



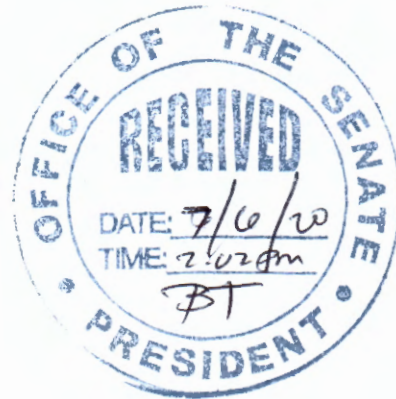
Gov. Msg. No. 21-221

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
OFFICE OF THE GOVERNOR  
PROGRAMS & LEGISLATIVE REVIEW OFFICE

July 6, 2020

The Honorable Blas Jonathan "BJ" T. Attao  
Speaker, House of Representatives  
Twenty-First Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

The Honorable Victor B. Hocog  
Senate President, The Senate  
Twenty-First Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

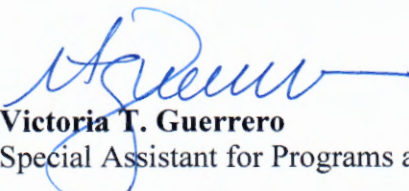


Dear Mr. Speaker and Mr. President:

This is to inform you that **House Bill No. 21-59, HD1, SS1** entitled, "To prohibit cruelty and theft of animals; to provide penalties for such acts; and for other purposes.", which was passed by the Twenty-First Northern Marianas Commonwealth Legislature and transmitted to the Governor on May 27, 2020, became law without the Governor's signature.

This bill became **Public Law No. 21-31**, on July 05, 2020.

Sincerely,

  
**Victoria T. Guerrero**  
Special Assistant for Programs and Legislative Review

cc: Governor; Lt. Governor; Department of Finance; CNMI Superior Court; Department of Public Safety; Mayor of Saipan; Mayor of Tinian; Mayor of Rota; Mayor of the Northern Islands; Press Secretary; Special Assistant for Administration; Commonwealth Law Revision

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DATE: 7/6/20 3:30pm



*Twenty-First Legislature  
of the  
Commonwealth of the Northern Mariana Islands*

**IN THE HOUSE OF REPRESENTATIVES**

**THIRD SPECIAL SESSION**

**JUNE 11, 2019**

REPRESENTATIVE EDWIN K. PROPST of Saipan, Precinct 1 (*for himself*, Representatives Blas Jonathan "BJ" T. Attao, Ivan A. Blanco, Richard T. Lizama, Christina M.E. Sablan, Edund S. Villagomez, and Ralph N. Yumul,) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

**H. B. No. 21-59, HD1, SS1**

**AN ACT**

**TO PROHIBIT CRUELTY AND THEFT OF ANIMALS; TO PROVIDE  
PENALTIES FOR SUCH ACTS; AND FOR OTHER PURPOSES.**

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 21-33; adopted 10/15/2019.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON  
FIRST AND FINAL READING, OCTOBER 15, 2019;**  
*with amendments* in the form of H. B. No. 21-59, HD1 and transmitted to the  
**THE SENATE.**

The Bill was referred to the Senate Committee on Judiciary, Government, Law and Federal Relations, which submitted Standing Committee Report 21-83; adopted 3/13/2020.

**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, MARCH 13, 2020;**  
*with amendments* in the form of H. B. No. 21-59, HD1, SS1.

**H. B. No. 21-59, HD1, SS1, WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON APRIL 17, 2020.**

The House of Representatives accepted the Senate amendments and passed H. B. No. 21-59, HD1, SS1, during its First Day, Second Special Session on May 21, 2020.

**THE BILL WAS FINALLY PASSED ON MAY 21, 2020.**

  
\_\_\_\_\_  
**Linda B. Muña, House Clerk**



*Twenty-First Legislature*  
*of the*  
*Commonwealth of the Northern Mariana Islands*  
**IN THE HOUSE OF REPRESENTATIVES**

FIRST DAY, SECOND SPECIAL SESSION

MAY 21, 2020

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**H. B. No. 21-59, HD1, SS1**

