

**§ 102. Definitions.**

The definitions in this and the following section apply throughout this title, unless otherwise specified or a different meaning is plainly required:

(a) [Reserved.]

(b) “Carry” means having on one’s person or in a motor vehicle or other conveyance.

(c) “Commonwealth” means the political entity established by the Covenant to Establish a Commonwealth of the Northern Mariana Islands In Political Union With the United States of America, the Constitution of the Commonwealth of the Northern Mariana Islands, and any agency or political subdivision thereof created by the Constitution or Commonwealth law, and any area, thing, or place subject to its jurisdiction.

(d) “Commonwealth law” means the Constitution of the Commonwealth of the Northern Marianas and any law enacted pursuant to legislative authority created by the Constitution, as well as rules and regulations having the force and effect of law pursuant to statute.

(e) “Dangerous device” means any explosive, incendiary or poison gas bomb, grenade, mine or similar device, switch or gravity blade knife, blackjack, sandbag, metal, wooden or shark’s tooth knuckles, dagger, any instrument designed or re-designed for use as a weapon, or any other instrument which can be used for the purpose of inflicting bodily harm and which under the circumstances of its possession serves no lawful purpose.

(f) “Dangerous weapon” means

(1) any automatic weapon, dangerous device, firearm, gun, handgun, long gun, semiautomatic weapon, knife, machete, spear gun, shank, shiv; or

(2) anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or

(3) anything that in the manner of its use or intended use is capable of causing death or serious bodily injury, regardless whether death or serious bodily injury actually occurred.

(g) “Defendant” includes a person who is an accessory or accomplice of the defendant in a criminal case.

(h) “Deprive” means:

(1) To withhold property of another permanently or for so extended a period as to appropriate a major portion of its economic value, or with intent to restore only upon payment of reward or other compensation; or

(2) To dispose of the property so as to make it unlikely that the owner will recover it.

(i) “Felony” means any offense or conduct proscribed by Commonwealth law which is punishable by more than one year confinement in a jail or prison.

(j) “Financial institution” means a bank, insurance company, credit union, building and loan association, investment trust or other organization held out to the public as a place of deposit of funds or medium of savings or collective investment.

(k) [Reserved.]

(l) [Reserved.]

(m) [Reserved.]

(n) “Intoxication” means a diminishment or a disturbance of mental or physical capabilities resulting from the introduction of a chemical, alcoholic, organic or other substance into the body.

(o) “Jurisdiction” means the Commonwealth of the Northern Mariana Islands, which includes such area of the land and water and the airspace above those areas with respect to which the Commonwealth government has established its legislative and territorial jurisdiction, and includes boats, aircraft and other vessels while in those areas.

(p) “Knowingly” and “knows” means with knowledge, consciously, intelligently, willfully; a person acts knowingly with respect to a material element of an offense when:

(1) If the element involves the nature of the person’s conduct or the attendant circumstances, he or she is aware that the conduct is of that nature or that such circumstances exist; or

(2) If the element involves a result of the person’s conduct, he or she is aware that it is practically certain that the conduct will cause such a result; or

(3) If the element involves the truth or falsity of a statement or representation, the person is aware of its truth or falsity.

(q) [Reserved.]

(r) “Minor” means a natural person who is under the age of 18 years, and includes the term “a child under the age of 18.”

(s) “Misdemeanor” means any offense or conduct proscribed by Commonwealth law which is punishable by not more than one year confinement in a jail or prison.

(t) “Movable property” means property, the location of which can be changed, including things growing on, affixed to, or found in land, and documents, although the rights represented thereby have no physical location. “Immovable property” is all other property.

**Source:** 63 TTC § 554(8); amended by PL 3-71, § 1 (§ 104); (a), (k), (l), (m), and (q) repealed by PL 19-42, § 3 (Apr. 11, 2016); PL 23-14, § 3 (Dec. 12, 2023), modified.

**Commission Comment:** The definition of “automatic weapon” is from 63 TTC § 554(8). The Commission modified the definition of “jurisdiction” to include language inadvertently omitted by the legislature.

PL 20-27, § 3 (Nov. 2, 2017) was not codified by the Commission due to the conditional language of section 3. Sections 2 and 3 provide:

Section 2. Findings and Purpose. The Legislature finds that the handgun prohibition in former 6 CMC § 2222(e) better protected the public safety, and better accorded with the wishes of the people of the Commonwealth, than does the SAFE Act, Public Law No. 19-42, which repealed that

prohibition. The Legislature further finds that it did not intend, in repealing 6 CMC § 2222(e), to endorse the ruling of the District Court in the *Radich* case, or to moot any appeal from that ruling, but only to conform to the prevailing judicial construction while it remained in force. In fact, the Legislature strongly disagrees with the ruling in *Radich*, disputes its premise that the Covenant extends the *Heller* and *McDonald* decisions to the CNMI, and is hopeful that it will be reviewed and overturned on appeal, and former law returned to force. The Legislature therefore finds that former 6 CMC § 2222(e) (together with its associated definitions) ought now to be revived and reinstated in its entirety, so as to be ready to be enforced as soon as there is no controlling judicial decision blocking its implementation. It is the purpose of this Act to provide for such revival.

Section 3. Repeal and Revival. Section 3 of Public Law No. 19-42, insofar as it repealed 6 CMC § 2222(e), 6 CMC § 102(a), and 6 CMC § 102(m), is hereby repealed, and the aforesaid sections are hereby revived, and the penalties prescribed in 6 CMC § 10309(c) shall be applicable to violations thereof; provided, however, that such sections shall become effective only upon the judgment of the District Court for the Northern Mariana Islands in *Radich v. Guerrero*, D.N.M.I. Civ. No. 14-20, being vacated, reversed, stayed, overruled, superseded, or in any other way rendered without immediate binding force.

*Short Title of 2023 Amendment.*—PL 23-14, § 1, provided that: “This Act [amending 6 CMC §§ 102-103] may be referred to as the ‘End the Violence Act’ and may be referred to as the EVA statute.”

*Legislative Purpose of 2023 Amendment.*—In addition to severability and savings clause provisions, PL 23-14 included the following Purpose section:

Section 2. Purpose. The purpose of the Act is to make expressly clear that the definition of “dangerous weapon” includes anything used by a person to inflict serious bodily injury on another person. This Act also clarifies the definition of serious bodily injury. The amendments are based on Texas Penal Code § 1.07(a)(17) and § 1.07(a)(46).

Recent cases have shown some confusion in court with the application of the definition of a dangerous weapon to assault and battery cases. In particular, an attack by an inmate in prison with a handmade weapon was dismissed despite the danger of serious injury through the use of a shank.

Cases in which a criminal defendant, especially an inmate, uses some sort of weapon present the greatest danger to the public and victims. Prosecution of those cases should be a priority, and increased punishment is justified by the choice of the defendant to use a weapon that increases the danger of injury to a victim. This bill clarifies the definition, simplifies the level of threatened or actual injury and emphasizes to the courts in the application of law that anything may be treated as a dangerous weapon through the manner of its use or intended use, regardless whether there was actual loss of life or substantial risk of death.

**TITLE 6: CRIMES AND CRIMINAL PROCEDURE**  
**GENERAL PROVISIONS**

*Drafting Marks Omitted.*—In codifying PL 23-14, the Commission omitted text marked with strikethrough and removed underlines from new statutory text.