



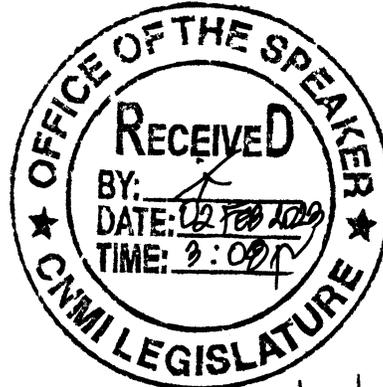
Arnold I. Palacios
Governor

David M. Apatang
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

31 JAN 2023

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



2/2/23

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

Dear Mr. Speaker and Madam President:

This is to inform you that I have signed into law **House Bill No. 22-18, HD1** entitled, "To amend Division 4 of Title 6 of the Commonwealth Code relating to disposition of offenders and sentencing to provide criteria for imposition of enhanced sentencing of defendants for crimes motivated by hate.", which was passed by the House of Representatives and the Senate of the Twenty-Second Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 22-32**. Copies bearing my signature are forwarded for your reference.

Sincerely,

ARNOLD I. PALACIOS
Governor

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DATE 2/2/2023 TIME 3:58 PM

cc: Lt. Governor; Attorney General's Office; Commonwealth Law Revision Commission; Public Auditor; Programs and Legislative Review Office



*Twenty-Second Legislature
of the
Commonwealth of the Northern Mariana Islands*

IN THE HOUSE OF REPRESENTATIVES

FIRST REGULAR SESSION

FEBRAURY 19, 2021

REPRESENTATIVE DONALD M. MANGLONA OF ROTA, PRECINCT 7 (*for himself, Representative(s) Blas Jonathan "BJ" T. Attao, Celina R. Babauta, Sheila J. Babauta, Richard T. Lizama, Edwin K. Propst, Christina M.E. Sablan, Leila H.F.C. Staffler, Edmund S. Villagomez, and Ralph N. Yumul,*) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 22-18, HD1

AN ACT

TO AMEND DIVISION 4 OF TITLE 6 OF THE COMMONWEALTH CODE RELATING TO DISPOSITION OF OFFENDERS AND SENTENCING TO PROVIDE CRITERIA FOR IMPOSITION OF ENHANCED SENTENCING OF DEFENDANTS FOR CRIMES MOTIVATED BY HATE.

IN THE HOUSE OF REPRESENTATIVES

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 22-14; adopted 6/16/2021.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, JUNE 16, 2021;**

with amendments in the form of H. B. No. 22-18, HD1 and transmitted to **THE SENATE.**

IN THE SENATE

The Bill was referred to the Senate Committee on Judiciary, Government, Law and Federal Relations.

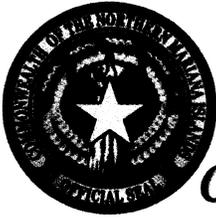
THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, JANUARY 3, 2023;

without amendments and returned to **THE HOUSE OF REPRESENTATIVES.**

**H. B. NO. 22-18, HD1 IS DULY PASSED BY THE TWENTY-SECOND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE.**



Linda B. Muña, House Clerk



Twenty-Second Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

FIRST DAY, THIRD SPECIAL SESSION

JUNE 16, 2021

H. B. No. 22-18, HD1

AN ACT

**TO AMEND DIVISION 4 OF TITLE 6 OF THE COMMONWEALTH
CODE RELATING TO DISPOSITION OF OFFENDERS AND
SENTENCING TO PROVIDE CRITERIA FOR IMPOSITION
OF ENHANCED SENTENCING OF DEFENDANTS FOR
CRIMES MOTIVATED BY HATE.**

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

1 **SECTION 1. FINDINGS AND PURPOSE.**

2 The Legislature finds and determines that criminal acts borne of hate have become more
3 pervasive and widespread. Hate crimes are grounded upon an individual's identifying
4 characteristics and are symbolic, meant to send a message to that person and to that person's
5 community. The cultural fabric of the CNMI community is tightly wound with the values of
6 respect and tolerance for one another. A community's laws express the values of that
7 community, and the current lack of legal protection from crimes based on a person's race,

HOUSE BILL 22-18, HD1

1 color, national origin, age, ancestry, gender, gender identity or expression, religion, religious
2 practice, disability, or sexual orientation of a person is the antithesis of those values.

3 The Commonwealth of the Northern Mariana Islands trails behind the widespread
4 reform that has taken hold in the United States of America that has recognized, illegalized, and
5 penalized hate-based criminal acts, by expanding the number of “protected groups,” as targets
6 of hate-motivated crime; by providing penalty enhancement for hate-based crimes; and by
7 requiring data collection and statistical reporting. The Commonwealth joins a minority of states
8 and territories that have yet to enact meaningful legislation to regulate hate-based crimes
9 (Arkansas, Wyoming, South Carolina, American Samoa, Guam, and the U.S. Virgin Islands).
10 It is time for the Commonwealth to join the majority of states that have passed reform
11 legislation regulating hate-based criminal acts.

12 As Martin Luther King, Jr. once said, “Morality cannot be legislated but behavior can
13 be regulated.” In a democratic society like ours, while citizens cannot be required to approve
14 of the beliefs, practices, and identities of others, they must never commit criminal acts on
15 account of them. As such, the Legislature finds that the proposed legislation will ensure that
16 every individual within this Commonwealth is afforded an equal opportunity to enjoy life,
17 liberty, and the pursuit of happiness without the fear or intimidation that their inherent qualities
18 or characteristics would exclude them from all privileges of the Commonwealth.

