

Twentieth Northern Marianas Commonwealth Legislature

IN THE HOUSE OF REPRESENTATIVES

Session, 2017

H. B. 20-16

A BILL FOR AN ACT

To amend 7 CMC 3101(a) to mandate when a jury is impanel to hear all felonies and misdemeanors charges; and for other purposes.

BE IT ENACTED BY THE TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 **Section 1. Findings and Purpose.** The legislature acknowledges the
2 Ninth Circuit finding that 7 CMC § 3101(a) is ambiguous, “since the statute says
3 neither that when trial by jury is required on one count, it shall be on that count
4 only, nor that when trial by jury is required on one count the right shall extend to
5 all counts in the information.” *Commonwealth of the Northern Mariana Islands*
6 *v. Magofna*, 919 F.2d 103 (9th Cir. 1990). The purpose of this Act is remove the
7 ambiguity by amending 7 CMC § 3101(a) to require that all charges in the same
8 proceeding be submitted to the jury when one charge entitles a defendant to a jury
9 trial.

10 The legislature further finds this Act is necessary to remove inconsistent
11 verdicts when a jury hears felony charges and the judge hears misdemeanor
12 charges in a case arising out of the same events or transactions. The legislature
13 further finds that this Act is necessary to remove the inconsistency of entrusting a

1 jury to deliberate on serious felony charges yet minor misdemeanor charges are
2 handled by the judge.

3 It is a matter of public policy that juries are the true and proper body to
4 deliberate on a defendant's guilt or innocence. It is a matter of public policy that
5 the People when acting as juries are the true and proper measure of the
6 community's norms, mores and standard.

7 The legislature further finds that there is no added cost to have a jury
8 deliberate on both felony and misdemeanor charges as the jury is already
9 impaneled to hear the felony charges.

10 **Section 2. Amendments.** Title 7, Division 3, Chapter 1 § 3101(a) is
11 hereby amended to read as follows:

12 “(a) Criminal Actions. Any person accused by information of
13 committing a felony punishable by more than five years imprisonment or
14 by more than \$2,000 fine, or both, shall be entitled to a trial by a jury of
15 six persons. Provided further that when trial by jury is required on one
16 count, the right shall extend to all counts in the information. The
17 Commonwealth Rules of Criminal Procedure apply, except that the jury
18 shall be of six persons or such smaller number as the parties may stipulate
19 with the approval of the court.”

20 **Section 3. Severability.** If any provision of this Act or the application of
21 any such provision to any person or circumstance should be held invalid by a
22 court of competent jurisdiction, the remainder of this Act or the application of its

1 provisions to persons or circumstances other than those to which it is held invalid
2 shall not be affected thereby.

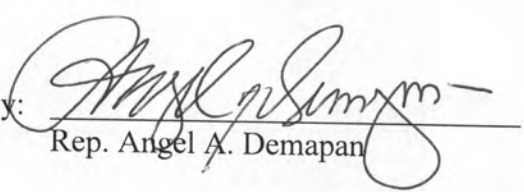
3 **Section 4. Savings Clause.** This Act and any repealer contained herein
4 shall not be construed as affecting any existing right acquired under contract or
5 acquired under statutes repealed or under any rule, regulation or order adopted
6 under the statutes. Repealers contained in this Act shall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

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

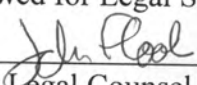
Prefiled: 1/18/17

Date: 1/18/17

Introduced By:


Rep. Angel A. Demapan

Reviewed for Legal Sufficiency by:


House Legal Counsel