

FIRST REGULAR SESSION, 1998

AN ACT

To require that all persons convicted of a criminal offense of a sexual nature and other sexually violent crimes register with Department Public Safety and that the community be notified concerning the location of registered offenders when necessary to ensure public safety.

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

Section 1. Title. This Act shall be known as "The Sex Offender Registration and Notification Act."

Section 2 Findings. The Legislature finds that many sex offenders are likely to repeat their crimes. The Commonwealth does not have a sex offender treatment program, but even if it did, the recidivism rate of sex offenders is high. The Legislature finds that the safety of our children requires we shield them from known sexual predators. Therefore, it is appropriate that we take the extraordinary measure of placing requirements on sexual offenders even after they have served their criminal sentence. The Legislature finds that sex offender registration systems can greatly assist the investigation of sex crimes. The Legislature further finds that state-based registration systems are crucial to the ability of state law enforcement officials to communicate with each other regarding sex offenders who cross state lines. Therefore, persons convicted of a criminal offense of a sexual nature against a victim who is a minor, or who id convicted of a sexually violent offense, or is a person known to be a violent sexual predator should be required to register a current address with law enforcement agencies wherever they reside.

The Legislature finds that the Justice Department recently published the final guidelines implementing the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act providing for registration of offenders and community notification of their location. This Act is a key element of the Violent Crime Control and Law Enforcement Act of 1994, which provides financial incentives for states to establish effective registration systems for child molesters and other sexually violent offenders. States can avail

themselves of these incentives if they adopt a registration and notification law by September, 1998. The Legislature intends that this Act should be such a law.

Section 3. Definitions.

(a) The term "criminal offense against a victim who is a minor" means any criminal offense that consists of:

- (1) Kidnapping of a minor, except by a parent;
- (2) false imprisonment of a minor, except by a parent;
- (3) criminal sexual conduct toward a minor;
- (4) solicitation of a minor to engage in sexual conduct;
- (5) use of a minor in a sexual performance;
- (6) solicitation of a minor to practice prostitution; or
- (7) any conduct that by its nature is a sexual offense against a minor.

For purposes of this section, conduct which is criminal only because of the age of the victim shall not be considered a criminal offense if the perpetrator is 18 years of age or younger.

(b) The term "sexually violent offense" means any criminal offense that consists of aggravated sexual abuse or sexual abuse or an offense that has as its elements engaging in physical contact with another person with intent to commit aggravated sexual abuse or sexual abuse.

(c) The term "sexually violent predator" means a person who has been convicted of a sexually violent offense and who suffers from a mental abnormality or personality disorder that makes the person likely to engage in predatory sexual violent offenses.

Section 4. Registration.

Duty of Commissioner of DPS and the Superior Court.

If a person who is required to register under this section is released from prison, or placed on parole, supervised release, or probation, the commissioner of DPS, or in the case of probation, the court, or in case of parole, the parole officer, shall:

- (1) inform the person of the duty to register and obtain the information required for such registration;
- (2) inform the person that if the person changes his residence address, the person shall give the new address to DPS within 10 days;

(3) inform the person that if the person changes residence to another state, the person shall register the new address with DPS and will register with the designated law enforcement agency in the new state not later than 10 days after establishing residency in the new state, if the new state has a registration requirement;

(4) obtain fingerprints and a photograph of the person if these have not already been obtained; and

(5) require the person to read and sign a form stating that the duty of the person to register under this section has been explained.

Section 5. Notification.

(a) The Commissioner of DPS shall notify the community of an offenders location when, in his or her sole discretion, public safety requires.

(b) "Notification" shall be to the extent necessary to protect the public and may include mail, personal notification and/or use of the media.

Section 6. Location Verification. The Commissioner of DPS will conduct a residence location verification at least quarterly. Any violations will be reported immediately to the Office of the Attorney General.

Section 7. Penalty. A person required to register under this provision who knowingly fails to register and keep such registration current shall be subject to criminal penalties. Failure to Register shall be a misdemeanor punishable by up to \$1,000 dollars and one year of imprisonment.

Section 8. Release of Information.

Information collected by the Commissioner of DPS under this registration program shall be treated as private, except that:

(a) such information may be disclosed to law enforcement agencies for law enforcement purposes;

(b) such information may be disclosed to government agencies conducting confidential background checks; and

(c) DPS may release relevant information that is necessary to protect the public concerning a specific person required to register under this section, except that the identity of a victim of an offense shall not be released.

This protection of an individuals right to privacy and invasion of it according the terms of this Section, to protect the health, safety and welfare of the community, comports with 1 Commonwealth Code, Division 9, Chapter 9, "Open Government Meetings and Records."

Section 9. Immunity for Good Faith Conduct. Law enforcement agencies, employees of law enforcement agencies, and Commonwealth officials shall be immune from liability for good faith conduct under this section.

Section 10. 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 11. 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 12. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

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

ATTESTED BY:

/s/ Joan P. Kaipat
JOAN P. KAIPAT
Acting House Clerk

Approved this 11th day of September, 1998

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