

**TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH**

**LEGISLATURE**

**IN THE HOUSE OF REPRESENTATIVES**

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**Regular Session, 2024**

**H. B. 23- 122**

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**A BILL FOR AN ACT**

To amend provisions in Title 6, Chapter 3, Sexual Offenses, Article 1. General Provisions, relating to sexual abuse/assault of minors.

**BE IT ENACTED BY THE 23<sup>RD</sup> NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

1           **Section 1. Findings and Purpose.** Criminal acts against minors,  
2 particularly, sexual abuse and sexual assault are serious crimes, acts of violence,  
3 and grave offenses. These offenses are especially egregious when committed  
4 against minors who cannot legally give consent in situations involving significant  
5 age differences, family members, or individuals in positions of authority. These  
6 acts of violence often involve manipulation, coercion, force, or abuse of power,  
7 targeting those perceived as vulnerable, including but not limited to children,  
8 individuals with disabilities, and others in vulnerable situations. The Legislature,  
9 working collaboratively with the CNMI Sexual Assault Response Team (SART),  
10 considered feedback from the community, including youth, survivors, advocacy  
11 groups, child protective agencies, and law enforcement, to ensure the amendments  
12 herein, address the real needs and concerns of those affected by these crimes.

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1           Here in the CNMI, these crimes cause severe short and long-term effects on  
2 victims, including children and adolescents. These effects can manifest as post-  
3 traumatic stress disorder, suicide, self-harm, eating and sleep disorders,  
4 dissociation, depression, and substance abuse. No person, particularly no child,  
5 should endure such trauma. Furthermore, it is crucial to prohibit any form of sexual  
6 activity between students and individuals employed or contracted by their  
7 educational institutions. School employees and contractors hold positions of  
8 authority and are responsible for students' protection and care. Therefore, expressly  
9 banning any form of sexual interaction between these groups is necessary.

10           Evidence and data obtained from various agencies within the CNMI  
11 emphasize the urgent need to strengthen legal protections for victims. The Division  
12 of Youth Services - Child Protective Services reported the following allegations of  
13 sexual abuse: 41 in FY 2016, 44 in FY 2017, 44 in FY 2018, 63 in FY 2019, 63 in  
14 FY 2020, 63 in FY 2021, 88 in FY 2022, and 115 in FY 2023. According to the  
15 Department of Public Safety - Criminal Investigation Bureau, in 2023, there were  
16 17 reported cases of sexual assault (SA) and 55 cases of sexual abuse of a minor  
17 (SAM). As of September 2024, the numbers show 9 SA cases and 24 SAM cases.  
18 Data from the Office of the Attorney General - Criminal Division reveal the  
19 following for SA cases (which encompass both sexual abuse of minors and sexual  
20 assault cases): 12 in 2015, 25 in 2016, 17 in 2017, 15 in 2018, 11 in 2019, 20 in  
21 2020, 31 in 2021, 31 in 2022, and 28 in 2023.

1 Sexual abuse and sexual assault victims are extremely vulnerable and sadly,  
2 as the above statistics demonstrate, a significant percentage of the victims are  
3 minors, further highlighting the vulnerability of this population and the necessity  
4 for enhanced legal measures. As a community dedicated to protecting its most  
5 vulnerable members and strongly opposing these malicious acts, the Legislature  
6 finds that we must renew our commitment to these victims by reinforcing and  
7 securing their protection from crimes involving the sexual abuse of minors and  
8 sexual assault. This commitment is essential for safeguarding both current and  
9 future generations. Combined with our efforts to deter these crimes and ensure  
10 offenders are held accountable, the safety and well-being of both children and adult  
11 victims depend on the protection and support we provide.

12 To address this, it is crucial to strengthen our laws regarding the sexual  
13 abuse of minors and sexual assault by simplifying statutory language, removing  
14 barriers to prosecution, and introducing a long-overdue voyeurism statute which is  
15 critical, as increased access to technology—such as hidden cameras and online  
16 dissemination—has made children and vulnerable individuals more susceptible to  
17 exploitation. Current statutes (6 CMC § 1306 and § 1307) prohibit sexual  
18 penetration or contact with persons under thirteen (13) years of age; the Legislature  
19 proposes raising this age limit to fifteen (15) years to better protect minors. This  
20 change aligns with most jurisdictions that have raised their ages of consent to offer  
21 increased protection for minors and enhance the overall safety of the community.

1 Moreover, the Legislature finds that it would be appropriate to update certain  
2 definitions to cover other circumstances not included in the previous laws. Terms  
3 such as ‘consent’ and ‘voyeurism’ are revised and added to bring CNMI law up to  
4 date with the realities of current societal challenges.

