

TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

First Regular

SESSION, 2025

S. B. No. 24-06

A BILL FOR AN ACT

To authorize CNMI Department of Corrections to pay inmates and establish work programs.

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

1 **Section 1. Findings and Purpose.** The Legislature finds that it is the policy of the
2 Commonwealth to promote the rehabilitation of inmates and to prepare them for successful
3 reintegration into society. One way to promote rehabilitation is to provide inmates with
4 opportunities to participate in community-based transitional programs, such as work
5 release.

6 Work release allows inmates who are likely to successfully reintegrate into the
7 community to leave correctional facilities to engage in paid work. Correctional authorities
8 assess participants to ensure they pose a low risk to public safety and have adequate job
9 skills. Inmates who participate in work release programs are ordinarily required to return
10 to the correctional facility where they remain in the custody of the correctional institution
11 overnight.

12 Evidence supporting work release highlights its public safety benefits post-
13 incarceration. Research shows that work release programs significantly reduce the chance
14 that former inmates will re-offend and increase post-release employment opportunities, as
15 compared to non-participants. In other words, work release results in positive outcomes in
16 inmates' transition back into society.

17 Additionally, participation in work release provides inmates the chance to
18 accumulate savings, refine job skills, and reconnect with family and community,
19 counteracting the harmful effects of institutionalization, such as diminished self-worth and
20 social isolation. Earning a wage will help inmates develop work skills, learn financial
21 responsibility, and build self-esteem.

1 Thus, based on the foregoing, the Legislature finds that it would be in the best
2 interest of the CNMI to authorize the Department of Corrections to implement and
3 administer a work release program that allows inmates to be paid for work they perform
4 while incarcerated.

5 **Section 2. Amendment.** 1 CMC § 2882(b) is amended to read as follows:

6 “(b) Establish and administer correctional programs as may be funded by the
7 Legislature, including

8 (1) Rehabilitative, educational, work release, and vocational programs;

9 (2) Institutional alcohol and substance-abuse treatment programs;

10 (3) Sex-offender counseling or treatment programs;

11 (4) Repeat-offender prevention programs; and

12 (5) Other remedial programs as needed.”

13 **Section 3. Enactment.** Subject to codification by the Law Revision Commission,
14 Title 6, Division 4 of the Commonwealth Code is amended to add a new Chapter 3 to read
15 as follows:

16 **“Chapter 3. Work Release**

17 § 101. Definitions. Unless the context provides otherwise, for the purposes of this
18 Chapter, the following terms are defined as follows:

19 (a) “Commissioner” means the Commissioner of Corrections, who serves as the
20 administrative officer of the Department of Corrections.

21 (b) “Correctional facility” means any secure facility operated by or under the
22 authority of the Department of Corrections that is designated for the confinement,
23 rehabilitation, and supervision of individuals who have been convicted of crimes or are
24 awaiting trial.

25 (c) “Department,” “Department of Corrections,” and “DOC” means the department
26 within the Executive Branch of the Commonwealth Government that is headed by the
27 Commissioner of Corrections and is responsible for all adult correctional services, civil
28 detention, and adult offender detention throughout the Commonwealth of the Northern
29 Mariana Islands (CNMI).

(d) "Secretary of Finance" means the individual that heads the Department of Finance within the CNMI Government.

(e) "Inmate" means any individual confined under the jurisdiction of the Department of Corrections.

(f) "Private employer" means any non-governmental entity that seeks or enters into a Memorandum of Agreement with the Department of Corrections for the purposes of engaging inmates in the work release program.

(g) "Work assignment" means the specific duties, responsibilities, and hours designated for an inmate participating in the work release program.

(h) "Work release program" means the program administered by the Department of Corrections that provides eligible inmates the opportunity to join an inmate workforce, work at an authorized inmate workplace, and generate earnings for work performed.

§ 102. Work Release and Compensation.

(a) The Department of Corrections may release an inmate from a place of imprisonment for a limited period to allow the inmate to work in the community while continuing in official detention at the correctional facility, provided that such release is in full compliance with this Chapter.

