



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

**STANDING COMMITTEE REPORT NO. 23-27**  
**Date: June 8, 2023**  
**RE: House Bill No. 23-17, HS1**

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 No. 23-17, House Substitute 1, entitled:

“To establish the crime of promoting prison contraband and appropriate punishment; and for other purposes.”

begs leave to report as follows:

**I. RECOMMENDATION:**

After considerable discussion and deliberation, your Committee recommends the passage of House No. 23-17, House Substitute 1 in its original form.

**II. ANALYSIS:**

A) Purpose:

The purpose of House No. 23-17, House Substitute 1 is to establish statutory provisions that clarify what items may be categorized as major or minor contraband within the Commonwealth's correctional facility.

B) Committee Findings:

Your Committee finds that the CNMI Department of Corrections' regulations provide a list of items deemed as contrabands. However, absent a statutory provision to support our correctional facility's ability to enforce their regulations and penalize persons within or outside the correctional facility from accessing or providing such items, the community remains at risk behind the confinement of the correctional facility intended to safeguard the residents of the Commonwealth.

Your Committee further finds that confined individuals have become skillful in the modification of everyday items to objects intended to cause harm. It is imperative that existing regulations aimed to protect the interest of all persons of the Commonwealth coincide with mandated provisions that support the safety and wellbeing of the community.

Your Committee met on June 8, 2023 to formally discuss the proposed legislation. During the meeting, no member objected to the passage of the proposed legislation in its current form. It is for these reasons that your Committee recommends the passage of House Bill No. 23-17, House Substitute 1 in its original form.

C) Legislative History:

House Bill No. 23-17 was formally introduced by Representative John Paul P. Sablan on February 3, 2023 and was subsequently referred to the House Standing Committee on Judiciary and Governmental Operations (JGO) for disposition and reported its findings to the full body of the House of Representatives under House Standing Committee Report No. 23-05 recommending its passage in the form of House Bill No. 23-17, House Substitute 1. On March 9, 2023 the House of Representatives passed House Bill No. 23-17, House Substitute 1 on First and Final Reading during its Fourth Day, First Regular Session. House Bill No. 23-17, House Substitute 1 was transmitted to the Senate on March 9, 2023 and referred to the Senate Standing Committee on Judiciary, Government, and Law for disposition.

During the Twenty-Second Northern Marianas Commonwealth Legislature, a similar legislation, House Bill No. 22-07, was formally introduced by Representative John Paul P. Sablan on February 19, 2021 and was subsequently referred to the House Standing Committee on Judiciary and Governmental Operations (JGO) for disposition. House Bill No. 22-07 was placed on the Bill Calendar on October 29, 2021. On February 22, 2022 the House of Representatives passed the proposed legislation on First and Final Reading with amendments in the form of House Bill No. 22-07, House Draft 1 during its Second Day, Third Regular Session. House Bill No. 22-07, House Draft 1 was transmitted to the Senate on February 23, 2022 and referred to the Senate Standing Committee on Judiciary, Government, Law, and Federal Relations (JGLFR) for disposition. No further action was taken.

D) Public Hearing and Comment:

1. Public Hearing. No public hearing was scheduled for House Bill No. 23-17, House Substitute 1. However, a Committee Meeting, which is open to the public, was held on June 8, 2023. See below for further details.
2. Committee Meeting. The proposed legislation made its first appearance during the scheduled committee meeting convened on June 8, 2023. The Committee Meeting notices and agenda were officially posted on June 2, 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. However, no public comment was received on the proposed legislation by your Committee during the scheduled meeting.
3. Written Comment. Your Committee agreed to not solicit comments on the proposed legislation.

E) Estimated Fiscal Cost:

The enactment of House Bill No. 23-17, House Substitute 1 will result in additional costs to the CNMI government for purposes of enforcement, training and public outreach to effectively implement the intent of this Act. However, the anticipated costs to protect the safety and wellbeing of officers, personnel, and inmates of the CNMI Department of Corrections, as well as the community at large outweigh the cost.

F) Summary of Committee Amendments:

Your Committee made no amendments to the proposed legislation.

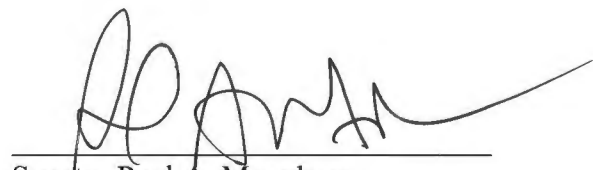
**III. CONCLUSION:**

Your Committee agrees with the intent and purpose of the proposed legislation and recommends passage in its current form as House Bill No. 23-17, House Substitute 1.