5 Existing laws also fail to address voyeurism. Unlike many other  
6 jurisdictions, the CNMI lacks a statute criminalizing the intentional invasion of  
7 another person’s privacy without their consent while observing that person in the  
8 privacy of their own home or another private place. Currently, these offenses are  
9 often classified under the general charge of Disturbing the Peace, complicating  
10 efforts to identify specific instances of voyeurism. This broad classification leads  
11 to unjust outcomes for victims, as offenders typically face only petty misdemeanor  
12 charges. Moreover, existing penalties do not adequately reflect the emotional and  
13 psychological harm inflicted by these violations. A specific voyeurism statute  
14 would address the rise in such acts, create stiffer penalties to hold offenders  
15 accountable, and recognize the emotional and psychological harm to victims.

16 Revisions to current CNMI law set forth herein in the form of repealed and  
17 re-enacted statutes that were substantively revised as well as minor amendments to  
18 statutes that were necessary to update certain sections that are contained in this  
19 legislation are all in compliance with the constitutional “one-subject” rule. This is  
20 because all the legislative changes herein relate to Title 6, Ch. 3, Sexual Offenses,  
21 Article 1. General Provisions, specifically, to sexual abuse/assault of minors.

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1           **Section 2. Repeal and Re-Enactment.** Title 6, Section 1306 of the  
2 Commonwealth Code is hereby repealed and re-enacted to read as follows:

3           **“§1306. Sexual Abuse of a Minor in the First Degree.**

4           (a) An offender commits the crime of sexual abuse of a minor in the first  
5 degree if

6           (1) the offender engages in sexual penetration with a person who is under  
7 15 years of age or aids, induces, causes, or encourages a person who is under 15  
8 years of age to engage in sexual penetration with another person;

9           (2)(A) being 18 years of age, the offender engages in sexual penetration  
10 with a person who is under 15 years of age; or

11           (B) being 19 years of age, the offender engages in sexual penetration with  
12 a person who is under 16 years of age; or

13           (C) being 20 years of age, the offender engages in sexual penetration with  
14 a person who is under 17 years of age; or

15           (D) being 21 years of age or older, the offender engages in sexual  
16 penetration with a person who is under 18 years of age.

17           (b) Sexual abuse of a minor in the first degree is punishable by  
18 imprisonment for not less than 8 years and not more than 30 years, a fine of not  
19 more than \$50,000, or both, and the mandatory sentencing provisions of 6 CMC §  
20 4102.”

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1           **Section 3. Repeal and Re-Enactment.** Title 6, Section 1307 of the  
2 Commonwealth Code is hereby repealed and re-enacted to read as follows:

3           **“§ 1307. Sexual Abuse of a Minor in the Second Degree.**

4           (a) An offender commits the crime of sexual abuse of a minor in the second  
5 degree if

6           (1) the offender engages in sexual contact with a person who is under 15  
7 years of age or aids, induces, causes, or encourages a person who is under 15 years  
8 of age to engage in sexual contact with another person;

9           (2)(A) being 18 years of age, the offender engages in sexual contact with a  
10 person who is 15 years of age or younger; or

11           (B) being 19 years of age, the offender engages in sexual contact with a  
12 person who is 16 years of age or younger; or

13           (C) being 20 years of age, the offender engages in sexual contact with a  
14 person who is 17 years of age or younger; or

15           (D) being 21 years of age or older, the offender engages in sexual contact  
16 with a person who is under 18 years of age.

17           (b) Sexual Abuse of a Minor in the second degree is punishable by  
18 imprisonment for not less than two years and not more than fifteen years, and a fine  
19 of not more than \$10,000, or both. Notwithstanding any other provision of law, a  
20 person sentenced under this provision and 6 CMC section 4252 shall not be eligible  
21 for parole, if at all, until two-thirds of this minimum sentence has been served.”

1           **Section 4. Repeal and Reenactment.** Title 6, Section 1308 of the  
2 Commonwealth Code is hereby repealed and reenacted to read as follows:

3           **“§ 1308. Unlawful Sexual Act(s) with a Student.**

4           (a) It shall be unlawful for any person employed by any educational  
5 institution to engage in any sexual act(s), as defined in 6 CMC § 1317(6), with any  
6 student of any educational institution where the offender is employed or contracted.  
7 For the purpose of this section, “educational institution” shall be defined as an  
8 institution with students from any grade levels ranging from 6th grade to 12th  
9 grade.

10           (b) Violation of subsection (a) shall be punishable by imprisonment for not  
11 less than two years and not more than 5 years, a fine of not more than \$2,000, or  
12 both.”