**AN ACT**

**TO PROHIBIT CRUELTY AND THEFT OF ANIMALS; TO PROVIDE  
PENALTIES FOR SUCH ACTS; AND FOR OTHER  
PURPOSES.**

**BE IT ENACTED BY THE TWENTY-FIRST NORTHERN  
MARIANAS COMMONWEALTH LEGISLATURE:**

1           **SECTION 1. SHORT TITLE.**

2           This Act may be cited as the "CNMI Animal Protection and Control Act."

3           **SECTION 2. FINDINGS AND PURPOSES.**

4           The Legislature finds that there have been numerous acts of cruelty and theft relative  
5 to animals in the Commonwealth of the Northern Mariana Islands (CNMI). Such cruelty has  
6 been captured on video and posted on social media websites such as Facebook. The Legislature  
7 further finds that there are no existing laws regarding cruelty and theft relative to animals in  
8 the CNMI. Action must be taken to prevent such inhumane and malicious acts in order to  
9 promote peace for our animals and to improve the image of the CNMI. All fifty states and  
10 Guam have laws that prohibit animal cruelty. The Supreme Court as well as other courts have

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1 determined that preventing animal cruelty is in the public interest as research has demonstrated  
2 that those who cruelly abuse animals are more likely to escalate to violence against people.

3 Although this Act prohibits abuse and cruelty against animals, it exempts  
4 “cockfighting”, among others, in the CNMI. The U.S. Animal Fighting Venture Prohibition  
5 makes “any event, in or affecting interstate or foreign commerce, that involves a fight  
6 conducted or to be conducted between at least two animals for purposes of sport, wagering, or  
7 entertainment” unlawful. See 7 U.S.C. § 2156(g)(1). The Legislature finds that the  
8 cockfighting ban does not apply because the U.S. Commerce Clause, Article I, Section 8, is  
9 not applicable to the CNMI in accordance with Article V, Section 501 of the CNMI Covenant  
10 to Establish a Commonwealth of the Northern Mariana Islands (Covenant). The CNMI  
11 Covenant provides that:

12 To the extent that they are not applicable of their own force, the following provisions  
13 of the Constitution of the United States will be applicable within the Northern Mariana Islands  
14 as if the Northern Mariana Islands were one of the several States: Article I, Section 9, Clauses  
15 2, 3, and 8; Article I, Section 10, Clauses 1 and 3; Article IV, Section 1 and Section 2, Clauses  
16 1 and 2; Amendments 1 through 9, inclusive; Amendment 13; Amendment 14, Section 1;  
17 Amendment 15; Amendment 19; and Amendment 26; provided, however, that neither trial by  
18 jury nor indictment by grand jury shall be required in any civil action or criminal prosecution  
19 based on local law, except where required by local law. *Other provisions of or amendments to*  
20 *the Constitution of the United States, which do not apply of their own force within the Northern*  
21 *Mariana Islands, will be applicable within the Northern Mariana Islands only with the*  
22 *approval of the Government of the Northern Mariana Islands and of the Government of the*  
23 *United States.* CNMI Covenant, Article V, Section 501(a). (Emphasis added).

24 Clearly, Article I, Section 8, of the U.S. Constitution is not listed in Section 501 of the  
25 Covenant.

26 Additionally, the animal fighting venture prohibition provides that “Notwithstanding  
27 the provisions of subsection (c)<sup>1</sup>, *the activities prohibited by such subsection shall be unlawful*  
28 *with respect to fighting ventures involving live birds only if the fight is to take place in a State*

<sup>1</sup> 7 U.S.C. 2156(c) reads: “It shall be unlawful for any person to knowingly use the mail service of the United States Postal Service or any instrumentality of interstate commerce for commercial speech for purposes of advertising an animal, or an instrument described in subsection (e), for use in an animal fighting venture except as performed outside the limits of the States of the United States.” (Emphasis added).

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1 *where it would be in violation of the laws thereof.” 7 U.S.C. § 2156(d) (Emphasis added).*  
2 Section 2156(d) is not applicable because cockfighting is legal in the CNMI as established by  
3 local law for each senatorial district. Moreover, “State” is defined as “any State of the United  
4 States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or  
5 possession of the United States.” § 2156(g)(3). The Commonwealth of the Northern Mariana  
6 Islands is not included, unlike the Commonwealth of Puerto Rico. The U.S. Congress could  
7 have easily included the CNMI had it wanted to make the ban applicable to the CNMI. The  
8 non-inclusion or exclusion of the CNMI is because it is unquestionably clear to the U.S.  
9 Congress that such ban could not be made applicable to the CNMI as agreed in the Covenant.  
10 It is also unquestionably clear that there is no agreement between the U.S. and the CNMI to  
11 make the ban applicable to the CNMI.