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1 **SECTION 2. ENACTMENT.**

2 The following is enacted subject to codification by the Commonwealth Law Revision
3 Commission:

4 **“Hate Crimes Act of 2021.**

5 **§ 101 Short Title.** This act shall be known and may be cited as the Hate Crimes
6 Act of 2021.

7 **§ 102 Purpose.** The purpose of this Act is to require enhanced sentencing and
8 to provide criteria for imposition of enhanced sentencing of defendants for crimes
9 motivated by hate.

10 **§ 103 Hate Crimes.**

11 (a) A person commits a hate crime when he or she commits a specified offense
12 and either:

13 (1) intentionally selects the person against whom the offense is committed or
14 intended to be committed in whole or in part because of a belief or perception regarding
15 the race, color, national origin, age, ancestry, gender, gender identity or expression,
16 religion, religious practice, disability, or sexual orientation of a person, regardless of
17 whether the belief or perception is correct, or

18 (2) intentionally commits the act or acts constituting the offense in whole or in
19 part because of a belief or perception regarding the race, color, national origin, age,
20 ancestry, gender, gender identity or expression, religion, religious practice, disability,
21 or sexual orientation of a person, regardless of whether the belief or perception is
22 correct.

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1 (b) Proof of race, color, national origin, age, ancestry, gender, gender identity
2 or expression, religion, religious practice, disability, or sexual orientation of the
3 defendant, the victim, or of both the defendant and the victim does not, by itself,
4 constitute legally sufficient evidence satisfying the Commonwealth's burden under
5 paragraphs (1)-(2) of subdivision (a) of this section.

6 (c) A "specified offense" is any offense set forth in Title 6, Division 1, Part 1
7 (Crimes Against the Person), Chapter 1 (Homicide), Chapter 2 (Assault and Related
8 Offenses), Chapter 3 (Sexual Offenses) Article 1 only, Chapter 4 (Robbery;
9 Kidnapping; Other Crimes Against the Person), and Chapter 5 (Human Trafficking and
10 Related Offenses); and Title 6, Division 1, Part 2 (Crimes Against Property), Chapter
11 1 (Theft and Related Offenses) Sections 1601-1605 only, and Chapter 3 (Other Property
12 Offenses) only; or any attempt or conspiracy to commit any of the foregoing offenses.

13 (d) For purposes of this Act:

14 (1) The term "age" refers to *man-amko*, meaning all persons residing within the
15 Commonwealth of the Northern Mariana Islands who have reached the age of 55 years
16 and over.

17 (2) the term "disability" means a physical or mental impairment that
18 substantially limits a major life activity, including a person's functions such as caring
19 for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing,
20 learning, and working;

21 (3) the term "gender identity or expression" means a person's actual or
22 perceived gender-related identity, appearance, behavior, expression, or other gender-

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1 related characteristic regardless of the sex assigned to that person at birth, including,
2 but not limited to, the status of being transgender;

3 (4) the term “sexual orientation” means having a preference for, history of, or
4 being identified with heterosexuality, homosexuality, and bisexuality.

5 **§ 104 Sentencing.** A person who is convicted of a specified offense under this
6 Act shall be subject to an extended term of imprisonment and/or penalty under this
7 Section if the finder of fact finds beyond a reasonable doubt that the person has
8 committed a hate crime as set forth in this Act, notwithstanding any other provision of
9 law:

10 (a) If the maximum penalty for the specified offense is one year or less, the
11 penalty for a violation of this Act shall be imprisonment for not more than one year or
12 a fine of not more than \$2,000 or both.

13 (b) If the maximum penalty for the specified offense is five years or over one
14 year, the penalty for a violation of this Act shall be imprisonment for not more than five
15 years or a fine of not more than \$5,000 or both.

16 (c) If the maximum penalty for the specified offense is more than five years but
17 less than ten years, the penalty for a violation of this Act shall be imprisonment for not
18 more than seven years or a fine of not more than \$10,000 or both.

19 (d) If the maximum penalty for the specified offense is ten years or more, the
20 penalty for a violation of this Act shall be imprisonment for not more than ten years or
21 a fine of not more than \$15,000 or both.

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1 (e) In addition to any of the dispositions authorized by this Act, the court may
2 require as part of the sentence imposed upon a person convicted of a hate crime
3 pursuant to this Act, that the defendant complete a program, training session, or
4 counseling session directed at hate crime prevention and education, where the court
5 determines such program, training session or counseling session is appropriate and
6 available.

7 (f) Any additional term imposed pursuant to this section shall be in addition to
8 any other punishment provided by law.”

9 **SECTION 3. SEVERABILITY.**

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

14 **SECTION 4. SAVINGS CLAUSE.**

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

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SECTION 5. EFFECTIVE DATE.

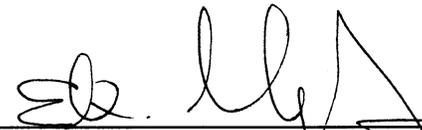
This Act shall take effect upon its approval by the Governor, or its becoming law without such approval.

Attested to by:



Linda B. Muña, House Clerk

Certified by:



SPEAKER EDMUND S. VILLAGOMEZ
House of Representatives
22nd Northern Marianas Commonwealth Legislature

Approved this 31st day of January, 2023



ARNOLD I. PALACIOS
Governor
Commonwealth of the Northern Mariana Islands