



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial
Governor

Eloy S. Inos
Lieutenant Governor

09 NOV 2012

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

Honorable Paul A. Manglona
Senate President, The Senate
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 No. 17-21, HD1 entitled, "To amend Title 6, Section 2223 to provide the Department of Public Safety with authority to dispose of all firearms, dangerous devices or ammunitions within its custody and to require DPS to promulgate rules and regulations for the fair and safe disposition of all firearms, dangerous devices, or ammunitions within its custody; and for other purposes," which was passed by the House of Representatives and the Senate of the Seventeenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 17-87**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Benigno R. Fitial".

BENIGNO R. FITIAL

cc: Lt. Governor; Attorney General's Office; Press Secretary; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



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The House of Representatives
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. Box 500586
Saipan, MP 96950

October 4, 2012

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. 17-21, HD1**, entitled: "A Bill for an Act to amend Title 6, Section 2223 to provide the Department of Public Safety with the authority to dispose of all firearms, dangerous devices or ammunitions within its custody and to require DPS to promulgate rules and regulations for the fair and safe disposition of all firearms, dangerous devices, or ammunitions within its custody; and for other purposes.", which was passed by the House of Representatives and the Senate of the Seventeenth Northern Marianas Commonwealth Legislature.

Sincerely yours,


Linda B. Mufia
House Clerk

Attachment



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

First Regular Session

February 5, 2010

Representative Antonio P. Sablan, of Saipan, Precinct 1 (*for himself*, Representatives Eliceo D. Cabrera, Joseph P. Deleon Guerrero, and Joseph M. Palacios) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H.B. 17-21

AN ACT

TO AMEND TITLE 6, SECTION 2223 TO PROVIDE THE DEPARTMENT OF PUBLIC SAFETY WITH THE AUTHORITY TO DISPOSE OF ALL FIREARMS, DANGEROUS DEVICES OR AMMUNITIONS WITHIN ITS CUSTODY AND TO REQUIRE DPS TO PROMULGATE RULES AND REGULATIONS FOR THE FAIR AND SAFE DISPOSITION OF ALL FIREARMS, DANGEROUS DEVICES, OR AMMUNITIONS WITHIN ITS CUSTODY; AND FOR OTHER PURPOSES.

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 17-125, which was adopted on April 9, 2012.

THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON FIRST AND FINAL READING, APRIL 26, 2012;
with amendments in the form of H. B. 17-21, HD1 and transmitted to the
THE SENATE.

The Bill was referred to the Senate Committee on Judiciary, Government, and Law.
THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, SEPTEMBER 28, 2012;
without amendments.

H. B. 17-21, HD1 WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON SEPTEMBER 28, 2012.

THE BILL WAS FINALLY PASSED ON APRIL 6, 2012.

A handwritten signature in black ink, appearing to be "L. Muña", written over a horizontal line.

Linda B. Muña, House Clerk



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

Second Day, Second Special Session

April 26, 2012

H. B. 17-21, HD1

AN ACT

TO AMEND TITLE 6, SECTION 2223 TO PROVIDE THE DEPARTMENT OF PUBLIC SAFETY WITH THE AUTHORITY TO DISPOSE OF ALL FIREARMS, DANGEROUS DEVICES OR AMMUNITIONS WITHIN ITS CUSTODY AND TO REQUIRE DPS TO PROMULGATE RULES AND REGULATIONS FOR THE FAIR AND SAFE DISPOSITION OF ALL FIREARMS, DANGEROUS DEVICES, OR AMMUNITIONS WITHIN ITS CUSTODY; AND FOR OTHER PURPOSES.

Be it enacted by the Seventeenth Northern Marianas Commonwealth Legislature:

1 Section 1. Short Title. This Act may be cited as the "Firearms Disposal Act of
2 2012."

3 Section 2. Findings. The Legislature finds that the Department of Public Safety has
4 within its custody and control an extremely large volume of firearms as a result of its storage
5 of weapons that have been seized or turned over to the DPS Armory for the past several
6 years. Presently, the number of firearms, dangerous devices, or ammunitions has reached a
7 level where the firearms pose a significant burden to the DPS Armory. This is so because the

HOUSE BILL 17-21, HD1

1 Armory lacks the space and resources to continue to accept and maintain custody over all of
2 the Commonwealth's illegal and abandoned firearms.

3 The Legislature further finds that a large number of the firearms in the Armory are no
4 longer needed as evidence and that the legal matters that caused the seizure of the firearms,
5 dangerous devices, or ammunitions in the first place have long since been resolved. In
6 addition, a significant number of the firearms, dangerous devices, or ammunitions in the
7 Armory have been abandoned by their owners long ago for various reasons.

8 The Legislature believes the time has come to allow DPS to determine the manner
9 and method of proper disposal of the firearms, dangerous devices, or ammunitions within its
10 custody given the lack of resources and the limited space available in the Armory.

11 Therefore, provided that DPS promulgates rules and regulations consistent with this
12 Act that are both fair to the owners as well as mindful of the safety of the people of the
13 Commonwealth, this legislation hereby amends Title 6 Section 2223 to allow DPS to dispose
14 of its inventory of firearms, dangerous devices, or ammunitions by any means proper and
15 necessary.

16 **Section 3. Amendments.** Four new subsections, to wit, (b), (c), (d), and (e) are
17 hereby added to Section 2223 of Title 6 to provide as follows:

18 “(b) Consistent with all applicable provisions of this chapter, the Department
19 of Public Safety, shall promulgate and enforce rules and regulations as deemed
20 necessary to carry out the mandate of this Act to wit: to allow for the safe and fair
21 disposal or disposition of firearms, dangerous devices or ammunitions within the
22 custody and control of the DPS Armory by whatever lawful and reasonable means

HOUSE BILL 17-21, HD1

1 necessary. At the time of licensure, unless indicated otherwise, any and all rules and
2 regulations authorized herein shall, at a minimum, provide the following:

3 (1) reasonable notice to all owners of firearms, dangerous devices, or
4 ammunitions that any and all firearms, dangerous devices, or ammunitions
5 that come within the custody and control of DPS are subject to permanent loss
6 and disposal or disposition if they are not claimed within thirty (30) days by a
7 duly licensed and otherwise qualified owner:

8 (2) reasonable notice to all owners of firearms, dangerous devices, or
9 ammunitions that the disposal or disposition of any firearm, dangerous
10 devices, or ammunitions by DPS will be final, without appeal, and without
11 compensation or consideration.

12 (3) reasonable notice that DPS will not be held liable for any loss
13 resulting directly or indirectly from the disposal or disposition of the firearms,
14 dangerous devices, or ammunitions provided DPS has complied with its rules
15 and regulations strictly;

16 (4) reasonable notice that DPS may assess a reasonable fee for the
17 storage that shall be provided, at the time of licensure as well as at the point of
18 seizure, that the payment of applicable fees shall be a prerequisite for the
19 return of the firearm to the duly licensed and otherwise qualified owner.

20 (c) Any all notice provisions mandated by this Act shall be deemed waived for
21 all purposes by owners or those with a legal interest in firearms within the custody
22 and control of the DPS Armory such that said firearms shall as a matter of law be

HOUSE BILL 17-21, HD1

1 presumed legally abandoned after a period of not less than two (2) years dating
2 retroactively from the enactment of this Act.

3 (1) Notwithstanding the above, said presumption of abandonment shall
4 be rebutted if the owner or anyone with a legal interest in the firearms,
5 dangerous device, or ammunition indicates in writing his or her intent to
6 reclaim the firearms, dangerous device, or ammunition and that further, said
7 intent is subsequently followed by the timely obtainment of licensure and the
8 payment of applicable fees;

9 (2) Subject to and upon the express written authorization of the
10 Commissioner of DPS or his designee the rules and regulations pertaining to
11 the fines and disposal of firearms, dangerous device, or ammunition may be
12 suspended for good cause shown to address reasonable and timely claims of
13 ownership and attempts to reclaim;

14 (3) To encourage owners to reclaim all firearms, dangerous device, or
15 ammunition, in no event shall the fees provided for herein exceed \$500.00 or
16 the fair market value of the firearms, dangerous device, or ammunition,
17 whichever is lesser;

18 (4) After the owner or party in interest has submitted a written
19 expression of intent to reclaim a firearm, dangerous device, or ammunition, in
20 no case shall the time period for reclaiming the firearm exceed 30 days unless
21 the commissioner or his designee waive this provision;

HOUSE BILL 17-21, HD1

1 (5) In the event that a firearm, dangerous device, or ammunition, has
2 been in the custody and control of the Armory for a period of one (1) years or
3 more, DPS may legally deem the firearms, dangerous device, or ammunition
4 abandoned for all purposes consistent with this Act provided that the firearm
5 is not being held as evidence in a pending or unresolved legal matter. For
6 purposes of this Act, this (1) year period shall apply retroactively to all
7 abandoned firearms, dangerous device, or ammunition in the custody and
8 control of the Armory.

9 (d) Nothing in this Act shall authorize or in any manner permit the disposal or
10 disposition of any firearms, dangerous device, or ammunition, within the custody and
11 control of the Armory that were placed under said custody as a result of legal
12 proceedings, to include but not be limited to firearms, dangerous device, or
13 ammunition stored as evidence in a criminal and/or civil matter except where the
14 CNMI Office Attorney General provides written authorization for disposal or
15 disposition pursuant to this Act because the underlying legal matter has been resolved
16 and the interests of justice so provide and the firearms, dangerous device, or
17 ammunition are not subject to any legitimate and timely claims.

18 (e) Disposal of firearms, dangerous devices, or ammunitions by the
19 Department of Safety in this chapter shall only be through the safe and proper
20 destruction of firearms, dangerous devices or ammunition.”

21 **Section 4. Severability.** If any provisions of this Act or the application of any such
22 provision to any person or circumstance should be held invalid by a court of competent

HOUSE BILL 17-21, HD1

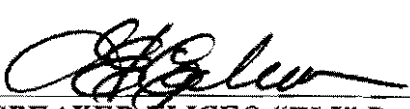
1 jurisdiction, the remainder of this Act or the application of its provisions to persons or
2 circumstances other than those to which it is held invalid shall not be affected thereby.

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

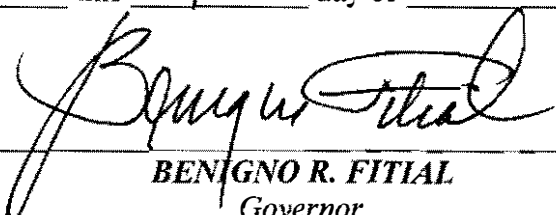
HOUSE BILL 17-21, HD1

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

Attested to by: 
Linda B. Muña, House Clerk

Certified by: 
SPEAKER ELICEO "ELI" D. CABRERA
House of Representatives
17th Northern Marianas Commonwealth Legislature

APPROVED this 9th day of NOVEMBER, 2012


BENIGNO R. FITIAL
Governor
Commonwealth of the Northern Mariana Islands