



The August 2021 Clark

First Clark of the 56th Ziu

1. Results of the April 2021 Clark

The following bills received Royal Assent and have been passed into law:

55RZ21 – The Talossa Shall Choose Its King Amendment

Introduced by Dame Miesträ Schivä (Seneschal)

Agreed to by the Cosä 143-37, by the Senäts 5-2

55RZ22 – The Amendment to the Organic Law (Seneschal Election Tweaks) Bill

Introduced by Dame Miesträ Schivä (Seneschal)

Agreed to by the Cosä 160-20, by the Senäts 5-2

55RZ23 – The Due Process Reversion Amendment

Introduced by Dame Miesträ Schivä (Seneschal)

Agreed to by the Cosä 160-20, by the Senäts 6-1

55RZ24 – The Talossan Law Repatriation (Crimes Repugnant to Talossanity) Bill

Introduced by Dame Miesträ Schivä (Seneschal)

Agreed to by the Cosä 110-40 (30 abstained), by the Senäts 4-1 (2 abstained)

The Cosä passed a Vote of Confidence in the Government 140-40 .

Members of the Cosä voted as follows:

Name	Party	Seats	RZ 21	RZ 22	RZ 23	RZ 24	VoC
Marti-Páir Furxhéir	FreeDems	17	Per	Per	Per	Per	Üc
Miesträ Schivä	FreeDems	17	Per	Per	Per	Per	Üc
Dien Tresplet	FreeDems	17	Con	Per	Per	Aus	Üc
Antagha Xhenerös Somelieir	FreeDems	16	Per	Per	Per	Per	Üc
Txoteu Davinescu	FreeDems	16	Per	Per	Per	Per	Üc
Cresti Nouacastra-Läxhirescu	FreeDems	16	Per	Per	Per	Per	Üc
Cresti Siervicül	LCC	20			Did not vote		
Breneir Tzaracomprada	LCC	20	Per	Per	Con	Con	Non
Tierçeu Róibeardescù	LCC	20	Con	Con	Per	Con	Non
Jordan Placie	LCC	13	Per	Per	Per	Aus	Üc
Iason Taiwos	NPW	14	Per	Per	Per	Per	Üc
Ián Txaglh	NPW	14	Per	Per	Per	Per	Üc
			143-37	160-20	160-20	110-40 (30)	140-40

Senators voted as follows:

Name	Province	RZ21	RZ22	RZ23	RZ24
Sevastáin Pinátsch	Atatürk	Con	Con	Con	Con
Eiric Börnatfiglheu	Belacostă	Per	Per	Per	Per
Ian Tamoran	Cézembre	Per	Per	Per	Per
Açafat del Val	Florenciă	Con	Con	Per	Aus
Gödafrïeu Válcadác'h	Fiovă	Per	Per	Per	Per
Bénédictsch Ardpresteir	Maricopa	<i>Did not vote</i>			
Ian Plätschisch	Maritiimi-Maxhestic	Per	Per	Per	Aus
Éovart Grischun	Vuode	Per	Per	Per	Per
		5-2	5-2	6-1	4-1 (2)

2. This Month's Business

The First Clark of the 56th Ziu runs from August 1st to 21st 2021/XLII.
Voting on the Clark is open until the 21st of August at 7:30 PM Talossan time.

The following bills have been presented for consideration:

56RZ01 – The Talossa Shall Choose Its King Amendment

Introduced by Dame Miestră Schivă (MC-FreeDems)

56RZ02 – The Talossan Criminal Law Reform Bill #1

Introduced by Dame Miestră Schivă (MC-FreeDems)

The full text of these bills is available in the appendix.

The following motion is to be voted on by the Cosă only:

Vote of Confidence

Do you wish the current Government to continue in its term of office?

3. Judicial Decisions

Pursuant to Lex.G.12.1, the Chancery announces that no decisions were rendered by any national court since the publication of the last Clark.

4. Prime Dictates

Pursuant to Lex.H.2.7.1, the Chancery announces that no Prime Dictates were issued since the publication of the last Clark.

