

J&GD

A BILL FOR AN ACT

To amend Title 5, at subsection (6) of Sections 5.201, subsection and 5.202, subsection (3) at Section 5.203, and Section 5.204 of the Kosrae State Code; and for other purposes.

BE IT ENACTED BY THE KOSRAE STATE LEGISLATURE:

1        Section 1. Purpose. The purpose of this act is to create a principal department to be called  
2 the Department of Justice, replacing the Office of Attorney General; to further change the names  
3 of the Division of Administration to become the Division of Law and further change the name of  
4 the Division of Public Safety to become the Division of Public Safety and Enforcement. The  
5 proposed changes will clarify the key functions of the divisions and allow administrative  
6 functions under the department to be carried out by the Director and his/her staff and ensure that  
7 essential functions of the state attorneys under the department are focused on the execution of the  
8 duties under the department related to litigation, law enforcement and the law. The Division of  
9 Law and the Division of Litigation will be headed by attorneys and the Division of Public Safety  
10 and Law Enforcement will be headed by the Chief of Police who shall be hired by the Director of  
11 Justice based on credentials and the government recruitment policies; and for other purposes.

12        Section 2. Amendment. Title 5, Section 5.201(6) is hereby amended as follows:

13                “Section 5.201. The Executive has the following principal departments which  
14                have the components indicated below:

15        ... (6) ~~The Office of the Attorney General~~ Department of Justice

16                (a) The Division of ~~Public Safety~~ Law

17                (b) The Division of ~~Law~~ Litigation

18                (c) Division of Public Safety and Law Enforcement.”

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1            Section 5.202. Powers and duties of principal departments.

2            ...  
3            “(6) ~~The Office of the Attorney General~~ Department of Justice

4            (a)       enforces State penal laws, delegating enforcement to a department in its  
5            discretion;

6            (b)       oversees Government compliance with law;

7            (c)       provides legal advice and representation to the executive, including the  
8            collection of outstanding reimbursements and revenues;

9            (d)       provides legal advice and representation to other components of  
10           Government when directed by the Governor; ~~and~~

11           (e)       regulates the use of roads by motor vehicles

12           (f)       appoints person as deputies for the enforcement of general or specific  
13           laws, according to criteria established by the ~~Attorney General~~ Director.”

14           Section 5.203 (3).

15           (3) For purposes of this Section, a directorship ~~includes~~ does not include the position of  
16           Chief of Police.

17           “Section 5.204. Chief of Police. ~~The Governor nominates, and following the consent of the~~  
18           ~~Legislature by resolution, appoints a Chief of Police~~ Director hires following the established  
19           government recruitment, a Chief of Police.”

20           Section 3. All other provisions in this Code, laws, regulations and policies referencing  
21           the Office Attorney General shall be amended to the Department of Justice, and the Attorney  
22           General to the Director.

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1           Section 4. Effective Date. This act shall take effect upon approval by the Governor or  
2 upon its becoming law without such approval.

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4  
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Date: 3/27/19

Introduced by:   
(By request)