

**TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH**

**LEGISLATURE**

**IN THE HOUSE OF REPRESENTATIVES**

\_\_\_\_\_ Session, 2023

H. B. 23- 33

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**A BILL FOR AN ACT**

To improve standards in bail proceedings by establishing bail procedures, authorizing denial of bail, imposing conditions of release and protecting victims.

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

1           **Section 1. Purpose and Findings.**

2           This Act is named after Keisha King, who died on March 12, 2020, when  
3 she was kidnapped and shot by Gordon Castro, a convicted felon with a substantial  
4 criminal history who had been released on bail in two pending felony drug cases,  
5 despite the fact that he was on probation for Assault with a Dangerous Weapon.  
6 The purpose of the Act is to protect the public by improving bail proceedings. The  
7 Act narrows the right to bail, imposes stricter conditions for release and applies  
8 stronger enforcement of bail conditions.

9           There has been an increase in the number of cases in which criminal  
10 defendants with prior convictions and a history of violence have been released on  
11 bail without proper supervision or who have committed violations of the conditions  
12 of release, including the failure to appear or commission of a new offense, without

1 any substantial consequences. Gordon Castro had violated the conditions of  
2 probation and had committed two separate felony offenses but was released on bail.  
3 While out on that bail, he committed a violent felony crime, evaded arrest,  
4 kidnapped a girlfriend, obtained a firearm from a Department of Corrections officer  
5 and repeatedly fired the weapon at officers. His activities resulted in his own death  
6 and the death of the Keisha King.

7 Criminal defendants with a criminal history or who violate the conditions  
8 of release present an increased danger to the community. These amendments  
9 provide for more consistent application of conditions of release and consequences  
10 for violation of those conditions. The overall intent is to make sure defendants  
11 appear in court and improve protection of the public and victims of crime.

12 **Section 2. Title.** This Act shall be cited as “The Keisha King Bail Reform  
13 Act.”

14 **Section 3. Amendments.** Title 6, Division 6, Chapter 4 of the  
15 Commonwealth Code is hereby amended by amending the following subsections  
16 and adding a new subsection 6409 to read as follows:

17 **“§ 6401. Right to Bail.**

18 (a) Any person arrested for a misdemeanor criminal offense, ~~other than~~  
19 ~~murder in the first degree,~~ shall be entitled as a matter of right to be released  
20 ~~on bail~~ have a reasonable bail amount fixed before conviction; provided,  
21 however, that no person may be so released while so under the influence of

1 intoxicating liquor or drugs that there is a reasonable ground to believe the  
2 person will be offensive to the general public.

3 (b) A person arrested for a felony offense ~~murder in the first degree~~ may be  
4 released on reasonable bail by any judge; provided, that the prosecutor district  
5 attorney is given reasonable opportunity to be heard before any application for  
6 bail is granted.

7 (c) For any subsequent application for bail or a change in bail, the  
8 prosecutor shall be given at least 48 hours notice.

9 (d) No person shall be released on bail for an offense committed while  
10 released on bail or after arrest for violation of a condition of probation that  
11 includes an allegation of a new offense.

12 **§ 6402. Who May Fix Bail; Allowing Bail After Conviction.**

13 (a) In the case of any person arrested for a misdemeanor criminal offense,  
14 ~~other than murder in the first degree~~, the court or any official authorized to issue  
15 a warrant may fix the bail prior to conviction. This may be done at the time of  
16 issuing the warrant and endorsed on the warrant or may be done at any time prior  
17 to conviction. For a felony offense, only the court may fix the bail prior to  
18 conviction.

19 (b) After conviction bail may be allowed only if a stay of execution of  
20 the sentence has been granted and only in the exercise of discretion by a  
21 court authorized to order a stay ~~or by a judge thereof.~~ No after conviction

1 bail shall be granted if the defendant is convicted of a felony subject to  
2 punishment by ten or more years of confinement.

3 **§ 6403. Notice by ~~Police~~ Law Enforcement of Requests to Have Bail**  
4 **Fixed.**

5 When any arrested person for whom bail has not been fixed, or to whom  
6 bail has been once denied ~~in the case of murder in the first degree~~, notifies any  
7 ~~police~~ law enforcement officer or jail attendant that he or she desires to give bail,  
8 an official authorized to fix bail shall be promptly notified by the ~~police~~ law  
9 enforcement authorities. The arrested person shall be brought before the official  
10 for this purpose if the official so requests and after 48 hours notice to the  
11 prosecutor if a previous request has been made.

12 **§ 6404. Amount of Bail.**

13 The amount of bail shall be such as, in the judgment of the court or official  
14 fixing it, will insure the presence of the accused in the future. The determination  
15 of the court or official should take into account the nature and circumstances of  
16 the offense charged, the weight of the evidence against the accused, the criminal  
17 history of the accused, any history of appearance or failure to appear, the safety of  
18 any victim, the financial ability of the accused to give bail and the character of the  
19 accused. No bail shall be set by a court before obtaining and reviewing a summary  
20 of any local criminal history of the accused prepared and presented by the Clerk  
21 of the Superior Court.