*Ordered printed today, August 1st 2021/XLVI
The Secretary of State / El Secretar d'Estat
King Txec*

A. Full text of all bills on the Clark

56RZ01 - The Talossa Shall Choose Its King Amendment

BE IT ENACTED by the Ziu, for the endorsement of the nation in referendum, that the Organic Law, Section II.3, shall be replaced in its entirety as follows:

- 1. The King of Talossa shall be chosen by a Convocation of:*
 - *eight MCs, chosen by the parties represented in the Cosa in proportion to their Cosa seats;*
 - *all Senators;*
 - *the Seneschál;*
 - *all Justices of the UC;*
 - *all provincial heads of government;*
 - *all officers of the Royal Civil Service;*
 - *all Talossans who have been a citizen for at least ten years*
- 2. Every member of the Convocation shall have one vote. All the discussions of the Convocation will be open, but its votes shall be by secret ballot.*
- 3. The Convocation shall be chaired by the Senior Judge of the Cpl, or in their absence the next available Cpl judge in order of seniority, unless the Convocation decides differently.*
- 4. The Convocation shall assemble upon the 6th anniversary of a King acceding to the Throne, or at any time that there is no King.*
- 5. The candidate who receives the expressed support of 2/3 of the Convocation shall immediately receive the title of "Heir Presumptive".*
- 6. Upon the demise, abdication, or removal from the Throne of the King, the Heir Presumptive shall swear an oath promising to protect and uphold the Organic Law of Talossa and the rights of all its citizens, and thereupon become King of Talossa. If there is no Heir Presumptive, the Uppermost Cort shall be a Council of Regency until an Heir Presumptive is chosen.*
- 7. Unless the King of Talossa is chosen as their own Heir Presumptive, they shall be deemed to have abdicated upon having served in that role for 7 years.*

Uréu q'estadra sã,
Dame Miestră Schivă (MC-FreeDems)

56RZ02 - The Talossan Criminal Law Reform Bill #1

WHEREAS Talossan criminal law, as contained in Title A of El Lexhatx, has been "imported" from the law of the State of Wisconsin since the 31st Clark;

AND **WHEREAS** this has never been a satisfactory state of affairs, except for those familiar with Wisconsin law and how to look things up in it;

AND **WHEREAS** this provision takes part of its wording from Wisconsin statute, wherever necessary, to make sure that the transition to indigenous law will be as smooth as possible;

AND **WHEREAS** another bill is foreseen for this Cosa, which will relate to outstanding issues of:

- a) the crime of bringing Talossa into disrepute by conviction of an infamous crime in an extra-Talossan jurisdiction;
- b) questions of the procedure of criminal trials, including the possibility of preliminary hearings;

BE IT ENACTED by the King, Cosa and Senäts in Ziu assembled as follows:

PART ONE. The substantive reform.

That Title A Sections 1-8 of El Lexhatx are hereby replaced in their entirety by the below text:

1. General provisions of Talossan jurisprudence:

1.1. Talossan courts shall interpret Organic and Statute Law through the lens of the Covenants of Rights and Freedoms, and otherwise in accordance with Talossan juridical precedent. Judges may also use precedent from other legal systems with which they are familiar to guide their decisions, though such precedent shall not be binding.

1.2. Only crimes described in Talossan Organic and Statute Law may be prosecuted in Talossan courts.

1.3. A single action of a defendant may be considered to break more than one law and may be charged accordingly.

2. Felonies and misdemeanours. *All crimes against Talossan law shall be classed as misdemeanours unless stated otherwise.*

3. Authorized punishments for all crimes classed as felonies shall be as follows:

3.1. Banishment. Banishment may be ordered in conjunction with revocation of citizenship in any felony case. Banishment prohibits the former citizen from entering the territory of the Kingdom of Talossa. A former Talossan who has been banished may not be reinstated as a citizen.

3.2. Revocation of citizenship. A sentence of revocation of citizenship directs the Chancery to remove the offender from the list of Talossan citizens. Simple revocation is without prejudice to a future reapplication for citizenship.

4. Authorized punishments for all crimes classed as either felonies or serious misdemeanours shall be as follows:

4.1. Civil disability. Civil disabilities may include any or all of the following, for a maximum term

of 5 calendar years for a felony or 1 calendar year for a serious misdemeanour:

4.1.1. Bar from holding national executive office

4.1.2. Bar from holding national judicial office

4.1.3. Bar from holding national legislative office

4.1.4. Bar from holding provincial office

4.1.5. Bar from performing military service

4.1.6. Bar from service in the Royal Civil Service

4.1.7. Bar from posting on Wittenberg

5. Authorized punishments for all crimes shall be as follows:

5.1. Fines. When a fine is imposed as a component of any sentence, the court shall specify the period within which the sum must be paid, which period shall not be less than thirty days. The court may, in the interests of justice, allow the offender to pay the sum in more than one installment, according to a schedule prescribed by the court. Willful failure to pay a fine within the time provided is punishable as criminal contempt of court. The maximum fine that may be levied is £500 for a felony, £100 for a serious misdemeanour or £50 for a misdemeanour.

