.

(3) Order the perpetrator of domestic or family violence to attend and complete, to the satisfaction of the court, a program of intervention for perpetrators or other designated counseling as a condition of the visitation.

(4) Order the perpetrator of domestic or family violence to abstain from possession or consumption of alcohol or controlled substances during the visitation and for 24 hours preceding the visitation.

(5) Order the perpetrator of domestic or family violence to pay a fee to defray the costs of supervised visitation.

(6) Prohibit overnight visitation.

(7) Require a bond from the perpetrator of domestic or family violence for the return and safety of the child.

(8) Impose any other condition that is deemed necessary to provide for the safety of the child, the victim of domestic or family violence, or other family or household member.

(c) The Court may refer but shall not order an adult who is a victim of domestic or family violence to attend counseling relating to the victim's status or behavior as a victim, individually or with the perpetrator of domestic or family violence as a condition of receiving custody of a child or as a condition of visitation.

(d) If a Court allows a family or household member to supervise visitation, the Court shall establish conditions to be followed during visitation.

Chapter 04

CRIMINAL VIOLATIONS

Sections:

- 47.0401 Crime involving domestic or family violence defined.
- 47.0402 Mandatory fine for conviction of a crime of domestic or family violence.
- 47.0403 Violation of certain orders for protection is misdemeanor.
- 47.0404 Enhancement of penalty for second or subsequent crime involving domestic or family violence.

47.0401 Crime involving domestic or family violence defined.

(a) A "crime involving domestic or family violence" occurs when a family or household member, as defined in section 47.0102(1), commits one or more of the following crimes against another family or household member:

- (1) arson;
- (2) assault and harassment;
- (3) burglary, robbery, tampering;
- (4) property damage;
- (5) homicide offenses (murder and manslaughter, negligent homicide);

- (6) kidnapping, felonious restraint, false imprisonment;
 - (7) sex offenses (rape, sexual assault, deviate sexual assault, sexual abuse, child molesting);
 - (8) stealing and related offenses;
 - (9) weapon law violations (unlawful use of weapons, possessing a defaced firearm, unlawfully transferring a weapon, unlawful possession of firearms and firearm ammunition);
 - (10) offenses against public order (disturbing public peace, disbursing private peace);
 - (11) family offenses (bigamy, incest, abandonment of child; criminal nonsupport, endangering the welfare of a child, abuse of a child);
 - (12) property damage and trespass; and
 - (13) any other crimes which the attorney general deems relevant and necessary.
- (b) The above criminal laws encompassing (a)(1)-(13) shall be enforced without regard to whether the persons involved are or were married, cohabiting, or involved in a relationship.

47.0402 Mandatory fine for conviction of a crime of domestic or family violence.

A person convicted of a crime of domestic or family violence is required to pay to the court a minimum of one-hundred fifty dollar (\$150) to be disbursed as specified below;

(a) The Court may utilize not more than one-third of each payment to offset administrative costs for depositing this payment, for the free filing fee charges for victims alleging domestic violence, and costs of providing legal forms relating to this chapter.

(b) The remainder shall be transferred, quarterly, to the general fund earmarked for deposit in the victims of crime advocacy program/department of health and social services, in an amount equal to two-third of funds collected during the preceding quarter. Moneys deposited in the victims of crime advocacy program shall be distributed as follows:

(1) One-half will be given to creating, developing, and operating a batter's program, or any other appropriate counseling.

(2) One-half shall support the development of a territorial wide training and education program to increase public awareness of domestic violence and to improve the scope and quality of services provided to the victims of domestic violence.

47.0403 Violation of certain orders for protection is misdemeanor.

Violation of one of the following orders issued as a protection against domestic and family violence, is a misdemeanor:

(a) An order enjoining the respondent from threatening to commit or committing acts of domestic or family violence against the petitioner or other family or household member.

(b) An order prohibiting the respondent from harassing, annoying, telephoning, contacting, or otherwise communicating with the petitioner, directly or indirectly.

(c) An order removing and excluding the respondent from the residence of the petitioner.

(d) An order requiring the respondent to stay away from the residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member.

(e) An order prohibiting the respondent from using or possessing a firearm or other weapon specified by the Court.

47.0404 Enhancement of penalty for second or subsequent crime involving domestic or family violence.

When a defendant makes a judicial admission, pleads guilty to, or has been found guilty to, or has been found guilty of a second or subsequent crime involving domestic or family violence within five years, the penalty is enhanced by one class above the class otherwise provided for that offense in the territorial statute.

Chapter 05

CRIMINAL PROCEEDINGS

Sections:

47.0501 Spousal privileges inapplicable in criminal proceedings involving domestic or family violence.

47.0502 Record of dismissal required in Court file.

47.0503 Duty of prosecutor to notify victim.

47.0501 Spousal privileges inapplicable in criminal proceedings involving domestic or family violence.

The following evidentiary privileges do not apply in any criminal proceeding in which a spouse or other family or household member is the victim of an alleged crime involving domestic or family violence perpetrated by the other spouse:

(a) The privilege of confidential communication between spouses.

(b) The testimonial privilege of spouses.

47.0502 Record of dismissal required in Court file.

When a court dismisses criminal charges or a prosecutor moves to dismiss charges against a defendant accused of a crime involving domestic or family violence, the specific reasons for the dismissal must be recorded in the court file. The prosecutor shall indicate the specific reason why the witness is unavailable and the reasons the case cannot be prosecuted.

47.0503 Duty of prosecutor to notify victim.

A prosecutor shall make reasonable efforts to notify a victim of an alleged crime involving domestic or family violence when the prosecutor has decided to decline prosecution of the crime, to dismiss the criminal charges filed against the defendant, or to enter into a plea agreement.

Chapter 06

DUTIES AND RESPONSIBILITIES OF LAW ENFORCEMENT

Sections:

- 47.0601 Duties of law enforcement officer to victim of domestic or family violence--Required notice to victim.**
- 47.0602 Duties of law enforcement officer to prosecutor's office.**
- 47.0603 Mandatory arrest for crimes involving domestic or family violence--Determination of primary aggressor--Required report.**
- 47.0604 Mandatory arrest for certain violations of orders for protection.**
- 47.0605 Authority of law enforcement officer to seize weapons.**
- 47.0606 Mandatory arrest for violation of conditions of release.**

47.0601 Duties of law enforcement officer to victim of domestic or family violence--Required notice to victim.

(a) A law enforcement officer who responds to an allegation of domestic or family violence shall use all reasonable means to protect the victim and prevent further violence, including but not limited to:

(1) Taking the action necessary to provide for the safety of the victim and any family or household member.

(2) Confiscating any weapon involved in the alleged domestic or family violence.

(3) Transporting or obtaining transportation for the victim and any child to a shelter.

(4) Assisting the victim in removing essential personal effects.

(5) Assisting the victim and any child in obtaining medical treatment, including obtaining transportation to a medical facility.

(6) Giving the victim immediate and adequate notice of the rights of victims and of the remedies and services available to victims of domestic or family violence.

(b) As part of the notice required by (a) (6), the law enforcement officer shall give a written notice to the adult victim substantially as follows:

“If you are the victim of domestic or family violence and you believe that law enforcement protection is needed for your physical safety, you have the right to request that the officer assist in providing for your safety, including asking for an emergency order for protection. You may also request that the officer assist you in obtaining your essential personal effects and locating and taking you to a safe place, including but not limited to a designated meeting place for a shelter, a family member’s or a friend’s residence, or a similar place of safety. If you are in need of medical treatment, you have the right to request that the officer assist you

in obtaining medical treatment. You may request a copy of the report at no cost from the law enforcement department. You may ask the prosecuting attorney to file a criminal complaint. You also have the right to file a petition in the High Court requesting an order for protection from domestic or family violence which could include any of the following orders:

(1) An order enjoining your abuser from threatening to commit or committing further acts of domestic or family violence;

(2) An order prohibiting your abuser from harassing, annoying, telephoning, contacting or otherwise communicating with you, directly or indirectly;

(3) An order removing your abuser from your residence;

(4) An order directing your abuser to stay away from your residence, school, place of employment, or any other specified place frequented by you and another family or household member;

(5) An order prohibiting your abuser from using or possessing any firearm or other weapon specified by the Court;

(6) An order granting you possession and use of the automobile and other essential personal effects;

(7) An order granting you custody of your child or children;

(8) An order denying your abuser visitation;

(9) An order specifying arrangements for visitation, including requiring supervised visitation; and

(10) An order requiring your abuser to pay certain costs and fees, such as rent or mortgage payments, child support payments, medical expenses, expenses for shelter, court costs, and attorney's fees.

The forms you need to obtain an order for protection are available from the Department of Human and Social Services or the Office of the Attorney General.

The resources are available through the appropriate government agencies for information relating to domestic family violence, treatment of injuries, and places of safety and shelters. You also have the right to seek reimbursement for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings, or support, and other expenses for injuries sustained and damage to your property. This can be done without an attorney in small claims court if the total amount claimed is less than \$3,000.”

(c) The written notice:

(1) Must not include the addresses of shelters, unless the location is public knowledge.

(2) Must be available in Samoan and English and provided to the victim in his or her native language, if practicable, when the native language of the victim is not Samoan or English.

47.0602 Duties of law enforcement officer to prosecutor’s office.

Law enforcement officers who respond to allegations of domestic or family violence are required within 72 hours of the response to either inform the prosecutor’s office or provide a copy of their police report to the prosecutor’s office.

47.0603 Mandatory arrest for crimes involving domestic or family violence--
Determination of primary aggressor--Required report.

(a) A law enforcement officer shall, without a warrant, arrest and charge a person with the appropriate crime if the officer has probable cause to believe that the person has committed a crime involving domestic or family violence, whether the offense is a felony or a misdemeanor, or was committed in or outside the presence of the officer.

(b) If a law enforcement officer receives complaints of domestic or family violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine who was the primary aggressor. If the officer determines that one person was the primary physical aggressor, the officer need not arrest the other person believed to have committed domestic or family violence. In determining whether a person is the primary aggressor the officer shall consider:

- (1) Prior complaints of domestic or family violence;
- (2) The relative severity of the injuries inflicted on each person;
- (3) The likelihood of future injury to each person; and
- (4) Whether one of the persons acted in self-defense.

(c) A law enforcement officer shall not threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage requests for intervention by law enforcement by any party.

(d) In addition to any other report required, a law enforcement officer who does not make an arrest after investigating a complaint of domestic or family violence or who arrests two or more persons for a crime involving domestic or family violence must submit a detailed, written report setting forth the grounds for not arresting or for arresting both parties.

47.0604 Mandatory arrest for certain violations of orders for protection.

When a law enforcement officer has probable cause to believe that a respondent has violated one of the following orders of the court and verifies the existence of the order, the officer shall, without a warrant, arrest the apparent violator whether the violation was committed in or outside the presence of the officer:

(a) An order enjoining the respondent from threatening to commit or committing acts of domestic or family violence against the petitioner or other family or household member.

(b) An order prohibiting the respondent from harassing, annoying, telephoning, contacting or otherwise communicating with the petitioner, either directly or indirectly.

(c) An order removing and excluding the respondent from the residence of the petitioner.

(d) An order requiring the respondent to stay away from the residence, school, place of employment, or a specified place frequented regularly by the petitioner and any named family or household member.

(e) An order prohibiting the respondent from using or possessing a firearm or other weapon specified by the Court.

47.0605 Authority of law enforcement officer to seize weapons.

Incident to an arrest for a crime involving domestic or family violence, a law enforcement officer:

(a) Shall seize all weapons that are alleged to have been involved or threatened to be used in the commission of a crime.

(b) May seize a weapon that is in the plain view of the officer or was discovered pursuant to a consensual search, as necessary for the protection of the officer or other persons.

47.0606 Mandatory arrest for violation of conditions of release.

If a law enforcement officer has probable cause to believe that a person has violated a condition of release imposed on a perpetrator of family and domestic violence and verifies that the alleged violator has notice of the conditions, the

officer shall, without a warrant, arrest the alleged violator whether the violation was committed in or outside the presence of the officer.

Chapter 07

PROBATION AND PAROLE

Sections:

- 47.0701** Conditions of probation for perpetrator convicted of crime involving domestic or family violence--Required reports by probation department.
- 47.0702** Conditions of parole for perpetrator convicted of crime involving domestic or family violence--Required reports by parole board.
- 47.0701** Conditions of probation for perpetrator convicted of crime involving domestic or family violence--Required reports by probation department.
- (a) Before placing a perpetrator who is convicted of a crime involving domestic or family violence on probation, the court shall consider the safety and protection of the victim of domestic or family violence and any member of the victim's family or household.
- (b) The court may condition the suspension of sentence or granting of probation to a perpetrator on compliance with one or more orders of the court, including but not limited to:
- (1) Enjoining the perpetrator from threatening to commit or committing acts of domestic or family violence against the victim or other family or household member.
- (2) Prohibiting the perpetrator from harassing, annoying, telephoning, contacting, or otherwise communicating with the victim, directly or indirectly.

(3) Requiring the perpetrator to stay away from the residence, school, place of employment, or a specified place frequented regularly by the victim and any designated family or household member.

(4) Prohibiting the perpetrator from possessing or consuming alcohol or controlled substance.

