

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 9: CRIMINAL JUSTICE SYSTEM COMPONENTS

§ 9201. Definitions.

(a) For purpose of this Act, “criminal justice information” is defined to include the following:

(1) “Correctional and release information” means reports on individuals compiled in connection with criminal proceedings including bail orders, pre-trial or post-trial release orders, pre-sentence investigations, orders relating to mental condition, reports relating to participation by inmates in correctional or rehabilitative programs, and orders from probation or board of parole proceedings;

(2) “Criminal justice information” means information collected by a criminal justice agency consisting of traffic citations; vehicle registration or identification information; boat or marine registry information; records of traffic offenses maintained only for the purpose of regulating the issuance, suspension, revocation or renewal of driver’s licenses; court-issued bench or arrest warrants; identification record information; incident reports, arrest reports, detention reports, criminal information or other formal criminal charges, and any disposition arising therefrom, including sentencing, correctional supervision and release;

(3) “Criminal index information” means information relating to an individual about whom criminal history record information is maintained by one or more state central repositories or federal agencies such as the Federal Bureau of Investigation (FBI), the National Criminal Information Center (NCIC) including an identification of the jurisdiction and agency maintaining the criminal history record information;

(4) “Disposition” means information that a decision has been made to decline criminal prosecution against an individual; that criminal proceedings have been concluded, abandoned, suspended, deferred or indefinitely postponed as to an individual; orders or other information relating to sentencing, correctional supervision, or release from correctional supervision; orders following appellate review of criminal proceedings or executive clemency. Such disposition may include judgment and conviction orders; pretrial diversion orders; parole documents; probation reports and other such documents evidencing the resolution of a criminal or traffic matter;

(5) “Identification record information” means information which identifies a person or individual including photographs, fingerprint classification, descriptions of marks or tattoos, and other physical descriptive data concerning an individual.

(6) “Non-conviction information” means information without disposition if an interval of one year has elapsed from the date of arrest and no active prosecution has resulted from the arrest; information disclosing that a criminal justice agency has elected not to refer a matter to a prosecutor; information that a criminal justice agency has elected not to commence criminal proceed-

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ings; or information that criminal proceedings have been indefinitely postponed.

(7) “Wanted person information” means identification record information on an individual who is a fugitive from justice against whom there is an outstanding arrest warrant. Such information shall include the charge for which the warrant was issued; the jurisdiction or court issuing such a warrant; information relevant to the individual’s danger to the community; or any other information that would facilitate the identification and apprehension of the individual.

(b) “Criminal justice agency” means:

(1) All courts of the Commonwealth and the United States District Court.

(2) A CNMI law enforcement agency which performs the administration of criminal justice pursuant to a statute or executive order which provides for criminal penalties or enforcement of CNMI laws including the Department of Labor; the Department of Lands and Natural Resources; the Department of Public Safety; the Office of Adult Probation; the Board of Parole; the Division of Customs; the Office of the Attorney General; the Bureau of Motor Vehicles; or their successor agencies.

(3) Any other government agency so designated by the Supervisory Council of the Criminal Justice Planning Agency, in its determination, as being involved in law enforcement and the gathering of criminal justice information.

(c) The “administration of criminal justice” means the performance of any of the following activities: identification, detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision or rehabilitation of accused persons or criminal offenders. The administration of criminal justice includes the compilation, storage, and maintenance of criminal identification information, criminal history records information, and the use of such information to aid in law enforcement.

(d) “Commonwealth criminal justice information network” means the group of criminal justice agencies authorized to maintain criminal justice information for law enforcement purposes by collecting, maintaining and disseminating, on behalf of the Commonwealth, criminal justice information to qualified recipients, as prescribed by this Act.

(e) “Seal” means prohibiting access to criminal history record information except to: criminal justice agencies for record management purposes; government officials and criminal justice officials for criminal justice employment determinations; the record subject; a party for an authorized access to a record by statute or a court order.

(f) “Purge” means destroying, blotting out, striking out or effacing so that no trace as to the individual’s identification remains. Destruction of personal identifiers so that the record or entry can never be associated with an individual is a form of purging.

Source: PL 13-53, § 3 (101), modified; (b)(2) amended by PL 17-1 § 7(C) (March 22, 2010).*

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Commission Comment: The Commission made some conforming changes to the above section and other sections herein pursuant to 1 CMC § 3806. PL 13-53, known as the Criminal Justice Information Act, became effective on May 20, 2003 and contained findings and purpose and severability provisions. According to PL 13-53:

Section 2. Legislative Findings and Purpose. The Legislature finds that as the CNMI continues to grow, there is an increasing need to collect, store and disseminate criminal justice records for use by law enforcement and public agencies. The events of September 11, 2001 have also underscored the need to have an integrated system shared by law enforcement agencies for purposes of homeland security. Identification of persons within the Commonwealth for law enforcement purposes through the use of current technology is also necessary. It is critical, for efficient criminal justice planning, to have the data and information readily available for access and use by law enforcement agencies. It is the purpose of this legislation to provide procedures to collect, store securely and disseminate appropriately criminal justice records while maintaining an individual's constitutional right to privacy as to such information.

* PL 17-1 contained the following section regarding the effective date of the law:

Section 12. Effective date. This Act shall take effect upon its approval by the Governor or becoming law without such approval and shall be retroactive to November 28, 2009 except as otherwise specifically provided herein.