



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Benigno R. Fitial

Governor

Eloy S. Inos

Lt. Governor

July 29, 2011

Honorable Eliceo D. Cabrera
Speaker, House of Representatives
Seventeenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Honorable Paul A. Manglona
President, The Senate
Seventeenth 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. 17-111, HS1, entitled, "To re-enact the Sex Offender Registration and Notification Laws to comply with the U.S. Department of Justice Guidelines," which was passed by the Seventeenth Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 17-49**. 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
Acting Governor

cc: Governor
Attorney General
Department of Public Safety
Department of Corrections
Office of Parole
Office of Adult Probation
Division of Youth Services Juvenile Probation
Criminal Justice Planning Agency
Commonwealth's Law Revision Commission
Special Assistant for Programs and Legislative Review

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 664-2200/2201 Facsimile: (670) 664-2211



House of Representatives

SEVENTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586

SAIPAN, MP 96950


July 28, 2011

The Honorable Benigno R. Fitial
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Fitial:

I have the honor of transmitting herewith for your action **H. B. 17-111, HS1**, entitled: "To re-enact the Sex Offender Registration and Notification Laws to comply with the U.S. Department of Justice Guidelines.", which was passed by the House of Representatives and the Senate of the Sixteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,



Linda B. Muña
House Clerk

Attachment



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

IN THE HOUSE OF REPRESENTATIVES

Second Regular Session

September 13, 2010

Representative Joseph M. Palacios, of Saipan, Precinct 1 (*for himself*, Representative Eliceo D. Cabrera) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. 17-111

AN ACT

**TO RE-ENACT THE SEX OFFENDER REGISTRATION AND
NOTIFICATION LAWS TO COMPLY WITH THE U.S.
DEPARTMENT OF JUSTICE GUIDELINES.**

The Bill was referred to the House Committee on Judiciary and Governmental Operations.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, JULY 15, 2011;**
with amendments in the form of H. B. 17-111, HSI and transmitted to the
THE SENATE.

The Bill was not referred to a Senate Committee.
THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, JULY 28, 2011;
without amendments.

H. B. 17-111, HSI WAS RETURNED TO THE HOUSE OF REPRESENTATIVES ON JULY 28, 2011.

THE BILL WAS FINALLY PASSED ON JULY 15, 2011

A handwritten signature in black ink, appearing to read "L. Mnña", written over a horizontal line.

Linda B. Mnña, House Clerk



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

First Day, Seventh Special Session
July 15, 2011

H. B. 17-111, HSI

AN ACT

**TO RE-ENACT THE SEX OFFENDER REGISTRATION AND
NOTIFICATION LAWS TO COMPLY WITH THE U.S.
DEPARTMENT OF JUSTICE GUIDELINES.**

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

1 **Section 1. Findings.** The Legislature finds that many sex offenders are
2 likely to repeat their crimes. The recidivism rate of sex offenders is high. The
3 Legislature finds that the safety of our residents requires that we shield them from
4 known sexual predators. Therefore, it is appropriate that we take the extraordinary
5 measure of placing requirements on sexual offenders even after they have served
6 their criminal sentence. The Legislature finds that sex offender registration system
7 can greatly enhance public safety by tracking sex offenders after incarcerated
8 sentencing following their release from DOC into Parole Supervision or non-
9 incarcerated sentencing under non-supervision or agency's supervision such as

HOUSE BILL 17-111, HS1

1 Adult or Juvenile Probation supervision into the general registration requirements
2 under the Department of Public Safety. It will, also, benefit the investigation of
3 sex crimes to identify perpetrators if a sex molestation occurred within the area by
4 making an immediate apprehension. The Legislature further finds the CNMI
5 current registration law needs to meet the minimum mandatory requirements of
6 the Adam Walsh Child Protection and Safety Act of 2006 known as Sex Offender
7 Registration Notification Act (SORNA) (42 U.S.C. 16901). Thus, Repealing and
8 Re-enacting PL 11-104 is crucial to meeting SORNA Minimum Requirements
9 and, more so, safeguarding our community, the Act will augment the ability of
10 law enforcement agencies responsible with registration within the Commonwealth
11 and other Jurisdictions to track, monitor and communicate with each other
12 regarding sex offenders who abscond and/or cross state lines. Therefore, a person
13 convicted of a criminal offense of a sexual nature against a victim who is a minor,
14 or who is convicted of a sexually violent offense will be required to register.

15 On July 27, 2006, the President of the United States signed into law the
16 Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901-16969),
17 also known as the Sex Offender Registration and Notification Act (SORNA),
18 which established a comprehensive national system for registration of sex
19 offenders. The Act requires each state and territory to implement the provisions
20 of the Act.

HOUSE BILL 17-111, HS1

1 **Section 2. Repeal and Reenactment.** Title 6, Division 1, Part 1, Chapter
2 3, Article 4, of the Commonwealth Code, Sex Offenders Registration and
3 Notification is repealed and re-enacted as follows:

4 “Article 4. ‘Sex Offender Registration Act’ known as CNMI-SORA’

5 § 1360. Definitions

6 (a) The CNMI Sex Offender Registry Act (CNMI-SORA). SORA
7 is the CNMI’s Sex Offenders’ Registry and Notification Act which is
8 designed to register, monitor and track all covered sex offenders’ mobility
9 and whereabouts in the Commonwealth.

10 (b) Conviction. A person is convicted of a sex offense if the sex
11 offender has been subject to any penal consequences based on the
12 conviction, however the conviction may be styled. This includes
13 convictions of juveniles who are prosecuted as adults and those
14 adjudicated delinquent if the offender is 14 years of age or older at the
15 time of the offense and the offense was comparable to or more severe than
16 aggravated sexual abuse (18USC 2241) or was an attempt or conspiracy to
17 commit such an offense.

18 (c) Department of Public Safety (DPS OR SORA-Office). DPS or
19 SORA-Office is the Commonwealth’s Official Sex Offender Registry and
20 Notification Agency responsible to implement the Commonwealth’s Sex
21 Offender Registration Act (SORA) Requirements.

HOUSE BILL 17-111, HSI

1 (d) Law Enforcement Supervision Agencies (LESA). LESA
2 Agencies are the Supervision Agencies augmenting certain provisions of
3 the Act and SORA-Office (DPS). The identified LESA are the:
4 Department of Corrections, Office of Parole and the Office of Adult
5 Probation and Division of Youth Services Juvenile Probation. These are
6 Agencies with Law Enforcement and Supervision Authorities over certain
7 covered sex offenders under supervision. They are responsible to provide
8 initial registration, maintain the agency's initial registration and
9 transmission to CNMI-SORA-Office/DPS.

10 (e) Employee. The term "employee" includes, but is not limited to,
11 an individual who is self-employed or works for any other entity,
12 regardless of compensation including but not limited to volunteers,
13 interns, externs, and apprentices.

14 (f) Immediate. "Immediate" and "immediately" means within 3
15 business days.

16 (g) Imprisonment. The term "imprisonment" refers to incarceration
17 pursuant to a conviction, regardless of the nature of the institution in
18 which the offender serves the sentence. The term is to be interpreted
19 broadly to include, confinement in the Commonwealth prison as well as a
20 local "jail" or other terms of incarceration including "house arrest."

