

JAGO/H&SA

A BILL FOR AN ACT

To amend Title 6 of the Kosrae State Code by adding a new Chapter 38 and inserting there under Section 6.3801, Section 6.3802, and Section 6.3803; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

1 Section 1. Purpose. The purpose of this Act is to amend Title 6 of the Kosrae State Code
2 by adding new Chapter 38 Incapacitated Person Abuse and inserting there under Section 6.3801,
3 Section 6.3802, and Section 6.3803.

4 Section 2. Amendment. Title 6 of the Kosrae State Code is hereby amended by adding
5 there under new Chapter 38 Incapacitated Person Abuse and there under inserting Section
6 6.3801, Section 6.3802, and Section 6.3803 to read as follows:

7 “Chapter 38 Incapacitated Person Abuse

8 Section 6.3801. Definitions in this chapter.

9 (1) “Abuse” means a case in which an incapacitated person exhibits evidence of
10 skin bruising, bleeding, burns, fracture of bone, subdural hematoma, soft-tissue
11 swelling, sexual abuse as defined in Section 13.312 insofar as it concerns an
12 incapacitated person and the condition or death is not justifiably explained, the
13 history given concerning the condition or death is at variance with the degree or
14 type of the condition or death, or the circumstances indicate that the condition or

1 death may not be the product of an accidental occurrence.

2 (2) "Person" includes a physician, dentist, intern, health assistant, medex, nurse,
3 practical nurse, schoolteacher, school official, day care worker, guardian, or
4 police officer.

5 Section 6.3802 Report. A person examining, attending, teaching, or treating an
6 incapacitated person and having reason to believe that the incapacitated person has had
7 serous injury or injuries, either physical or mental, inflicted upon him or her as a result of
8 abuse, reports the matter promptly to the Office of the Attorney General, or in the case of
9 a Department of Health Services employee, to the Director who promptly makes the
10 report to the Office of the Attorney General. If the person attending an incapacitated
11 person is a schoolteacher or other school official, he or she reports the abuse to his or her
12 supervisor who promptly reports the abuse to the Office of the Attorney General. The
13 report is in writing, whether initially or following an initial oral report, and states the
14 incapacitated person's name, age, address, and guardian or other person known to be
15 responsible for the incapacitated person and the nature and extent of the incapacitated
16 person's injuries, including evidence of previous injuries, and other information which
17 the maker of the report believes might be helpful in establishing the cause of the injuries
18 and the identity of the person responsible for the abuse.

19 *Cross-reference:*

20 *For offense see Section 13.614.*

21 Section 6.3803 Immunity. A person participating in the making of a report pursuant to
22 this chapter is immune from civil and criminal liability arising from the making of the


1 report and with respect to oral, written, or other evidence he or she provides concerning
2 the report in a judicial proceeding.”

3 Section 3. Effective Date. This act takes effect upon the approval of the Governor or
4 upon its becoming law without such approval.

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7 Date: 3/9/21

Introduced by: 
Salpasr E. Tilfas