EIGHTH	SPECIAL	SESSION,	MARCH	2020
			J46	GD

L.B. No	12-	130

#### A BILL FOR AN ACT

To amend the Kosrae State Code by adding a new Chapter 9 and inserting there under Sections 13.901 to 13.911 of Part 1 of Title 13 of the Kosrae State Code.

### BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

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1	Section 1. Purpose. The purpose of this Act is to provide powers to authorized
2	officers during the time a Declaration of State of Emergency is in existence to assist in
3	effective emergency management in the State of Kosrae.
4	Section 2. Amendment. Title 13, Part 1 of the Kosrae State Code is hereby amended
5	by adding thereunder Chapter 9 and thereunder inserting Section 13.901 to 13.911 to
6	read respectively as follows:
7	"Chapter 9: State of Emergency Act
8	Section 13.901This Act shall be known as the State Emergency Act 2020
9	Section 13.902 Definitions
10	For the purposes of this Act, the following terms shall have the meaning
11	stated below:
12	(i) Declaration of State of Emergency is a declaration of emergency as
13	made by the Governor pursuant to Section 13 of Article V of the
14	Kosrae State Constitution and extended and/or varied by the
15	Legislature pursuant to Section 13 of Article V of the Kosrae State
16	Constitution

1	(ii)	State of Emergency commences upon a declaration of emergency
2		and continues until the declaration of emergency expires under its
3		own terms or amended terms, or is revoked or extended.
4	(iii)	Emergency management means the management of the adverse
5		effects of an emergency including:
6		(a) Prevention — the mitigation or prevention of the probability of
7		the occurrence of, and the potential adverse effects of, an
8		emergency; and
9		(b) Preparedness — preparation for response to an emergency; and
10		(c) Response — the combating of the effects of an emergency,
11		provision of emergency assistance for casualties, reduction of
12		further damage, and help to speed recovery; and
13		(d) Recovery — the support of emergency affected communities in
14	,	the reconstruction and restoration of physical infrastructure, the
15	H	environment and community, psychosocial and economic
16		wellbeing.
17	(iv)	Authorized officer is police officer or any other person so defined
18		within Section 1.201 (57) of Title 1 of the Kosrae State Code.

1	(v)	Emergency Declaration Order is an order made under a declaration
2		of emergency which prescribes, mandates, restricts or otherwise
3		prohibits conduct specified in the order.
4	(vi)	Direction is a power given to an authorized officer to give
5		directions to a person during a state of emergency under an
6		Emergency Declaration Order or under Section 13.907 or 13.908
7		during a state of emergency.
8	(vii)	Emergency area means the area to which a declaration of
9		emergency applies.
10	(viii)	Vehicle means anything capable of transporting people or things by
11		road or water and it does not matter how the thing is moved or
12		propelled.
13	Section 13.90	3 Obstruction of authorized officer.
14	A pers	son must not obstruct or hinder an authorized officer in the exercise
15	of a po	ower under this Act.
16	Obstru	action or hindrance of an authorized officer is a category three
17	misde	meanor.
18	Section 13 90	4 Failure to comply with a direction

1	(1) A person given a direction by an authorized officer under an Emergency
2	Declaration Order or under Section 13.906 or 13.907 must comply with the
3	direction.
4	(2) A person must comply with a direction referred to in Section 13.904 (1)
5	despite the provisions of any other written law, and the person does not
6	commit an offense by reason of that compliance.
7	Failure to comply with a direction is a category one misdemeanor.
8	Section 13.905 Failure to give help.
9	A person required to give reasonable help under Section 13.908 (o) must
10	comply with the requirement.
11	Failure to give help is a category three misdemeanor.
12	Section 13.906 Impersonation of an authorized officer.
13	A person must not falsely represent, by words or conduct that the person is
14	an authorized officer.
15	Impersonation of an authorized officer is a category one misdemeanor.
16	Section 13.907 Powers concerning movement and evacuation