1           **§ 6405. Modification or Denial of Bail.**

2           (a) Modification. The court before which a criminal case is pending may,  
3           for cause shown by written motion and after notice and opportunity to reply to  
4           the opposing party, either increase or decrease the bail, alter the conditions of  
5           release or require an additional surety or sureties or allow substitution of  
6           sureties. If increased bail, new condition or an additional surety or sureties is  
7           required, the accused may shall be committed to custody unless bail is given in  
8           the increased amount, the condition is met or additional surety or sureties are  
9           furnished as required.

10           (b) Denial. The court before which a criminal case is pending may order the  
11           arrest of person on bail for any violation of the conditions upon finding, based  
12           upon a written motion of the prosecutor or Probation Department and supporting  
13           affidavit, stating probable cause to believe a violation of the conditions of release  
14           has occurred. If requested, the court shall promptly set the motion for a hearing;  
15           the defendant shall remain in custody pending a hearing. The court may deny  
16           bail or modify the conditions upon finding by a preponderance of the evidence  
17           that the person violated a condition of release. The court shall deny bail in a  
18           felony case upon such a finding if the violation of the conditions of release  
19           included commission of a new offense or the failure to appear in court.  
20           Presentation of a warrant for arrest signed by a judge showing probable cause  
21           that a new offense was committed on a date after the person was released on bail

1 is sufficient to establish commission of a new offense for the purpose of denying  
2 bail.

3 **§ 6406. Personal Recognizance.**

4 In the case of an arrest for any criminal offense, the lawful punishment for  
5 which does not exceed a fine of \$100 or six months imprisonment or both, the  
6 court or official authorized to fix bail may, in the exercise of discretion, order  
7 that the arrested person be released on personal recognizance in a sum fixed by  
8 the court or official, without security, into the custody of a responsible member  
9 of the community, provided the arrested person has a usual place of abode or  
10 of business or employment in the Commonwealth. No such release on personal  
11 recognizance shall be permitted if there is an allegation of domestic violence,  
12 a prior felony conviction or if the person has previously failed to appear.

13 **§ 6407. Bail and Conditions of Release in Domestic Violence Cases.**

14 [No change]

15 **§ 6408. Bail and Conditions of Release in Child Abuse Cases.**

16 [No change]

17 **§ 6409. Conditions of Bail.**

18 A court may impose any reasonable condition of release not listed in  
19 this section, in addition to bail, that assures the attendance of the accused in  
20 court or protects the safety of the public or a victim.

1           (a) Mandatory conditions. The court shall impose the following  
2           conditions for all cases other than those involving fine-only punishments,  
3           requiring accused to:

4           (1) Surrender the passport of the accused. If accused claims to have no  
5           passport, the accused must file a sworn statement, signed by the  
6           accused, supporting that claim and may not apply for a passport, except  
7           with court permission, while the case is pending.

8           (2) Appear in court as scheduled.

9           (3) Obey all Commonwealth and federal laws.

10          (4) Surrender all travel documents and not leave CNMI without the  
11          written permission of the court.

12          (5) Stay away from all seaports and airports.

13          (6) Avoid consumption or possession of alcoholic beverages.

14          (7) Avoid ingesting any controlled substance or drug except with  
15          prescription of physician.

16          (8) Have no contact with the victim or any other persons named  
17          by the court, subject to exceptions established by the court for  
18          good cause.

19          (9) Provide the court and defense attorney with accurate contact  
20          information, including name, residence location, and phone number.

1           and update immediately if changed, and keep all appointments with  
2           attorney.

3           (b) Discretionary conditions. The court may impose the following  
4           conditions:

5           (1) Observe a curfew as determined by the court. The court may  
6           further specify that the accused must contact DPS or Probation to  
7           confirm compliance. The court also may require DPS or Probation to  
8           check on the accused to confirm compliance.

9           (2) Submit to house arrest, subject to reasonable exceptions as  
10          determined by the court. The court may further specify that the  
11          accused must contact DPS or Probation to confirm compliance. The  
12          court also may require DPS or Probation to check on the accused to  
13          confirm compliance.

14          (3) Submit to electronic monitoring through DPS or Probation.

15          (4) Report to Probation for drug or alcohol testing, indigency  
16          determination or any other purpose related to enforcement of the bail  
17          conditions.

18          (c) Third party custodians. The court may impose a condition that the  
19          accused shall be released into the constant care, custody and supervision of  
20          a third-party custodian. To qualify, the third-party custodian shall not be a  
21          spouse or ex-spouse of the accused, parent of the victim or a potential



1        witness in the case, does not live within 200 yards of the residence of the  
2        victim, shall not have been previously convicted of a misdemeanor  
3        involving violence or dishonesty or a felony, and agrees to remain in  
4        constant contact with the accused if appointed as third-party custodian,  
5        except for those times specified by the court, and to immediately report any  
6        violations of the conditions of release to the Department of Public Safety.  
7        Failure to report a violation shall be contempt of court.”

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

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

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

Prefiled: 3/27/2023

Date: \_\_\_\_\_

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

Rep. Marissa R. Flores

Reviewed for Legal Sufficiency by:

J. Mealy B-16-23  
House Legal Counsel

A vertical column of seven handwritten signatures, likely representing other representatives or staff members who have reviewed or supported the bill. The signatures are written in black ink and vary in style, some being more cursive and others more blocky.