

THE THIRTY-FIFTH LEGISLATURE OF AMERICAN SAMOA

Third Regular Session

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

AN ACT MANDATING FIVE (5) YEARS MINIMUM IMPRISONMENT FOR THOSE FOUND GUILTY OF DELIVERY, DISPENSING, DISTRIBUTING, POSSESSION WITH INTENT TO DELIVER, DISPENSE, OR DISTRIBUTE, PRODUCE OR MANUFACTURE A CONTROLLED SUBSTANCE; AMENDING SECTION 13.1020 A.S.C.A.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 13.1020 is amended to read:

“13.1020 Prohibited actions.

(a) Except as authorized by the Director, it is unlawful for any person to deliver, dispense, distribute, possess with intent to deliver, dispense, or distribute, produce, or manufacture a controlled substance. In determining whether a controlled substance is possessed with intent to deliver, dispense, or distribute, a court should consider, in addition to all other logically relevant factors, the following:

(1) statements by the owner or by anyone in control of the controlled substance:

(2) the amount possessed and its consistency or inconsistency with personal use:


(3) the presence of paraphernalia commonly used in preparing, packaging, or subdividing controlled substances for distribution, dispensing, or delivering; and or

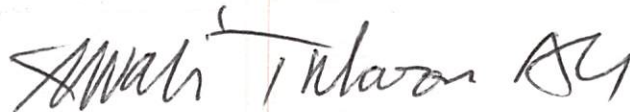
(4) the presence of apparent proceeds or records of distribution, dispensing, or delivering of controlled substances.

(b) Any person who violates this section is guilty of a crime, and upon conviction ~~may~~ shall be imprisoned for not less than 5 years and not more than 20 years, or fined not more than \$20,000, or both.

(c) Any person who violates this section by delivering, dispensing, distributing, producing, manufacturing or who attempts to deliver dispense, distribute, produce, or manufacture a controlled substance in any school or on any school campus in the Territory is guilty of a crime and upon conviction shall be

imprisoned for a mandatory term of 10 years without the possibility of parole, and fined \$10,000.00.


GAOTEOTE PALAIE TOFAU
President of the Senate


SAVALI TALAVOU ALE
Speaker, House of Representatives

Hereby Approved this 23 day of FEB 2018
Lolo M. Moku
Governor Of American Samoa

NOFOAIGA TOLUSEFULU-LIMA FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Lona Tolu

Nofoa ma usua i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso valu o Ianuari
Lua afe sefuluvalu

O SE TULAFONO E POLOA'IGA AI LE 5 TAUSAGA O SE FAASALAGA MAUALALO FAA-LE-FALEPUIPUI, MO I LATOU UA MOLIA MA FAASALAINA I LE FE'AVEA'IA, FAASOASOA, POO LE TUFATUFA ATU O MEA UA MAUA MA LE FAAMOEMOE IA FE'AVEA'I, FAASOASOA POO LE TUFATUFA ATU, FAIA POO LE FAUSIA O VAILA'AU MA FUALA'AU; SUIA AI LE MAGA 13.1020 T.T.A.S.

IA FAATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

Maga 1. 13.1020 ua teuteu ma faitauina faapea:

"13.1020 Gaoioiga ua matua faasaina

(a) Vagana ua faatagaina mai e le Faatonu, ae le faatagaina e le Tulafono soo se tagata na te fe'avea'ia, faasoa, tufatufa ma fai ma le faamoemoe ina ia feavea'i solo, faasoa, tufatufa, fai poo le fausia o Vaila'au ma Fuala'au. O le sailia o se faaiuga poo ni vaila'au ma fuala'au na fai ma le faamoemoe e fe'avea'i solo, faasoa pe tufatufa atu, o le Faamasinoga lava e faia le faai'uga, e faaopoopo i lena, o isi foi mafua'aga e talafeagai pei o nei:

(1) o se faamatalaga mai le tagata e ana vaila'au ma fuala'au, poo se tasi o loo taupulepule ma fuafuaina faatasi lenei mataupu:

(2) o le aofa'i ma le tele o vaila'au ma fuala'au ua saunia, ma iloa ai lona talafeagai tatau poo le le talafeagai tatau ma le fa'aagaina e le tagata:

(3) o le iai o mea totino e masani ai ona fa'aoga mo le saunia o vaila'au ma fuala'au, affi poo le toe vaevae mo le tufatufaina aiu, faasoasoa poo le fe'avea'i solo foi; ma

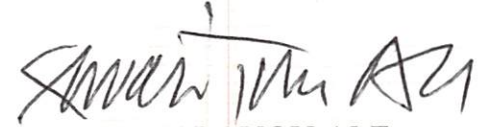
(4) Ua manino lelei i le va'ai poo ripoti ua ma'ua ai le tufatufaina atu, faasoasoa ma le fe'avea'i solo o vaila'au ma fuala'au.

(e) Soo se tasi na te solia pe le usita'ia lenei Maga, ua nofo sala o ia i le tulafono, ma o le soliina o le tulafono e ~~mafai~~ e tatau ai ona falepuipui e le itiiti ifo ma le 5 tausaga ma e le sili atu ma le 20 tausaga, poo le sala tupe e le sili atu ma le \$ 20,000.00, poc faasalaga uma e lua

(i) Soo se tasi na te solia pe le usita'ia lenei Maga ina ua fe'avea'ia, faasoasoa, tufatufaina atu, faia poo le fausia o vaila'au ma fuala'au i totonu o soo se a'oga, poo lotoa o a'oga i totonu o le Teritori, ua nofo sala o ia i le tulafono, ma o

le soliina o le tulafono e tatau ai ona falepuipui mai se poloa'iga malosi faa-le-tulafono mo le 10 tausaga e aunoa ma se palola, faapopo iai ma le sala tupe e \$10,000.00."


GAOTEOTE PALAIE TOFAU
Peresetene, Maota Mau'aluga


SAVALI TAI AVOU ALE
Fofoga Fetalai, Maota o Sui

Hereby Approved this 23 day of FEB 20 18
Holo M. P. Tolaj
Governor Of American Samoa