

Arnold I. Palacios
Governor



Gov. Msg. No. 23-136

David M. Apatang
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

August 01, 2023

GOV 2023-765

The Honorable Edmund S. Villagomez
Speaker, House of Representatives
Twenty-Third Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Edith E. Deleon Guerrero
President of the Senate
Twenty-Third Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Madame President:

This is to inform you that I have signed into law **House Bill No. 23-17, HS1** entitled, "To establish the crime of promoting prison contraband and appropriate punishment; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twenty-Third Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 23-07**. Copies bearing my signature are forwarded for your reference.

Sincerely,

ARNOLD I. PALACIOS
Governor



cc: Lieutenant Governor; Attorney General;
Commonwealth Law Revision Commission; Public Auditor;
Special Assistant for Administration;
Programs and Legislative Review Office



TWENTY-THIRD NORTHERN MARIANA COMMONWEALTH LEGISLATURE IN THE HOUSE OF REPRESENTATIVES

FIRST REGULAR SESSION

FEBRUARY 3, 2023

REPRESENTATIVE JOHN PAUL P. SABLAN, 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. 23-17, HS1

AN ACT

**TO ESTABLISH THE CRIME OF PROMOTING PRISON
CONTRABAND AND APPROPRIATE PUNISHMENT; AND
FOR OTHER PURPOSES.**

IN THE HOUSE OF REPRESENTATIVES

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 23-5; adopted 3/9/2023.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, MARCH 9, 2023;**

with amendments in the form of H. B. No. 23-17, HS1 and transmitted to **THE SENATE.**

IN THE SENATE

The Bill was referred to the Senate Committee on Judiciary, Government, and Law, which submitted Standing Committee Report 23-27; adopted 6/23/2023.

THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, JUNE 23, 2023;
without amendments and returned to **THE HOUSE OF REPRESENTATIVES.**

**H. B. NO. 23-17, HS1 IS DULY PASSED BY THE TWENTY-THIRD NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE.**



Linda B. Muña, House Clerk



TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
IN THE HOUSE OF REPRESENTATIVES

FOURTH DAY, FIRST REGULAR SESSION

MARCH 9, 2023

H. B. No. 23-17, HS1

AN ACT

TO ESTABLISH THE CRIME OF PROMOTING PRISON
CONTRABAND AND APPROPRIATE PUNISHMENT; AND
FOR OTHER PURPOSES.

**BE IT ENACTED BY THE TWENTY-THIRD NORTHERN
MARIANAS COMMONWEALTH LEGISLATURE:**

1 **SECTION 1. FINDINGS AND PURPOSES.**

2 The Legislature finds that contraband in the CNMI prison presents many problems,
3 including threats to the safety of persons and the security of the prison. While the Department
4 of Corrections, which handles the confinement of persons, has regulations establishing a list of
5 what items constitute contraband, the Penal Code does not authorize prosecution for possession
6 of contraband.

7 Many objects, such as cell phones and cash, are easily available and used outside of
8 custody but can be used in prison to plan the commission of crimes, threaten witnesses, or
9 escape. Other objects, if altered, can be used to threaten or harm persons. The listing and

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1 prohibition of contraband is designed to keep such objects out of prison, thereby improving the
2 safety and security of the facility.

3 Most jurisdictions have laws criminalizing the possession or promotion of contraband
4 in correctional facilities. Clarification in CNMI law is needed to properly define what items
5 are prohibited along with appropriate penalties for those who introduce, possess and promote
6 contraband in correctional facilities. The Legislature further finds that by enacting the prison
7 contraband statute it will provide the Department of Corrections a more enforceable mandate
8 that can deter inmates, detainees, correctional officers, contractors, volunteers, and the general
9 public from possessing contraband in any of the CNMI's correctional facilities.

10 **SECTION 2. ENACTMENT.**

11 Title 6, Division 3, Chapter 2 (Offenses Against the Commonwealth) of the
12 Commonwealth Code is hereby amended by adding a new section 3205 to read as follows:

13 **“§ 3205. Promoting Major or Minor Prison Contraband.**

14 (a) **Definitions.** In this section:

15 (1) “Correctional facility” means a jail, prison or other detention facility used
16 to house persons who have been arrested, detained, held, convicted or sentenced by a
17 criminal justice agency or court.

18 (2) “Major contraband” means:

19 (i) any firearm, ammunition, explosives or combustibles, and any plans or
20 materials that could be used in the making or manufacturing of such weapons,
21 explosives, or devices;

22 (ii) any dangerous device or dangerous weapon;

23 (iii) anything that is designed or intended to be used to facilitate escape from a
24 correctional facility or an outside assignment;

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1 (iv) marijuana or a controlled substance in schedule I, II, III, or IV, as defined
2 in 6 CMC Chapter 1 (Commonwealth Controlled Substances Act); and

3 (v) any telecommunications device, including any electronic device or
4 apparatus associated with a device, that can enable communication with a person
5 outside of a correctional facility. The term includes, without limitation, a telephone, a
6 cellular telephone, a personal digital assistant, a transmitting radio, watch or a computer
7 that is connected to a computer or cellular network or is capable of connecting to a
8 computer or cellular network through the use of wireless or wired technology or is
9 otherwise capable of communicating with a person or device outside of a correctional
10 facility.

11 (3) "Minor contraband" means:

12 (i) an alcoholic beverage or any controlled substance in schedule V, as defined
13 in 6 CMC Chapter 1 (Commonwealth Controlled Substances Act), any paraphernalia
14 used or intended for use in ingesting or consuming a controlled substance; or any other
15 drugs not included in schedules I through V, except on the prescription of a licensed
16 practitioner;

17 (ii) any United States or foreign currency;

18 (iii) any peripheral device that stores data digitally, mechanically, optically, or
19 using flash memory; and

20 (iv) any other object listed in Department of Corrections rules and regulations
21 as contraband and not defined as major contraband by this section.

22 (b) A person commits an offense if the person knowingly:

23 (1) Provides or attempts to provide major or minor contraband to a person in
24 custody in a correctional facility, on the grounds of a correctional facility, or during an
25 outside assignment; or

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1 (2) While in custody, makes, possesses, or obtains, or attempt to make, possess
2 or obtain major or minor contraband in a correctional facility, on the grounds of a
3 correctional facility, or during an outside assignment.

4 (c) A conviction for the promotion of major contraband shall be punishable by
5 a term of imprisonment of not more than four years, a fine of not more than \$1,500, or
6 both.

7 (d) A conviction for the promotion of minor contraband shall be punishable by
8 a term of imprisonment of not more than one year, a fine of not more than \$1,000, or
9 both.

10 (e) The court shall order any sentence of imprisonment for this offense to run
11 consecutive to any other sentence the person is serving at the time of the offense.”

12 **SECTION 3. SEVERABILITY.**

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

17 **SECTION 4. SAVINGS CLAUSE.**

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

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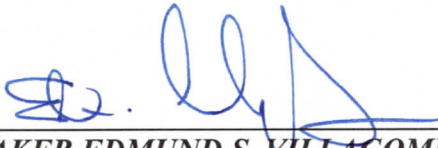
SECTION 5. EFFECTIVE DATE.

This Act shall take effect upon its approval by the Governor, or it becoming law without such approval.


Attested to by:


Linda B. Muña, House Clerk

Certified by:


SPEAKER EDMUND S. VILLAGOMEZ
House of Representatives
23rd Northern Marianas Commonwealth Legislature

Approved this 1st day of August, 2023


ARNOLD I. PALACIOS
Governor
Commonwealth of the Northern Mariana Islands