12 The purpose of this Act is to prevent cruelty and theft of animals, with certain  
13 exceptions, and to provide for penalties for such acts.

14 **SECTION 3. AMENDMENT.**

15 Title 6, Division 3, Chapter 1 of the Commonwealth Code is hereby amended by adding  
16 a new article 5 to read as follows:

17 **“Article 5. Animal Cruelty.**

18 **§ 3191. Definitions.** In this article, the following definitions shall apply:

19 (a) “Animal” means a vertebrate living creature, including a non-human  
20 mammal, bird, reptile or amphibian. The term “animal” does not include livestock,  
21 game fowl/roosters used in legal exhibition (as defined, authorized, and licensed by  
22 each municipality) or in bona fide experimentation for scientific research.

23 (b) “Cruel mistreatment” means to knowingly torture or otherwise inflict  
24 unnecessary physical injury upon an animal or to kill an animal in a manner that  
25 causes suffering to the animal. Cruel mistreatment includes but is not limited to  
26 torturing, mutilating, maiming, stabbing, burning, drowning, beating, suffocating,  
27 tormenting, crushing, or otherwise harming or inflicting physical injury upon an  
28 animal.

29 (c) “Cruel neglect” or “cruelly neglect” means to knowingly, intentionally or  
30 recklessly fail to provide an animal with: necessary food, water, or shelter sufficient

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1 to maintain the animal's normal health; protection from adverse weather conditions.  
2 "Cruelly neglect" includes but is not limited to knowingly, intentionally, or recklessly  
3 failing to provide an animal, within the owner's care and control, with reasonable  
4 care, including tethering an animal on a leash for prolonged periods without adequate  
5 food, water, or shelter, or during severe weather conditions.

6 (d) "Dog fighting" means a fight, arranged by any person, between two (2) or  
7 more dogs the purpose or probable result of which fight is the infliction of injury by  
8 one (1) dog upon another.

9 (e) "Officer" means a member of the Department of Public Safety, an animal  
10 control officer at the Office of the Mayor or any person authorized by law by the  
11 Department of Public Safety.

12 (f) "Livestock animal" means:

13 (1) cattle, sheep, swine, goats, ratites, or poultry commonly raised for human  
14 consumption;

15 (2) a horse, pony, mule, donkey, or hinny;

16 (3) native or nonnative hoof stock raised under agriculture practices; or

17 (4) native or nonnative fowl commonly raised under agricultural practices.

18 (g) "Reasonable Care" means:

19 (1) housing that is regularly cleaned and kept free of waste, debris or excrement;  
20 provided that if housing is not available, there is shelter such as a garage, pavilion or  
21 open-air structure with a roof that is accessible to the animal;

22 (2) if confined in an enclosure, an enclosure large enough to allow the animal  
23 to stand up fully, turn around and fully extend his limbs without touching any walls of  
24 the enclosure or other animals kept therein;

25 (3) nutritious food at least once daily, sufficient to maintain the animal's normal  
26 health;

27 (4) continuous access to clean, potable water that is free of debris, waste, or  
28 excrement;

29 (5) protection from adverse weather conditions, including continuous access to  
30 shelter from sun and rain.

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**HOUSE BILL 21-59, HD1, SS1**

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1 (h) "Serious bodily injury" means injury which involves substantial risk of  
2 death, protracted and obvious disfigurement, or protracted loss or impairment of the  
3 function of a bodily member or organ.

4 **§ 3192. Cruelty to Animals; First Degree.**

5 (a) A person commits the crime of animal cruelty in the first degree if the  
6 person:

7 (1) causes serious physical injury to the animal(s), cruelty causes the death of  
8 the animal(s) or tortures the animal(s);

9 (2) the violation involves extreme malice;

10 (3) the person has a prior conviction for cruelty to animals in the first or second  
11 degree; or

12 (4) the person engages or promotes the activity of dog fighting.

13 (b) A person convicted under this section is guilty of a misdemeanor and shall  
14 be punished by a fine of at least \$500 but not more than \$1,000 or perform 500  
15 community work service hours, or both.

16 (c) For purposes of this section, when more than one animal is involved in a  
17 violation, each act may comprise a separate offense.

18 **§ 3193. Cruelty to Animals; Second Degree.**

19 (a) A person commits the crime of animal cruelty in the second degree if the  
20 person:

21 (1) cruelly mistreats any animal, whether belonging to that person or another;

22 (2) knowingly or intentionally abandons or deserts an animal being kept by or  
23 under the control of said person; or

24 (3) cruelly neglects any animal being kept by or under the control of said person.

