



COPY

THE SENATE
Twenty-Third Northern Marianas Commonwealth Legislature
P. O. Box 500129
Saipan, MP 96950

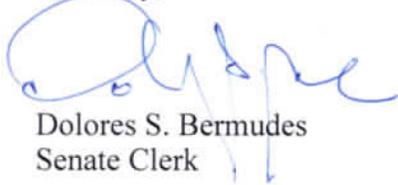
October 26, 2023

The Honorable Edmund S. Villagomez
Speaker
House of Representatives
23rd Northern Marianas Commonwealth Legislature
Saipan, MP 96950

Dear Speaker Villagomez:

This is to inform you that the Senate in its 6th Day, Second Regular Session on October 24, 2023 adopted Standing Committee Report No. 23-53 to **file H.B. No. 23-13**, entitled, "To amend the Crimes and Criminal Procedure Code definitions of dangerous weapon and serious bodily injury," by unanimous vote, a quorum being present.

Sincerely,


Dolores S. Bermudes
Senate Clerk

Transmitted to HOUSE:

Received by: 

Date:

10/26/2023

Time:

2:29p



The Senate
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. BOX 500129
SAIPAN, MP 96950

STANDING COMMITTEE REPORT NO. 23-53
Date: September 14, 2023
RE: House Bill No. 23-13

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

Dear Madam President:

Your Committee on Judiciary, Government, and Law, to which was referred House Bill No. 23-13, entitled:

“To amend the Crimes and Criminal Procedure Code definitions of dangerous weapon and serious bodily injury.”

begs leave to report as follows:

I. RECOMMENDATION:

After considerable discussion and deliberation, your Committee recommends the filing of House Bill No. 23-13.

II. ANALYSIS:

A) Purpose:

The purpose of House Bill No. 23-13 is to amend the Crimes and Criminal Procedure Code definitions of “dangerous weapon” and “serious bodily injury”.

B) Committee Findings:

Your Committee finds that House Bill 23-13 proposes to amend the Crimes and Criminal Procedure Code to clarify the definitions of *dangerous weapon* and *serious bodily injury*. As it stands, the current definition of dangerous weapon does not categorize handmade weapons out of random objects, which has resulted in the dismissal of court cases. Additionally, the use of such dangerous weapons has proven to not only cause physical harm to an individual but may also be detrimental to the mental state of the victim. Therefore, the intent to include an individual's mental state is warranted as a form of serious bodily injury towards a victim.

Your Committee met on September 14, 2023 to formally discuss the proposed legislation. During review of Senate Bill No. 23-34, it was the consensus of the members to reflect the amended provisions of House Bill No. 23-13 in Senate Bill No. 23-34. Therefore, recommending the filing of House Bill No. 23-13. During the meeting, no member objected to the filing of the proposed legislation. Therefore, it is for these reasons that your Committee recommends the filing of House Bill No. 23-13.

C) Legislative History:

House Bill No. 23-13 was formally introduced by Representative Marissa R. Flores on February 3, 2023 and was subsequently referred to the House Standing Committee on Judiciary and Governmental Operations (JGL) for disposition. The House JGL Committee adopted the proposed legislation in its original form and reported its findings to the full body of the House under House Standing Committee Report No. 23-3. On March 9, 2023, the House of Representatives passed House Bill No. 23-13, during its Fourth Day, First Regular Session. House Bill No. 23-13 was transmitted to the Senate on March 9, 2023 and referred to the Senate Standing Committee on Judiciary, Government, and Law for disposition.

Simultaneously, a similar legislation, Senate Bill No. 23-34, was introduced in the Senate by Senator Karl R. King-Nabors and referred to the Senate Standing Committee on Judiciary, Government, and Law for disposition.

