



# COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

**Eloy S. Inos**  
Governor

**Jude U. Hofschneider**  
Lieutenant Governor

**01 AUG 2014**

Honorable Joseph P. Deleon Guerrero  
Speaker, House of Representatives  
Eighteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Honorable Ralph DLG. Torres  
Senate President, The Senate  
Eighteenth Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 18-92, SD1, entitled, "To authorize the CNMI Department of Public Safety (DPS) to impound vehicles and to promulgate all policies and procedures necessary to enforce this authority," which was passed by the Senate and the House of Representatives of the Eighteenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 18-60**. Copies bearing my signature are forwarded for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read "Eloy S. Inos", with a stylized flourish at the end.

ELOY S. INOS

cc: Lt. Governor; Lt. Governor's Legal Counsel; Attorney General's Office; Department of Public Safety; Public Auditor; Special Assistant for Administration; Special Assistant for Programs and Legislative Review



# *House of Representatives*

18<sup>th</sup> NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586  
SAIPAN, MP 96950

June 25, 2014

The Honorable Eloy S. Inos  
Governor  
Commonwealth of the Northern  
Mariana Islands  
Capitol Hill  
Saipan, MP 96950

Dear Governor Inos:

I have the honor of transmitting herewith for your action **H. B. No. 18-92, SD1**, entitled: "To authorize the CNMI Department of Public Safety (DPS) to impound vehicles and to promulgate all policies and procedures necessary to enforce this authority.", which was passed by the House of Representatives and the Senate of the Eighteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,

A handwritten signature in black ink, appearing to read "L. B. Muña".

Linda B. Muña  
House Clerk

Attachment



*Eighteenth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*

**IN THE HOUSE OF REPRESENTATIVES**

**Fifth Special Session**

**June 21, 2013**

**Representative Christopher D. Leon Guerrero**, of Saipan, Precinct 4 (*for himself*, Representatives Anthony T. Benavente, Roman C. Benavente, Lorenzo I. Deleon Guerrero, Janet U. Maratita, Antonio P. Sablan, John Paul P. Sablan, and Mariano Taitano,) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

**H. B. No. 18-92, SD1**

**AN ACT**

**TO AUTHORIZE THE CNMI DEPARTMENT OF PUBLIC SAFETY (DPS) TO IMPOUND VEHICLES AND TO PROMULGATE ALL POLICIES AND PROCEDURES NECESSARY TO ENFORCE THIS AUTHORITY.**

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 18-63; adopted on October 24, 2013.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON  
FIRST AND FINAL READING, NOVEMBER 25, 2013;**  
*without amendments* and transmitted to the  
**THE SENATE.**

The Bill was referred to the Senate Committee on Judiciary, Government, and Law.  
**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, MARCH 27, 2014;**  
*with amendments* in the form of H. B. 18-92, SD1.

The House of Representatives accepted the Senate amendments and passed H. B. 18-92, SD1 during its 2nd Day, Second Special Session on June 18, 2014.

**THE BILL WAS FINALLY PASSED ON JUNE 18, 2014.**

A handwritten signature in black ink, appearing to be "Linda B. Muña".

**Linda B. Muña, House Clerk**



*Eighteenth Legislature  
of the  
Commonwealth of the Northern Mariana Islands*  
**IN THE HOUSE OF REPRESENTATIVES**

**Second Day, Second Special Session**

**June 18, 2014**

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**H. B. 18-92, SD1**

**AN ACT**

**TO AUTHORIZE THE CNMI DEPARTMENT OF PUBLIC SAFETY (DPS) TO IMPOUND VEHICLES AND TO PROMULGATE ALL POLICIES AND PROCEDURES NECESSARY TO ENFORCE THIS AUTHORITY.**

**Be it enacted by the Eighteenth Northern Marianas Commonwealth Legislature:**

1           **Section 1. Findings and Purpose.** The Department of Public Safety has been  
2           encountering a significant amount of reported illegal highway racing activities and instances  
3           where operators of motor vehicles are pulled over by police officers for criminal and traffic  
4           violations that warrant arrest action on the part of the officers. Most of these motorists had  
5           opted not to have their vehicles impounded for safekeeping purposes. As a result of this  
6           decision, vehicles are often left behind. These vehicles present liabilities to the CNMI  
7           Department of Public Safety or present serious vandalism public safety risks.

