



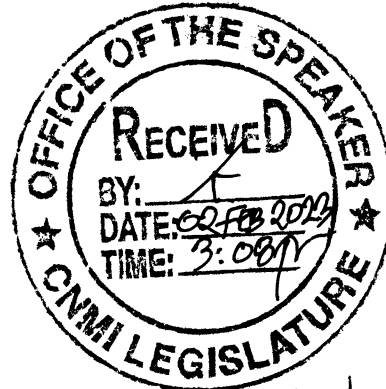
Arnold I. Palacios
Governor

David M. Apatang
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

31 JAN 2023

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



ED 2/2/23

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

Dear Mr. Speaker and Madam President:

This is to inform you that I have signed into law **House Bill No. 22-39, HS1** entitled, "To amend Title 6, Division 6, Chapter 5. Witnesses, by adding a new section 6503. Witness to Outcry of abuse; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twenty-Second Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 22-29**. Copies bearing my signature are forwarded for your reference.

Sincerely,

[Signature]
ARNOLD I. PALACIOS
Governor

HOUSE CLERK'S OFC
RECEIVED BY *[Signature]*
DATE *2/2/2023* TIME *3:58 pm*

cc: Lt. Governor; Attorney General's Office; Commonwealth Law Revision Commission;
Public Auditor; CNMI Judiciary; Programs and Legislative Review Office



*Twenty-Second Legislature
of the
Commonwealth of the Northern Mariana Islands*

IN THE HOUSE OF REPRESENTATIVES

FIRST REGULAR SESSION

MARCH 16, 2021

REPRESENTATIVE CELINA R. BABAUTA OF SAIPAN, PRECINCT 1 (*for herself*, Representative Christina M.E. Sablan,) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 22-39, HS1

AN ACT

**TO AMEND TITLE 6, DIVISION 6, CHAPTER 5. WITNESSES, BY
ADDING A NEW SECTION 6503. WITNESS TO OUTCRY OF
ABUSE; AND FOR OTHER PURPOSES.**

IN THE HOUSE OF REPRESENTATIVES

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 22-42; adopted 3/29/2022.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, MARCH 29, 2022;**

with amendments in the form of H. B. No. 22-39, HS1 and transmitted to **THE SENATE.**

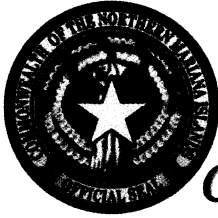
IN THE SENATE

The Bill was referred to the Senate Committee on Judiciary, Government, Law and Federal Relations.
THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, DECEMBER 28, 2022;
without amendments and returned to **THE HOUSE OF REPRESENTATIVES.**

**H. B. NO. 22-39, HS1 IS DULY PASSED BY THE TWENTY-SECOND NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE.**



Linda B. Muña, House Clerk



Twenty-Second Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

THIRD DAY, THIRD REGULAR SESSION

MARCH 29, 2022

H. B. No. 22-39, HS1

AN ACT

**TO AMEND TITLE 6, DIVISION 6, CHAPTER 5. WITNESSES,
BY ADDING A NEW SECTION 6503. WITNESS TO OUTCRY
OF ABUSE; AND FOR OTHER PURPOSES.**

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

1 **SECTION 1. FINDINGS AND PURPOSE.**

2 The Legislature finds that children subject to abuse often have a difficult time reporting
3 it in the same manner as adults. There are likely to be substantial delays in reporting. Moreover,
4 children are likely to talk to a friend, teacher or parent before any formal investigation begins.
5 Known as outcry statements, such statements provide significant evidence of the abuse and are
6 admissible in most states as an exception to the hearsay rules. This bill sets out the standards
7 for admission of an outcry of abuse and requires a judge to find the statement sufficiently
8 reliable to justify its admission. The United States Supreme Court has already addressed this
9 issue and found that admission of an outcry statement of a child does not violate an accused's
10 right to confrontation of witnesses. See *Ohio v. Clark*, 576 U.S. 237 (2015). This provision

HOUSE BILL 22-39, HS1

1 will provide a jury with critical information in evaluating the credibility of a victim of physical
2 or sexual abuse who is a child or a person with a disability.

3 **SECTION 2. AMENDMENT.**

4 Title 6, Division 6, Chapter 5 of the Commonwealth Code is hereby amended by adding
5 a new section 6503 to read as follows:

6 “§ 6503. Witness to Outcry of Abuse.

7 101. This section applies to a proceeding in the prosecution of an offense under
8 any provision involving child abuse, sexual abuse of a minor, or any other offense
9 committed against a child 16 years of age or younger or a person with a disability.

10 102. This section applies only to statements that:

11 (a) describe the alleged offense; or

12 (b) describe a crime, wrong, or act other than the alleged offense, if the statement
13 is offered during the punishment phase of the proceeding; and

14 (1) if the crime, wrong, or act other than the alleged offense was
15 allegedly committed by the defendant against the victim or against another child
16 16 years of age or younger or another person with a disability; and

17 (2) if the statement is otherwise admissible as evidence under Rule 404
18 or 405 of the CNMI Rules of Evidence or another law or rule of evidence of
19 CNMI.

20 (c) were made by the child or person with a disability against whom the charged
21 offense or other crime, wrong, or act was allegedly committed; and

22 (d) were made to the first person, 16 years of age or older, other than the
23 defendant, to whom the child or person with a disability made an outcry statement about
24 the offense or other crime, wrong, or act.

25 103. A party may present testimony from a witness to such an outcry statement,
26 regardless of any hearsay rules, if:

27 (a) on or before 14 calendar days before the trial begins, the party intending to
28 offer the statement:

29 (1) notifies the adverse party of its intention to do so;

HOUSE BILL 22-39, HS1

1 (2) provides the adverse party with the name of the witness through
2 whom it intends to offer the statement; and

3 (3) provides the adverse party with discovery of the statement; or

4 (b) the trial court finds, in a hearing conducted outside the presence of the jury,
5 that the statement is reliable based on the time, content, and circumstances of the
6 statement; and

7 (c) the child or person with a disability testifies or is available to testify at the
8 proceeding in court or in any other manner provided by law.

9 104. In this section, "person with a disability" means a person 17 years of age
10 or older who because of age or physical or mental impairment, is substantially unable
11 to protect the person's self from harm or to provide food, shelter, medical care, or other
12 major life activities for the person's self."

13 **SECTION 3. SEVERABILITY.**

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

18 **SECTION 4. SAVINGS CLAUSE.**

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

HOUSE BILL 22-39, HS1

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SECTION 5. EFFECTIVE DATE.

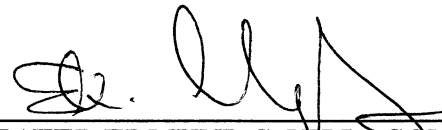
This Act shall take effect upon its approval by the Governor, or its becoming law without such approval.

Attested to by:




Linda B. Muña, House Clerk

Certified by:



SPEAKER EDMUND S. VILLAGOMEZ
House of Representatives
22nd Northern Marianas Commonwealth Legislature

Approved this 31st day of January, 202³



ARNOLD I. PALACIOS
Governor
Commonwealth of the Northern Mariana Islands