

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 1: CRIMES AGAINST THE PERSON

§ 1361. Covered Offenses and Sex Offenders.

Offenders who reside within the Commonwealth, are employed within the Commonwealth, attend school within the Commonwealth, or offenders who visit the Commonwealth for a period of 24 hours or more and have been convicted of the following sex offenses are subject to CNMI-SORA:

(a) *Attempts and Conspiracies.* Any attempt or conspiracy to commit any sex offense.

(b) *Commonwealth Offenses.* A conviction for any of the following offenses:

- (1) 6 CMC § 1301 (Sexual Assault in the First Degree),
- (2) 6 CMC § 1302 (Sexual Assault in the Second Degree),
- (3) 6 CMC § 1303(a)(1) (Sexual Assault in the Third Degree),
- (4) 6 CMC § 1304 (Sexual Assault in the Fourth Degree),
- (5) 6 CMC § 1306 (Sexual Abuse of a Minor in the First Degree),
- (6) 6 CMC § 1307 (Sexual Abuse of a Minor in the Second Degree),
- (7) 6 CMC § 1308 (Sexual Abuse of a Minor in the Third Degree),
- (8) 6 CMC § 1309 (Sexual Abuse of a Minor in the Fourth Degree),
- (9) 6 CMC § 1311 (Incest), where the victim is under 18 years of age,
- (10) 6 CMC § 1314 (Unlawful Exploitation of a Minor),
- (11) 6 CMC § 1315 (Indecent Exposure in the First Degree),
- (12) 6 CMC § 1316 (Indecent Exposure in the Second Degree),
- (13) 6 CMC, Chapter 3, Article 2. Child Pornography Act,
- (14) 6 CMC, § 1421 (Kidnapping of a Minor and False Imprisonment of a Minor).

(c) *Juvenile Offenses or Adjudications.* Any sex offense, or attempt or conspiracy to commit a sex offense, that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. § 2241) and committed by a minor who is 14 years of age or older.

(d) *Jurisdiction Offenses.* Any sex offense committed in any jurisdiction, including the Commonwealth, that involves:

- (1) Sexual act and sexual contact offenses whose elements involve:
 - (i) Any type or degree of genital, oral, or anal penetration;
 - (ii) Any sexual touching of or contact with a person's body, either directly or through the clothing.
- (2) Specified offenses against minors listed below:
 - (i) Kidnapping of a minor;
 - (ii) False imprisonment of a minor;
 - (iii) Solicitation to engage a minor in sexual conduct understood broadly to include any direction, request, enticement, per-

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suasion, or encouragement of a minor to engage in sexual conduct;

(iv) Use of a minor in a sexual performance;

(v) Solicitation of a minor to practice prostitution;

(vi) Video voyeurism of a minor as described in 18 U.S.C. § 1801;

(vii) Possession, production, or distribution of child pornography;

(viii) Criminal sexual conduct that involves physical contact with a minor or the use of the internet to facilitate or attempt such conduct. This includes offenses whose elements involve the use of other persons in prostitution, such as pandering, procuring, or pimping in cases where the victim was a minor at the time of the offense.

(ix) Any conduct that by its nature is a sex offense against a minor.

(3) Any offense similar to those outlined in:

(i) 18 U.S.C. § 1591 (sex trafficking by force, fraud, or coercion),

(ii) 18 U.S.C. § 1801 (video voyeurism of a minor),

(iii) 18 U.S.C. § 2241 (aggravated sexual abuse),

(iv) 18 U.S.C. § 2242 (sexual abuse),

(v) 18 U.S.C. § 2244 (abusive sexual contact),

(vi) 18 U.S.C. § 2422(b)(coercing a minor to engage in prostitution),

(vii) 18 U.S.C. § 2423(a) (transporting a minor to engage in illicit conduct).

(e) *Federal Offenses*. A conviction for any of the following, and any other offense:

(1) 18 U.S.C. § 1591 (sex trafficking of children),

(2) 18 U.S.C. § 1801 (video voyeurism of a minor),

(3) 18 U.S.C. § 2241 (aggravated sexual abuse),

(4) 18 U.S.C. § 2242 (sexual abuse),

(5) 18 U.S.C. § 2243 (sexual abuse of a minor or ward),

(6) 18 U.S.C. § 2244 (abusive sexual contact),

(7) 18 U.S.C. § 2245 (offenses resulting in death),

(8) 18 U.S.C. § 2251 (sexual exploitation of children),

(9) 18 U.S.C. § 2251A (selling or buying of children),

(10) 18 U.S.C. § 2252 (material involving the sexual exploitation of a minor),

(11) 18 U.S.C. § 2252A (material containing child pornography),

(12) 18 U.S.C. § 2252B (misleading domain names on the internet),

(13) 18 U.S.C. § 2252C (misleading words or digital images on the internet),

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(14) 18 U.S.C. § 2260 (production of sexually explicit depictions of a minor for import into the United States),

(15) 18 U.S.C. § 2421 (transportation of a minor for illegal sexual activity),

(16) 18 U.S.C. § 2422 (coercion and enticement of a minor for illegal sexual activity),

(17) 18 U.S.C. § 2423 (transportation of minors for illegal sexual activity, etc.),

(18) 18 U.S.C. § 2424 (failure to file factual statement about an alien individual), and

(19) 18 U.S.C. § 2425 (transmitting information about a minor to further criminal sexual conduct).

(f) *Foreign Offenses.* Any conviction for a sex offense involving any conduct listed in §1361(e) which was obtained under the laws of Canada, the United Kingdom, Australia, New Zealand, and any foreign country where the United States State Department, in its Country Reports on Human Rights Practices, has concluded that an independent judiciary generally (or vigorously) enforced the right to a fair trial in that country during the year in which the conviction occurred.

(g) *Military Offenses.* Any military offense specified by the Secretary of Defense under section 115(a)(8)(C)(i) of PL 105-119 (10 U.S.C. 951 note).

Source: PL 11-104, § 1 (Section 2 of reenacted PL 11-35) repealed and reenacted PL 11-35; repealed and reenacted by PL 17-49 § 2(1361) (July 29, 2011), modified.

Commission Comment: The Commission inserted the dash between CNMI and SORA in the first sentence of this section for consistency; italicized titles of subsections for emphasis; and changed capitalization throughout this section for conformity pursuant to 1 CMC § 3806(f). The Commission corrected punctuation throughout the lists in this section pursuant to its authority in 1 CMC § 3806(g). Where appropriate, the Commission added commas, semi-colons or colons, changed periods to commas or semi-colons and inserted periods at the end of lists.