13           **Section 5. Repeal and Re-Enactment.** Title 6, Section 1309 of the  
14 Commonwealth Code is hereby repealed in its entirety. For the sake of maintaining  
15 the remaining code sections, Section 1309 shall remain codified or re-enacted as  
16 “RESERVED” so as not to require the re-numbering of subsequent sections within  
17 Division 1, Part, 1, Chapter 3, Article 1. Accordingly, Section 1309 is hereby re-  
18 enacted to read as follows:

19           **“Section 1309. RESERVED”.**

20           **Section 6. Amendment.** Title 6, Section 1310 of the Commonwealth  
21 Code is hereby amended to read as follows:

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1           **“§ 1310. General Provisions.**

2           (a) In a prosecution under 6 CMC §§ 1306-1308, whenever a provision of  
3 law defining an offense depends upon a victim being under a certain age, it is an  
4 affirmative defense that, at the time of the alleged offense, the defendant reasonably  
5 believed the victim to be that age or older, unless the victim was under 16 years of  
6 age at the time of the alleged offense.”

7           **Section 7. Repeal and Reenactment.** Title 6, Section 1314 of the  
8 Commonwealth Code is hereby repealed and reenacted to read as follows:

9           **“§ 1314. Unlawful Exploitation/Voyeurism.**

10          (a) It is unlawful to knowingly invade the privacy of another person without  
11 the knowledge of the other person for the purpose of sexual stimulation.

12          (1) For the purposes of this section, a person's privacy is invaded if both of  
13 the following apply:

14           (I) The person has a reasonable expectation that the person will not be  
15 viewed, photographed, videotaped, filmed or digitally recorded.

16           (II) The person is photographed, videotaped, filmed, digitally recorded or  
17 otherwise viewed, with or without a device, either:

18           (A) While the person is in a state of undress or partial dress or;

19           (B) While the person is engaged in sexual intercourse or sexual contact or;

20           (C) While the person is urinating or defecating or;

21           (D) In a manner that directly or indirectly captures or allows the viewing of



1 the person's genitalia, buttock or female breast, whether clothed or unclothed, that  
2 is not otherwise visible to the public.

3 (b) It is unlawful for a person to capture, disclose, display, distribute,  
4 attempt to distribute, threaten to distribute or publish a photograph, videotape, film  
5 or digital recording that is made for sexual stimulation for self or others and: (1)  
6 after invasion of privacy; or (2) without the consent or knowledge of the person  
7 depicted.

8 (c) This section does not apply to any of the following:

9 (1) Photographing, videotaping, filming or digitally recording for security  
10 purposes if notice of the use of the photographing, videotaping, filming or digital  
11 recording equipment is clearly posted in the location and the location is one in  
12 which the person does not have a reasonable expectation of privacy.

13 (2) Photographing, videotaping, filming or digitally recording by  
14 correctional officials for security reasons or in connection with the investigation of  
15 alleged misconduct of persons on the premises of a jail or prison.

16 (3) Photographing, videotaping, filming or digitally recording by law  
17 enforcement officers pursuant to an investigation, which is otherwise lawful.

18 (4) The use of a child monitoring device. For the purpose of this section,  
19 "child monitoring device" shall mean a device that is capable of transmitting and  
20 audio or audiovisual signal that is installed or used in a residence for child  
21 supervision or safety monitoring by any parent, guardian, or other responsible

1 person in the person's own residence.

2 (d)(1) Violation of subsection (a) shall be punishable by imprisonment for  
3 not more than five years, a fine of not more than \$2,000, or both;

4 (2) Violation of subsection (b) shall be punishable by imprisonment for not  
5 more than twenty years, a fine of not more than \$10,000, or both;  
6 Each displayed and/or distributed photograph, videotape, film or digital recording  
7 that is made without the consent or knowledge of the person depicted shall be  
8 counted as a separate violation. Notwithstanding any other provision of law, a  
9 person sentenced under this provision shall not be eligible for parole, if at all, until  
10 two-thirds of this minimum sentence has been served."

