

**TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH**

**LEGISLATURE**

**IN THE HOUSE OF REPRESENTATIVES**

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Regular Session, 2023

H. B. 23-15

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**A BILL FOR AN ACT**

To amend Title 6 of the Commonwealth Code by adding a new Chapter to enact provisions associated with public corruption, other unlawful influence and related offenses for public officials; and for other purposes.

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

1           **Section 1. Short Title.** This Act shall be cited as the “CNMI Public Servant  
2 Anti-Corruption Act of 2023”.

3           **Section 2. Findings and Purpose.** The Legislature finds that public service  
4 is a privilege entrusted to certain individuals, commonly referred to as public  
5 servants and/or public officials, to provide service to all members of the  
6 community. Cognizant of such an honorable privilege, these individuals, whether  
7 elected or appointed, are regarded in the highest esteem as they are intended to  
8 serve for the common good of the general population. The Legislature further finds  
9 that as public servants/public officials, they must be held to a standard  
10 commensurate to the high esteem in which they are held. In essence, it is the intent  
11 of this legislation to provide a more stringent penalty for public servants/public

1 officials and involved parties for committing acts of corruption, such as bribery,  
2 unlawful influence, use of information for private gain, official misconduct, and so  
3 forth. These deplorable acts are a complete and utter betrayal of the public's trust  
4 and must be punished accordingly.

5 Therefore, the purpose of this Act is to amend Title 6 of the Commonwealth  
6 Code by adding a new Chapter to enact provisions associated with public  
7 corruption, other unlawful influence and related offenses for public officials and  
8 for other purposes.

9 **Section 3. Amendment.** Subject to codification by the CNMI Law Revision  
10 Commission, Title 6 is hereby amended by adding a new Chapter to read as follows:

11 **“CHAPTER XX. CNMI Public Servant Anti-Corruption Act.**

12 **§ 101. Definitions.**

13 As used in this Chapter:

14 (a) “Benefit” means any gain or advantage, or anything regarded by  
15 the beneficiary as gain or advantage, including a benefit to any other person  
16 or entity in whose welfare the beneficiary is interested other than the  
17 beneficiary's lawful compensation.

18 (b) “Official function” means any decision, opinion,  
19 recommendation, vote or other exercise of discretion or performance of  
20 duty of a public servant in a lawful or unlawful manner.

1           (c) "Pecuniary benefit" means benefit in the form of money,  
2           property, commercial interests, or anything else the primary significance of  
3           which is economic gain.

4           (d) "Public contractor" means any person who has entered a contract  
5           with a government entity, or any officer or employee of a person who has  
6           entered a contract with a government entity.

7           **§ 102. Unlawful Influence; Defined and Penalty.**

8           Notwithstanding any laws, provisions or regulations to the contrary,  
9           a person is punishable by imprisonment for any term of not more than 2  
10          years or less than 1 year if:

11          (a) he/she offers, confers upon, or agrees to confer upon, another  
12          person any benefit as consideration for improperly influencing or  
13          attempting to influence a public servant in the performance of an official  
14          function.

15          (b) He/she solicits, accepts, or agrees to accept any benefit from  
16          another person as consideration for improperly influencing or attempting to  
17          influence a public servant/public official in the performance of an official  
18          function.

19          In addition to any other penalty imposed by the court upon  
20          conviction, any person convicted of a crime pursuant to §104 shall also be

1 punished by a fine of not less than Ten Thousand Dollars (\$10,000) and not  
2 more than Fifty Thousand Dollars (\$50,000).

3 **§ 103. Unlawful Influence by Extortion of a Public Servant;**  
4 **Defined and Penalty.**

5 (a) Notwithstanding any laws, provisions or regulations to the  
6 contrary, a person is punishable by imprisonment for any term of not more  
7 than 2 years or less than 1 year if he/she influences or attempts to influence  
8 the performance of an official function by a public servant by any threat  
9 which would constitute a means of committing the offense of theft by  
10 extortion under this Code if such threat were employed to obtain property.

11 (b) In addition to any other penalty imposed by the court upon  
12 conviction, any person convicted of a crime pursuant to § 104 shall also be  
13 punished by a fine of not less than Ten Thousand Dollars (\$10,000) and not  
14 more than Fifty Thousand Dollars (\$50,000).

15 **§ 104. Giving Gratuities for Past Services to a Public Servant;**  
16 **Defined and Penalty.**

17 (a) Notwithstanding any laws, provisions or regulations to the  
18 contrary, a person is guilty of a misdemeanor if he/she offers, confers upon,  
19 or agrees to confer upon, a public servant/public official any pecuniary  
20 benefit for having performed an official function in a manner favorable to  
21 him/her, or having violated his/her duty.

1 (b) In addition to any other penalty imposed by the court upon  
2 conviction, any person convicted of a crime pursuant to § 106 shall also be  
3 punished by a fine of not less than One Thousand Dollars (\$1,000) and not  
4 more than Ten Thousand Dollars (\$10,000).

5 **§ 105. Accepting Gratuities for Past Services from a Public**  
6 **Servant; Defined and Penalty.**

7 (a) Notwithstanding any laws, provisions or regulations to the  
8 contrary, a public servant/public official is guilty of a misdemeanor if he/she  
9 solicits, accepts, or agrees to accept any pecuniary benefit for having  
10 performed an official function in a manner favorable to another person, or  
11 having violated his/her duty.

12 (b) In addition to any other penalty imposed by the court upon  
13 conviction, any person convicted of a crime pursuant to § 106 shall also be  
14 punished by a fine of not less than One Thousand Dollars (\$1,000) and not  
15 more than Ten Thousand Dollars (\$10,000).

