31 JAN 2023

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

The Honorable Edith E. Deleon Guerrero  
President of the Senate  
Twenty-Third Northern Marianas  
   Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. Speaker and Madam President:

This is to inform you that I have signed into law House Bill No. 22-39, HS1 entitled, “To amend Title 6, Division 6, Chapter 5. Witnesses, by adding a new section 6503. Witness to Outcry of abuse; and for other purposes.”, 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. 22-29. Copies bearing my signature are forwarded for your reference.

Sincerely,

ARNOLD I. PALACIOS  
Governor

cc: Lt. Governor; Attorney General’s Office; Commonwealth Law Revision Commission; Public Auditor; CNMI Judiciary; Programs and Legislative Review Office
December 30, 2022

The Honorable Ralph D.L.G. 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. 22-39, HS1**, entitled: “To amend Title 6, Division 6, Chapter 5. Witnesses, by adding a new section 6503. Witness to Outcry of Abuse; and for other purposes.”, which was passed by the House of Representatives and the Senate of the Twenty-Second Northern Marianas Commonwealth Legislature.

Sincerely yours,

[Signature]
Linda B. Muna
House Clerk

Attachment
H. B. No. 22-39, HS1

AN ACT

TO AMEND TITLE 6, DIVISION 6, CHAPTER 5. WITNESSES, BY ADDING A NEW SECTION 6503. WITNESS TO OUTCRY OF ABUSE; AND FOR OTHER PURPOSES.

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. 22-39, HS1 and transmitted to THE SENATE.

IN THE SENATE

The Bill was referred to the Senate Committee on Judiciary, Government, Law and Federal Relations.
THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, DECEMBER 28, 2022;
without amendments and returned to THE HOUSE OF REPRESENTATIVES.

H. B. NO. 22-39, HS1 IS DULY PASSED BY THE TWENTY-SECOND NORTHERN MARIANAS COMMONWEALTH LEGISLATURE.

Linda B. Muña, House Clerk
Section 1. Findings and Purpose.

The Legislature finds that children subject to abuse often have a difficult time reporting it in the same manner as adults. There are likely to be substantial delays in reporting. Moreover, children are likely to talk to a friend, teacher or parent before any formal investigation begins. Known as outcry statements, such statements provide significant evidence of the abuse and are admissible in most states as an exception to the hearsay rules. This bill sets out the standards for admission of an outcry of abuse and requires a judge to find the statement sufficiently reliable to justify its admission. The United States Supreme Court has already addressed this issue and found that admission of an outcry statement of a child does not violate an accused’s right to confrontation of witnesses. See Ohio v. Clark, 576 U.S. 237 (2015). This provision
will provide a jury with critical information in evaluating the credibility of a victim of physical or sexual abuse who is a child or a person with a disability.

**SECTION 2. AMENDMENT.**

Title 6, Division 6, Chapter 5 of the Commonwealth Code is hereby amended by adding a new section 6503 to read as follows:

“§ 6503. Witness to Outcry of Abuse.

101. This section applies to a proceeding in the prosecution of an offense under any provision involving child abuse, sexual abuse of a minor, or any other offense committed against a child 16 years of age or younger or a person with a disability.

102. This section applies only to statements that:

(a) describe the alleged offense; or

(b) describe a crime, wrong, or act other than the alleged offense, if the statement is offered during the punishment phase of the proceeding; and

(1) if the crime, wrong, or act other than the alleged offense was allegedly committed by the defendant against the victim or against another child 16 years of age or younger or another person with a disability; and

(2) if the statement is otherwise admissible as evidence under Rule 404 or 405 of the CNMI Rules of Evidence or another law or rule of evidence of CNMI.

(c) were made by the child or person with a disability against whom the charged offense or other crime, wrong, or act was allegedly committed; and

(d) were made to the first person, 16 years of age or older, other than the defendant, to whom the child or person with a disability made an outcry statement about the offense or other crime, wrong, or act.

103. A party may present testimony from a witness to such an outcry statement, regardless of any hearsay rules, if:

(a) on or before 14 calendar days before the trial begins, the party intending to offer the statement:

(1) notifies the adverse party of its intention to do so;
(2) provides the adverse party with the name of the witness through whom it intends to offer the statement; and

(3) provides the adverse party with discovery of the statement; or

(b) the trial court finds, in a hearing conducted outside the presence of the jury, that the statement is reliable based on the time, content, and circumstances of the statement; and

(c) the child or person with a disability testifies or is available to testify at the proceeding in court or in any other manner provided by law.

104. In this section, “person with a disability” means a person 17 years of age or older who because of age or physical or mental impairment, is substantially unable to protect the person's self from harm or to provide food, shelter, medical care, or other major life activities for the person's self.”

SECTION 3. SEVERABILITY.

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

SECTION 4. SAVINGS CLAUSE.

This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation, or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of the Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence on the date this Act becomes effective.
SECTION 5. 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 31st day of January, 2023

ARNOLD I. PALACIOS
Governor
Commonwealth of the Northern Mariana Islands