

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

_____ Session, 2023

H. B. 23- 13

A BILL FOR AN ACT

To amend the Crimes and Criminal Procedure Code definitions of dangerous weapon and serious bodily injury.

**BE IT ENACTED BY THE 23RD NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Purpose.** The purpose of the Act is to clarify the definition of
2 “dangerous weapon” and “serious bodily injury”. The amendments rely upon
3 definitions in Texas Penal Code § 1.07(a)(17) and § 1.07(a)(46) and the Texas cases
4 interpreting that language. The Office of the Attorney General presented a request
5 to Legislature for action on this subject in order to address problems in prosecuting
6 serious cases of violence.

7 Recent cases have shown some confusion in court with the application of
8 the definition of a dangerous weapon in assault and battery cases. Such cases
9 involve a variety of objects and all levels of injury. In a particular case, an attack
10 by an inmate in prison with a handmade weapon was dismissed as insufficient to
11 establish a dangerous weapon, despite the danger of serious injury through the use
12 of a shank against a victim.

1 Cases in which a criminal defendant uses a weapon or causes serious bodily
2 injury present the greatest danger to the public and victims. Prosecution of those
3 cases should be a priority, and increased punishment is justified by the choice of
4 the defendant to escalate the assault and battery by using a weapon or causing
5 serious bodily injury. This bill clarifies those definitions, simplifies the description
6 of threatened or actual injury and emphasizes to the courts in the application of law
7 that anything may be treated as a dangerous weapon through the manner of its use
8 or intended use, regardless whether there was actual loss of life or permanent injury.

9 **Section 2. Amendment.** 6 CMC § 102(f) is hereby amended to read as
10 follows:

11 “(f) “Dangerous weapon” means

12 (1) any automatic weapon, dangerous device, firearm, gun,
13 handgun, long gun, semiautomatic weapon, knife, machete ~~or other thing~~
14 ~~by which a fatal wound or injury may be inflicted~~, spear gun, shank, or shiv;

15 (2) anything manifestly designed, made, or adapted for the purpose
16 of inflicting death or serious bodily injury; or

17 (3) anything that in the manner of its use or intended use is capable
18 of causing death or serious bodily injury, regardless whether death or
19 serious bodily injury actually occurred.

20 **Section 3. Amendment.** 6 CMC 103(n) is amended as follows:

21 “(n) “Serious bodily injury” means bodily injury ~~which that~~

- 1 (1) ~~creates a high probability~~ risk of death or causes death; ~~or,~~
2 (2) ~~which~~ causes serious permanent disfigurement; or,
3 (3) ~~which~~ causes a permanent or protracted loss or impairment of
4 the function of any bodily member, ~~or organ, or mental faculty~~ ~~or~~
5 ~~other bodily injury of like severity.”~~

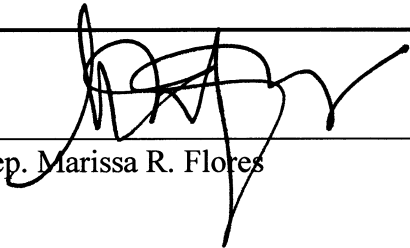
6 **Section 4. Severability.** If any provisions of this Act or the application of
7 any such provision to any person or circumstance should be held invalid by a court
8 of competent jurisdiction, the remainder of this Act or the application of its
9 provisions to persons or circumstances other than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

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

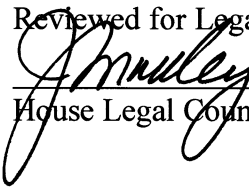
18 **Section 6. Effective Date.** This Act shall take effect upon its approval by
19 the Governor, or its becoming law without such approval.

Prefiled: 1/31/2023

Date: 1/31/2023

Introduced by: 
Rep. Marissa R. Flores

Reviewed for Legal Sufficiency by:

 1-31-23
House Legal Counsel