(b) The Department of Corrections may contract specifically with respect to the services of inmates. The Department of Corrections is authorized to enter into a Memorandum of Agreement (MOA) with an inmate and a private company that wishes to engage inmates participating in the work release program. The MOA shall outline the terms and conditions of the inmate's engagement, including but not limited to, the following:

(1) The specific duties and responsibilities of the inmate.

(2) The rate of pay, which shall be no less than 50% of the prevailing minimum wage applicable to non-incarcerated employees within the CNMI.

(3) The hours of work.

(4) The terms regarding the inmate's release from the correctional facility to perform work.

(5) The obligations of the private employer, such as training, supervision, and compliance with law governing inmate labor.

(6) The terms regarding payment and deductions, specifying that inmate earnings will be provided directly to the Department of Corrections for the purposes of making deposits and deductions into and out of inmate subaccounts authorized by this Chapter.

(7) The consequences for violating the terms of the MOA or the Department of Corrections rules and regulations.

(c) A personal guarantee from the private employer, in an amount determined by the Commissioner, must be provided to the Department of Corrections by the commencement date of any MOA made for the engagement of inmates pursuant to this Chapter. If the personal guarantee is not obtained by that date, the MOA will automatically terminate. The personal guarantee shall secure:

(1) For an agreement that does not relate to construction:

(A) A surety bond made payable to the Commonwealth of the Northern Mariana Islands in an amount fixed by the Commissioner of not less than 25 percent of the prorated annual amount of the contract but not more than 100 percent of the prorated annual amount of the contract and conditioned upon the faithful performance of the contract in accordance with the terms and conditions of the contract;

(2) For an agreement that relates to construction:

(A) A surety bond made payable to the Commonwealth of the Northern Mariana Islands in an amount fixed by the Director of not less than 100 percent of the prorated annual amount of the contract and conditioned upon the faithful performance of the contract in accordance with the terms and conditions of the contract; and

(3) For all agreements, in addition to the requirements in subsections (1) and (2):

1 (A) A security agreement covering any debt, obligation, or other
2 liability of the private employer under the contract, including, without
3 limitation, lease payments and wages earned by inmates.

4 (d) The Commissioner may terminate the MOA at any time, for any reason, with
5 or without cause.

6 (e) An inmate does not have a statutory right to employment under this Chapter. A
7 lawfully confined inmate does not have a liberty interest in or other right to an initial work
8 release eligibility determination or continued participation in the work release program.
9 Inmates are not entitled to due process prior to removal from the program.

10 (f) An inmate injured while working or participating in a work assignment shall
11 not be entitled to workers' compensation benefits.

12 (g) As a condition to participating in the work release program, an inmate implicitly
13 agrees to all the terms and conditions of that program, including all relevant Department
14 of Corrections regulations, and also implicitly authorizes the Department of Corrections to
15 make deductions from any earnings deposited in an inmate subaccount established under
16 Section 107 of this Act.

17 (h) The provisions of this Chapter do not create a right on behalf of the inmate to
18 employment or to receive the federal or state minimum wage for any employment and do
19 not establish a basis for any cause of action against the CNMI or its officers or employees
20 for employment of an inmate or for payment of the federal or state minimum wage to an
21 inmate.

22 (i) Any inmate assigned to a work release program who, without proper authority
23 or just cause, leaves the area to which he has been assigned to work or leaves the vehicle
24 or route of travel involved in his going to or returning from such place is guilty of a
25 misdemeanor, and upon conviction thereof, he shall be punished by a fine of not more than
26 \$1,000, imprisonment for not more than one year, or both, and shall also be made ineligible
27 for further participation in the work release program during his current term of
28 confinement.

1 § 103. Commissioner Powers.

2 (a) The Commissioner of the Department of Corrections shall have the authority
3 to:

4 (1) Establish an inmate workforce.

