

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Session, 2023

H. B. 23- **70**

A BILL FOR AN ACT

To establish the offense of drunk and disorderly conduct as a payable infraction; and for other purposes.

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

1 **Section 1. Findings and Purpose.** The Legislature finds that the current
2 law regarding drunk and disorderly conduct in public is too vague. Arguably, an
3 officer may need to wait for a complaint from a citizen before issuing a citation or
4 making an arrest for Disturbing the Peace under 6 CMC Section 3101. The current
5 laws provide a large gap between what is publicly unacceptable drunk and
6 disorderly conduct - that should be cited and stopped without a victim or complaint
7 being issued on the one hand, and Disturbing the Peace, on the other. This
8 legislation provides clearer penalties and removes the overly broad gap that
9 presently exists.

10 Currently, the offense of Disturbing the Peace is punishable by six months
11 imprisonment or less. Still, this is not clearly a payable offense despite the fact that
12 in most cases it should be. This legislation does not significantly change the law,

1 it clarifies that a person need not disturb the peace of any other person to be guilty
2 of violating the law against drunk and disorderly conduct.

3 This new offense will be a non-criminal, infraction, akin to a traffic payable
4 offense requiring no formal arrest and clearly no detention for first offenses.

5 **Section 2. Amendment.** Subject to codification by the CNMI Law
6 Revision Commission, new sections 101 to 103 shall be added to Title 6 of the
7 Commonwealth Code that shall read as follows:

8 **“Section 101. Drunk and Disorderly Conduct in a Public Place.**

9 Every person who commits any of the following acts is guilty of
10 disorderly conduct, an infraction:

11 (a) Who is found in any public place under the influence of
12 intoxicating liquor, any drug, controlled substance, inhalants as set forth in
13 6 CMC, Section 2401, or any combination of any intoxicating liquor, drug,
14 controlled substance, or inhalants as set forth in 6 CMC, Section 2401, in a
15 condition that they are unable to exercise care for their own safety or the
16 safety of others, or by reason of their being under the influence of
17 intoxicating liquor, any drug, controlled substance, inhalants as set forth in
18 6 CMC, Section 2401, or any combination of any intoxicating liquor, drug,
19 or inhalants as set forth in 6 CMC, Section 2401, interferes with or obstructs
20 or prevents the free use of any street, sidewalk, or other public way.

1 **Section 102. Penalties.** Any person who violates subsection with
2 respect to being drunk and disorderly in public may be penalized as follows:

3 (a) For a first offense: Any person who is found to be drunk or
4 disorderly in public shall be fined \$100.00 and sentenced to 30 hours
5 community service. This provision shall be a non-criminal and payable
6 infraction only. As a payable offense and not a criminal violation, it shall
7 be adjudicated like a payable traffic citation under Title 9 of the CNMI
8 Code, wherein violations shall not be subject to mandatory formal arrest or
9 detention.

10 (b) Any person found to be in violation of this section as a second
11 offense or more, may be subject to formal arrest and detention and
12 sentenced to a term of imprisonment of not more than three months, and a
13 fine between \$200.00 and \$300.00, and sentenced to a range of 60 to 80
14 hours community service at the discretion of the court.

15 **Section 103. Disposition of Fines.**

16 Notwithstanding any laws or provisions to the contrary, not less than
17 50% of all fees, fines, and penalties collected pursuant to this Act shall be
18 collected in the manner prescribed by 6 CMC section 4119 (c) provided
19 however that 50% shall be deposited into an account created by the
20 Department of Finance for the benefit of the Department of Public Safety
21 with the Commissioner of the Department of Public Safety as the sole

1 expenditure authority and the remaining 50% shall be collected and
2 deposited in the usual manner consistent with 6 CMC section 4119 (c) for
3 the unrestricted and sole benefit of the CNMI Judiciary.”

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

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

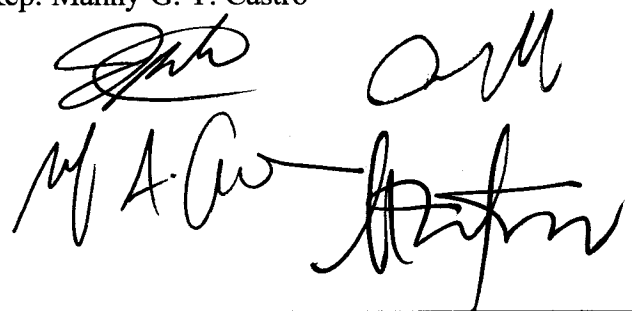
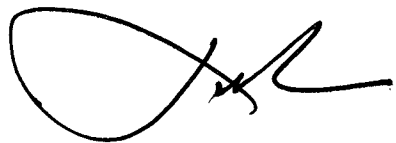
16 **Section 5. Effective Date.** This Act shall take effect upon its approval by
17 the Governor, or it becoming law without such approval.

Prefiled: 8/18/2023

Date: _____

Introduced by: _____

Rep. Manny G. T. Castro



Reviewed for Legal Sufficiency by:

John S. Day
House Legal Counsel

Mr
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