16 **§ 106. Use of Information for Private Gain by a Public Servant;**  
17 **Defined and Penalty.**

18 Notwithstanding any laws, provisions or regulations to the contrary,  
19 a public servant/public official is punishable by imprisonment for any term  
20 of not more than 2 years or less than 1 year if, in contemplation of official  
21 action by himself/herself or by a governmental unit with which he/she is

1 associated, or in reliance of information to which he/she has or has had  
2 access in his/her official capacity, and which has not been made public  
3 he/she:

4 (a) Acquires or divests himself of a pecuniary interest in any  
5 property, transaction or enterprise which may be affected by such  
6 information or official action;

7 (b) Speculates or wagers on the basis of such information or official  
8 action; or

9 (c) Aids another to do any of the foregoing, while in office or after  
10 leaving office with the intent of using such information.

11 In addition to any other penalty imposed by the court upon conviction, any  
12 person convicted of a crime pursuant to § 108 shall also be punished by a  
13 fine of not less than Ten Thousand Dollars (\$10,000) and not more than  
14 Fifty Thousand Dollars (\$50,000).

15 **§107. Bid Tampering by a Public Servant and/or a Public**  
16 **Contractor.**

17 (a) It is unlawful for a public servant/public official or a public  
18 contractor who has contracted with a governmental entity to assist in a  
19 competitive procurement to knowingly and intentionally influence or  
20 attempt to influence the competitive solicitation undertaken by any  
21 governmental entity for the procurement of commodities or services, by:

1           (1) Disclosing, except as authorized by law, material information  
2           concerning a vendor's response, any evaluation results, or other aspects of  
3           the competitive solicitation when such information is not publicly disclosed.

4           (2) Altering or amending a submitted response, documents or other  
5           materials supporting a response, or any evaluation results relating to the  
6           competitive solicitation for the purpose of intentionally providing a  
7           competitive advantage to any person who submits a response.

8           (b) It is unlawful for a public servant/public official or public  
9           contractor who has contracted with a governmental entity to assist in a  
10          competitive procurement to obtain a benefit knowingly and intentionally for  
11          any person or to cause unlawful harm to another person by circumventing a  
12          competitive solicitation process required by law or rule using a sole-source  
13          contract for commodities or services.

14          (c) It is unlawful for any person to knowingly agree, conspire,  
15          combine, or confederate, directly or indirectly, with a public servant/public  
16          official or public contractor who has contracted with a governmental entity  
17          to assist in a competitive procurement to violate § 110(a) and § 110(b) of  
18          this Chapter.

19          (d) It is unlawful for any person to knowingly enter a contract for  
20          commodities or services which was secured by a public servant/public  
21          official or a public contractor who has been contracted with a governmental

1           entity to assist in a competitive procurement acting in violation of § 110(a)  
2           and § 110(b) of this Chapter.

3                   (e) A person is punishable by imprisonment for any term of not more  
4           than 2 years or less than 1 year if they breach any of the violations pursuant  
5           to § 110. In addition to any other penalty imposed by the court upon  
6           conviction, any person convicted of a crime pursuant to § 110 shall also be  
7           punished by a fine of not less than Ten Thousand Dollars (\$10,000) and not  
8           more than Fifty Thousand Dollars (\$50,000).

9                   **§ 108. Disclosure or Use of Confidential Criminal Justice**  
10           **Information by a Public Servant.**

11                   Notwithstanding any laws, provisions or regulations to the contrary,  
12           it is unlawful for a public servant/public official, with the intent to obstruct,  
13           impede, or prevent a criminal investigation or a criminal prosecution, to  
14           disclose active criminal investigative or intelligence information or to  
15           disclose or use information regarding either the efforts to secure or the  
16           issuance of a warrant, subpoena, or other court process or court order  
17           relating to a criminal investigation or criminal prosecution when such  
18           information is not available to the general public and is gained by reason of  
19           the public servant's/public official's official position. Any person who  
20           violates this section is punishable by imprisonment for any term of not more  
21           than 2 years or less than 1 year. In addition to any other penalty imposed by



1 the court upon conviction, any person convicted of a crime pursuant to § 111  
2 shall also be punished by a fine of not less than Ten Thousand Dollars  
3 (\$10,000) and not more than Fifty Thousand Dollars (\$50,000).

4 **§ 109. Restitution and Community Service.**

5 Notwithstanding any laws, provisions or regulations to the contrary,  
6 a person who is convicted of any offense in this Chapter shall be ordered by  
7 the sentencing judge to make restitution to the victim of the offense if, after  
8 conducting a hearing, the judge finds that the victim suffered an actual  
9 financial loss caused directly or indirectly by the person's offense or an  
10 actual financial loss related to the person's criminal episode. A person who  
11 is convicted of any offense in this Chapter shall also be ordered to perform  
12 no less than two hundred fifty (250) hours of community service work.  
13 Restitution and community service work shall be in addition to any fine or  
14 sentence that may be imposed and shall not be in lieu thereof."

15 **Section 4. 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 5. Savings Clause.** This Act and any repealer contained herein  
21 shall not be construed as affecting any existing right acquired under contract or

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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.

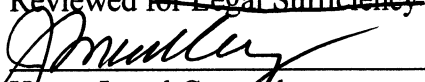
6 **Section 6. Effective Date.** This Act shall take effect upon its approval by  
7 the Governor, or its becoming law without such approval.

Prefiled: 2/3/2023

Date: 2/3/2023

Introduced by:   
Rep. Vicente C. Camacho

Reviewed for Legal Sufficiency by:

  
House Legal Counsel  
*FOR INTRODUCTION PURPOSE ONLY*