

TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

_____ Session, 2021

H. B. 22-75

A BILL FOR AN ACT

To add a new Expungement procedure as section 4120 to Division 4 of Title 6 of the Commonwealth Code; and for other purposes.

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

1 **Section 1. Short Title.** This act may be cited to as “The Expungement
2 Act of 2021.”

3 **Section 2. Findings and Purpose.** The Legislature finds that many law
4 abiding citizens of the Commonwealth are unfairly burdened and unduly prejudiced
5 for life by the stigma and record associated with a misdemeanor criminal offense
6 committed in their past. These citizens lose employment opportunities and suffer
7 other harsh consequences, even though they have already been punished, have
8 already repaid society for their past mistake, and have been rehabilitated as good
9 citizens. However, their past criminal records continue to punish them repeatedly
10 when they seek employment and advancement in life and pursuit of happiness.
11 These citizens deserve a fresh start in life once they have paid their dues to society
12 and have shown contrition and been rehabilitated, and sufficient time has passed to

1 prove their overall respect for the laws of the land. The Legislature accordingly
2 finds that creating this new section 4120 of Title 6, Division 4 of the
3 Commonwealth Code is a necessary and a proper use of the Legislative power to
4 aid the citizens of the Commonwealth who were once convicted of a misdemeanor.

5 **Section 3. Amendment.** Title 6, Division 4 of the Commonwealth Code is
6 hereby amending by adding a new section 4120 to read as follows:

7 **“§ 4120. Expungement of Criminal Records**

8 (a) A person convicted of a misdemeanor or traffic offense in the
9 Commonwealth of the Northern Mariana Islands may petition the court to
10 expunge all records concerning said misdemeanor or traffic offense
11 conviction after a least five (5) years have passed since the Court,
12 Department of Probation, and the Division of Parole have all terminated,
13 lost or relinquished supervision or jurisdiction of the person.

14 (b) The person convicted must comply with the following in order
15 to petition for expungement:

16 (1) such person must present a petition for expungement to the court
17 and provide the information as to whether he/she has:

18 (A) been arrested or convicted for a misdemeanor, or petty
19 offense pursuant to Commonwealth or Federal law;

20 (B) complied with all orders of the Court, Department of
21 Probation, and/or Division of Parole, and

1 (C) any outstanding bench warrants, fines, fees, costs, or
2 outstanding balances owed to the Court, including, but not
3 limited to, any order to pay restitution to any party.

4 (2) such person must provide the Office of the Attorney General a
5 copy of the petition for expungement and any supporting
6 documentation, no less than thirty days prior to the hearing.

7 (c) Upon receiving a valid petition for expungement, the court shall
8 set a hearing date and give the Office of the Attorney General a reasonable
9 opportunity to respond.

10 (d) After holding a hearing upon notice to the Office of the Attorney
11 General, if the court is satisfied that no manifest injustice will be suffered
12 by the granting of the petition for expungement, the court shall order that
13 the prior conviction be expunged. Denials of the petition may not be
14 appealed.

15 (e) Within thirty (30) days of the issuance of the Order to expunge,
16 all court records relating to the arrest, detention, incarceration, information,
17 trial, adjudication or conviction shall be legally redacted. This Order shall
18 be immediately served, by the Clerk of Court, upon Office of the Attorney
19 General, the Office of Adult Probation, Division of Parole, Department of
20 Public Safety, and any other agency as ordered by the court.

1 (f) Within thirty (30) days of receipt of the Order to Expunge, the
2 Office of the Attorney General, Office of Adult Probation, Division of
3 Parole, the Department of Public Safety, and any other agency as ordered
4 by the court shall legally redact all reference to the conviction in question.
5 This includes, but is not limited to all computerized data-base reference to
6 the conviction in question.

7 (g) Nothing in this Act shall be construed to grant a right to
8 expungement to:

9 (1) a person required by Public Law 11-35 to register as a
10 sex offender;

11 (2) a person seeking expungement of a federal or foreign
12 conviction;

13 (3) a person who has more than one conviction for a violent
14 crime or offense that is punishable by more than one (1) year.

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

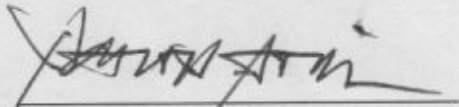
20 **Section 4. Savings Clause.** This Act and any repealer contained herein
21 shall not be construed as affecting any existing right acquired under contract or

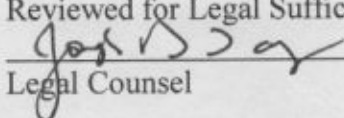
1 acquired under statutes repealed or under any rule, regulation, or order adopted
2 under the statutes. Repealers contained in this Act shall not affect any proceeding
3 instituted under or pursuant to prior law. The enactment of the Act shall not have
4 the effect of terminating, or in any way modifying, any liability, civil or criminal,
5 which shall already be in existence on the date this Act becomes effective.

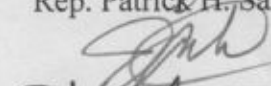
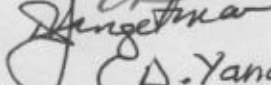
6 **Section 5. Effective Date.** This Act shall take effect upon its approval by
7 the Governor, or its becoming law without such approval.

Prefiled: 7/30/2021

Date: 7/30/21

Introduced by: 
Rep. Patrick H. San Nicolas

Reviewed for Legal Sufficiency by:

Legal Counsel


 (J. D. Yano)