D) Public Hearing and Comment:

1. Public Hearing. No public hearing was scheduled for House Bill No. 23-13. However, a Committee Meeting, which is open to the public, was held on September 14, 2023. See below for further details.
2. Committee Meeting. The proposed legislation made its first appearance during the scheduled committee meeting convened on September 14, 2023. The Committee Meeting notices and agenda, as amended, were officially posted on September 1, 2023 on various legislative forums and social media sites to invite members of the general

public to provide comments as indicated under *Item No. 4. Public Comments* of the Committee Agenda.

3. Written Comment. Your Committee agreed to not request for comments on the proposed legislation. Furthermore, your Committee agreed to attach House Communication No. 23-08 reflecting the position of the House of Representatives on House Bill No. 23-13.

E) Estimated Fiscal Cost:

The filing of House Bill No. 23-13 will not result in additional costs to the CNMI government.

F) Summary of Committee Amendments:

No amendments were considered due to the Committee's recommendation to file the proposed legislation.

III. CONCLUSION:

Although your Committee agrees with the intent and purpose of the proposed legislation, your Committee has recommended the passage of a similar legislation, Senate Bill No. 23-34. It is for this reason that your Committee recommends filing House Bill No. 23-13.

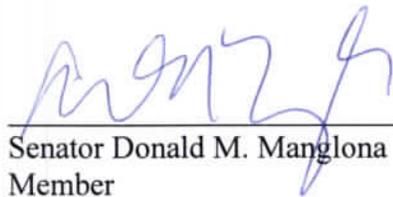
Respectfully submitted,



Senator Celina R. Babauta
Chairperson

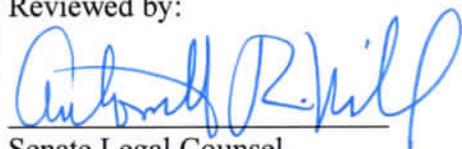


Senator Paul A. Manglona
Vice Chairperson



Senator Donald M. Manglona
Member

Reviewed by:



Senate Legal Counsel

Attachment(s):

- *House Communication No. 23-08 transmitting House Bill No. 23-13, entitled: "To amend the Crimes and Criminal Procedure Code definitions of dangerous weapon and serious bodily injury."*



Hse. Comm. No. 23-08

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
HOUSE OF REPRESENTATIVES

P.O. BOX 500586
SAIPAN, MP 96950
cnmileg.net

March 9, 2023

The Honorable Edith E. DeLeon Guerrero
President
The Senate
Twenty-Third Northern Marianas
Commonwealth Legislature
Capitol Hill
Saipan, MP 96950

Dear Senate President DeLeon Guerrero:

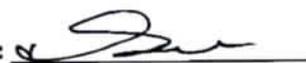
I have the honor of transmitting herewith for Senate action **H. B. No. 23-13**, entitled: "**To amend the Crimes and Criminal Procedure Code definitions of dangerous weapon and serious bodily injury.**", which was passed by the House of Representatives on First and Final Reading, by the majority vote of the members present, a quorum being present, during its Fourth Day, First Regular Session on March 9, 2023.

Sincerely yours,


Linda B. Muña
House Clerk

Attachment

Transmittal to the SENATE

Received by: 

Date: 3/9/23

Time: 3:50 pm

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2023

First Regular Session, 2023

H. B. 23-13

A BILL FOR AN ACT

To amend the Crimes and Criminal Procedure Code definitions of dangerous weapon and serious bodily injury.

**BE IT ENACTED BY THE 23RD NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Purpose.** The purpose of the Act is to clarify the definition of
2 “dangerous weapon” and “serious bodily injury”. The amendments rely upon
3 definitions in Texas Penal Code § 1.07(a)(17) and § 1.07(a)(46) and the Texas cases
4 interpreting that language. The Office of the Attorney General presented a request
5 to Legislature for action on this subject in order to address problems in prosecuting
6 serious cases of violence.

7 Recent cases have shown some confusion in court with the application of
8 the definition of a dangerous weapon in assault and battery cases. Such cases
9 involve a variety of objects and all levels of injury. In a particular case, an attack
10 by an inmate in prison with a handmade weapon was dismissed as insufficient to
11 establish a dangerous weapon, despite the danger of serious injury through the use
12 of a shank against a victim.

