

**TITLE 6: CRIMES AND CRIMINAL PROCEDURE**  
**DIVISION 3: MISCELLANEOUS OFFENSES**

**§ 3191. Definitions.**

In this article, the following definitions shall apply:

(a) “Animal” means a vertebrate living creature, including a non-human mammal, bird, reptile or amphibian. The term “animal” does not include livestock, game fowl/roosters used in legal exhibition (as defined, authorized, and licensed by each municipality) or in bona fide experimentation for scientific research.

(b) “Cruel mistreatment” means to knowingly torture or otherwise inflict unnecessary physical injury upon an animal or to kill an animal in a manner that causes suffering to the animal. Cruel mistreatment includes but is not limited to torturing, mutilating, maiming, stabbing, burning, drowning, beating, suffocating, tormenting, crushing, or otherwise harming or inflicting physical injury upon an animal.

(c) “Cruel neglect” or “cruelly neglect” means to knowingly, intentionally or recklessly fail to provide an animal with: necessary food, water, or shelter sufficient to maintain the animal’s normal health; protection from adverse weather conditions. “Cruelly neglect” includes but is not limited to knowingly, intentionally, or recklessly failing to provide an animal, within the owner’s care and control, with reasonable care, including tethering an animal on a leash for prolonged periods without adequate food, water, or shelter, or during severe weather conditions.

(d) “Dog fighting” means a fight, arranged by any person, between two (2) or more dogs the purpose or probable result of which fight is the infliction of injury by one (1) dog upon another.

(e) “Officer” means a member of the Department of Public Safety, an animal control officer at the Office of the Mayor or any person authorized by law by the Department of Public Safety.

(f) “Livestock animal” means:

(1) cattle, sheep, swine, goats, ratites, or poultry commonly raised for human consumption;

(2) a horse, pony, mule, donkey, or hinny;

(3) native or nonnative hoof stock raised under agriculture practices; or

(4) native or nonnative fowl commonly raised under agricultural practices.

(g) “Reasonable Care” means:

(1) housing that is regularly cleaned and kept free of waste, debris or excrement; provided that if housing is not available, there is shelter such as a garage, pavilion or open-air structure with a roof that is accessible to the animal;

(2) if confined in an enclosure, an enclosure large enough to allow the animal to stand up fully, turn around and fully extend his limbs without touching any walls of the enclosure or other animals kept therein;

(3) nutritious food at least once daily, sufficient to maintain the animal’s normal health;

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(4) continuous access to clean, potable water that is free of debris, waste, or excrement;

(5) protection from adverse weather conditions, including continuous access to shelter from sun and rain.

(h) “Serious bodily injury” means injury which involves substantial risk of death, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member or organ.

**Source:** PL 21-31, § 3 (July 7, 2020), modified.

**Commission Comment:** In codifying PL 21-31, the Commission deleted a closing quotation mark after the word “or” in subsection (c). In addition to severability and savings clause provisions, PL 21-31 contained the following Short Title, Findings and Purposes, and Implementation sections:

Section 1. Short Title. This Act may be cited as the “CNMI Animal Protection and Control Act.”

Section 2. Findings and Purposes. The Legislature finds that there have been numerous acts of cruelty and theft relative to animals in the Commonwealth of the Northern Mariana Islands (CNMI). Such cruelty has been captured on video and posted on social media websites such as Facebook. The Legislature further finds that there are no existing laws regarding cruelty and theft relative to animals in the CNMI. Action must be taken to prevent such inhumane and malicious acts in order to promote peace for our animals and to improve the image of the CNMI. All fifty states and Guam have laws that prohibit animal cruelty. The Supreme Court as well as other courts have determined that preventing animal cruelty is in the public interest as research has demonstrated that those who cruelly abuse animals are more likely to escalate to violence against people.

Although this Act prohibits abuse and cruelty against animals, it exempts “cockfighting”, among others, in the CNMI. The U.S. Animal Fighting Venture Prohibition makes “any event, in or affecting interstate or foreign commerce, that involves a fight conducted or to be conducted between at least two animals for purposes of sport, wagering, or entertainment” unlawful. See 7 U.S.C. § 2156(g)(1). The Legislature finds that the cockfighting ban does not apply because the U.S. Commerce Clause, Article I, Section 8, is not applicable to the CNMI in accordance with Article V, Section 501 of the CNMI Covenant to Establish a Commonwealth of the Northern Mariana Islands (Covenant). The CNMI Covenant provides that:

To the extent that they are not applicable of their own force, the following provisions of the Constitution of the United States will be applicable within the Northern Mariana Islands as if the Northern Mariana Islands were one of the several States: Article I, Section 9, Clauses 2, 3, and 8; Article I, Section 10, Clauses 1 and 3; Article IV, Section 1 and Section 2, Clauses 1 and 2; Amendments 1 through 9, inclusive; Amendment 13; Amendment 14, Section 1; Amendment 15;

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Amendment 19; and Amendment 26; provided, however, that neither trial by jury nor indictment by grand jury shall be required in any civil action or criminal prosecution based on local law, except where required by local law. *Other provisions of or amendments to the Constitution of the United States, which do not apply of their own force within the Northern Mariana Islands, will be applicable within the Northern Mariana Islands only with the approval of the Government of the Northern Mariana Islands and of the Government of the United States.* CNMI Covenant, Article V, Section 501(a). (Emphasis added). Clearly, Article I, Section 8, of the U.S. Constitution is not listed in Section 501 of the Covenant.

Additionally, the animal fighting venture prohibition provides that “Notwithstanding the provisions of subsection (c)[footnote omitted], *the activities prohibited by such subsection shall be unlawful with respect to fighting ventures involving live birds only if the fight is to take place in a State where it would be in violation of the laws thereof.*” 7 U.S.C. § 2156(d) (Emphasis added). Section 2156(d) is not applicable because cockfighting is legal in the CNMI as established by local law for each senatorial district. Moreover, “State” is defined as “any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.” § 2156(g)(3). The Commonwealth of the Northern Mariana Islands is not included, unlike the Commonwealth of Puerto Rico. The U.S. Congress could have easily included the CNMI had it wanted to make the ban applicable to the CNMI. The non-inclusion or exclusion of the CNMI is because it is unquestionably clear to the U.S. Congress that such ban could not be made applicable to the CNMI as agreed in the Covenant. It is also unquestionably clear that there is no agreement between the U.S. and the CNMI to make the ban applicable to the CNMI.

The purpose of this Act is to prevent cruelty and theft of animals, with certain exceptions, and to provide for penalties for such acts.

Section 5. Implementation. The provisions of Section 3 of this Act shall be implemented one year after the effective date of this Act.