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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

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 13.901 This 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 (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 13.903 Obstruction of authorized officer.

14 A person must not obstruct or hinder an authorized officer in the exercise
15 of a power under this Act.

16 Obstruction or hindrance of an authorized officer is a category ^{one}~~three~~
17 misdemeanor.

18 Section 13.904 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 ^{one}~~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

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 Section 13.908 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

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- 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

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.

