



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

P.O. BOX 500586 SAIPAN, MP 96950

**MARISSA R. FLORES**  
CHAIRWOMAN

STANDING COMMITTEE REPORT NO. 23-30  
DATE: JULY 24, 2023  
RE: H.B. 23-33

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. 23-33:

“To improve standards of bail proceedings by establishing bail procedures, authorizing denial of bail, imposing conditions of release and protecting victims.”

begs leave to report as follows:

**I. RECOMMENDATION:**

After considerable discussion, your Committee recommends that H. B. NO. 23-33 be passed by the House in the form of House Substitute 1.

HOUSE CLERK'S OFC  
RECEIVED BY *Amv*  
DATE 7/24/2023 TIME 11:18am

---

## II. ANALYSIS:

### A. Purpose:

The purpose of House Bill No. 23-33 is to improve standards of bail proceedings by establishing bail procedures, authorizing denial of bail, imposing conditions of release and protecting victims.

### B. Committee Findings:

Your Committee finds that bail is a set of pre-trial restrictions that are imposed on a suspect to ensure that they will not hamper the judicial process. Furthermore, bail is the conditional release of a defendant with the promise to appear in court whenever required. Within the United States, it is common for bail to be a cash (or other property) deposit, commonly referred to as a bail bond or cash bail. Once posted, a defendant is released from pre-trial detention. Despite being afforded such right, your Committee finds that there are alleged suspects and/or defendants that continue to act in a negligent manner and commit crimes that may endanger another human being. Your Committee finds that such illicit and immoral actions must not be condoned and proper measures must be implemented to ensure public safety. Public Safety must not continue to be threatened by such behaviors and must be handled accordingly.

Your Committee further finds that within the CNMI, there are individuals who have been released on bail but continue to engage in criminal activities. Such activities include theft, drugs, illegal possession of firearms, murder, and so forth. In some situations, such actions resulted in either serious injury or death of an innocent person. Furthermore, your Committee is in full support of the "presumption of innocence" principle that is afforded to every person accused of a crime. However, your Committee does find that there are certain individuals who abuse the right of bail, as stated in 6 CMC §6401. Cognizant of such individuals, your Committee finds that it is appropriate describe judicial discretion to deny bail under certain negative circumstances. Providing such description in the law, specifically 6 CMC §6401, will be highly beneficial for public safety.

Furthermore, it is the intent of your Committee to amend the proposed legislation to address issues brought to the Committee by various individuals. Furthermore, your Committee amended the proposed legislation to ensure that the judges are given proper discretion to ensure that a person accused of a crime does not endanger another person. Therefore, your Committee agrees with the intent and purpose of House Bill No. 23-33 and recommends its passage in the form of House Substitute 1.

### C. Public Comments:

The Committee received comments from the following:

- Mr. Robert T. Torres, Attorney at Law (Written & Oral)

Mr. Torres does not support the proposed legislation

- Mr. Douglas W. Hartig, Chief Public Defender, Office of the Public Defender (Written & Oral)

Mr. Hartig does not support the proposed legislation.

- Honorable Edward M. Manibusan, Attorney General, CNMI Office of the Attorney General (Written)

The Attorney General supports the proposed legislation.

- Mr. Chester Hinds, Chief Prosecutor, CNMI Office of the Attorney General (Written)

The Chief Prosecutor supports the proposed legislation.

- Ms. Charity Hodson, Attorney at Law (Oral)

Ms. Hodson does not support the proposed legislation.

- Mrs. Rachel Masga Sablan, Private Citizen (Oral)

Mrs. Sablan does not support the proposed legislation.

- Mr. Bruce Berline, Attorney at Law (Oral)

Mr. Berline does not support the proposed legislation.

- Ms. Molly Denard, Attorney, Office of the Public Defender (Oral)

Ms. Denard does not support the proposed legislation.

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

Mr. Glass supports the proposed legislation.

- Mr. Richard Miller, Attorney at Law

Mr. Miller does not support the proposed legislation.

D. Legislative History:

House Bill No. 23-33 was introduced by Representative Marissa R. Flores on March 31, 2023 to the full body of the House and was referred to the House Standing Committee on Judiciary and Governmental Operations for disposition.

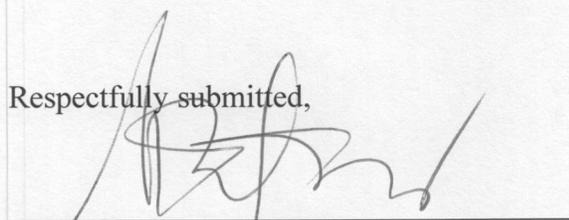
E. Cost Benefit:

The enactment of House Bill No. 23-33, HS1 will not result in additional cost to the CNMI government for the intent of the proposed legislation is to clarify the judges' discretion involving bail.

**III. CONCLUSION:**

The Committee is in accord with the intent and purpose of H. B. NO. 23-33 and recommends its passage in the form of House Substitute 1.

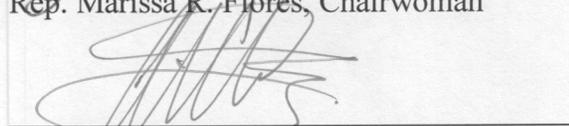
Respectfully submitted,



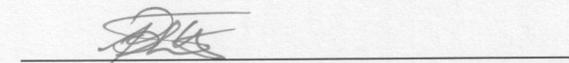
Rep. Marissa R. Flores, Chairwoman



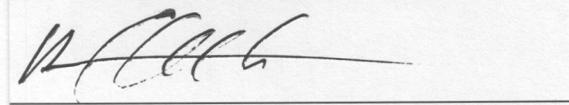
Rep. Joel C. Camacho, Vice Chair



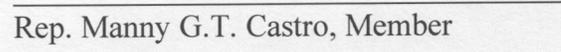
Rep. Vincent R.S. Aldan, Member



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



Rep. Vicente C. Camacho, Member



Rep. Manny G.T. Castro, Member

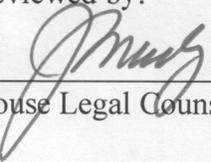
Rep. Malcolm J. Omar, Member

Rep. Edwin K. Propst, Member



Rep. John Paul P. Sablan, Member

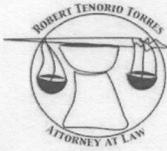
Reviewed by:

 7-24-23

House Legal Counsel

Attachment:

- Letter dated April 16, 2023 from Attorney Robert Torres;
- Letter dated April 18, 2023 from the Chief Public Defender;
- Letter dated April 24, 2023 from the Attorney General; and
- Letter dated June 08, 2023 from the Chief Prosecutor.



