

**TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE**

***PUBLIC LAW NO. 10-62***  
**H.B. NO. 10-392**

**FIRST SPECIAL SESSION, 1997**

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**AN ACT**

To amend 1 CMC, Section 2504 and 3 CMC, Sections 1181 and 1183(d); and for other purposes.

**BE IT ENACTED BY THE TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:**

Section 1. Short Title. This Act shall be cited as “The Commonwealth Criminal Record Dissemination Act of 1997”.

Section 2. Purpose and Findings. The Legislature finds that there currently exists a requirement in United States federal law that states and other jurisdictions enact legislation which provides for the dissemination of federal criminal record information to non-law enforcement agencies before such information may be released. The Commonwealth currently has no such law on record and our non-law enforcement agencies often require such information for employee background checks and precertification clearances.

The Legislature also finds that it is vitally important that certain persons employed or to be employed within the Commonwealth’s educational institutions be properly screened for criminal histories. An FBI fingerprint check is the best way to ensure that a person’s complete criminal history is discovered. The intention of this Act is to provide all Commonwealth agencies with the first step toward the ability to access such information for employee background checks and also to require the Board of Education to check the criminal backgrounds of all present and future teachers and librarians before issuing anything other than a temporary teaching certificate. The integrity of our workforce and the safety of our school children demands nothing less.

Section 3. Amendment. 1 CMC, Division 2, §2504 is hereby amended to add subsection (k). Subsection (k) shall read:

“(k) To coordinate and oversee the lawful provision of federal and other jurisdiction’s criminal record information to Commonwealth agencies, branches, public corporations, elected boards, licensing boards, and autonomous agencies for use in their employee and applicant background checks and precertification checks.”

Section 4. Amendment. 3 CMC, Division 1, §1181 is hereby amended to read as follows:

“(a) No person shall serve as a teacher or librarian in any public or chartered school in the Commonwealth without first having obtained a certificate from the Board, in such form as the board determines. The qualification requirements for such certificate shall be determined by the Board.

(b) All applicants for certification must provide a full set of fingerprints to the board to enable a criminal background investigation to be conducted. The board is authorized to submit the completed fingerprint card(s) to the Department of Public Safety. The Department of Public Safety is authorized to submit the fingerprints to the FBI or to any other country’s equivalent law enforcement agency for a national criminal history record check. The information obtained from the national criminal history record check conducted pursuant to this section may be used by the Department of Public Safety and/or the board to determine the applicant’s eligibility for employment and/or certification. Applicants may be employed on a temporary basis pending completion of the investigation.

(c) The board shall also require applicants for non-teaching or non-librarian positions which will have regularly scheduled unsupervised access to children within a public or chartered school to submit to the above mentioned fingerprinting process.

(d) All certified teachers and librarians who are employed by a public or chartered school within the Commonwealth on the date this law becomes effective, shall submit to the above mentioned fingerprinting process within 180 days of the date this law becomes effective.”

Section 5. Amendment. 3 CMC, Division 1, §1183(d) is hereby amended to read as follows:

“(d) When the holder of a certificate has been convicted of any crime involving moral turpitude or a felony showing unfitness to teach, the Board shall revoke or suspend the holder’s certificate.”

Section 6. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 7. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes

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repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, and liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

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

CERTIFIED BY:

ATTESTED BY:

/s/ Diego T. Benavente  
DIEGO T. BENAVENTE  
Speaker  
House of Representatives

/s/ Evelyn C. Fleming  
EVELYN C. FLEMING  
House Clerk

APPROVED this 29th day of JULY, 1997

/s/ Jesus C. Borja  
~~FROILAN C. TENORIO~~ JESUS C. BORJA  
Actg. Governor  
Commonwealth of the Northern Mariana Islands

