

FIRST SPECIAL SESSION, 1989

AN ACT

To amend Title 6, CMC, Division 2 (Contraband Offenses), by adding a new Chapter 3, making it unlawful in the Commonwealth to import controlled substances, certain currency, certain firearms, ammunition or dangerous devices, and creating criminal penalties; and for other purposes.

BE IT ENACTED BY THE NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Purpose. An integral part of controlling
2 the importation of controlled substances and other contraband
3 is an effective customs inspection system that includes
4 prosecution of persons who are importing or attempting to
5 import contraband.

6 Section 2. Amendment - Add New Section. Title 6, CMC,
7 Division 2, is amended by adding a new Chapter 3 to read:

8 "Chapter 3 - Customs Violations

9 Section 2301. Importation of Contraband.

10 (a) It shall be unlawful for any person to
11 knowingly enter the Commonwealth with intent to
12 import, or attempt to cause another to bring or
13 import into the Commonwealth, or conceal for the
14 purpose of importation, any of the following items:

15 (1) Controlled substances as defined in
16 this Title;

17 (2) Currency, coin, travelers checks,
18 money orders, and/or negotiable instruments of

1 a total of more than \$5,000.00 (five thousand
2 dollars) unless the same is reported to the
3 Division of Customs in a signed customs
4 declaration form prior to entry into the
5 Commonwealth;

6 (3) Firearms other than rifles with a
7 bore not to exceed .22 caliber or shotguns
8 with a gauge no larger than .410 and with
9 normal factory produced stocks and barrels
10 unless the importer is authorized by the
11 Director of the Department of Public Safety to
12 import the same for law enforcement purposes;

13 (4) Ammunition other than regular long
14 rifle .22 caliber rimfire cartridges or .410
15 gauge shotgun shells or dangerous devices as
16 described in this Title unless the importer
17 has been authorized to import and possess the
18 same by the Director of the Department of
19 Public Safety for law enforcement purposes;

20 (5) Goods, merchandise or commodities
21 that violate international or U.S. copyright
22 or patent laws.

23 (6) Undeclared goods, merchandise, or
24 commodities subject to excise tax.

25 (b) Any person who violates this section may

1 be punished by imprisonment for not more than five
2 years, or by a fine of not more than \$2,000.00 or
3 both. This punishment is in addition to any
4 penalty or fine which may otherwise be imposed.
5 Section 2302. Enforcement.

6 (a) The Customs Service, a division of the
7 Department of Finance, shall have the primary
8 responsibility and authority to enforce the
9 provisions of this Chapter. This authority shall
10 be concurrent with the authority of any other law
11 enforcement agency as provided by law.

12 (b) Any officer who is authorized by the
13 Customs Service to enforce the provisions of this
14 Chapter may:

15 (1) Arrest any person, if there exists
16 probable cause to believe that such person
17 committed an act in violation of this Chapter;

18 (2) Seize any evidence related to any
19 violation of any provision of this Chapter;

20 (3) Execute any warrant or other process
21 issued by a court of competent jurisdiction.

22 Section 2303. Forfeiture. All items of contraband
23 as defined by Section 2301 of this Chapter 3, shall be
24 subject to forfeiture pursuant to 6 CMC Section 2150.

25 Section 2304. Jurisdiction. The jurisdiction of

1 the Customs Service shall include all official customs
2 points of entry into the Commonwealth as follows as well
3 as any future official customs ports of entry that may
4 be establish from time to time:

5 <u>Island</u>	<u>Official Customs Point of Entry</u>
6 Saipan	Tanapag Harbor (Charlie Dock) 7 and Isley Field (Saipan International 8 Airport)
9 Rota	Rota Harbor (West Dock) and Rota 10 International Airport
11 Tinian	Tinian Harbor and West Tinian Airport

12 Section 2305. Tampering Prohibited. If the owner
13 or his authorized representative is the consignee of any
14 cargo, commodities, merchandise or goods of any and all
15 description, for personal use or for profit, entering
16 the Commonwealth in crates, bundles, sea or land
17 containers, or any other method of shipping, freight,
18 transport, package, mail, systems of forwarding and
19 receiving, is advised by an official of the Customs
20 Service not to open the package, and the Customs Service
21 order is violated prior to inspection of the contents,
22 it is a violation of this Act and is punishable pursuant
23 to Section 2301(b) of this Chapter."

24 Section 3. Amendments. The "Commonwealth Weapons
25 Control Act," 6 CMC Section 2201 et seq. is hereby amended to

1 conform to Section 2 of this Act by substituting "Department
2 of Public Safety" for "Office of Attorney General" or
3 "Attorney General" wherever either one of those phrases
4 appear.

5 Section 4. Amendment. 6 CMC Section 2204 is amended to
6 provide additional information on identification cards by
7 adding a new subsection (b)(8) to read:

8 "(8) The manufacturer, model, type and serial
9 number of the firearm."

10 Section 5. Amendment. 6 CMC Section 2204 (k) is
11 amended to read:

12 "A person who is not a United States citizen or a
13 United States National is ineligible for an
14 identification card or for renewal thereof."

15 Section 6. Amendment. 6 CMC Section 2222 (e) is
16 amended and a new subsection (f) is added to read as follows.
17 All subsequent subsections are redesignated as appropriate.

18 "(e) Import, sell, transfer, give away, purchase,
19 possess or use any handgun, automatic weapon, rifle with
20 a bore exceeding .22 caliber, shotgun with a gauge
21 larger than .410, or any other weapon. This section is
22 subject to the law enforcement exemption provided in
23 Section 2301(3) of this title.

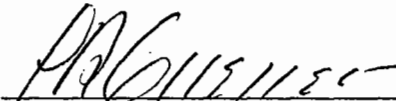
24 (f) Import, sell, transfer, give away, purchase,
25 possess, or use any ammunition or other explosive

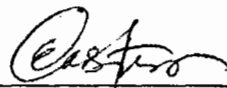
1 projectile other than regular long rifle .22 caliber
2 rimfire cartridges and .410 shotgun shells. This
3 section is subject to the law enforcement exemption
4 provided at Section 2301(4) of this title."

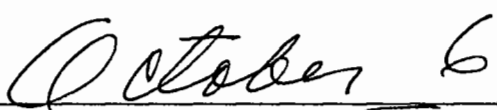

5 Section 7. Severability. If any provision
6 of this Act is held invalid by a court of competent
7 jurisdiction the remainder of this Act shall not be affected
8 thereby.

9 Section 8. Effective Date. This Act shall take effect
10 upon its approval by the Governor, or upon its becoming law
11 without such approval.

12 Attested by:

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14 
15 PEDRO R. GUERRERO
Speaker of the House

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14 
15 EVELYN T. CASTRO
House Clerk

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17 
18 _____, 1989
19 
20 PEDRO P. TENORIO
Governor
21 Commonwealth of the Northern Mariana Islands