

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2023

H. B. 23-67

A BILL FOR AN ACT

To amend the authority for compliance officers to staff  
treatment programs in the Judiciary.

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

1           **Section 1. Findings and Purpose.** In 2018, the Legislature authorized the  
2 addition of a drug court program in the Judiciary and established court personnel  
3 (compliance officers) to serve as law enforcement within the drug court program.  
4 See PL 20-54. Since then, the Judiciary has added a mental health court program.  
5 Other specialty treatment programs may follow, including a veterans court  
6 program. These evolving programs recognize diversion and treatment as  
7 alternatives to conviction and punishment. This bill establishes the authority for  
8 professionally trained probation and compliance officers to serve in treatment  
9 courts as law enforcement officers. This bill also identifies training and firearm  
10 certification standards to be adopted by the Judicial Council.

11           **Section 2. Amendment.** 1 CMC § 3207 is amended to read as follows:

12           “§ 3207. **Establishment of Drug Court.**

1 (a) [no changes]

2 (b) Compliance officers shall qualify for employment under such  
3 minimum standards of professional experience, physical and mental  
4 health, and education as established by the Judicial Council. No  
5 individual who has been convicted of a felony or other crime of moral  
6 turpitude may serve as a compliance officer. Compliance and  
7 probation officers shall undergo firearms training and periodic  
8 certification through the Marshall Services Division to the same  
9 extent as Police Officers of the Department of Public Safety. The  
10 Judicial Council shall establish standards for such training and  
11 certification consistent with the Department of Public Safety's  
12 standards.

13 (~~bc~~) ~~Community supervision~~ Probation officers and compliance officers  
14 shall serve under the treatment court programs within the Judiciary  
15 ~~Drug Court~~ and shall have the authority and responsibility to:

16 (1) Create, maintain and secure a complete record of each participant  
17 placed in a treatment court program.

18 (2) Instruct a participant as to the terms, conditions and restrictions  
19 specified by the treatment court program.

20 (3) Keep informed of all terms, conditions and restrictions specified  
21 by the treatment court program.

- 1           (4) Investigate, exercise general supervision over, and monitor  
2           compliance of participants which shall include, among other  
3           things, the authority to visit a participant at home, employment site,  
4           or anywhere else specified by the treatment court program, to  
5           conduct drug tests of participants, or take any items prohibited by  
6           the conditions of supervision that are observed in plain view.
- 7           (5) Keep records of work performed and report on information  
8           concerning a participant's conduct and compliance with a  
9           treatment court program.
- 10          (6) Use all suitable methods, including the imposition of informal  
11          sanctions, not inconsistent with a treatment court program, to aid  
12          and encourage a participant to effect improvements in conduct.
- 13          (7) Serve warrants of arrest, make arrests and bring participants before  
14          the treatment court when he or she believes that cause for formal  
15          sanctions or termination exists.
- 16          (8) Carry a firearm in the performance of official duties.
- 17          (9) Perform any other duty, or have such powers as are necessary to  
18          implement the provisions of this Article, as deemed appropriate by  
19          the treatment court program."


20           **Section 3. Severability.** If any provisions of this Act or the application of  
21    any such provision to any person or circumstance should be held invalid by a court

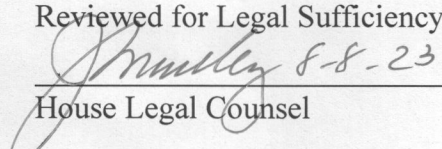
1 of competent jurisdiction, the remainder of this Act or the application of its  
2 provisions to persons or circumstances other than those to which it is held invalid  
3 shall not be affected thereby.

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

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

Prefiled: 8/8/2023

Date: \_\_\_\_\_ Introduced by:   
Rep. John Paul P. Sablan

Reviewed for Legal Sufficiency by:  8-8-23  
House Legal Counsel