21 (h) Jurisdiction. The term "jurisdiction" refers to the
22 Commonwealth of the Northern Mariana Islands, which includes such area

HOUSE BILL 17-111, HS1

1 of the land and water and the airspace above those areas with respect to
2 which the Commonwealth government has established its legislative and
3 territorial jurisdiction, and includes boats, aircraft and other vessels while
4 in those areas; the 50 states; the District of Columbia; Commonwealth of
5 Puerto Rico; Guam; American Samoa; the United States Virgin Islands;
6 and any Indian Tribes.

7 (i) Minor. The term "minor" means an individual who has not
8 attained the age of 18 years.

9 (j) Resides. The term "reside" or "resides" means, with respect to
10 an individual, location of the individual's home or other place where the
11 sex offender habitually lives or sleeps.

12 (k) Sex Offense. The term "sex offense" as used in this Act
13 includes all of the offenses contained in 42 U.S.C. 16911(5), and all of the
14 covered offenses contained in Title 6 CMC, Division 1, Part 1, Chapter 3,
15 Article 4, Section 1361.

16 (l) Sex Offender. A person convicted of a sex offense is a "sex
17 offender".

18 (m) SORAB (Sex Offender Registration Administrative Board).
19 The SORAB is the SORA-Office/DPS non-appointed board composition
20 of the SORA-Office (DPS Officer-In-Charge), CJPA Director, and the
21 Supervision Agencies (LESA) Directors or designees (DOC, Parole, Adult
22 and Juvenile Probation, and the Attorney General or his designee (as legal

HOUSE BILL 17-111, HSI

1 counsel). charged with the overall responsibilities to ensure, oversee,
2 promulgate policies, approve agencies' policies and procedures, be the
3 expenditure authority on the supplemental sex offender fees for SORA-
4 OFFICE/DPS and other related cost and expenses, facilitate training, plan,
5 meet and facilitate the implementation of the Act (CNMI-SORA) by
6 SORA-Office/DPS and the Supervision Agencies under the act.

7 (n) Student. A sex offender "student" who enrolls in or attends
8 either a private or public education institution, including a secondary
9 school, trade or professional school, or an institution of higher education.

10 (o) SORNA. "SORNA" means Title I of the Adam Walsh Child
11 Protection and Safety Act of 2006 (PL 109-248).

12 § 1361. Covered Offenses and Sex Offenders.

13 Offenders who reside within the Commonwealth, are employed
14 within the Commonwealth, attend school within the Commonwealth, or
15 offenders who visit the Commonwealth for a period of 24 hours or more
16 and have been convicted of the following sex offenses are subject to
17 CNMI SORA:

18 (a) Attempts and Conspiracies. Any attempt or conspiracy to
19 commit any sex offense.

20 (b) Commonwealth Offenses. A conviction for any of the
21 following offenses:

22 (1) 6 CMC §1301 (Sexual Assault in the First Degree)

HOUSE BILL 17-111, HS1

- 1 (2) 6 CMC §1302 (Sexual Assault in the Second Degree)
- 2 (3) 6 CMC §1303(a)(1) (Sexual Assault in the Third
- 3 Degree)
- 4 (4) 6 CMC §1304 (Sexual Assault in the Fourth Degree)
- 5 (5) 6 CMC §1306 (Sexual Abuse of a Minor in the First
- 6 Degree)
- 7 (6) 6 CMC §1307 (Sexual Abuse of a Minor in the Second
- 8 Degree)
- 9 (7) 6 CMC §1308 (Sexual Abuse of a Minor in the Third
- 10 Degree)
- 11 (8) 6 CMC §1309 (Sexual Abuse of a Minor in the Fourth
- 12 Degree)
- 13 (9) 6 CMC §1311 (Incest), where the victim is under 18
- 14 years of age.
- 15 (10) 6 CMC §1314 (Unlawful Exploitation of a Minor)
- 16 (11) 6 CMC §1315 (Indecent Exposure in the First Degree)
- 17 (12) 6 CMC §1316 (Indecent Exposure in the Second
- 18 Degree)
- 19 (13) 6 CMC, Chapter 3, Article 2. Child Pornography Act
- 20 (14) 6 CMC, § 1421 (Kidnapping of a Minor and False
- 21 Imprisonment of a Minor)

HOUSE BILL 17-111, HS1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

(c) Juvenile Offenses or Adjudications. Any sex offense, or attempt or conspiracy to commit a sex offense, that is comparable to or more severe than the federal crime of aggravated sexual abuse (as codified in 18 U.S.C. §2241) and committed by a minor who is 14 years of age or older.

(d) Jurisdiction Offenses. Any sex offense committed in any jurisdiction, including the Commonwealth, that involves:

(1) Sexual Act and Sexual Contact Offenses whose elements involve:

(i) Any type or degree of genital, oral, or anal penetration.

(ii) Any sexual touching of or contact with a person's body, either directly or through the clothing,

(2) Specified Offenses Against Minors listed below

(i) Kidnapping of a minor.

(ii) False imprisonment of a minor.

(iii) Solicitation to engage a minor in sexual conduct understood broadly to include any direction, request, enticement, persuasion, or encouragement of a minor to engage in sexual conduct.

(iv) Use of a minor in a sexual performance.

(v) Solicitation of a minor to practice prostitution.

HOUSE BILL 17-111, HS1

- 1 (vi) Video voyeurism of a minor as described in 18 U.S.C.
2 §1801.
- 3 (vii) Possession, production, or distribution of child
4 pornography.
- 5 (viii) Criminal sexual conduct that involves physical
6 contact with a minor or the use of the internet to facilitate
7 or attempt such conduct. This includes offenses whose
8 elements involve the use of other persons in prostitution,
9 such as pandering, procuring, or pimping in cases where
10 the victim was a minor at the time of the offense.
- 11 (ix) Any conduct that by its nature is a sex offense against a
12 minor,
- 13 (3) Any offense similar to those outlined in:
- 14 (i) 18 U.S.C. §1591 (sex trafficking by force, fraud, or
15 coercion),
- 16 (ii) 18 U.S.C. §1801 (video voyeurism of a minor),
- 17 (iii) 18 U.S.C. §2241 (aggravated sexual abuse),
- 18 (iv) 18 U.S.C. §2242 (sexual abuse),
- 19 (v) 18 U.S.C. §2244 (abusive sexual contact),
- 20 (vi) 18 U.S.C. §2422(b)(coercing a minor to engage in
21 prostitution),

HOUSE BILL 17-111, HS1

1 (vii) 18 U.S.C. §2423(a) (transporting a minor to engage in
2 illicit conduct).

