

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_ Session, 2021

H. B. 22- 7

A BILL FOR AN ACT

To provide clarity relative to the crime of promoting prison contraband, or otherwise known as the Contraband Reform Act of 2021; 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 correctional  
2 facilities require more stringent regulations regarding what items can and cannot be  
3 brought into the facility. Unfortunately, current CNMI law regarding prison  
4 contraband is quite antiquated, and does not take into account the current needs of  
5 the Department of Corrections to properly secure its facilities. Clarification in the  
6 law is needed to properly define what items are prohibited along with appropriate  
7 penalties for those who introduce, possess and promote contraband in correctional  
8 facilities. The Legislature further finds that by enacting the prison contraband  
9 statute it will provide the Department of Corrections a more enforceable mandate  
10 that can deter inmates, detainees, correctional officers, contractors, volunteers, and

1 the general public from possessing contraband in the any of CNMI's correctional  
2 facilities.

3 Therefore, the purpose of this Act is to provide clarity relative to the crime  
4 of promoting prison contraband.

5 **Section 2. Enactment.** Subject to codification by the Commonwealth Law  
6 Revision Commission, the following is hereby enacted and read as follows:

7 **“§ XX. Promoting Prison Contraband.**

8 (a) As used in this section:

9 (1) “Contraband” means:

10 (A) Money, as defined as notes or coins; or

11 (B) Alcoholic beverage or other intoxicants; or

12 (C) Tobacco and related products; or

13 (D) Any item or article not authorized by the Department of  
14 Corrections regulations or statute, or in excess of the maximum  
15 quantity permitted, or which is received or obtained from an  
16 unauthorized source; or

17 (E) Any item or article of property that poses a serious threat  
18 to the security of an institution and ordinarily would never be  
19 approved for possession or admission into the institution, and any  
20 item or article which may be, or has been authorized for possession

1 at one time, but now is prohibited for possession due to health, fire,  
2 or safety concerns; or

3 (F) Any authorized property that has been altered.

4 (2) "Major contraband" means:

5 (A) Any controlled substance as defined in 6 CMC §2102  
6 (c) of the Commonwealth Code. Any other controlled substance,  
7 drug paraphernalia, or dangerous drug, except on the prescription of  
8 a licensed practitioner.

9 (B) Any firearm, deadly weapon, or dangerous weapon  
10 including explosives or combustibles, facsimile of a weapon,  
11 training materials, or any plans or materials that may be used in the  
12 making or manufacturing of such weapons, explosives or devices.

13 (C) Any telecommunications device means any electronic  
14 device, or an apparatus associated with a device, that can enable  
15 communication with a person outside of a correctional facility. The  
16 term includes, without limitation, a telephone, a cellular telephone,  
17 a personal digital assistant, a transmitting radio, watch or a computer  
18 that is connected to a computer or cellular network, is capable of  
19 connecting to a computer or cellular network through the use of  
20 wireless or wired technology or is otherwise capable of  
21 communicating with a person or device outside of a correctional

1 facility. An electronic device is any instrument or equipment that  
2 has the capability of transmitting, receiving, or recording messages,  
3 images, sounds, data, or other information by electronic means.

4 (D) Any peripheral device that can store data digitally,  
5 mechanically, optically, or using flash memory. Excluded from  
6 these definitions is any device that has been approved by the  
7 Department of Corrections Commissioner or designee for  
8 investigative or institutional security purposes or for conducting  
9 other official business.

10 (E) Any object, information, or instrument intended or  
11 reasonably likely to be used in the planning or aiding in an escape  
12 or attempted escape from a correctional facility.

13 (3) "Person(s) in custody" means:

14 (A) The confinement, detention or imprisonment of a person.

15 (b) No person, including a person in custody as defined by this  
16 Chapter, except as authorized by law or with permission of the  
17 Commissioner or designee, shall knowingly:

18 (A) Introduce, or attempt to introduce, contraband into a  
19 correctional facility or the grounds of a detention correctional facility; or

20 (B) Convey, or attempt to convey, contraband to a prisoner confined  
21 in a detention correctional facility or on outside assignment; or



1           (C) Possess, or attempt to possess, contraband within a detention  
2           correctional facility or an outside assignment; or

3           (D) Receive, obtain or remove, or attempt to receive, obtain or  
4           remove, contraband from a detention correctional facility.

5           Any person, including a person in custody, who violates any provision of  
6           this subsection shall be guilty of a misdemeanor, and on conviction thereof  
7           shall be punished by a sentence of imprisonment for a period of no less than  
8           thirty (30) days and no more than one (1) year and or by a fine of no less  
9           than five hundred dollars (\$500.00), or by such minimum sentence of  
10          imprisonment and fine.

11          (c) No person, including a person in custody as defined by this  
12          Chapter, except as authorized by law or with permission of the  
13          Commissioner or designee, shall knowingly:

14                (A) Introduce, or attempt to introduce, major contraband into any  
15                correctional facility; or

16                (B) Convey, or attempt to convey, major contraband to a prisoner  
17                confined in a correctional facility or on outside assignment; or

18                (C) Possess, or attempt to possess, major contraband within a  
19                detention correctional facility or on outside assignment; or

20                (D) Receive, obtain or remove, or attempt to receive, obtain or  
21                remove, major contraband from a detention correctional facility.

1 Any person, including a person in custody, who violates any provision of  
2 subsection (c) of this section shall be guilty of a felony in the second degree  
3 and on conviction shall be punished by a sentence of imprisonment for a  
4 period of no less than three (3) years and no more than five (5) years or by  
5 a fine of no less than five thousand dollars (\$5000), or by both such  
6 minimum sentence of imprisonment and fine. Any person in custody  
7 convicted of a violation of any provision of subsections (b) or (c) of this  
8 section, sentence for this violation to be run consecutively to any current  
9 sentence(s). Any correctional officer or staff of the Department of  
10 Corrections convicted of a violation of any provision of the subsections (b)  
11 or (c) of this section, shall be subject to immediate termination. Any  
12 correctional officer or staff of the Department of Corrections convicted of a  
13 violation of any provision of subsection (b) of this section, shall not be  
14 eligible for rehire for a period of no less than three (3) years. Any  
15 correctional officer or staff of the Department of Corrections convicted of a  
16 violation of any provision of subsection (c) of this section, shall not be  
17 eligible for rehire indefinitely. Any contractor or volunteer convicted of a  
18 violation of any provision of subsections (b) or (c) of this section, shall be  
19 subject to termination from entry into any CNMI correctional facility and  
20 contractor or volunteer status shall be rescinded indefinitely.”

1           **Section 3. Severability.** If any provisions 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.


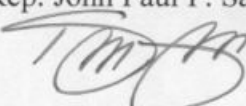



6           **Section 4. Savings Clause.** This Act and any repealer contained herein  
7 shall not be construed as affecting any existing right acquired under contract or  
8 acquired under statutes repealed or under any rule, regulation, or order adopted  
9 under the statutes. Repealers contained 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.

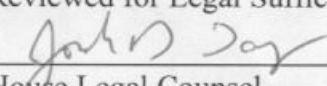
13           **Section 5. Effective Date.** This Act shall take effect upon its approval by  
14 the Governor, or its becoming law without such approval.

15

Prefiled: Jan. 26, 2021

Date: \_\_\_\_\_ Introduced by:

  
\_\_\_\_\_  
Rep. John Paul P. Sablan  
  
  
  


Reviewed for Legal Sufficiency by:  
  
\_\_\_\_\_  
House Legal Counsel