

THE TWENTY-NINTH LEGISLATURE OF AMERICAN SAMOA

FIRST REGULAR SESSION

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

AN ACT PROVIDING FOR CONSISTENT QUORUM REQUIREMENTS IN THE HIGH COURT FOR JURY TRIALS AND CLARIFYING THAT JURY TRIALS HELD IN DISTRICT COURT SHALL BE CONDUCTED BY THE DISTRICT COURT JUDGE SITTING ALONE; AMENDING SECTIONS 3.0232 AND 3.0303 A.S.C.A.

Preamble:

This Act is effective immediately upon passage by the Legislature and approval by the Governor due to the emergency need to conserve High Court judicial resources.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. 3.0232 is amended to read:

“3.0232 Trial division—Petit jury.

(a) Any person charged with an offense carrying a maximum possible punishment of over 6 months of imprisonment shall be tried by a jury unless he personally waives this right in writing or in open court. The Chief Justice of the High Court may promulgate Petit Jury Rules and Standard Jury Instructions to govern jury trials in the High Court and District Court. The petit jury shall be comprised of 6 persons. The jury verdict must be unanimous. Voir dire of prospective jurors shall be conducted by the court.

(b) ~~Notwithstanding any law to the contrary; w~~Whenever petit jury trials are held as provided in subsection (a), 2 at least 1 associate judges shall sit with either the Chief Justice, or Associate Justice, or Acting Associate Justice, who acts as presiding judge of the court High Court. All questions of law shall be ruled upon by the presiding judge.”

Sec 2. 3.0303 is amended to read:

“3.0303 Sessions: –Petit jury.

(a) All sessions of the District Court are conducted by a District Court judge sitting alone.

(b) Sessions of the District Court are held in the Court House in Fagatogo, Tutuila, or at such other places in American Samoa as the business of the court requires and as the Chief Justice may designate from time to time.

(c) A person charged with an offense carrying a maximum possible punishment of over 6 months but not more than one year of imprisonment shall be tried by a jury unless he personally waives this right in writing or in open court. The petit jury shall be comprised of 6 persons. The jury verdict must be unanimous. Voir dire of prospective jurors shall be conducted by the court.

(d) Whenever petit jury trials are held in District Court as provided in subsection (c) the District Court judge, as provided in subsection (a), sitting alone acts as presiding judge. All questions of law shall be ruled upon by the presiding judge.”

Sec 3. Effective date.

This Act is effective immediately upon passage by the Legislature and approval by the Governor due to the emergency need to conserve High Court judicial resources.

Lolo M. Moliga
LOLO M. MOLIGA
President of the Senate

Matagi R. Ma'ilo McMoore
MATAGI RAY MA'ILO MCMOORE
Speaker of the House

Hereby Approved this 7th day of February 2005
[Signature]
Governor Of American Samoa

NOFOA'IGA LUASEFULU-IVA FONOFAITULAFONO A AMERIKA SAMOA:

FONO TELE MUAMUA

Nofoa ma usua i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulu o Ianuari
lua afe ma le lima

O SE TULAFONO E AIAIA AI MO SE AIAIGA TUMAU O KORAMA I LE FA'AMASINOGA SILI MO ILOILOGA SIURI MA FA'AMANINO AI E FA'APEA O ILOILOGA SIURI E FAIA I LE FA'AMASINOGA ITUMALO O LE A FA'AFOEINA E LE FA'AMASINO O LE FA'AMASINOGA ITUMALO E NOFOIA TO'ATASI; SUIA AI LE MAGA 3.0232 MA LE 3.0303 T.T.A.S."

Fa'atomuaga

O lenei Tulafono o le a taualoa vave pe a pasia e le Fono Faitulafono ma fa'amaonia e le Kovana ona o se mana'oga fa'anatinati ina ia fa'asaoina ai fa'amaumauga o le Fa'amasinoga Sili.

