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A BILL FOR AN ACT

To amend the Kosrae State Code by adding a new Chapter 4 and inserting there under Section 12.401 and Section 12. 402 of Part 1 of Title 12 Kosrae State Code. To further amend the Kosrae State Code by repealing the existing definition of sexual abuse in Section 13.312 of Chapter 3 of Title 13 of the Kosrae State Code and replacing it with a new definition of sexual abuse 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 Chapter 4 Sex Abuse Education and Remedial Measures and inserting there under
3 Section 12.401 and Section 12.402 of Part 1 of Title 12 .

4 Section 2. Amendment. Title 12, Part 1 of the of the Kosrae State Code is hereby
5 amended by adding there under Chapter 4 and there under inserting section 12.401 and
6 section 12.402 to read respectively as follows:

7 “ Chapter 4 Sex Abuse Education and Remedial Measures

8 Section 12.401 The Director of Education shall immediately study and as soon as
9 practicable develop and implement age and culturally appropriate child sexual abuse
10 identification and prevention curriculum for kindergarten through to fifth, eighth or twelfth
11 grades to help children, teachers and parents to recognize child sexual abuse and further
12 provide for remedial measures such as some type of referral, counselling or safe way for
13 children to report incidences of child sexual abuse and require training for school
14 personnel. Upon written request of the pupil’s parent or guardian, a pupil in kindergarten

1 or grades 1 to 12 inclusive, shall be excused from taking instruction in sexual abuse and
2 sexual assault awareness and prevention established pursuant to this section”

3 Section 12.402 Immunity A person participating in the making of a report pursuant
4 to this chapter is immune from civil and criminal liability arising from the making of the
5 report and with respect to oral, written or other evidence he or she provides concerning the
6 report in a judicial proceeding.

7 Section 3. Purpose. The purpose of this Act is to further amend the Kosrae State
8 Code by repealing the existing definition of sexual abuse in Section 13.312 and replacing
9 it with a new definition :

10 Section 4 Amendment: Title 13, Chapter 3, Section 13.312 of the Kosrae State
11 Code is hereby amended to read as follows:

12 “Section 13.312. Sexual Abuse. ~~Sexual abuse is intentionally having sexual contact~~
13 ~~with another person who is less than thirteen years old or causing the person to have~~
14 ~~sexual contact with the offender. Sexual contact means any touching of the sexual or other~~
15 ~~intimate parts of another done with the intent of gratifying the sexual desire of either party.~~
16 Sexual abuse of a person who is less than 18 years of age or who is incapacitated (as
17 defined in Section 6.3702 (3) of the Kosrae State Code) includes any act which exposes
18 the person to or involves the person in sexual processes beyond the person’s
19 understanding or contrary to accepted community standards.”

TWELFTH KOSRAE STATE LEGISLATURE

THIRD REGULAR SESSION, FEBRUARY 2020

L.B. No. 12-112

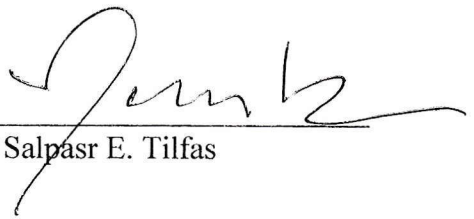
1 Section 5. Effective Date. This act takes effect upon the approval of the Governor
2 or upon its becoming law without such approval.

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Date: 2/19/20

Introduced by: 
Senator Salpasr E. Tilfas