5.2. Restitution. When imposing sentence for any crime, a court, in addition to any other penalty authorized by law, shall order the offender to make full or partial restitution to any victim of a crime considered at sentencing or, if the victim is deceased, to his or her estate, unless the court finds substantial reason not to do so and states the reason on the record. The court must specify a reasonable period of time, not less than thirty days, within which the offender must make restitution. Willful failure to make restitution within the time provided is punishable as criminal contempt of court. Court-ordered restitution shall not bar any victim from pursuing any civil remedies available at law to recover any amount or type of damages not covered by the order of restitution.

5.3. Reprimand. In all criminal cases, a court may reprimand the offender in addition to (or in lieu of, where no minimum punishment applies) any other authorized punishment.

6. Suspended sentences:

6.1. A court may order the suspension of all or part of any sentence, for a period of time not to exceed five calendar years. At the end of the period of suspension ordered by the court, the suspended punishment is rescinded if the offender has not violated any condition of the suspension.

6.2. If a court determines, by a preponderance of the evidence, that the offender violated any condition of his suspension during the period of the suspension, the suspension shall be revoked and the original punishment imposed. Nothing in this paragraph shall be construed to prohibit prosecuting an act violating a condition of suspension as a criminal offense in its own right, either in the same or a separate action as the revocation of suspension.

6.3. Refraining from committing any further crimes is an implicit condition of every suspended sentence. Other conditions which may be imposed by the court include, but are not limited to:

6.3.1. Injunction from requesting or accepting royal honours

6.3.2. Injunction from violating Wittiquette

6.3.3. The performance of a fixed amount of community service under the supervision of a public body or not-for-profit organization, as directed or approved by the court.

6.4. Civil disabilities may be imposed in conjunction with a suspended sentence upon conviction of a felony, but where a sentence of revocation of citizenship has been suspended.

7. Talossan Criminal Code

7.1. Definitions.

7.1.1. "Fraud" shall mean any act of deception carried out for the purpose of unfair, undeserved and/or unlawful gain, or the assumption of a false identity to such deceptive end.

7.1.2. "Harassment" shall mean engaging in a course of conduct or repeatedly committing acts which harass, intimidate or distress a person and which serve no legitimate purpose.

7.2. Crimes against the Kingdom.

7.2.1. Treason. Whoever knowingly endangers the existence of the Kingdom of Talossa, its laws, institutions and state property, by enlisting or attempting to enlist the aid of non-Talossans, commits the felony of treason.

7.2.2. Perverting the course of justice. Whoever uses fraud, harassment, physical or sexual violence or threats thereof to attempt to influence an active case in any Cort under the Organic Law is guilty of the felony of perverting the course of justice.

7.2.2.1. Perverting the course of justice shall also include fabricating or disposing of evidence, as well as suborning perjury.

7.2.3. Sedition. Whoever uses fraud, harassment, physical or sexual violence or threats thereof to attempt to influence any election or any other decision made under the Organic Law of Talossa (outside of an active case in any Cort), or to remove or replace officials duly empowered by that Organic Law, is guilty of the felony of sedition.

7.2.4. Contempt of court. Contempt of court is a serious misdemeanour consisting of intentional:

7.2.4.1. Misconduct in the presence of the court which interferes with a court proceeding or with the administration of justice, or which impairs the respect due the court;

7.2.4.2. Disobedience, resistance or obstruction of the authority, process or order of a court;

7.2.4.3. Refusal as a witness to appear, be sworn or answer a question; or

7.2.4.4. Refusal to produce a record, document or other object.

7.2.5. Perjury. Whoever under oath or affirmation orally makes a false material statement which the person does not believe to be true, in any matter, cause, action or proceeding, before the Ziu, any committee of the Ziu, or court of law, is guilty of the serious misdemeanour of perjury.

7.2.6. Crimes against state property.

7.2.6.1. Whoever steals or diverts to their own use without authorization the monetary or physical property of the Kingdom of Talossa is guilty of a felony if the monetary value of such theft is 100 louis or above, and a serious misdemeanour otherwise.

7.2.6.2. Whoever improperly uses the intellectual property of the Kingdom of Talossa is guilty of a serious misdemeanour if with the intention of misrepresenting the Kingdom or improperly claiming the authority of the Kingdom, and a misdemeanour otherwise.

7.2.6.3. Whoever improperly accesses any computer or information system belonging to the Kingdom of Talossa is guilty of a serious misdemeanour if with the intention of committing any other crime, and of a misdemeanour otherwise.

7.2.6.4. Whoever makes a counterfeit of any official document or item pertaining to the Kingdom of Talossa and uses it to gain a benefit to which they were not otherwise entitled is guilty of a serious misdemeanour.

