



HOUSE OF REPRESENTATIVES
FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
SECOND REGULAR SESSION, 2004

PUBLIC LAW NO. 14-50
H. B. No. 14-229

AN ACT

To prohibit loitering for commercial gain on a public thoroughfare by adding a new section to Article 1, Chapter 1, Division 3, Title 6 of the Commonwealth Code; and for other purposes.

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

Section 1. Findings and Purpose. The Legislature finds that it is the practice of many businesses and commercial enterprises in tourist areas of Garapan, Saipan, to have persons loiter outside of businesses on public thoroughfares for the purpose of luring, enticing, or soliciting customers for commercial gains. The Legislature further finds that some of these businesses are fronts for illegal activities such as gambling and prostitution. Tourists, as the usual victims of this practice, are often harassed to the extent of creating negative publicity for the Commonwealth. Therefore, the purpose of this Act is to prohibit persons from loitering on public thoroughfares for the purpose of luring, enticing, or soliciting persons for commercial gain. It is further the intent of this Act to curb not only the harassment and intimidation of tourists but also illegal activities.

Section 2. Amendment. Article 1, Chapter 1, Division 3, Title 6 of the Commonwealth Code is amended by adding a new § 3112 to read as follows:

“§ 3112. Loitering outside a business establishment on a public thoroughfare for the purpose of luring, enticing, or soliciting persons for commercial gain is hereby prohibited.

(a) A person commits loitering if the person is found on a public thoroughfare engaged in the following conduct:

(1) Repeated attempts to stop or detain a person by:

(i) by shouting, loudly calling, beckoning to a person to lure, entice, or solicit a person for commercial gain whether for legal or illegal purposes; or

(ii) by physically touching or grabbing a person for the purpose of handing out fliers or handbills regarding a commercial enterprise for a fee or to lure, entice, or solicit a person for commercial gain whether for legal or illegal purposes.

(2) Repeatedly follows or attempts to follow a person for the purpose of handing out fliers or handbills regarding a commercial enterprise for a fee or to lure, entice, or solicit a person for commercial gain whether for legal or illegal purposes.

(b) Public thoroughfare for the purposes of this section shall mean any sidewalk, square, mall, parking lot, or street.

(c) A person convicted of loitering under this section may be punished by fine of not more than \$1000 and by imprisonment of not more than 30 days.”

Section 3. 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 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 becoming law without such approval.

CERTIFIED BY:

/s/

BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

ATTESTED TO BY:

/s/

EVELYN C. FLEMING
HOUSE CLERK

APPROVED on this 7th day of January, 2005

/s/

JUAN N. BABAUTA
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS