

KSC, TITLE 13. OFFENSES & PENALTIES

Chapter 6. Offenses Against Government

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Section 13.601. Interfering with service of process.

Interfering with service of process is knowingly and wilfully obstructing, resisting, or opposing a person authorized by law to serve process in serving or executing, or attempting to serve or execute a process issued by a court or official authorized to issue the same. Interfering with service of process is a category three misdemeanor.

Section 13.602. Concealing, removing or altering record or process.

Concealing, removing or altering record or process is wilfully concealing, removing, taking away, mutilating, obliterating, altering, or destroying record or process in or from a court or the Legislature or an official authorized to issue or serve the same. Concealing, removing or altering of record or process is a category three felony.

Section 13.603. Bribery.

Bribery is voluntarily giving or receiving anything of value in wrongful and corrupt payment for a government act done or not done, to be done or not to be done. Bribery is a category one felony provided also that persons convicted under this section are fined at least three times the value of any payment

received.

Section 13.604. Contempt of Court.

Contempt of Court is intentionally obstructing Court proceedings or Court operations directly related to the administration of justice or intentionally disobeying or resisting a writ, process, order, rule, decree or command of the Court. Contempt of Court is a category three misdemeanor.

Section 13.605. Counterfeiting.

Counterfeiting is:

- (1) With intent to defraud, falsely making, forging, photographing, counterfeiting or altering a currency of any country.
- (2) With intent to defraud, passing, uttering, publishing, or selling, or attempting to pass, utter, publish, or sell, or with like intent bringing into the State or keeping in possession or concealing any falsely made, forged, photographed, counterfeited or altered currency of any country.
- (3) Knowingly buying, selling, exchanging, transferring, receiving, or delivering any false, forged, photographed, counterfeited or altered currency of any country, with the intent that the same be passed, published, or used as true and genuine. Counterfeiting is a category one felony.

Section 13.606. Escape.

Escape is being a law enforcement officer, or having lawful custody of a prisoner and wilfully or negligently allowing the prisoner to depart from such custody, except by due process of law, or being a prisoner and wilfully departing from such custody. Escape is a category two felony.

Section 13.607. Rescue.

Rescue is knowingly, forcibly and wilfully rescuing a prisoner from the custody of any person lawfully having custody of the prisoner. Rescue is a category three felony.

Section 13.608. Forgery.

Forgery is falsely making or materially altering a writing or document of apparent legal weight and authenticity, with intent to defraud. Forgery is a category one felony.

Section 13.609. Insulting a police officer.

(1) Insulting a police officer is maliciously, and with intent to ridicule or humiliate, directing to a police officer while on duty and in uniform the expression "lufun kiom". The offense includes using the expression or a substantial equivalent:

- (a) in any language, or
- (b) in an abbreviated form or altered form having substantially the same meaning as the expression.

Insulting a police officer is a category three misdemeanor.

Section 13.610. Misconduct in public office.

Misconduct in public office is being a public official or public employee, and doing an illegal act under the color of office, or wilfully neglecting to perform the duties of the office as provided by law. Misconduct in public office is a category one misdemeanor.

Section 13.611. Obstructing justice.

Obstructing justice is resisting or interfering with a police officer in the lawful pursuit of his duties, or tampering with, paying or intimidating witnesses or attempting to prevent their attendance at trials. This

section does not prohibit paying witness fees required or permitted by law, including expert witness fees, or reimbursing witnesses for the actual cost of their attendance. Obstructing justice is a category one misdemeanor.

Section 13.612. Perjury.

Perjury is taking an oath or any legal substitute that one will testify, declare, depose, or certify truly, or that any written testimony, deposition, or certificate subscribed by him is true, before a competent tribunal, officer, or person, in any case in which a law of the State authorizes an oath or any legal substitute to be administered, and wilfully and contrary to such oath or legal substitute, stating or subscribing to any material which he does not believe to be true. Perjury is a category one felony.

Section 13.613. Failing to respond to examination of hovering vessel.