7.2.7. Solicitation. Whoever induces or attempts to induce any other Talossan to break the Law of Talossa is guilty of the same class of offence as that which they sought to induce.

7.2.8. Conspiracy. Whoever agrees with any other Talossan to break the Law of Talossa is guilty of the same class of offence as that which they agreed to commit.

7.2.9. Bribery. The felony of bribery is committed by:

7.2.9.1. Anyone who offers any officer of the Kingdom or witness in a Court case anything of value in return for the performance of their official duties or to influence their testimony.

7.2.9.2. Any officer of the Kingdom or witness in a Court case who accepts a bribe (as above) without revealing it as soon as may be practical to the proper authorities.

7.3. Crimes against the person

7.3.1. Whoever commits physical or sexual violence or threats thereof against any citizen or "judicial person" under Talossan law is guilty of a felony.

7.3.2. Whoever commits fraud or harassment against any citizen or "judicial person" under Talossan law is guilty of a serious misdemeanour. Whoever commits threats of the above is guilty of a misdemeanour.

7.3.3. Theft and invasion of privacy.

7.3.3.1. Whoever commits theft or misappropriation of physical or monetary property valued at 100 louis or more, or improperly publishes a Talossan citizen's private information, is guilty of a felony.
7.3.3.2. Whoever commits theft or misappropriation of physical or monetary property valued at less than 100 louis, or of any intellectual property, or improperly accesses a Talossan citizen's private information without publication, is guilty of a serious misdemeanour.
7.3.4. Defamation. Whoever publicly defames the reputation of a Talossan individual without justification in such a way as to bring them into hatred, ridicule and contempt is guilty of a serious misdemeanour.
7.3.4.1. No statement shall be considered to be defamation if it is justified by being true, or by being fair comment in the absence of malicious intent.
7.3.5. Whoever deprives an individual of the free exercise of their rights under the Organic Law in a way not otherwise mentioned in law commits a serious misdemeanour.

8. Public Defender: No Talossan shall be convicted of any crime under this Lexhatx unless they have had the opportunity of defending themselves in Court. The Ministry of Justice shall appoint a Public Defender who is a member of the Talossan Bar at the request of any defendant, or if the defendant is for any other reason unable to defend themselves in Court.

PART TWO: Revisions of references to classes of misdemeanour and felony

1. El Lexhatx A.9.10. is amended to read:

9.10. Commission of any of the criminal acts defined in A.9. constitutes a serious misdemeanour for a first offence, and a felony for a subsequent offence.

2. El Lexhatx A.22 is amended to read in its entirety

22. The unauthorised usage of any official seal of the Crown, of the Government, or of any other official body, shall constitute a serious misdemeanour. Authorisation may be given by the Seneschal or the respective Minister, or by the head of the body concerned, or any of their duly designated proxies (46RZ23)

22.1. The unauthorised bearing, signing or displaying of any official seal of the Crown, of the Government, or of any other official body, shall constitute a serious misdemeanour. Authorisation to bear any seal may be granted by the Seneschal, or the respective Minister, or by the head of the body concerned.

22.2. The use of any seal, that is attached unto a document, or a notification, or a declaration, or similar, that bears sufficient resemblance to any official seal, which is used by the creator in a document, or notification, or declaration, or similar, so as to create the impression of officiality, in order to:

- (a) obtain any personal advantages or benefits; or,
- (b) put a person or a body in disadvantage, or discredit a person or a body; or,
- (c) obtain any benefits and advantages for another person,

shall constitute a serious misdemeanour.

22.2.1. Whether any seal, that is used in such a manner, bears "sufficient resemblance", must, in cases of doubt, be decided by the Courts on an individual basis.

22.2.2. The use of the Kingdom's colours ("El Bicoloreu") on any seal does not satisfy the requirements of "sufficient resemblance".

22.3. Any subsequent unauthorised use of any seal, committed by a formerly punished convict of this act, shall constitute a felony.

3. El Lexhatx C.1.4.4. shall be amended to read as follows:

Any person who damages or causes to be damaged any Public Archive or Record in the control of a Governmental or Royal Civil Service body; or damages or causes to be damaged any Public Archive in the control of a Private body, Community and/or Individual; or removes, destroys or erases such Public record or archive otherwise than in accordance with this provision or any other law, shall be guilty of a serious misdemeanour if such damage, removal, destruction, or erasure was wilful, or guilty of a misdemeanour if such damage, removal, destruction, or erasure was reckless.

Uréu q'estadra sã,
Dame Miestră Schivă (MC-FreeDems)