

ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

*PUBLIC LAW NO. 11-24*  
**H. B. NO. 11-153**

FIRST REGULAR SESSION, 1998

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**AN ACT**

Increasing the penalties for persons who import or traffic in certain types of contraband; and for other purposes.

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

Section 1. Findings. The Legislature finds the use of dangerous, highly addicting narcotic substances has become epidemic in the Commonwealth. The Legislature further finds that among the leading facilitators of the drug trade in the CNMI are couriers who smuggle the contraband into the Commonwealth. CNMI law has already established that possession of five grams or more of certain controlled substances is a rebuttable presumption of the crime of trafficking. In the Legislature's opinion it has become necessary to impose severe penalties on those who, without conscience, would so prey on our society as to threaten its very survival.

Section 2 Importing Certain Controlled Substances; Penalties Increased. Amend 6 CMC § 2301 by inserting after subsection (b) the following new subsection:

(c) Any person who violates subsection (a)(1) and the controlled substance is five or more grams and is classified in Schedules I or II as a narcotic drug or methamphetaminehydrochloride or any derivative or metabolites thereof shall be sentenced to an unlimited number of hours of community service and:

(1) For a first offense to a term of not less than 25 years without the possibility or condition of any form of probation, parole, or suspension of sentence under any circumstances.

(2) Upon a second offense to a term of life imprisonment without the possibility or condition of any form of probation, parole, or suspension of sentence under any circumstances.

Section 3 Trafficking Offenses; Penalties Increased. Amend 6 CMC §2141(b)(1) to read as follows:

“(1) A substance classified in Schedules I or II which is a narcotic drug or methamphetaminehydrochloride shall be sentenced for a first offense to a term of

imprisonment for not less than 25 years, a fine of not more than \$10,000, or both-and the term of imprisonment shall not be subject to suspension, probation, or parole and shall be sentenced, upon a second offense, to a term of life imprisonment, a fine of not more than \$20,000, or both, and such term shall not be subject to suspension, probation, or parole;”

Section 4. 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 5. 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 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, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.

Section 6. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

**CERTIFIED BY:**

/s/ Ana S. Teregeyo  
**ANA S. TEREGEYO**  
Acting Speaker  
House of Representatives

**ATTESTED BY:**

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

Approved this 17<sup>th</sup> day of July, 1998.

/s/ Pedro P. Tenorio  
**PEDRO P. TENORIO**  
**Governor**  
Commonwealth of the Northern Mariana Islands