

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 4: DISPOSITION OF OFFENDERS

§ 4293. Definitions.

As used in this Article, the certain terms and phrases have the following meaning, unless the context clearly indicates otherwise:

(a) “Adult Diversion Program” means a special supervision program allowing the Attorney General’s Office to divert, prior to the entry of a guilty plea or trial, the prosecution of an eligible person suspected of having committed a crime.

(b) “Criminal Division” means the Criminal Division of the Office of the Attorney General.

(c) “Dangerous Offense” means:

(1) Any crime involving the possession, use, attempted use, or threatened use of a dangerous device or a dangerous weapon by a person or an accomplice of that person;

(2) Any crime resulting in death or serious bodily injury to another;

(3) Any crime of sexual assault in any degree, sexual abuse of a minor in any degree, sexual molestation, or any other sexual offense set out in 6 CMC §§ 1301-1316 or 6 CMC § 5312;

(4) Any crime of man-amko physical abuse or a crime against a person involving domestic violence; or

(5) Any violation of 6 CMC §§ 1323, 1411, 1421, 1802(a), 2141(b)(1), 2147 or 3203.

(d) “Eligible person” means a person charged with engaging in any criminal act, other than a violation of Title 9 of the Commonwealth Code, any Fish & Game violation, or any “dangerous offense” who has not previously:

(1) Been convicted of any crime in the Commonwealth, or convicted in another jurisdiction of a crime having substantially similar elements to a crime described under the laws of the Commonwealth;

(2) Been granted a suspended imposition of sentence in this or another jurisdiction;

(3) Been adjudicated a delinquent minor in this or another jurisdiction, for the commission of an act that would have been a felony under the laws of the Commonwealth if committed by an adult; or

(4) Been referred to the Adult Diversion program prior to the enactment of this Act.

(e) “Probation” means the Office of Adult Probation.

(f) “Program” means the Adult Diversion Program.

(g) For purpose of this section, “restitution” has the meaning set forth under 6 CMC § 4109(b) as amended.

Source: PL 15-46, § 9 (4152), modified.