## ROBERT TENORIO TORRES

Attorney at Law  
5960 Plata Drive (Chalan Kiya)  
P.O. Box 500730 CK  
Saipan, MP 96950

Tel. (670) 234-7859  
Fax. (670) 234-5749

e-mail: robert.torres@rttlawgroup.com

April 16, 2023

Rep. Marissa Flores  
Chairperson  
House Standing Committee on Judiciary & Governmental Operations (JGO)  
23<sup>rd</sup> CNMI Legislature, House of Representatives  
Jesus P. Mafnas Legislature Building  
Saipan, MP 96950

*Via E Mail & Hand Delivery*

**Subject: HB 23-33: BAIL REFORM ACT: COMMENTS IN OPPOSITION AND REQUEST TO SHELVE LEGISLATION**

**HB 23- 36: REMOVAL OF GRACE PERIOD FOR UNINSURED MOTORIST: COMMENTS IN OPPOSITION AND REQUEST TO SHELVE LEGISLATION**

**H.B. 23-37: TO AMEND THE DEPARTMENT OF PUBLIC SAFETY'S TIME PERIOD TO PRODUCE POLICE TRAFFIC AND CRIMINAL INVESTIGATION REPORTS FROM 10 DAYS TO THREE DAYS: COMMENTS.**

**H.B. 23-38: JAYWALKING PROHIBITED**

Dear Representative Flores,

This is to submit comments to your committee in opposition to HB 23-33 and HB 23-36, requesting that your Committee shelve the proposed legislation as against the best interests of our citizens' constitutional rights. As you may be aware, the Senate has a duplicate or similar version introduced by Sen. Karl King-Nabors. Attached are my comments in opposition to that bill for the same reasons. I incorporate those comments into my letter here for your committee as well as the NACDL *Champion* magazine article by law professor Alison Siegler, for your consideration.

Further, I understand your committee has received substantial comments from our Chief Public Defender Douglas Hartig. I and my other defense-bar colleagues not only support Mr. Hartig's comments, we endorse and join in his call for a full and measured consideration of criminal justice legislation by this 23<sup>rd</sup> Legislature and the House JGO Committee. I also provide comments to HB 23-37 and 23-38.

For my part, I inform your committee that I am happy to confer and appear before your Committee to advocate for appropriate criminal justice legislation that protects an accused's constitutional rights while ensuring the appropriate laws in criminal justice to punish appropriately and deter criminal conduct in our community. The proposed legislation achieve none of those policy considerations and so, concerned with ensuring that legislation is properly thought-through, I submit comments and request your Committee's consideration:

#### H.B. 23-33 Bail Reform Act

Like the Office of the Public Defender and as outlined in my letter re SB 23-35, I also strongly oppose the proposed changes outlined in H.B.23-33. Notably absent from the "Purpose" section of the bill is any supporting source of facts, data or statistics. This bill appears to be written without an understanding of the CNMI legal system or perhaps with a biased view against affording due process for our citizens.

The bill is unconstitutional. Our CNMI Constitution Article I Section 4(f), the first Article of our Constitution, protects personal *fundamental* rights. Section 4(f) states that "excessive bail shall not be required." The bill's language indicates a fundamental misapprehension of constitutional rights. Moreover, the proposed changes conflict with the CNMI Rules of Criminal Procedure which exist to protect constitutional rights. Indeed, our Supreme Court has found that "the function of the legislature is indeed to create law, but it has no constitutional authority to modify or enact statutes that overrule court rules of procedure." To this I would add that no law can supersede the Constitution. As practitioners, we observe that the Judiciary Branch conducts seminars for freshmen legislators on the judicial process, which includes the rule of law. In this context, the court rules of criminal procedure fully cover bail and how to protect one's constitutional rights. For example, Rule 46 addresses the conditions of pretrial release, place of release, amount of bail, conditions of third party custodian release, stay away orders and so forth. What is most important is that the Court protects against *excessive* bail conditions which amount to unconstitutional pretrial detention—that someone is guilty and thus they should be detained until trial.

The bill's articular "Purpose" gives one specific example and states that there "has been an increase in the number of cases..." yet the legislation is devoid of statistics and give no facts to support this claim of an *increase in the number of cases* much less an increase in the number of violations of bail conditions. On the contrary, there has been no increase in crime committed by people on bail. There are no specific statistics or facts provided as to what conditions of release were violated that justify these extreme statutory amendments.

H.B. 23-33 is an example of regressive legislation emanating from an ultra-conservative pro-detention approach. While other jurisdictions across the United States are uniformly passing laws to

decrease the use of cash bail and pretrial detention, H.B. 23-33 seeks to do the opposite. The result of H.B. 23-33 would be that more individuals who are accused of crimes and *presumed to be innocent* would be incarcerated as they await trial. I point out that the majority of criminal defendants are indigent and are unable to hire counsel, and will have an unfair and disparate outcomes you constituents accused of crimes.

As clearly articulated by our CNMI Public Defender, “one of the biggest problems with the proposed changes in H.B. 23-33 is that it takes away much of the discretion that the criminal court judges currently have when it comes to setting bail and bail conditions. This discretion is invaluable because it allows the judges to take into account the individual characteristics of each person coming before them as well as the unique nature of the different cases.” The proposed legislation seeks to take away much of the judge’s discretion to set bail and would add unnecessary delay to a person’s request to be released on bail if he or she is accused of a felony.

The proposal to deny bail altogether for certain people is especially problematic given that the CNMI does not have a speedy trial statute that specifies a period of time within which a person is entitled to either a trial or a probation revocation hearing. Speedy trial under the federal system is a jury trial within seventy (70) days of initial appearance. We are nowhere close to that constitutional right today in Superior Court and the legislation here provides no discussion on that topic. What this means is that a person who is denied bail could be held in custody indefinitely while awaiting trial or a revocation hearing—years, not days.

For the above reasons and for those discussed by the Public Defender, as well as a host of other authorities, I urge that your Committee shelve and reject such ill-conceived legislation. We can do better in criminal justice reform.

#### **HB 23- 36 Removal Of Grace Period For Uninsured Motorist.**

This bill should also be shelved and I oppose its passage by your Committee. The current law is working fine and there is no factual or statistical finding by the bill’s author or proponent to justify this legislation. If and when there are objective facts supporting the need for an amendment or change to the law, then we can further consider such an amendment.

Under current law, every person who operates a motor vehicle must have insurance (9 CMC §8203). They must also have an insurance card in their car (9 CMC § 8204). If someone is stopped by DPS and they don’t have a card in the vehicle to show the officer, they will be given a ticket for violation of both §8203 (no insurance) and §8204 (no insurance card in possession).

There is no grace period in which to get insurance. Everyone must have automobile insurance. The current statutes provide a person charged with §8203 (no insurance) to show that they did have insurance at the time. The law is not only practical, it is common sense for the realities of our community. Sometimes the driver has lost their insurance card or left it at their house, but they actually did have valid, up-to-date auto insurance. Such individuals will still be charged for not having the card in the vehicle (§8204), but they need not be charged with not having insurance

(§8204). A person should not be charged for a violation that the Commonwealth knows they did not commit.

One thing this Committee should keep in mind on this topic of automotive insurance: why can't BMV have a copy of a valid proof of insurance that starts and ends with the vehicle registration period say, for up to two years? Thus, every car registration can only be registered (and for up to two years) so long as the policy is in effect (paid and valid) for the entire period of the registration. What matters is coverage—not proof. If there was proof at registration, then there is a policy in effect so that no car registration will issue without confirmed valid coverage.

For the above reasons, I recommend your Committee shelve this legislation as unnecessary. The current law is not broken and needs no amending.

**H.B. 23-37: Filing Police Reports withing 3 Days of Investigation Completion.**

This section amends the requirement for filing police reports in traffic cases. It says the police officer has to file the written police report within three (3) das of completing an investigation.

What may be a concern is how long it would take to complete an investigation? For example, for minor collisions without any serious bodily injury or property damage is clearly less than \$2,000.00 where there is no need for an accident reconstruction, those reports can be done within ten (10) days. For more serious cases with death or bodily injury, how long for the completion of the investigation? Would 60 or 90 days be sufficient?

The other comment is as to the police report itself. The reports would be filed with the DPS Firearms and Records Section at the Bureau of Motor Vehicles. Is the report then available as a public record after that? Would the document be available for production under the Open Government Act?

In my view, the proposed legislation presents an opportunity for improving on a law that is based on ensuring accountability in accident investigations. But requiring reporting on time after an investigation is completed but without any indication of how long an investigation would take, misses the point. The bill's author may need to work with the Committee to improve this draft including addressing public access to the report.

**H.B. 23-38 Jaywalking.**

The Office of the Public Defender has provided clear comments as to this bill. In my view perhaps the Committee could consider having DPS provide some statistics as to warnings it has given to pedestrians for jaywalking violations. It would also seem to the average community member that we would have our priorities in law enforcement so as to not have impractical laws.

As your Committee would know, we have a great number of pedestrian traffic in Western Garapan with our tourist and local pedestrians congregating. There should be equal enforcement and not just one profile of pedestrian is cited and others are not cited merely because they are

~~tourists and we have disparate enforcement. Similarly, avoiding jaywalking is for the purpose of ensuring pedestrian safety and safe vehicular traffic. We have pedestrians along Middle Road who must cross four-lanes but even the pedestrian crossing themselves may not ensure their safety (absence of flashing lights, markings, distance).~~

~~Perhaps your Committee may work with the author to convene some meetings for substantive input and then consider whether the legislation is still appropriate or not.~~

The above comments are submitted as to the introduced and proposed legislation before your Committee. I understand that there are several more bills that have been introduced and/or may be working their way to your committee. I ask for the opportunity for fair input and comment, along with opportunities for comment by my fellow criminal-defense colleagues and the Office of the Public Defender. We would hope that your Committee consider our comments. As to House Bills 23-33 and 23-36, I urge your Committee to shelve and/or recommend against their passage by the House. I have made the same comments regarding the Bail Reform Act from the Senate version. As to House Bills 23-37 and 23-28, those need further improvement and review if they are needed at all for our community.

Thank you for the opportunity to submit comments and for your Committee's consideration. I look forward to meeting with your Committee and members of the House as to criminal-justice legislation for a balanced approach to policymaking for our community.

Sincerely,



ROBERT T. TORRES  
Attorney at Law

Cc: Members, CNMI House of Representatives  
Douglas Hartig, Chief Public Defender



**Office of the Public Defender  
Commonwealth of the Northern Mariana Islands**

Civic Center Complex • P.O. Box 10007 • Saipan, MP 96950  
Tel.: (670) 234-6215 • 234-6503 • 234-2421 • Fax: (670) 234-1009  
hartig.pdo@gmail.com

April 18, 2023

Rep. Marissa R. Flores  
Chair, Judiciary and Governmental Operations Committee  
23rd House of Representatives

Re: H.B. 23-33, 23-36, 23-37, 23-38, 23-40

Dear Madam Chair;

Thank you for the opportunity to comment on these bills.

Several bills recently proposed in the House and the Senate will, if passed, move the CNMI criminal justice system in the wrong direction. The Senate is already considering a problematic bill that seek to keep more people in jail without the right to bail. The bills before the Senate and the House currently stand in stark contrast to attempts at criminal justice reform in the rest of the country.

There are certainly issues that are in need of reform in our criminal justice system, but the proposed bills before this committee do not address the actual issues that need reform. These bills would simply perpetuate a criminal justice system that is overly costly, that fails to address the root problems that lead to criminal behavior, that is punitive rather than rehabilitative, and that uniquely harms low-income people. While the rest of the United States is largely moving away from mandatory minimum sentences and jail time for minor infractions, these proposed bills will move the CNMI in the wrong direction, and it would not have the intended effects of making the CNMI a safer place or making the legal system more "just."