Failing to respond to examination of hovering vessel is being the master or a person having charge of the vessel and failing to comply with the Government's lawful directions or failing to answer truly questions posed by the Government regarding the vessel. Failing to respond to examination of hovering vessel is a category one misdemeanor.

Section 13.614. Failing to report wound, death or child abuse.

Failing to report wound, death or child abuse is failing to perform the following affirmative duty:

(1) One who gains knowledge of a death or injury resulting from a knife wound, bullet wound, or powder burn, or wound inflicted in a suspicious or unusual manner or under conditions suggesting poisoning or violence, or knowledge of child abuse, as defined in [Section 16.1201](#), makes a full disclosure of his knowledge to the Police. Failing to report a wound, death or child abuse is a category three misdemeanor.

Section 13.615. Possessing or removing Government property.

Possessing or removing Government property is possessing without authorization or removing from its location without authorization any property of any kind, wherever situated, of the Government. Possessing or removing Government property is a category one misdemeanor.

Section 13.616. Theft of electricity.

Theft of electricity is wilfully or knowingly and with intent to defraud, making a connection to electric lines without Government authorization or, knowingly and with like intent, injuring, altering, using an electric meter, or obstructing its working, or using an electric meter or appliance so tampered with or injured. Theft of electricity is a category one misdemeanor.

Section 13.617. Tax evasion.

Tax evasion is knowingly or wilfully evading the payment of tax assessed pursuant to Part I of [Title 9](#) or obstructing the assessment or collection of taxes by failing to perform any affirmative reporting requirement or other affirmative duty imposed by Part I of [Title 9](#) or by misrepresenting or misreporting in the course of any such reporting. Tax evasion is a category one felony.

Section 13.618. Tampering with boundary markers.

Tampering with boundary markers is wilfully and maliciously defacing or removing any marker, monument or reference point which marks if erected by (1) a licensed surveyor, (2) a private individual pursuant to Chapter 6 of Title 11, (3) agreement between adjacent landowners, except that this subsection applies only to persons who own no interest in any land to which such marker, monument, or reference point pertains, or (4) any agency of the Government. Tampering with boundary markers is a category three felony.

Section 13.619. Unauthorized practice.

Unauthorized practice is holding oneself out to the public as a teacher, medical doctor, dentist, notary public, land surveyor psychiatrist, psychologist, engineer, trial counselor or attorney without having first obtained a license, or certificate required by State law to engage in the practice. Unauthorized practice is

a category two misdemeanor.

Section 13.620. Failing to compel school attendance.

Failing to compel school attendance is being a parent, guardian or other person having the responsibility for or care of a child between the ages of six and fourteen inclusive and permitting that child to be absent from school without good cause and in violation of applicable school regulations. Failing to compel school attendance is a category three misdemeanor.

Section 13.621. Violating extradition procedures.

Violating extradition procedures is having taken custody of an accused pursuant to a warrant of arrest in an extradition matter and delivering the accused to the agent of the requesting jurisdiction before full compliance with the judicial procedures of Chapter 12 of Title 1. Violating extradition procedures is a category two misdemeanor.

Section 13.622. Violating quarantine.

Violating quarantine is bringing or sending into the State an animal or plant and failing to disclose and make them available for inspection by authorized agents of the State. Violating quarantine is a category two misdemeanor.

Section 13.623. Violating public health standards.

Violating public health standards is failing to comply with regulations promulgated by the Director of Health Services pursuant to [Chapter 12 of Title 12](#) or [importing into the State birds of the psittacine family, parrots, parakeets or love birds](#). Violating public health standards is a category two misdemeanor.

Section 13.624. Contempt of Legislature.

Contempt of Legislature is wilfully failing to obey any lawful order issued by the Speaker, or chairmen of standing committees which is made to enforce the Legislature rules of procedure. Contempt of legislature is a category three misdemeanor.

Section 13.625. Misusing Government seal.