5 (2) Determine the manner and extent of inmate work assignments,
6 including whether an inmate is eligible for inclusion in the inmate workforce and
7 whether a workplace may be designated as an authorized inmate workplace.

8 (3) Grant reliable inmates the privilege of leaving institutions or facilities
9 of the Department of Corrections at certain times for the purpose of participating in
10 the work release program.

11 (4) Contract with governmental agencies and private employers for the sale
12 of goods manufactured by inmates and for the use of inmates' services, such as
13 work assignments on public works projects made under contracts with the CNMI
14 Government.

15 (5) Use the earnings from services and manufacturing conducted by the
16 inmates in accordance with the provisions of this Chapter.

17 (6) Regulate inmate subaccounts authorized under this Chapter.

18 (b) The Commissioner of the Department of Corrections may, with the approval of
19 the Secretary of Public Lands and the Governor, lease spaces and facilities within any
20 institution of the Department of Corrections to private employers to be used for the training
21 and engagement of inmates.

22 § 104. Inmate Workforce.

23 (a) The Commissioner of the Department of Corrections shall establish an inmate
24 workforce.

25 (b) Every person 18 years of age or older who is convicted and confined for any
26 violation of CNMI law and who is confined as a punishment or for failure to pay a required
27 fine shall be liable to work in the inmate workforce.

28 (c) Every person 18 years of age or older who is confined pending disposition of a
29 criminal offense not listed in Title 6, Division 1, Part 1 of the Commonwealth Code [6

1 CMC §§ 1101–1512] may work in the inmate workforce on a voluntary basis with the
2 approval of and under the supervision of the Commissioner or his designee.

3 (d) Inmates are not eligible to participate in the work release program authorized
4 by this Chapter if the inmate:

5 (1) Is not eligible for parole or release from prison within a reasonable
6 period;

7 (2) Has recently committed a serious infraction of the rules of an institution
8 or facility of the Department;

9 (3) Has not performed the duties assigned to him or her in a faithful and
10 orderly manner;

11 (4) Has ever been convicted of a sexual offense that is punishable as a
12 felony;

13 (5) Has, within the immediately preceding year, been convicted of any
14 crime involving the use or threatened use of force or violence against a victim that
15 is punishable as a felony; or

16 (6) Has attempted to escape or has escaped from an institution of the
17 Department.

18 (e) An inmate shall obtain the approval of the Commissioner before the inmate:

19 (1) Engages in any work assignment, including, but not limited to, work for
20 a private employer or self-employment;

21 (2) Enters into a contract; or

22 (3) Participates in a business activity.

23 (f) Except as otherwise authorized by law, the Commissioner has sole discretion
24 to approve or disapprove an inmate's participation in training, work assignment,
25 contractual activity, or business activity authorized under this Chapter and may withdraw
26 approval at any time for any reason whatsoever.

27 (g) An inmate who is on work assignment for a private employer shall:

28 (1) Have his or her income from such work assignment deposited in the
29 inmate's individual subaccounts in the DOC Inmate Wage Fund;

1 (2) Provide the Commissioner with a copy of all the inmate's income tax
2 returns, reports, and withholding forms, if any, when they become available to the
3 inmate; and

4 (3) Upon a request from the Commissioner, provide a record of any inmate
5 bank account, including checking, savings, investment, and brokerage accounts.

6 (h) In no event shall an inmate be considered an employee of the Department of
7 Corrections, the CNMI Government, or a private entity utilizing the inmate workforce.
8 Inmates shall not be entitled to any property right in their labor, and the labor of inmates
9 lawfully incarcerated in CNMI Department of Corrections facilities belongs to the CNMI
10 Government.

11 (i) The Department of Corrections shall, by regulation, establish procedures for
12 classifying and selecting qualified inmates.

13 § 105. Authorized Inmate Workplaces.