The bills before the House do not meet the best practices being implemented in other jurisdictions; moreover, there is no demonstrated need for most of the

changes proposed in these bills. The author of the bills makes unsupported assertions about purported rises in criminal activity by felons and a rise in incidences of failures to appear in court. But none of these claims are based in data or in reality. In fact, the proposed changes to bail will literally cause the death of one of my clients awaiting trial on a reckless driving case. Nowhere in a civilized country should poor driving be a death penalty case.

These bills are the subject of the following comments.

### **H.B. 23-33 Bail Restrictions**

The Office of the Public Defender strongly opposes the proposed changes outlined in the H.B.23-33, and we urge the Commonwealth Legislature not to pass this bill. The bill cannot be reconciled with the current Rules of Criminal Procedure. It has no practical, statistical, or legal justification. Rather, it would unnecessarily increase the financial burden on CNMI taxpayers and government to pay for pretrial detention. Furthermore, the changes outlined in this bill would have no positive or practical impact on community safety. Instead, this bill would simply serve to trample upon the rights of CNMI citizens accused of crimes, *ruin families, cause unemployment* and may even *cause the death* people accused of minor misdemeanors.

Notably absent from the "Purpose" section of the bill is any sourcing. This bill appears to be written without an understanding of the CNMI legal system. Not only is the unconstitutionality of this bill clear, but the proposed changes to statutes are in conflict with criminal rules of procedure and will be invalid. Our Supreme Court has found that "the function of the legislature is indeed to create law, but it has no constitutional authority to modify or enact statutes that overrule court rules of procedure."<sup>1</sup> The court rules of criminal procedure fully cover bail. For example,

---

<sup>1</sup> *Reyes v. Reyes*, 2004 MP 1 ¶ 99. "[T]he creation of court procedure is purely a judicial function. As a pure judicial function, the procedural rules of a court take precedence over statutes, to the extent that there is any inconsistency." *Id.*

Rule 46 addresses the conditions of pretrial release, place of release, amount of bail, conditions of third party custodian release, stay away orders and so forth.

The "Purpose" gives one specific example and states that there "has been an increase in the number of cases..." yet does not give any facts to support this claim of an *increase*. On the contrary, there has been no increase in crime committed by people on bail. There are no specific statistics or facts provided as to what conditions of release were violated that justify these extreme statutory amendments. The real issue underlying the one example mentioned in the "Purpose" was the unlawful bartering of a Department of Corrections officer's government issued firearm to pay for his methamphetamine habit. *The issue of improper use of government issued firearms* is one that has occurred a few times recently and one that does present a true danger to the community. That *issue is not addressed in this bill*.

While other jurisdictions across the United States are uniformly passing laws to decrease the use of cash bail and pretrial detention, H.B. 23-33 seeks to do the opposite. The result of H.B. 23-33 would be that more individuals who are accused of crimes and *presumed to be innocent* would be incarcerated as they await trial. The proposed bill is unconstitutional, regressive, and inconsistent with the findings of various groups across the country showing that over-reliance on pretrial incarceration is costly, unnecessary, and leads to unfair and disparate outcomes for indigent people accused of crimes.

There has been a push to improve the fairness and equity of bail practices across the United States since at least 1964, when the first National Conference on Bail and Criminal Justice was held. Then Attorney General of the United States Robert F. Kennedy spoke at the conference about how alternatives to cash bail would not only decrease costs of unnecessary pretrial detention but would also allow courts to use discretion to make sensible bail determinations based on the individual before them and would allow defense lawyers to better represent their clients. Perhaps most importantly, decreasing the use of pretrial detention would protect citizens from having to spend unwarranted time in jail. As Kennedy also

noted, people released from jail pending trial are more likely to achieve just outcomes in their criminal cases.

More recently, the U.S. Department of Justice has voiced its opposition to bail policies that detain arrestees simply for inability to pay bail, on the basis that such policies violate the Equal Protection Clause of the 14<sup>th</sup> Amendment to the U.S. Constitution.<sup>2</sup>

Other jurisdictions have followed suit in noting that criminal defendants have constitutional rights to reasonable bail under the 5<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments.<sup>3</sup> For example, the California Supreme Court has recently sharply limited the use of cash bail to detain individuals pending trial and now requires that courts make an individualized determination about the defendant's ability to pay bail and use less restrictive alternatives than detention whenever possible.<sup>4</sup>

In Texas, the Judicial Council Criminal Justice Committee recommended in 2018 that the state's bail statutes should be amended to provide for a presumption of pretrial release for both misdemeanors and felonies and should leave discretion with judges as to what the terms of pretrial release should be. A federal judge in Texas also ruled that keeping people incarcerated pending trial simply because they could not afford bail violated the Equal Protection and Due Process Clauses of the U.S. Constitution.<sup>5</sup>

These courts note the many disadvantages of pretrial detention. For one, an accused person in jail may be hampered in preparing his/her own defense. The accused also faces the prospect of losing his/her job, home, or custody of children. Spending more time in jail awaiting trial is also associated with a higher rate of

---

<sup>2</sup> See *Varden v. City of Clanton*, 2:15-cv-34-MHT-WC (M.D. Alabama 2015) (Statement of Interest of the United States at 1). Other jurisdictions have followed suit in noting that criminal defendants have constitutional rights to reasonable bail under the 5<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments

<sup>3</sup> Note that in the CNMI, criminal defendants also have a constitutional right to reasonable bail under Article 1, section 4(f) of the Commonwealth Constitution.

<sup>4</sup> See *In re Kenneth Humphrey*, S247278 (Cal. 2021).

<sup>5</sup> . See *O'Donnell v. Harris County*, 4:16-cv-01414 (S.D. Tex. 2016).

reoffending. <sup>6</sup> Finally, pretrial detention increases the costs to the Commonwealth of housing individuals in the jail who could otherwise safely be released.

One of the biggest problems with the proposed changes in H.B. 23-33 is that it takes away much of the discretion that the criminal court judges currently have when it comes to setting bail and bail conditions. This discretion is invaluable because it allows the judges to take into account the individual characteristics of each person coming before them as well as the unique nature of the different cases. The proposed legislation seeks to take away much of the judge's discretion to set bail and would add unnecessary delay to a person's request to be released on bail if he or she is accused of a felony.

