

AN ACT

To establish and create the Office of Adult Probation Supervision (OAPS) within the Judicial Branch and to define and give authority to such Office to carry out the duties, regulations, and functions of the Office; and for other purposes.

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

Section 1. The Office of Probation. There is hereby created within the Superior Court, and under the direction of the Presiding Judge, an Office of Adult Probation Supervision (OAPS).

Section 2. Adult Probation Officers and Support Staff: Appointments and Qualifications:

(a) The Presiding Judge of the Superior Court shall appoint a Chief Probation Officer as head of the OAPS. Such Chief Probation Officer shall serve at the pleasure of the Presiding Judge. Such Chief Probation Officer, upon the approval of the Presiding Judge of the Superior Court, shall promulgate policies and procedures and appoint deputy adult probation officers and support staff as are necessary to carry out the duties and responsibilities of the OAPS.

The OAPS shall, as directed by the Court, provide pre-sentence investigations, supervision, alternative supervision services and other matters or services required to be performed.

(b) Each adult probation officer shall take the official oath of conduct prior to employment.

(c) The OAPS personnel, including the Chief Probation Officer, shall qualify under minimum standards of experience and education established by the Judiciary.

(d) The OAPS shall perform such other duties assigned by the Presiding Judge or associate judges, which duties may include serving as juvenile probation officers, if such officers meet the minimum qualification prescribed for such juvenile matters by the Judiciary.

Section 3. Salaries and Expenses. The salary of the adult probation officers and the chief probation officer shall be fixed in accordance with the salary ranges established by law.

Section 4. Powers and Duties. The OAPS shall have the authority and responsibility to:

(a) Create and file a complete record of each person who has been placed on probation or received a suspended sentence from the Court including those referred by the court for supervision, investigation and pre-trial services.

(b) Exercise general supervision over all persons on probation or who are under suspended sentences including those referred by the court for supervision, investigation and pre-trial services.

(c) Serve warrants of arrest, make arrests and bring persons before the Court who are under suspended sentences or are on probation. Under these circumstances, such officers shall have the authority similar to that of peace officers in the performance of their duties. Such authority shall include, but not be limited to, the right to carry a firearm in the performance of such officers' official duties.

(d) Investigate and report to the Court on probation cases referred to the OAPS by the Court. When conducting an investigation pursuant to an order given by the Court, the adult probation officer shall promptly inquire into the circumstances of the offense, the convicted person's history of delinquency or criminality, social history, employment history, family situation, economic status, education, personal habits, as well as the physical, emotional and financial impact of the offense on the immediate family of the victim. The adult probation officer shall notify the office of the victim advocate, the victim, and the immediate family of the victim of the right to appear personally or by counsel at sentencing or at other aggravation or mitigation proceedings.

(e) Secure and keep a complete identification record of every person released on probation or under a suspended sentence and maintain a written statement of the conditions of the suspension or probation of such persons.

(f) Obtain and assemble information concerning the conduct of persons placed on probation or under suspended sentence and report the information to the Court.

(g) Bring defaulting probationers into Court when, he or she believes with proper cause that the conduct of the probationer justifies the Court to revoke suspensions of the sentence.

(h) Have such other powers and duties as are necessary to implement the provisions of this Act, as deemed appropriate by the Judiciary.

Section 5. Chief Probation Officer and other officers duties. The Chief Probation Officer, as head of OAPS, shall:

(a) Establish organizational operational procedures for the deputy adult probation officers of the CNMI.

(b) Direct the work of, and when he or she deems it necessary, assist in the activities and duties of the adult probation officers of the CNMI.

(c) Perform other duties assigned by the Presiding Judge, which duties may include serving as a juvenile probation officer, if such officer meets the minimum qualification prescribed for such purposes.

Section 6. Transition Clause: Employees, Assets, Jurisdiction, Funding, et. al. Upon the effective date of this Act, all assets, liabilities, personnel, employees, FTE'S, funding, appropriations, property, jurisdiction, authority, cases, clients, or any other matters of any sort that are currently in existence under or in relation to matters of probation in the CNMI government, in any branch, department, or agency thereof, are hereby transferred to the Office of Adult Probation Supervision (OAPS) as created by this Act, and for such employees, they shall thereafter continue in employment in the OAPS to the extent required by law or regulation.

Section 7. 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 8. 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 9. 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 6th day of November, 1998

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