14 (a) The Commissioner shall designate authorized inmate workplaces, which shall
15 be limited to the following locations:

16 (1) Public property or works owned, leased, or operated by the CNMI
17 Government;

18 (2) Any property owned by a nonprofit organization that is exempt from
19 taxation under 26 U.S.C. § 501(c)(3) or (c)(4) and that is organized and operated
20 exclusively for charitable or social welfare purposes; or

21 (3) Private property that is visible from any public right-of-way and is:

22 (A) Owned or occupied by an elderly or indigent person and has
23 been identified by the Zoning Administrator as needing rehabilitation or
24 repair; provided, the property owner has consented to such work; or

25 (B) Abandoned, has nuisances that have been identified by
26 Zoning Administrator, and has satisfied local law requirements that allow
27 the Commonwealth Government to abate the nuisance and recoup the costs
28 from the property owner.

(b) Upon request of the Commissioner, a private employer who engages an inmate shall provide the Commissioner with:

(1) Monthly statements accounting for all amounts due to the inmate; and

(2) Any additional information concerning the work assignment of the inmate that is requested by the Commissioner.

(c) An inmate may not engage in any training or work assignment that requires or permits the inmate to:

(1) Telemarket or conduct opinion polls by telephone; or

(2) Acquire, review, use, or have control over or access to personal information concerning any person who is not incarcerated.

(d) Except as otherwise authorized by law, the Commissioner has sole discretion to approve or disapprove training, work assignment, contractual activity, or business activity authorized under this Chapter and may withdraw approval at any time.

(e) No Department of Correction employee shall have any prisoner work on property owned by him or by his relative, or on projects in which he is interested, nor shall any such prisoner be used for the personal gain or convenience of a Department of Correction employee. Any person in violation of this subsection shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$1,000, imprisonment for not more than one year, or both.

(f) A private employer shall have no claim against the CNMI Government or any of its agencies, instrumentalities, officers, or employees for any liability arising from the Commissioner's revocation of an inmate's inclusion in the inmate workforce or the revocation of an authorized inmate workplace designation.

(g) The Commissioner shall, by regulation, establish procedures for classifying and selecting qualified workplaces.

§ 106. Inmate Work Conditions.

(a) The scheduled work day for an inmate shall ordinarily consist of a minimum of seven hours.

(b) Inmates shall report to the place of work assignment at the required time. An inmate may not leave a work assignment without permission.

(c) An inmate, regardless of work assignment, shall perform all assigned tasks diligently and conscientiously.

(d) Work assignments shall meet the appropriate minimum standards for health and safety. Safety equipment shall be available where needed. In no event shall an inmate's working conditions:

(1) Involve substantial risks of serious harm or injury to an inmate's physical health or safety; or

(2) Require labor that endangers the inmate's health due to hazardous environmental factors, lack of proper protective equipment, or unreasonable workloads that exceed safe labor standards.

(e) Inmates shall perform the work assignment in a safe manner, using safety equipment as instructed by the work supervisor. In the event of any work-related injury, the inmate shall notify the work supervisor so that appropriate action, such as medical attention and the submission of necessary reports, may be taken.

(f) Penal officials shall not be held liable in damages for injuries sustained by inmates while working, except in cases where injuries result from deliberate indifference to the inmate's safety. Negligence alone is insufficient to establish liability. Inmates engaged in work programs do not assume the risk of employment but shall be required to demonstrate an absence of contributory negligence.

§ 107. DOC Inmate Wage Fund.

(a) The Secretary of Finance shall establish a fund, to be known as the DOC Inmate Wage Fund. All monies appropriated by the Legislature, as well as any other funds received by the CNMI Government for the purpose of effectuating this Chapter, shall be deposited into the DOC Inmate Wage Fund.

(b) Within the DOC Inmate Wage Fund, the Secretary of Finance shall establish subaccounts for the purpose of depositing inmates' earnings from their work assignment.

1 (c) Each inmate earning wages from their work assignment shall be provided two
2 subaccounts—a Reintegration Fund Subaccount and a Deductible Earnings Subaccount.

3 (d) Ten percent (10%) of the inmate’s total earnings shall be deposited in the
4 inmate’s Reintegration Fund Subaccount, and the remaining ninety percent (90%) shall be
5 deposited in the inmate’s Deductible Earnings Subaccount. No interest shall accrue on
6 money deposited in any inmate subaccount.

7 (e) The Reintegration Fund Subaccount shall be used, upon the inmate’s release,
8 for the payment of expenses related to the inmate’s release, or if the inmate dies before his
9 or her release, to defray expenses related to arrangements for his or her funeral. The
10 remaining funds shall be provided to the inmate to support their reintegration into the
11 community.

12 (f) The Secretary of Finance shall oversee and administer the DOC Inmate Wage
13 Fund, ensuring the disbursement of funds complies with the provisions of this Chapter and
14 any applicable regulations. The Secretary of Finance may establish and maintain policies,
15 procedures, and regulations necessary to ensure the proper use and management of the
16 DOC Inmate Wage Fund.

17 (g) The Commissioner shall serve as the designated expenditure authority for the
18 DOC Inmate Wage Fund. The Commissioner shall have the authority to approve and direct
19 expenditures, deductions, and other transfers of funds; provided, such actions are in
20 compliance with this Chapter and any policy, procedure, or regulation established by the
21 Secretary of Finance pursuant to subsection (f).

22 (1) The Secretary of Finance may revoke the Commissioner’s expenditure
23 authority at any time; provided, such revocation is in writing and includes a
24 statement of reasons for the revocation. Upon revocation, all expenditure approvals
25 shall revert to the Secretary of Finance.

26 (h) Expenditures from the DOC Inmate Wage Fund shall be made solely for the
27 purpose of effectuating this Chapter and shall not be diverted for any other purpose.

28 (i) The Secretary of Finance shall submit an annual report to the Presiding Officers
29 of the CNMI Legislature detailing the status of the DOC Inmate Wage Fund. The report

1 must include information regarding the fund balance, disbursements made, and the
2 purposes of the disbursements.

3 (j) After the first full Fiscal Year after the enactment of this Chapter and every 3
4 years thereafter, the Department of Corrections shall submit a report to the CNMI Governor
5 and the Presiding Officers of the CNMI Legislature. The report must include a summary
6 of the existing MOAs made pursuant to this Chapter between the Department of
7 Corrections and private employers, the potential impact of those contracts on private
8 industry in the CNMI, and the identification of any accounts receivable related to the work
9 release program.

10 § 108. Deductions From Inmate Earnings.

11 (a) The Commissioner may make the deductions described in this Section from any
12 income earned by an inmate from any source during the inmate's incarceration.

13 (b) The Commissioner may deduct from an inmate's Deductible Earnings
14 Subaccount the following, in order of priority:

15 (1) An amount the Commissioner considers reasonable to meet an existing
16 obligation of the inmate for restitution to a victim of his or her crime;

17 (2) An amount the Commissioner considers reasonable to meet an existing
18 obligation of the inmate for the support of his or her family;

19 (3) An amount determined by the Commissioner to offset the cost of
20 maintaining the inmate in the institution, as reflected in the budget of the
21 Department;

22 (4) An amount determined by the Commissioner, in consultation with the
23 administrator of any court-authorized treatment program the inmate is currently
24 participating or has previously participated in, to offset the cost of the inmate's
25 participation in any court-authorized treatment program aimed at rehabilitating
26 inmates;

27 (5) An amount to repay the cost of:

28 (A) CNMI property willfully damaged, destroyed or lost by the
29 inmate during his or her incarceration.

1 (B) Medical examination, diagnosis, or treatment for injuries
2 inflicted by the inmate upon himself or herself or other inmates or that occur
3 during voluntary recreational activities.

4 (C) Searching for and apprehending the inmate when he or she
5 escapes or attempts to escape.

6 (D) Quelling any riot or other disturbance in which the inmate is
7 unlawfully involved.

8 (E) Providing a funeral for an inmate.