IA FA'ATULAFONOINA E LE FONO FAITULAFONO O AMERIKA SAMOA

Maga 1. 3.0232 ua suia e faitauina fa'apea:

"3.0232 Vaega o iloiloga - Siuri masani

(a) O se'oe se tagata ua molia i se solitulafono o lo'o tau'aveina se fa'asalaga aupito maualuga e o'o i ai e sili atu i le 6 masina e nofo ai i le to'ese o le a iloiloia e se siuri vagana ai e fa'agafua e ia lava lenei aiā tusitusia pe fa'aailoa atu fo'i i totonu o le fa'amasinoga a'o nofoia. O le Fa'amasino Sili o le Fa'amasinoga Sili e mafai ona aiaia Tulafono-galue a le Siuri Fa'avae ma Fa'atonuga Ta'iala a le Siuri e pulea ai iloiloga siuri i le Fa'amasinoga Sili ma Fa'amasinoga Itumalo. O le siuri masani o le a aofia ai tagata e 6. O le i'uga a le siuri e tataua ona autasia. O le ta'utinoga fa'amaoni a siuri fa'amoemoeina o le a fa'afoeina e le fa'amasinoga.

(e) ~~Ele afaina ai se'oe se tulafono e fete'ena'i;~~ So'o se taimi e nofoia ai se iloiloga a le siuri masani e pei ona aiaia i le soamaga (a), 2 e 1 le fa'amasino lagolago e nofoia fa'atasi ma le Fa'amasino Sili, pe'oe Fa'amasino

Sili Lagolago, po'o se Sui Fa'amasino Sili, o ia e galue o se fa'amasino pulefa'amalumalu o le fa'amasinoga Fa'amasinoga Sili. O fesili uma tau le tulafono o le a faia iai se fa'ai'uga e le fa'amasino pulefa'amalumalu."

Maga 2. 3.0303 ua suia e faitauina:

"3.0303 Tauaofiaga: Siuri masani

(a) O tauaofiaga uma a le Fa'amasinoga Itumalo e fa'afoeina e se fa'amasino o le Fa'amasinoga Itumalo e nofoia to'atasi.

(e) O tauaofiaga a le Fa'amasinoga Itumalo e fai i le Maota o Fa'amasinoga i Fagatogo, Tutuila, po'o isi nofoaga i Amerika Samoa pe afai e mana'omia mo galuega a le fa'amasinoga ma e fa'asinoina fa'apitoa e le Fa'amasino Sili mai i lea taimi i lea taimi.

(i) O se tagata e molia i se solitulafono o lo'o tau'aveina se fa'asalaga aupito maualuga e o'o i ai e sili atu i le 6 masina ae le silia nai le tausaga e tasi e nofo ai i le to'ese o le a fa'amasinoina e se siuri vagana ai ua ia fa'agafua lenei aiā tusitusia po'o le fa'ailoa atu fo'i i le fa'amasinoga a'o tauaofia. O le siuri masani o le a aofia ai tagata e 6. O le i'uga a le siuri e ao ona autasia. O le tautinoga fa'amaoni o siuri fa'amoemoeina o le a ta'ita'ia e le fa'amasinoga.

(o) So'o se taimi lava e aofia ai le Fa'amasinoga Itumalo e pei ona aiaia i le soamaga (i) o le Fa'amasino o le Fa'amasinoga Itumalo, e pei ona aiaia i le soamaga (a), e nofoia to'atasi e avea ma fa'amasinoga pulefa'amalumalu. O fesili uma tau tulafono o le a fai i se fa'ai'uga e le fa'amasino pulefa'amalumalu."

Maga 3. Aso taualoha.

O lenei Tulafono o le a taualoha vave pe a pasia e le Fono Faitulafono ma fa'amaonia e le Kovana ona o se mana'oga fa'anatinati e fa'asao ai fa'amaumauga tau fa'amasinoga a le Fa'amasinoga Sili.

Lolo M. Moliga
LOLO M. MOLIGA
Peresetene, Maota Maualuga

Matagi R. Ma'ilo McMoore
MATAGI RAY MA'ILO MCMOORE
Fofoga Fetalai, Maota o Sui

Hereby Approved this

day of

February 20 05

Governor Of American Samoa