

**TITLE 6: CRIMES AND CRIMINAL PROCEDURE**  
**DIVISION 6: CRIMINAL PROCEDURE**

**§ 6601. Definitions.**

(a) “Conditional release” means release from a treatment facility conditioned upon specified terms of any or all of the following: out-patient treatment, supervision, probation, medication, or other reasonable terms related to the person’s mental illness or his danger to self or others.

(b) “Danger to self or others” means imminent and substantial danger to self or other persons evidenced by recent overt acts, attempts or threats. It includes attempting to commit suicide or inflict serious bodily harm upon self or others by violent or other actively self-destructive means.

(c) “Evaluation facility” means a mental health facility designated by the Director of the Department of Public Health and Environmental Services as suitable for the evaluation, housing, and treatment of the mentally ill. In order for a correctional institution, facility, or jail to be so designated for persons properly detained there, an area separated by walls, doors, sight and sound from the rest of the institution must be used for the purpose.

(d) “He” or “she” shall be used interchangeably in this chapter. Use of one pronoun shall imply substitution of the other gender to conform to actual facts.

(e) “Mental health professional” means a qualified, trained, and licensed member of the mental health staff of an evaluation or treatment facility or a licensed psychiatrist or psychologist active in the practice of their profession.

(f) “Mental illness, disease or defect” means any severe or substantial mental impairment or disorder, irrespective of cause.

(g) “Patient’s rights” of persons committed pursuant to this chapter means the rights afforded to all patients while in the care, custody or control of an evaluation or treatment facility, and shall include, but not necessarily be limited to, the following:

- (1) The right to prompt and adequate treatment by qualified mental health professionals;
- (2) Medication rights;
- (3) The right to informed consent for and to refuse treatment, unless the patient lacks capacity to consent to treatment;
- (4) Freedom from restraints and isolation rights;
- (5) Freedom from and informed consent to surgery, shock therapy, aversive stimuli and other unusual or hazardous treatment procedures rights; and
- (6) Access to records and confidentiality rights.

(h) “Treatment facility” means any mental health care facility that is licensed or operated in the Commonwealth to provide treatment. In order for a correctional institution, facility, or jail to be so designated for persons properly detained there, an area separated by walls, doors, sight and sound from the rest of the institution must be used for the purpose.

(i) “Unconditional release” means release from a treatment facility without requiring involuntary out-patient care or other conditions.

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**Source:** PL 8-37, § 3, modified.

**Commission Comment:** PL 8-37, the “Involuntary Commitment Act of 1993,” took effect January 7, 1993. According to PL 8-37, § 2:

Section 2. Purpose. The legislature finds that there are some persons in the CNMI who are brought into the criminal justice system because of acts they may have done but who are mentally ill individuals. Because of their illness, these individuals may not be considered capable of committing criminal conduct. It is the purpose of this legislation to provide procedures that will balance the mentally ill person’s constitutional and statutory rights to liberty and due process with the public safety and good. This Act establishes procedures for involuntary commitment of persons not competent to stand trial or be sentenced on criminal charges. It also establishes some procedures concerning the defense of not guilty by reason of insanity.

PL 8-37, § 5 repealed former 6 CMC §§ 6601 and 6602, which permitted the Superior Court to find an accused person insane when he or she committed an offense or at the time of trial, and authorized the court to enter an order committing the person to care for the insane.

For provisions concerning involuntary civil commitment and additional provisions concerning patient’s rights, see 3 CMC § 2501 et seq.

With respect to the reference to the “Director of the Department of Public Health and Environmental Services,” see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.