November 22, 2011

The Honorable Lyndon P. Abraham
Speaker
Tenth Kosrae State Legislature
Tofol, Kosrae FM 96944

Dear Mr. Speaker,

Kulo nu sin God ke moul mwo a akwuk mwowo kut pulakin. Nga paing kom a members nukewa wiyom ke Sroasr Masap.

Nga ke akkalemye la nga insese a sain L.B. No. 10-38, L.D.1, nu ke masap, su a orala Kosrae State Law No. 10-23.

"To amend Title 5 of the Kosrae State Code to clarify the procedure for the appointment of Deputies for Law Enforcement by the Attorney General; and for other purposes."

Copy se ke masap se inge pa nga supraot wi letter luk nu sum.

Kulo ma lulap.

Lyndon H. Jackson
Governor
State of Kosrae

/jpa
Tenth Kosrae State Legislature
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November 01, 2011

The Honorable Lyndon H. Jackson
Governor
State of Kosrae
Kosrae, FM 96944

Dear Governor Jackson:

I have the honor to transmit herewith for your consideration and action L.B. NO. 10-38, L.D. 1, TO AMEND TITLE 5 OF THE KOSRAE STATE CODE TO CLARIFY THE PROCEDURE FOR THE APPOINTMENT OF DEPUTIES FOR LAW ENFORCEMENT BY THE ATTORNEY GENERAL; AND FOR OTHER PURPOSES., which passed the Legislature, Third Special Session, by two-thirds of the members of the Legislature, a quorum being present.

Respectfully yours,

[Signature]

Tosie K. Elley
Chief Clerk
Tenth Kosrae State Legislature

Enclosures
LEGISLATIVE BILL NO. 10-38, I.D. 1

TENTH KOSRAE STATE LEGISLATURE
THIRD SPECIAL SESSION
OCTOBER 20, 2011

A BILL FOR AN ACT

TO AMEND TITLE 5 OF THE KOSRAE STATE CODE TO CLARIFY THE PROCEDURE FOR THE APPOINTMENT OF DEPUTIES FOR LAW ENFORCEMENT BY THE ATTORNEY GENERAL; AND FOR OTHER PURPOSES.

INTRODUCED Senator Tulensa W. Palik

DATE: August 17, 2011

ACTION BY THE LEGISLATURE

PASSED FIRST READING: October 26, 2011

REFERRING TO: Committee on J&GO
(SCR. No. 10-84 – A – 102611)

PASSED SECOND READING: October 28, 2011

Tosie K. Elley
Chief Clerk
KOSRAE STATE LEGISLATURE
LEGISLATIVE BILL NO. 10-38, L.D. 1

We hereby certify that the foregoing Bill has passed Second and Final Readings in the Legislature, Third Special Session, 2011, by two-thirds of the members of the Tenth Kosrae State Legislature, a quorum being present.

Lyndon P. Abraham
Speaker
Tenth Kosrae State Legislature

Tosie K. Elley
Chief Clerk
Tenth Kosrae State Legislature
A BILL FOR AN ACT

To amend Title 5 of the Kosrae State Code to clarify the procedure for the appointment of Deputies for Law Enforcement by the Attorney General; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

Section 1. Purpose. To amend Section 5.202, Title 5, of the Kosrae State Code to allow the Attorney General to deputize any person as a law enforcement officer, to create new sections 5.209 and 5.210 of Title 5 clarifying the procedures for the appointment of law enforcement deputies.

Section 2. Amendment. Title 5, Chapter 2, Section 5.202(6) of the Kosrae State Code is hereby amended by adding subsection (f) to read as follows:

“(f) appoints person as deputies for the enforcement of general or specific laws, according to criteria established by the Attorney General.”

Section 3. Amendment. Title 5, Chapter 2 of the Kosrae State Code is hereby amended by the enactment of new sections 5.209 and 5.210 to read as follows:

“Section 5.209. Appointment of Deputies for Law Enforcement. The Attorney General may, after consultation with the Chief of Police, appoint, in writing, any person as a deputy law enforcement officer authorized to ensure compliance with laws specified in the language of the appointment.

(a) The Attorney General shall set forth minimum qualifications of any person to be appointed as a deputy, which minimum qualifications shall include:

(1) That the person to be deputized shall meet the same qualifications as a state police officer;
(2) That the person to be deputized shall not have been convicted of a
felony offense involving injury to persons;

(3) That the person to be deputized shall have prior law enforcement
experience of no less than two years or have successfully completed a law enforcement training
course acceptable to the Attorney General.

(b) A person appointed as deputy shall be required, when in the enforcement of
a State law under the supervision of or at the behest of a State police officer to complete
documentation regarding such actions and shall be required, if necessary, to appear in court on
such actions.

(c) Persons appointed as deputies are not State police officers and are not
entitled to the receipt of any benefits afforded to a State police officer, nor shall they be
compensated by the State for actions undertaken as a deputy.

(d) In the event of a presidential or gubernatorial declaration of emergency
involving a violent civil unrest or natural disaster, the minimum qualifications shall set forth in
(a) above may be suspended for the duration of the declaration.

(e) Persons appointed as a deputy are appointed for a period that must not
exceed 2 (two) years.

Section 5.210. Non-Liability of the State for Unauthorized Actions of Deputized
Officers. Actions undertaken by a deputized person which are not done:
(a) Under the supervision of a state police officer, or
(b) Pursuant to a lawful request of a state police officer; or
(c) Within the scope of the written appointment as a deputy shall be considered
unauthorized actions and any complaint, damage or injury suffered by the deputy or a third party
because of such action shall not be considered a liability of the State."

Section 4. Effective Date. This act takes effect upon the approval of the Governor or
upon its becoming law without such approval.

PASSED BY THE TENTH KOSRAE STATE LEGISLATURE ON THE 28TH DAY OF
OCTOBER 2011.

Lyndon P. Abraham
Speaker, 10th Kosrae State Legislature

Attested by:
Chief Clerk

Lyndon H. Jackson
Governor, State of Kosrae