

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

§ 1461. Definitions.

(a) In this Act,

(1) “Domestic violence” and “crime involving domestic violence” mean one or more of the following offenses or an offense under a law or ordinance of another jurisdiction having elements similar to these offenses, or an attempt to commit the offense, by a household member against another household member:

- (A) A crime against the person under Title 6, Division 1, Part 1;
- (B) Burglary under [6 CMC § 1801](#);
- (C) Criminal trespass under [6 CMC § 1804](#);
- (D) Arson or reckless burning under [6 CMC § 1802](#);
- (E) Criminal mischief under [6 CMC § 1803](#);
- (F) Riot under [6 CMC § 3102](#);
- (G) Violating an order for protection under [6 CMC § 1464](#);
- (H) Disturbing the peace under [6 CMC § 3101](#);
- (I) Stalking in the first or second degree under [6 CMC §§ 1471-1472](#);
- (J) Interfering with a domestic violence report under [6 CMC § 1462](#);
- (K) Unlawful contact under [6 CMC § 1463](#).
- (L) Strangulation under [6 CMC § 1468](#).

(2) “Household member” includes

- (A) Adults or minors who are current or former spouses;
- (B) Adults or minors who live together or who have lived together;
- (C) Adults or minors who are dating or who have dated;
- (D) Adults or minors who are engaged in or who have engaged in a sexual relationship;
- (E) Adults or minors who are related to each other up to the fourth degree of consanguinity, whether of the whole or half blood or by adoption, computed under the rules of civil law;
- (F) Adults or minors who are related or formerly related by marriage;
- (G) Persons who have a child of the relationship; and
- (H) Minor children of a person in a relationship that is described in (A) through (G) of this subsection.

(3) “Physical injury” means any physical pain, or any impairment of physical condition;

(4) “Victim” means a person against whom an offense has been perpetrated,

(5) “Witness” means a person who contacted in connection with a criminal case because the person may have knowledge or information about the criminal case.

Source: [PL 14-9](#), § 3 (1501), modified; (a)(1)(L) enacted by [PL 20-28](#) § 6 (Dec. 11, 2017).

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Commission Comment: The Commission made conforming changes to the numbering of Article 5, as well as other authorized changes pursuant to [1 CMC § 3806](#). [PL 14-9](#) was enacted on May 28, 2004 and contained, in addition to other enactments, a short title, findings, severability, and savings clause provisions. [PL 14-9](#), known as the “Domestic Violence Criminal Act of 2004,” stated in pertinent part:

Section 1. Findings. The Legislature finds that domestic violence is a serious problem within the Commonwealth, and that the current criminal laws are inadequate to protect the community, provide redress to the victims, and deter or rehabilitate offenders. The Legislature finds domestic violence is a serious problem for many reasons. Paramount among these is the effect of domestic violence on victims. Statistics show that domestic violence is the number one cause of injury to women. Nearly 4,000,000 women are beaten by their husbands or partners annually. Approximately 1,400 women are killed in the United States each year as a result of domestic violence.

According to data generated by the Criminal Justice Information System (CJIS), during the past six years, the CNMI Department of Public Safety has responded to over 300 cases, on average, classified as “domestic disturbance complaints.” For example, of the 277 domestic disturbances responded to in calendar year 2001, the Criminal Division of the Attorney General’s Office received 205 referred cases. Of the 205 cases referred, 164 resulted in criminal charges filed against a defendant. Of those 164 cases filed, 103 either pled guilty or were found guilty at trial, as of December 31, 2001. Of the 103 convictions, only 86 received any jail time.

The Department of Public Safety responded to 284 domestic disturbance complaints in calendar year 2002, with the Attorney General’s Office reporting 135 reports received. Of the 135 reports received, 87 resulted in charges being filed. Of the 87 cases filed, there were 32 convictions, as of December 31, 2002. Only 22 of the convictions resulted in any jail time for the defendant.

There is no consistent mechanism in the current law for identifying a crime as one involving domestic violence. Therefore, the statistics cited above should not be considered definitive, but rather very conservative estimates. The Legislature notes that in many jurisdictions, domestic violence crimes are some of the most under-reported crimes on the books. In order to track the incidence of crimes involving domestic violence within the Commonwealth, the Courts are encouraged to amend the Rules of Practice to require a certification by the prosecutor filing the information, or the police officer filing a complaint, that the crime or crimes charged are, or are not, crimes involving domestic violence. A certification by the law enforcement officer or prosecutor that a criminal offense is a crime involving domestic violence will ensure that court personnel can readily identify those files subject to the special arrest, bail, sentencing and other provisions provided by this Act.