9 (F) Transportation of an inmate pursuant to a court order in cases
10 other than criminal prosecution, a proceeding for postconviction relief
11 involving the inmate, or a proceeding in which the inmate has challenged
12 the conditions of his or her confinement.

13 (G) Monetary sanctions may be imposed under regulations
14 promulgated by the Department of Corrections.

15 (6) An amount determined by the Commissioner to defray a portion of the
16 costs paid by the Department for medical care for the inmate, including, but not
17 limited to expenses for medical or dental care, and prosthetic devices, and
18 pharmaceutical items; and expenses for prescribed medicine and supplies. This
19 amount shall exclude those costs described in subsection (5)(ii).

20 (7) An amount determined by the Commissioner to repay the costs incurred
21 by the Department on behalf of the inmate for:

22 (A) Postage for personal items and items related to litigation;

23 (B) Photocopying of personal documents and legal documents,
24 for which the inmate must be charged a reasonable fee not to exceed the
25 actual costs incurred by the Department;

26 (C) Legal supplies;

27 (D) Telephone calls charged to the Department;

28 (E) Charges relating to checks returned for insufficient funds
29 and checks for which an order to stop payment has been made;

(F) Items related to the inmate's work, including, but not limited to, clothing, shoes, boots, tools, a driver's license or identification card issued by the Bureau of Motor Vehicles, a work card issued by a law enforcement agency and a health card; and

(G) The replacement of an identification card or prepaid ticket for bus transportation issued to the inmate by the Department.

(H) Reimburse the CNMI Government, or any of its agencies or political subdivisions, for costs incurred in defending against an inmate-filed civil rights action deemed frivolous by the court.

(8) An amount the Commissioner considers reasonable to pay the balance of any fee imposed upon the inmate for genetic marker analysis and included in the judgment entered against the inmate;

(9) An amount the Commissioner considers reasonable to pay the balance of a fine or administrative assessment included in the judgment entered against the inmate for each crime for which the inmate is incarcerated and to pay the balance of an unpaid fine or administrative assessment included in a judgment entered against the inmate for a crime committed in the CNMI for which the inmate was previously convicted.

(A) If the inmate does not have any unpaid fines or administrative assessments from previous convictions, amounts deducted shall be sent to the court that issued the judgment for the crime for which the inmate is presently incarcerated.

(B) If the inmate has unpaid fines or administrative assessments from a prior conviction, then the deducted amounts are first sent to the court associated with the earliest judgment that remains unpaid. Payments will continue to be directed to that court until the full balance of the judgment is satisfied. Once the oldest fine or assessment is cleared, any remaining deducted wages can then be applied to more recent unpaid judgments, following a chronological order of the inmate's financial obligations.

1 (10) Any other deduction authorized by law from the wages earned by
2 the inmate from any source during the inmate's incarceration, the deduction of
3 which must be made in an order of priority determined by the Commissioner.

4 (c) Except as provided in this subsection, the Commissioner shall not make any
5 deduction from the inmate's Reintegration Fund Subaccount. Upon the release of an
6 inmate, the wages in an inmate's Reintegration Fund Subaccount may be used to reimburse
7 the Department of Corrections for any expenses related to the inmate's release, including,
8 but not limited to, any expenses incurred by the Department of Corrections for
9 transportation of the inmate. The remainder of the wages shall be distributed to the inmate
10 for the purpose of facilitating the inmate's return to civilian life.

11 (d) The Commissioner may reduce or eliminate a deduction to the extent necessary
12 to comply with a restriction imposed by federal law on deductions from the earnings of an
13 inmate or from the account of an inmate.

14 The Commissioner may transmit a deduction made pursuant to this Section directly
15 to the person, entity, or fund for whom the deduction was made."

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

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

27 **Section 6. Effective Date.** This Act shall take effect upon its approval by the
28 Governor or becoming law without such approval.

Date: 1/22/25

Introduced By: 
Senator Manny Gregory T. Castro

Reviewed for Legal Sufficiency by:


Senate Legal Counsel