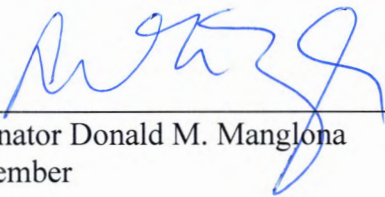
Respectfully submitted,

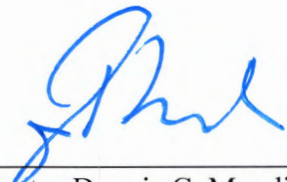


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Senator Celina R. Babauta  
Chairperson




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Senator Paul A. Manglona  
Vice Chairperson

  
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Senator Donald M. Manglona  
Member

  
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Senator Dennis C. Mendiola  
Member

Reviewed by:

  
\_\_\_\_\_  
Senate Legal Counsel

**TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH**

**LEGISLATURE**

**IN THE HOUSE OF REPRESENTATIVES**

**FEBRUARY 3, 2023**

**First Regular Session, 2023**

**H. B. 23-17, HS1**

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**A BILL FOR AN ACT**

To establish the crime of promoting prison contraband and appropriate punishment; and for other purposes.

**BE IT ENACTED BY THE 23<sup>RD</sup> NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

1           **Section 1. Findings and Purpose.** The Legislature finds that contraband in  
2 the CNMI prison presents many problems, including threats to the safety of persons  
3 and the security of the prison. While the Department of Corrections, which handles  
4 the confinement of persons, has regulations establishing a list of what items  
5 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  
8 outside of custody but can be used in prison to plan the commission of crimes,  
9 threaten witnesses, or escape. Other objects, if altered, can be used to threaten or

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

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

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

14 **“§ 3205. Promoting Major or Minor Prison Contraband.**

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

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

19 (2) “Major contraband” means:

- 1 (i) any firearm, ammunition, explosives or combustibles, and
- 2 any plans or materials that could be used in the making or
- 3 manufacturing of such weapons, explosives, or devices;
- 4 (ii) any dangerous device or dangerous weapon;
- 5 (iii) anything that is designed or intended to be used to facilitate
- 6 escape from a correctional facility or an outside assignment;
- 7 (iv) marijuana or a controlled substance in schedule I, II, III, or
- 8 IV, as defined in 6 CMC Chapter 1 (Commonwealth
- 9 Controlled Substances Act); and
- 10 (v) any telecommunications device, including any electronic
- 11 device or apparatus associated with a device, that can enable
- 12 communication with a person outside of a correctional
- 13 facility. The term includes, without limitation, a telephone,
- 14 a cellular telephone, a personal digital assistant, a
- 15 transmitting radio, watch or a computer that is connected to
- 16 a computer or cellular network or is capable of connecting
- 17 to a computer or cellular network through the use of wireless
- 18 or wired technology or is otherwise capable of
- 19 communicating with a person or device outside of a
- 20 correctional facility.

21 (3) "Minor contraband" means:

- 1           (i)    an alcoholic beverage or any controlled substance in  
2                    schedule V, as defined in 6 CMC Chapter 1 (Commonwealth  
3                    Controlled Substances Act), any paraphernalia used or  
4                    intended for use in ingesting or consuming a controlled  
5                    substance; or any other drugs not included in schedules I  
6                    through V, except on the prescription of a licensed  
7                    practitioner;
- 8           (ii)   any United States or foreign currency;
- 9           (iii) any peripheral device that stores data digitally,  
10                   mechanically, optically, or using flash memory; and
- 11          (iv)   any other object listed in Department of Corrections rules  
12                   and regulations as contraband and not defined as major  
13                   contraband by this section.
- 14          (b) A person commits an offense if the person knowingly:
- 15            (1) Provides or attempts to provide major or minor contraband to a person  
16                   in custody in a correctional facility, on the grounds of a correctional  
17                   facility, or during an outside assignment; or
- 18            (2) While in custody, makes, possesses, or obtains, or attempt to make,  
19                   possess or obtain major or minor contraband in a correctional facility, on  
20                   the grounds of a correctional facility, or during an outside assignment.



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

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

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

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

14 **Section 4. Savings Clause.** This Act and any repealer contained herein  
15 shall not be construed as affecting any existing right acquired under contract or  
16 acquired under statutes repealed or under any rule, regulation, or order adopted  
17 under the statutes. Repealers contained in this Act shall not affect any proceeding  
18 instituted under or pursuant to prior law. The enactment of the Act shall not have  
19 the effect of terminating, or in any way modifying, any liability, civil or criminal,  
20 which shall already be in existence on the date this Act becomes effective.

21 **Section 5. Effective Date.** This Act shall take effect upon its approval by

