

§ 401. Purpose.

The purpose of this chapter is to require enhanced sentencing and to provide criteria for imposition of enhanced sentencing of defendants for crimes motivated by hate.

Source: PL 22-32, § 2(102) (Jan. 31, 2023), modified.

Commission Comment: *Legislative Findings of 2023 Legislation.*— In addition to severability and savings clause provisions, PL 22-32 included the following Findings and Purpose section:

Section 1. Findings and Purpose.

The Legislature finds and determines that criminal acts borne of hate have become more pervasive and widespread. Hate crimes are grounded upon an individual's identifying characteristics and are symbolic, meant to send a message to that person and to that person's community. The cultural fabric of the CNMI community is tightly wound with the values of respect and tolerance for one another. A community's laws express the values of that community, and the current lack of legal protection from crimes based on a person's race, color, national origin, age, ancestry, gender, gender identity or expression, religion, religious practice, disability, or sexual orientation of a person is the antithesis of those values.

The Commonwealth of the Northern Mariana Islands trails behind the widespread reform that has taken hold in the United States of America that has recognized, illegalized, and penalized hate-based criminal acts, by expanding the number of "protected groups," as targets of hate-motivated crime; by providing penalty enhancement for hate-based crimes; and by requiring data collection and statistical reporting. The Commonwealth joins a minority of states and territories that have yet to enact meaningful legislation to regulate hate-based crimes (Arkansas, Wyoming, South Carolina, American Samoa, Guam, and the U.S. Virgin Islands). It is time for the Commonwealth to join the majority of states that have passed reform legislation regulating hate-based criminal acts.

As Martin Luther King, Jr. once said, "Morality cannot be legislated but behavior can be regulated." In a democratic society like ours, while citizens cannot be required to approve of the beliefs, practices, and identities of others, they must never commit criminal acts on account of them. As such, the Legislature finds that the proposed legislation will ensure that every individual within this Commonwealth is afforded an equal opportunity to enjoy life, liberty, and the pursuit of happiness without the fear or intimidation that their inherent qualities or characteristics would exclude them from all privileges of the Commonwealth.

Short Title.— PL 22-32, sec. 2, § 101, provided that: "This act shall be known and may be cited as the Hate Crimes Act of 2021."

Modifications.— In codifying PL 22-32, the Commission numbered this section, pursuant to 1 CMC § 3806(a), and substituted "this chapter" for "this Act" pursuant to 1 CMC § 3806(d).