1 Cases in which a criminal defendant uses a weapon or causes serious bodily
2 injury present the greatest danger to the public and victims. Prosecution of those
3 cases should be a priority, and increased punishment is justified by the choice of
4 the defendant to escalate the assault and battery by using a weapon or causing
5 serious bodily injury. This bill clarifies those definitions, simplifies the description
6 of threatened or actual injury and emphasizes to the courts in the application of law
7 that anything may be treated as a dangerous weapon through the manner of its use
8 or intended use, regardless whether there was actual loss of life or permanent injury.

9 **Section 2. Amendment.** 6 CMC § 102(f) of the Commonwealth Code is
10 hereby amended to read as follows:

11 “(f) “Dangerous weapon” means:

12 (1) any automatic weapon, dangerous device, firearm, gun,
13 handgun, long gun, semiautomatic weapon, knife, machete ~~or other thing~~
14 ~~by which a fatal wound or injury may be inflicted, spear gun, shank, or shiv;~~

15 (2) anything manifestly designed, made, or adapted for the purpose
16 of inflicting death or serious bodily injury; or

17 (3) anything that in the manner of its use or intended use is capable
18 of causing death or serious bodily injury, regardless whether death or
19 serious bodily injury actually occurred.”

20 **Section 3. Amendment.** 6 CMC 103(n) of the Commonwealth Code is
21 amended as follows:

1 “(n) “Serious bodily injury” means bodily injury ~~which that:~~
2 (1) ~~creates a high probability risk of death or causes death;~~ or
3 (2) ~~which~~ causes ~~serious~~ permanent disfigurement; or,
4 (3) ~~which~~ causes a permanent or protracted loss or impairment of
5 the function of any bodily member, ~~or organ, or mental faculty or~~
6 other bodily injury of like severity.”

7 **Section 4. Severability.** If any provisions of this Act or the application of
8 any such provision to any person or circumstance should be held invalid by a court
9 of competent jurisdiction, the remainder of this Act or the application of its
10 provisions to persons or circumstances other than those to which it is held invalid
11 shall not be affected thereby.

12 **Section 5. Savings Clause.** This Act and any repealer contained herein
13 shall not be construed as affecting any existing right acquired under contract or
14 acquired under statutes repealed or under any rule, regulation, or order adopted
15 under the statutes. Repealers contained in this Act shall not affect any proceeding
16 instituted under or pursuant to prior law. The enactment of the Act shall not have
17 the effect of terminating, or in any way modifying, any liability, civil or criminal,
18 which shall already be in existence on the date this Act becomes effective.

19 **Section 6. Effective Date.** This Act shall take effect upon its approval by
20 the Governor, or it becoming law without such approval.

HOUSE BILL 23-13

Prefiled: 1/31/2023

Date: 1/31/2023

Introduced by: /s/ Rep. Marissa R. Flores

Reviewed for Legal Sufficiency by:

/s/ John M. Bradley
House Legal Counsel



TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
HOUSE OF REPRESENTATIVES
COMMITTEE ON JUDICIARY AND GOVERNMENTAL
OPERATIONS

P.O. BOX 500586 SAIPAN, MP 96950

MARISSA R. FLORES
CHAIRWOMAN

Amended - 3/7/2023
STANDING COMMITTEE REPORT NO. 23-3
DATE: FEBRUARY 15, 2023
RE: H.B. 23-13

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

Dear Mr. Speaker:

Your Committee on Judiciary and Governmental Operations to which was referred:

H. B. No. 23-13:

“To amend the Crimes and Criminal Procedure Code definitions of dangerous weapon
and serious bodily injury”

begs leave to report as follows:

I. RECOMMENDATION:

After considerable discussion, your Committee recommends that H. B. NO. 23-13 be passed by
the House in its current form.

HOUSE CLERK'S OFFICE
RECEIVED BY: *SM*
DATE: *2/23/2023* TIME: *4:01 PM*

II. ANALYSIS:

A. Purpose:

The purpose of House Bill No. 23-13 is to amend the Crimes and Criminal Procedure Code definitions of dangerous weapon and serious bodily injury.

