



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lieutenant Governor

MAY 09 2011

Honorable Eli D. Cabrera
Speaker, House of Representatives
Seventeenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Honorable Paul A. Manglona
Senate President
Seventeenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill 17-28, HS1, SS1 entitled, "To empower and define the authority, duties, responsibilities and functions of the Marshal Service Division of the CNMI Judicial Branch; and for other purposes," which was passed by the Seventeenth Northern Marianas Commonwealth Legislature.

As I approve this measure, I commend the Legislature for addressing the concerns in Senate Bill 17-16 which was previously vetoed. This measure will allow the Judiciary to serve jury summons and other court processes instead of depending on the Department of Public Safety, which is the current procedure. It will also allow the Marshal Services Division to undergo proper training as required of law enforcement officers so as to ensure the safety of the justices, judges, and staff of the Judiciary while maintaining peace in the courthouse.

This bill becomes **Public Law No. 17-41** Copies bearing my signature are forwarded for your reference.

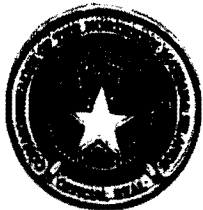
Sincerely,

A handwritten signature in cursive script, appearing to read "Benigno R. Fitial".

BENIGNO R. FITIAL

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200 /2300 Facsimile: (670) 664-2211/2311

CC: Lt. Governor
Chief Justice, CNMI Supreme Court
Presiding Judge, CNMI Superior Court
Director of Courts, CNMI Judiciary
Commissioner, DPS
Press Secretary, Office of the Governor
Special Assistant to the Administration
Special Assistant for Programs & Legislative Review
All Departments and Agencies



House of Representatives

SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. BOX 500586
SAIPAN, MP 96950


March 8, 2011

The Honorable Benigno R. Fitial
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Fitial:

I have the honor of transmitting herewith for your action **H. B. 17-28, HS1, SS1**, entitled: "An Act To empower and define the authority, duties, responsibilities and functions of the Marshal Service Division of the CNMI Judicial Branch; and for other purposes.", which was passed by the House of Representatives and the Senate of the Seventeenth Northern Marianas Commonwealth Legislature.

Sincerely yours,


Venetia A. Sanchez
Acting House Clerk

Attachment



*Seventeenth Legislature
of the
Commonwealth of the Northern Mariana Islands*

IN THE HOUSE OF REPRESENTATIVES

First Regular Session

February 23, 2010

Representative Rafael S. Demapan, of Saipan, Precinct 2 (*for himself*) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. 17-28

AN ACT

**TO EMPOWER AND DEFINE THE AUTHORITY, DUTIES,
RESPONSIBILITIES AND FUNCTIONS OF THE MARSHAL
SERVICE DIVISION OF THE CNMI JUDICIAL BRANCH; AND
FOR OTHER PURPOSES.**

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 17-58, adopted by the House on January 10, 2011.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, FEBRUARY 4, 2011;**
with amendments in the form of H. B. 17-28, HS1 and transmitted to the
THE SENATE.

The Bill was not referred to a Senate Committee.

THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, MARCH 4, 2011;
with amendments in the form of H. B. 17-28, HS1, SS1.

H. B. 17-28, HS1, SS1 WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON MARCH 8, 2011.

**THE HOUSE OF REPRESENTATIVES ACCEPTED THE SENATE AMENDMENTS AND PASSED H. B. 17-28,
HS1, SS1, DURING ITS 13TH DAY, THIRD REGULAR SESSION ON MARCH 28, 2011.**



Venetia A. Sanchez, Acting House Clerk



*Seventeenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

THIRTEENTH DAY, THIRD REGULAR SESSION

MARCH 28, 2011

H. B. 17-28, HS1, SS1

AN ACT

**TO EMPOWER AND DEFINE THE AUTHORITY,
DUTIES, RESPONSIBILITIES AND FUNCTIONS
OF THE MARSHAL SERVICE DIVISION OF THE
CNMI JUDICIAL BRANCH; AND FOR OTHER
PURPOSES.**

**Be it enacted by the Seventeenth Northern Marianas
Commonwealth Legislature:**

1 **Section 1. Purpose and Findings.** The Legislature finds that existing
2 CNMI law requires the Department of Public Safety to serve court processes and
3 juror summons, but does not specifically authorize the Marshals Service Division
4 of the Judicial Branch to do so. The current state of the CNMI economy with
5 declining revenues for the government, budget cuts and understaffing requires
6 agencies, such as the Department of Public Safety, to prioritize their obligations
7 and responsibilities. The service of jury summons and processes of the courts is
8 often delayed while the Department of Public Safety concentrates on protecting

HOUSE BILL 17-28, HS1, SS1

1 our community. Of course, protecting the people of the Commonwealth is and
2 should be of paramount importance for the Department of Public Safety.
3 However, the Department of Public Safety's work is not complete if the Judiciary
4 is unable to deliver justice because potential jurors have not been served. In order
5 to allow the Department of Public Safety to focus on police protection and law
6 enforcement in our community, the Legislature finds that the law must be
7 amended to clearly authorize the Marshals Service Division to perform duties
8 involving the service of court processes and protection of the courts. The purpose
9 of this Act is for the Marshals Service Division to preserve order and decorum in
10 the courts and assist the courts in serving court processes in a timely and efficient
11 manner while the Department of Public Safety provides effective police
12 protection to the inhabitants of the Commonwealth.

13 Moreover, the statutory recognition and authority provided by the
14 provisions of this Act will allow the Judicial Branch to qualify to apply for federal
15 funding to support functions of the Marshal Service Division.

16 Accordingly, the Legislature finds that the Marshal Service Division,
17 created by the Commonwealth Judicial Council, is the law-enforcement, service
18 and protection arm of the Judiciary. The Division is responsible for executing the
19 orders and mandates of the courts, maintaining peace in the courthouse and
20 providing security for the judiciary, among other duties. As law enforcement
21 personnel, the Division should clearly have the authority to make arrests, serve
22 processes and warrants, and carry firearms to protect the Judiciary and its

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1 personnel. Marshals, like other law enforcement personnel, work in occupations
2 that, by their nature, put their lives at risk. Accordingly, the death beneficiaries of
3 marshals should be afforded the same benefits statutorily enjoyed by the
4 beneficiaries of other law enforcement officers of the Commonwealth. This Act
5 shall ratify and codify the creation of the Marshals Service Division and grant the
6 chief marshal and deputy marshals law enforcement powers and benefits.

7 **Section 2. Marshals Service Division.** Title 1, Division 3 is amended by
8 adding a new chapter 9 to read as follows:

9 **“§ 3901. Marshals Service Division: Establishment.**

10 (a) There is in the judicial branch of the Commonwealth
11 government a CNMI Marshals Service Division, established by the
12 Judicial Council, having the authority and responsibility to perform the
13 duties and functions set forth in this chapter. As used in this chapter,
14 “Division” shall mean the CNM Marshals Service Division.

15 (b) The Director of Courts shall hire a chief marshal and deputy
16 marshals whose specific duties and responsibilities shall be determined by
17 the Judicial Council.

18 (c) Each employee of the Marshal Service Division shall take an
19 official oath of office prior to employment.

20 (d) Marshal Service Division personnel, including the chief
21 marshal, shall qualify under such minimum standards of professional
22 experience, physical and mental health, and education as established by

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1 the Judicial Council. No individual who has been convicted of a felony or
2 other crime of moral turpitude may serve in the Marshal Service Division.
3 The chief marshal and deputies shall undergo firearms training and
4 periodic certification to the same extent as Police Officers of the
5 Department of Public Safety. The Judicial Council shall establish
6 standards for such training and certification consistent with the
7 Department of Public Safety's standards.

8 **§ 3902. Marshals Service Division: Powers and Duties.**

9 The chief marshal and his or her deputies shall be deemed law
10 enforcement officers with authority equivalent to that of police officers in the
11 performance of their duties. Such authority shall include, but not be limited to, the
12 right to carry a firearm in the performance of such official duties. The Marshal
13 Service Division shall be empowered to:

14 (a) Maintain the peace and perform general court security duties at
15 all court facilities in the Commonwealth, including providing security
16 services to judiciary personnel, to participants in court proceedings, and to
17 the general public visiting the judicial facilities.

18 (b) Provide personal security for justices and judges outside of
19 judiciary grounds, while on official business, and during times of
20 inordinate threat.

21 (c) Serve warrants of arrest, make arrests when there is probable
22 cause to believe a crime has been committed in the marshal's presence,

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1 serve court processes and orders, enforce writs of possession, and seizure,
2 and bring persons before the Commonwealth courts when so ordered.

3 (d) Assist in the transportation and escort of prisoners within the
4 judicial facility, take prisoners into custody during court proceedings, and
5 perform extraditions.

6 (e) Participate in lawful information-sharing with other
7 Commonwealth and Federal autonomous agencies, branches, public
8 corporations, elected boards, and licensing boards regarding employee and
9 applicant background and pre-certification checks. Such information may
10 include past criminal convictions, civil offenses, and traffic citations.”

