

TITLE 57: DEPARTMENT OF CORRECTIONS

CHAPTER 57-10 DIVISION OF CIVIL DETENTION

Chapter Authority: 1 CMC § 2854.

Chapter History:

Commission Comment: PL 14-25 (effective Aug. 20, 2004), codified at 1 CMC §§ 2851-2883, created the Department of Corrections, a new executive department in the CNMI government. See PL 14-25 § 4 (§ 2801), codified at 1 CMC § 2851. The department is responsible for adult correctional services, civil detention, and adult offender detention in the Commonwealth and consists of three divisions, the Division of Civil Detention, the Division of Corrections and the Division of Pre-trial Detention. 1 CMC § 2853. 1 CMC § 2854 directs the Secretary of the Department of Corrections to prescribe necessary rules and regulations to implement and enforce the duties of the department and its divisions.

PL 14-25 transferred all responsibility for correctional and detention functions from the Department of Public Safety (DPS) and the Office of the Attorney General's (AGO) Division of Immigration to the newly created Department of Corrections. PL 14-25 § 2. PL 14-25 § 5 provides for the transition of funds, records, property and personnel from DPS and AGO to the Department of Corrections.

Prior to August 20, 2004, the Division of Corrections within the Department of Public Safety and the Division of Immigration within the Office of the Attorney General had responsibility for various detention functions. See former 1 CMC § 2501 (1999) and 1 CMC § 2504(c) (1999).

1 CMC §§ 2871-2873 create the Division of Civil Detention responsible for the administration, maintenance, and operation of secured housing of aliens detained pursuant to the Commonwealth Entry and Deportation Act, as amended, and persons ordered by a court to be committed on civil commitment grounds.

Public Law 15-51, effective March 21, 2007, amended Public Law 14-25 by changing all references to "Secretary" of the Department of Corrections to "Commissioner" of the Department of Corrections.

[Reserved for future regulations of the Division of Civil Detention.]