3 (e) Federal Offenses. A conviction for any of the following, and
4 any other offense:

5 (1) 18 U.S.C. §1591 (sex trafficking of children),

6 (2) 18 U.S.C. §1801 (video voyeurism of a minor),

7 (3) 18 U.S.C. §2241 (aggravated sexual abuse),

8 (4) 18 U.S.C. §2242 (sexual abuse),

9 (5) 18 U.S.C. §2243 (sexual abuse of a minor or ward),

10 (6) 18 U.S.C. §2244 (abusive sexual contact),

11 (7) 18 U.S.C. §2245 (offenses resulting in death),

12 (8) 18 U.S.C. §2251 (sexual exploitation of children),

13 (9) 18 U.S.C. §2251A (selling or buying of children),

14 (10) 18 U.S.C. §2252 (material involving the sexual
15 exploitation of a minor),

16 (11) 18 U.S.C. §2252A (material containing child
17 pornography),

18 (12) 18 U.S.C. §2252B (misleading domain names on the
19 internet),

20 (13) 18 U.S.C. §2252C (misleading words or digital images
21 on the internet),

HOUSE BILL 17-111, HSI

1 (14) 18 U.S.C. §2260 (production of sexually explicit
2 depictions of a minor for import into the United States),

3 (15) 18 U.S.C. §2421 (transportation of a minor for illegal
4 sexual activity),

5 (16) 18 U.S.C. §2422 (Coercion and Enticement of a Minor
6 for Illegal Sexual Activity),

7 (17) 18 U.S.C. §2423 (Transportation of Minors for Illegal
8 Sexual Activity, etc.)

9 (18) 18 U.S.C. §2424 (failure to file factual statement about
10 an alien individual), and

11 (19) 18 U.S.C. §2425 (transmitting information about a
12 minor to further criminal sexual conduct).

13 (f) Foreign Offenses. Any conviction for a sex offense involving
14 any conduct listed in §1361(e) which was obtained under the laws of
15 Canada, the United Kingdom, Australia, New Zealand, and any foreign
16 country where the United States State Department, in its Country Reports
17 on Human Rights Practices, has concluded that an independent judiciary
18 generally (or vigorously) enforced the right to a fair trial in that country
19 during the year in which the conviction occurred.

20 (g) Military Offenses. Any military offense specified by the
21 Secretary of Defense under section 115(a)(8)(C)(i) of PL 105-119 (10
22 U.S.C. 951 note).

HOUSE BILL 17-111, HSI

1 § 1362. Classes of Offenders.

2 I. Tiered Offenses.

3 (a) Tier 1 Offenses.

4 (1) Sex Offenses. A “Tier 1” offense includes any sex
5 offense for which a person has been convicted by any jurisdiction,
6 local government, or qualifying foreign country pursuant to §
7 1361, that involves an attempt or conspiracy to commit such an
8 offense, that is not “Tier 2” or “Tier 3” Offense and/or that
9 involves any sexual act or sexual contact with another person that
10 is not included in §1361(b), (d), (e) or (f) and/or is not punishable
11 more than one year imprisonment.

12 (2) Offenses Involving Minors. A “Tier 1” offense also
13 includes any offense for which a person has been convicted by a
14 jurisdiction, local government, or qualifying foreign country
15 pursuant to § 1361(f) which is similar to an offense listed in §
16 1362(a)(3) or (4) that involves the false imprisonment of a minor,
17 video voyeurism of a minor, or possession or receipt of child
18 pornography.

19 (3) Certain Commonwealth Offenses. Conviction for any
20 of the following Commonwealth Offenses shall be considered
21 “Tier 1” offenses:

HOUSE BILL 17-111, HSI

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

(i) 6 CMC §1302(a)(1), (2), or (4) (Sexual Assault in the Second Degree), when the victim is 18 years of age or older.

(ii) 6 CMC §1303(a)(1) (Sexual Assault in the Third Degree), when the victim is 18 years of age or older.

(iii) 6 CMC §1315 (Indecent Exposure in the Second Degree)

(iv) 6 CMC §1316 (Indecent Exposure in the First Degree)

(v) An offense that involves Possession/Receipt of Child,

(vi) Possession of Child Pornography, and False Imprisonment of a Minor (non-parent).

(4) Certain Federal Offenses. Conviction for any of the following federal offenses shall be considered a “Tier 1” offense:

(i) 18 U.S.C. §1801 (video voyeurism of a minor),

(ii) 18 U.S.C. §2252 (receipt or possession of child pornography),

(iii) 18 U.S.C. §2252A (receipt or possession of child pornography),

(iv) 18 U.S.C. §2252B (misleading domain names on the internet),

(v) 18 U.S.C. §2252C (misleading words or digital images on the internet),

HOUSE BILL 17-111, HS1

1 (vi) 18 U.S.C. §2422(a) (coercion to engage in
2 prostitution),

3 (vii) 18 U.S.C. §2424 (failure to file factual statement about
4 an alien individual), and

5 (viii) 18 U.S.C. §2425 (transmitting information about a
6 minor to further criminal sexual conduct).

7 (5) Certain Military Offenses. Any military offense
8 specified by the Secretary of Defense under section 115(a)(8)(C)(i)
9 of PL 105-119 (codified at 10 U.S.C. §951) that is similar to those
10 offenses outlined in § 1362(a)(1), (2) or (4) shall be considered
11 “Tier 1” offenses.

12 (b) Tier 2 Offenses.

13 (1) Recidivism and Felonies. Any sex offense, which is not
14 the first sex offense for which a person has been convicted, that is
15 punishable by more than one year imprisonment is considered a
16 “Tier 2” offense. In the case of subsequent convictions from any
17 tribal court, the offense shall be treated as if it is punishable by
18 more than one year imprisonment if a substantially similar
19 Commonwealth, state or federal offense is punishable by more
20 than one year.

21 (2) Offenses Involving Minors. A “Tier 2” offense includes
22 any sex offense for which a person has been convicted by a

HOUSE BILL 17-111, HSI

1 jurisdiction, local government, or qualifying foreign country
2 pursuant to §1361 that involves:

3 (i) The use of minors in prostitution, including solicitations,

4 (ii) Enticing a minor to engage in criminal sexual activity,

5 (iii) Sexual contact with a minor 13 years of age or older,

6 whether direct or through the clothing, that involves the
7 intimate parts of the body,

8 (iv) The use of a minor in a sexual performance, or

9 (v) The production for distribution of child pornography.

10 (3) Certain Commonwealth Offenses. Conviction for any
11 of the following Commonwealth Offenses shall be considered
12 “Tier 2” offenses:

13 (i) 6 CMC § 1302(a)(1), (2) or (4) (Sexual Assault in the
14 Second Degree), where the victim is 13-18 years of age.

15 (ii) 6 CMC §1303(a)(1) (Sexual Assault in the Third
16 Degree), where the victim is 13-18 years of age.

17 (iii) 6 CMC §1306(a)(2) (Sexual Abuse of a Minor in the
18 First Degree), where the victim is 16 or 17 years of age.

19 (iv) 6 CMC §1307(a)(3) or (5) (Sexual Abuse of a Minor in
20 the Second Degree) where the victim is 13-18 years of age.

21 (v) 6 CMC §1307(a) (4) (Sexual Abuse of a Minor in the
22 Second Degree).

HOUSE BILL 17-111, HS1

- 1 (vi) 6 CMC §1308 (Sexual Abuse of a Minor in the Third
2 Degree)
- 3 (vii) 6 CMC §1309(a)(2) (Sexual Abuse of a Minor in the
4 Fourth Degree)
- 5 (viii) 6 CMC §1311 (Incest), where the victim is 16 or 17
6 years of age.
- 7 (ix) 6 CMC §1314 (Unlawful Exploitation of a Minor)
- 8 (x) Possession of Child Pornography and False
9 Imprisonment of a Minor (non-parental)
- 10 (4) Certain Federal Offenses. Conviction for any of the
11 following federal offenses shall be considered “Tier 2” offenses:
- 12 (i) 18 U.S.C. §1591 (sex trafficking by force, fraud, or
13 coercion),
- 14 (ii) 18 U.S.C. §2243 (sexual abuse of a minor or ward),
- 15 (iii) 18 U.S.C. §2244 (abusive sexual contact with a person
16 13 years of age or older),
- 17 (iv) 18 U.S.C. §2251 (sexual exploitation of children),
- 18 (v) 18 U.S.C. §2251 A (selling or buying of children),
- 19 (vi) 18 U.S.C. §2252 (material involving the sexual
20 exploitation of a minor),
- 21 (vii) 18 U.S.C. §2252A (production or distribution of
22 material containing child pornography),

HOUSE BILL 17-111, HSI

- 1 (viii) 18 U.S.C. §2260 (production of sexually explicit
2 depictions of a minor for import into the United States),
3 (ix) 18 U.S.C. §2421 (transportation of a minor for illegal
4 sexual activity),
5 (x) 18 U.S.C. §2422(b)(coercing a minor to engage in
6 prostitution),
7 (xi) 18 U.S.C. §2423(a) (transporting a minor to engage in
8 illicit conduct).
9 (xii) 18 U.S.C. §2423(b) (travel with the intent to engage in
10 illicit conduct),
11 (xiii) 18 U.S.C. §2423(c) (engaging in illicit conduct in
12 foreign places).

13 (5) Certain Military Offenses. Any military offense
14 specified by the Secretary of Defense under section 115(a)(8)(C)(i)
15 of PL 105-119 (codified at 10 U.S.C. §951) that is similar to those
16 offenses outlined in §1362(b)(1), (2) or (4) shall be considered
17 “Tier 2” offenses.

18 (c) Tier 3 Offenses.

19 (1) Recidivism and Felonies. Any sex offense that is
20 punishable by more than one year imprisonment where the
21 offender has at least one prior conviction for a Tier 2 sex offense is
22 a “Tier 3” offense. In the case of subsequent convictions from any

HOUSE BILL 17-111, HSI

1 tribal court, the offense shall be treated as if it is punishable by
2 more than one year imprisonment if a substantially similar
3 Commonwealth, state or federal offense is punishable by more
4 than one year.

5 (2) General Offenses. A “Tier 3” offense also includes any
6 sex offense for which a person has been convicted by a
7 jurisdiction, local government, or qualifying foreign country
8 pursuant to §1361(f) that involves:

9 (i) Non-parental kidnapping of a minor,

10 (ii) A sexual act with another by force or threat,

11 (iii) A sexual act with another who has been rendered
12 unconscious or involuntarily drugged, or who is otherwise
13 incapable of appraising the nature of the conduct or
14 declining to participate, or

15 (iv) Sexual contact with a minor 12 years of age or
16 younger, including offenses that cover sexual touching of
17 or contact with the intimate parts of the body, either
18 directly or through the clothing.

19 (3) Certain Commonwealth Offenses. Conviction for any
20 of the following Commonwealth Offenses shall be considered
21 “Tier 3” offenses:

22 (i) 6 CMC §1301 (Sexual Assault in the First Degree)

HOUSE BILL 17-111, HS1

- 1 (ii) 6 CMC §1302(a)(1), (2), or (4) (Sexual Assault in the
2 Second Degree), where the victim is under 13 years of age.
- 3 (iii) 6 CMC §1302(a)(3) (Sexual Assault in the Second
4 Degree)
- 5 (iv) 6 CMC §1303(a)(1) (Sexual Assault in the Third
6 Degree) where the victim is under 13 years of age.
- 7 (v) 6 CMC §1306(a)(1) or (3) (Sexual Abuse of a Minor in
8 the First Degree)
- 9 (vi) 6 CMC §1306(a)(2) (Sexual Abuse of a Minor in the
10 First Degree) where the victim is under 16 years of age.
- 11 (vii) 6 CMC §1307(a)(1) or (2) (Sexual Abuse of a Minor
12 in the Second Degree)
- 13 (viii) 6 CMC §1307(a)(3) or (5) (Sexual Abuse of a Minor
14 in the Second Degree) where the victim is under 13 years
15 of age.
- 16 (ix) 6 CMC §1309(a)(1) (Sexual Abuse of a Minor in the
17 Fourth Degree)
- 18 (x) 6 CMC §1311 (Incest), where the victim is under 16
19 years of age.
- 20 (4) Certain Federal Offenses. Conviction for any of the
21 following federal offenses shall be considered “Tier 3” offenses:
22 (i) 18 U.S.C. §2241 (aggravated sexual abuse),

HOUSE BILL 17-111, HS1

1 (ii) 18 U.S.C. §2242 (sexual abuse), or
2 (iii) Where the victim is 12 years of age or younger, 18
3 U.S.C. §2244 (abusive sexual contact).

4 (5) Certain Military Offenses. Any military offense
5 specified by the Secretary of Defense under section 115(a)(8)(C)(i)
6 of PL 105-119 (codified at 10 U.S.C. §951) that is similar to those
7 offenses outlined in § 1362(a)(1), (2) or (3) shall be considered
8 “Tier 3” offenses.

9 § 1363. When Registration is Required.

10 (a) Conviction. A sex offender must initially register if they were
11 convicted of a covered sex offense in the Commonwealth courts regardless
12 of the sex offender’s actual or intended residency. This obligation exists
13 without regard to whether it was specifically listed in the Judgment of
14 Conviction, sentence, or any other order of the court.

15 (b) Incarceration. A sex offender must register if they are
16 incarcerated by the Commonwealth while completing any sentence for a
17 covered sex offense, regardless of whether it is the same jurisdiction as the
18 jurisdiction of conviction or residence.

19 (c) Agency Supervision. A sex offender must register if they are
20 under Parole, Adult or Juvenile Probation Supervision.

HOUSE BILL 17-111, HSI

1 (d) Residence. A sex offender who resides within the
2 Commonwealth, regardless of location, must register pursuant to this
3 Article.

4 (e) Employment. A sex offender, who is employed within the
5 Commonwealth, must register pursuant to this Article.

6 (f) School Attendance. A sex offender who is a student at any
7 school within the Commonwealth is required to register pursuant to this
8 Article.

