

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2021

H. B. 22-18

A BILL FOR 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.** The Legislature finds and
2 determines that criminal acts borne of hate have become more pervasive and
3 widespread throughout the Commonwealth of the Northern Mariana Islands.
4 Hate crimes are grounded upon an individual's identifying characteristics and
5 are symbolic, meant to send a message to that person and to that person's
6 community. The cultural fabric of the CNMI community is tightly wound with
7 the values of respect and tolerance for one another. A community's laws express
8 the values of that community, and the current lack of legal protection from
9 crimes based on a person's race, color, national origin, age, ancestry, gender,
10 gender identity or expression, religion, religious practice, disability, or sexual
11 orientation of a person is the antithesis of those values.

12 The Commonwealth of the Northern Mariana Islands trails behind the
13 widespread reform that has taken hold in the United States of America that has

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

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

19 **Section 2. Enactment.** The following is enacted subject to codification
20 by the Commonwealth Law Revision Commission:

21 **“Hate Crimes Act of 2021.**

22 **§ 101 Short Title.** This act shall be known and may be cited as the Hate
23 Crimes Act of 2021.

1 **§ 102 Purpose.** The purpose of this Act is to require enhanced
2 sentencing and to provide criteria for imposition of enhanced sentencing of
3 defendants for crimes motivated by hate.

4 **§ 103 Hate Crimes.**

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

7 (1) intentionally selects the person against whom the offense is
8 committed or intended to be committed in whole or in substantial part
9 because of a belief or perception regarding the race, color, national
10 origin, age, ancestry, gender, gender identity or expression, religion,
11 religious practice, disability, or sexual orientation of a person,
12 regardless of whether the belief or perception is correct, or

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

19 (b) Proof of race, color, national origin, age, ancestry, gender, gender
20 identity or expression, religion, religious practice, disability, or sexual
21 orientation of the defendant, the victim, or of both the defendant and the
22 victim does not, by itself, constitute legally sufficient evidence

1 satisfying the Commonwealth's burden under paragraphs (1)-(2) of
2 subdivision (a) of this section.

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

12 (d) For purposes of this Act:

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

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

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

1 to that person at birth, including, but not limited to, the status of
2 being transgender;

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

6 **§ 104 Sentencing.** A person who commits, causes to be committed, or
7 attempts to commit a hate crime as set forth in this Act shall be subject to the
8 following penalties, notwithstanding any other provision of law:

9 (a) If the maximum penalty for the underlying crime is one year or less,
10 the penalty for a violation of this Act shall be imprisonment for not
11 more than one year or a fine of not more than \$2,000.00, or both.

12 (b) If the maximum penalty for the underlying crime is five years or
13 over one year, the penalty for a violation of this Act shall be
14 imprisonment for not more than five years or a fine of not more than
15 \$5,000.00, or both.

16 (c) If the maximum penalty for the underlying crime is more than five
17 years but less than ten years, the penalty for a violation of this Act
18 shall be imprisonment for not more than seven years or a fine of not
19 more than \$10,000.00, or both.

20 (d) If the maximum penalty for the underlying crime is ten years or
21 more, the penalty for a violation of this Act shall be imprisonment
22 for not more than ten years or a fine of not more than \$15,000.00, or
23 both.

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

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

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

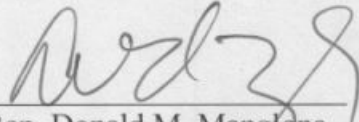
15 **Section 4. Savings Clause.** This Act and any repealer contained herein
16 shall not be construed as affecting any existing right acquired under contract or
17 acquired under statutes repealed or under any rule, regulation, or order adopted
18 under the statutes. Repealers contained in this Act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

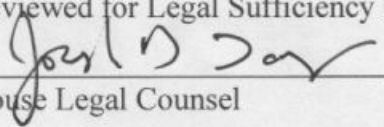
23 **Section 5. Effective Date.** This Act shall take effect upon its approval

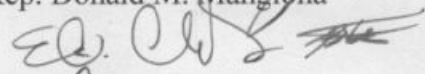
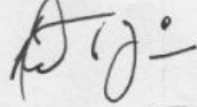

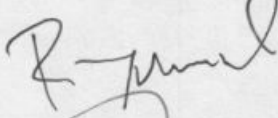
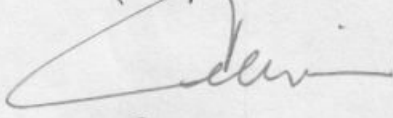
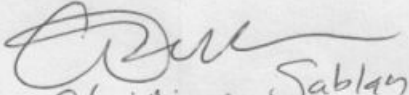
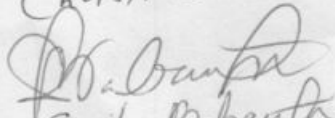
1 by the Governor, or it becoming law without such approval.

Prefiled: 2/5/2021

Date: 2/5/21

Introduced by: 
Rep. Donald M. Mangiona

Reviewed for Legal Sufficiency by:

House Legal Counsel







Christina Sablan

Sueita Babanfa
