

THIRTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

FIRST REGULAR SESSION, 2002

Public Law 13-22

H. B. NO. 13-031

AN ACT

To amend 6 CMC section 1434 (b) to clarify that the offense of resisting arrest applies to those who resist arrest by probation officers of the Office of Adult Probation Supervision; and for other purposes.

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

Section 1. Findings. Public Law 11-46, codified at 1 CMC section 3231, et seq., created the Office of Adult Probation Supervision (“OAPS”) and specifically gave those probation officers the power, similar to that of peace officers, to serve warrants and make arrests. Those probation officers also have authority to carry firearms in carrying out their duties. Public Law 11-46, however, does not actually refer to OAPS probation officers as law enforcement officers. Public Law 3-71, section 1 (section 424), as amended by Public Law 3-72, section 2 (section 424), codified as 6 CMC section 1434 (b), creates an offense for resisting arrest and applies to law enforcement officers. It does not, however, specifically refer to adult probation officers.

In exercising the power given to them by Public Law 11-46, the legislature finds that probation officers in the OAPS require protection from those who might seek to resist their statutory authority. Therefore, the legislature finds that 6 CMC section 1434 (b) should be amended to ensure that the offense of resisting arrest also applies to anyone who resists arrest by a probation officer of the OAPS.

Section 2. Amendment. 6 CMC Section 1434, subsection (b) is hereby amended to read as follows:

“(b) “Law enforcement officer” includes any police officer, corrections officer, or fire service officer of the Department of Public Safety, any probation officer of the Office of Adult Probation Supervision, any conservation officer of the

Department of Natural Resources, any customs officer of the Department of Finance, or any other law enforcement officer of the Commonwealth.”

Section 3. Severability. If any provisions 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 4. 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 the 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 5. Effective Date. This Act shall take effect upon its approval by the Governor, or it becoming law without such approval.

CERTIFIED BY:

ATTESTED TO BY:

/s/ _____

HEINZ S. HOFSCHEIDER
SPEAKER OF THE HOUSE

/s/ _____

EVELYN C. FLEMING
HOUSE CLERK

APPROVED this 30th day of August, 2002

/s/ _____

JUAN N. BABAUTA
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS