

RALPH DLG. TORRES
Governor



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

September 20, 2022

The Honorable Edmund S. Villagomez
Speaker, House of Representatives
Twenty-Second Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Jude U. Hofschneider
President of the Senate
Twenty-Second Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law **House Bill No. 22-20, HS1** entitled, "To clarify the Commonwealth Ports Authority Ports Police's authority, power, and recognition as a CNMI law enforcement agency.", which was passed by the House of Representatives and the Senate of the Twenty-Second Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 22-21**. Copies bearing my signature are forwarded for your reference.

Sincerely,



RALPH DLG. TORRES
Governor

cc: Acting Press Secretary; Attorney General's Office; Commonwealth Ports Authority; Commonwealth Law Revision Commission; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



House of Representatives

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. BOX 500586
SAIPAN, MP 96950

August 16, 2022

The Honorable Ralph DLG. Torres
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 22-20, HS1**, entitled: "To clarify the Commonwealth Ports Authority Ports Police's authority, power, and recognition as a CNMI law enforcement agency.", which was passed by the House of Representatives and the Senate of the Twenty-Second Northern Marianas Commonwealth Legislature.

Sincerely yours,


Linda B. Muña
House Clerk

Attachment





Twenty-Second Legislature
of the
Commonwealth of the Northern Mariana Islands

IN THE HOUSE OF REPRESENTATIVES

FIRST REGULAR SESSION

FEBRAURY 19, 2021

REPRESENTATIVE REP. BLAS JONATHAN “BJ” T. ATTAO OF SAIPAN, PRECINCT 3 (*for himself, Representative(s) Roy C.A. Ada, Celina R. Babauta, Rep. Ivan A. Blanco, Vicente C. Camacho, Angel A. Demapan, Joseph A. Flores, Joseph Leepan T. Guerrero, Richard T. Lizama, Donald M. Manglona, Edwin K. Propst, Christina M.E. Sablan, John Paul P. Sablan, Patrick H. San Nicolas, Leila H.F.C. Staffler, Edmund S. Villagomez, Ralph N. Yumul,*) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 22-20, HS1

AN ACT

TO CLARIFY THE COMMONWEALTH PORTS AUTHORITY PORTS POLICE’S AUTHORITY, POWER, AND RECOGNITION AS A CNMI LAW ENFORCEMENT AGENCY.

IN THE HOUSE OF REPRESENTATIVES

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 22-41; adopted 3/29/2022.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, MARCH 29, 2022;**

with amendments in the form of H. B. No. 22-20, HS1 and transmitted to **THE SENATE.**

IN THE SENATE

The Bill was referred to the Senate Committee on Judiciary, Government, Law & Federal Relations.

THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, AUGUST 9, 2022;
without and returned to **THE HOUSE OF REPRESENTATIVES.**

**H. B. No. 22-20, HS1 IS DULY PASSED BY THE TWENTY-SECOND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE.**


Linda B. Muña, House Clerk



Twenty-Second Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

THIRD DAY, THIRD REGULAR SESSION

MARCH 29, 2022

H. B. No. 22-20, HS1

AN ACT

**TO CLARIFY THE COMMONWEALTH PORTS AUTHORITY PORTS
POLICE'S AUTHORITY, POWER, AND RECOGNITION AS A
CNMI LAW ENFORCEMENT AGENCY.**

**BE IT ENACTED BY THE TWENTY-SECOND NORTHERN
MARIANAS COMMONWEALTH LEGISLATURE:**

SECTION 1. FINDINGS AND PURPOSE.

1
2 The Legislature finds that, although the Commonwealth Ports Authority is given the
3 power to protect and police its ports by 2 CMC § 2122(b), the status of the Commonwealth
4 Ports Authority Ports Police as law enforcement officers is unclear under existing law.

5 In 2001, this issue was rectified by Public Law No. 12-60, which amended
6 6 CMC § 2208, a provision of the Weapons Control Act, to state that the Commonwealth Ports
7 Authority Ports Police were a law enforcement agency of which its law enforcement officers
8 had the same powers, authority, and benefits as other law enforcement officers within the
9 CNMI. This issue has resurfaced due to the passage of the Second Special Act for Firearms

HOUSE BILL 22-20, HS1

1 Enforcement (“SAFE II”), Public Law No. 19-73, which, among other things, repealed
2 6 CMC § 2208.

3 SAFE II was enacted in response to the March 28, 2015, United States District Court
4 for the District of the Northern Mariana Islands decision holding that the Second Amendment
5 of United States Constitution applies to the CNMI. SAFE II was enacted to protect the lives,
6 safety, and welfare of the People of the Commonwealth by creating strict registration schemes
7 for the licensing of firearm owners, licensing and regulation of firearm vendors, and the
8 registration of individual firearms in the CNMI. In making SAFE II congruent with other
9 CNMI law, the Legislature repealed provisions of the Weapons Control Act, including
10 6 CMC § 2208.

11 The Legislature now finds that the repeal of 6 CMC § 2208, without more, has once
12 again made the Commonwealth Ports Authority Ports Police status as a law enforcement
13 agency unclear under existing law.

14 Therefore, the purpose of this Act is to amend the Commonwealth Code to clarify the
15 Commonwealth Ports Authority Ports Police’s authority, power, and recognition as a CNMI
16 law enforcement agency.

17 **SECTION 2. ENACTMENT.**

18 Article .2, Chapter 1, Division 2 of Title 2 of the Commonwealth Code is hereby
19 amended by the addition of the following Section 2331 to read as follows:

20 **“§ 2331. Ports Police; Powers and Authority; Violations and Penalties.**

21 (a) The Commonwealth Ports Authority shall have the power and authority to
22 appoint such number of police officers as may be found necessary for the protection of
23 the Ports. The Commonwealth Ports Authority shall have the power to administer to its
24 police officers an oath or affirmation to faithfully perform the duties of their respective
25 positions or offices. The authority of Commonwealth Ports Authority Ports Police shall

HOUSE BILL 22-20, HS1

1 be concurrent with the authority of any other law enforcement agency as provided by
2 law.

