



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

March 18, 2013

The Honorable Gibson T. Siba
Speaker
Tenth Kosrae State Legislature
Tofol, Kosrae FM 96944

Dear Mr. Speaker,

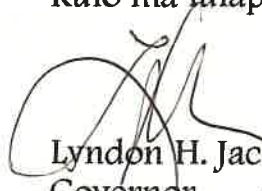
Kaksakin God ke moul mwowo a pal mwowo lasr.

Nga engan in akkalemye la nga sign L.B. No. 10-121, L.D.2 su inge a orala
State Law No. 10-63.

“TO AMEND TITLE 13 OF THE KOSRAE STATE CODE, AS AMENDED, BY ADDING A
NEW CHAPTER 8 TO ESTABLISH THE ANTI-HUMAN TRAFFICKING AND PEOPLE
SMUGGLING ACT OF 2013; AND FOR OTHER PURPOSES.”

Certified copy ke masap se inge pa attached nu ke letter luk.

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

Gibson T. Siba
SPEAKER

March 11, 2013

Palikam M. Shrew
VICE SPEAKER

Robert I. Taulung
FLOOR LEADER

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

LELU:
Bob H. Skilling
Chang B. William
Gibson T. Siba
Tulensa W. Palik

Dear Governor Jackson:

TAFUNSAK:
Alokoa Joab Sigrah
Espil Tulensru
Maker L. Palsis
Robert I. Taulung

I have the honor to transmit herewith for your consideration and action **L. B. NO. 10-121, L.D. 2, TO AMEND TITLE 13 OF THE KOSRAE STATE CODE, AS AMENDED, BY ADDING A NEW CHAPTER 8 TO ESTABLISH THE ANTI-HUMAN TRAFFICKING AND PEOPLE SMUGGLING ACT OF 2013; AND FOR OTHER PURPOSES.**, which passed the Legislature, Fifth Regular Session, by two-thirds of the members of the Legislature, a quorum being present.

MALEM:
Jarinson M. Charley
Jefferson M. Timothy
Palikam M. Shrew

Respectfully yours,

UTWE:
Josaiah F. Waguk
Rinson H. Edmond

Fosie K. Elley
Chief Clerk
Tenth Kosrae State Legislature

Enclosures

TENTH KOSRAE STATE LEGISLATURE
FIFTH REGULAR SESSION
FEBRUARY 11, 2013 – MARCH 16, 2013

A BILL FOR AN ACT

TO AMEND TITLE 13 OF THE KOSRAE STATE CODE, AS AMENDED,
BY ADDING A NEW CHAPTER 8 TO ESTABLISH THE ANTI-HUMAN
TRAFFICKING AND PEOPLE SMUGGLING ACT OF 2013; AND FOR
OTHER PURPOSES.

INTRODUCED Senator

Chang B. William

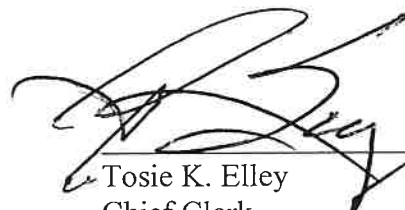
DATE: February 11, 2013

ACTION BY THE LEGISLATURE

PASSED FIRST READING: February 13, 2013

REFERRING TO: Committee on J&GO
SCR. No. 10-150 – A – 2/13/13

PASSED SECOND READING: February 15, 2013



Tosie K. Elley
Chief Clerk

KOSRAE STATE LEGISLATURE



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

Gibson T. Siba
SPEAKER

Palikum M. Shrew
VICE SPEAKER

Robert I. Taulung
FLOOR LEADER

LELU:
Bob H. Skilling
Chang B. William
Gibson T. Siba-
Tulensa W. Palik

TAFUNSAK:
Alokoa Joab Sigrah
Espil Tulensru
Maker L. Palsis
Robert I. Taulung

MALEM:
Jarinson M. Charley
Jefferson M. Timothy
Palikum M. Shrew

UTWE:
Josajah F. Waguk
Rinson H. Edmond

LEGISLATIVE BILL NO. 10-121, L.D. 2

We hereby certify that the foregoing Bill has passed Second and Final Readings in the Legislature, Fifth Regular Session, 2013, by two-thirds of the members of the Tenth Kosrae State Legislature, a quorum being present.


Gibson T. Siba
Speaker
Tenth Kosrae State Legislature


Tosie K. Elley
Chief Clerk
Tenth Kosrae State Legislature

A BILL FOR AN ACT

To amend Title 13 of the Kosrae State Code, as amended, by adding a new Chapter 8 to establish the Anti-Human Trafficking and People Smuggling Act of 2013; and for other purposes.

1 Section 1. Statement of Purpose.

- 2 1. To prevent and combat human trafficking and people smuggling;
- 3 2. To punish traffickers and smugglers; and
- 4 3. To protect and assist the victims of such trafficking or smuggling, with respect for
- 5 their human rights.