Felony charges can range from property crimes such as theft to the most violent offenses like murder. The current bail statutes recognize this broad range and therefore does not specify different rules for felonies versus misdemeanors. But the proposed changes lump all felonies together.

The proposal to deny bail altogether for certain people is especially problematic given that the CNMI does not have a speedy trial statute that specifies a period of time within which a person is entitled to either a trial or a probation revocation hearing. What this means is that a person who is denied bail could be held in custody indefinitely while awaiting trial or a revocation hearing.

Specifically, the proposed bill will have the following objectionable effects to current law:

§ 6401(a): Treats all alleged felonies the same as murder for purposes of bail. This is both extreme and unnecessary. This is a very clear constitutional violation of the right to reasonable bail. It also conflicts with Rule 31(f) of the Criminal Rules of Procedure which says "The defendant may be admitted to bail pending such hearing."

§ 6401(c): Requires 48 hours' notice for a bail hearing. This is completely unreasonable. This Proposed notice requirement is *purely designed to delay hearings as to bail*. Do not believe the guise that this is so the prosecutor can

---

<sup>6</sup>See *Humphrey* at 9 (citations omitted).

prepare for the bail hearing. Long before an arrestee has been appointed a public defender, the prosecutors have already reviewed and signed off on the detailed documents used to justify the arrest to a Superior Court judge and to propose the original bail set. *The prosecutors in fact already have significantly more time* to prepare for bail hearings than the defense attorneys. It is certainly not a surprise that a defense attorney would argue for reduced bail conditions. If the prosecution believes that release on reduced bail conditions is inappropriate, then they should be prepared to make such arguments when the person appears in shackles before a judge.

§ 6402(a): Takes a procedure that previously only applied to someone charged with murder in the first degree and applies it to those charged with much more minor offenses such as theft of something valued at \$250. This is excessive, unnecessary, and unjust. As for the notice requirement added to the statute, this already happens in practice and is already covered by court rules.

§ 6402(b): Eliminates release on bail following conviction but before sentencing. Again, this takes away valuable and necessary discretion on the part of the judge to look at the facts and circumstances of each situation, case, and defendant. For example, a judge may allow a person to remain out on bail post-conviction if the judge intends to sentence the person to probation only; or the judge may allow the defendant out on bail to take care of logistical and family matters and to keep working until he is sent to jail so he can earn money to support his family or *to pay a victim restitution*. The proposed changes eliminate these possibilities and it is not done anywhere in the United States. (Most of the proposed changes are not based on existing laws or practices in other U.S. jurisdictions.)

§ 6403: Proposes an unnecessary notice requirement purely designed to delay hearings as to bail for two full days. In cases where no bail has yet to be set, an accused must wait 4 hours before they can even ask for bail to be set. SO just by being arrested, if bail hasn't already been set, you have to wait 48 hours before you can even ask. His serve only to punish someone merely for being accused.

§ 6404: Seems to imply criminal history is not considered in bail. That's wrong. Judges already do this. Moreover, 6 CMC § 6407 and § 6408 already require

specifically taking the safety of victims of domestic violence and child abuse into consideration when setting bail. Rule 46 of the CNMI Rules of Criminal Procedure covers the remaining factors. The proposed statutory change is completely unnecessary.

§ 6405(a): Requires notice to the party that is bringing the charges in the first place to modify bail. Again, this is a ruse to delay an accused person's access to bail and keep him in jail while his job and family are left without him. Under current practice, many motions are made orally, on the record, before a judge with both the prosecution and defense present. The judge is not allowed to hear an *oral motion* without *all parties present*. The *prosecutors already have ample notice*. Both sides are already given opportunity to make any arguments before the judge rules. If the judge needs more information, or if a party requests more time to prepare their arguments, the judge has the discretion to continue the issue until a later date and can request that parties write a brief elaborating their arguments. Requiring all requests for bail modification to be in written form simply creates an unnecessary delay and an undue burden on an incarcerated person who is supposed to be presumed innocent.

Further, this amendment says the opposing party must have "opportunity to reply." How much opportunity do they need? Under current practice, motions to modify conditions of bail can be heard on the record at a hearing in a matter of minutes if it is simple and there is no objection. With this proposed amendment it could take days or weeks instead of minutes, while the accused person loses his job and cannot contribute to his family while sitting in jail.

§ 6405(b): Takes away the discretion of the judge to allow a person's release after a minor violation of a bail condition. It is already understood that the prosecutor can make a motion to revoke bail for someone who is found to have violated a condition of release. But this goes much farther. Someone who misses court "shall be denied bail" no matter what the reason, even a traffic accident or other reasonable excuse. An accused will have no excuse, even that they were in the hospital. The codification of this in the section above would be confusing and

redundant and would undermine the vital role of the judiciary to assess the individual characteristics of each situation, case and defendant.

§ 6406: Takes away all discretion from a judge to allow bail based on a mere allegation of domestic violence. Remember, this is a determination of whether an *assumed innocent person can go on working and see family* while he waits for the prosecutor to bring him to trial. This is *not about the release of someone who has been proven guilty*.

§ 6409: Again takes away a judge's discretion. The judges already impose many of these conditions but forcing them to do so takes away the discretion. When considering the bail amount and conditions of release, the judges already consider attendance of the accused in court and safety of the public and alleged victims. These factors are already satisfactorily addressed in the CNMI Rules of Criminal Procedure.

§ 6409(a): Requires that judges impose specific conditions in all criminal cases, regardless of how minor the circumstances of the case, including a no alcohol provision even in cases where alcohol is not involved. This is in direct opposition to Rules of Criminal Procedure 46(a)(1), which is controlling. In particular, proposed 6409(a)(1) requires the passport be surrendered for even the most minor of crimes. Thus someone only *accused of a minor crime cannot travel for medical purposes*. Currently I have a client who needs emergency surgery in Korea or *he will die*. He is accused of reckless driving and is innocent. If this proposed bill were law he could not go to Korea and would die. We do not want to kill people just for being accused of reckless driving. Also, it creates a situation where an accused person cannot have his passport to renew a work visa, or use as identification for food stamps or access to other crucial public services and entitlements. Proposed subsection (a)(2) is already ordered in every case. Proposed subsection (a)(3) allows for someone to get their bail revoked for running a stop sign. Proposed subsection, (a)(5) seems to prohibit fishing by an accused person. Proposed subsection (a)(7) is already addressed by court rule. Proposed subsection (a)(8) is unnecessary and tries to interfere with the attorney/client relationship.

§6409(b): Lists discretionary conditions of bail that the court may require, but also says these are not the only discretionary conditions. So what are the others? Such a vague catchall provision is rife for misunderstandings and abuse that will be costly and time-consuming for the Supreme Court to later clarify. Besides, all these discretionary conditions are already addressed in the Rules of Criminal Procedure. Proposed subsection (b)(1) and (2) have the unintended consequence of giving additional work to our already overburdened DPS: they would have to monitor this, as there is no one else to do it. Proposed subsection (b)(3) is impossible on a practical level: the CNMI has no electronic monitoring capabilities. Proposed subsection (b)(4) adds to the responsibilities of the already-overburdened probation office.

§ 6409(c): Restricts access to third party custodians. This proposed provision will effectively tear up families. It is impractical and unfair. Over the past two decades, I have observed the CNMI to be a family-oriented society. This proposed provision is an effort to tear at the family fabric of these islands. The condition that a third-party custodian not be a spouse is unnecessary and impractical. This will break families apart since either someone would need to find a third-party custodian willing to move in with them and their spouse (and children) or they would have to move their spouse and children to the third-party custodian's residence or they would have to live apart from their family.

There is no reason some spouses could not be a third-party custodian if the court finds them fit. Again, the judge should have discretion to look at individual situations and determine if the spouse would be an appropriate third-party custodian.

There is no reason that a parent of a victim inherently cannot be an appropriate third-party custodian or why a potential witness is inherently unfit to be a third-party custodian. The judge can order them not to discuss the case. In some cases, numerous people are potential witnesses. How close the third-party custodian lives to a victim should be left up to the discretion of the judge based on individual circumstances, including the nature of the offense.

Simply because someone has been convicted of a crime in the past does not inherently disqualify them from being a third-party custodian. What if someone is convicted of a minor theft 30 years ago? There is no reason why a 50-year-old man who shoplifted a Coco pie 30 years ago and has been a model citizen ever since be able to be a third party for his nephew who is accused (but presumed innocent) of having shouted at his girlfriend and disturbed her peace. Judges should be able to look at the circumstances of the convictions and use their discretion. The judge should continue be able to decide if a thirty-year-old mistake of an otherwise good citizen makes him unworthy of the trust of the court to supervise his nephew.

Former Chief Justice of the U.S. Supreme Court William Rehnquist once said, "In our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception."<sup>77</sup> This bill stands for the notion of presumed guilty and locked up until found not guilty.

For all the reasons discussed above, the Office of the Public Defender urges the Legislature to reject H.B. No. 23-33. The Commonwealth should encourage, rather than hamper, the pretrial release of individuals accused of crimes in all but the most exceptional cases where detention may be warranted due to demonstrated past failures to appear in court or by a clear and substantial risk to the safety of the victim or the public.

In conclusion, if the CNMI wants to enact real bail reform, it should enable judges to release more accused people on their own recognizance rather than increasing the onerous conditions placed upon a person awaiting trial. Again, these are people merely accused of a crime. Even in a case where there is an alleged victim, the judge should be able to hear from the victim and use discretion when deciding whether to impose no contact provisions or other conditions of that nature. The conditions of release should be tailored to the individual people and case rather than being codified in a statute. Similarly, the judge should maintain his/her

---

<sup>77</sup> *United States v. Salerno*, 481 U.S. 739, 755 (1987).

authority to decide whether a third-party custodian is suitable rather than being restricted to the conditions identified in H.B. No. 23-33.

#### **HB 23- 36 Removal Of Grace Period For Uninsured Motorist.**

Contrary to what is said in the legislative Findings and Purpose, *currently there is no grace period for uninsured motorists*. There is only the opportunity to *prove you had insurance at the time* of the traffic stop but left the insurance card elsewhere, not a period to get insurance. Under current law, every person who operates a motor vehicle *must* have insurance (9 CMC §8203). They must also have an insurance card in their car (9 CMC § 8204). If someone is stopped by DPS and they don't have a *card in the vehicle* to show the officer, they will be given a ticket for violation of *both* §8203 (no insurance) and §8204 (no insurance card in possession).

The only grace period is to *show that they did have insurance at the time*, not to get insurance. Sometimes a driver has lost their insurance card or left it at their house, but they actually did have valid, up-to-date auto insurance. *A person should not be charged for a violation that the Commonwealth knows they did not commit.*

#### **H.B. 23-37**

This section amends requirement for filing police reports in traffic cases. PDO doesn't have a position on this. It is unclear why reports on traffic cases would be filed with DPS Firearms and Records Section, but that seems an internal DPS matter. In addition, it adds a § 101, but to what chapter I know not. It's not the traffic code, 9 CMC, so I can't say.

#### **H.B. 23-38 Jay walking.**

In theory, this jaywalking bill seems perfectly acceptable. It makes jaywalking a payable offense; it carves out an exception if the crosswalk is more than 200 feet away; and it seems to apply only to those "crossing" the street rather than walking along it.

But there is a risk of abuse of this provision by DPS. This bill could incentivize police to prey upon tourists to gain money for their department and unnecessarily exposes tourists to the requirement that they appear in traffic court, thereby disrupting travel plans and exposing them to the penalties of failure to appear that the legislature is considering criminalizing in HB 23-33 (6 CMC §6405 (b)).

*A person could end up with jail time and a criminal record* simply because they crossed the street to take a picture of the sunset. If a tourist gets a ticket but can't read English, they may not understand how or where to pay the ticket. In such an instance, a warrant could be issued, the person could be found guilty of failing to appear in court and they could face prison.

I oppose this bill in its current form, but if such a bill is to become law, the fines should be more manageable such as \$20, \$30 and \$50 respectfully. People are more likely to pay a fine and deal with a ticket if they can afford to do so.

#### **H.B. 23-40**

The stated purpose could have been achieved with the addition of one word, "Debit". By just adding "Debit" next to "Credit" the issue is addressed, treating those who misuse a debit card the same as those who misuse a credit card. But that's not what this bill does. These proposed changes work much more mischief and disservice to the people of the Commonwealth. PDO opposes this bill. Again as with other bill the stated purpose is disingenuous.