(5) Prohibiting the perpetrator from using or possessing a firearm or other specified weapon.

(6) Directing the perpetrator to surrender any weapons owned or possessed by the perpetrator.

(7) Directing the perpetrator to participate in and complete, to the satisfaction of the court, a program of intervention for perpetrators, treatment for alcohol or substance abuse, or psychiatric or psychological treatment.

(8) Directing the perpetrator to pay restitution to the victim.

(9) Requiring the defendant make payments to a battered women's shelter, up to a maximum of two thousand dollars (\$2,000).

(10) Imposing any other condition necessary to protect the victim of domestic or family violence and any other designated family or household member or to rehabilitate the perpetrator.

(c) The perpetrator shall pay the costs of any condition of probation, according to ability.

(d) The Court shall establish policies and procedures for responding to reports of nonattendance or noncompliance by a perpetrator with the conditions of probations imposed pursuant to subsection (b).

(e) The probation department shall immediately report to the court and the victim any assault by the perpetrator, the perpetrator's failure to comply with any condition imposed by the court or probation department, and any threat of harm made by the perpetrator.

(f) The probation department shall establish policies and procedures:

(1) For the exchange of information concerning the perpetrator with the court and the victim; and

(2) For responding to reports of nonattendance or noncompliance by the perpetrator with conditions imposed pursuant to subsection (b).

47.0702 Conditions of parole for perpetrator convicted of crime involving domestic or family violence--Required reports by parole board.

(a) In additions to other conditions imposed on a perpetrator convicted of a crime involving domestic or family violence, the parole board or other designated authority may impose any condition of parole upon the perpetrator necessary to protect the safety of the victim and family or household members of the victim, including but not limited to the conditions provided for in section 47.0701(b)(1)-(10).

(b) The perpetrator shall pay the costs of any condition of parole, according to ability.

(c) The parole board or other designated authority shall report to the court and the victim any assault by the perpetrator, the perpetrator's failure to comply with any condition imposed by the parole board or other designated authority, and any threat of harm made by the perpetrator.

(d) The parole board or other designated authority shall establish policies and procedures:

(1) For the exchange of information concerning the perpetrator with the court and the victim;

(2) For the protection and safety of the victim, including the release of a perpetrator in a jurisdiction other than where the victim lives; and

(3) For responding to reports of nonattendance or noncompliance by the perpetrator with conditions imposed pursuant to subsection (a).

Chapter 08

PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE

Sections:

- 47.0801 Creation of an American Samoan advisory council on domestic and family violence--Purpose--Required report.**
- 47.0802 Composition and qualification of members.**
- 47.0803 Duties of Department of Public Health.**
- 47.0804 Duties of Department of Public Safety**

47.0801 Creation of an American Samoan advisory council on domestic and family violence--Purpose--Required report.

(a) There is hereby created the American Samoan advisory council on domestic and family violence.

(b) The purpose of the advisory council is to increase the awareness and understanding of domestic and family violence and its consequences and to reduce the incidence of domestic and family violence within the Territory by:

(1) Promoting effective strategies for identification of the existence of domestic or family violence and intervention by public and private agencies serving persons who are victims of domestic or family violence;

(2) Providing for public education;

(3) Facilitating communication between public and private agencies that provide programs for victims of domestic and family violence and programs of intervention for perpetrators;

(4) Providing assistance to public and private agencies to develop statewide procedures and community education, including procedures for reviewing fatalities in local communities;

(5) Developing a comprehensive and coordinated plan of data collection concerning domestic and family violence for courts, prosecutors, law enforcement officers, health care practitioners, and other state agencies, in consultation with each other and in a manner that protects the identity of victims of domestic and family violence; and

(6) Promoting the organization of local councils on domestic and family violence and providing assistance and support to established local councils.

(c) The advisory council shall report to the Governor, the Speaker of the House and President of the Senate.

47.0802 Composition and qualification of members.

(a) The American Samoan advisory council on domestic and family violence consists of five members. The Governor shall appoint the members of the advisory council after consulting with public and private agencies that provide programs for victims of domestic or family violence, advocates for victims, and persons who have demonstrated expertise and experience in providing services to victims of domestic and family violence and their children.

(b) The membership of the advisory council must include as many relevant disciplines as practicable. The Governor shall appoint persons to the advisory council to provide significant representation by victims of domestic and family violence.

47.0803 Duties of Department of Public Health.

(a) The Department of Public Health shall make available to practitioners and health care facilities a written notice of the rights of victims and remedies and services available to victims of domestic or family violence in accordance with subsection (c).

(b) A practitioner who becomes aware that a patient is a victim of domestic or family violence shall provide to the patient and every health care facility shall make available to all patients the notice provided pursuant to subsection (a).

(c) The notice to victims of domestic or family violence must be substantially as follows:

“If you are the victim of domestic or family violence and you believe that law enforcement protection is needed for your physical safety, you have the right to request that an officer assist in providing for your safety, including asking for an emergency order for protection. You may also request that the officer assist you in obtaining your essential personal effects and locating and taking you to a safe place including but not limited to a designated meeting place for a shelter, a family member’s or a friend’s residence, or a similar place of safety. If you are in need of medical treatment, you have the right to request that the officer assist you in obtaining medical treatment. You may request a copy of the report at no cost from the law enforcement department. You may ask the prosecuting attorney to file a criminal complaint. You also have the right to file a petition in the High Court requesting an order for protection from domestic or family violence which could include any of the following orders:

(1) An order enjoining your abuser from threatening to commit or committing further acts of domestic or family violence;

(2) An order granting you possession and use of the automobile and other essential personal effects;

(3) An order granting you custody of your child or children;

- (4) An order denying your abuser visitation;
- (5) An order specifying arrangements for visitation, including requiring supervised visitation; and
- (6) An order requiring your abuser to pay certain costs and fees, such as rent or mortgage payments, child support payments, medical expenses, expenses for shelter, court costs, and attorney's fees.

The forms you need to obtain an order for protection are available from the the Department of Human and Social Services or the Office of the Attorney General. The resources available in this community for information relating to domestic and family violence, treatment of injuries, and places of safety and shelters. You also have the right to seek reimbursement for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or support, and other expenses for injuries sustained and damage to your property. This can be done without an attorney in small claims court if the total amount claimed is less than \$3,000".

(d) The written notice:

- (1) Must not include the addresses of shelters, unless the location is public knowledge.
- (2) Must be provided Samoan and English or in the native language of the victim, if practicable.

47.0804 Duties of Department of Public Safety.

- (a) The Department of Public Safety shall establish or make available:
 - (1) Programs of education and counseling for offenders who are also victims of domestic or family violence; and
 - (2) Programs of intervention for perpetrators convicted of crimes involving domestic or family violence.

(b) The director shall adopt rules or regulations requiring initial training and continuing education for employees of the correctional institutions concerning domestic and family violence. A new employee must receive the initial training during the orientation of the employee to the institution.

(c) The Department of Public Safety shall develop or adopt and put into effect written policies and procedures concerning:

- (1) The effective response to cases involving domestic and family violence.
- (2) Enforcement of American Samoan statutes concerning domestic and family violence.
- (3) Protection and safety of the victims of domestic violence and other family and household members.
- (4) Coordination with hospitals and programs for victims of domestic or family violence."


LUTU TENARI S. FUIMAONO
President of the Senate


MATA'I RAY MA'ILO MCMOORE
Speaker of the House

Hereby Approved this 13th day of March 2011 of

Governor of American Samoa

NOFOAIGA LUASEFULU-VALU FONO FAITULAFONO A AMERIKA SAMOA

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

O SE TULAFONO E FA'AVAE AI LE TULAFONO O SAUAGA FA'ALEAIGA MA AIGA; MA SAUNIA AI PUIPUIGA MO TAGATA E AFAINA ONA O FEUSUA'IGA FA'AMALOSI; SUIA AI LE MAGA 41.0408, 46.3604, 46.3610, 46.3611, 46.3612, 46.3615, 46.3616 T.T.A.S.; MA FA'AVAE LE ULUTALA 47, MATA'UPU 01 E O'O I LE 08 I LALO O LE TULAFONO TOETEUTEUINA O AMERIKA SAMOA.

Fa'atomuaga:

O le fa'amoemoega o lenei tulafono e taualoa ai le fa'atauāina o le sauāina i totonu o aiga o se solitulafono matuiā fa'asaga i mafutaga ma ia mautinoa ai le puipuiga malu o le tagata e afaina mai faiga fa'atama'i ona o sauaga fa'aleaiga e mafai ona tu'uina atu e le tulafono ma i latou e fa'amalosia le tulafono. O le fa'amoemoe lenei o le Fono Faitulafono ina ia fa'amamafaina le fa'amalosiaina o tulafono e tali atu ai i mata'upu o sauaga fa'aleaiga e puipui ai le tagata ua fa'ataugaina ma ia fa'alau'iloa le lagona e fa'apea, o uiga fa'atama'i e le fa'amagaloina pe fa'apalepaleina. E toe fia ta'ua atili e fa'apea, o le fa'amoemoe o le Fono Faitulafono ia fa'amalosiaina tulafono o soligatulafono mamafa ma e le afaina po'o tagata ua a'afia ai ua fa'aipoipo pe sa fa'aipoipo, fa'atasia e pei o se ulugali'i, pe o a'afia i se feso'ota'iga vavalalata.

IA FA'ATULAFONOINA E LE FONO FAITULAFONO A AMERIKA SAMOA

Maga 1. 41.0408 ua suia e faitauina:

“41.0408 Tagata-talosaga mo tagata e fa'atagaina e nofomau.

(a) O tagata uma lava e talosaga mo le fa'atagaga mai le komiti e nofomau ai i Amerika Samoa e mana'omia fa'atonuina e tatau ona iai se tagata-talosaga.

(e) O tagata ua ta'ua i lalo e agava'a e fai ma tagata-talosaga:

(1) o tagata Amerika Samoa uma, fa'apea ma nesionale o le Iunaite Setete;

(2) so'o se pisinisi paaga po'o se koporesi ua fa'atagaina e fa'agaoioi se pisinisi i Amerika Samoa;

(i) O tagata e talosagaina tagata mai fafo mo fa'amoemoega fa'alea'iga ia usita'ia aiaiga ua fa'aalia i lalo:

(1) O tagata e mafai ona talosagaina mo galuega fa'aleaiga, e aofia ai galuega tau fa'ato'aga, pe afai e fa'amalieina le komisi i le mana'oga mo se fesoasoani fa'alea'iga fa'apea ma le ausage o tagatanu'u nofomau mo ia galuega ma o lena tagata o lo'o i totonu o tapula'a fa'anumeraina ua aiaia i le mata'upu 03. E leai se tagata e mafai ona talosagaina e sili atu i le tagata e to'atasi mo galuega fa'alea'iga vagana ai ua manino ona aiaia i le malie o le komiti e mana'omia e sili atu nai lo le to'atasi le tagatafaigaluega fa'aleaiga e mafua mai ona ua matua po'o le afaina o le tino o le tagata talosaga po'o se totino o lona aiga, ma e leai se tagata e mafai ona talosagaina e sili atu nai le to'atasi se tagata mo galuega tau fa'ato'aga vagana ai ua fa'amalieina le komiti e mana'omia e le tagata talosaga tagatafaigaluega fa'aopoopo ma e mafai ona tau'aveina le tausaiaina o i latou i auala uma a'o iai i latou i Amerika Samoa;

(2) Afai o se tagata ua talosagaina e sili atu i se tagata e to'atasi se tagata mai fafo mo galuega fa'aleaiga po'o fa'ato'aga fo'i e aunoa ma le fa'amaoniaina e le komiti na mauaina ina ua uma ona fa'amalieina tulaga mana'omia fa'atonuina, o ia tagata mai fafo fa'aopoopo o le a a'afia i le fa'amutaina o le talosaga fa'apea ma le ave'esea fa'amalosia mai le teritori;

(3) O tagata mai fafo uma ua talosagaina mo fa'amoemoega fa'aleaiga ma fa'ato'aga o le a nonofo fa'atasi ma a latou tagata talosaga. O le anuilagi e usita'ia o le a avea ma mafuaga mo le fa'amutaina o le talosaga fa'apea ma le ave'esea fa'amalosia.

(0) O tagata e mafai ona talosagaina mo fa'amoemoe mo isi galuega aepeita'i e fa'alagolago i le fa'amalieina o le komiti i le mana'omia fa'apea ma le ausage o tagatanu'u mo ia galuega, ma o lena tagata o lo'o i totonu o tapula'a fa'anumeraina i le mata'upu 03. O le komiti o le a iai fo'i le aiā e fa'atapula'a ai le aofa'iga o tagata mai fafo mo isi galuega e se tagata-talosaga e pei ona fa'aalia i tulaga ua mana'omia ai.

(u) O le a feagai se tagata-talosaga ma pili uma o le falema'i, lafoga, malaga, i le atunu'u moni o le tagata mai fafo, tau o a'oa'oga, totogi fa'aletulafono o le loia fautua lautele, ma isi aitalafu lautele a le tagata mai fafo fa'apea ma tagata tausī.

