NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
41ST CONSTITUTION REGULAR SESSION, 2020

Republic of the Marshall Islands
*Jepilpilin Ke Ejukaan*

# CRIMINAL PROCEDURE (AMENDMENT) ACT, 2020

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# CRIMINAL PROCEDURE (AMENDMENT) ACT, 2020

**AN ACT** to amend 32 MIRC Ch.1 to extend the time period within to release or charge an arrested person with a criminal offense.

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**BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**

## §101. Short title.

This Act may be cited as the Criminal Procedure (Amendment) Act, 2020.

## §102. Amendment.

*(1) Section 120(1)(e) of the Criminal Procedure Act is hereby amended to read as follows:*

**§120. Rights of Persons Arrested.**

(1) In any case of arrest it shall be unlawful:

(a) to fail to promptly and in detail inform the arrested person of the nature and cause of the accusation against that person;

(b) to fail to ensure that the arrested person has a prompt opportunity to challenge the arrest's legality;

(c) to deny to the person so arrested the right to see at reasonable intervals, and for a reasonable time at the place of detention, counsel, or members of family, or employer, or a representative of employer;

(d) to refuse or fail to make a reasonable effort to send a message by telephone, facsimile transmission, messenger or other expeditious means, to any person mentioned in paragraph (c)

of this subsection, provided the arrested person so requests and such message can be sent without expense to the Government of the Marshall Islands or the arrested person prepays any expense there may be to the Government;

(e) to fail either to release or charge such arrested person with a criminal offense within a reasonable time, excluding which shall not exceed twenty four (24) hours, excluding weekends and holidays, however this may be extended 12 hours by a sworn Public Safety Officer holding the rank of Sergeant or above, provided that any application and the Officer's reason for the decision shall be in writing and made available to the Defendant. Under no circumstances shall the period exceed a total of thirty six (36) hours.

(f) for those having custody of one arrested, before questioning him about his participation in any crime, to fail to inform him of his rights and their obligations under Paragraphs (a)-(e) of this subsection and under Subsection (2) of this section.

(2) In addition, any person arrested shall be advised as follows:

(a) that the person has a right to remain silent and that anything the person says can be used against that person;

(b) that the person has the right to legal assistance of that person's choice and that if the person lacks funds to procure such assistance, to receive it free of charge if the interests of justice so require; and

(c) the circumstances, if any, under which the person may secure pretrial release.

## §103. Effective date.

This Act shall take effect on the date certification in accordance with the Constitution and the Rules of Procedures of the Nitijela.

## CERTIFICATE

**I hereby certify:**

1. That Nitijela Bill No: 23ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 10th day of November 2020; and

2. That I am satisfied that Nitijela Bill No: 23ND1 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 11th day of December 2020.

**Hon. Kenneth A. Kedi**
Speaker
Nitijela of the Marshall Islands

**Attest:**

**Morean S. Watak**
Clerk
Nitijela of the Marshall Islands