9 §1364. SORA-Office/DPS, Board and Agencies Specific Duties and
10 Responsibilities:

11 (a) SORAB. The Sex Offender Registry Administrative Board as
12 defined under §1360 (m) is the SORA-Office/DPS non-appointed board
13 composition consists of agencies directors/chiefs/commissioners such as:
14 DPS, CJPA Director and LESA Directors/Chiefs or Commissioner or their
15 designees and the Attorney General or his designee (as the board's legal
16 counsel) responsible to promulgate policies, determine registration
17 reduction, ensure the improvement and implementation of the Act is
18 carried out by all affected agencies under the act. The board is also
19 charged with the expenditure authority on the supplemental 'Sex Offender
20 Fee Guidelines' for SORA-Office/DPS and agencies' implementation and
21 improvement of the registry; community and law enforcement education
22 outreach services, and training needed by any of the affected agencies.

HOUSE BILL 17-111, HS1

1 (b) SORA-Office. SORA-Office is the Department of Public
2 Safety. It is the Commonwealth's Official Sex Offender Registry and
3 Notification Office and is monitored by SORAB. The Department is
4 charged with the overall registry and notification, website responsibility,
5 augmented and assisted by the Law Enforcement Supervision Agencies
6 (DOC, Parole and Probation) in the initial registration.

7 (c) LESA. LESA is the Law Enforcement Supervision Agencies
8 (LESA). They are the Law Enforcement Supervision Agencies with
9 certain legal authorities over certain covered sex offenders provided by the
10 sentencing authority (The Courts and/or the Board of Parole) to secure,
11 oversee, monitor and/or track their movements. They are responsible to
12 provide the 'Initial Sex Offender Registration' immediately (within 3-
13 days) of entry into the agency's security or supervision and transmit the
14 initial registration information to SORA-Office/DPS. They are also
15 charged to direct the sex offender to report and appear in person at the
16 SORA-Office/DPS (if under probation or parole and DOC to escort to
17 SORA-Office) for DNA sample and other required information; and
18 maintain its 'Initial Registry' and provide all updates of the sex offender
19 registration forty five (45) days prior to their release from security or
20 supervision (DOC, Parole or Probation).

21 (d) Duty to Obtain Information. The covered agencies (SORA-
22 Office/DPS and LESA) shall obtain required and other pertinent

HOUSE BILL 17-111, HS1

1 information from the sex offender and, likewise, the sex offender covered
2 by this Article and required to official sex offender registration with LESA
3 and SORA-Office/Department of Public Safety pursuant to this Article
4 shall provide the required information and other pertinent or related
5 requested.

6 (e) Initial Registration. Initial Registration shall be initiated by the
7 appropriate agency pursuant to §1364(c) and (d) and shall be transmitted
8 to SORA-Office/DPS. See §1366

9 (f) Digitization. All information obtained under this article shall
10 be, at a minimum, maintained by the Department of Public Safety or
11 designee in digitized format.

12 (g) Electronic Database. A sex offender registry shall be
13 maintained in an electronic database by the DPS Sex Offender Office or
14 designee.

15 §1365. Required Registration Information.

16 (a) The following general information is required at the Initial and
17 Ongoing Registration by LESA and SORA-Office/DPS:

18 (1) Address

19 The SORA-Office/DPS and/or LESA shall obtain, and a
20 covered sex offender shall provide, the following information
21 related to the sex offender's residence:

HOUSE BILL 17-111, HS1

1 (i) The address of each residence at which the sex offender
2 resides or will reside, and

3 (ii) Any location or description that identifies where the sex
4 offender habitually resides regardless of whether it pertains
5 to a permanent residence or location otherwise identifiable
6 by a street or address.

7 (2) Criminal History

8 The SORA-Office/DPS and/or LESA shall obtain, and a
9 covered sex offender shall provide, the following information
10 related to the sex offender's criminal history:

11 (i) The date of all arrests,

12 (ii) The date of all convictions,

13 (iii) The sex offender's status of parole, probation, or
14 supervised release,

15 (iv) The sex offender's registration status, and

16 (v) Any outstanding arrest warrants.

17 (3) Date of Birth

18 The SORA-Office/DPS and/or LESA shall obtain, and a
19 covered sex offender shall provide, the following information
20 related to the sex offender's date of birth:

21 (i) The sex offenders actual date of birth, and

22 (ii) Any other date of birth used by the sex offender.

HOUSE BILL 17-111, HS1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

(4) DNA Sample

(i) DNA. If the sex offender's DNA is not already contained in the Combined DNA Index System (CODIS), the sex offender shall provide the Department of Public Safety or designee a sample of his DNA.

(ii) CODIS. Any DNA sample obtained from a sex offender shall be submitted to an appropriate lab for analysis and entry of the resulting DNA profile in to CODIS.

(5) Driver's Licenses, Identification Cards, Passports, And

Immigration Documents

(i) Driver's License. The SORA-Office/DPS and/or LESA shall obtain, and a covered sex offender shall provide, a photocopy of all of the sex offender's valid driver's licenses issued by any jurisdiction.

(ii) Identification Cards. The SORA-Office/DPS and/or LESA shall obtain, and a covered sex offender shall provide, a photocopy of any identification card including the sex offender's enrollment card issued by any jurisdiction.

(iii) Passports. The SORA-Office/DPS and/or LESA shall obtain, and a covered sex offender shall provide, a photocopy of any passports used by the sex offender.

HOUSE BILL 17-111, HSI

1 (iv) Immigration Documents. The SORA-Office/DPS
2 and/or LESA shall obtain, and a covered sex offender shall
3 provide, a photocopy of any and all immigration
4 documents.

5 (6) Employment Information

6 The SORA-Office/DPS and/or LESA shall obtain, and a
7 covered sex offender shall provide, the following information
8 related to the sex offender's employment, to include any and all
9 places where the sex offender is employed in any means including
10 volunteer and unpaid positions:

- 11 (i) The name of the sex offender's employer,
- 12 (ii) The address of the sex offender's employer, and
- 13 (iii) Similar information related to any transient or day
14 labor employment.

15 (7) Fingerprints and Palm Prints

16 The SORA-Office/DPS and/or the Department of
17 Corrections shall obtain, and a covered sex offender shall provide,
18 both fingerprints and palm prints of the sex offender in a digitized
19 format.

20 (8) Internet Identifiers

HOUSE BILL 17-111, HSI

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

The SORA-Office/DPS and/or LESA shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's internet-related activity:

- (i) Any and all email addresses used by the sex offender,
- (ii) Any and all Instant Message addresses and identifiers,
- (iii) Any and all other designations or monikers used for self-identification in internet communications or postings, and
- (iv) Any and all designations used by the sex offender for the purpose of routing or self identification in internet communications or postings.

(9) Name

The SORA-Office/DPS and/or LESA shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's name:

- (i) The sex offender's full primary given name,
- (ii) Any and all nicknames, aliases, and pseudonyms regardless of the context in which it is used, and
- (iii) Any and all ethnic or family names by which the sex offender is commonly known. This does not include any religious or sacred names not otherwise commonly known.

(10) Phone Numbers

HOUSE BILL 17-111, HSI

1 The SORA-Office/DPS and/or LESA shall obtain, and a
2 sex offender shall provide, the following information related to the
3 sex offender's telephone numbers:

4 (i) Any and all land line telephone numbers, and

5 (ii) Any and all cellular telephone numbers.

6 (11) Picture

7 (i) Photograph. The SORA-Office/DPS and/or LESA shall
8 obtain, and a covered sex offender shall provide, a current
9 photograph of the sex offender.

10 (ii) Update Requirements. Unless the appearance of a sex
11 offender has not changed significantly, a digitized
12 photograph shall be collected by DPS:

13 (A) Every 90 days for Tier 3 sex offenders,

14 (B) Every 180 days for Tier 2 sex offenders, and

15 (C) Every year for Tier 1 sex offenders.

16 (12) Physical Description

17 The SORA-Office/DPS and/or LESA shall obtain, and a
18 covered sex offender shall provide, an accurate description of the
19 sex offender as follows:

20 (i) A physical description,

21 (ii) A general description of the sex offender's physical
22 appearance or characteristics, and

HOUSE BILL 17-111, HS1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

(iii) Any identifying marks, such as, but not limited to, scars, moles, birthmarks, or tattoos.

(13) Professional Licensing Information

The SORA-Office/DPS and/or LESA shall obtain, and a covered sex offender shall provide, all licensing of the sex offender that authorizes the sex offender to engage in an occupation or carry out a trade or business.

(14) School

The SORA-Office/DPS and/or LESA shall obtain, and a covered sex offender shall provide, the following information related to the sex offender's school:

- (i) The address of each school where the sex offender is or will be a student, and
- (ii) The name of each school the sex offender is or will be a student.

(15) Social Security Number

The SORA-Office/DPS and/or LESA shall obtain, and a covered sex offender shall provide, the following information:

- (i) A valid social security number for the sex offender, and
- (ii) Any social security number the sex offender has used in the past, valid or otherwise.

(16) Temporary Lodging and Travel Information

HOUSE BILL 17-111, HS1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

(i) Lodging Information. The SORA-Office/DPS and/or LESA shall obtain, and a covered sex offender shall provide, the following information when the sex offender will be absent from his residence for 3 days or more:

(A) Identifying information of the temporary lodging locations including addresses and names, and

(B) The dates the sex offender will be staying at each temporary lodging location.

(ii) Travel Abroad. The Sex Offender is required to report to SORA-Office/DPS and/or LESA any intent to travel outside of the Commonwealth or within the Commonwealth Inter-islands, international or abroad to the 50 states; the District of Columbia; Commonwealth of Puerto Rico; Guam; American Samoa; the United States Virgin Islands three days prior to departure, and the Department of Public Safety shall consider providing all travel information to the INTERPOL except travel within the Commonwealth Islands.

(17) Offense Information

The SORA-Office/DPS and/or LESA shall obtain the text of each provision of law defining the criminal offense(s) for which the sex offender is registered.

HOUSE BILL 17-111, HSI

1 (18) Vehicle Information

2 The SORA-Office/DPS and/or LESA shall obtain, and a
3 covered sex offender shall provide, the following information
4 related to all vehicles owned or operated by the sex offender for
5 work or personal use including land vehicles, aircraft, and
6 watercraft:

7 (i) License plate numbers,

8 (ii) Registration numbers or identifiers,

9 (iii) General description of the vehicle to include color,
10 make, model, and year, and

11 (iv) Any permanent or frequent location where any covered
12 vehicle is kept.

13 § 1366 Offenses Involving Victims Who Are Minors.

14 Anyone convicted of a sex offense as an adult involving a minor,
15 while subject to the registration requirements of this Article as a tier 2 or
16 tier 3 offender, shall not:

17 (a) Enter onto or walk by or park a vehicle within 1000 feet
18 of a school, bus stop, or playground while minors are present:

19 (b) Attend events held primarily for minors;

20 (c) Reside in or have contact with a residence while minors
21 are present; or

HOUSE BILL 17-111, HSI

1 (d) Reside or maintain an address for residential purposes
2 at any location within 1000 feet of a playground, school, school
3 bus stop, community center, or other location which is established
4 or designated specifically for the use by or enjoyment of minors
5 and such location is commonly used by minors.

6 § 1367. Initial Registration.

7 (a) Timing. A sex offender required to register with the SORA-
8 Office/DPS under this Article shall do so in the following timeframe:

9 (1) If incarcerated,

10 (i) immediately upon incarceration (3 days) with an update
11 of information between thirty and fifteen days (45) prior to
12 release from imprisonment for the registration offense.

13 (ii) the reporting required by § 1367(a)(1)(i) shall not
14 reduce, affect in any way, or be in any way credited against
15 any period of reporting and verification requirements while
16 under incarceration.

17 (2) If under Parole or Probation Supervision,

18 (i) immediately (3 days) upon entry into supervision with
19 an update of information between thirty and fifteen days
20 (45) prior to release from supervision for the registration
21 offense.

HOUSE BILL 17-111, HS1

1 (ii) the reporting required by § 1367(a)(2)(i) shall not
2 reduce, affect in any way, or be in any way credited against
3 any period of reporting and verification requirements.

4 (3) If not incarcerated, a sex offender must appear in person
5 at the Department of Public Safety within 3 business days of
6 sentencing for the registration offense, and

7 (b) For any other jurisdiction, foreign, federal, and military
8 convictions, a sex offender must appear in person at the Department of
9 Public Safety within 3 business days of establishing a residence,
10 commencing employment or becoming a student in the Commonwealth.

11 (c) Duties of SORA-Office/DPS and LESA. The Department of
12 Public Safety the Law Enforcement Supervision Agencies (LESA) shall
13 have policies and procedures in place to ensure the following:

14 (1) Any sex offender incarcerated or sentenced by the
15 Commonwealth for a covered sex offense under supervision
16 completes their initial registration with LESA and shall abide by
17 the Article.

18 (2) Any sex offender initially registering with the
19 Department of Public Safety is informed of their duties under
20 SORNA and this article, and that such duties under SORNA and
21 this article are explained to them,

HOUSE BILL 17-111, HSI

1 (3) The sex offender reads and signs a form stating that the
2 duty to register has been explained to them and that the sex
3 offender understands the registration requirement.

4 (4) That the sex offender is registered, and

5 (5) That upon entry of the sex offender's information in to
6 the registry, that information is immediately forwarded to all other
7 jurisdictions in which the sex offender is required to register due to
8 the sex offender's residency, employment, or student status.

9 § 1368. Recapture.

10 (a) Recapture. The Department of Public Safety or designee shall
11 have in place policies and procedures to ensure the following three
12 categories of sex offenders are subject to the registration and updating
13 requirements of this article:

14 (1) Sex offenders incarcerated or under LESA , whether for
15 a covered sex offense or other crime;

16 (2) Sex offenders already registered or subject to a pre-
17 existing sex offender registration requirement under the
18 Commonwealths' laws, and

19 (3) Sex offenders reentering the justice system due to
20 conviction for any crime.

21 (b) Timing of Recapture. The Department of Public Safety or
22 designee shall ensure recapture of the sex offenders mentioned in §

HOUSE BILL 17-111, HSI

1 1368(a) within the following timeframe to be calculated from the date of
2 passage of this code:

- 3 (1) For Tier 1 sex offenders, 1 year,
4 (2) For Tier 2 sex offenders, 180 days, and
5 (3) For Tier 3 sex offenders, 90 days.