6 Section 2. Findings. Trafficking in Persons in modern-day slavery. Millions of people

7 worldwide, especially women and children, are enslaved in forced labor, bonded labor, forced

8 child labor, sexual exploitation, and involuntary servitude. Trafficking in Persons deprives

9 people of their human rights and freedom. There is a need to join the international, regional and

10 national community to combat the crimes of human trafficking and people smuggling. There is a

11 need to protect our people, domestically and abroad, from these heinous crimes. Accordingly,

12 the 10th Kosrae State Legislature hereby finds that it is imperative to enact the “Kosrae State

13 Anti-Human Trafficking and People Smuggling Act of 2013”.

14 Section 3. Amendment. Title 13 of the Kosrae State Code is hereby amended by

15 inserting a new Chapter 8 to read as follows:

16 “Section 13.801. Short Title. This Act shall be known and may be cited as Anti-Human

17 Trafficking and People Smuggling Act of 2013.

1 Section 13.802. Definitions:

2 (a) "Child" means a person who is less than 18 years of age at the time of the
3 commission of an offense under this Chapter.

4 (b) "Commercial carrier" means a company, or the owner, operator of any means
5 of transportation that engages in the transportation of goods or people for commercial gain.

6 (c) "Company" means a corporation, partnership, or other entity that is not an
7 individual.

8 (d) "Exploitation" means sexual servitude, exploitation of another person through
9 prostitution, forced labor or services, slavery, or obtaining labor or services through deceit, fraud
10 or by means of material misrepresentation.

11 (e) "Fraudulent travel or identity document" means a travel or identity document
12 that:

13 (1) Has been made or altered in a material way, by a person other than a
14 person or agency lawfully authorized to make or issue the travel or identity on behalf of the
15 country that issued the document; or

16 (2) has been issued or obtained through misrepresentation, bribery,
17 corruption, duress, or in any other unlawful manner; or

18 (3) is being improperly used by a person other than the rightful holder.

19 (f) "Illegal entry" means crossing the border of Kosrae State or any other FSM
20 State or the national borders without complying with the requirements for lawful entry of the

1 State.

2 (g) "People smuggling" means arranging or assisting a person's illegal entry into
3 any country or state of which the person is not a citizen, including Kosrae State, either knowing
4 or being reckless as to the fact that person's entry is illegal.

5 (h) "People trafficking" means the recruitment, transportation, transfer, harboring
6 or receipt of a person for the purpose of exploitation as described in section 13.806 and 13.907.

7 (i) "Receiving country" means any country into which a trafficked person is
8 brought as part of an act of people trafficking.

9 (j) "Smuggled person" means any person who is a victim or object of an act of
10 people smuggling, regardless of whether the smuggled person successfully arrives in the
11 receiving country.

12 (k) "Trafficked person" means any person who is the victim or object of an act of
13 people trafficking.

14 Section 13.803. Offense of People Smuggling. A person who engages in people
15 smuggling shall be guilty of people smuggling regardless of whether the smuggled person arrives
16 in the receiving country. People smuggling is a category one felony.

17 Section 13.804. Offense of Aggravated People Smuggling. A person who engages in
18 people smuggling under circumstances in which the life or safety of the smuggled person is or is
19 likely to be endangered, shall be guilty of aggravated people smuggling regardless of whether the
20 smuggled person arrives in the receiving country. Aggravated people smuggling is a category

1 one felony.

2 Section 13.805. Offense of Fraud in Aid of Smuggling. A person who makes, obtains,
3 gives, sells, or possesses a fraudulent travel or identity document for the purpose of facilit:ting
4 people smuggling or facilitating continued presence of a smuggled person in a receiving country
5 shall be guilty of fraud in aid of smuggling. Fraud in aid of smuggling is a category one felony.

6 Section 13.806. Offense of People Trafficking. A person who knowingly or recklessly
7 recruits, transports, transfers, harbors or receives any person or persons for the purpose of
8 exploitation by threat, use of forced, abduction, fraud, deception, abuse of power, or the giving
9 or receiving of payments or benefits to achieve the consent of a person having control of another
10 person, shall be guilty of people trafficking. People Trafficking is a category one felony.

11 Section 13.807. Offense of Trafficking in Children. A person knowingly or recklessly
12 recruits, transport, harbors or receives a child by any means for the purpose of exploitation shall
13 be guilty of trafficking in children. Trafficking in children is a category one felony.

14 Section 13.808. Offense of Exploiting a Trafficked Person. A person who knowingly or
15 recklessly engages in, participates in, or profits from the exploitation of a trafficked person shall
16 be guilty of exploiting of a trafficked person. Exploiting a trafficked person is a category one
17 felony.

18 Section 13.809. Consent of Trafficked Person or Smuggled Person Irrelevant. Consent
19 to the act or acts constituting an offense on the part of a smuggled person under sections 13.803
20 and 13.804, or a trafficked person under section 13.806, 13.807 and 13.808, is not a legal

1 defense.