B. Committee Findings:

Your Committee finds that the use of a dangerous weapon to cause serious bodily injury is a pressing concern in regards to public safety. In recent cases in the CNMI, crimes involving the use of an object has been used to cause all levels of injury. However, such cases were either dismissed or proven hard to prosecute due to the definition of "dangerous weapon" and/or "serious bodily harm". Such cases occur not only outside confinement facilities, but within such facilities as well with the use of a "shank" or "shiv".¹ Despite such an occurrence, the Office of the Attorney General and the CNMI Superior Court were forced to dismiss the case due to current definition of "dangerous weapon".² Your Committee finds that this unfortunate series of events should not be taken lightly and must be handled accordingly. An individual's life was put at significant risk causing severe traumatic physical and mental injury. Your Committee finds that we must amend the terms "dangerous weapon" and "serious bodily injury" to allow for better prosecution of such cases for public safety purposes.

Your Committee also finds that in Texas³, California⁴ and so forth have laws that include make shift items that can be used to cause bodily harm to an individual that causes mental stress. Based on current CNMI Law, firearms guns, knives, machetes, and so forth are included in the list of "dangerous weapon" pursuant to 6 CMC §102(f). Similar to the previously stated U.S. jurisdictions, it would be appropriate to include "shanks" and "shivs" in such definition for they can cause serious danger if used in a reckless and/or impulsive manner. Furthermore, pursuant to 6 CMC §103(n), a "serious bodily injury" means bodily injury which creates a high probability of death or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ, or other bodily injury of like severity. Your Committee further finds that it would be imperative to consider the mental damage caused with the use of such dangerous weapons for it also takes a heavy toll on their mental state for the rest of their lives. Therefore, your Committee agrees with the intent and purpose of House Bill No. 23-13 and recommends its passage in its current form.

¹ <https://www.saipantribune.com/index.php/male-inmate-allegedly-stabs-a-male-barber-for-being-gay/>

² https://www.mvariety.com/news/local/judge-camacho-shank-used-to-stab-barber-not-a-dangerous-weapon/article_21db46ac-efc2-5174-9d54-f68120943989.html

³ <https://codes.findlaw.com/tx/penal-code/penal-sect-1-07.html>

⁴ <https://www.shouselaw.com/ca/defense/penal-code/4502/>

C. Public Comments/Public Hearing:

The Committee received comments from the following:

- Honorable Edward Manibusan, CNMI Attorney General (Written)

The Attorney General is in support of the proposed legislation.

- Mr. Robert Glass Jr., Chief Solicitor, CNMI Office of the Attorney General (Oral)

Mr. Glass has verbally stated that the Attorney General's Office is in support of the proposed legislation.

D. Legislative History:

House Bill No. 23-13 was introduced by Representative Marissa R. Flores on February 03, 2023 to the full body of the House and was referred to the House Standing Committee on Judiciary and Governmental Operations for disposition.

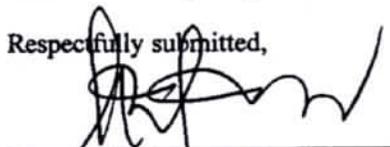
E. Cost Benefit:

The enactment of House Bill No. 23-13 will result in minimal additional costs to the CNMI government in the form additional enforcement, training, administrative and prosecution expenses. However, the benefits of ensuring safety from the use of dangerous weapons to cause harm heavily outweigh the costs.

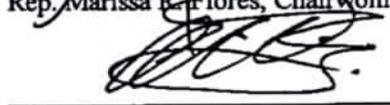
III. CONCLUSION:

The Committee is in accord with the intent and purpose of H. B. NO. 23-13, and recommends its passage in its current form.