6 § 1369. Updating Registration Information.

7 (a) Duty of Offender to Update. All sex offenders required to
8 register, who are not currently incarcerated, must immediately appear at
9 the Department of Public Safety in person to update any change in their
10 name, residence (including termination of residency), employment, school
11 attendance, vehicle information, temporary lodging, email addresses,
12 telephone numbers, Instant Messaging addresses, and any other
13 designation used in internet communications, postings, or telephone
14 communications. In the event of a change in temporary lodging, the sex
15 offender and the Department of Public Safety shall immediately notify the
16 jurisdiction in which the sex offender will be temporarily staying.

17 (b) Natural disaster. The occurrence of a natural disaster or other
18 event requiring evacuation of residences shall not relieve a sex offender of
19 the duty to register or any other duty imposed by this Act.

20 (c) Duties of the Department of Public Safety. With regard to
21 changes in a sex offender's registration information, the Department of
22 Public Safety or designee shall immediately notify:

HOUSE BILL 17-111, HS1

1 (1) All jurisdictions where a sex offender intends to reside,
2 work, or attend school,

3 (2) Any jurisdiction where the sex offender is either
4 registered or required to register, and

5 (3) Specifically with respect to information relating to a sex
6 offender's intent to commence residence, school, or employment
7 outside of the United States, any jurisdiction where the sex
8 offender is either registered or required to register, and the U.S.
9 Marshals Service. Any updated information needs to be
10 immediately sent to National Sex Offender Registry (NSOR).

11 § 1370. Failure to Appear for Registration and Absconding.

12 (a) Failure to Appear. In the event a sex offender fails to register
13 with the SORA-Office/DPS and/or LESA as required by this Article, the
14 SORA-Office/DPS shall immediately inform the jurisdiction that provided
15 notification that the sex offender was to commence residency,
16 employment, or school attendance within the Commonwealth that the sex
17 offender failed to appear for registration.

18 (b) Absconded Sex Offenders. If the SORA-Office/DPS and/or
19 LESA receives information that a sex offender has absconded the tribal
20 police shall make an effort to determine if the sex offender has actually
21 absconded.

HOUSE BILL 17-111, HS1

1 (1) In the event no determination can be made, the SORA-
2 Office/DPS shall ensure that any other appropriate law
3 enforcement agency is notified.

4 (2) If the information indicating the possible absconding
5 came through notice from another jurisdiction or federal
6 authorities, they shall be informed that the sex offender has failed
7 to appear and register.

8 (3) If an absconded sex offender cannot be located then the
9 SORA-Office/DPS shall take the following steps:

10 (i) Update the registry to reflect the sex offender has
11 absconded or is otherwise not capable of being located,

12 (ii) Seek a warrant for the sex offender's arrest, and the
13 U.S. Marshals Service or FBI shall be contacted in an
14 attempt to obtain a federal warrant for the sex offender's
15 arrest,

16 (iii) Notify the U.S. Marshals Service,

17 (iv) Update NSOR to reflect the sex offender's status as an
18 absconder, or is otherwise not capable of being located, and

19 (v) Enter the sex offender into the National Crime
20 Information Center (NCIC) Wanted Person File.

21 (c) Failure to Register. In the event a sex offender who is required
22 to register due to their employment or school attendance status fails to do

HOUSE BILL 17-111, HSI

1 so or otherwise violates a registration requirement of this Article, the
2 SORA-Office/DPS shall take all appropriate follow-up measures including
3 those outlined in § 1370(b). The SORA-Office/DPS shall first make an
4 effort to determine if the sex offender is actually employed or attending
5 school within the Commonwealth.

6 § 1371. Verification /Appearance Requirements

7 (a) Appearance. A sex offender who is required to register as a
8 resident, employee, or student with the SORA-Office/DPS shall, at a
9 minimum, appear in person at the SORA-Office/DPS for purposes of
10 verifying and keeping the registration information and photograph (if
11 needed) current in accordance with the following time frames:

12 (1) For "Tier 1" offenders, once every year for 15 years
13 from the date of sentencing or if incarcerated from the date of
14 release,

15 (2) For "Tier 2" offenders, once every 180 days (6 months)
16 for 25 years from the date of sentencing or if incarcerated from the
17 date of release,

18 (3) For "Tier 3" offenders, once every 90 days (3 months)
19 for the rest of their lives.

20 (b) Frequency. SORA-Office/DPS is not limited by § 1371 (1),
21 (2), or (3) and may establish a more frequent in-person periodic
22 appearance requirement and/or may establish other means of verification

HOUSE BILL 17-111, HSI

1 of registration information to keep the registry information current and
2 accurate.

3 (c) Reduction of Registration Periods. A sex offender may have
4 their period of registration reduced as follows:

5 (1) A Tier 1 offender may have their period of registration
6 and verification reduced by 5 years if they have maintained a clean
7 record for 10 consecutive years.

8 (2) A Tier 3 offender may have their period of registration
9 and verification reduced to 25 years if they were adjudicated
10 delinquent of an offense as a juvenile which required Tier 3
11 registration and they have maintained a clean record for 25
12 consecutive years.

13 (d) Clean Record. For purposes of § 1371(c) a person has a clean
14 record if:

15 (1) They have not been convicted of any offense for which
16 imprisonment for more than 1 year may be imposed.

17 (2) They have not been convicted of any sex offense,

18 (3) They have successfully completed, without revocation,
19 any period of supervised release, probation, or parole, and

20 (4) They have successfully completed an appropriate sex
21 offender treatment program certified by the CNMI Attorney
22 General, a jurisdiction or by the United States Attorney General.

HOUSE BILL 17-111, HS1

1 (e) Reduction of Registration Periods Not automatic. A sex
2 offender may submit a request to Sex Offender Registry Administrative
3 Board (SORAB) for reduction of his or her period of registration. A
4 reduction of registration and verification is not a right, and may be granted
5 by SORAB if, in the discretion of the Board, after consultation with the
6 Attorney General, it is determined that a reduction is in the best interests
7 of the safety of the Commonwealth's residents. A reduction of the period
8 of registration and verification does not imply any right to have any
9 information obtained prior or after the reduction removed from any
10 government database or publicly available website.

11 (f) Registration period excludes any time the sex offender is in
12 custody or under civil commitment. The required registry starts from the
13 date of sentence for non-incarcerated sex offender; and upon release from
14 custody for sex offender sentenced to imprisonment.

15 § 1372. Requirements for In Person Appearances.

16 (a) Photographs. At each in-person verification, the sex offender
17 shall give the SORA-Office/DPS the discretion to take a photograph of the
18 offender.

19 (b) Review of Information. At each in-person verification, the sex
20 offender shall review existing information for accuracy.

21 (c) Notification. If any new information or change in information
22 is obtained at an in-person verification, the SORA-Office/DPS shall

HOUSE BILL 17-111, HSI

1 immediately notify all other registration jurisdictions of the information or
2 change in information.

3 § 1373. Public Sex Offender Registry Website.

4 (a) Website. The SORA-Office/DPS is responsible for all entry and
5 updates, shall use and maintain a public sex offender registry website.

