

**TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE**

IN THE HOUSE OF REPRESENTATIVES

Session, 2021

H. B. 22- 25

A BILL FOR AN ACT

To add a provision to prohibit convicted felons from possessing firearms and/or
ammunition; and for other purposes.

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

1 **Section 1. Findings and Purpose.** The Legislature finds that in order to
2 prevent the commission of violent crimes and deter the repetition of serious crimes,
3 most jurisdictions criminalize the possession of firearms and ammunition by a
4 convicted felon or a person convicted of family violence. Following the repeal of
5 the Weapons Control Act in PL 19-73, the Legislature enacted the Special Act for
6 Firearms Enforcement (SAFE) Act. However, that legislation neglected to include
7 a provision prohibiting possession of a firearm or ammunition by a convicted felon.
8 Consequently, the CNMI is unable to prosecute such cases.

9 The Legislature also finds that Federal law has consistently maintained such
10 a law, see 18 U.S.C. 922(g)(1). A convicted felon has no constitutional right to
11 possess a firearm or ammunition. See United States v. Anderson, 559 F.3d 348 (5th
12 Cir. 2009, cert. denied). This bill simply provides for a CNMI-based law to

1 prosecute such cases. A convicted felon in CNMI recently possessed a firearm and
2 kidnapped an individual, resulting in her death. Such cases show why felons and
3 violent offenders should lose the right to possess a firearm or ammunition.

4 The Legislature further finds that the universal understanding of a felony is
5 any offense punishable by more than one-year confinement. Therefore, the offense
6 includes that as the trigger for prohibiting possession of a firearm or ammunition
7 by a felon. CNMI law already defines domestic violence in terms of commission of
8 a crime against a family or household member.

9 Therefore, the purpose of this Act is to add a provision to prohibit convicted
10 felons from possessing firearms and/or ammunition; and for other purposes.

11 **Section 2. Amendment.** Subject to codification by the CNMI Law Revision
12 Commission, Title 6, Division 10 of the Commonwealth Code is hereby amended
13 by adding a new provision to read as follows:

14 **“§101. Unlawful Possession of Firearm or Ammunition by Felon.**

15 (a) A person who has been convicted of a crime in this or any other
16 jurisdiction punishable by imprisonment for a term exceeding one year or
17 any crime involving domestic violence commits an offense if he knowingly
18 possesses a firearm or ammunition.

19 (b) In this section, “crime involving domestic violence” has the
20 meaning assigned by 6 CMC section 1461(a)(1).

1 (c) An offense under this subsection is punishable by confinement
2 up to ten years, a fine of up to \$10,000, or both.

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


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

15 **Section 5. Effective Date.** This Act shall take effect upon its approval by
16 the Governor, or its becoming law without such approval.

Prefiled: 7/11/2021

Date: 7/11/2021

Introduced by:


Rep. Celina R. Babauta

Reviewed for Legal Sufficiency by:

Josh D. Day
House Legal Counsel