



GOV. COMM. 20-97  
(HOUSE)

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Ralph DLG. Torres**  
Governor

**Victor B. Hocog**  
Lieutenant Governor

26 SEP 2017

The Honorable Rafael S. Demapan  
Speaker, House of Representatives  
Twentieth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

The Honorable Arnold I. Palacios  
Senate President, The Senate  
Twentieth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950



Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 20-16, SD1, entitled, "To amend 7 CMC § 3101(a) to mandate when a jury is impanel to hear all felonies and misdemeanors charges; and for other purposes," which was passed by the House of Representatives and the Senate of the Twentieth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 20-12**. Copies bearing my signature are forwarded for your reference.

Sincerely,

**RALPH DLG. TORRES**

cc: Lt. Governor; Press Secretary; Supreme Court of the Northern Marianas; Superior Court of the Northern Marianas; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review

HOUSE CLERK S. OFC  
RECEIVED BY *[Signature]*  
DATE: 9/21/17 TIME 10:46 a



*Twentieth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*

**IN THE HOUSE OF REPRESENTATIVES**

**First Regular Session**

**January 31, 2017**

REPRESENTATIVE ANGEL A. DEMAPAN of Saipan, Precinct 1 (*for himself*), in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

**H. B. No. 20-16, SD1**

**AN ACT**

**TO AMEND 7 CMC § 3101(A) TO MANDATE WHEN A JURY IS  
IMPANEL TO HEAR ALL FELONIES AND MISDEMEANORS  
CHARGES; AND FOR OTHER PURPOSES.**

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report No. 20-24; adopted 6/27/17.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON  
FIRST AND FINAL READING, JULY 6, 2017;  
*without amendments* and transmitted to the  
THE SENATE.**

The Bill was not referred to a Senate Committee.

**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, AUGUST 3, 2017;  
*with amendments* in the form of H. B. No. 20-16, SD1.**

**H. B. No. 20-16, SD1 WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON AUGUST 7, 2017.**

The House of Representatives accepted the Senate amendments and passed H. B. No. 20-16, SD1, during its 2nd Day, Second Regular Session on August 18, 2017.

**THE BILL WAS FINALLY PASSED ON AUGUST 18, 2017.**

  
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Linda B. Muña, House Clerk



*Twentieth Legislature*  
*of the*  
*Commonwealth of the Northern Mariana Islands*  
**IN THE HOUSE OF REPRESENTATIVES**

Second Day, Second Regular Session

August 18, 2017

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**H. B. No. 20-16, SD1**

AN ACT

**TO AMEND 7 CMC § 3101(A) TO MANDATE WHEN A JURY IS  
IMPANEL TO HEAR ALL FELONIES AND MISDEMEANORS  
CHARGES; AND FOR OTHER PURPOSES.**

**Be it enacted by the Twentieth Northern Marianas Commonwealth  
Legislature:**

1           **Section 1. Findings and Purpose.** The legislature acknowledges the Ninth Circuit  
2 finding that 7 CMC § 3101(a) is ambiguous, “since the statute says neither that when trial by  
3 jury is required on one count, it shall be on that count only, nor that when trial by jury is  
4 required on one count the right shall extend to all counts in the information.” *Commonwealth*  
5 *of the Northern Mariana Islands v. Magofna*, 919 F.2d 103 (9<sup>th</sup> Cir. 1990). The purpose of  
6 this Act is remove the ambiguity by amending 7 CMC § 3101(a) to require that all charges in  
7 the same proceeding be submitted to the jury when one charge entitles a defendant to a jury  
8 trial.

9           The legislature further finds this Act is necessary to remove inconsistent verdicts  
10 when a jury hears felony charges and the judge hears misdemeanor charges in a case arising  
11 out of the same events or transactions. The legislature further finds that this Act is necessary  
12 to remove the inconsistency of entrusting a jury to deliberate on serious felony charges yet  
13 minor misdemeanor charges are handled by the judge.

HOUSE BILL 20-16, SD1

1 It is a matter of public policy that juries are the true and proper body to deliberate on a  
2 defendant's guilt or innocence. It is a matter of public policy that the People when acting as  
3 juries are the true and proper measure of the community's norms, mores and standard.

4 The legislature further finds that there is no added cost to have a jury deliberate on  
5 both felony and misdemeanor charges as the jury is already impaneled to hear the felony  
6 charges.

7 **Section 2. Amendments.** Title 7, Division 3, Chapter 1 § 3101(a) is hereby  
8 amended to read as follows:

9 “(a) Criminal Actions. Any person accused by information of committing a  
10 criminal offense punishable by five years imprisonment or more, or by a fine of  
11 \$2,000 or more, or both, shall be entitled to a trial by a jury of six persons. Provided  
12 however, that the person shall further have the right, in his or her jury trial, to also  
13 have the same jury and not the trial judge consider all other non-jury count(s) charged  
14 in the information. As used herein, the phrase “non-jury count(s)” shall mean any  
15 criminal offense punishable by less than five year imprisonment and/or a fine of less  
16 than \$2,000. The Commonwealth Rules of Criminal Procedure apply, except that the  
17 jury shall be of six persons or such smaller number as the parties may stipulate with  
18 the approval of the court.”

19 **Section 3. Severability.** If any provision of this Act or the application of any such  
20 provision to any person or circumstance should be held invalid by a court of competent  
21 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
22 circumstances other than those to which it is held invalid shall not be affected thereby.

23 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not be  
24 construed as affecting any existing right acquired under contract or acquired under statutes  
25 repealed or under any rule, regulation or order adopted under the statutes. Repealers  
26 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.  
27 The enactment of this Act shall not have the effect of terminating, or in any way modifying,  
28 any liability civil or criminal, which shall already be in existence at the date this Act becomes  
29 effective.

**HOUSE BILL 20-16, SD1**

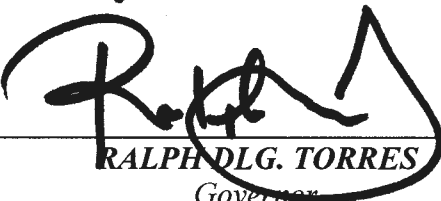
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**Section 5. Effective Date.** This Act shall take effect, upon approval by the Governor or upon its becoming law without such approval.

Attested to by:   
Linda B. Muña, House Clerk

Certified by:   
SPEAKER RAFAEL S. DEMAPAN  
House of Representatives  
20<sup>th</sup> Northern Marianas Commonwealth Legislature

Approved this 26<sup>th</sup> day of September, 2017

  
RALPH DLG. TORRES  
Governor  
Commonwealth of the Northern Mariana Islands