

**TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH**  
**LEGISLATURE**  
**IN THE HOUSE OF REPRESENTATIVES**

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**Regular Session, 2021**

**H. B. 22- 39**

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**A BILL FOR AN ACT**

To amend Title 6, Division 6, Chapter 5. Witnesses, by adding a new §6503. Witness to Child Outcry of Abuse, and for other purposes.

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

1           **Section 1. Findings and Purpose.** The Legislature finds that children  
2 subject to abuse often have a difficult time reporting it in the same manner as adults.  
3 There are likely to be substantial delays in reporting. Moreover, children are likely  
4 to talk to a friend, teacher or parent before any formal investigation begins. Such  
5 statements provide significant evidence of the abuse and are admissible in most  
6 states as an exception to the hearsay rules. This bill sets out the standards for  
7 admission of an outcry of child abuse and requires a judge to find the statement  
8 sufficient reliable to justify its admission. The United States Supreme Court has  
9 already addressed this issue and found that admission of an outcry statement of a  
10 child does not violate an accused's right to confrontation of witnesses. See *Ohio v.*  
11 *Clark*, 576 U.S. 237 (2015). This provision will provide a jury with critical

1 information in evaluating the credibility of a child victim of physical or sexual  
2 abuse.

3 **Section 2. Amendment.** Title 6, Division 6, Chapter 5 of the  
4 Commonwealth Code is hereby amended by adding a new section 6503 to read as  
5 follows:

6 “§ 6503. Witness to Child Outcry of Abuse.

7 101. This article applies to a proceeding in the prosecution of an offense  
8 under any provision involving child abuse, sexual abuse of a minor or any other  
9 offense committed against a child 16 years of age or younger or a person with a  
10 disability:

11 102.

12 (a) This article applies only to statements that:

13 (1) describe:

14 (A) the alleged offense; or

15 (B) if the statement is offered during the punishment phase  
16 of the proceeding, a crime, wrong, or act other than the  
17 alleged offense that is:

18 (i) described by Section 1;

19 (ii) allegedly committed by the defendant against  
20 the child who is the victim of the offense or  
21 another child 16 years of age or younger; and

- 1 (iii) otherwise admissible as evidence under Rule  
2 404 or 405 of the CNMI Rules of Evidence or  
3 another law or rule of evidence of CNMI;
- 4 (2) were made by the child or person with a disability against whom  
5 the charged offense or extraneous crime, wrong, or act was  
6 allegedly committed; and
- 7 (3) were made to the first person, 18 years of age or older, other  
8 than the defendant, to whom the child or person with a  
9 disability made a substantive statement about the offense or  
10 extraneous crime, wrong, or act.
- 11 (b) A party may present testimony from a witness to such an outcry  
12 statement, regardless of any hearsay rules, if:
- 13 (1) on or before 14 calendar days before the trial begins, the party  
14 intending to offer the statement:
- 15 (A) notifies the adverse party of its intention to do so;  
16 (B) provides the adverse party with the name of the witness  
17 through whom it intends to offer the statement; and  
18 (C) provides the adverse party with discovery of the  
19 statement.

1                   (2) the trial court finds, in a hearing conducted outside the presence  
2                   if the jury, that the statement is reliable based on the time,  
3                   content, and circumstances of the statement; and

4                   (3) the child or person with a disability testifies or is available to  
5                   testify at the proceeding in court or in any other manner  
6                   provided by law.

7                   103. In this article, "person with a disability" means a person 17 years of  
8 age or older who because of age or physical or mental disease, disability, or injury  
9 is substantially unable to protect the person's self from harm or to provide food,  
10 shelter, or medical care for the person's self."

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


16                   **Section 4. Savings Clause.** This Act and any repealer contained herein  
17 shall not be construed as affecting any existing right acquired under contract or  
18 acquired under statutes repealed or under any rule, regulation or order adopted  
19 under the statutes. Repealers contained in this Act shall not affect any proceeding  
20 instituted under or pursuant to prior law. The enactment of this Act shall not have

1 the effect of terminating, or in any way modifying, any liability civil or criminal,  
2 which shall already be in existence at the date this Act becomes effective.

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

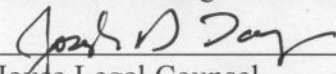
Prefiled: 3/11/2021

Date: 3/11/2021

Introduced by:   
Rep. Celina R. Babauta

  
Rep. Christina Marie E. Sablan

Reviewed for Legal Sufficiency by:

  
House Legal Counsel