2 Section 13.810. Immunity of Trafficked Person. A trafficked person shall not be subject
3 to criminal prosecution with respect to:

4 (a) The act of people trafficking;

5 (b) That person's illegal entry into the receiving country;

6 (c) That person's period of unlawful residence in the receiving country; and

7 (d) That person's procurement or possession of any fraudulent travel or identity
8 documents which he or she obtained, or with which he or she was supplied, for the purpose of
9 entering the receiving country.

10 Section 13.811. Scope of Application. The offense described in section 13.803 to 13.808
11 hereof apply, regardless of whether the conduct constituting the offense took place inside or
12 outside Kosrae if:

13 (a) Kosrae State is the receiving state or the exploitation occurs in Kosrae State;

14 (b) The receiving country is a foreign country but the people smuggling or people
15 trafficking started in Kosrae State or transits Kosrae State; or

16 (c) The person who engages in the people smuggling or people trafficking is a
17 resident of, a person based in, or was located in Kosrae State when they engaged in people
18 smuggling or people trafficking.

19 Section 13.812. Obligations of Commercial Carriers. If a commercial carrier carries a
20 person into Kosrae State and, upon entry into Kosrae State, the person does not have the travel

1 documents required for lawful entry, the commercial carrier shall be liable to pay the costs of the
2 person detention in, and removal from Kosrae State unless;

3 (a) the carrier had reasonable grounds to believe that the documents that the
4 person had were the travel documents required for legal entry of that person into Kosrae State; or

5 (b) the person possessed the travel documents required for lawful entry into
6 Kosrae State when that person boarded, or last boarded, the means of transport to travel to
7 Kosrae State; or

8 (c) entry into Kosrae State occurred only because of illness of or injury to a
9 person on board, stress of weather, or other circumstances beyond the control of the commercial
10 carrier.

11 Section 13.813. The Kosrae State Attorney General shall establish a State Action Plan
12 against trafficking in persons to include guidelines for providing assistance to victims of
13 trafficked persons and witnesses of trafficking in persons.

14 Section 13.814. Rights of Victims.

15 1. A trafficked person shall not be subject to the criminal prosecution with respect to:

16 (a) the act of human trafficking;

17 (b) that person's entry into the receiving country;

18 (c) that person's unlawful residence in the receiving country; and

19 (d) that person's procurement or possession of any fraudulent travel or identity
20 document.

1 2. The Attorney General shall coordinate with the Department of Justice of the
2 Federated States of Micronesia to address the following victim support issues:

3 (a) providing adequate protection to victims and witnesses of human trafficking if
4 their salary is at risk, including measures to protect them, and their families, from intimidation
5 and retaliation by traffickers and their associates;

6 (b) providing victims with the opportunity to protect their views, needs, interests,
7 and concerns for consideration at appropriate stages of any judicial or administrative proceedings
8 relating to the offense, either directly or through a representative, without prejudice to the rights
9 of the defense;

10 (c) where the victim is and unaccompanied child, providing for the appointment
11 of a legal guardian to represent the interests of the child, taking all necessary steps to establish his
12 or her identity and nationality, and making every effort to locate his or her family when this is in
13 the best interest of the child.;

14 (d) where the victims is a national of the Federated States of Micronesia,
15 facilitating and accepting the return of the victim without undue or unreasonable delay and with
16 due regard for his or her rights and safety;

17 (e) where the victims is not a national of the Federated States of Micronesia and
18 requests to return to his or her country of origin or the country in which he or she had the right of
19 permanent residence at the time he or she was trafficked, facilitating such return, including
20 arranging for the necessary travel documents, without undue delay and with due regard for his or

1 her rights and safety;

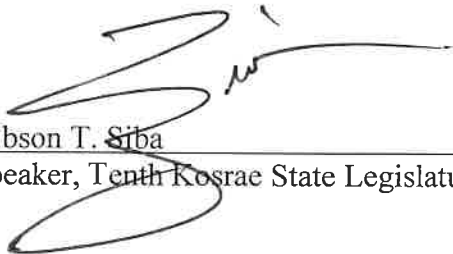
2 (f) providing information to all victims on the nature of protection, assistance and
3 support to which they are entitled and the possibilities of assistance and support by non-
4 governmental organizations and other agencies as well as information on any legal proceedings
5 related to them. Such information shall be provided in a language and form that the victim
6 understands.

7 Section 4. Effective Date. This Act takes effect upon approval by the Governor or upon
8 its becoming law without such approval.

9 PASSED BY THE TENTH KOSRAE STATE LEGISLATURE ON THE 15TH DAY OF
10 FEBRUARY, 2013.

11

12

13 
Gibson T. Siba
Speaker, Tenth Kosrae State Legislature

14

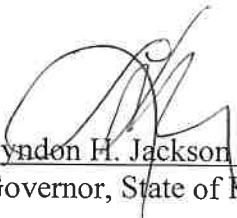
15

16 Attested by: _____
Chief Clerk

17

18

19

20 
Lyndon H. Jackson
Governor, State of Kosrae

Date: 2-18-13

