



HOUSE OF REPRESENTATIVES
SIXTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
SECOND REGULAR SESSION, 2008

Public Law No. 16-42
H. B. No. 16-179, HD1, SD1

AN ACT

TO AMEND AND REPEAL CERTAIN SECTIONS OF PUBLIC LAW 15-46, THE
PROBATION REFORM ACT OF 2006; AND FOR OTHER PURPOSES.

BE IT ENACTED BY THE SIXTEENTH NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE:

1 Section 1. Findings and Purpose. The Commonwealth Legislature finds that the
2 Probation Reform Act of 2006, Public Law 15-46, contains certain provisions that are
3 duplicative and may cause confusion in its implementation. It is therefore the purpose of this
4 Act to amend and repeal certain sections of the Probation Reform Act of 2006 to remove
5 such provisions.

6 Section 2. Amendments.

7 (a) 1 CMC § 2204 as amended by Public Law 15-46 is amended to read as
8 follows:

9 "§ 2204. Public Defender: Eligibility.

10 The Public Defender shall establish eligibility criteria and may
11 promulgate rules and regulations regarding eligibility criteria, to take effect
12 upon their approval by the Governor. The determination as to whether a
13 defendant be indigent or whether a person is unable to afford a private
14 attorney, however, shall be at the discretion of the judge before whom such
15 person is appearing."

16 (b) 6 CMC § 4104(e) as amended by Public Law 15-46 is amended to read
17 as follows:

1 nee) A person placed under probation supervision (pre-trial services or
2 post-sentence supervision), investigation or house arrest shall pay a probation
3 service fee in a sum not less than \$20 and nor more than \$360 annually. In
4 determining the fee the Court shall consider the nature of the offense, the level
5 of supervision, and investigation required. The fee shall be deposited in the
6 Probation Services Fund established in 1 CMC § 3406.n

7 (c) 6 CMC § 2229 is amended by adding a new subsection (f) to read as
8 follows:

9 "(f) A late fee not to exceed 20 percent of the fee imposed shall be
10 assessed for a late renewal."

11 Section 3. Repealers. 6 CMC §§ 4105(k) and 41 13(n) are hereby repealed in their
12 entirety.

13 Section 4. Severability. If any provision of this Act or the application of any such
14 provision to any person or circumstance should be held invalid by a court of competent
15 jurisdiction, the remainder of this Act or the application of its provisions to persons or
16 circumstances other than those to which it is held invalid shall not be affected thereby.

17 Section 5. Savings Clause. This Act and any repealer contained herein shall not be
18 construed as affecting any existing right acquired under contract or acquired under statutes
19 repealed or under any rule, regulation, or order adopted under the statutes. Repealers
20 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
21 The enactment of the Act shall not have the effect of terminating, or in any way modifying,
22 any liability, civil or criminal, which shall already be in existence on the date this Act
23 becomes effective.

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

CERTIFIED BY:

ATTESTED TO BY:



ARNOLD I. PALACIOS
SPEAKER OF THE HOUSE



EVE C. FLEMING
HOUSE CLERK

Approved on this 13th day of July, 2009



BENIGNO R. FITIAL
Acting GOVERNOR

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS