

RALPH DLG. TORRES
Governor



VICTOR B. HOCOG
Lieutenant Governor

COMMONWEALTH of the NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

11 APR 2018

The Honorable Arnold I. Palacios
Senate President, The Senate
Twentieth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

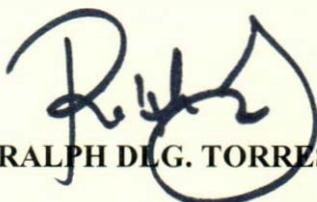
The Honorable Rafael S. Demapan
Speaker, House of Representatives
Twentieth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

This is to inform you that I have signed into law Senate Bill No. 20-83, entitled, "To empower and define the authority of Community Supervision Officers and Compliance Officers in treatment courts"; and for other purposes.", which was passed by the Senate and the House of Representatives of the Twentieth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 20-54**. Copies bearing my signature are forwarded for your reference.

Sincerely,



RALPH DLG. TORRES

cc: Lt. Governor; Press Secretary; Attorney General's Office; CNMI Judiciary; CNMI Drug Court; Substance Abuse & Rehabilitation Center; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



THE SENATE
Twentieth Northern Marianas Commonwealth Legislature
P. O. Box 500129
Saipan, MP 96950

March 02, 2018

The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern Mariana Islands
Capital Hill
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action Senate Bill No. 20-83, entitled: "To empower and define the authority of Community Supervision Officers and Compliance Officers in treatment courts; and for other purposes," which was passed by the Senate and the House of Representatives of the Twentieth Northern Marianas Commonwealth Legislature.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Bermudes".

Dolores S. Bermudes
Senate Clerk

Attachments



THE SENATE
TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO. 20-63

AN ACT

To empower and define the authority of Community Supervision Officers and Compliance Officers in treatment courts; and for other purposes.

SENATE ACTION

Offered by Senator(s): Arnold I. Palacios

Date: December 11, 2017

Referred to: Judiciary, Government and Law

Standing Committee Report No.: None

First and Final Reading: February 22, 2018

HOUSE ACTION

Referred to: None

Standing Committee Report No.: None

First and Final Reading: February 27, 2018

A handwritten signature in blue ink, appearing to read "Dolores S. Bermudes".

DOLORES S. BERMUDES
SENATE CLERK



THE SENATE
TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND REGULAR SESSION, 2017

S. B. NO. 20-83

AN ACT

To empower and define the authority of Community Supervision Officers and Compliance Officers in treatment courts; and for other purposes.

**BE IT ENACTED BY THE TWENTIETH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** The Legislature finds that treatments, such as
2 the programs under the Drug Court, are established to carry out the rehabilitation and
3 recovery of eligible participants through continuous judicial interaction, holistic treatment,
4 and intensive community supervision. The Legislature finds that the success of the Drug
5 Court programs depend on the strong and consistent presence of community supervision.

6 Community supervision is the effort to proactively monitor a participant's behavior
7 and program compliance outside the courtroom. Community supervision plays a critical
8 role at both institutional and community levels by: (1) protecting public safety; (2)
9 deterring non-compliant behavior; (3) providing accountability in treatment programs; (4)
10 supporting progress of the participant; (5) detecting and providing early intervention; (6)
11 serving treatment programs; and (7) extending the treatment team into the community.

12 The Legislature recognizes that treatment programs need Community Supervision
13 Officers and Compliance Officers to implement the programs. However, due to the
14 growing number of participants, the potentially dangerous nature of said officer's duties
15 and lack of law enforcement authority, the Drug Court must collaborate with and rely on
16 assistance of the Department of Public Safety Officers.

17 The purpose of this Act is to empower and define the authority of Community
18 Supervision Officers and Compliance Officers. The Legislature finds that such authority

SENATE BILL NO. 20-83

1 will support the needs of the Drug Court to foster the relationship between collaborating
2 law enforcement agencies to better serve the community. Accordingly, the Legislature
3 finds that Community Supervision Officers and Compliance Officers shall be treated as
4 law enforcement officers with clear statutory authority to carry firearms and make arrests
5 as required by law.

6 In addition, Community Supervision Officers and Compliance Officers work in
7 occupations that, by their nature, put their lives at risk. Hence, the death beneficiaries of
8 Community Supervision Officers and Compliance Officers should be afforded the same
9 benefits statutorily enjoyed by the beneficiaries of law enforcement officers of the
10 Commonwealth.

11 **Section 2. Amendment.** 1 CMC § 3207 is amended to read:

12 “(a) There is hereby established within the Commonwealth Superior Court a drug
13 court which, upon appropriation by the Legislature, shall operate a collaborative non-
14 adversarial system to effect the rehabilitation and recovery of drug offenders through
15 continuous court monitoring, regular drug testing, and holistic drug dependency treatment.
16 The Commonwealth Superior Court shall study the requirements for establishing this drug
17 court and shall, as soon as possible, but no later than thirty days after the enactment of 1
18 CMC § 3207, report to the Legislature the amount of funds necessary for the drug court’s
19 operations.

20 (b) Community Supervision Officers and Compliance Officers shall serve under
21 the Drug Court and shall have the authority and responsibility to:

22 (1) Create, maintain and secure a complete record of each participant
23 placed in a treatment court program.

24 (2) Instruct a participant as to the terms, conditions and restrictions
25 specified by the treatment court program.

26 (3) Keep informed of all terms, conditions and restrictions specified by
27 treatment court.

28 (4) Investigate, exercise general supervision over, and monitor compliance
29 of participants which shall include, among other things, the authority to visit a

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1 participant at home, employment site, or anywhere else specified by the treatment
2 court, to conduct drug tests of participants, or take any items prohibited by the
3 conditions of supervision that is observed in plain view.

4 (5) Keep records or work performed and report on information concerning a
5 participant's conduct and compliance with a treatment court program.

6 (6) Use all suitable methods, including the imposition of informal sanctions,
7 not inconsistent with treatment court program, to aid and encourage a participant to
8 effect improvements in conduct.

9 (7) Serve warrants of arrest, make arrests and bring participants before the
10 treatment court when he or she believes that cause for formal sanctions or
11 termination exists.

12 (8) Carry a firearm in the performance of official duties.

13 (9) Perform any other duty, or have such powers as are necessary to
14 implement the provisions of this article, as deemed appropriate by the treatment
15 court.”

16 **Section 3. Amendment.** 1 CMC § 8282 is amended by adding a new subsection
17 (u) to read as follows:

18 “(u) Community Supervision Officers and Compliance Officers employed by the
19 Commonwealth Judiciary.”

20 **Section 4. Amendment.** 6 CMC § 1434(b) is amended as follows:

21 “(b) ‘Law Enforcement Officer’ includes any police officer of the Department of
22 Public Safety, corrections officer of the Department of Corrections, any fire prevention
23 officer or fire inspector and arson investigator of the Department of Fire and Emergency
24 Medical Services, or any probation officer of the Office of Adult Probation Supervision,
25 any officer of the Division of You Services Juvenile Probation Unit, the chief marshal and
26 deputy marshals of the Marshal Service Division, any parole officer of the Board of Parole,
27 any conservation officer of the Department of Natural Resources, any customs officers of
28 the Department of Finance, the chief investigator and investigators of the Office of the
29 Attorney General, the investigator of the Office of the Public Auditor, any Community

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1 Supervision Officer and Compliance Officer of the Judicial Branch, or any other law
2 enforcement of the Commonwealth.”

3 **Section 5. Amendment.** 6 CMC § 10101(y) is hereby amended by adding a new
4 paragraph (21) as follows:

5 “(21) any Community Supervision Officer and Compliance Officer employed by
6 the Judicial Branch.”

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

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

18 **Section 8. Effective Date.** This Act shall take effect upon its approval by the
19 Governor or upon its becoming law without such approval.

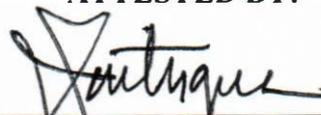
SENATE BILL NO. 20-83

CERTIFIED BY:



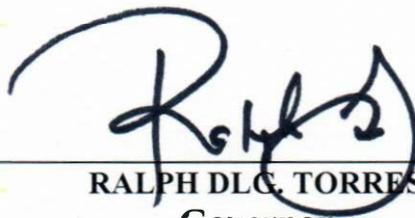
ARNOLD I. PALACIOS
PRESIDENT OF THE SENATE

ATTESTED BY:



JUSTO S. QUITUGUA
SENATE LEGISLATIVE SECRETARY

Approved this 1st day of April, 2018



RALPH DLG. TORRES
Governor

Commonwealth of the Northern Mariana Islands