25 (b) A person convicted under this section is guilty of a misdemeanor and shall  
26 be punished by a fine of not more than \$500.00 or perform 250 community work service  
27 hours, or both.

28 (c) For purposes of this section, when more than one animal is involved in a  
29 violation, each act may comprise a separate offense.

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1                   **§ 3194. Additional Penalties; Education; Counseling; Animal Ownership**  
2                   **Prohibition.**

3                   In addition to the penalties for a violation of 6 CMC §§ 3192 or 3193, the court  
4                   may order the following during sentencing:

5                   (a) Require the defendant to participate in an available animal cruelty  
6                   prevention or education program, or obtain available psychological counseling to treat  
7                   mental health problems contributing to the violation's commission, with the defendant  
8                   responsible for the costs of the treatment or program.

9                   (b) Prohibit a person from owning, possessing, or controlling any animal, or  
10                  residing in a place where animals are kept, for a period of time as determined by a court  
11                  of law reasonable to prevent future cruelty to animals.

12                  **§ 3195. Animal Seizure, Court Hearing, and Disposition.**

13                  (a) If there is probable cause to believe that any animal has been involved in a  
14                  violation of 6 CMC §§ 3192 or 3193, any officer may, after obtaining a proper search  
15                  warrant from a judge for the premises where the animal is located, enter the premises  
16                  and impound the animal, as well as any other animals found on the premises which  
17                  reasonably appear to have been involved in a violation of 6 CMC §§ 3192 or 3193 and  
18                  use reasonable force to enter private property including a vehicle with or without a  
19                  warrant to enter said vehicle, for the sole purpose of rescuing an animal from inhumane  
20                  or cruel conditions.

21                  (b) If after reasonable effort the owner or keeper of the animal cannot be found  
22                  and notified of the impoundment, the notice shall be conspicuously posted on the  
23                  premises and, within 24 hours after the impoundment, the notice shall be sent by  
24                  certified mail, return-receipt requested, to the address, if any, where the animal was  
25                  impounded. If it is determined after the impoundment that the owner of the animal is  
26                  separate and distinct from the person from whose custody the animal was impounded,  
27                  the owner shall be provided notice of and opportunity to participate in all proceedings  
28                  under this section. The notice shall include:

29                  (1) the name, business address, and telephone number of the officer providing  
30                  the notice;



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1 (2) a description of the animal seized and the circumstances under which the  
2 animal was seized; and

3 (3) a statement that, in order to receive a post-impoundment hearing, the owner  
4 and/or keeper shall request the hearing by signing and returning an enclosed declaration  
5 of ownership or right to keep the animal to the court within 10 days, including weekends  
6 and holidays, of the date of the notice. The declaration shall include current contact  
7 information for the owner and/or keeper. The declaration may be returned by personal  
8 delivery or mail.

9 (c) Any animal so impounded shall be placed with a local animal control facility  
10 or humane society on a temporary basis until forfeited to that agency, euthanized, or  
11 returned to its owner or keeper.

12 (d) Post Impoundment Hearing.

13 (1) The post-impoundment hearing shall be conducted within 48 hours of the  
14 request, excluding weekends and holidays. Immediately upon receipt of the request,  
15 the court shall contact the impounding officer and the owner and/or keeper in order to  
16 notify them of the time and date of the hearing.

17 (2) Failure of the owner and/or keeper to request or to attend a scheduled hearing  
18 shall result in a forfeiture of any right to a post-impoundment hearing and forfeiture of  
19 the impounded animal(s).

20 (3) If it is determined in the hearing that the probable cause required for  
21 impoundment pursuant to subsection (a) above did not exist, the animal shall be  
22 returned to the owner and/or keeper. If it is determined the impoundment was justified,  
23 no further challenge to the impoundment shall be permitted.

24 (e) An officer is not liable for any damages for an entry under this section unless  
25 the damages were caused by reckless behavior.

26 (f) A person convicted of a violation of this article shall be liable for all  
27 impounding costs, including any veterinary care expenses, from the time of seizure to  
28 the time of proper disposition.

29 **§ 3196. Animal Overpopulation Control.**

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1           To curb the overpopulation of stray animals in the CNMI, all animals that are  
2 found abandoned, unattended, emaciated or in severe bad health may be lawfully  
3 captured by the animal control office at the Mayor's Office and be adopted out, or, if  
4 necessary, humanely euthanized in accordance with the American Veterinary Medical  
5 Association standards.