(f) So'o se tagata e talosagaina se isi tagata e ao ona alaala o ia i Amerika Samoa i le vaitaimi o le talosaga. Afai e silafia e le komiti ua malaga 'ese le tagata-talosaga mai Amerika Samoa mo se vaitaimi e le mautinoa, e mafai e le tagata ua talosagaina ona maua lana fa'atagaga e fa'atumauiaina ai le fa'aleaogaina. O le a le toe maua e le tagata-talosaga lona aiā e talosaga ai se tagata pe afai e le mafai ona e ia ona totogi tau uma ua aiā i le (u) i luga, pe ua alaala fo'i i fafo o Amerika Samoa e sili atu i le tolu (3) masina soso'o.

(g) E mafai e le tagata-talosaga ona fa'aleaogaina lana talosaga pe fa'amutaina fo'i le fa'afaigaluegaina o so'o se tagata ua talosgaina e ala i tu'uina atu tusitusia o se fa'aaliga i le komiti fa'apea ma le tagata ua talosagaina.

(l) ~~O le talosagaina o tagata o le a le mafai ona tu'uina atu mai le tasi pisinisi i le isi e aunoa ma ni mafua'aga alagata mo mana'oga lautele o tagata o Amerika Samoa.~~ O le talosagaina o tagata e mafai ona tu'uina atu mai le tasi pisinisi i le tasi pe afai e fa'amalieina le komiti i le mana'oga ma le ausage o tagatanu'u nofomau mo ia galuega.

(m) Vagana ai ua ta'ua e ese mai ai, Oo tagata o lo'o i Amerika Samoa ma ua uma ona talosagaina o le a i ai le aiā e nofo ai i Amerika Samoa e o'o atu i le 40 20 aso pe a uma ona fa'aleaogaina le talosaga pe ua fa'amutaina fo'i le galuega ma e mafai e le komiti ona poloa'ina e tipoti e le silia nai le sefulu aso mo se mafua'aga e tusa ma le mata'upu 06. O fatuaiga a le tagata talosaga i lalo o soamaga (u) ua ta'ua i luga o le a fa'aauauina i totonu o lenei vaitaimi.

(n) O tagata o lo'o i Amerika Samoa ma e a'afia i sauaga fa'aleaiga po'o aiga e faia e lana tagata talosaga po'o le aiga o le tagata talosaga po'o totino o le aiga o le a i ai lona aia e nofo ai i Amerika Samoa e o'o atu i le 45 aso pe a mavae le fa'aleaogaina o le talosaga nofomau po'o le fa'amutaina o le galuega. O le ta'uagava'aina o se tasi "ua a'afia i sauaga fa'aleaiga po'o le aiga" e ao i le fa'amasinoga ona faia se su'esu'ega fa'apitoa i lenei tulaga.

(p) Afai e i ai se tagi a le tagata mai fafo o fa'atalitali e fa'asaga i le tagata talosaga, e mafai e le tagata mai fafo ona nofo i Amerika Samoa se'iloga e maua le i'uga o lana(al'i'i/tama'ita'i) tagi.

Maga 2. 46.3604 ua suia e faitauina:

"46.3604 Feusua'iga fa'amalosi (Rape).

(a) Ua faia e se tagata le solitulafono o le feusua'i fa'amalosi pe afai:

(1) Pe sa faia e ia se feusua'iga ma se isi tagata ~~e le'i fa'aipoipo i ai o ia~~, e aunoa ma le malie i ai o lena tagata i le fa'aaogaina o le malosi fa'amalosia; po'o

(2) sa na faia se feusua'iga ma se tasi tagata ~~e le'i fa'aipoipo i ai o ia~~ e 16 òna tausaga o le soifua pe la'ititi ifo fo'i.

(e) O feusua'iga fa'amalosi o se vasega E o solitulafono mamafa vagana ai i le fa'ataunu'uina o lea tulaga ua fa'ao'o atu ai e le tagata se manu'a tugā o le tino i so'o se tagata po'o le fa'aalia o se auupega mata'utia i se tulaga e fa'amata'u ai, o lena feusua'iga fa'amalosi o se vasega A o soligatulafono mamafa."

Maga 3. 46.3610 ua suia e faitauina:

"46.3610 Feusua'iga fa'ao'olima (Sexual assault).

(a) Ua faia e se tagata le solitulafono o feusua'i fa'ao'olima pe afai sa ia faia se feusua'iga ma se tasi tagata ~~e le'i fa'aipoipo i ai o ia~~ ma e auvaivai pe 14 16 tausaga le matua pe la'itiiti ifo fo'i..

(e) O le feusua'i fa'ao'olima o se vasega I o solitulafono mamafa vagana ai i le fa'ataunu'uina o lea tulaga ua fa'ao'o atu ai e le tagata fa'amalosi se manu'a tugā o le tino i so'o se tagata po'o le fa'aalia o se auupega mata'utia i se tulaga e fa'afefe ai, o lena soligatulafono o se vasega E o soligatulafono mamafa."

Maga 4. 46.3611 ua suia e faitauina:

"46.3611 Feusua'iga tulaga le masani ai fa'anatura (Sodomy).

(a) Ua faia e se tagata le soligatulafono o le feusua'iga le masani ai fa'anatura pe afai:

(1) ua ia alo'ese mai ala o feusua'iga masani fa'anatura ma se tasi tagata ~~e le'i fa'aipoipo i ai o ia~~ e aunoa ma le malie o lena tagata i ai po'o le fa'aaogaina o se malosi fa'amalosia: po'o

(2) sa ia faia se feusua'iga i tulaga le masani ai fa'anatura ma se tasi tagata e 14 16 tausaga le matua pe la'ititi ifo fo'i.

(e) Feusua'iga fa'atama'i i le tulaga muamua o se vasega E o solitulafono mamafa vagana ai i le fa'ataunu'uina o lena tulaga ua fa'ao'o atu ai e le tagata fa'amalosi manu'a tugā o le tino po'o le fa'aalia o se auupega mata'utia i se tulaga e fa'amata'uina ai. O lena soligatulafono o se vasega A o solitulafono mamafa."

Maga 5. 46.3612 ua suia e faitauina:

"46.3612 Feusua'iga fa'amata'uina le taupulea

(a) Ua faia e se tagata le solitulafono o le feusua'i fa'amata'u le taupulea pe afai ua ia uia tulaga o feusua'iga e le masani ai ma se tasi tagata ~~e le'i fa'aipoipo iai o ia~~ e aunoa ma le malie po'o se ua le agava'a ai fa'aletulafono po'o o se ua 14 16 tausaga le matua pe la'ititi ifo fo'i.

(e) O le feusua'i fa'amata'u le taupulea o se solitulafono mamafa vasega I vagana ai i le fa'ataunu'uina o lea tulaga ua folafolaina e le na faia se fa'amanu'aina tuga o le tino i so'o se tagata po'o le fa'aalialia fo'i o se auupega mata'utia i se tulaga fa'amata'u, o le solitulafono lena o se solitulafono mamafa vasega E.

Maga 6. 46.3615 ua suia e faitauina:

"46.3615 Feusua'i sauaina i le tulaga muamua.

(a) Ua faia e se tagata le solitulafono o feusua'i sauaina i le tulaga muamua pe afai:

(1) ua ia pulea fa'amalosi se isi tagata ~~o se e le'i fa'aipoipo iai o ia~~ i se feso'ota'iga fesusia'i e aunoa ma le malie iai o lena tagata po'o le fa'aaogaina o se u'una'iga fa'amalosi; po'o

- 06 Fa'amalosiaina o le Tulafono
- 07 Tu'uva'ava'aia ma Palolo
- 08 Puipuia ma le Togafitiga o Sauaga Fa'aleaiga.

Mata'upu 01
AIAIGA LAUTELE

Maga:

- 47.0101 Fa'amoemoega
- 47.0102 Fa'auigaga.

47.0101 Fa'amoemoega.

O le fa'amoemoega o lenei ulutala e taualoa ai le fa'atauāina o sauaga fa'aleaiga o se soligatulafono matuiā e fa'asaga i mafutaga ma ia fa'amautinoa ai le puipuiga fa'amalumalu e mafai ona saunia e le tulafono ma i latou e fa'amalosia le tulafono mo i latou e afaina mai fa'atama'iga. O le fa'amoemoe lenei o le fono faitulafono e fa'apea o le a fa'amamafaina le tali atu fa'aletulafono i mata'upu o sauaga fa'aleaiga e puipuia ai i latou ua afaina ma e fa'alauiloa atu ai le lagona e fa'apea o uiga fa'asauā e le fa'amagaloina pe fa'apalepaleina. Ae le gata i lea, o le fa'amoemoe o le Fono Faitulafono ia fa'amalosia tulafono o soligatulafono mamafa e le afaina ai pe o tagata ua a'afia ai ua pe sa fa'aipoipo. nonofo fa'atasi o se ulugalii, po'o a'afia i se feso'ota'iga vavalalata.

47.0102 Fa'auigaga

E pei ona fa'aaogaina i lenei mata'upu, vagana ai ua fa'aailoa manino e 'ese mai ai:

(1) “Sauaga fa’aleaiga po’o aiga” o lona uiga o le tula’i mai o se tasi pe sili atu o tulaga ua fa’aalia i lalo mai se aiga po’o se totino o le aiga, ae le aofia ai tulaga e puipui ai le tagata:

(A) Taumafai e fa’ao’o pe fa’ao’oina atu se fa’ao’olima i se tasi aiga po’o totino o le aiga:

(E) Fa’ae’eina atu i se aiga po’o se totino o se aiga se fa’amata’uina o le fa’ao’olima; po’o

(I) Fa’aosoina o se aiga po’o se totino o se aiga e faia e aunoa ma le malie i se tulaga o feusua’iga e ala i le fa’amalosi, taufa’amata’u fa’amalosi po’o le fa’amalosi e faia se mea e le tusa ma le tulafono.

(2) “Aiga po’o totino o le aiga” e aofia ai:

(A) Tagata matutua po’o tamaiti laiti o i ai po’o to’alua muamua:

(E) Tagata matutua po’o tamaiti o lo’o nonofo fa’atasi pe sa nonofo fa’atasi:

(I) Tagata matutua po’o tamaiti o lo’o fa’amanameaina pe sa fa’amanameaina:

(O) O tagata matutua po’o tamaiti ua a’afia i po’o sa a’afia i se feso’ota’iga feusua’i:

(U) Tagata matutua po’o tamaiti e faiā tau toto po’o fa’atamafai:

(F) Tagata matutua po’o tamaiti e aiga pe sa aiga muamua i se usuga:

(G) O tagata e i ai se alo so’ofa’atasi: ma

(L) O tamaiti laiti a se tagata i se so’otaga e pei ona fa’amatalaina i le parakalafa (A) e o’o i le (L).

Mata’upu 02

POLOA’IGA FA’ALETULAFONO MO LE PUIPUIGA

Maga:

- 47.0201 Ta'uagava'aina itu talosaga mo poloa'iga.
- 47.0202 Pepa tutusa mana'omia fa'atonuina mo talosaga ma poloa'iga--
Fa'amatalaga mana'omia i talosaga ma poloa'iga--Tiute o failautusi
e saunia talosaga ma fesoasoani tau failautusi.
- 47.0203 Poloa'iga fa'anatinati mo le puipuiga--Fesoasoani avanoa--
Fa'aavanoaina o fa'amasino po'o ofisa o le fa'amasinoga--
Fa'amutaina o poloa'iga.
- 47.0204 Poloa'iga mo le puipuiga--Suiga o le poloa'iga--Fesoasoani avanoa
mo le itu e tasi--Fesoasoani avanoa pe a uma le iloiloga--Tiute o le
fa'amasinoga--Umi o le poloa'iga.
- 47.0205 Iloiloga fa'atonuina--Tiute o le fa'amasinoga pe afai e te'ena le
poloa'iga mo le puipuiga.
- 47.0206 Totogi ma tau fa'ae'e o le fa'amasinoga.
- 47.0207 Resitaraina ma le fa'amalosiina o poloa'iga mai fafo mo le
puipuiga--Tiute o le failautusi o le fa'amasinoga.

47.0201 Ta'uagava'aina o itu talosaga mo poloa'iga.

(a) O se tagata ua afaina po'o se tagata sa afaina i sauaga fa'aleaiga po'o
aiga e mafai e ia ona faila se talosaga mo se poloa'iga mo le puipuiga e fa'asaga i
se aiga po'o se totino o le aiga sa faia se gaioiga o sauaga fa'aleaiga po'o aiga.

(e) O se matua, tagata tausi fa'aletulafono, po'o se isi sui e mafai ona
failaina se talosaga mo se poloa'iga mo le puipuiga mo se tamaitiiti e fa'asaga i se
aiga po'o se totino o se aiga o ia sa faia se gaioiga o sauaga fa'aleaiga po'o aiga.

(i) E leai se aiaiga fa'avae o le nofomau mo se poloa'iga mo le puipuiga.

47.0202 Pepa tutusa mana'omia fa'atonuina mo talosaga ma poloa'iga:
fa'amatalaga mana'omia i talosaga ma poloa'iga--Tiute o le failautusi

(2) ua ia pulea fa'amalosi se isi tagata o se e 14 16 tausaga le matua pe la'ititi ifo fo'i i se feso'ota'iga feusua'i.

