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RPPL No. 3-33

THIRD OLBIL ERA KELULAU

RPPL NO. 3-33

Seventh Special Session, June 1990 (Intro as SB 3-215, SD1)

AN ACT

To amend 2 PNC 502 to eliminate the requirement that the Special Prosecutor be licensed to practice before the federal district courts of Guam or Hawaii, to amend 2 PNC 503 to enable the Special Prosecutor to contract with other attorneys [sic], and for other purposes.

THE PEOPLE OF PALAU REPRESENTED IN THE OLBIL ERA KELULAU OF [sic] ENACT AS FOLLOWS:

Section 1. Amendments.

(1) 2 PNC 502 is amended as follows:

§502. Office of the Special Prosecutor; creation; appointment; removal.

There is hereby created an Office of the Special Prosecutor for the Republic of Palau. The Office shall be headed by a Special Prosecutor appointed for a term of five years by the President with the advice and consent of the Senate and shall be within the Office of the President for budget purposes only. The Special Prosecutor shall within 30 days of assuming office, become licensed to practice law before the courts of the Republic as a condition of retaining office. Rule 3 of the Palau Rules of Admission for Attorneys shall be modified so that he may practice law in Palau as a Special Prosecutor for 5 years without taking the Palau bar examination. The Special Prosecutor will not be removed from his duties except for cause and without the President's first consulting the President of the Senate and the Speaker of the House of Delegates and ascertaining that their consensus is in accord with his proposed action. The President must appoint a Special Prosecutor within 30 days of receipt of a Joint Resolution from the Olbiil Era Kelulau requesting such appointment. In the event the President fails to so appoint, the Olbiil Era Kelulau may appoint a Special Prosecutor by Joint Resolution of the Olbiil Era Kelulau pursuant to Article IX, Section 5(20) of the Constitution of the Republic.

(2) 2 PNC 503(a) is amended as follows:

§503. Powers and duties of Special Prosecutor; independent nature of office.

(a) The Special Prosecutor shall have the following powers, functions and duties:

- (1) To receive complaints of, investigate and prosecute on behalf of the people, the national and state governments, or some combination thereof, any and all allegations of violations of the Constitution, laws of the Republic, laws of the Trust Territory, District Code laws, prior present and future, or failure to implement such law of the Republic by elected or appointed officials and employees of the national government and state governments;
- (2) To act as the prosecutor for the national government in any case in which the Ministry of Justice is unable to prosecute because of an actual or potential conflict of interest or other ethical considerations;
- (3) To inspect personally, or by his duly authorized assistants, all books, records, accounts and property owned or in the possession of the national government and state governments, their subdivisions and agencies;
- (4) To require the aid and assistance of all national officials and employees and any custodian of public funds or property at all times in the inspection and examination of all books, records, accounts and property of the national government;
- (5) To hire such staff as may be necessary to carry out its functions under this chapter;
- (6) To subpoena witnesses, administer oaths and obtain testimony; and
- (7) To enter contracts with attorneys licensed to practice before the courts of other jurisdictions in order to have such attorneys make appearances in such courts on behalf of the Special Prosecutor as are necessary to carry out the powers, functions, and duties of the Office.

Section 2. Effective date. This Act shall take effect upon its approval by the President of the Republic of Palau, or upon its becoming law without such approval except as otherwise provided by law or Secretarial Order of the United States Secretary of the Interior.

PASSED: August 1, 1990

Approved this 22nd day of August , 1990.

/s/

The Honorable Ngiratkel Etpison

President, Republic of Palau