11 **Section 8. Amendment.** Title 6, Section 1317 of the Commonwealth Code  
12 is hereby amended to read as follows:

13 **"§ 1317. Definitions.**

14 For purposes of this chapter, unless the context requires otherwise,

15 (1) "Incapacitated" means a state where an individual cannot make rational,  
16 reasonable decisions because of mental or physical helplessness, sleep,  
17 unconsciousness, or lack of awareness that sexual activity is taking place;

18 (2) "Mentally incapable" means suffering from a mental disease, defect or  
19 disorder that renders the person incapable of understanding the nature or  
20 consequences of the person's conduct, including the potential for harm to that  
21 person;

1           (3) "Position of authority" means an employer, youth leader, scout leader,  
2 coach, teacher, counselor, school administrator, religious leader, doctor, nurse,  
3 psychologist, guardian ad litem, babysitter, or a substantially similar position, a  
4 police officer or probation officer other than when the officer is exercising custodial  
5 control over a minor, and other family members not living in the same household  
6 and others who the victim would reasonably believe had coercive power over him  
7 or her;

8           (4) "Sexual act" means sexual penetration or sexual contact;

9           (5) "Sexual Contact" is the intentional touching of the victim's body or  
10 intimate parts which include but are not limited to the primary genital area, groin,  
11 inner thigh, mouth, anus, buttock, or breast of a human being or the intentional  
12 touching of the clothing covering the immediate area of the victim's or actor's body  
13 or intimate parts, if that intentional touching can reasonably be construed as being  
14 for the purpose of sexual arousal or stimulation. Sexual contact also means a  
15 perpetrator forces a victim to touch his/her body and/or intimate parts.

16           (6) "Sexual penetration" means

17           (A) (i) genital intercourse, fellatio, anal intercourse, or an intrusion,  
18 however slight, of an object or any part of a person's body into the genital or anal  
19 opening of another person's body; and

20           (ii) cunnilingus or anilingus, whether or not actual penetration has occurred.

21           (B) but "sexual penetration" does not include acts performed for the purpose

1 of administering a recognized and lawful form of treatment that is reasonably  
2 adapted to promoting the physical or mental health of the person being treated;

3 (7) "Victim" means the person alleged to have been subjected to sexual  
4 assault, sexual abuse of a minor, child abuse, neglect, or voyeurism in any degree;

5 (8) "Voyeurism" or "Voyeuring" shall mean:

6 (A) the act of a person gaining sexual pleasure from watching others when  
7 they are naked, in a state of undress or partial dress, or engaged in sexual activity  
8 and/or secretly records such activity; and/or

9 (B) the act of a person who gains sexual pleasure from secretly watching  
10 other people in sexual situations, or (more generally) a person who watches other  
11 people's private lives.

12 (9) "Consent" means:

13 (A) A person's behavior, including words and conduct, that communicates  
14 the person's willingness to engage in a specific act of sexual penetration or sexual  
15 contact.

16 (B) Neither verbal nor physical resistance is required to establish the  
17 absence of consent; the person's behavior must be assessed in the context of all the  
18 circumstances to determine whether the person has consented.

19 (C) Consent may be revoked any time before or during the act of sexual  
20 penetration or sexual contact, by behavior communicating that the person is no  
21 longer willing."

1           **Section 9. Amendment.** Title 6, Section 1320 is hereby amended to read as  
2 follows:

3           **“§ 1320. Admission of Other Act Evidence.**

4           (a) In a prosecution for a crime specified in this article, evidence of other  
5 acts by the offender toward the same or another person is admissible if the conduct,  
6 factual basis, or the initial charge, is of the same nature as the crimes specified in  
7 this article.

8           (b) For purposes of this section, other conduct, factual basis, or initial  
9 charge, referred to in subsection (a) need not have resulted in any criminal charge  
10 or conviction specified in this article in order to be admissible.

11           (c) In a prosecution for a crime involving domestic violence or of interfering  
12 with a report of a crime involving domestic violence, evidence of other crimes  
13 involving domestic violence by the offender against the same or another person is  
14 admissible.”

15           **Section 10. 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.

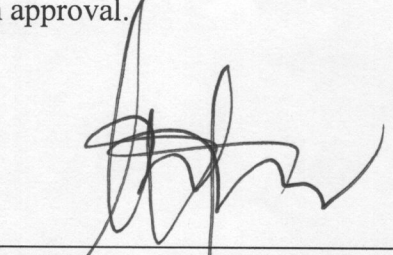
1           **Section 11. Savings Clause.** This Act and any repealer contained herein  
2 shall not be construed as affecting any existing right acquired under contract or  
3 acquired under statutes repealed or under any rule, regulation, or order adopted  
4 under the statutes. Repealers contained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

8           **Section 12. Effective Date.** This Act shall take effect upon its approval by  
9 the Governor, or it becoming law without such approval.

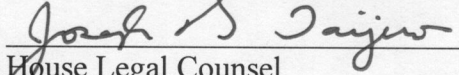
Prefiled: 11/19/2024

Date:

Introduced by:

  
\_\_\_\_\_  
Rep. Marissa Flores

Reviewed for Legal Sufficiency by:

  
\_\_\_\_\_  
House Legal Counsel

