

TITLE 1: GOVERNMENT
DIVISION 2: EXECUTIVE BRANCH

§ 2501. Department of Public Safety.

There is in the Commonwealth Government the Department of Public Safety, composed of a police force. The Department of Public Safety is headed by a Commissioner of Public Safety.

Source: PL 1-8, tit. 1, ch. 10, § 1, modified; amended by PL 14-25, § 3(a); amended by PL 18-73 § 4(a) (Jan. 25, 2015).

Commission Comment: Executive Order 94-3, the “Second Reorganization Plan of 1994” (effective Aug. 23, 1994), reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3, § 303:

Section 303. Department of Public Safety.

(a) **Criminal Justice System.** The Criminal Justice Planning Agency, CJPA, Youth Advisory Council, and the Council for the Improvement of the Criminal Justice System are allocated to the Department of Public Safety; for purposes of coordination and administration. **[This subsection (a) VACATED by PL 11-47, § 2]**

(b) **Alternative Programs.**

(1) The Secretary of Public Safety shall investigate and, if appropriate, establish military-style programs of rigorous discipline and training for youth and adults as an alternative or supplement to traditional secure care and correctional facilities. If such a program is established for youth, the Secretary of Public Safety shall coordinate such program with the Secretary of Community and Cultural Affairs. Youth shall be strictly separated from adults in such programs, except that the programs for youth may include young adults under an age to be determined by the Secretary of Public Safety after consultation with the Secretary of Community and Cultural Affairs.

(2) The Secretary of Public Safety, in coordination with the Special Assistant for Youth, may conduct voluntary programs for youth and young adults similar to, but separate from, the alternative programs described in paragraph (1) of this subsection.

The full text of Executive Order 94-3 is set forth in the commission comment to [1 CMC § 2001](#).

PL 14-25 was enacted on August 20, 2004, and contained findings, purpose, transition, severability, and savings clause provisions. Correction and detention functions were transferred to the Department of Corrections, a newly created Executive Branch department, codified as [1 CMC §§ 2851 et seq.](#) The findings and purpose of PL 14-25 stated:

Section 1. Findings. The Legislature finds that a new law creating a Department of Corrections is necessary to promote a more efficient administration within the Commonwealth prison and detention system for adults. The necessity for such legislation arises out of the Consent Decree

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affecting the Commonwealth prison facilities issued by the United States District Court for the Northern Mariana Islands on February 25, 1999. The Consent Decree required, among other matters, that were practicable, a plan be developed to address operating the detention and prison facilities as a system, to correct deficiencies, and to address future population growth. Subsequently, a two-part plan was developed by the Commissioner of the Department of Public Safety, the Secretary of the Department of Labor and Immigration, and the Secretary of the Department of Community and Cultural Affairs providing for a short-term and a long-term plan for operating the Commonwealth Prison complex, the Saipan Detention Facility, the Kagman Youth Facility, the Tinian Detention Facility and the Rota Detention Facility. One part of the interdepartmental plan recommends that the administration of the detention and prison facilities for adults, presently administered by various departments, be transferred to a new Department of Corrections.

Section 2. Purpose. The purpose of this Act is [to] allocate and transfer the responsibility for correctional and detention functions from the Department of Public Safety and the Office of the Attorney General's Division Immigration, to the Department of Corrections, a new Executive department. This Act also provides for funding and the orderly transfer of records, personnel, and property used in the administration of the correctional and detention facilities to the new department.

...

Section 5. Transition.

(a) *Definitions*. The following definitions shall apply as used in this section:

(1) "agency" for purposes of this section, shall mean any office, program, or division of the Executive Branch whose duties and functions are transferred to another entity with the Executive Branch under this Act.

(2) "gaining agency" for purposes of this section shall mean any office, program, division, department or other entity of the Executive Branch to which an agency or any of its functions are transferred under this Act.

(b) *Transfer of Records, Property and Personnel*. All records and property, including office equipment and supplies in an agency as defined in subsection (a), all records and property used primarily in the administration of any function transferred under this Act, and all the personnel used in the administration of such agencies and functions are hereby transferred to the gaining agency for use in the administration of the agencies and functions transferred by this Act.

(c) *Transfer of funds*. As determined by the Special Assistant for Management and Budget and the Secretary of Finance with the approval of the Governor, so much of the unexpended balances of the appropriated funds for the agency, allocations, allotments, or other funds available for the use of the agency in the exercise of any function transferred by this Act, or for the use of the head of any department or other agency in the

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exercise of any function so transferred shall be transferred to the gaining agency for use in connection with the exercise of the function so transferred. In the transfer of such funds, an amount may be included for the liquidation of obligations incurred prior to the transfer. The Governor may reprogram any portion of such balance not so transferred.