

J460

A BILL FOR AN ACT

To amend the Kosrae State Code by adding a new Chapter 38 and inserting there under Section 6.3801, Section 6.3802 and Section 6.3803 of Title 6 of Kosrae State Code. To further amend the Kosrae State Code by amending Section 13.614 by adding therein where appropriate "incapacitated person abuse", "incapacitated person abuse as defined in Section 6.3801" "or her" and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE

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

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

8 "Chapter 38 Incapacitated Person Abuse

9 Section 6.3801. Definitions in this chapter

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

1 type of the condition or death, or the circumstances indicate that the
2 condition or death may not be the product of an accidental
3 occurrence.

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

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

1 Cross-reference:

2 For offense see Section 13.614.

3 Section 6.3803 Immunity. A person participating in the making of a report
4 pursuant to this chapter is immune from civil and criminal liability arising from the
5 making of the report and with respect to oral, written or other evidence he or she provides
6 concerning the report in a judicial proceeding.”

7 Section 3. Purpose. The purpose of this Act is to further amend the Kosrae State
8 Code by amending Section 13.614 of Chapter 6 of Title 13 by adding therein where
9 appropriate ‘incapacitated person abuse’, ‘incapacitated person abuse as defined in Section
10 6.3801” “or her” :

11 Section 4 Amendment: Title 13, Chapter 6, Section 13.614 of the Kosrae State
12 Code is hereby amended to read as follows:

13 “Section 13. 614. Failing to report wound, death or child abuse or incapacitated
14 person abuse . Failing to report wound, death or child abuse or incapacitated person abuse
15 is failing to perform the following affirmative duty:

16 (1) One who gains knowledge of a death or injury resulting from a
17 knife wound, bullet wound, or powder burn, or wound inflicted in a
18 suspicious or unusual manner or under conditions suggesting
19 poisoning or violence, or knowledge of child abuse, as defined in

1 Section 16.1201 or incapacitated person abuse as defined in Section
2 6.3801 makes a full disclosure of his or her knowledge to the
3 Police.

4 Failing to report a wound, death or child abuse or incapacitated person abuse is a
5 category three misdemeanor. “

6 Section 5. Effective Date. This act takes effect upon the approval of the Governor
7 or upon its becoming law without such approval.

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10 Date: 3/12/20

Introduced by: 
 Senator Salpasr E. Tilfas