Misusing Government seal is using or displaying the official seal of the Legislature or any official seal of the Executive or Judiciary without authorization from the Speaker in the case of the Legislature seal, the Governor in the case of the Executive seal or the Chief Justice in the case of the Judicial seal. Misusing Government seal is a category three misdemeanor.

Section 13.626. Unauthorized election activity.

Unauthorized election activity is any of the following acts:

- (1) voting or attempting to vote more than once;
- (2) disrupting or interfering with orderly process of an election;
- (3) using force or emotional distress to restrain or intimidate any person's free exercise of the right to vote;
- (4) being an official or employee of the Government and utilizing any materials, equipment or facilities of the Government to promote in any way a candidate for public office, except as authorized by [Section 3.1102](#);
- (5) being a candidate or acting on behalf of a candidate and exchanging or giving away money, food or other goods with the intent to influence the voting of any person;
- (6) being a voter and accepting money, food or other goods with the intent to deliver one's vote to the candidate sponsoring the gift;

(7) exhibiting campaign materials or campaigning in any way within one hundred feet of any polling place on the day of any election;

(8) willfully and knowingly printing, copying, imitating or distributing, a document that is so substantially similar in style or content to the official ballot that confusion is likely to result; or

(9) distribution of food on the road side by or on behalf of a candidate to voters on election day.

Unauthorized election activity is a category one misdemeanor.

Background

S.L. 7-88 amended former subsection (5), splitting it into subsections (5) and (6) and added subsection (9).

Section 13.627. Fiscal malfeasance.

Fiscal malfeasance is being a Government official, officer or employee and:

(1) making or receiving an allotment, or making or authorizing an expenditure or creating or authorizing an obligation pursuant to any appropriation, apportionment, reapportionment, or allotment of Government funds:

(a) in excess of the sum available by law;

(b) in advance of the availability of funds;

(c) for purposes other than those for which an appropriation or allotment has been made;

(d) in excess of reprogramming authority granted by law; or

(2) Being the Director of the Department of Administration and Finance and knowing of a violation of this section and failing to immediately report to the Governor, to the Speaker, and to the Attorney General, all pertinent facts together with a statement of the action taken or proposed to be taken by the Director, except that the Director shall be under no such reporting obligation with respect to the use or proposed use of funds withdrawn from the Legislative Operations Fund by the allottee or other authorized person. Fiscal malfeasance is a category one felony.

Background

Amended by State Law 5-41 and further amended by State Law 7-1.

Section 13.628. Unlawful Importation of Empty Aluminum Beverage Container.

Unlawful importation of empty aluminum beverage container is the importation of an empty beverage container upon which no Kosrae State recycling deposit is paid, for the purpose of obtaining money from the Recycling Fund created in [Title 10, Section 10.205](#). Unlawful importation of empty aluminum beverage container is a category one misdemeanor.

Background

Added by State Law 5-15.

Section 13.628. Failure to cooperate with the State Public Auditor.

Failure to cooperate with the State Public Auditor is failure to comply with the lawful request of the State Public Auditor to provide information requested in connection with his statutory functions by failure to appear in response to a lawfully issued subpoena, and by failure to produce any documents, books, and other papers requested by the State Public Auditor in a lawfully issued subpoena duces tecum. Failure to cooperate with the State Public Auditor is a category three misdemeanor.

Background

Added by State Law 7-50.

Section 13.629. Interfering with authorized officers or observers.

Interfering with authorized officers or observers is any act in violation of Section 19.427. Interfering with authorized officers or observers is a category one misdemeanor.

Background

Added by State Law 7-99.

Section 13.630. Failing to provide information and documentation.

Failing to provide information and documentation is any act in violation of Section 19.428. Failing to provide information and documentation is a category one misdemeanor.

Background

Added by State Law 7-99.

Section 13.631. Destruction of evidence.

Destruction of evidence is any act in violation of Section 19.429. Destruction of evidence is a category one misdemeanor.

Background

Added by State Law 7-99.