6           **§ 3197. Animal Cruelty; Exemptions.**

7           The following conduct is exempt from prosecution under this article:

8           (a) The conduct was an accepted veterinary practice performed by a veterinarian  
9 licensed to practice in the Commonwealth in accordance with the American Veterinary  
10 Medical Association standards;

11           (b) The conduct was consistent with traditional customs or cultural practices or  
12 an accepted farming or husbandry practice, including slaughter for personal  
13 consumption and cockfighting;

14           (c) The conduct was a lawful hunting, fishing or trapping practice;

15           (d) The conduct was in defense of a person or person's property from the  
16 reasonable threat of an attack by an animal;

17           (e) The conduct was lawful research or teaching; or

18           (f) The conduct was an accepted method of control of rodents, pests or snakes  
19 by trapping or killing.

20           **§ 3198. Disposition of Fines and Fees.**

21           There is established in the Commonwealth Treasury an "Animal Protection and  
22 Control Revolving Fund" (hereafter referred to in this article as the "fund"), with sub-  
23 accounts for Saipan, Tinian, and Rota, respectively, which shall be non-lapsing,  
24 separate and apart from the General Fund. All collections from penalties, fees or fines  
25 collected under this article shall be deposited into the fund. The Secretary of the  
26 Department of Finance shall administer the fund and shall expend moneys from the  
27 fund sub-accounts without further appropriation, pursuant to regularly established  
28 accounting and control procedures, on the order of the respective mayor of each  
29 municipality or his or her authorized designee only for the purpose of the administration  
30 of the animal protection and control programs under the Office of the Mayor or

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**HOUSE BILL 21-59, HD1, SS1**

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1           respective Department of Public Safety in each municipality.”

2           **SECTION 4. AMENDMENT.**

3           Title 6, Division 3, Chapter 1, Article 1 of the Commonwealth Code is amended by  
4 adding a new section 3118 to read as follows:

5                   **“§ 3118. Theft of Pet.**

6                   (a) A person commits the offense of theft of a pet if the person, with the intent  
7 to deprive or defraud the owner thereof, takes, leads away, confines, secretes, or  
8 converts any pet.

9                   (b) A person convicted under this section may be punished by imprisonment of  
10 not more than six months, or fine not more than \$500 per pet, or both.

11                   (c) Nothing in subsection (a) shall be construed as barring a conviction for theft  
12 or receiving stolen property under the laws of the Commonwealth.

13                   (d) As used in this section, “Pet” means any vertebrate living creature or animal  
14 that is commonly considered to be, or is considered by the owner to be, a companion  
15 animal. “Pet animal” includes, but is not limited to, canines and felines.

16                   (e) All fines and fees collected under this section shall be deposited into the  
17 Animal Protection and Control Revolving Fund and disposed pursuant to 6 CMC §  
18 3198.”

19           **SECTION 5. IMPLEMENTATION.**

20           The provisions of Section 3 of this Act shall be implemented one year after the effective  
21 date of this Act.

22           **SECTION 6. SEVERABILITY.**

23           If any provisions of this Act or the application of any such provision to any person or  
24 circumstance should be held invalid by a court of competent jurisdiction, the remainder of this  
25 Act or the application of its provisions to persons or circumstances other than those to which  
26 it is held invalid shall not be affected thereby.

27           **SECTION 7. SAVINGS CLAUSE.**

28           This Act and any repealer contained herein shall not be construed as affecting any  
29 existing right acquired under contract or acquired under statutes repealed or under any rule,  
30 regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect

**HOUSE BILL 21-59, HD1, SS1**

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1 any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not  
2 have the effect of terminating, or in any way modifying, any liability, civil or criminal, which  
3 shall already be in existence on the date this Act becomes effective.

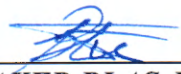
4 **SECTION 8. EFFECTIVE DATE.**

5 This Act shall take effect upon its approval by the Governor, or its becoming law  
6 without such approval.

Attested to by:

  
\_\_\_\_\_  
**Linda B. Muña, House Clerk**

Certified by:

  
\_\_\_\_\_  
**SPEAKER BLAS JONATHAN "BJ" T. ATTAO**  
House of Representatives  
21<sup>st</sup> Northern Marianas Commonwealth Legislature

\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
**RALPH DLG. TORRES**  
Governor  
Commonwealth of the Northern Mariana Islands