

Arnold I. Palacios
Governor



David M. Apatang
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

August 01, 2023

GOV 2023-764

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 Madame President:

This is to inform you that I have signed into law **House Bill No. 23-15, HS1** entitled, "To address public corruption by expanding and clarifying the offense of official misconduct and establishing felony and misdemeanor punishments; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twenty-Third Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 23-06**. Copies bearing my signature are forwarded for your reference.

Sincerely,

ARNOLD I. PALACIOS
Governor

cc: Lieutenant Governor; Attorney General; Commonwealth Law Revision Commission; Public Auditor; Judicial Branch; All Mayors; All Municipal Councils ; All Departments, Agencies and Activities; Special Assistant for Administration; Programs and Legislative Review Office



HOUSE OF REPRESENTATIVES

P.O. BOX 500586
SAIPAN, MP 96950
cnmileg.net

June 28, 2023

The Honorable Arnold I. Palacios
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Palacios:

I have the honor of transmitting herewith for your action **H. B. No. 23-15, HS1**, entitled: "To address public corruption by expanding and clarifying the offense of official misconduct and establishing felony and misdemeanor punishments; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twenty-Third Northern Marianas Commonwealth Legislature.

Sincerely yours,


Linda B. Muna
House Clerk

Attachment



TWENTY-THIRD NORTHERN MARIANA COMMONWEALTH LEGISLATURE IN THE HOUSE OF REPRESENTATIVES

FIRST REGULAR SESSION

FEBRUARY 3, 2023

REPRESENTATIVE VICENTE C. CAMACHO, OF SAIPAN, PRECINCT 3 (*for himself*, Representatives Vincent R.S. Aldan, Blas Jonathan "BJ" T. Attao, Roman C. Benavente, Angelo A. Camacho, Diego V. F. Camacho, Joel C. Camacho, Marissa R. Flores, Edwin K. Propst, John Paul P. Sablan, Edmund S. Villagomez, and Denita Kaipat Yangetmai) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 23-15, HS1

AN ACT

**TO ADDRESS PUBLIC CORRUPTION BY EXPANDING AND
CLARIFYING THE OFFENSE OF OFFICIAL MISCONDUCT
AND ESTABLISHING FELONY AND MISDEMEANOR
PUNISHMENTS; AND FOR OTHER PURPOSES.**

IN THE HOUSE OF REPRESENTATIVES

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 23-6; adopted 3/17/2023.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, MARCH 17, 2023;**

with amendments in the form of H. B. No. 23-15, HS1 and transmitted to **THE SENATE.**

IN THE SENATE

The Bill was referred to the Senate Committee on Judiciary, Government, and Law.

THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, JUNE 23, 2023;
without amendments and returned to **THE HOUSE OF REPRESENTATIVES.**

**H. B. NO. 23-15, HS1 IS DULY PASSED BY THE TWENTY-THIRD NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE.**


Linda B. Muña, House Clerk



TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
IN THE HOUSE OF REPRESENTATIVES

SIXTH DAY, FIRST REGULAR SESSION

MARCH 17, 2023

H. B. No. 23-15, HS1

AN ACT

**TO ADDRESS PUBLIC CORRUPTION BY EXPANDING AND
CLARIFYING THE OFFENSE OF OFFICIAL MISCONDUCT
AND ESTABLISHING FELONY AND MISDEMEANOR
PUNISHMENTS; AND FOR OTHER PURPOSES.**

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

SECTION 1. FINDINGS AND PURPOSES.

1 The Legislature finds that public service is a privilege entrusted to certain individuals,
2 commonly referred to as public servants and/or public officials, to provide service to all
3 members of the community. Cognizant of such an honorable privilege, these individuals,
4 whether elected or appointed, are regarded in high esteem as they are intended to serve for the
5 common good of the general population. The Legislature further finds that as public
6 servants/public officials, they must be held to a standard commensurate to the high esteem in
7 which they are held.
8

HOUSE BILL 23-15, HS1

1 This legislation provides an expanded and clarified definition of official misconduct
2 and assigns specific felony and misdemeanor punishments, depending on the type of
3 underlying misconduct. As the CNMI Supreme Court has noted, the Penal Code does not
4 expressly define who is a “public official” for the offense of official misconduct, making it
5 subject to some interpretation. CNMI v. Kaipat, 2 N.M.I 322 (SC 1991) (discussing whether
6 police officer is a public official in the absence of statutory definition). This bill defines the
7 phrase by referencing the statutory definition of “public servant” in the Penal Code. This bill
8 also enhances the punishments associated with the crime of misconduct in public office by
9 applying felony punishment ranges to the most serious acts of misconduct and the loss of
10 substantial amounts of public funds.

11 **SECTION 2. AMENDMENT.**

12 Title 6 CMC Section 103 (1) of the Commonwealth Code is hereby amended as follows:

13 (1) “Public servant” means any elected or appointed official, employee, or
14 authorized agent of any branch, department, agency, public authorized corporation,
15 association, commission, council or other instrumentality of the Commonwealth
16 government; including mayors, legislators and judges, and any person acting as an
17 advisor, consultant or otherwise, in performing a governmental function. The term
18 “public servant” does not include witnesses.

19 **SECTION 3. AMENDMENT.**

20 Title 6 CMC Section 3202 of the Commonwealth Code is hereby amended as follows:

21 **“§ 3202. Misconduct in Public Office.**

22 (a) “Public official” means any public servant.

HOUSE BILL 23-15, HS1

1 (b) A person, being a public official, commits the offense of misconduct in
2 public office if the person:

3 (1) does any illegal act under the color of office, or

4 (2) knowingly neglects to perform the duties of the person's office as provided
5 by any law, including any constitution, statute, regulation or rule.

6 (c) A conviction under subsection (b)(1) is punishable by imprisonment for not
7 more than 10 years and a fine of not more than \$50,000 if the illegal act was a felony
8 offense.

9 (d) A conviction under subsection (b)(1) is punishable by imprisonment for not
10 more than 2 years and a fine of not more than \$1,500 if the illegal act was a
11 misdemeanor.

12 (e) A conviction under subsection (b)(1) is punishable by imprisonment for not
13 more than 1 year or a fine of not more than \$1,000, or both if the illegal act was not a
14 criminal offense.

15 (f) A conviction under subsection (b)(2) is punishable by imprisonment for not
16 more than 10 years and a fine of not more than \$50,000 if the neglect resulted in the
17 total illegal expenditure of \$100,000 or more.

18 (g) A conviction under subsection (b)(2) is punishable by not more than 2 years
19 and a fine of not more than \$1,500 if the neglect resulted in the total illegal expenditure
20 of less than \$100,000.

21 (h) A conviction under subsection (b)(2) is punishable by imprisonment for not
22 more than 1 year or a fine of not more than \$1,000 or both if the neglect did not result

HOUSE BILL 23-15, HS1

1 in any illegal expenditure or the amount of the illegal expenditure cannot be
2 determined.

3 (i) The court shall order any sentence of imprisonment for this offense to run
4 consecutive to any other sentence imposed that arose from the same criminal
5 transaction.”

6 **SECTION 4. SEVERABILITY.**

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

11 **SECTION 5. SAVINGS CLAUSE.**


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

HOUSE BILL 23-15, HS1

1 **SECTION 6. EFFECTIVE DATE.**

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


Attested to by:


Linda B. Muña, House Clerk

Certified by:


SPEAKER EDMUND S. VILLAGOMEZ
House of Representatives
23rd Northern Marianas Commonwealth Legislature

Approved this 1st day of August, 2023


ARNOLD I. PALACIOS
Governor
Commonwealth of the Northern Mariana Islands