

TITLE 1: GOVERNMENT
DIVISION 1: LEGISLATIVE BRANCH

§ 1307. Penalties; Defenses.

(a) A person guilty of contempt under this chapter shall upon conviction be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) If any investigating committee fails in any material respect to comply with the requirements of this chapter, any person subject to a subpoena or a subpoena duces tecum who is injured by that failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce evidence therein; and that failure shall be a complete defense in any proceeding against the person for contempt or other punishment.

(c) Any witness shall have only those privileges against testifying or producing other evidence under subpoena duces tecum which are:

(1) Authorized by the rules of evidence adopted by the Commonwealth Trial Court;

(2) Required by N.M.I. Const. art. I or other law applicable in the Commonwealth.

(d) Any person other than the witness concerned or his or her counsel who violates the provisions of 1 CMC § 1304(g) or (h) shall upon conviction be fined not more than \$500 or imprisoned not more than six months, or both. The Attorney General, on his own motion or on the application of any person claiming to have been injured or prejudiced by an unauthorized disclosure, may institute proceedings for trial of the issue and imposition of the penalties provided herein. Nothing in this subsection shall limit any power which the legislature or either house thereof may have to discipline a member or employee or to impose a penalty in the absence of action by a prosecuting officer or court.

Source: See 2 TTC § 275, modified.

Commission Comment: Section 4 of PL 6-25, the “Commonwealth Judicial Reorganization Act of 1989,” provides that “[w]herever the term ‘Commonwealth Trial Court’ appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court.”