

AN ACT

To establish a fee for probation services to be used by the Presiding Judge of the Superior Court for probation officer salaries and training and services and programs.

BE IT ENACTED BY THE ELEVENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. New Section; Probation Services Fund Established. Amend 1 CMC by inserting after § 3405 the following new section.

“§ 3406. Probation Services Fund.

(a) There is hereby established a special fund within the Department of Finance which shall be known and designated as the Probation Servicea Fund.

(b) Notwithstanding any law to the contrary, all probation service fees received under 6 CMC § 4113(g) shall be deposited in the Fund and shall be continually appropriated to the Superior Court for the sole purpose of paying for the training and salaries of probation officers and client services and programs. The fund is non-lapsing and is intended to supplement Superior Court probation division appropriations.

(c) The Presiding Judge of the Superior Court shall, in consultation with the Chief Probation Officer, determine client services and programs, eligible to receive sums from the Fund.

(d) The Secretary of the Department of Finance shall submit an annual financial report by January 9 detailing the fund’s receipts and expenditures to the presiding Judge of the Superior Court and the Legislature.”

Section 2. Section Heading Changed. Amend the section heading of 6 CMC § 4113 to read as follows:

“§ 4113. Probation and Suspension of Imposition of Sentence; Probation Service Fee Required.”

Section 3. Probation Fee Established. Amend 6 CMC § 4113 by inserting after subsection (f) the following new subsection:

“(g) A person placed under probation shall pay a probation service fee in a sum not less than \$20 and nor more than \$100 annually during the term of probation. In determining the fee the Court shall consider the nature of the offense and the level of supervision required. The fee shall be deposited in the Probation Services Fund established in 1 CMC § 3406.”

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

ATTESTED BY:

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

Approved this 21st day of July, 1999

/s/ Jesus R. Sablan
~~**PEDRO P. TENORIO**~~ **JESUS R. SABLAN**
Acting **Governor**
Commonwealth of the Northern Mariana Islands