(e) O le feusua'i sauaina i le tulaga muamua o se solitulafono mamafa vasega O vagana ai i le fa'ataunu'uina o lea tulaga e le e faia se fa'aleagaina tuga o le tino i so'o se tagata pe fa'aalialia se auupega mata'utia i se tulaga fa'amata'u, o le solitulafono lena o le solitulafono mamafa vasega I."

Maga 7. 46.3616 ua suia e faitauina:

"46.3616 Feusua'i fa'atama'i i le tulaga lona lua.

(a) ua faia e se tagata le soligatulafono o le feusua'i fa'atama'i i le tulaga lona lua pe afai e pulea i ia se tasi tagata ~~i le'i fa'aipoipo i ai o ia e~~ feusua'i fepa'ia'i e aunoa ma le malie o lena tagata.

(e) Feusua'i fa'atama'i i le tulaga lona lua o se vasega E o solitulafono mama vagana ai i le fa'ataunu'uina o lena tulaga ua fa'aalia ai e le tagata fa'amalosi se auupega mata'utia i se tulaga e fa'amata'uina ai, o lena soligatulafono o se vasega A o solitulafono mama."

Maga 8. Ua fa'avaeina se Ulutala 47 i lalo o le Tulafono Toeteuteuina a Amerika Samoa:

"Ulutala 47

SAUAGA FA'ALEAIGA MA AIGA

Mata'upu:

- 01 Aiaiga lautele
- 02 Poloa'iga fa'aletulafono mo le Puipuiga
- 03 Aiga ma Tamaiti
- 04 Solitulafono mamafa
- 05 Taulumaga o solitulafono mamafa

e saunia talosaga ma fesoasoani tau failautusi.

(a) O le ofisa o le Loia Sili o le 'a:

(1) Fuafua ma talia ni pepa tulaga tutusa mo talosaga ma poloa'iga mo le puipuiga, e aofia ai ae lē fa'atapula'aina i ia poloa'iga e tu'uina atu e tusa ma le aleia o fa'aipoipoga, tausiga, ma iloilogia o faiā fa'alea'iga; ma

(2) Tu'uina atu pepa i le failautusi o fa'amasinoga ta'itasi ua fa'atagaina e tu'uina atu ia poloa'iga.

(e) E fa'aopoopo i so'o se isi fa'amatalaga mana'omia, o le talosaga mo se poloa'iga mo le puipuiga e tataua ona aofia ai se fa'amatalaga e lisi ai tagi ta'itasi tau sivili ma solitulafono mamafa e a'afia ai itu e lua.

(i) O fa'amatalaga ua fa'aalia i lalo e tataua ona lomai ai i lomiga iloa gofie po'o mata'itusi mata tetele i le poloa'iga mo le puipuiga:

(1) "O le soliga o lenei poloa'iga e mafai ona fa'asalaina i le nofo i le falepuipui i se vaitaimi ua atofaina ma i se salatupe i se aofa'iga ua aiaia i ai."

(2) "Pe afai ua poloa'ina e le fa'amasinoga, ua fa'asaina ai le itu tali e ulufale pe nofo i le fale o le itu talosaga, e tusa lava pe afai ua vala'auina e le itu talosaga po'o so'o se isi tagata. E leai se tulaga e fa'aleaogaina ai le poloa'iga mo le puipuiga."

(o) O le failautusi o le fa'amasinoga po'o isi tagata ua fa'asinoina ma'oti o le 'a tu'uina atu i le tagata ua talosagaina se poloa'iga mo le puipuiga:

(1) O pepa ua fa'amaoniaina e tusa ma le soamaga (a): ma

(2) O isi pepa uma e mana'omia fa'atonuina e talosaga ai mo se poloa'iga mo le puipuiga, e aofia ai ae le fa'atapula'aina i, pepa mo le tautua: ma

47.0203 Poloa'iga fa'anatinati mo le puipuiga, fesoasoani avanoa;
fa'avanoaina o fa'amasino; po'o ofisa o le fa'amasinoga;
fa'amutaina o le poloa'iga.

(a) E mafai e se fa'amasinoga ona tu'uina atu se poloa'iga fa'anatinati tusitusia pe tu'ufofoga atu mo le puipuiga o se itu pe afai e ta'ua e se ofisa fa'amalosi tulafono patino i le fa'amasinoga pe ala i le telefoni, ma afai e fa'atalitonuina le fa'amasinoga i mafua'aga e talafeagai e lagolagoina ai, e fa'apea o le itu talosaga ua i ai i se tulaga fa'amata'uina o sauaga fa'aleaiga po'o aiga e se aiga po'o se totino o se aiga.

(e) O se ofisa fa'amalosi tulafono ua mauaina se poloa'iga tu'ugutu atu mo le puipuiga mai se fa'amasinoga o le a:

(1) Tusia ma sainia le poloa'iga i le pepa mana'omia fa'atonuina e tusa ma le maga 47.0202;

(2) Tu'uina atu se kopi i le itu tali;

(3) Tu'uina atu vave se kopi i le itu talosaga fa'atasi ai ma se kopi o le poloa'iga; ma

(4) Tu'uina atu le poloa'iga i le fa'amasinoga pe a muta le aso pisinisi o le fa'amasinoga e soso'o ai.

(i) E mafai e le fa'amasinoga ona tu'uina atu fesoasoani ua ta'ua i lalo i se poloa'iga fa'anatinati mo le puipuiga:

(1) fa'asa le itu tali mai le fa'amata'uina i le faia pe fa'ataunu'uina o gaioiga o sauaga fa'aleaiga po'o aiga e fa'asaga i le itu talosaga ma so'o se aiga ua fa'asinoina ma'oti po'o se totino o se aiga:

(2) Fa'asa le itu tali mai le fa'asoesa, fa'alavelave, telefoni, fa'afeso'ota'i, po'o se isi auala o feso'ota'iga ma le itu talosaga, patino pe fa'atafatafa;

(3) Ave'ese ma fa'atula'i ese le itu tali mai le fale o le itu talosaga, e le afaina ai le aia i le fale:

(4) Fa'atonuina le itu tali e taumamao mai le fale, a'oga, nofoaga e faigaluega ai le itu talosaga, po'o so'o se isi nofoaga fa'apitoa e masani ona alu i ai le itu talosaga ma so'o se aiga ua fa'asinoina ma'oti po'o se totino o le aiga.

(5) Fa'atonuina le mauaina ma le fa'aaogaina o se ta'avale ma isi mea totino, e le afaina ai le aia i meatotino fa'apitoa, ma fa'atonuina le ali'i ofisa fa'amalosi tulafono fa'apitoa e o fa'atasi ma le itu talosaga i le fale o itu uma e lua ina ia mautinoa le tu'uina atu ma le filemu o le mauaina o le fale, ta'avale, ma isi meatotino tauā fa'apitoa, po'o le va'ava'aia le ave'esea o meatotino a le itu talosaga po'o le itu tali:

(6) Fa'atagaina le tausiga le tumau o se tamaititi la'ititi e le itu talosaga; ma

(7) Fa'atonuina isi fesoasoani e manatu le fa'amasinoga e alagataua e puipui ai ma saunia ai mo le saogalemu o le itu talosaga ma so'o se aiga ua fa'asinoia ma'oti po'o se totino o le aiga.

(o) O se fa'amasino po'o se ofisa o le fa'amasinoga e i ai le pule e tu'uina atu ai se poloa'iga mo le puipuiga e tataua ona avanoa i le 24 itula e fa'afofoga i talosaga mo poloa'iga fa'anatinati mo le puipuiga.

(u) O se poloa'iga fa'anatinati mo le puipuiga e muta lona malosi i le 72 itula mai le taimi e tu'uina atu ai.

47.0204 Poloa'iga mo le puipuiga--Suiga o Poloa'iga--Fesoasoani avanoa mo se itu fa'apitoa--Fesoasoani avanoa pe a uma le iloiloga--Tiute o le fa'amasinoga--Umi o le malosi o le poloa'iga.

(a) Afai e fa'iloa mai i le talosaga mo se poloa'iga mo le puipuiga po'o se talosaga e sui se poloa'iga mo le puipuiga e fa'apea ua tula'i mai se sauaga fa'aleaiga po'o le aiga po'o se suiga o se poloa'iga mo le puipuiga e mana'omia, e mafai e le fa'amasinoga:

(l) E aunoa ma se fa'aaliga po'o se iloiloga, ona tu'uina atu vave se poloa'iga mo le puipuiga o se itu pe suia se poloa'iga mo le puipuiga o se itu e manatu e alagataua e puipui ai le itu talosaga.

(2) A tauaaoina se fa'aaliga, ia tu'uina atu se poloa'iga mo le puipuiga po'o le suia o se poloa'iga pe a uma se iloiloga pe na fa'atasi ai le itu tali pe leai fo'i.

(e) E mafai e le fa'amasinoga ona talia fesoasoani ua fa'aalia i lalo e aunoa ma le fa'aaliga ma le iloiloga i se poloa'iga mo le puipuiga po'o se suiga ua tu'uina atu i se itu:

(1) E fa'asa ai le itu tali mai le fa'amata'uina e faia pe fa'ao'oina atu ni tulaga o le sauaina fa'aleaiga po'o aiga e fa'asaga i le itu tagi ma so'o se aiga ua fa'asinoina ma'oti po'o se totino o se aiga:

(2) Fa'asaina le itu tali mai le fa'asoesa, fa'alavelave, telefoni, fa'afeso'otai, pe fa'afeso'ota'i i se isi auala ma le itu talosaga, patino pe fa'atafatafa:

(3) Ave'ese ma fa'anofo'ese le itu tali mai le fale o le itu talosaga, e le afaina ai po'o ai e ona le fale;

(4) Fa'atonuina le itu tali e alo'ese mai le fale, a'oga, po'o le nofoaga e faigaluega ai le itu talosaga, po'o so'o se nofoaga fa'apitoa e masani ona alu i ai le itu talosaga ma so'o se aiga ua fa'asinoina fa'apitoa po'o se totino o se aiga;

(5) Fa'asaina le itu tali mai le fa'aaogaina po'o le taofia o au'upega po'o isi au'upega ua fa'atonuina e le fa'amasinoga;

(6) Poloa'iina le taofia ma le fa'aaogaina o se ta'avale ma isi meatotino taua fa'apitoa, e le afaina ai po'o ai e i ai le aia o na meatotino tauā fa'apitoa, ma fa'atonuina le ofisa fa'amalosi tulafono ua gafa ma lea tulaga e o fa'atasi ma itu talosaga i le fale o le itu uma e lua ina ia mautinoa le tu'uina fimalie o le mauaina o le fale, ta'avale, ma isi meatotino tua fa'apitoa, pe va'avaaia le ave'esea o meatotino fa'apitoa a le itu talosaga po'o le itu tali:

(7) Poloa'ina isi fesoasoani e manatu e alagatatau ma le saogalemu ma manuia o le itu talosaga ma so'o se aiga ua fa'asinoina ma'oti po'o se totino o le aiga.

(8) Poloa'iina isi fesoasoani e manatu e alagatatau e saunia ai mo le saogalemu ma le manuia o le itu talosaga fa'apea ma so'o se aiga ua fa'asinoia ma'oti po'o se totino o se aiga.

(i) E mafai e le fa'amasinoga ona tu'uina atu se fesoasoani i se poloa'iga mo le puipuiga po'o se suiga o se poloa'ia pe uma se fa'aaliga ma se iloiloga, pe i ai le itu tali pe leai fo'i:

(1) Tu'uina atu le fesoasoani avanoa e tusa ma le soamaga (e).

(2) Fa'amaoti fa'atulagaga mo asiasiga mo so'o se tamaititi la'ititi e le itu tali ma e mana'omia se va'ava'aiga o asiasiga e se itu lona tolu po'o le te'ena o asiasiga pe afai e talafeagai e puipui ai e saogalemu o le itu talosaga po'o le tamaititi.

(3) Fa'atunuina le itu tali e totogi le totogi o le loa.

(4) Fa'atunuina le itu tali e:

(a) Totogi le nofototogi pe faia peimeni i se mokesi i le fale o le itu talosaga ma totogi le tausiga o le itu talosaga ma le tamaititi la'ititi pe afai e maua e i ai se tiute tau'ave ile itu tali e tausiga le itu talosaga po'o le tamaititi la'ititi;

(e) Toetotogi atu so'o se tupe na fa'aaluina e le itu talosaga po'o isi tagata sa a'afia ai i sauaga fa'aleaiga po'o le aiga, e aofia ai ae le fa'atapula'aina i tupefa'aalu o le falema'i, fautuaga, fale, ma le ripeaina po'o le toetotogiina atu o meatotino sa fa'aleagaina: ma

(i) Totogi le tau ma totogi fa'ae'e e tula'i mai ona o le fa'aluina o le tasi e le itu talosaga;

(o) O le fa'amasinoga o le a:

(1) Saunia se poloa'iga e tu'uina atu i le pule'aga mo le tauaaoina atu;

(2) Faia ni taumafaiga talafeagai e fa'amaotino ai ua malamalama le itu talosaga i le poloa'iga, fa'apea ma le itu tali, pe afai e fa'atasi uma ai;

(3) Tu'uina atu, pe afai ua tuana'i le aso pisinisi e soso'o ai pe uma ona tu'uina atu o le poloa'iga: se kopi o le poloa'iga mo le puipuiga i le vaega po'o vaega fa'amalosi tulafono lotoifale ua fa'asinoia fa'apitoa e le itu talosaga: ma

(4) Tu'uina atu se kopi o le poloa'iga i le vaega o fa'amaumauga o Amerika Samoa.

(u) O se poloa'iga mo le puipuiga e tu'uina atu i se itu pe i luga o se fa'aaliga ma se iloilogaga po'o se suiga o le poloa'iga mo le puipuiga sa tu'uina atu i se itu pe auala i se fa'aaliga ma se iloilogaga o le a taualoa vagana ai ua i ai se isi poloa'iga a le fa'amasinoga.

(f) O le a saunia e se pule'aga ua fa'atunuina fa'apitoa e saunia se tautua fa'anatinati mo poloa'iga mo le puipuiga.

47.0205 Iloilogaga fa'atunuina--Tiute o le fa'amasinoga pe afai e te'ena le poloa'iga.

(a) Vagana ai ua aiaia e'ese mai ai i le soamaga (e), afai e tu'uina atu e le fa'amasinoga se poloa'iga mo le puipuiga i se itu po'o se suiga o se poloa'iga mo le puipuiga o se itu ma saunia e le fa'amasinoga se fesoasoani e tusa ma le maga 47.0204 (e), e tusa ma se talosaga mai se itu i totonu o aso e 30 pe a uma ona tu'uina atu se poloa'iga po'o se suiga, ona fa'atulagaina ai lea e le fa'amasinoga se aso mo se iloilogaga o le talosaga. E tataua ona faia le iloilogaga i totonu o aso e sefulu pe a uma ona fa'aulufaleina se talosaga mo se iloilogaga vagana ai ua tolopo e le fa'amasinoga ona o se mafua'aga talafeagai ua fa'aalia.

(e) O le a fa'atulagaina e le fa'amasinoga se aso mo le iloilogaga i totonu o aso e 10 pe a uma ona fa'aulufaleina le talosaga pe afai ua tu'uina atu se poloa'iga mo le puipuiga i se itu po'o se suiga o se poloa'iga o le puipuiga i se itu; ma

(1) E talosaga e le itu talosaga pe e saunia e le fa'amasinoga se fesoasoani e tusa ma le maga 47.0204(e)(7), e fa'atatau i le tausiga o se tamaitiiti la'ititi; po'o

(2) E talosagaina e le itu talosaga le fesoasoani e tusa ma le maga 47.0204(i)(2)-(4).

47.0206 Tau ma totogi fa'ae'e o le fa'amasinoga

O tau fa'ae'e mo le failaina fa'apea ma taualumaga o le tu'uina atu o tautua e le tatau ona fa'ae'eina atu i ai se tau mo so'o se iloiloga o lo'o talosagaina ai na'o se fesoasoani ua uma ona aiaia i lenei mata'upu.

47.0207. Resitaraina ma le fa'amalosia o poloa'iga mai fafo mo le puipuiga--
Tiute o le failautusi o le fa'amasinoga.

(a) O se kopi fa'amaoniaina o se poloa'iga mo se puipuiga sa tu'uina atu i le Iunaite Setete e mafai ona failaina i le ofisa o le failautusi o le Fa'amasinoga Sili. O le a fa'agaoioi e le failautusi lenei poloa'iga i le tulaga lava e tasi e pei ona fa'agaoioi i le failautusi se poloa'iga mo se puipuiga sa tu'uina atu e le Fa'amasinoga Sili.

(e) O se poloa'iga ua failaina mo le puipuiga e i ai lona malosi tutusa ma e tatau ona fa'amalosia i tulaga lava e tasi e pei o se poloa'iga mo le puipuiga sa tu'uina atu e se fa'amasinoga i lenei Teritori. O le a fa'amalosia e le fa'amasinoga aiaiga uma o se poloa'iga mai fafo ua resitaraina mo le puipuiga pe o avanoa pe leai lea fesoasoani i lenei Teritori.

Mata'upu 03

AIGA MA TAMAITI

Maga:

47.0301 Fa'ai'uga e fa'ata'u i le tausiga ma le nofoaga o se tamaititi.

47.0302 Fa'amaoniga e iloiloaina ai le tausiana ma asiasiga.

47.0303 Aiaiga o asiasiga i tulaga e a'afia ai sauaga fa'aleaiga ma aiga.

47.0301 Fa'ai'uga e fa'ataui i le tausiga ma le nofoaga o se tamaititi.

O iloiloga uma o i ai se mata'upu fa'afinauina e fa'ataui i le tausiga o se tamaititi, o le fa'ai'uga a le fa'amasinoga sa i ai se sauaina fa'aleaiga po'o aiga e tula'i mai ai se fa'amaoniga fa'afinauina e fa'apea e:

(1) afaina ai le tamaititi ma e le mo le manuia aupito sili o le tamaititi i le tu'uina atu o le tausiga atoatoa, tausiga fa'atasi fa'alelufono, tausiga so'ofa'atasi ma lē na fai le solitulafono o le sauaina fa'aleaiga po'o le aiga i le nofoaga o le filifiliga a lena matua, i totonu po'o fafo o le Teritori.

(2) mo le manuia aupito lelei mo le tamaititi ona nofo fa'atasi ma le matua e le'i faia le solitulafono o le sauaina fa'aleaiga po'o le aiga i le nofoaga o le filifiliga a lena matua, i totonu po'o fafo o le Teritori.

47.0302 Fa'amaoniga e iloiloina ai le tausiga ma asiasiga.

(a) E fa'aopoopo i isi fa'amaoniga e ao ona iloiloina e le fa'amasinoga i se iloiloga i se mata'upu fa'afinauina o le tausiga o se tamaititi po'o asiasiga e se matua ma sa faia ai e le fa'amasinoga se fa'ai'uga o le sauaina fa'aleaiga po'o le aiga:

(1) E tataui ona manatu magafagafa le fa'amasinoga i le fa'atauina o le saogalemu ma le manuia o le tamaititi ma le matua ua afaina i sauaga fa'aleaiga po'o le aiga.

(2) E tataui ona manatu magafagafa i le tala'aga o le soifuaga o le tagata na faia le solitulafono sa mafua ai ona afaina le tino, manu'a, fa'ao'olima, pe mafua ai se mata'u tele o afaina o le tino, manu'a o le tino, po'o le fa'ao'olima, i se tasi tagata.

(e) Afai e le o i ai se matua pe ua nofo'ese e mafua ona o se tulaga o sauaga fa'aleaiga po'o le aiga sa faia e le tasi matua, o lona le i ai po'o nofo'ese e avea o se fa'amaoniaga mamafa aloaia e fa'asaga i le iloiloina o le tausiga po'o asiasiga.

(i) O iloiloga uma e i ai e iloiloina ai se mata'upu o le suiga o se poloa'iga mo le tausiga po'o asiasiga o se tamaititi, o le fa'ai'uga sa fa'amaonia ai le i ai o se sauaina fa'aleaiga po'o le aiga i le taimi o le iloiloga mulimuli e fa'avae ai se fa'ai'uga o se suiga o le tulaga o le tausiga.

47.0303 Aiaiga o asiasiga i tulaga e a'afia ai le sauaina fa'aleaiga ma aiga.

(a) E mafai e le fa'amasinoga ona fa'atagaina le asiasi atu o se matua sa na faia se sauaga fa'aleaiga po'o le aiga pe afai e silafia e le fa'amasinoga e mafai ona faia se aiaiga talafeagai mo le saogalemu o le tamaitiiti ma le matua sa afaina i sauaga fa'aleaiga po'o le aiga:

(e) I se poloaiga e fa'ataga ai asiasiga, e mafai e le fa'amasinoga:

(1) Poloa'iina se fesuia'iga o se tamaitiiti e faia i se nofoaga puipuia.

(2) Poloa'iina asiasiga e va'ava'a'ia e se tasi tagata po'o se ofisa.

(3) Poloa'iina le na faia le solitulafono o sauaga fa'aleaiga po'o le aiga e auai ma ia mae'a lelei, ma fa'atalitonuina lelei le fa'amasinoga, i se porokalama fa'asalavei mo tagata solitulafono po'o isi faufautuaga ua fa'asinoia fa'apitoa o se aiaiga o asiasiga.

(4) Poloa'iina le na faia le solitulafono o le fa'asauaina fa'aleaiga po'o le aiga ia aloalo mamao mai le tagofia po'o le fa'aaogaina o alakaholo po'o vaila'au fa'asaina i le taimi o asiasiga ma mo le 24 itula ae le'i fa'ataunu'uina asiasiga.

(5) Fa'atonuina le tagata solitulafono o sauaga fa'aleaiga po'o le aiga e totogi se tau fa'a'e'e e totogi ai tau o va'ava'aia o asiasiga.

(6) Fa'asa asiasiga i le po.

(7) Mana'omia fa'atonuina se pone mai le tagata na faia le solitulafono o sauaga fa'aleaiga po'o le aiga mo le toefa'afo'i atu ma le saogalemu o le tamaititi.

(8) Fa'ae'e atu so'o se isi lava aiaiga e manatu e alagata e saunia ai mo le saogalemu o le tamaititi, lē na afaina i sauaga fa'aleaiga po'o le aiga, po'o isi o le aiga po'o totino o le aiga.

(i) E mafai e le fa'amasinoga ona fa'asino ae le poloa'iina se tagata matua o ia o se tagata sa afaina i sauaga fa'aleaiga po'o le aiga e auai i faufautuaga e fa'atatau i le tulaga o lē ua afaina po'o uiga o se tagata ua afaina, fa'apitoa pe o le auai fa'atasi ma le sa faia le solitulafono o sauaga fa'aleaiga po'o le aiga o fai ma aiaiga o le tu'uina atu o le tausiga o se tamaititi po'o se tu'utu'uga o asiasiga.

(o) Afai e fa'ataga e se fa'amasinoga se faiga po'o totino o le aiga e va'ava'aia le asiasiga, o le a fa'atulagaina e le fa'amasinoga ni aiaiga e mulimulita'i i ai a'o faia asiasiga.

Mata'upu 04

SOLITULAFONO MAMAFA

Maga:

47.0401 "Soligatulafono e a'afia ai sauaga fa'aleaiga po'o aiga" ua fa'amalamalamaina.

47.0402 Salatupe fa'atonuina mo le nofosala i se soligatulafono o sauaga fa'aleaiga po'o aiga.

47.0403 Solia o nisi o poloa'iga mo le puipuiga o se solitulafono māmā.

47.0404 Fa'aopoopoina o fa'asalaga mo le solitulafono lona lua pe mulimuli mai e a'afia ai sauaga fa'aleaiga po'o aiga.

47.0401 Soligatulafono e a'afia ai sauaga fa'aleaiga po'o aiga ua fa'amalamalamaina.

(a) O se “soligatulafono e a’afia ai sauaga fa’aleaiga po’o le aiga” e tula’i mai pe afai o se aiga po’o se totino o se aiga e pei ona fa’amalamalamaina i le maga 47.0102.(1), ua faia se tasi pe sili atu o soligatulafono ua fa’aalia i lalo e fa’asaga i se tasi aiga po’o se totino o se aiga:

(1) fa’amu fale;

(2) fa’ao’olima ma fa’asoesa;

(3) ulufale fa’amalosi, gaoiga, fa’alavelave e le aiā i ai

(4) fa’aleagaina o meatotino:

(5) solitulafono fasioti tagata (fasioti tagata mafauauina ma fasioti tagata pa’ivalea, fasioti tagata fa’atamala):

(6) gaoi ma ave fa’amalosia o se tagata, fa’asaina le tusa ma le tulafono, falepuipui le tonu;

(7) solitulafono feusua’i (feusua’i fa’amalosi, feusua’i fa’ao’olima, feusua’i fa’ao’olima i auala le masani ai, feusua’i fa’atama’i, fa’alavelave ma le manatu e feusua’i ma tamaiti);

(8) Gaoia ma soligatulafono fa’apena:

(9) solitulafono o tulafono tau auupega (fa’aaogaina o auupega e le tusa ma le tulafono, taofia o se auupega ua fa’aleagaina, tu’uina atu o se auupega e le tusa ma le tulafono, taofia o se auupega ma ututau o auupega e le tusa ma le tulafono):

(10) solitulafono e fa’asaga i poloa’iga lautele (fa’avevesi le filemu lautele, fa’alavelave i le filemu o se tagata fa’apitoa);

(11) solitulafono fa’aleaiga (faiavā tele, feusua’i i totonu o aiga, lafoa’i le tausiga o se tamaititi, le tausia e tusa ma le tulafono, fa’aafaina le tulaga manuia o se tamaititi, fa’atama’iaina o se tamaititi):

(12) fa’aleagaina o meatotino ma le sopotuaoui; ma

(13) so’o se isi soligatulafono e manatu le loia sili e alagatatau ma talafeagai;

(e) O tulafono mo solitulafono mamafa ua ta'ua i luga e aofia ai le (a)(1)-(13) o le a fa'amalosia ma e le afaina ai pe o tagata e a'afia ai ua pe sa fa'aipoipo, nonofo fa'atasi e pei o se ulugali'i, po'o a'afia i se feso'ota'iga vavalalata.

47.0402 Salatupe fa'atonuina mo le nofosala i se soligatulafono o sauaga fa'aleaiga po'o le aiga.

O se tagata ua nofosala i se soligatulafono o sauaga fa'aleaiga po'o le aiga e mana'omia fa'atonuina e totogi atu i le fa'amasinoga se aofa'iga mauualalo o le tasi le selau limasefulu talā (\$150) ma ia totogi atu e pei ona fa'atulagaina i lenei parakalafa.

(a) E mafai e le fa'amasinoga ona fa'aaoga e le sili atu nai le tasi-o-vae-tolu o peimeni ta'itasi e fa'apaleni ai tau o le fa'agaoioiga o le pulega mo le teuina o lenei peimeni, mo le fa'asa'olotoina o le tau fa'ae'e o le failaina mo tagata ua afaina sa a'afia i sauaga fa'aleaiga, ma le tau o le sauniaina o pepa fa'aletulafono e fa'atatau i lenei mata'upu.

(e) O le vaegatupe totoe o le a tu'uina atu, i kuata ta'itasi, i le teugatupe lautele e fa'aagaaga mo le teuina i le porokalama e fesoasoani i tagata ua afaina i soligatulafono/matagaluega o le soifua maloloina ma tautua lautele, i se aofa'iga e tusa o le lua-o-vae-tolu o tupe e aoina i kuata muamua. O tupe e teuina i le porokalama fesoasoani i tagata afaina i soligatulafono o le a vaevaeina e pei ona ta'ua i lalo:

(1) O le afa o le a tu'uina atu e fa'avaeina ai, fuafuaina ai, ma fa'agaoioi ai se porokalama e taofia ai le fa'ao'olima, po'o so'o se isi faufautuaga alagatatau.

(2) O le afa o le a fesoasoani i le fuafuaina o se a'oa'oga lautele fa'aleteritori ma porokalama tau a'oa'oga e si'itia ai le silafia e le lautele sauaga fa'aleaiga ma fa'aleleia ai le tulaga ma le fa'aleleia o tautua e tu'uina atu i tagata ua afaina ona o sauaga fa'aleaiga.

47.0403 Solia o nisi o poloaiga mo le puipuiga o se solitulafono māmā.

O le soliga o se tasi o poloaiga ua fa'aalia i lalo e tu'uina atu mo se puipuiga e fa'asaga i sauaga fa'aleaiga ma aiga, o se solitulafono māmā.

(a) O se poloa'iga e fa'asa ai le itu tali i se tagi mai le fa'amata'uina i le faia po'o le fa'ataunu'uina o tulaga o sauaga fa'aleaiga po'o aiga e fa'asaga i le itu talosaga po'o isi aiga po'o totino o aiga.

(e) O se poloaiga e fa'asa ai le itu tali mai le fa'asoesa, fa'alavelave, telefoni, fa'afeso'otai, po'o isi feso'otaiga e 'ese mai ai ma le itu talosaga, tu'usa'o pe fa'atafatafa.

(i) O se poloa'iga e ave'eseina ai ma fa'anofo 'ese ai le itu tali mai le nofoaga e alaala ai le itu talosaga.

(o) O se poloa'iga e mana'omia fa'atonuina ai le itu tali ia tu'ua le nofoaga, a'oga, nofoaga o galuega, po'o se nofoaga fa'apitoa e alu so'o i ai pe masani ai le itu talosaga ma so'o se aiga po'o se totino o se aiga ua ta'ua.

(u) O se poloa'iga ua fa'asa ai le itu tali mai le fa'aaogaina po'o le umiaina o se auupega po'o isi auupega ua ta'ua ma'oti e le fa'amasinoga.

47.0404 Fa'aopoopoina o fa'asalaga mo lona lua o soligatulafono po'o soligatulafono mulimuli mai e a'afia ai sauaga fa'aleaiga po'o aiga.

Afai e faia e le ua molia se ioega i le fa'amasinoga, ma tali atu e nofosala i, pe ua iloilo ina ua nofosala i, pe ua maua e nofosala i se soligatulafono lona lua po'o se soligatulafono mulimuli mai e a'afia ai se sauaga fa'aleaiga po'o le aiga i totonu o le lima tausaga, e fa'aopoopoina le fa'asalaga i le tasi tikeri i luga a'e e 'ese mai ai e pei ona aiaia mo lena solitulafono i le tulafono fa'aleteritori.

TAUALUMAGA O SOLITULAFONO MAMAFa

Maga:

- 47.0501 Aia fa'aleto'alua e le fa'aaogaina i iloiloga o soligatulafono mamafa e a'afia ai sauaga fa'aleaiga po'o le aiga
- 47.0502 Fa'amaumauga o le fa'aleaogaina e mana'omia i faila a le fa'amasinoga
- 47.0503 Tiute o le loia a le malo e fa'ailoa atu i le ua afaina.

- 47.0501 Aia fa'aleto'alua e le fa'aaogaina i taualumaga o soligatulafono mamafa e a'afia ai sauaga fa'aleaiga po'o le aiga.

O aia tau fa'amaoniaga ua ta'ua i lalo e le taualoa i so'o se iloiloga o soligatulafono mamafa o lē ua afaina o se to'alua po'o isi aiga po'o se totino o le aiga i se soligatulafono ua faia e aofia ai sauaga fa'aleaiga po'o le aiga sa faia e le isi to'alua(āva/tane):

- (a) O le aia o feso'ota'iga le fa'alaua'itele i le ulugali'i.
- (e) O le aia tau molimau a ulugali'i.

- 47.0502 Fa'amaumauga o le fa'amauia ma e mana'omia i faila a le fa'amasinoga

Afai e fa'amaui e se fa'amasinoga ni moliaga o soligatulafono mamafa po'o se lafo fa'atu mai e le loia a le malo e fa'aleaogaina moliaga e fa'asaga i se tagata molia ua molia i se soligatulafono e a'afia ai sauaga fa'aleaiga po'o le aiga, e tatau ona fa'amaumauina mafua'aga fa'apitoa mo le fa'amauiā i faila a le fa'amasinoga. O le loia a le malo o le a na tolaulauina atu le mafua'aga ma'oti o le mafua'aga ua le avanoa ai le molimau ma mafua'aga ua le mafai ai ona fa'amasinoina le tagi.

- 47.0503 Tiute o le loia a le malo e fa'ailoa atu i lē ua afaina.

O le a faia e se loia a le malo ni taumafaiga talafeagai e fa'ailoa atu ai i se tagata sa afaina i le soligatulafono sa a'afia ai sauaga fa'aleaiga po'o le aiga pe afai ua filifili le loia a le malo ua le taulau le fa'amasinoina o le soligatulafono, ia fa'amaui moliaga o solitulafono mamafa ua failaina e fa'asaga i lē ua molia, pe ua aiaia fo'i se maliliega o le tali atu i le moliaga.

Mata'upu 06

TIUTE MA AVEGA TAU'AVE A LE FA'AMALOSI TULAFONO

Maga:

- 47.0601 Tiute o ofisa fa'amalosi tulafono i tagata ua afaina i sauaga fa'aleaiga po'o le aiga--Mana'omia fa'atonuina fa'aaliga i tagata ua afaina.
- 47.0602 Tiute o ofisa fa'amalosi tulafono i le ofisa o le loia a le malo.
- 47.0603 Fa'apagota fa'amalosi mo soligatulafono e a'afia ai sauaga fa'aleaiga po'o le aiga--Iloiloina o le tagata autu na mua'i fa'atupu le solitulafono--Ripoti mana'omia.
- 47.0604 Fa'apagota fa'amalosi mo nisi o solitulafono ona o poloa'iga mo le puipuiga
- 47.0605 Aia o le ofisa fa'amalosi tulafono e ave'ese fa'amalosi ai auupega.
- 47.0606 Fa'apagota fa'amalosi mo le solia o aiaiga o le fa'asa'olotoina.
- 47.0601 Tiute o le ofisa fa'amalosi tulafono mo tagata ua afaina i sauaga fa'aleaiga po'o le aiga--Mana'omia fa'aaliga i le tagata ua afaina.
- (a) O se ofisa fa'amalosi tulafono e tali atu i se tu'uaiga o sauaga fa'aleaiga po'o le aiga ia fa'aaoga auala talafeagai uma e puipuia ai le tagata ua afaina ma puipuia nisi sauaga e o'o ai, e aofia ai ae le fa'atapula'aina i:

(1) Fa'ataunu'uina tulaga tatau e saunia ai mo se saogalemu o le tagata ua afaina ma so'o se aiga po'o le totino o le aiga.

(2) Ave'ese fa'amalosi so'o se auupega sa a'afia i le sauaga fa'aleaiga po'o le aiga.

(3) Auina atu pe sailia se auala e auina atu ai le tagata ua afaina ma so'o se tamaititi i se nofoaga malu.

(4) Fesoasoani i le tagata ua afaina i le ave'eseina o lavalava totino mana'omia.

(5) Fesoasoani i le tagata ua afaina ma so'o se tamaititi e maua togafitiga a le falema'i, e aofia ai le aveina atu i le nofoaga o le falema'i.

(6) Tu'uina atu i le tagata ua afaina se fa'aaliga vave ma le manino o aia o tagata ua afaina ma fofo ma tautua avanoa i tagata ua afaina i sauaga fa'aleaiga po'o le aiga.

(e) O se vaega o le fa'aaliga e mana'omia e le (a)(6), ia tu'uina atu e le ali'i ofisa fa'amalosi tulafono se fa'aaliga tusitusia tauā i le tagata matua ua afaina e pei ona ta'ua i lalo:

“Afai o oe o le tagata ua afaina i sauaga fa'aleaiga po'o le aiga ma e te talitonu e te mana'omia se puipuiga a le fa'amalosi tulafono mo lou saogalemu, e ia te oe le aia e talosaga ai le ali'i ofisa e fesoasoani mo sauniuniga mo lou puipuiga, e aofia ai le talosagaina mo se poloa'iga fa'anatinati mo le puipuiga. E mafai fo'i ona talosaga e le ali'i ofisa e fesoasoani ia te oe e aumai ou laei fa'apitoa mana'omia ma sa'ili ma auina atu oe i se nofoaga saogalemu, e aofia ai ae le fa'atapula'aina i se nofoaga fa'apitoa alagata o sulufa'iga, se totino o le aiga po'o se nofoaga o se uo, po'o se nofoaga fa'apena e saogalemu. Afai e te mana'omia se togafitiga a le falema'i, e ia te oe le aia e talosaga ai le ali'i ofisa e fesoasoani ia te oe e maua se togafitiga a le falema'i. E mafai e oe ona talosaga se kopi o le ripoti ma e leai se totogi mai le matagaluega fa'amalosi tulafono. E

mafai ona talosagaina le loia a le malo e faila se tagi o solitulafono mamafa. E ia te oe le aia e fai ai se talosaga i le Fa'amasinoga Sili e talosagaina ai se poloa'iga mo le puipuiga mai sauaga fa'aleaiga po'o le aiga ma e mafai ona aofia i lea poloa'iga so'o se tasi o poloa'iga ua ta'ua i lalo:

(1) Se poloa'iga e fa'asaina ai le na fa'atama'ia oe mai le fa'amata'uina e faia pe fa'ataunu'uina nisi tulaga o sauaga fa'aleaiga po'o le aiga:

(2) Se poloa'iga e fa'asaina ai le na fa'atama'ia oe mai le fa'asoesa, fa'alavelave, telefoni, fa'afeso'ota'i po'o isi feso'ota'iga ma oe fa'apatino pe fa'atafatafa:

(3) Se poloa'iga e fa'anofo'ese ai le ua fa'atama'ia oe mai lou fale:

(4) Se poloa'iga e fa'atonu ai le na fa'atama'ia oe e aloalo'ese mai lou fale, a'oga, nofoaga o le galuega, po'o so'o se isi nofoaga fa'apitoa e masani ona e alu i ai ma isi aiga po'o totino o le aiga:

(5) Se poloa'iga e fa'asaina ai le na fa'atama'ia oe mai le fa'aaogaina pe o taofia so'o se auupega po'o isi auupega ua ta'ua ma'oti e le fa'amasinoga;

(6) Se poloa'iga e tu'uina atu ai le taofia ma le fa'aaogaina o le ta'avale ma isi laei fa'apitoa mana'omia;

(7) O se poloa'iga e tu'uina atu ai ia te oe le va'aiga o lau alo po'o tamaiti;

(8) Se poloa'iga e te'ena ai asiasiga a le sa fa'atama'ia oe.

(9) Se poloa'iga e fa'ama'oti ai le fa'atulagaina mo asiasiga, e aofia ai le mana'omia o asiasiga va'ava'a'ia: ma

(10) Se poloa'iga e mana'omia ai le na fa'atama'ia oe e totogi tau ma totogi fa'ae'e, e pei o nofototogi po'o peimeni o mokesi o fale, peimeni o le tausiga o tamaiti, totogi o le falema'i, totogi o fale o le sulufa'iga, totogi o fa'amasinoga, ma totogi o loia.

