



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

PUBLIC LAW NO. 14-59
H. B. No. 14-207, HS1

AN ACT

To amend Title 6, Crimes and Criminal Procedure, Division 3, Miscellaneous Offenses, by adding a new Chapter 5.

BE IT ENACTED BY THE FOURTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short Title. This act may be cited as the “Anti-Terrorism Act of 2004.”

Section 2. Findings. The Legislature finds that the devastating consequences of the attack on the World Trade Center and the Pentagon underscore the compelling need for legislation that is specifically designed to combat the evils of terrorism. Indeed, the World Trade Center and the Pentagon attacks will forever serve to remind us that terrorism is a serious and deadly problem that disrupts public order and threatens individual safety both at home and around the world. Terrorism is inconsistent with a civilized society and cannot be tolerated.

The Legislature further finds that although certain federal laws seek to curb the incidence of terrorism, there are no corresponding Commonwealth laws that facilitate the prosecution and punishment of terrorists in Commonwealth courts. Presently, there is no criminal penalty in the Commonwealth for a person who solicits or raises funds for, or provides other material support or resources to, those who commit or encourage the commission of horrific and cowardly acts of terrorists. Nor do our criminal laws proscribe the making of terrorist threats or punish with appropriate severity those who hinder the prosecution of terrorists.

A comprehensive Commonwealth law is needed to complement federal laws in the fight against terrorism and to better protect all citizens against terrorist acts. Accordingly, the Legislature finds that our laws must be strengthened to ensure that terrorists, as well as those

who solicit or provide financial and other support to terrorists, are prosecuted and punished in Commonwealth courts with appropriate severity.

Section 3. Amendments. Title 6, Division 3 of the Commonwealth Code is amended by adding a new chapter 5 as follows:

“Chapter 5. Terrorism.

§ 3501. Definitions.

(a) “*Act of Terrorism*”

(1) For purposes of this chapter means an act or acts constituting a specified offense as defined in subsection (c) of this section for which a person may be convicted in the criminal courts of the Commonwealth, or an act or acts constituting an offense in any other jurisdiction within or outside the territorial boundaries of the United States which contains all the essential elements of a specified offense, that is intended to:

- (i) intimidate or coerce a civilian population;
- (ii) influence the policy of a unit of government by intimidation or coercion; or
- (iii) affect the conduct of a unit of government by murder, assassination, or kidnapping; or

(2) Activities that involve a violent act or acts dangerous to human life that are in violation of the criminal laws of the Commonwealth and are intended to:

- (i) intimidate or coerce a civilian population;
- (ii) influence the policy of a unit of government by intimidation or coercion; or
- (iii) affect the conduct of a unit of government by murder, assassination, or kidnapping.

(b) “*Civilian Population*” means all the people in the Commonwealth not in the military or naval service.

(c) “*Material support or resources*” means currency or other financial securities, financial services, lodging, training, safe houses, false documents or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.

(d) “*Specified offense*” for purposes of this chapter means those offenses defined in Divisions 1 and 3 of Title 6 other than Division 2 offenses, and includes an attempt or conspiracy to commit any such offense.

(e) “*Renders criminal assistance*” when, with intent to prevent, hinder or delay the discovery or apprehension of, or the lodging of a criminal charge against, a person who he knows or believes has committed a crime or is being sought by law enforcement officials for the commission of a crime, or with intent to assist a person in profiting or benefiting from the commission of a crime, he:

- (i) Harbors or conceals such person; or
- (ii) Warns such person of impending discovery or apprehension; or
- (iii) Provides such person with money, transportation, weapon, disguise or other means of avoiding discovery or apprehension; or
- (iv) Prevents or obstructs, by means of force, intimidation or deception, anyone from performing an act which might aid in the discovery or apprehension of such person or in the lodging of a criminal charge against him; or
- (v) Suppresses, by any act of concealment, alteration or destruction, any physical evidence which might aid in the discovery or apprehension of such person or in the lodging of a criminal charge against him; or
- (vi) Aids such person to protect or expeditiously profit from an advantage derived from such crime.

§ 3502. Soliciting or providing support for an act of terrorism.

(a) First Degree.

(1) A person commits soliciting or providing support for an act of terrorism in the first degree when he or she commits the crime of soliciting or providing support for an act of terrorism in the second degree and the total value of material support or resources exceeds one thousand dollars.

(2) A person convicted under this subsection may be punished by imprisonment of not more than fifteen (15) years.

(b) Second Degree.

(1) A person commits soliciting or providing support for an act of terrorism in the second degree when, with the intent that material support or resources will be used, in whole or in part, to plan, prepare, carry out, or aid in either an act of terrorism or the concealment of, or an escape from, an act of terrorism, he or she raises, solicits, collects, or provides material support or resources.

(2) A person convicted under this subsection may be punished by imprisonment of not more than ten (10) years.

§ 3503. Making a terroristic threat.

(a) A person is guilty of making a terroristic threat when with the intent to intimidate or coerce a civilian population, influence the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government by murder, assassination or kidnapping, he or she threatens to commit or cause to be committed a specific offense and thereby causes a reasonable expectation of fear of the imminent commission of such offense.

(b) It shall be no offense to a prosecution pursuant to this section that that the defendant did not have the intent or capability of committing the specified offense or that the threat was not made to a person who was a subject thereof.

(c) A person convicted under this section may be punished by imprisonment of not more than ten (10) years.

§ 3504. Crime of terrorism.

(a) A person is guilty of a crime of terrorism when, with intent to intimidate or coerce a civilian population, influence the policy of a unit of government by intimidation or coercion, or affect the conduct of a unit of government by murder, assassination or kidnapping, he or she commits a specified offense.

(b) A person convicted under this section may be punished by life imprisonment without parole for the offense of murder as defined in 6 CMC § 1101.

(c) A person convicted under this section may be punished by imprisonment of not more than fifteen (15) years for any sexual offense as defined in PL 12-082 and kidnapping as defined in 6 CMC § 1421 or by life imprisonment without parole for the offense of kidnapping if the person committing the offense voluntarily releases the victim alive and uninjured and in a safe place prior to trial.

(d) A person convicted under this section may be punished by imprisonment of not more than ten (10) years for all other specified offenses.

§ 3505. Hindering prosecution of terrorism.

(a) First Degree.

(1) A person is guilty of hindering prosecution of terrorism in the first degree when he or she renders criminal assistance to a person who has committed an act of terrorism that resulted in the death of a person other than one of the participants, knowing or believing that such person engaged in conduct constituting an act of terrorism.

(2) A person convicted under this subsection may be punished by imprisonment of not more than twenty (20) years.

(b) Second Degree.

(1) A person is guilty of hindering prosecution if terrorism in the second degree when he or she renders criminal assistance to a person who has committed an act of terrorism, knowing or believing that such person engaged in conduct constituting an act of terrorism.

(2) A person convicted under this subsection may be punished by imprisonment of not more than fifteen (15) years.”

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

CERTIFIED BY:

ATTESTED TO BY:

/s/

BENIGNO R. FITIAL
SPEAKER OF THE HOUSE

/s/

EVELYN C. FLEMING
HOUSE CLERK

APPROVE on this 27th day of JANUARY, 2005

/s/

JUAN N. BABAUTA
GOVERNOR
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS