

**Twentieth Northern Marianas Commonwealth Legislature**

**IN THE HOUSE OF REPRESENTATIVES**

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Session, 2017

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H. B. 20- **25**

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**A BILL FOR AN ACT**

To prohibit the selling and exporting of copper wire; and for other purposes.

**BE IT ENACTED BY THE TWENTIETH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:**

1           **Section 1. Short Title.** This Act shall be cited as the “Copper Wire Theft  
2 Control Act of 2017”.

3           **Section 2. Findings and Purpose.** The Legislature finds that copper wire  
4 theft has been a huge problem in the CNMI for decades and continues to escalate  
5 and grow. Copper wire theft negatively affects our government, businesses, and  
6 residents and has cost the CNMI millions of dollars. The pursuit of copper has  
7 become so common that even copper candle holders at cemeteries are being  
8 stolen. Once copper wire is stolen, the material becomes virtually untraceable and  
9 impossible to retrieve as stolen copper wire has no ID tags or serial numbers that  
10 can make them identifiable like other stolen goods.

11           The Legislature also finds that the street lights for the Beach Road  
12 pathway were previously inoperative due to copper wire theft. In an effort to  
13 revitalize Beach Road’s street lights, Marianas Visitors Authority invested over

1 \$711,000 to once again have lights along the pathway at night. Before the project  
2 could even be completed, copper wire thieves stole approximately 1,360 feet of  
3 copper wire, and there was a second attempt only two weeks later. It would be  
4 safe to assume there will be future attempts and if copper wire thieves are  
5 successful, we will see a dark pathway once again.

6 The Legislature further finds that upon obtaining their newly-stolen copper  
7 wire, the responsible individuals often sell them not only to legitimate recycling  
8 companies but to non-licensed individuals who export and ship it off to foreign  
9 countries. The Legislature also finds that according to the National Conference of  
10 State Legislatures (NCSL), 33 states have enacted laws regarding the regulation of  
11 scrap metal (inclusive of copper) sales and theft as of December 2008. As of  
12 2013, the total number has increased to 49 states regulating scrap metal theft and  
13 transactions. Other countries such as the Bahamas have banned the exporting of  
14 copper wire theft to eliminate the demand for stolen copper wire. If copper wire  
15 can't be exported, then the demand for it is significantly diminished, if not  
16 eliminated. Therefore, this bill aims reduce copper wire demand and theft by  
17 prohibiting the selling and the exportation of copper wire.

18 **Section 3. Enactment.** Notwithstanding any laws or regulations to the  
19 contrary and subject to proper codification by the CNMI Law Revision  
20 Commission, the following new provisions are hereby enacted:

21 **“§101. Definitions.**

1           “Copper Wire” means copper wire used as an electrical conductor  
2 for power generation, power transmission, telecommunications,  
3 electronics circuitry, and electrical equipment.

4           “Person” and “Persons” means any individual, corporation,  
5 association, business trust, company, joint venture company, or limited  
6 liability company.

7           “Sale” and “Selling” means the transfer of copper wire, including  
8 what was previously sold, in accordance with applicable law by any person  
9 and/or persons not authorized by law to effectuate said transfer.

10           **§102. Prohibition of Selling and Exporting of Copper Wire.**

11           Notwithstanding any laws, provisions, or statutes to the contrary,  
12 no person shall sell and/or export copper wire as defined by §101.

13           **§103. Enforcement Authority.**

14           The Department of Public Safety in collaboration with the Office  
15 of the Attorney General and the Division of Customs shall be responsible  
16 for the enforcement of this Act.

17           **§104. Penalty.**

18           Any person in violation of §102 shall be subject to a fine of not  
19 less than \$5,000 and/or imprisonment for not less than one year.”

20           **Section 4. Severability.** If any provisions of this Act or the application  
21 of 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.

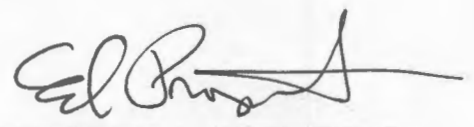
3       **Section 5. Savings Clause.** This Act and any repealer contained herein  
4 shall not be construed as affecting any existing right acquired under contract or  
5 acquired under statutes repealed or under any rule, regulation, or order adopted  
6 under the statutes. Repealers contained in this Act shall not affect any proceeding  
7 instituted under or pursuant to prior law. The enactment of the 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 on the date this Act becomes effective.

10       **Section 6. Effective Date.** This Act shall take effect upon its approval by  
11 the Governor, or its becoming law without such approval.

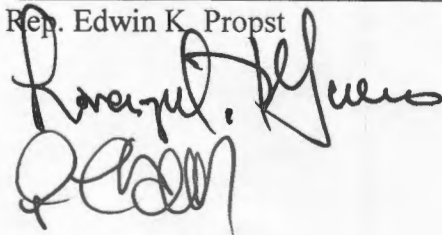
Prefiled: 1/27/17

Date: 1/27/17

Introduced By:



Rep. Edwin K. Propst



Reviewed for Legal Sufficiency by:

Jay D. Jayin  
House Legal Counsel