### EIGHTH SPECIAL SESSION, MARCH 2020

L.B. No. 12-130

1	For the purpose of emergency management during a state of emergency, an
2	authorized officer may do all or any of the following:
3	(a) direct or, by direction, prohibit, the movement of persons, animals and
4	vehicles within, into, out of or around an emergency area or any part of
5	the emergency area;
6	(b) direct the evacuation and removal of persons or animals from the
7	emergency area or any part of the emergency area;
8	(c) close any road, access route or area of water in or leading to the
9	emergency area.
10	Section13.908 General powers during a state of emergency.
11	During a state of emergency, for the purpose of emergency management,
12	an authorized officer may without a warrant or the consent of the occupier
13	of the place or owner of the vehicle —
14	(a) enter or, if necessary, break into and enter, a place or vehicle in the
15	emergency area; and
16	(b) search any place or vehicle and anything found in or on the place or
17	vehicle; and
18	(c) take into a place in the emergency area the equipment, persons or
19	materials the authorized officer reasonably requires for exercising a
20	power under this section; and

1	(d) contain an animal or substance in the emergency area; and
2	(e) remove or destroy an animal, vegetation or substance in the
3	emergency area; and
4	(f) remove, dismantle, demolish or destroy a vehicle, or any premises, in
5	the emergency area; and
6	(g) disconnect or shut off any electricity, gas, water or fuel supply, or any
7	drainage facility, or any other service, in the emergency area; and
8	(h) take and use fuel, gas, electricity or water in the emergency area; and
9	(i) direct the owner or occupier or the person apparently in charge of any
10	place of business, worship or entertainment in the emergency area to
11	close that place to the public for the period specified in the direction; and
12	(j) turn off, disconnect or shut down any motor or equipment in the
13	emergency area; and
14	(k) open a container or other thing, or dismantle equipment, in the
15	emergency area; and
16	(l) excavate land or form tunnels in the emergency area; and
17	(m) build earthworks or temporary structures, or erect barriers, in the
18	emergency area; and

L.B. No. 12-130

EIGHTH SPECIAL SESSION, MARCH 2020

1	(n) remove to such place as the authorized officer thinks proper any
2	person who obstructs or threatens to obstruct emergency management
3	activities; and
4	(o) require a person to give the authorized officer reasonable help to
5	exercise the authorized officer's powers under this section.
6	Section 13.909 False reporting of an incident.
7	A person is guilty of falsely reporting an incident in when, knowing the
8	information reported, conveyed or circulated to be false or baseless, he or
9	she initiates or circulates a false report or warning of an alleged occurrence
10	or impending occurrence of a crime, catastrophe or emergency under
11	circumstances in which it is not unlikely that public alarm or inconvenience
12	will result.
13	False reporting of an incident is a category one misdemeanor.
14	Section 13.910 Person suffering from a virus or infection that is potentially life
15	threatening intentionally transmits or attempts to transmit such virus to another
16	person.
17	A person who to his or her knowledge is suffering from a virus or an
18	infection that is potentially life threatening intentionally does any act or
19	attempts to transmit such virus or infection to another person is guilty of a
20	category one felony.

### EIGHTH SPECIAL SESSION, MARCH 2020

L.B. No. 2-130

1	Section 13.911 Evidentiary matters.
2	In proceedings for an offense against this Act, an allegation in the prosecution
3	notice of any of the following matters is, in the absence of evidence to the
4	contrary, to be taken to be proved —
5	(a) that at a specified time an emergency declaration was in force; and
6	(b) that at a specified time a specified area was, or was part of, an
7	emergency area; and
8	(c) that at a specified time a specified person was an authorized officer;
9	and
10	(d) that at a specified time a specified person was given a notice or
11	direction under this Act or under an emergency declaration order; and
12	(e) that at a specified time a specified requirement was made of a
13	specified person."
14	Section 3. Effective Date. This act takes effect upon the approval of the Governor
15	or upon its becoming law without such approval.
16	
17	
18	Date:
	Tulensa W. Palik