8           Additionally, motor vehicles are the primary source of transport for persons who  
9           commit violations of law. Despite this being the case, CNMI law currently has no penalties  
10          for the use of vehicles or equipment on our taxpayer funded highways. The  
11          Commonwealth's police force is overtaxed by these activities and the amount of incidents  
12          only continues to rise because adequate deterrents do not exist and drug dealers and burglars  
13          feel free to use vehicles on public highways during the commission of their crimes.

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**HOUSE BILL 18-92, SD1**

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1           Based on the foregoing, the Legislature finds that legislation is needed to authorize  
2 the CNMI Department of Public Safety (DPS) to impound vehicles driven or operated by  
3 motorists who violate certain criminal or traffic statutes and an arrest is effectuated. In  
4 addition, DPS should also be empowered to promulgate regulations for the purposes of  
5 charging for towing and impoundment fees and to collect fees. These fees could be used for  
6 the purposes of maintaining impoundment facilities and to maintain and acquire emergency  
7 response police vehicles.

8           This new provision tracks in significant part 6 CMC section 2150 which is the  
9 Forfeiture statute that currently exists. Significantly, this provision differs from the  
10 Forfeiture provision because an impoundment is temporary as opposed to permanent in  
11 nature. Thus, any vehicle or property that is impounded will be kept securely only until the  
12 property is properly released by DPS following the payment of the appropriate fees or an  
13 order issued by the CNMI courts. Due to this lack of permanency the Due Process  
14 required should not arise to the level of a trial before a bench or jury. DPS should  
15 promulgate policies and procedures that are legal and appropriate for impoundment on a  
16 temporary basis without the need for a further significant burden on the CNMI courts.

17           Lastly, the CNMI Department of Public Safety is in the process of acquiring a  
18 warehouse facility from the CNMI Department of Public Lands for the purposes of ensuring  
19 that these vehicles are safely kept and the facility is properly managed. This legislation  
20 authorizes DPS to impound vehicles driven or operated by motorists who violate an  
21 arrestable criminal or traffic offense. Fees collected may be used for the purposes of  
22 maintaining impoundment facilities and to maintain and acquire emergency response police  
23 vehicles, or for other purposes determined proper by the Department of Public Safety.

24           **Section 2. Amendment.** Title 6 of the CNMI Code shall be amended by adding the  
25 following new subsection 2151 that shall read as follows:

26           **“Section 2151. Impoundment.**

27           (a) The following shall be subject to Impoundment whereby the  
28 Commonwealth shall take temporary physical custody and no property ownership  
29 rights shall be transferred:

30           (1) All vehicles driven or operated by motorists who during the  
31 operation of said vehicles, violate Title 6 and/or Title 9 of the CNMI Code,  
32 including aircraft, vehicles, or vessels, which are used, or are intended for use,

HOUSE BILL 18-92, SD1

1 to transport, or in any manner to facilitate the transportation, sale, receipt,  
2 possession, or concealment of controlled substances, except that:

3 (i) No vehicle or conveyance used by any person as a common  
4 carrier in the transaction of business as a common carrier shall be  
5 impounded under the provisions of this section unless it appears that  
6 the owner or other person in charge of the vehicle was a consenting  
7 party or privy to a violation of this title; and

8 (ii) No vehicle or conveyance shall be impounded under the  
9 provisions of this section by reason of any act or omission established  
10 by the owner thereof to have been committed or omitted by any person  
11 other than the owner while the vehicle was unlawfully in the  
12 possession of a person other than the owner in violation of the criminal  
13 laws of the United States, or of any state, territory, or the  
14 Commonwealth.

15 (b) Any property subject to impoundment under this title may be seized by the  
16 Department of Public Safety upon citation issued by Department of Public Safety or  
17 any court of the Commonwealth having jurisdiction over the property, except that the  
18 impoundment without citation or process may be made when:

19 (1) The impoundment is incident to an arrest or a search under a search  
20 warrant or an inspection under an administrative inspection warrant;

21 (2) The Department of Public Safety has probable cause to believe that  
22 the property is directly or indirectly dangerous to health or safety; or

23 (3) The Department of Public Safety has probable cause to believe that  
24 the property has been used or is intended to be used in violation of this title.

25 In the event of impoundment pursuant to this section, proceedings under  
26 subsection (d) of this section shall be instituted promptly.

27 (c) Property taken or detained under this section shall be repleviable, and  
28 shall be deemed to be in the custody of the Department of Public Safety, subject only  
29 to the orders and decrees of the court or the official having jurisdiction thereof.  
30 Whenever property is impounded under the provisions of this title, the Department of  
31 Public Safety may:

32 (1) Place the property under seal;

HOUSE BILL 18-92, SD1

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(2) Remove the property to a place designated by the Department of Public Safety; or

(3) Require that the supply division of the Commonwealth government take custody of the property and remove it to an appropriate location for disposition in accordance with the law.

(d) The provisions of law relating to the impoundment, seizure, summary and judicial forfeiture, and condemnation of property for violation of the customs law; the disposition of property or the proceeds from its sale; the remission or mitigation of forfeitures; and the compromise of claims shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this title insofar as applicable and not inconsistent with these provisions; except that such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws shall be performed with respect to seizures and forfeitures of property under this title by such officers, agents, or other persons as may be authorized or designated for that purpose by the Department of Public Safety, except to the extent that such duties arise from impoundment, seizures, and forfeitures effected by any officer.

(e) Whenever property is impounded under this section and subsequently forfeited pursuant to 6 CMC section 2150, the Department of Public Safety may:

- (1) Retain the property for official use;
- (2) Sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public;
- (3) Require that the supply division take custody of the property and remove it for disposition in accordance with law; or
- (4) Forward it to any Commonwealth or federal agency for disposition (including delivery for medical or scientific use to any federal agency under regulations of the Department of Public Safety).

The proceeds from any sale under subsection (e) (2) of this section and any moneys forfeited under this title shall be used to pay all proper expenses of the proceedings for impoundment, forfeiture and sale, including expenses of impoundment, seizure, maintenance of custody, advertising, and court costs. The Department of Public Safety shall forward to the Treasurer of the Commonwealth for

HOUSE BILL 18-92, SD1

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1 deposit in the General Fund of the Commonwealth any moneys and proceeds  
2 remaining after payment of those expenses.

3 (f) The Department of Public Safety is hereby authorized promulgate  
4 regulations for the purposes of charging for towing and impoundment fees and to  
5 collect fees which shall accounted for and deposited into an account within the  
6 Department of Finance. The Commissioner of DPS shall be the expenditure authority  
7 for funds collected pursuant to this provision and shall have the authority to contract  
8 with any person or entity for the purpose of providing and operating an impound  
9 facility in the First, Second and Third Senatorial Districts until such time that such  
10 facilities can be established by DPS in each respective district.”

11 **Section 3. Severability.** If any provisions of this Act or the application of any such  
12 provision to any person or circumstance should be held invalid by a court of competent  
13 jurisdiction, the remainder of this Act or the application of its provisions to persons or  
14 circumstances other than those to which it is held invalid shall not be affected thereby.

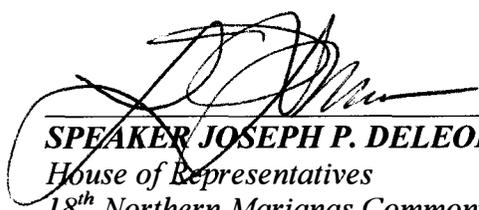
15 **Section 4. Savings Clause.** This Act and any repealer contained herein shall not be  
16 construed as affecting any existing right acquired under contract or acquired under statutes  
17 repealed or under any rule, regulation or order adopted under the statutes. Repealers  
18 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.  
19 The enactment of the Act shall not have the effect of terminating, or in any way modifying,  
20 any liability, civil or criminal, which shall already be in existence on the date this Act  
21 becomes effective.

**HOUSE BILL 18-92, SD1**

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

Attested to by:   
**Linda B. Muña, House Clerk**

Certified by:   
**SPEAKER JOSEPH P. DELEON GUERRERO**  
House of Representatives  
18<sup>th</sup> Northern Marianas Commonwealth Legislature

**APPROVED** this 01<sup>ST</sup> day of August, 2014

  
**ELOY S. INOS**  
Governor  
Commonwealth of the Northern Mariana Islands