

**TITLE 4: ECONOMIC RESOURCES**  
**DIVISION 1: REVENUE AND TAXATION**

**§ 1838. Termination Assessment.**

(a) *In General.* If the Secretary believes that a taxpayer designs quickly to depart from the Commonwealth or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act (including in the case of a corporation distributing all or a part of its assets in liquidation or otherwise) tending to prejudice or to render wholly or partially ineffectual proceedings to collect tax by this Division for the current or the immediately preceding taxable year unless such proceeding be brought without delay, the Secretary shall immediately make a determination of tax for the current taxable year or for the preceding taxable year, or both, as the case may be, and notwithstanding any other provision of law, such tax shall become immediately due and payable. The Secretary shall immediately assess the amount of the tax so determined (together with all interest, additional amounts, and additions to the tax provided by law) for the current taxable year or such preceding taxable year, or both, as the case may be, and shall cause notice of such determination and assessment to be given the taxpayer, together with a demand for immediate payment of such tax.

(b) *Computation of Tax.* In the case of a current taxable year, the Secretary shall determine the tax for the period beginning on the first day of such current taxable year and ending on the date of the determination under subsection (a) as though such period were a taxable year of the taxpayer and shall take into account any prior determination made under this section with respect to such current taxable year.

(c) *Treatment of Amounts Collected.* Any amounts collected as a result of any assessments under this section shall, to the extent thereof, be treated as a payment of tax for such taxable year.

(d) *Departure of Nonresident Alien.* Subject to such exceptions as may by regulations be prescribed by the Secretary:

(1) No “nonresident alien” as defined by § 7701(b) of the NMTIT shall depart from the CNMI unless he first procures from the Secretary a certificate that he has complied with all obligations imposed upon him by the CNMI tax laws.

(2) Payment of taxes shall not be enforced by any proceedings under the provisions of this section prior to the expiration of the time otherwise allowed for paying such taxes, if in the case of an alien about to depart from the CNMI, the Secretary determines that the collection of the tax will not be jeopardized by the departure of the alien.

(e) *Limitation.* This section shall not authorize any assessment of tax for the preceding taxable year which is made after the due date of the taxpayer’s return for such taxable year (determined with regard to any extensions of time to file a return).

**Source:** PL 14-35, § 4 (1838).