



**GOVERNMENT OF KOSRAE**

**Office of the Governor**

**Post Office Box 158**

Kosrae, Federated States of Micronesia 96944

Telephone: 691-370-3002/3003..Facsimile: 691-370-3162

November 22, 2011

11-28-11  
The Honorable Lyndon P. Abraham  
Speaker  
Tenth Kosrae State Legislature  
Tofol, Kosrae FM 96944

Dear Mr. Speaker,

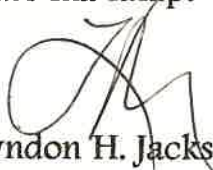
Kulo nu sin God ke mou l mwo a akwuk mwowo kut pulakin. Nga paing kom a members nukewa wiyom ke Sroasr Masap.

Nga ke akkalemeye 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 supaot wi letter luk nu sum.

Kulo ma lulap.

  
Lyndon H. Jackson  
Governor  
State of Kosrae

/jpa





# TENTH KOSRAE STATE LEGISLATURE

P. O. Box 187

Tofol, Kosrae State

Federated States of Micronesia 96944

Telephone: (691) 370-3019/3177 \* Fax: 370-2177

Web Page: [www.kosraelegislature.org](http://www.kosraelegislature.org)

*Lyndon P. Abraham*  
SPEAKER

*Palikun M. Shrew*  
VICE SPEAKER

*Robert I. Taulung*  
FLOOR LEADER

LELU:  
*Bob H. Skilling*  
*Chang B. William*  
*Gibson T. Siba*  
*Lyndon P. Abraham*  
*Tulensa W. Palik*

TAFUNSAK:  
*Alokoza Joab Sigrah*  
*Espi! Tulensru*  
*Maker L. Palsis*  
*Robert I. Taulung*

MALEM:  
*Jarinson M. Charley*  
*Jefferson M. Timothy*  
*Palikun M. Shrew*

UTWE:  
*Josaiah F. Waguk*  
*Rinson H. Edmond*

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,

Tosie K. Elley  
Chief Clerk  
Tenth Kosrae State Legislature

Enclosures

TENTH KOSRAE STATE LEGISLATURE  
THIRD SPECIAL SESSION  
OCTOBER 20, 2011

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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.

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INTRODUCED Senator

Tulensa W. Palik

DATE: August 17, 2011

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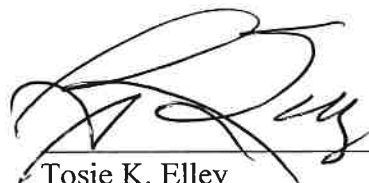
ACTION BY THE LEGISLATURE

PASSED FIRST READING: October 26, 2011

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

PASSED SECOND READING: October 28, 2011

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Tosie K. Elley  
Chief Clerk  
KOSRAE STATE LEGISLATURE



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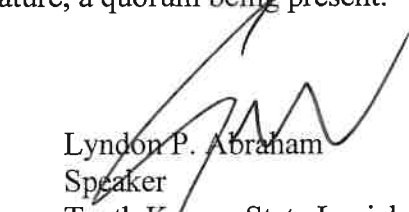
*Jarinson M. Charley*  
*Jefferson M. Timothy*  
*Palikur. M. Shrew*

UTWE:

*Josaiah F. Waguk*  
*Rinson H. Edmond*

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

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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

1           Section 1. Purpose. To amend Section 5.202, Title 5, of the Kosrae State Code to allow  
2 the Attorney General to deputize any person as a law enforcement officer, to create new sections  
3 5.209 and 5.210 of Title 5 clarifying the procedures for the appointment of law enforcement  
4 deputies.

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

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

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

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

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

17                   (1) That the person to be deputized shall meet the same qualifications as  
18 a state police officer;

1                   (2)     That the person to be deputized shall not have been convicted of a  
2 felony offense involving injury to persons;

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

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

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

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

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

18                  Section 5.210. Non-Liability of the State for Unauthorized Actions of Deputized  
19 Officers. Actions undertaken by a deputized person which are not done:

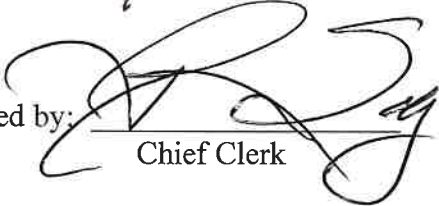
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- 1           (a) Under the supervision of a state police officer, or  
2           (b) Pursuant to a lawful request of a state police officer; or  
3           (c) Within the scope of the written appointment as a deputy shall be considered  
4 unauthorized actions and any complaint, damage or injury suffered by the deputy or a third party  
5 because of such action shall not be considered a liability of the State.”

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

8 PASSED BY THE TENTH KOSRAE STATE LEGISLATURE ON THE 28<sup>TH</sup> DAY OF  
9 OCTOBER 2011.

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Lyndon P. Abraham  
Speaker, 10<sup>th</sup> Kosrae State Legislature

Attested by:   
Chief Clerk

  
Lyndon H. Jackson  
Governor, State of Kosrae

Date: 11-22-11