O pepa e mana'omia e maua ai se poloaiga mo le puipuiga e avanoa i le Matagaluega o Tagata ma Tautua Lautele po'o le Ofisa o le Loia Sili. O auala

avanoa i lenei malo mo fa'amatalaga e fa'atatau i sauaga fa'aleaiga ma aiga, togafitiga o manu'a, ma nofoaga o le saogalemu ma fale o sulufa'iga i le: E ia te ia fo'i le aia e sa'ili ai le toefa'aolaina mai o mea ua le maua sa tula'i mai ona o le mafua'aga o le fa'atama'iga, e aofia ai totogi o le falema'i ma le nofoia o isi nofoaga, totogi ua le maua po'o le tausiga, ma isi tupefa'aalu mo manu'a sa feagai ai ma au meatotino sa fa'aleagaina. O ia mea e mafai ona faia ma e le mana'omia ai se loia i le fa'amasinoga o talosaga o aofa'iga laiti pe afai o le aofa'i atoa e itiiti ifo i le \$3,000."

(i) Fa'aaliga tusitusia:

(1) E le tatau ona aofia ai le tuatusi o fale o sulufa'iga, vagana ai le nofoaga e aloa'ia e le lautele.

(2) E tatau ona avanoa i le gagana Samoa ma le igilisi ma tu'uina atu i le tagata ua afaina i lana ia lava gagana, afai e talafeagai, pe afai o le gagana fa'aleatunu'u a le tagata ua afaina e le o le fa'aSamoa po'o le Fa'aperetania.

47.0602 Tiute o ali'i ofisa fa'amalosi tulafono i le ofisa o le loia.

O ali'i ofisa fa'amalosi tulafono e tali atu i tu'uiga o fa'asauaga fa'aleaiga po'o le aiga e mana'omia i totonu o le 72 itula a le o le logoina o le ofisa o le loia pe o le tu'uina atu o se kopi o a latou ripoti fa'aleoleo i le ofisa o le loia.

47.0603 Fa'apagota fa'amalosi mo soligatulafono e a'afia ai sauaga fa'aleaiga po'o le aiga--Iloiloina o le tagata na mua'i faia le solitulafono--
Ripoti mana'omia.

(a) O se ali'i ofisa fa'amalosi tulafono o le a, e mafai e aunoa ma se poloa'iga, ona fa'apagota ma molia se tagata i se soligatulafono talafeagai pe afai e manatu le ali'i ofisa e i ai se mafua'aga talafeagai e talitonuina ai o lenei tagata ua faia se soligatulafono o sauaga fa'aleaiga po'o le aiga, pe o lea soligatulafono o se

solitulafono mamafa po'o se solitulafono māmā, pe sa faia a'o i ai pe le o i ai le ali'i ofisa.

(e) Afai e maua e se ali'i ofisa ni tagi o sauaga fa'aleaiga po'o le aiga mai ni tagata e to'alua pe sili atu e i ai se fete'ena'iga, o le a iloilo 'ese'ese e le ali'i ofisa tagi ina ia iloa po'o ai le tagata autu sa fa'atupuina le fa'alavelave. Afai ua mautinoa e le ali'i ofisa le tagata autu sa mua'i fa'ao'olima, o le a le mana'omia e le ali'i ofisa ona fa'apagotaina le tasi tagata ua masalomia na faia le sauaga fa'aleaiga po'o le aiga. I le iloilo ina pe o se tagata o lē sa mua'i fa'ao'olima, o le ali'i ofisa o le a mafaufau:

(1) Tagi sa faia muamua o sauaga fa'aleaiga po'o le aiga.

(2) O le tulaga tugā o manu'a ua fa'ae'eina atu i tagata ta'itasi;

(3) Manu'a i le lumana'i mata e mafai ona feagai ma tagata ta'ito'atasi; ma

(4) Pe mata o se tasi o ia tagata sa ia faia mo le puipuia o ia lava.

(i) O le a le fa'afeifeina, ta'u atu, pe fa'a'iloa atu le fa'apagotaina o tagata uma e se ali'i ofisa fa'amalosi tulafono e fa'alotovaivai ai le faia o talosaga mo le fa'asalaveia e le fa'amalosi tulafono e so'o se itu.

(o) E fa'aopoopo i so'o se ripoti e mana'omia, o se ali'i ofisa fa'amalosi tulafono e le'i faia e ia se fa'apagotaina ina ua uma ona su'esu'eina se tagi o sauaga fa'aleaiga po'o le aiga pe o ia na fa'apagotaina le to'alua pe sili atu o tagata mo se soligatulafono e a'afia ai sauaga fa'aleaiga po'o le aiga e tataua ona tu'uina atu se ripoti tusitusia auiliili e ta'ua ai mafua'aga mo le lē fa'apagotaina po'o mo le fa'apagotaina o itu uma e lua.

47.0604 Fa'apagota fa'amalosi mo nisi o solitulafono o poloa'iga mo le puipuiga.

Afai e i ai se mafua'aga alagataua ua fa'atalitonu ai se ali'i ofisa fa'amalosi tulafono ua solia e se itu tali se tasi o poloa'iga ua ta'ua a le fa'amasinoga ma ua

togafitiga o manu'a, ma nofoaga o le saogalemu ma fale o sulufa'iga e i le lisi ua fa'apipi'i i ai ma numera o feso'ota'iga o fa'alavelave fa'afuase'i. E ia te oe fo'i le aia e sa'ili ai le toefa'aolaina mai o mea ua le maua sa tula'i mai ona o le mafua'aga o le fa'atama'iga, e aofia ai totogi o le falema'i ma le nofoia o isi nofoaga, totogi ua le maua po'o le tausiga, ma isi tupefa'aalu mo manu'a sa feagai ai ma au meatotino sa fa'aleagaina. O ia mea e mafai ona faia ma e le mana'omia ai se loia i le fa'amasinoga o talosaga o aofa'iga laiti pe afai o le aofa'i atoa e itiiti ifo i le \$3,000."

(o) Fa'aaliga tusitusia:

(1) E le tatau ona aofia ai le tuatusi o fale o sulufa'iga, vagana ai le nofoaga e aloa'ia e le lautele.

(2) E tatau ona avanoa i le gagana Samoa ma le Igilisi ma tu'uina atu i le tagata ua afaina i lana ia lava gagana, afai e talafeagai.

47.0804 Tiute o le Matagaluega o le Saogalemu Lautele.

(a) O le matagaluega o le saogalemu lautele o le a fa'atulagaina pe fa'aavanoaina:

(1) Porokalama o a'oa'oga ma faufautuaga mo tagata solitulafono o i latou fo'i ia o tagata ua afaina i sauaga fa'aleaiga po'o le aiga: ma

(2) Porokalama puipuia fesoasoani mo tagata solitulafono ua fa'asalaina i soligatulafono e a'afia ai sauaga fa'aleaiga po'o le aiga.

(e) O le fa'atonu o le a fa'amaoniaina tulafono galue po'o tulafono tausisia e mana'omia ai a'oa'oga amata ma le fa'aauauina o a'oa'oga mo tagata faigaluega o nofoaga tau a'oa'iga e fa'atatau i sauaga fa'aleaiga po'o aiga. O se tagata faigaluega fou e tatau ona ia maua a'oa'oga amata i le taimi fa'amasani o le tagata faigaluega i le nofoaga o a'oa'iga.

fa'amaoniaina le i ai o lea poloa'iga, e mafai e le ali'i ofisa, e aunoa ma se poloa'iga, ona fa'apagota se tagata solitulafono ua iloatino pe sa faia lea solitulafono a'o i ai pe le o i ai fo'i lea ali'i ofisa:

(a) O se poloa'iga e fa'asa ai le itu tali mai le fa'afeaina e faia pe fa'ataunu'uina tulaga o sauaga fa'aleaiga po'o le aiga e fa'asaga i le itu talosaga po'o isi aiga po'o totino o se aiga.

(e) O se poloa'iga e fa'asa ai le itu tali mai le fa'asoesa, fa'alavelave, telefoni, fa'afeso'otai po'o feso'ota'iga e 'ese mai ai ma le itu talosaga, pe patino pe fa'atafatafa.

(i) O se poloa'iga e ave'ese ai ma fa'anofo 'ese ai le itu tali mai le fale o le itu talosaga.

(o) O se poloa'iga e mana'omia ai le itu tali e 'alo'alo ese mai le fale, a'oga, nofoaga o le galuega, po'o se nofoaga fa'apitoa e masani ona alu i ai le itu talosaga ma so'o se aiga ua ta'ua po'o se totino o le aiga.

(u) O se poloa'iga e fa'asa ai le itu tali mai le fa'aaogaina po'o le taofia o se auupega po'o isi auupega ua fa'asinoia ma'oti e le fa'amasinoga.

47.0605 Aia o le ali'i ofisa fa'amalosi tulafono e ave'ese fa'amalosi ai auupega.

I le lagolagoina o se fa'apagotaina mo se soligatulafono e a'afia ai sauaga fa'aleaiga po'o le aiga, o se ali'i ofisa fa'amalosi tulafono:

(a) O le a ave'esea fa'amalosi auupega uma e fa'apea sa a'afia ai pe sa fa'amata'uina ai i le fa'aaogaina i le fa'ataunu'uina o se soligatulafono.

(e) E mafai ona ave'esea fa'amalosi se auupega ua iloa lelei atu e le ali'i ofisa pe sa mauaina e tusa ma le su'esu'ega malilie fa'atasi, e alagatatau mo le puipuiga o le ali'i ofisa po'o isi tagata.

47.0606 Fa'apagota fa'amalosi mo le solia o aiaiga o le fa'asa'olotoga.

Afai e i ai se mafua'aga talafeagai e talitonu ai se ali'i ofisa fa'amalosi tulafono ua solia e se tagata se aiaiga o le fa'asa'olotoga sa fa'ae'eina atu i se tagata sa fa'atupuina le soligatulafono o sauaga fa'aleaiga ma aiga ma ua fa'amaonia o lenei tagata solitulafono o i ai se fa'aaliga o aiaiga, o le ali'i ofisa o le a, e aunoa ma se poloa'iga, ona fa'apagota le tagata solitulafono ua ta'ua ma o lea solitulafono pe sa faia a'o i ai pe le'i i ai fo'i le ali'i ofisa.

Mata'upu 07

TU'UVA'AVA'A'IA MA LE PALOLO

Maga:

47.0701 Aiaiga o le tu'uva'ava'a'ia mo tagata fa'atupu solitulafono sa fa'asalaina o se soligatulafono o sauaga fa'aleaiga po'o le aiga--Ripoti mana'omia mai le matagaluega o le tu'uva'ava'a'ia

47.0702 Aiaiga o le palolo mo tagata fa'atupu solitulafono sa fa'asalaina o soligatulafono o sauaga fa'aleaiga po'o le aiga--Mana'omia ripoti a le komiti o le palolo

47.0701 Aiaiga o le tu'uva'ava'a'ia mo tagata solitulafono o soligatulafono e a'afia ai sauaga fa'aleaiga po'o le aiga--Ripoti mana'omia mai le matagaluega tu'uva'ava'a'ia.

(a) Ae le'i tu'uina atu i se tagata solitulafono ua fa'asalaina i se soligatulafono e a'afia ai sauaga fa'aleaiga po'o le aiga le tu'uva'ava'a'ia, e ao ona manatunatu le fa'amasinoga i le saogalemu ma le puipuiga o le tagata sa afaina i sauaga fa'aleaiga po'o le aiga ma so'o se totino o le aiga sa afaina po'o le auaiga.

(e) E mafai e le fa'amasinoga ona fai ma aiaiga le fa'agafuaina o le fa'asalaga po'o le tu'uina atu o le tu'uva'ava'a'ia i se tagata solitulafono i le lē

usiusita'i i se poloa'iga e tasi pe sili atu a le fa'amasinoga, e aofia ai mo le fa'atapula'aina i:

(1) Fa'atonuina le tagata solitulafono mai le fa'amata'uina e solia ai pe faia fo'i gaioiga o sauaga fa'aleaiga po'o aiga e fa'asaga i le-ua-afaina po'o isi aiga po'o totino o le aiga.

(2) Fa'asaina le tagata solitulafono mai le fa'asoesa, fa'alavelave, telefoni atu, fa'afeso'ota'i atu, pe uia se isi feso'ota'iga ma lē sa afaina, patino pe fa'atafatafa.

(3) E mana'omia le tagata solitulafono ona 'alo'alo 'ese mai le fale, nofoaga o le galuega, po'o se nofoaga e masani ona alu i ai so'o lē sa afaina ma so'o se aiga ua fa'asinoia ma'oti po'o se totino o le auaiga.

(4) Fa'asaina le tagata solitulafono mai le umiaina po'o le fa'aaogaina o alakaholo po'o vaila'au fa'asaina.

(5) Fa'asaina o le tagata solitulafono mai le fa'aaogaina po'o taofia o se auupega po'o isi auupega fa'apitoa.

(6) Fa'atonuina le tagata solitulafono ia fa'amatu'u atu so'o se auupega e ōna pe o taofia e le tagata solitulafono.

(7) Fa'atonuina le tagata solitulafono e auai i ma ia fa'amae'aina i le malie o le fa'amasinoga, se porokalama fa'asalavei mo tagata solitulafono, togafitiga mo le alakaholo po'o le fa'aaogaina sese o vaila'au, po'o le togafitiga o le mafaufau po'o uiga.