6 (b) Links. The registry website shall include links to sex offender
7 safety and education resources.

8 (c) Instructions. The registry website shall include instructions on
9 how a person can seek correction of information that the individual
10 contends is erroneous.

11 (d) Warnings. The registry website shall include a warning that the
12 information contained on the website should not be used to unlawfully
13 injure, harass, or commit a crime against any individual named in the
14 registry or residing or working at any reported addresses and that any such
15 action could result in civil or criminal penalties.

16 (e) Search Capabilities. The registry website shall have the
17 capability of conducting searches by name, county, city, zip code, and
18 geographic radius.

19 § 1374. Required And Prohibited Information.

20 (a) Required Information. The following information shall be made
21 available to the public on the sex offender registry website:

HOUSE BILL 17-111, HSI

1 (1) Notice that an offender is in violation of their
2 registration requirements or cannot be located if the sex offender
3 has absconded,

4 (2) All offenses for which the sex offender has been
5 convicted,

6 (3) The sex offense(s) for which the offender is currently
7 registered,

8 (4) The address of the sex offender's employer(s),

9 (5) The name of the sex offender including all aliases,

10 (6) A current photograph of the sex offender,

11 (7) A physical description of the sex offender,

12 (8) The residential address and, if relevant, a description of
13 a habitual residence of the sex offender,

14 (9) All addresses of schools attended by the sex offender,
15 and

16 (10) The sex offender's vehicle license plate number along
17 with a description of the vehicle.

18 (b) Prohibited Information. The following information shall not be
19 available to the public on the sex offender registry website:

20 (1) Any arrest that did not result in conviction,

21 (2) The sex offender's social security number,

22 (3) Any travel and immigration documents,

HOUSE BILL 17-111, HS1

1 (4) The identity of the victim, and

2 (5) Internet identifiers.

3 (c) Witness Protection. For sex offenders who are under a witness
4 protection program, the Department of Public Safety may honor the
5 request of the United States Marshal Service or other agency responsible
6 for witness protection by not including the original identity of the offender
7 on the publicly accessible sex offender registry website.

8 § 1375. Community Notification.

9 (a) Law Enforcement Community Notification. Whenever a sex
10 offender registers or updates their information with the Department of
11 Public Safety, the Department of Public Safety or designee shall:

12 (1) Immediately notify the FBI, LESA and ensure the
13 information is updated on NSOR,

14 (2) Immediately notify any and all other registration
15 jurisdictions due to the sex offender's residency, school
16 attendance, or employment, and

17 (b) Community Notification. The SORA-Office/DPS shall ensure
18 there is an automated community notification process in place that ensures
19 the following:

20 (1) Upon a sex offender's registration or update of
21 information with the SORA-Office/DPS, the public registry
22 website is immediately updated,

HOUSE BILL 17-111, HSI

1 (2) Email notice is available to the general public to notify
2 them when a sex offender commences residence, employment, or
3 school attendance with the Commonwealth, within a specified zip
4 code, or within a certain geographic radius. This email notice shall
5 include the sex offender's identity.

6 § 1376. Sanctions.

7 (a) Crime. Any violation of a provision of this article, including
8 but not limited to: the provision of false or misleading information, or the
9 failure to report or keep current required information, by a sex offender
10 shall be a crime subject to a penalty of up to three years imprisonment, a
11 fine not more than \$2,000 or both.

12 (b) Civil Penalty. Any violation of a provision of this Article by a
13 sex offender shall also be considered a civil violation subject to
14 enforcement by any means not prohibited by commonwealth or federal
15 law, including, but not limited to the issuance of fines, forfeitures, and
16 civil contempt.

17 § 1377. Non-Sex Offender Related Crimes.

18 (a) Harboring. A person is guilty of a crime punishable by up to
19 365 days in jail, a fine not more than \$2,000 fine or both if they do any of
20 the following:

HOUSE BILL 17-111, HS1

1 (1) Knowingly harbor, attempt to harbor, or assist another
2 in harboring or attempting to harbor a sex offender who is in
3 violation of this Article;

4 (2) Knowingly assists a sex offender in eluding a law
5 enforcement agency that is seeking to find the sex offender to
6 question them about, or to arrest them for, noncompliance with the
7 requirements of this Article; or

8 (3) Knowingly provide false information to a law
9 enforcement agency regarding a sex offender

10 (b) Misuse of Registration Information. A person is guilty of a
11 crime punishable by up to 365 days in jail, a \$2,000 fine or both if they do
12 any of the following:

13 (1) Willfully misuse or alter public record information
14 relating to a sex offender or sexual predator, or a person residing or
15 working at an address reported by a sex offender, including
16 information displayed by law enforcement agencies on web sites;
17 or

18 (2) Sell or exchange sex offender information for profit.

19 § 1378. No Waiver of Immunity.

20 Nothing in this Article shall be construed as a waiver of sovereign
21 immunity for the Commonwealth, its departments, agencies, employees,
22 or agents.

HOUSE BILL 17-111, HSI

1 § 1379. Good Faith.

2 Good Faith Immunity. Any person acting in good faith under the
3 terms of this Article shall be immune from any civil liability arising out of
4 such actions.

5 § 1380. Sex Offender Revolving Fund.

6 There is hereby established a Sex Offender Revolving Fund. The
7 Department of Finance shall maintain all funds generated under this Act,
8 specifically through the Sex Offender Fee Guidelines, in a segregated,
9 restricted special account within the general fund, shall be non-lapsing,
10 and without fiscal year limitation. All funds received pursuant to the Sex
11 Offender Fee Guidelines shall be deposited into the Sex Offender
12 Revolving Fund. Funds shall be expended without further appropriation
13 and shall be used solely for the purposes of implementing the provisions
14 of this Act, including, but not limited to training and community
15 notification purposes. At the close of each fiscal year, the SORAB shall
16 provide the Presiding Officers of the Legislature with an accounting of the
17 use of funds deposited into the Sex Offender Revolving Fund.”

18 **Section 3. Severability.** If any provisions of this Article or the
19 application of any such provision to any person or circumstance should be held
20 invalid by a court of competent jurisdiction, the remainder of this Article or the
21 application of its provisions to persons or circumstances other than those to which
22 it is held invalid shall not be affected thereby.

HOUSE BILL 17-111, HS1

1 **Section 4. Savings Clause.** This Article and any repealer contained
2 herein shall not be construed as affecting any existing right acquired under
3 contract or acquired under statutes repealed or under any rule, regulation or order
4 adopted under the statutes. Repealers contained in this Article shall not affect any
5 proceeding instituted under or pursuant to prior law. The enactment of the Article
6 shall not have the effect of terminating, or in any way modifying, any liability,
7 civil or criminal, which shall already be in existence on the date this Article
8 becomes effective.


HOUSE BILL 17-111, HS1

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

Attested to by: 
Linda B. Muña, House Clerk

Certified by: 
SPEAKER ELICEO "ELI" D. CABRERA
House of Representatives
17th Northern Marianas Commonwealth Legislature

~~Approved~~ this 29TH day of JULY, 2011


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