

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

THIRD REGULAR SESSION, 2001

*Public Law 12-56*  
**SENATE BILL**  
**NO. 12-103**

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AN ACT

To improve reporting and other requirements relating to Child Abuse or Neglect; and for other purposes.

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

Section 1. Findings. The legislature finds the current child abuse or neglect laws of the Commonwealth to be in need of revision. This Act provides for the protection of minors and the prosecution of persons who are charged or convicted of a crime to commit child abuse or neglect and amends duties to report such crimes.

Section 2. **6 CMC § 5312 (a) (3) is amended as follows:**

**"§ 5312. Child Abuse or Neglect: Offense Defined.**

(3) Engages in or attempts to engage in an act of sexual molestation with a child under the age of 18 who is in the person's custody."

Section 3. **6 CMC § 5312 (c) is amended as follows:**

**"§ 5312. Child Abuse or Neglect: Offense Defined.**

(c) A person convicted of child abuse and neglect may be punished by imprisonment for not more than five years, a fine of not more than \$2,000, or both; however, the court may, upon conviction, order that the person be provided with appropriate counseling to cure, alleviate or prevent psychological problems that are judged to be related to the child abuse and neglect incident."

Section 4. **6 CMC § 5313 (a) is amended as follows:**

**“§5313. Child Abuse or neglect: Duty to Report.**

(a) Any health care worker, school teacher or other school official, day care provider, counselor, social worker, peace officer or other law enforcement official who comes into contact in a professional capacity with a child who the person knows or has reasonable cause to suspect is abused, neglected or sexually molested by any person in a manner which harms or threatens harm to the child’s physical or mental health and well-being shall report this knowledge or suspicion promptly to the Department of Public Safety. This notification shall be within 24 hours. The report shall contain a statement of the time, date, circumstances and details or information which gave rise to the reporting official’s belief that abuse or neglect has or will occur. All such reports communicated to the Department of Public Safety may not be disclosed to the public.”

Section 5. **6 CMC § 5313 is amended by adding a new subsection (f):**

**“§ 5313. Child Abuse or Neglect: Duty to Report.**

(f) For purposes of this section

(i) “health care worker” includes a person who is or purports to be an anesthesiologist, acupuncturist, chiropractor, dentist, health aide, hypnotist, massage therapist, mental health counselor, midwife, nurse, nurse practitioner, osteopath, naturopath, physical therapist, physical therapy assistant, physician, physician’s assistant, psychiatrist, psychologist, psychological associate, radiologist, religious healing practitioner, surgeon, x-ray technician, or a substantially similar position.

(ii) “day care provider” includes persons who operate or are employed by day-care centers, nurseries or alternative schools; nannies; au-pair workers; or any other person who is entrusted with the temporary care of a minor child in return for compensation, but does not include babysitters who are themselves minor children.”

Section 6. **6 CMC § 5315 is amended as follows:**

**"§ 5315. Child Abuse or Neglect: Duty to Report; Failure to Report.**

Knowing or willful failure of any person required to make a report pursuant to 6 CMC § 5313 shall, upon conviction, be punished by imprisonment for up to one year, or a fine of \$1,000, or both."

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

**CERTIFIED BY:**

**ATTESTED BY:**

/s/ \_\_\_\_\_  
**PAUL A. MANGLONA**  
President of the Senate

/s/ \_\_\_\_\_  
**JOAQUIN G. ADRIANO**  
Senate Legislative Secretary

Approved this 25<sup>th</sup> day of June, 2001

/s/ \_\_\_\_\_  
**PEDRO P. TENORIO**  
Governor  
Commonwealth of the Northern Mariana Islands