(8) Fa'atonuina le tagata solitulafono e totogi atu mea ua fa'amanu'alia a le tagata ua afaina.

(9) Mana'omia fa'atonuina lē ua molia e faia peimeni i se fale o sulufa'iga o fafine ua sauaina, i le maualuga e o'o atu i le lua afe talā (\$2,000).

(10) Fa'ae'e atu so'o se isi aiaiga e talafeagai e puipui ai le tagata ua afaina i sauaga fa'aleaiga po'o le aiga ma so'o se isi aiga ua ta'ua po'o totino o le auaiga po'o le toe fa'aleleia o le igoa o le tagata solitulafono.

(i) O le a totogi e le tagata solitulafono tau o so'o se aiaiga o le tu'uva'ava'a'ia, e tusa ma le malosia o ia te ia.

(o) O le a aiaia e le fa'amasinoga tulafono tausisia ma taualumaga mo le tali atu i ripoti o le lē auai po'o o le lē usiusita'i e se tagata solitulafono e tusa ma aiaiga o le tu'uva'ava'a'ia ua fa'ae'eina atu i le soamaga (e).

(u) O le a ripoti vave atu e le matagaluega tu'uva'ava'a'ia i le fa'amasinoga ma le tagata ua afaina so'o se fa'ao'olima e le tagata solitulafono, le anuilagi o le tagata solitulafono i so'o se aiaiga ua fa'ae'eina atu e le fa'amasinoga po'o le matagaluega tu'uva'ava'a'ia, ma so'o se afaina o le fa'amata'u ua faia e le tagata solitulafono.

(f) O le matagaluega tu'uva'ava'a'ia o le a aiaia tulafono tausisia ma taualumaga:

(1) Mo le fesuia'iga o fa'amatalaga e fa'atatau i le tagata solitulafono ma le fa'amasinoga ma le tagata ua afaina: ma

(2) Mo le tali atu i ripoti o le lē auai po'o o le lē usiusita'i e le tagata solitulafono i aiaiga ua fa'ae'eina atu e tusa ma le soamaga (e).

47.0702 Aiaiga o le palolo mo le tagata solitulafono ua fa'asalaina i le soligatulafono o sauaga fa'aleaiga po'o le aiga--Ripoti mana'omia e le komiti o le palolo.

(a) E fa'aopoopo i isi aiaiga ua fa'ae'eina atu i se tagata solitulafono ua fa'asalaina i se soligatulafono ua a'afia ai sauaga fa'aleaiga po'o le aiga, e mafai e le komiti po'o se isi pule'aga ua fa'atulafonoina ona fa'ae'e atu so'o se aiaiga o le palolo i luga o le tagata solitulafono e alagata e puipuia le saogalemu o le tagata

ua afaina ma le aiga po’o totino o le auaiga o le tagata ua afaina, e aofia ai ae le fa’atapula’aina i aiaiga ua fa’atulagaina mai i le maga 47.0701(e)(1)-(10).

(e) O le a totogi atu e le tagata solitulafono tau o so’o se aiaiga o le palolo e tusa ma lona malosī.

(i) O le a ripoti atu e le komiti o le palolo po’o se isi pule’aga fa’atulafonoina i le fa’amasinoga ma le tagata ua afaina so’o se fa’ao’olima e le tagata solitulafono, le anuilagi o le tagata solitulafono e usita’i i so’o se aiaiga ua fa’ae’eina atu e le komiti o le palolo po’o se isi pule’aga ua fa’atulafonoina, ma so’o se afaina fa’amata’u ua faia e le tagata solitulafono.

(o) O le komiti o le palolo po’o se isi pule’aga ua fa’atulafonoina o le a aiaia tulafono tausisia ma taualumaga:

(1) Mo le fesuia’iga o fa’amatalaga e fa’atatau i le tagata solitulafono i le fa’amasinoga ma le tagata ua afaina:

(2) Mo le puipuiga ma le saogalemu o le tagata ua afaina, e aofia ai le fa’asa’olotoina o se tagata solitulafono i se pule’aga e ‘ese mai ai nai le nofoaga o alaala ai le tagata ua afaina: ma

(3) Mo le tali atu i ripoti o le lē auai po’o le lē usita’i e le tagata solitulafono o aiaiga ua fa’ae’eina atu e tusa ma le soamaga (a).

Mata’upu 08

PUIPUIA MA LE TOGAFITIA O SAUAGA FA’ALE’AIGA

Maga:

- 47.0801 Fa’avaeina o se fono faufautua a Amerika Samoa mo sauaga fa’aleaiga--Fa’amoemoega--Ripoti mana’omia
- 47.0802 Aofa’iga ma agava’a o totino.
- 47.0803 Tiute o le matagaluega o le soifua maloloina.

47.0804 Tiute o le matagaluega o le saogalemu lautele.

47.0801 Fa'avaeina o se fono faufautua a Amerika Samoa mo sauaga fa'aleaiga ma aiga--Fa'amoemoega--Ripoti Mana'omia.

(a) Ua fa'avaeina se fono faufautua a Amerika Samoa mo sauaga fa'aleaiga ma aiga.

(e) O le fa'amoemoe o le fono faufautua ia fa'ateleina le iloa ma le malamalama o sauaga fa'aleaiga ma aiga ma ōna i'uga fa'apea ma le fa'aitiitia o le tutupu mai o sauaga fa'aleaiga ma aiga i totonu o le Teritori e ala i le:

(1) Si'itia o fuafuaga aoga ma le maitauina o le i ai o sauaga fa'aleaiga po'o aiga ma puipuiga mai vaega a le malo ma vaega lua o lo'o tautuaina tagata ua afaina i sauaga fa'aleaiga po'o le aiga.

(2) Fa'atulagaina a'oa'oga lautele

(3) Fa'afaigofieina feso'ota'iga i le va o vaega a le malo ma vaega tua o lo'o fa'atulagaina porokalama mo tagata ua afaina i sauaga fa'aleaiga ma aiga ma porokalama puipuia mo tagata solitulafono.

(4) Sauniaina o fesoasoani mo vaega lautele ma vaega tua e fuafuaina taualumaga lautele i setete ma a'oa'oga fa'alenu'u, e aofia ai taualumaga mo le iloiloina o fa'atama'iga tugā i nofoaga lotoifale:

(5) Fuafuaina se fuafuaga auiliili ma talafeagai o le tu'ufa'atasiga o fa'amaumauga e fa'atatau i sauaga fa'aleaiga ma aiga mo fa'amasinoga, loia a le malo, ali'i ofisa fa'amalosi tulafono, foma'i o le tausiga o le soifua maloloina, ma isi vaega o setete, i a latou feutaga'iga ma i se tulaga e puipuia ai le maitauina o tagata ua afaina i sauaga fa'aleaiga ma aiga: ma

(6) Si'itia le fa'atulagaga o fono lotoifale mo sauaga fa'aleaiga ma aiga ma saunia fesoasoani ma lagolago le fa'atuina o fono lotoifale.

(i) O le fono faufautua o le a ripoti atu i le Kovana, le Fofoga Fetalai o le Maota o Sui ma le Peresetene o le Maota Mauualuga.

47.0802 Aofa'iga ma agava'a o totino

(a) O le fono faufautua a Amerika Samoa mo sauaga fa'aleaiga ma aiga e aofia ai totino e lima. O le Kovana o le a tofi totino o le fono faufautua pe afai e uma se feutaga'iga ma vaega a le malo ma vaega tua ua fuafuaina porokalama mo tagata ua afaina i sauaga fa'aleaiga po'o aiga, fautua mo tagata ua afaina, ma tagata o i latou ua maitauina le poto fa'apitoa ma le tomai i le sauniaina o tautua mo tagata ua afaina i sauaga fa'aleaiga ma aiga ma a latou fanau.

(e) O totino o le fono faufautua e ao ona aofia ai le tele o pulega lelei aoga fa'atino. O le Kovana o le a tofia tagata i le fono faufautua e saunia fa'amatalaga tauā mai tagata ua afaina i sauaga fa'aleaiga ma aiga.

47.0803 Tiute o le Matagaluega o le Soifua Maloloina lautele.

(a) O le Matagaluega o le soifua maloloina lautele o le a fa'aavanoaina mo foma'i ma fale o le tausiga o le soifua maloloina se fa'aaliga tusitusia o aia o tagata ua afaina ma fofo ma tautua avanoa mo tagata ua afaina i sauaga fa'aleaiga po'o le aiga e tusa ma le soamaga (i).

(e) O se foma'i ua ia silafia se tagata ma'i o se tagata sa afaina i sauaga fa'aleaiga po'o le aiga o le a ia saunia fa'apea ma fale uma mo le tausiga o le soifua maloloina ina ia fa'aavanoaina mo tagata mama'i uma le fa'aaliga ua aiaia i le soamaga (a).

(i) O le fa'aaliga i tagata ua afaina i sauaga fa'aleaiga po'o le aiga e tatau ona fa'atauaina e pei ona ta'ua i lalo:

“Afai o ‘oe o le tagata ua afaina i sauaga fa'aleaiga po'o le aiga mā e te talitonu e te mana'omia se puipuiga a le fa'amalosia tulafono mo lou saogalemu, e

ia te oe le aia e talosaga ai le ali'i ofisa e fesoasoani ia te oe e aumai ou laei fa'apitoa mana'omia ma sa'ili ma auina atu oe i se nofoaga saogalemu, e aofia ai ae le fa'atapula'aina i se nofoaga fa'apitoa alagatau o sulufa'iga, se tino o le aiga po'o se nofoaga o se uo, po'o se nofoaga fa'apena e saogalemu. Afai e te mana'omia se togafitiga a le falema'i e ia te oe le aia e talosaga ai le ali'i ofisa e fesoasoani ai te oe e maua se togafitiga a le falema'i. E mafai e oe ona talosaga se kopi o le ripoti ma e leai se totogi mai le matagaluega fa'amalosia tulafono. E mafai ona talosagaina le loia a le malo e faila se tagi o solitulafono mamafa. E mafai ona e talosagaina le loia a le malo e faila se tagi o solitulafono mamafa. E ia te oe fo'i le aia e faila ai se talosaga ma tu'u i le Fa'amasinoga Sili e talosagaina ai se poloa'iga mo le puipuiga mai sauaga fa'aleaiga po'o le aiga ma e mafai ona aofia ai so'o se poloa'iga ua ta'ua i lalo:

(1) Se poloa'iga e fa'asa ai lē ua fa'atama'ia oe mai le fa'amata'uina e faia pe fa'ataunu'uina atili ni tulaga o sauaga fa'aleaiga po'o le aiga:

(2) O se poloa'iga e tu'uina atu ai ia te oe le taofia ma le fa'aaogaina o le ta'avale ma isi meatotino fa'apitoa tauā:

(3) Se poloa'iga e tu'uina atu ai le va'aiga o lou alo po'o tamaiti:

(4) O se poloa'iga e fa'asa ai asiasiga a sē ua fa'atama'ia oe:

(5) Se poloa'iga e fa'ama'oti ai le fa'atulagaina mo asiasiga, e aofia ai le mana'omia o asiasiga va'ava'a'ia: ma

(6) Se poloa'iga e mana'omia ai lē na fa'atama'ia oe e totogi tau ma totogi fa'ae'e, e pei o le nofototogi po'o peimeni o makesi o fale, peimeni o le tausiga o tamaiti, totogi o le falema'i, totogi o fale o le sulufa'iga, totogi o fa'amasinoga, ma totogi o loia.

O pepa e te mana'omia e maua ai se poloa'iga mo le puipuiga e avanoa mai le Matagaluega o Tagata ma Tautua Lautele ma le Ofisa o le Loia Sili. O auala avanoa i lenei malo mo fa'amatalaga e fa'atatau i sauaga fa'aleaiga ma aiga,

(i) O le matagaluega o le saogalemu o le a fuafuaina pe fa'amaoniaina ma fa'amalosia tulafono tausisia tusitusia ma taualumaga e fa'atatau i:

(1) Tali taualoa i mata'upu e aofia ai sauaga fa'aleaiga ma aiga.

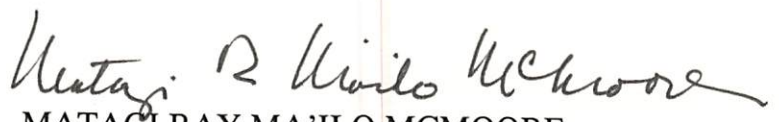
(2) Fa'amalosiaina o tulafono a Amerika Samoa e fa'atatau i sauaga fa'aleaiga ma aiga.

(3) Puipuiga ma le saogalemu o tagata ua afaina i sauaga fa'aleaiga ma isi aiga ma totino o auaiga.

(4) Fegalegalea'iga ma falema'i ma porokalama mo tagata ua afaina i sauaga fa'aleaiga po'o le aiga."


LUTU TENARI S. FUIMAONO

Peresetene, Maota Mauuluga


MATAGI RAY MA'ILO MCMOORE

Fofoga Fetalai, Maota o Sui

Hereby Approved this 20 day of March 2020

Governor of American Samoa