

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

_____ Session, 2021

H. B. 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
4 heavily guarded by officers of the Department of Finance’s Division of Customs
5 and the Commonwealth Port Authority’s Ports Police. Cognizant of the
6 significance of both ports, it is imperative for these respective officers to be mindful
7 of the activities occurring during the process of entering and exiting our borders.
8 However, the Legislature also finds that unlike their fellow customs officers, the
9 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.”

