

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
Session, 2022

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H. B. 22- 110

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A BILL FOR AN ACT

To provide for expungement of the criminal records of certain marijuana- and firearms-related offenders.

BE IT ENACTED BY THE 22<sup>ND</sup> NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:

1           **Section 1. Findings and Purpose.** The Legislature finds that the  
2 Commonwealth legalized cannabis for recreational use with PL 20-66,  
3 the Taulamwaar Sensible CNMI Cannabis Act of 2018. Numerous U.S. jurisdictions,  
4 including many that have likewise legalized cannabis use, have passed legislation  
5 permitting expungement of criminal records for cannabis possession or distribution.  
6 In keeping with the movement, in the CNMI and nationally, towards criminal  
7 justice reform, rehabilitation, and restorative justice, it is the sense of the  
8 Legislature that expungement of marijuana possession convictions serves the  
9 interest of reducing carceral and punitive approaches to public health problems.

10           It is further the sense of the Legislature that PL-73 repealed the Weapons  
11 Control Act in force prior to the application of the *District of Columbia v. Heller*  
12 interpretation of the Second Amendment by the U.S. District Court for the Northern

1 Mariana Islands, but that PL 19-73 did not provide for extinguishing criminal  
2 liability that attached under the repealed statutes. The Legislature therefore finds  
3 that offenders convicted under the repealed statutes should have recourse to  
4 expunge their convictions.

5 **Section 2. Amendment.** A new Title 6, Division 4, Section 4120 of the  
6 Commonwealth Code is hereby enacted to read as follows:

7 “Expungement.

8 a) Upon motion from a person convicted for the possession of marijuana  
9 under Division 2, Chapter 1, Article 4 of this Title arising from a set of  
10 facts and circumstances that resulted in no other criminal charge, the  
11 court shall grant an expungement order pertaining to the conviction for  
12 the offense; provided that the amount of marijuana for which the person  
13 was convicted of possessing was thirty grams or less.

14 b) Upon motion from a person convicted for a weapons control offense  
15 under Division 2, Chapter 2, Article 1 of this Title arising from a set of  
16 facts and circumstances that resulted in no other criminal charge, the  
17 court shall grant an expungement order pertaining to the conviction for  
18 the offense.

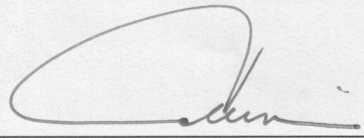
19 **Section 3. Severability.** If any provisions of this Act or the application of  
20 any such provision to any person or circumstance should be held invalid by a court  
21 of competent jurisdiction, the remainder of this Act or the application of its

1 provisions to persons or circumstances other than those to which it is held invalid  
2 shall not be affected thereby.

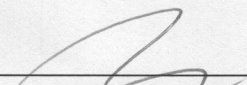
3 **Section 4. Effective Date.** This Act shall take effect upon its approval by  
4 the Governor, or its becoming law without such approval.

Prefiled: 7/15/2022

Date: 7/14/22 Introduced by:

  
Representative Celina R. Babauta

Reviewed for Legal Sufficiency by:

  
House Legal Counsel