3 (b) The Commonwealth Ports Authority Ports Police shall be considered a law
4 enforcement agency, headed by the Chief of the Ports Police. All officers employed by
5 the Ports Police are deemed to be law enforcement officers and shall have all the
6 powers, authority, and benefits that other CNMI law enforcement officers are accorded
7 by law, including the right to carry a firearm in the performance of official duties and
8 immunities. These powers include, but are not limited to, actions undertaken to:

9 (1) Maintain the peace and perform general security duties at the Ports,
10 including, but not limited to, the authority to arrest and enforce the provisions of this
11 chapter, the regulations promulgated thereunder, applicable federal security programs,
12 and the Vehicle Code.

13 (2) Serve warrants of arrest; make arrests when there is probable cause to
14 believe a crime has been committed in an officer's presence; make arrests or issue
15 summonses for evasion or attempts to evade the payment of penalties, fines, fees, and
16 other charges for use of the Ports; serve court processes and orders; seize evidence
17 related to any violation of law; and bring persons before the Commonwealth courts
18 when so ordered.

19 (3) Participate in information-sharing with other Commonwealth and Federal
20 agencies, branches, public corporations, autonomous agencies, elected boards, and
21 licensing boards regarding employee and applicant background and pre-certification
22 checks. Such information may include past criminal convictions, civil offenses, and
23 traffic citations.

HOUSE BILL 22-20, HS1

1 (4) Levy fines and penalties for the violation of provisions or regulations
2 promulgated under this chapter, including the right to issue citations to vehicles parked
3 in violation of Commonwealth Ports Authority regulations.

4 (i) Parking citations shall require the person who parked said vehicle to
5 respond by the payment of a fine in an amount set by the Commonwealth Ports
6 Authority or by appearing in the court which handles misdemeanor traffic
7 offenses in the CNMI, in which event the amount of the fine shall be fixed at
8 the discretion of the judge of said court, but in no event shall the fine exceed
9 \$100. In addition to the right to issue parking citations, Ports Police officers
10 shall have the right to remove improperly parked cars or vehicles in accordance
11 with this chapter and the regulations promulgated thereunder.

12 (5) Coordinate with federal, state, and local government officials for the
13 protection of the Ports.

14 (6) Execute any other process issued by a court of competent jurisdiction.

15 (c) If the Commonwealth Ports Authority enters into a mutual agreement with
16 any other law enforcement agency which provides for the rendering of assistance, any
17 Ports Police officer may assist the other law enforcement agency in the enforcement of
18 the laws and regulations enforced by the other law enforcement agency in the other
19 agency's jurisdiction(s). Such assistance is hereby declared to be within the scope of
20 the Port Police officer's jurisdiction and duties as a law enforcement officer of the
21 CNMI.

22 (d) Persons violating any provisions of this chapter or any rule or regulation
23 adopted by the Commonwealth Ports Authority shall be subject to the fine or penalty
24 provided therein. On default of payment of such fine or penalty, the person may be
25 imprisoned up to 30 days as decreed by a judicial officer of the CNMI. Upon conviction

HOUSE BILL 22-20, HS1

1 of any subsequent offense, the person shall be subject to an enhanced fine or penalty or
2 to imprisonment up to 60 days, or both, at the discretion of the said judicial officer.

3 (e) Nothing in this section shall be construed to preclude, or limit in any way,
4 the authority of any Federal or CNMI law enforcement agency, or any other federal
5 police or federal protective service.”

6 **SECTION 3. AMENDMENT.**

7 Section 7406(a)(4) of Title 1 of the Commonwealth Code is hereby amended by to read
8 as follows:

9 “Law enforcement vehicle” means police cars and other such government
10 vehicles operated by the Department of Public Safety, Alcohol Beverage and Tobacco
11 Control (ABTC) Division, Commonwealth Ports Authority Ports Police, or Division of
12 Customs and used primarily for the enforcement of Commonwealth or federal laws and
13 regulations.”

14 **SECTION 4. SEVERABILITY.**

15 If any provisions of this Act or the application of any such provision to any person or
16 circumstance should be held invalid by a court of competent jurisdiction, the remainder of this
17 Act or the application of its provisions to persons or circumstances other than those to which
18 it is held invalid shall not be affected thereby.

19 **SECTION 5. SAVINGS CLAUSE.**

20 This Act and any repealer contained herein shall not be construed as affecting any
21 existing right acquired under contract or acquired under statutes repealed or under any rule,
22 regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect
23 any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not
24 have the effect of terminating, or in any way modifying, any liability, civil or criminal, which
25 shall already be in existence on the date this Act becomes effective.

HOUSE BILL 22-20, HS1

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SECTION 6. EFFECTIVE DATE.

This Act shall take effect upon its approval by the Governor, or its becoming law without such approval.

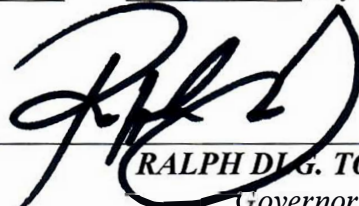
Attested to by:


Linda B. Muña, House Clerk

Certified by:


SPEAKER EDMUND S. VILLAGOMEZ
House of Representatives
22nd Northern Marianas Commonwealth Legislature

Approved this 20th day of September, 2022


RALPH DLG. TORRES
Governor
Commonwealth of the Northern Mariana Islands