11 **Section 3. Amendments.** Consistent with this Act, 1 CMC § 8282, 6
12 CMC § 1434(b), 6 CMC § 2208 and 6 CMC § 6101(a) are hereby amended as
13 follows:

14 (a) **Enforcement Officer’s Benefits.** 1 CMC § 8282 is hereby amended to
15 add a subsection (o) as follows:

16 “(o) The Chief Marshal and Deputy Marshals of the Judicial
17 Branch.”

18 (b) **Resisting Arrest.** 6 CMC § 1434(b) is hereby amended to read as
19 follows:

20 “(b) ‘Law Enforcement Officer’ includes any police officer,
21 corrections officer, or fire service officer, any probation officer of the
22 Office of Adult Probation Supervision, any officer of the Division of

HOUSE BILL 17-28, HS1, SS1

1 Youth Services Juvenile Probation Unit, the chief marshal and deputy
2 marshals of the Marshal Service Division, any parole officer of the Board
3 of Parole, any conservation officer of the Department of Natural
4 Resources, any customs officer of the Department of Finance, or any other
5 law enforcement officer of the Commonwealth.”

6 (c) **Law Enforcement Officers.** 6 CMC § 2208 is hereby amended to add
7 a new subsection (g) as follows:

8 “(g) For the purposes of this chapter, the Marshals Service
9 Division of the Commonwealth Judicial Branch, headed by a chief
10 marshal, is considered to be a law enforcement agency. The chief marshal
11 and all deputy marshals employed by the Marshals Service Division are
12 considered to be law enforcement officers and shall have within the scope
13 of their duties as guardians of the Judiciary, all the powers, authority and
14 benefits that other law enforcement officers are accorded by law.”

15 (d) **Process Obligatory Upon Police.** 6 CMC § 6101(a) is hereby
16 amended to read as follows:

17 “All process in any criminal proceeding, contempt proceeding, or
18 in a juvenile delinquency proceeding, issued in accordance with law and
19 the rules of procedure prescribed in accordance with law, shall be
20 obligatory upon all police officers and marshals of the Marshals Service
21 Division having knowledge of it, and any police officer or marshal to

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1 whom process is given shall promptly make diligent effort to execute or
2 serve it either personally or through another police officer or marshal.”

3 (e) **Jurors Summoned from Bystanders.** 7 CMC § 3108 is hereby
4 amended to read as follows:

5 “Whenever sufficient jurors are not available, the court may
6 require the Department of Public Safety or the Marshals Service Division
7 to summon a sufficient number of prospective jurors from the bystanders.”

8 (f) **Summoning Jurors.** 7 CMC § 3109 (a) and (c) are hereby amended
9 to read as follows:

10 “(a) When the court orders an array of jurors to be drawn, the clerk
11 of court or an assistant clerk of court shall issue summonses for the
12 number of jurors determined by the court to be required, and deliver the
13 summons to the Director of Public Safety or the chief marshal for service.

14 (c) Service shall be made by the Director of Public Safety or a
15 member of the department selected by him, or by the chief marshal or any
16 designated deputy marshal, who shall attach to his return the addressee’s
17 receipt for the registered or certified summons where service is made by
18 mail.”

19 **Section 7. Transition Clause. Employees, Assets, Jurisdiction,**
20 **Funding, etc.**

21 Upon the effective date of this act, all personnel, funding, appropriations,
22 property, jurisdiction, authority, or any other matters of any sort relating to the

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1 Marshal Service Division or the security of the Judiciary that are currently in
2 existence in the Commonwealth Judicial Branch, in any office, or division
3 thereof, are hereby transferred to the Judicial Council and Director of Courts.

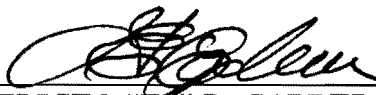
4 **Section 8. Severability.** If any provisions of this Act or the application
5 of any such provision to any person or circumstance should be held invalid by a
6 court of competent jurisdiction, the remainder of this Act or the application of its
7 provisions to persons or circumstances other than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

9 **Section 9. 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.


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1 **Section 10. Effective Date.** This Act shall take effect upon its approval
2 by the Governor, or its becoming law without such approval.

Attested to by: 
Venetia A. Sanchez, Acting House Clerk

Certified by: 
ELICEO "El" D. CABRERA, SPEAKER

APPROVED this 9th day of MAY, 2011


BENIGNO R. FITIAL
Governor
Commonwealth of the Northern Mariana Islands