The Honorable Edith E. Deleon Guerrero
President of the Senate
Twenty-Third Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

The Honorable Edmund S. Villagomez
Speaker, House of Representatives
Twenty-Third Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Madame President and Mr. Speaker:

This is to inform you that I have signed into law Senate Bill No. 23-34, SD1 entitled, “To amend the Crimes and Criminal Procedure Code definitions of dangerous weapon and serious bodily injury,” which was passed by the Senate and the House of Representatives of the Twenty-Third Northern Marianas Commonwealth Legislature.

This bill becomes Public Law No. 23-14. Copies bearing my signature are forwarded for your reference.

Sincerely,

ARNOLD I. PALACIOS
Governor

cc: Lieutenant Governor; Attorney General; Commonwealth Law Revision Commission; Public Auditor; Department of Public Safety; Department of Corrections; Special Assistant for Administration; Programs and Legislative Review Office
November 09, 2023

The Honorable Arnold I. Palacios  
Governor  
Commonwealth of the Northern Mariana Islands  
Saipan, MP 96950

Dear Governor Palacios:

I have the honor of transmitting herewith for your action Senate Bill No. 23-34, SD1 entitled, “To amend the Crimes and Criminal Procedure Code definitions of dangerous weapon and serious bodily injury,” which was passed by the Senate and the House of Representatives of the Twenty-Third Northern Marianas Commonwealth Legislature.

Sincerely,

Dolores S. Bermudes  
Senate Clerk  

Attachment
AN ACT

To amend the Crimes and Criminal Procedure Code definitions of dangerous weapon and serious bodily injury.

SENATE ACTION

Offered by Senator(s): Karl R. King-Nabors

Date: March 08, 2023

Referred to: Committee on Judiciary, Government and Law

Standing Committee Report No.: 23-55 Adopted on 10/24/23

Final Reading: October 24, 2023

HOUSE ACTION

Referred to: None

Standing Committee Report No.: None

First and Final Reading: November 06, 2023

Senator Celina R. Babauta
SENATE LEGISLATIVE SECRETARY
A BILL FOR AN ACT

To amend the Crimes and Criminal Procedure Code definitions of dangerous weapon and serious bodily injury.

BE IT ENACTED BY THE TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

Section 1. Short Title. This Act may be referred to as the “End the Violence Act” and may be referred to as the EVA statute.

Section 2. Purpose. The purpose of the Act is to make expressly clear that the definition of “dangerous weapon” includes anything used by a person to inflict serious bodily injury on another person. This Act also clarifies the definition of serious bodily injury. The amendments are based on Texas Penal Code § 1.07(a)(17) and § 1.07(a)(46).

Recent cases have shown some confusion in court with the application of the definition of a dangerous weapon to assault and battery cases. In particular, an attack by an inmate in prison with a handmade weapon was dismissed despite the danger of serious injury through the use of a shank.

Cases in which a criminal defendant, especially an inmate, uses some sort of weapon present the greatest danger to the public and victims. Prosecution of those cases should be a priority, and increased punishment is justified by the choice of the defendant to use a weapon that increases the danger of injury to a victim. This bill clarifies the definition, simplifies the level of threatened or actual injury and emphasizes to the courts in the application of law that anything may be treated as a dangerous weapon through the manner of its use or intended use, regardless whether there was actual loss of life or substantial risk of death.
Section 3. Amendment. 6 CMC § 102(f) is hereby amended to read as follows:

“(f) “Dangerous weapon” means

(1) any automatic weapon, dangerous device, firearm, gun, handgun, long gun, semiautomatic weapon, knife, machete or other thing by which a fatal wound or injury may be inflicted, spear gun, shank, shiv, or any thing used by a person in custody, shall be considered a dangerous weapon; or

(2) anything manifestly designed, made, modified or adapted for the purpose of inflicting death or serious bodily injury; or

(3) anything that in the manner of its use or intended use is capable of causing death or serious bodily injury, regardless whether death or serious bodily injury actually occurred; or

(4) causes other injury of like severity.”

Section 4. Amendment. 6 CMC § 103(n) is hereby amended as follows:

“(n) “Serious bodily injury” means bodily injury which that

(1) creates a high probability-risk of death or causes death; or

(2) which causes serious permanent disfigurement; or

(3) which causes a permanent or protracted loss or impairment of the function of any bodily member, or organ, or mental faculty; or

(4) causes other bodily injury of like severity.”

Section 5. 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 6. 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
Section 7. Effective Date. This Act shall take effect upon its approval by the Governor or becoming law without such approval.

Approved this 12th day of December, 2023

ARNOLD I. PALACIOS
Governor
Commonwealth of the Northern Mariana Islands