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The Legislature also finds that domestic violence in a relationship tends to escalate over time, resulting in more frequent assaults and more serious injuries. Jurisdictions that have had some success in deterring crimes of domestic violence have done so, in part, by aggressively prosecuting misdemeanor assaults before they escalate to felony level crimes. Because domestic violence crimes tends to escalate over time, and because of the need to deter those crimes before serious injuries or fatality results, this Act provides for mandatory minimum penalties for crimes involving domestic violence, and for more severe penalties for repeat offenders.

The Legislature also finds that the direct and indirect effects of domestic violence on the children of the Commonwealth pose a serious risk to the continued health of our families. Children who live in homes where domestic violence occurs are more likely to be physically abused than children from homes where such violence does not occur. They may be severely traumatized by witnessing family violence directed at a parent or other loved one. They are more likely to suffer secondary effects from having witnessed or experienced abuse within the home, such as sleeplessness, nervous disorders, stomach ailments, poor grades, difficulty relating to their peers, fewer hobbies or outside interests, and more disciplinary problems.

However, the most ominous consequence of growing up in an abusive home is the effect that experience has on the child's future relationships with his or her loved ones. Parents are the ultimate role models for their children. When a child sees his fathers beat his mother, he learns that it may be acceptable behavior. Thus, boys who grow up in abusive homes are 10 times more likely to be prosecuted for committing crimes involving domestic violence than boys who do not experience such abuse in the home. Girls who grow up in abusive homes are significantly more likely to themselves be the victims of crimes involving domestic violence when they become adults. Our failure, as a society, to deal with the problem of domestic violence, means that many of our young men will go to jail, and many of our young women will wind up in the emergency room.

To effectively deter such crimes from being committed in the future, the Legislature finds that a multi-pronged approach is required, including new criminal offenses for addition to the Commonwealth Criminal Code; a mandatory arrest provision for those who commit such crimes, or violate pre-trial release conditions; enhanced penalties for those who commit such crimes, particularly for repeat offenders; and special conditions of release for those who have been charged with such crimes. In addition, statistics show that by the time an offender is first convicted of a crime involving domestic violence, he has engaged in many such acts that have either not been reported, or not resulted in conviction. Because of the compelling need to identify domestic violence abusers and deter them from repeat offenses before their crimes escalate, this Act requires that suspended imposition of sentence be denied those convicted of crimes involving domestic violence.

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Among the new crimes authorized by this revision are Stalking in the First Degree and Stalking in the Second Degree. The Legislature finds that it is in the best interest of the Commonwealth to enact this protective legislation. Since the passage of the first anti-stalking measure in the United States, in 1991, all 50 states have enacted laws prohibiting the conduct known as stalking. The conduct is not only threatening to the victim and the victim's family, but also compromises the victims' right to a safe environment. This conduct results in decreased productivity in the public and private sectors, through increased absenteeism, and the threat of workplace violence. Although the crime of stalking is often identified as a crime involving domestic violence, the new crimes authorized by this legislation, stalking in the first degree and stalking the second degree, need not be crimes involving domestic violence. A person engaging in stalking conduct may be guilty of stalking whether or not the victim of the crime is a household member.

This is also generally true of all the crimes identified as crimes involving domestic violence in this Act. Rather than create a new category of entirely separate crimes, this Act makes clear that many existing crimes in the Commonwealth Code may also be crimes involving domestic violence if they are committed by one household member against another household member. It is this special relationship between the perpetrator and victim that gives rise to the special provisions of this Act, including additional conditions of pretrial release, mandatory arrest and enhanced penalties.

It is the intent of the Legislature that this Act be interpreted harmoniously, to the extent possible, with [Public Law 12-19](#), the Domestic and Family Violence Prevention Act, given its remedial purposes. This Act is also intended to supplement, and not supercede, Public Law 9-21, the "Man-Amko" Physical Abuse and Mental Cruelty Act, and [Public Law 3-18](#), the provisions of the Commonwealth Code dealing with the protection of abused and neglected children.