

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
GENERAL PROVISIONS

§ 107. Time Limitations for Beginning Prosecutions.

(a) A prosecution for murder and for any crime involving sexual contact, physical or sexual abuse, exhibitionism or sexual exploitation, committed against a person under the age of 18 may be commenced at any time.

(b) Except as otherwise provided in this section, prosecutions for offenses other than traffic offenses are subject to the following time limitations:

(1) A prosecution for an offense which is punishable by imprisonment for five years or more must be commenced within four years after it is committed.

(2) A prosecution for an offense which is punishable by imprisonment for six months or less, or by a fine only must be commenced within one year after it is committed.

(3) A prosecution for any other offense must be commenced within two years after it is committed.

(c) If the time limitation set forth in subsection (b) has expired, a prosecution may nevertheless be commenced for:

(1) Any offense, an element of which is either fraud or a breach of fiduciary obligation, within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years.

(2) Any offense based on misconduct in office by a public officer or employee at any time when the defendant is in the same public office or employment or within two years thereafter.

(3) Any offense for which a pending prosecution results in a dismissal without prejudice within one year from the date of such dismissal.

(4) Any offense involving or against the former Saipan Credit Union, or its depositors, shareholders, investors, or guarantors on account of or in connection with their interest therein, within 10 years after it was committed.

(d) The time limitation does not run:

(1) During any time when the accused is absent from this jurisdiction or has no reasonably determinable place of abode or work within this jurisdiction; or

(2) During any time when a prosecution against the accused is pending in this jurisdiction.

(e) A prosecution is commenced either when an information or complaint is filed, or when an arrest warrant or other process is executed without unreasonable delay.

Source: [PL 3-71](#), § 1 (§ 105); amended by [PL 10-37](#), § 8; amended by [PL 12-82](#), § 2 (107); amended by [PL 19-72](#) § 2 (Nov. 17, 2016), modified.

Commission Comment: [PL 10-37](#), which revised subsection (c)(2) and added subsection (c)(4), took effect November 3, 1996.

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
GENERAL PROVISIONS

[PL 12-82](#), which contained findings, severability, and savings clause provisions, took effect January 7, 2002. According to [PL 12-82](#):

Section 1. Findings. The Legislature finds that the laws of the Commonwealth dealing with crimes of sexual assault and sexual abuse of children are in need of revision. This revision will correct a number of problems that have become evident in recent years. For example, the crime of Sexual Abuse of a Child, prior to revision, makes no distinction between different types of conduct that an offender might engage in; nor does it draw any distinction based on the respective ages of the offender and the victim. Under the current law, a 50-year-old offender having sexual intercourse with an infant child is treated the same as an 18-year-old offender who fondles the breast of his 15-year-old girlfriend. Both are charged with Sexual Abuse of a Child, both face a maximum sentence of only five years on each count charged, and both are required to serve a 20-month mandatory prison term under the mandatory sentencing provisions of [6 CMC § 4102\(d\)](#).

The revision would correct the deficiencies in the current code, by providing different levels of crime, such as Sexual Abuse of a Minor in the First Degree, Sexual Abuse of a Minor in the Second Degree, and so forth. Each of the new crimes proscribes different conduct, and provides more severe penalties for conduct which is more harmful and offensive to public safety.

The Legislature also finds that the code sections dealing with sex crimes do not provide penalties which are sever enough to ensure the protection of the community or to adequately deter persons from engaging in the prohibited conduct. Thus, this revision would increase the maximum penalty for the most severe sex crimes to imprisonment for not more than 30 years, a level of penalty more in line with that of other jurisdictions. By the same token, the Legislature finds that judges should have the discretion to sentence those accused of relatively minor sex offenses without the mandatory imposition of one-third the maximum sentence, and therefore removes those lower-level sex offenses from the mandatory sentencing provisions of [6 CMC § 4102\(d\)](#).

In increasing the penalties for the more severe crimes, the Legislature has found it necessary to restore the right of jury trial to those accused of such crimes. Those persons facing lengthy prison terms for their crimes should have the right to have a jury determine their guilt or innocence.

However, the Legislature finds that the rights of the accused are not unlimited, and must be balanced with the rights of the general public and individual victims, particularly when those victims are minors. Therefore, this revision authorizes minor children who testify in criminal proceedings to testify via closed-circuit television or behind one-way mirrors, if the trial judge finds that normal trial procedures would result in a minor child being unable to effectively communicate his or her knowledge to the trier of fact.

The revision also corrects a deficiency in the current statutes of limitation in operation under CNMI law, which provide too brief a period

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
GENERAL PROVISIONS

of discovery, investigation and prosecution of crimes of sexual abuse against minors. The current law prohibits the Commonwealth from filing charges for sexual abuse of a child after four years have elapsed from the date of the crime. In many instances, particularly when the victims are very young, such crimes may not even come to light until many more years have passed. In cases where the offender is a close family member of the victim, the offender may be able to exert influence over the victim to prevent any report of the crime for four years or more. In such situations, these crimes are unlikely to come to light, and if they do, they may come to light after the statute of limitations has passed. Other jurisdictions have responded to this problem in recent years by expanding their statutes of limitation. The Legislature finds this solution is preferable to the current situation, and has expanded the statute of limitations applicable to such crimes by tolling the period of limitation for sexual crimes against minors until the victim reaches the age of 18, after which the normal period of limitation will begin to run.

The revision also does away with the archaic terms of usage such as “rape” and “sodomy,” which carry connotations that may not accurately describe the prohibited conduct under the statutes, and which evoke a visceral response, in favor of more generic terms such as “sexual assault.”

The Legislature also finds that other sections of the code need revision, in order to bring the Commonwealth code in line with the law of other jurisdictions. This revision therefore authorizes by statute the admission of DNA evidence in criminal proceedings, provides for exceptions to the testimonial privileges based on marital status and confidentiality of marital communications in certain circumstances, and statutorily authorizes the admission of other acts evidence in the prosecution of sex crimes under certain limited circumstances.

The Commission in codifying [PL 19-72](#) struck “of this section” in (c) pursuant to [1 CMC § 3806\(d\)](#).