



GOV. COMM. 20-139
(HOUSE)

RALPH DLG. TORRES
Governor

VICTOR B. HOCOG
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

11 DEC 2017

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

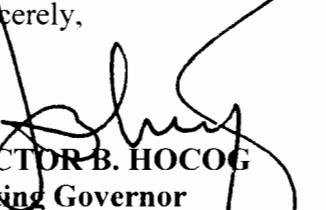
The Honorable Arnold I. Palacios
Senate President, The Senate
Twentieth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 20-12, entitled, "To reform drug sentencing laws to effectuate the rehabilitation and treatment principles of evidence-based sentencing.", which was passed by the House of Representatives and the Senate of the Twentieth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 20-31**. Copies bearing my signature are forwarded for your reference.

Sincerely,


VICTOR B. HOCOG
Acting Governor

cc: Governor; Press Secretary; Attorney General's Office; Mayor of Rota; Public Auditor;
Special Assistant for Administration; Special Assistant for Programs and Legislative
Review

RECEIVED 34
12/13/17 1:33:39 PM



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

IN THE HOUSE OF REPRESENTATIVES

First Regular Session

January 31, 2017

REPRESENTATIVE RAFAEL S. DEMAPAN of Saipan, Precinct 2 (*for himself*) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 20-12

AN ACT

**TO REFORM DRUG SENTENCING LAWS TO EFFECTUATE THE
REHABILITATION AND TREATMENT PRINCIPLES OF
EVIDENCE-BASED SENTENCING.**

The Bill was referred to the Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report No. 20-33; 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 referred to the Senate Committee on Judiciary, Government and Law.
**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, OCTOBER 25, 2017;
*without amendments and was returned to
THE HOUSE OF REPRESENTATIVES.***

THE BILL WAS FINALLY PASSED ON JULY 6, 2017



Linda B. Muña, House Clerk



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

SECOND DAY, FIFTH SPECIAL SESSION

JULY 6, 2017

H. B. NO. 20-12

AN ACT

**TO REFORM DRUG SENTENCING LAWS TO EFFECTUATE THE
REHABILITATION AND TREATMENT PRINCIPLES OF EVIDENCE-
BASED SENTENCING.**

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

1 **Section 1. Title.** This Act may be cited as the “Drug Court Sentencing Reform Act”.

2 **Section 2. Findings.** The Legislature acknowledges that mandatory minimum
3 sentencing laws, first enacted by the United States Congress in the 1980s to limit the
4 possibility of disparate and lenient sentences in judicial sentencing, have resulted in non-
5 individualized sentences for dissimilar offenders, especially for non-violent offenders. The
6 Legislature finds that there is a national emerging consensus among judges, lawmakers,
7 practitioners, scholars, and advocacy groups that mandatory minimum penalties are
8 frequently unfair or irrational because the judge is unable to consider the pertinent facts and
9 circumstances of the case before imposing a criminal penalty.

10 In the advent of the creation of the first drug court in the Commonwealth of the
11 Northern Mariana Islands, the Legislature has made a commitment to establishing sentencing
12 laws that incorporate evidence-based programs and services, like treatment and supervision,

HOUSE BILL 20-12

which demonstrably reduce the recidivism rate of criminal defendants. For example, the Legislature has acknowledged that crimes may stem from individuals suffering from crippling drug dependency - a common result from the use of sinister drugs, such as methamphetamine hydrochloride, or 'ice.' The Legislature further finds that the mandatory minimum sentencing laws currently in place are not conducive to allowing the afflicted access to critically necessary intensive rehabilitation and treatment as a proven method to keep the community safe.

Therefore, the Legislature finds that amendments to the existing criminal laws, particularly in the area of the Commonwealth Controlled Substances Act, are necessary to cure the traces of injustice resulting from strict imposition of mandatory minimum sentencing laws as applied to those non-violent offenders convicted of a drug-related offense.

The Legislature further finds that the following legislative amendments would preserve the serious nature of a drug-related criminal conviction, but ensure that criminal defendants receive a sufficiently individualized sentence; and that they will have available to them a full range of a specialized problem-solving court's treatment and rehabilitation services, even after conviction of a drug-related crime.

It is therefore the purpose of this Act, to amend and to repeal sections of the Commonwealth Controlled Substance Act, codified in 6 CMC §§ 2101–2151, as follows:

Section 3. Amendments. Title 6 Section 2141 is hereby amended to read as follows:

“§ 2141. Trafficking Offenses; Penalties.

(a) It shall be unlawful for any person knowingly or intentionally:

(1) To manufacture, deliver or possess with the intent to manufacture, deliver or dispense, any quantity of a controlled substance, or any material, compound, mixture, or preparation that contains any amount of a controlled substance; or

HOUSE BILL 20-12

(2) To create, distribute, or possess with intent to deliver, any quantity of a counterfeit controlled substance, or any material, compound, mixture, or preparation that contains any amount of a counterfeit controlled substance.

