

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Session, 2023

H. B. 23-45

A BILL FOR AN ACT

To amend the crime of child abuse.

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

1 **Section 1. Purpose.** The purpose of the Act is to amend the crime of child
2 abuse to include conduct that places a child in imminent danger of death, physical
3 pain, injury or mental distress. In addition, the Act specifies that ingesting
4 methamphetamine in the presence of a child or resulting in the presence of
5 methamphetamine in a child is included in the definition of child abuse.

6 The illegal drug methamphetamine is commonly abused in the CNMI.
7 Unfortunately, if ingested in the presence of children, that exposure is dangerous
8 because children can absorb the drug and the person using the drug may harm the
9 child. In addition, pregnant women who use methamphetamine pass the drug on to
10 their child, endangering the health of that child.

11 Many jurisdictions have made endangering a child an offense if the person
12 uses methamphetamine in the presence of a child or if a newly born child tests

1 positive for methamphetamine. This Act adds that protection to the children of
2 CNMI as well.

3 **Section 2. Amendment.** Title 6, Chapter 3, Article 1 § 5312. Child Abuse:
4 Defined, of the Commonwealth Code is amended by amending subsection (a) to
5 read as follows:

6 “(a) A person commits the offense of child abuse if the person:

7 [1-3 unchanged]

8 (4) knowingly or recklessly, by act or omission, engages in conduct
9 that places a child younger than 18 years in imminent danger of death,
10 physical pain, injury or mental distress. Conduct that places a child in
11 imminent danger of death, bodily injury, or physical or mental impairment
12 includes, but is not limited to:

13 (i) the person manufactured, possessed, or in any way
14 introduced into the body of any person the controlled substance
15 methamphetamine in the presence of the child; or

16 (ii) the person's conduct related to the proximity or
17 accessibility of the controlled substance methamphetamine to the
18 child and an analysis of a specimen of the child's blood, urine, or
19 other bodily substance indicates the presence of methamphetamine
20 in the child's body.”

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


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

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

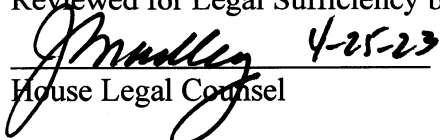
Prefiled: 4/25/2023

Date: 4/25/2023

Introduced by:


Rep. Malcom J. Omar

Reviewed for Legal Sufficiency by:


House Legal Counsel