



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

Adopted - 3/17/2023
STANDING COMMITTEE REPORT NO. 23-4
DATE: FEBRUARY 15, 2023
RE: H.B. 23-14

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. 23-14:

“To amend the punishment for the crime of vandalism to include the option of confinement.”

begs leave to report as follows:

I. RECOMMENDATION:

After considerable discussion, your Committee recommends that H. B. NO. 23-14 be passed by the House in the form of House Substitute 1.

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II. ANALYSIS:

A. Purpose:

The purpose of House Bill No. 23-14 is to amend the punishment for the crime of vandalism to include the option of confinement.

B. Committee Findings:

Your Committee finds that pursuant to Public Law 21-18, the act of vandalism was removed from the definition of criminal mischief and was established as a separate criminal offense. However, your Committee also finds that in establishing its own separate offense, the option of confinement was left out. Cognizant of the noble intent of Public Law 21-18, the penalties established within can be found to be counterproductive and may result in higher rates of committing vandalism. In the event that a private and/or public property experiences monetary value cause by these vandalistic acts are significantly high, your Committee finds that penalties of monetary fines and hours of community service are insufficient. If the act of vandalism yields a certain amount of pecuniary loss, the option of confinement should be considered as a preventative measure to minimize such acts in the future. An act such as vandalism should contain necessary and proper penalties and should not just be dealt with in just monetary fines and community service hours.

Your Committee also finds that in other states, such as California¹, Florida², New York³, Texas⁴ and so forth, currently contain vandalism related laws. Within in each set of laws, confinement is a considerable penalty. Cognizant of the damage caused by vandalism, these states understand that such negative acts yield immense financial losses and growth of general trust. As a territory of the United States, your Committee finds that it would be of great importance to update our laws and make them as parallel as possible to state laws. Such state laws have proven to be effective and can prove to be beneficial for a better and safer community. The act of vandalism should not continue to plague our communities and must be managed accordingly. All private and public properties should be protected from such thoughtless individuals and confinement should serve as a decent measure.

It is the intent of your Committee to amend the proposed legislation to remove the minimum monetary fine and establish a maximum amount of community service hours that the court can impose depending on the number of times the offense was committed. Therefore, your Committee agrees with the intent and purpose of House Bill No. 23-14 and recommends its passage in the form of House Substitute 1.

¹ https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=594

² http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0800-0899/0806/Sections/0806.13.html

³ <https://www.nyc.gov/html/nograffiti/html/legislation.html>

⁴ <https://statutes.capitol.texas.gov/Docs/PE/htm/PE.28.htm>

C. Public Comments/Public Hearing:

The Committee received comments from the following:

- 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 this legislation.

D. Legislative History:

House Bill No. 23-14 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. 23-14, HS1 will result in additional costs to the CNMI government in the form additional enforcement, training, and confinement expenses. However, the benefits of ensuring safety for private and public properties from the act of vandalism heavily outweigh the costs.

III. CONCLUSION:

The Committee is in accord with the intent and purpose of H. B. NO. 23-14, and recommends its passage in the form of House Substitute 1.

Respectfully submitted,




Rep. Marissa R. Flores, Chairwoman



Rep. Vincent R.S. Aldan, Member



Rep. Vicente C. Camacho, Member



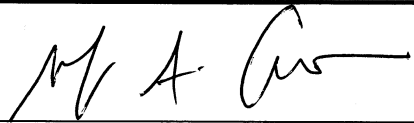
Rep. Joel C. Camacho, Vice Chair



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



Rep. Manny G.T. Castro, Member



Rep. Malcolm J. Omar, Member

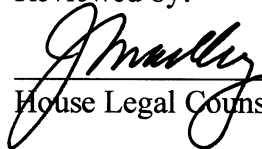


Rep. Edwin K. Propst, Member



Rep. John Paul P. Sablan, Member

Reviewed by:



2-21-23

House Legal Counsel

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2023

First Regular Session, 2023

H. B. 23-14, HS1

A BILL FOR AN ACT

To amend the punishment for the crime of vandalism to include the option of confinement.

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

1 **Section 1. Purpose.** The purpose of the Act is to provide for the option of
2 punishment by confinement for the offense of vandalism. In PL 21-18, the
3 Legislature created the offense of vandalism to address the proliferation of crimes
4 involving the destruction of public and private property. Previously, that crime was
5 addressed as criminal mischief, which included the optional punishment of
6 confinement. However, the new law left out punishment ranges for confinement.
7 Without the option of confinement, vandalism has increased. Furthermore,
8 the courts are unable to impose an appropriate sentence in cases that justify
9 confinement or address noncompliance with probation with the option of
10 confinement. This Act establishes the option of confinement for the offense of
11 vandalism, the length of confinement depending on the value of the pecuniary loss
12 from the property vandalized by the defendant. The courts are left with the

1 discretion to impose a proper punishment that may include confinement if
2 appropriate.

3 **Section 2. Amendment.** 6 CMC §1805 is hereby amended to read as
4 follows:

5 “§ 1805. Vandalism

6 (a) It shall be unlawful for any person and/or persons to vandalize
7 any public or private property.

8 (b) Any person and/or persons in violation of subsection (a) shall be
9 punished as follows:

10 (1) If the pecuniary loss from the property vandalized is valued at
11 \$20,000 or more, by imprisonment for not more than 10 years;

12 (2) If the pecuniary loss from the property vandalized is valued at
13 least \$2500 but less than \$20,000, by imprisonment for not more than five
14 years;

15 (3) If the pecuniary loss from the property vandalized is valued at
16 less than \$2500, or is not subject to value, by imprisonment for not more
17 than one year; and/or:

18 (c) In addition to subsection (b), the following Fines/Community
19 Service penalties shall be as follows:

20 (1) First Offense: A fine of ~~not less than \$250 but~~ not more than
21 \$1,000 and not more than 40 hours of community service.

1 (2) Second Offense: A fine of ~~not less than \$1,000 but not more than~~
2 \$5,000 and not more than 80 hours of community service.

3 (3) Third and any subsequent offense: A fine of ~~not less than \$5,000~~
4 ~~but not more than \$10,000 and~~ not more than 120 hours of community
5 service ~~after time served.~~”

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

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

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

Prefiled: 2/2/2023

HOUSE BILL 23-14, HS1

Date: 2/2/2023

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

Reviewed for Legal Sufficiency by:

/s/ John L. Bradley
House Legal Counsel