(b) Any person who violates subsection (a) of this section with respect to:

(1) Any material, compound, mixture or preparation of a controlled substance classified in Schedules I or II which is a narcotic drug or methamphetaminehydrochloride that are of an aggregate weight of less than five grams shall be sentenced for a first offense to a term of imprisonment of not more than ten years, a fine of not more than \$5,000, or both; and shall be sentenced, upon a second offense, to a term of not more than 25 years, a fine of not more than \$10,000, or both.

(2) Any material, compound, mixture, or preparation of a controlled substance classified in Schedules I or II which is a narcotic drug or methamphetaminehydrochloride that are of an aggregate weight of five grams or more shall be sentenced for a first offense to a term of imprisonment for not more than 25 years, a fine of not more than \$10,000, or both and shall be sentenced, upon a second offense, to a term of imprisonment for not more than a life term, a fine of not more than \$20,000, or both.

(3) Any other material, compound, mixture or preparation of a controlled substance classified in Schedules I, II, or III may be sentenced to a term of imprisonment of not more than five years, a fine of not more than \$2,000, or both.

(4) Any material, compound, mixture or preparation of a controlled substance classified in Schedule IV may be sentenced to a term of imprisonment of not more than five years, a fine of not more than \$1,000, or both.

HOUSE BILL 20-12

(c) Notwithstanding subsection (b)(2) of this section, any person who violates subsection (a)(1) of this section by distributing not more than an ounce of marijuana for no remuneration shall be treated as provided in 6 CMC § 2142(c)(1).

(d) It shall be unlawful for any person to sell, distribute, manufacture, or possess with the intent to sell, distribute, or manufacture any narcotic drug or other controlled substance, or any material, compound, mixture, or preparation that contains any amount of a controlled substance, including any form of methamphetaminehydrochloride, or its paraphernalia, within 1000 feet of the real property comprising a public or private elementary or secondary school. Any person found guilty of such offense shall be sentenced to a term of imprisonment of not more than five years.

(e) It shall be unlawful for any person to sell, distribute, or deliver, or to cause any other person to sell, distribute, or deliver any narcotic drug or controlled substance, or any material, compound, mixture, or preparation that contains any amount of a controlled substance, including any form of methamphetaminehydrochloride, or its paraphernalia, to any person under the age of 18 years. Any person found guilty of such offense shall be sentenced to a term of imprisonment of not more than 25 years."

Section 4. Amendments. Title 6 Section 2142 is hereby amended to read as follows:

“§ 2142. Possession; Penalties.

(a) [no changes]

(b) Any person who violates subsection (a) of this section with respect to any controlled substance except marijuana shall be sentenced to a term of imprisonment of not more than five years a fine of not more than \$2,000, or both.

HOUSE BILL 20-12

(c) [no changes]

(d) Any person who violates subsection (a) of this section with respect to methamphetaminehydrochloride, cocaine, or heroin may be penalized, in addition to the penalties described in subsection (b) of this section as follows:

(1)–(3) [no changes]

(4) Any person possessing any quantity of a controlled substance and found to be in possession of an illegal firearm shall be sentenced to a term of imprisonment of not more than five years.

(5) Any person possessing any quantity of a controlled substance and found to have discharged any legal or illegal firearm in connection with that possession or subsequent apprehension for that possession shall be sentenced to a term of imprisonment of not more than five years, to be served consecutively with any other terms of imprisonment imposed for that possession.”

Section 5. Repealer. Title 6 Section 4252(a) is hereby repealed and all subsections shall be renumbered accordingly.

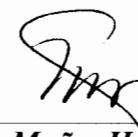
Section 6. Severability. If any provisions of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 7. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.

HOUSE BILL 20-12

1 **Section 8. Effective Date.** This Act shall take effect upon its approval by the
2 Governor, or its becoming law without such approval.

Attested to by:



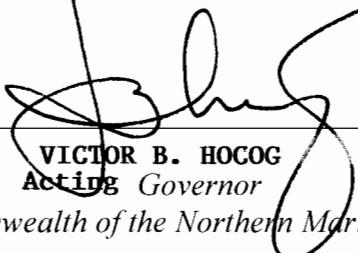
Linda B. Muña, House Clerk

Certified by:



SPEAKER RAFAEL S. DEMAPAN
House of Representatives
20th Northern Marianas Commonwealth Legislature

Approved this 11th day of December, 2017



VICTOR B. HOCOG
Acting Governor
Commonwealth of the Northern Mariana Islands