

THE THIRTY-SIXTH LEGISLATURE OF AMERICAN SAMOA

First Regular Session

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

AN ACT ALLOWING HIGH COURT JUSTICES TO PRESIDE IN DISTRICT COURT; CREATING A SECTION 3.1012 IN CHAPTER 10, TITLE 3 A.S.C.A.

Preamble:

WHEREAS, at times, due to illness, absence, or conflicts, it becomes difficult to assign district court judges to preside in District Court; and

WHEREAS, the continual operation of the Court is required by law; and

WHEREAS, the District Court is important as a forum to protect and uphold the rights of citizens; and

WHEREAS, allowing High Court Justices the flexibility to preside, on a temporary basis, in District Court will help alleviate staffing problems and will allow the District Court to fulfill its important function according to the law.

BE IT ENACTED BY THE LEGISLATURE OF AMERICAN SAMOA:

Section 1. There is created a section 3.1012 in Chapter 10, Title 3 A.S.C.A. which reads:

“3.1012 High Court Justices presiding in District Court.

(a) The Chief Justice may, in the interest of justice, designate and assign temporarily any Justice of the High Court to preside in the District Court.

(b) During the period of designation and assignment to the District Court, a Justice may perform any District Court duty:

(1) assigned by the Chief Justice; and

(2) within the duties of a district court judge of the District Court.

(c) A Justice who is temporarily designated and assigned to preside in the District Court shall have all the power of a district court judge afforded by law.”

Sec 2. Effective date.

In accordance with Article II Section 19 of the Revised Constitution of American Samoa, this bill shall become effective 60 days after the end of the session at which it has been passed.


GAOTEOTE PALAIE TOFAU
President of the Senate


SAVALI TALAVOU ALE
Speaker, House of Representatives

Hereby Approved this 29th day of April 20 19

Acting Governor Of American Samoa

NOFOAIGA TOLUSEFULU-ONO FONOFAITULAFONO AMERIKA SAMOA

Fono Tele Muamua

Nofioia ma usuia i Fagatogo, Tutuila, Amerika Samoa
Aso Gafua, aso sefulufa o Ianuari
Lua afe sefuluiva

O SE TULAFONO E FAATAGAINA AI LE FAAMASINO O LE FAAMASINOGA MAUALUGA E NOFOIA FAAMASINOGA FAA-ITUMALO; E FAAVAE AI SE MAGA 3.1012 I LE MATAUPU 10, ULUTALA 3 T.T.A.S.

Faatomuaga:

- TALUAI, e i ai taimi e faigata ona maua o ni faamasino faaitumalo e nofoia le nofoa faamasino ona o gasegase, o le lē auai, poo le feteenai foi ona e aafia le faamasino i se mataupu o loo iloiloaina; ma
- TALUAI, e manaomia e le tulafono ona fa'aauau pea le tatala o le Faamasinoga; ma
- TALUAI, e taua le Faamasinoga Faaitumalo ona o le puipuia ma faatumauiina aiā o tagatanuu; ma
- TALUAI, o le faatagaina o le Faamasinoga Mauualuga e faatautaia mo se taimi lē tumau, le faataunuuina o Faamasinoga Faa-itumalo, e fesoasoani lea e tuuititia ai le faasoasoina o le aufaigaluega ma mafai ai e le Faamasinoga Faaitumalo ona faataunuu lana fatuaiga taua e tusa ai ma le tulafono.

IA FAATULAFONOINA E LE FONOFAITULAFONO A AMERIKA SAMOA:

- Maga 1. Ua faavae nei se maga 3.1012 i le Mataupu 10, Ulutala 3 T.T.A.S. ua faitauina faapea:**
- “3.1012 Nofioia e Faamasino o le Faamasinoga Mauualuga Mataupu i le Faamasinoga Faa-Itumalo.**
- (a) E mafai e le Faamasino Sili ona tofia mo se taimi lē tumau, soo se Faamasino o le Faamasinoga Mauualuga e nofoia le Faamasinoga Faa-Itumalo.**
- (e) O le taimi ua tofia ai le Faamasino i le Faamasinoga Faa-Itumalo, e mafai ona ia faataunuu soo se tiute i le Faamasinoga Faa-Itumalo:**
- (1) e tofi mai e le Faamasino Sili; ma**
- (2) totonu o tiute faatino o le faamasino faa-Itumalo mo le Faamasinoga Faa-Itumalo.**

(i) O sē ua filifilia lē tumau e nofoia Faamsinoga Faa-Itumalo, e ia te ia le malosi uma lava o se Faamasino mo Faamasinoga Faa-Itumalo o loo i le tulafono.”

Maga 2. Aso e taualoa ai.

E tusa ai ma le Ulutala II o le Maga 19 o le Tulafono Toe Teuteuina a Amerika Samoa, ia aloaia lenei pili ina ua maea le 60 aso mai le aso na pasia ai.


GAOTEOTE PALAIE TOFAU
Peresetene, MaotaMauualuga


SAVALI TALAVOU ALE
FofogaFetalai, Maota o Sui

Hereby Approved this 29th day of April, 2019

Acting Governor Of American Samoa