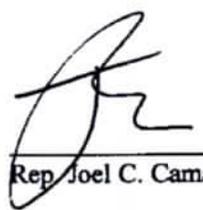
Respectfully submitted,



Rep. Marissa R. Flores, Chairwoman



Rep. Vincent R.S. Aldan, Member



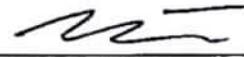
Rep. Joel C. Camacho, Vice Chair



Rep. Blas Jonathan "BJ" T. Attao, Member



Rep. Vicente C. Camacho, Member



Rep. Manny G.T. Castro, Member



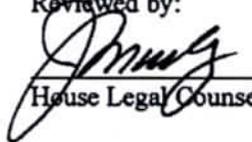
Rep. Malcolm J. Omar, Member



Rep. Edwin K. Propst, Member



Rep. John Paul P. Sablan, Member

Reviewed by:

House Legal Counsel

- Attachment:
- o Letter dated February 02, 2023 from the CNMI Attorney General.



Commonwealth of the Northern Mariana Islands
Office of the Attorney General

2nd Floor Hon. Juan A. Sablan Memorial Bldg.
Caller Box 10007, Capitol Hill
Saipan, MP 96950

EDWARD MANIBUSAN
Attorney General

LILLIAN A. TENORIO
Deputy Attorney General

VIA EMAIL: rep.floresm@cnmileg.net

February 2, 2023

OAGHOR: 2023-38

Hon. Marissa Flores
Representative
House Standing Committee on Judiciary
and Governmental Operations
House of Representatives
23rd Northern Marianas Commonwealth Legislature
Saipan, MP 96950

Dear Representative Flores:

Thank you for the opportunity to comment on House Bill 23-13 (To amend the Crimes and Criminal Procedure Code definitions of dangerous weapon and serious bodily injury).

The Office of the Attorney General supports passage of this bill. The current statute is a carryover from the Trust Territory Code, the definitions of dangerous weapon and serious bodily injury will be revised to the modern language and concepts used in most jurisdictions. In a recent case at DOC, a judge rejected the allegation of a dangerous weapon, even though an inmate had sharpened a tooth brush and used it repeatedly to stab the head of a barber. The proposed changes will include a listing of per se dangerous weapons and include any object used by a person in custody. The definition will also include any weapon used by a defendant and any object if used and intended to be used as a dangerous weapon.

The bill tightens the definition of dangerous weapon by adopting language in (f)(2-3) from Texas statutory law on that subject, which has been frequently approved through case law. The change makes it clear that a dangerous weapon can be:

- 1) Any one of several specifically identified items;
- 2) Any other thing that was designed, made or adapted to cause death or serious bodily injury;
- 3) Any other thing that is used in a manner or intended to cause death or serious bodily injury; or
- 4) Any other thing that causes injury of like severity.

As to the definition of "serious bodily injury," the bill tightens the meaning by deleting the vague phrases of "a high probability" and "serious" and instead focuses more on the fact that an injury is considered serious

Civil Division
Telephone: (670) 237-7500
Facsimile: (670) 664-2349

Criminal Division
Telephone: (670) 237-7600
Facsimile: (670) 234-7016

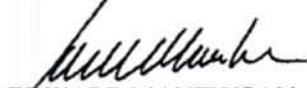
Attorney General's Investigation Division
Telephone: (670) 237-7627
Facsimile: (670) 234-7016

Victim Witness Advocacy Unit
Telephone: (670) 237-7602
Facsimile: (670) 664-2349

simply because of the risk of death, permanent disfigurement or other bodily injury of like severity. This bill provides a concise definition of the terms "dangerous weapon" and "serious bodily injury" and promotes greater public safety by putting criminals on notice that serious injuries will have tougher consequences. Therefore, the Office of the Attorney General supports this bill and finds that it improves the definitions related to serious felony assaults.

I welcome the opportunity to meet with you and members of the Legislature to discuss the proposed legislation. Please let me know at your earliest convenience when we can sit down to discuss the proposals and other policy matters and concerns on which my Office may offer guidance.

Sincerely,



EDWARD MANIBUSAN
Attorney General