TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Session, 2021	Н. В. 22- 20

A BILL FOR AN ACT

To amend Title 2, Division 2, Chapter 1 of the Commonwealth Code to grant the Commonwealth Ports Authority (CPA) – Ports Police with law enforcement authority.

BE IT ENACTED BY THE 22ND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Findings and Purpose. The Legislature finds that the 2 Commonwealth ports, both Airport and Seaport, are major entry and exit conduits 3 for all people and items entering and leaving the Commonwealth. These ports are heavily guarded by officers of the Department of Finance's Division of Customs 4 5 and the Commonwealth Port Authority's Ports Police. Cognizant of the significance of both ports, it is imperative for these respective officers to be mindful 6 of the activities occurring during the process of entering and exiting our borders. 7 8 However, the Legislature also finds that unlike their fellow customs officers, the ports police officers do not possess the authority to arrest individuals in the act of 10 committing a crime within port jurisdiction. Furthermore, ports police officers are 11 barred from detaining a perpetrator until the proper authorities are present for

1	proper detainment. These types of situations can prove to be very problematic in
2	the event that a customs officer is unable to be present at such scene. The
3	Legislature finds that such circumstances need to be rectified by providing the Ports
4	Police officers with the proper law enforcement authority to ensure better protection
5	at all ports within our great Commonwealth. Furthermore, by providing such
6	authority, the Ports Police officers will be granted the ability to aid other law
7	enforcement agencies whenever called upon.
8	Therefore, the purpose of this Act is to amend Title 2, Division 2, Chapter
9	1 of the Commonwealth Code to grant the Commonwealth Ports Authority (CPA)
10	- Ports Police with law enforcement authority.
11	Section 2. Amendment. Title 2, Division 2, Chapter 1 of the
12	Commonwealth Code is hereby amended by adding a new section to read as
13	follows:
14	"§101. Enforcement.
15	(a) The Ports Police, a department of the Commonwealth Ports
16	Authority, and any other employee of the Commission appointed by the
17	Executive Director shall have the primary responsibility and authority to
18	enforce the provisions set forth under Title 2, Division 2 of the
19	Commonwealth Code and the regulations promulgated thereunder. This
20	authority shall be concurrent with the authority of any other law
21	enforcement agency as provided by law.

1	(b) Any officer or other person who is trained and authorized by the
2	Executive Director of the Commonwealth Ports Authority to enforce the
3	provisions Title 2, Division 2 of the Commonwealth Code; and the
4	regulations promulgated thereunder may:
5	(1) Arrest any person, if there exists probable cause to believe
6	that such person committed an act in violation Title 2, Division 2 of
7	the Commonwealth Code;
8	(2) Seize any evidence related to any violation of any
9	provision of Title 2, Division 2 of the Commonwealth Code;
10	(3) Execute any warrant or other process issued by a court of
11	competent jurisdiction.
12	(c) If the Commonwealth Ports Authority enters into a mutual
13	agreement with any other law enforcement agency which provides for the
14	rendering of assistance, any agent who is authorized by the Executive Director
15	of the Commonwealth Ports Authority to enforce the provisions set forth in
16	Title 2, Division 2 of the Commonwealth Code, and the regulations
17	promulgated thereunder may assist the other law enforcement agency in the
18	enforcement of the laws and regulations enforced by the other law enforcement
19	agency in the other agency's jurisdiction(s). Such assistance is hereby declared
20	to be within the scope of the Port Police officer's jurisdiction and duties as a
21	law enforcement officer of the Commonwealth."

1 Section 3. Severability. If any provision of this Act or the application of 2 any such provision to any person or circumstance should be held invalid by a court 3 of competent jurisdiction, the remainder of this Act or the application of its 4 provisions to persons or circumstances other than those to which it is held invalid 5 shall not be affected thereby. 6 Section 4. Savings Clause. This Act and any repealer contained herein 7 shall not be construed as affecting any existing right acquired under contract or 8 acquired under statutes repealed or under any rule, regulation or order adopted 9 under the statutes. Repealers contained in this Act shall not affect any proceeding 10 instituted under or pursuant to prior law. The enactment of the Act shall not have 11 the effect of terminating, or in any way modifying, any liability, civil or criminal, 12 which shall already be in existence on the date this Act becomes effective. 13 Section 5. Effective Date. This Act shall take effect upon its approval by 14 the Governor or becoming law without such approval.

Prefiled: 2/10/2021

Date: 2/18/2021

Introduced by:

Rep. Blas Jonathan "BJ" T. Attac

Reviewed for Legal Sufficiency by:

House Legal Counsel

Chrisina Sublas