This bill will eliminate the requirement that the person being accused act willfully, 6 CMC§ 1704(c) and (e). *This is huge* in the legal arena. By eliminating this one word, someone would be guilty of credit card fraud if they misused a credit card while someone else threatened to kill them if they did not. Under such circumstance that person is acting with the intend to defraud although clearly not willfully. When you cut out the requirement that they act willfully they are now guilty under these circumstances. This may seem an extreme example, but a person could also act negligently, by mistake. There is no reason to eliminate the requirement of willfulness.

Section (g) states a whole new possible prison term for those convicted (four years). Currently the possible prison term depends on the amount of money involved. The change would mean that even if a debit card is used for only a dollar, the offender could get up to four years imprisonment (and under the changes to the bail laws, will spend months in prison, losing a job and ruining a family with no income waiting to finish their case). On the other hand, if it's a large amount they cannot get more than four years in prison, so this is *actual less punishment* than the current law for a serious offense, and more for a minor offense. *The current law just makes sense.* It makes a convicted person more accountable based on what they did; the more money stolen the bigger the sentence. But most importantly, it's clear the proposed change is to *deny accused people the right to a jury trial.* In the Commonwealth the right to a jury trial is triggered when the possible sentence is five years or more. This change thus eliminates the right to a jury.

Further, this bill eliminates § (e)(6). This section is important in that it discourages false accusations by holding the accusers accountable if they are found to have made a false accusation and encourages them to cooperate with law enforcement. Basically it says if someone accused a person of misuse of a credit card they must cooperate with law enforcement. If they refuse it is assumed they acted without probable cause. This is to help prevent false accusations. If under H.B.23-33 an accused person will find it very difficult to be out of prison even before the case is brought to trial, before being found guilty, and we supposedly presume them innocent, then it seems the complaining witness that caused them to be arrested and held should have some responsibility when they make a false complaint.

### **The Legislature Should Consider Reforms**

Reforms are certainly needed, but the bills proposed to the House this session do not address any real concerns in the community. They are founded on faulty reasoning and a lack of data.

The legislature should consider reforms. Changing the definition of felony theft so that our citizens will not be excluded from the military, denied the right to

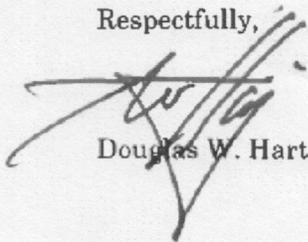
vote, disqualified for loans and be branded a felon for life simply for taking a used cell phone. We should increase the right to pretrial bail to preserve the family, jobs and the principal of innocent until proven guilty not restrict it. We do not have a grand jury as guaranteed by the U.S. constitution but we could at least require a finding of probable cause to believe someone is guilty of a felony at a preliminary hearing to weed out illegitimate allegations before they face the stress of a trial and the Commonwealth incurs the costs. We should not disallow courts from having latitude in sentencing but should require them to explain their rulings for the benefit of the accused and the general public.

Through legislation the courts should be limited in their ability to deny someone's right to petition for parole so that a prisoner is encouraged rather than discouraged to reform and so that a convicted person's release is based on reformation as found by a board, not just the running of the clock.

The PDO would be happy to work together with the House Standing Committee on Judiciary and Governmental Operations to identify and propose evidence-based bills that can effectuate progress towards a fairer and just legal system and a safer community.

Thank you for the opportunity to submit these comments.

Respectfully,



Douglas W. Hartig



Commonwealth of the Northern Mariana Islands  
**Office of the Attorney General**

2<sup>nd</sup> 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](mailto:rep.floresm@cnmileg.net)**

April 24, 2023

OAGHOR: 2023-27  
LSR No. 23-187

Hon. Marissa Flores  
Chairperson, House Committee on Judicial  
and Governmental Operations  
House of Representatives  
23rd Northern Mariana Islands Legislature  
Saipan, MP 96950

**Re: House Bill No. 23-33: "To improve standards in bail proceedings by establishing bail procedures, authorizing denial of bail, imposing conditions of release, and protecting victims."**

Dear Chairperson Flores:

Thank you for requesting the comments of the Office of the Attorney General on House Bill 23-33, the Keisha King Bill. The bill proposes to strengthen the CNMI's bail statute, apply stronger enforcement of bail conditions, and to ensure the safety of the citizens of the CNMI from repeat offenders and those who violate their conditions of bail.

The bill as written is constitutionally sufficient. Additionally, the Office of the Attorney General strongly supports this bill as written. The bill is named after Keisha King, who was tragically killed when a repeat offender, Gordon Castro, who had violated his conditions of probation including the commission of new felony offenses was released back into society on bail.

This bill is necessary to ensure defendants appear for their court appearances and will protect the law-abiding citizens of the CNMI from dangerous repeat offenders.

First, the bill ensures that the prosecution is allowed to be heard before any application of bail is granted. Prosecutors typically have the requisite information for the judge to evaluate the history of appearance in court as well as whether the individual is a repeat offender and whether an individual may pose a danger to a victim or the CNMI community. The prosecutor represents the people of the CNMI and has a duty to do justice; thus, having a bail system that ensures they are heard prior to the granting of bail ensures representation of the community in the proceeding.

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

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

**Attorney General Investigation Division**  
Telephone: (670) 237-7628  
Facsimile: (670) 234-7016

**Victim Witness Advocacy Unit**  
Telephone: (670) 237-7602  
Facsimile: (670) 234-7016

Second, the bill ensures that judges are the proper entity to fix bail amounts for the most serious of offenses. As it currently stands, an individual who is arrested may be able to post bail based on an outdated bail schedule. This system allows those who are more affluent to bypass the proper inquiries for release on bail where those who are unable to afford it must wait for the judge. This bill fixes this disparity and ensures all defendants undergo the same process for release on bail.

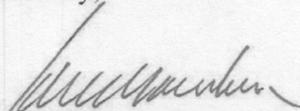
Third, the bill creates a clear framework for judges when affixing bail. The bill offers clear guidance on what a judge must consider when granting bail and when a defendant may be denied bail.

Lastly, the bill allows prosecutors to bring bail modifications when a defendant has committed a violation of the bail conditions. The bill ensures that those who violate their bail by the commission of a new offense or fail to appear for their court hearing will be denied bail. This ensures appearances of the defendant and protects the community from repeat violators.

This bill will create a better bail system to ensure defendants appear for their court appearances while also ensuring the protection of the community from repeat offenders. The Office of the Attorney General supports the passage of this bill.

I am available to discuss further the issues raised in HB 23-33. Please feel free to contact me at (670) 237-7500 or email at [attorney\\_general@cnmioag.org](mailto:attorney_general@cnmioag.org).

Sincerely,



EDWARD MANIBUSAN  
Attorney General

cc: All Members, House of Representatives



Commonwealth of the Northern Mariana Islands  
**Office of the Attorney General**

2<sup>nd</sup> 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](mailto:rep.floresm@cnmileg.net)**

June 8, 2023

OAGHOR: 2023-47

Hon. Marissa Flores  
Representative  
House of Representatives  
23<sup>rd</sup> Northern Marianas Commonwealth Legislature  
Saipan, MP 96950

**Re: Comments on HB 23-33, HS1; The Bail Reform Act**

Dear Representative Flores:

Thank you for the opportunity to comment on House Substitute 1 of the Bail Reform Act ("Act"). The comments below are in addition to the Attorney General's review of the original Bill as introduced.

The purpose of this proposed Act is to improve current law by striking a balance between the rights of the accused and public safety. The Bill takes a strong stance on offenders who commit felony offenses with victims involved. When an offender commits crimes such as Violent Crimes, most especially crimes of Domestic Violence such as stalking, strangulation, sexual assault, and assault and battery, an offender will no longer be released on bail to potentially harm another or the same victim who called the police in the first place.

Too many times the Criminal Division has seen a repeat offender get arrested and released on unsecured bail the next day. The offender returns to the victim's residence inflicting even more violence or threats of violence resulting in more trauma for the victim and their respective families. In other instances, once the offender is released the victim is too afraid to stay in their own home and is forced to seek protection in a shelter. This Bill is vital for keeping victims feeling secure and safe. As a result, people of the Commonwealth will have more confidence in the criminal justice system's ability to help victims of crimes.

Defendant's right to bail is not automatically taken upon rearrest. A prosecutor must file a motion to deny bail and show by a preponderance of evidence why the court should deny the defendant's release through bail. This step allows the court to balance, again, the need for public safety with the rights of the accused.

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

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

**Attorney General Investigation Division**  
Telephone: (670) 237-7628  
Facsimile: (670) 234-7016

**Victim Witness Advocacy Unit**  
Telephone: (670) 237-7602  
Facsimile: (670) 234-7016

In 2019, a repeat offender Gordan Castro was released on bail. I was the prosecutor who handled the Gordon Castro drug case in 2019. He was allowed to post bail even though he had a kidnapping (domestic violence) conviction in 2015, in which he served three years. It was during his release in the 2019 case where he again kidnapped his then girlfriend, Kisha King. He eventually obtained a gun shot and killed her. I knew Kisha King. She was a graduate of the Judiciary's Drug Court program. Kisha was smart and had a bright future. But like many victims who try to get away from their old life, and abusive relationships, they cannot break the cycle of violence because their offender is free. In that case Gordon Castro should have never been out on bail. If he was not out on bail, Kisha may have had a chance to live a fruitful and promising life.

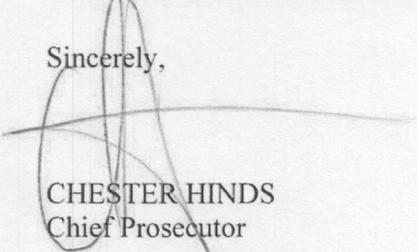
There are many issues that need to be addressed to ensure others are not in the same situation like the Gordan Castro case. This Bill works collectively to address some of those issues, which will not only improve public safety, but the victim's safety. Although the Criminal Division does not currently track the number of cases committed by defendants released on bail, it is our observation that defendants committing new crimes while on bail happens often.

Recently a defendant out on bail for a Domestic Violence Assault & Battery went back to the victim's residence and assaulted her again. He was arrested and he was not allowed to post bail. This Bill makes that process much more efficient and effective.

The Northern Mariana Islands is a close-knit and intimate community. When victims and families are safe, the public and communities across the Northern Mariana Islands are also safe.

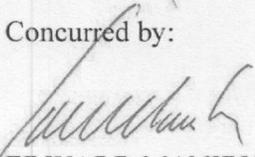
For these reasons, the Office of the Attorney General's Criminal Division is in full support of The Bail Reform Act and the conditions of bail proceedings towards violent repeat offenders. It is imperative for the court to consider offenders who violate conditions of their release while on bail, probation or parole conditions.

Sincerely,



CHESTER HINDS  
Chief Prosecutor

Concurred by:



EDWARD MANIBUSAN  
Attorney General

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

MARCH 31, 2023

First Regular Session, 2023

H. B. 23-33, HS1

---

---

A BILL FOR AN ACT

To amend the Code of Criminal Procedure to describe judicial discretion to deny bail under certain circumstances.

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

1           **Section 1. Purpose and Findings.** The purpose of the Act is to describe the  
2   discretion of a judge to deny bail if a judge determines that release would not assure  
3   the appearance of the person in court or would endanger the public. The discretion  
4   for making this decision remains with the judge.

5           **Section 2. Amendments.** Title 6 CMC § 6401(a) of the Commonwealth  
6   Code is hereby amended to read as follows:

7           **“§ 6401. Right to Bail.**

8           (a) Any person arrested for a criminal offense, other than murder in the  
9   first degree, shall be entitled as a matter of right to be released on bail before  
10   conviction, unless the judge determines, on the basis of available  
11   information, that such a release would not reasonably assure the appearance  
12   of the person as required or would endanger the safety of any other person or

1     the community; provided, however, that no person may be so released while  
2     so under the influence of intoxicating liquor or drugs that there is a reasonable  
3     ground to believe the person will be offensive to the general public.

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

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

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

Filed:

Date: \_\_\_\_\_ Introduced by: /s/ Rep. Marissa R. Flores

Reviewed for Legal Sufficiency by:

/s/ John M. Bradley

House Legal Counsel