

**Twentieth Northern Marianas Commonwealth Legislature**

**IN THE HOUSE OF REPRESENTATIVES**

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Regular Session, 2017

H. B. 20-34

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**A BILL FOR AN ACT**

To repeal in part Section 3 of Public Law No. 19-42 and revive former 6 CMC § 2222(e) and its associated definitions.

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

1           **Section 1. Short Title.** This Act may be cited to as the “Handgun  
2 Prohibition Revival Act.”

3           **Section 2. Findings and Purpose.** The Legislature finds that the handgun  
4 prohibition in former 6 CMC § 2222(e) better protected the public safety, and  
5 better accorded with the wishes of the people of the Commonwealth, than does the  
6 SAFE Act, Public Law No. 19-42, which repealed that prohibition. The  
7 Legislature further finds that it did not intend, in repealing 6 CMC § 2222(e), to  
8 endorse the ruling of the District Court in the *Radich* case, or to moot any appeal  
9 from that ruling, but only to conform to the prevailing judicial construction while  
10 it remained in force. In fact, the Legislature strongly disagrees with the ruling in  
11 *Radich*, disputes its premise that the Covenant extends the *Heller* and *McDonald*  
12 decisions to the CNMI, and is hopeful that it will be reviewed and overturned on  
13 appeal, and former law returned to force. The Legislature therefore finds that

1 former 6 CMC § 2222(e) (together with its associated definitions) ought now to  
2 be revived and reinstated in its entirety, so as to be ready to be enforced as soon as  
3 there is no controlling judicial decision blocking its implementation. It is the  
4 purpose of this Act to provide for such revival.

5 **Section 3. Repeal and Revival.** Section 3 of Public Law No. 19-42,  
6 insofar as it repealed 6 CMC § 2222(e), 6 CMC § 102(a), and 6 CMC § 102(m), is  
7 hereby repealed, and the aforesaid sections are hereby revived, and the penalties  
8 prescribed in 6 CMC § 10309(c) shall be applicable to violations thereof;  
9 provided, however, that such sections shall become effective only upon the  
10 judgment of the District Court for the Northern Mariana Islands in *Radich v.*  
11 *Guerrero*, D.N.M.I. Civ. No. 14-20, being vacated, reversed, stayed, overruled,  
12 superseded, or in any other way rendered without immediate binding force.

13 **Section 4. Severability.** If any provisions of this Act or the application of  
14 any such provision to any person or circumstance should be held invalid by a  
15 court of competent jurisdiction, the remainder of this Act or the application of its  
16 provisions to persons or circumstances other than those to which it is held invalid  
17 shall not be affected thereby.

18 **Section 5. Savings Clause.** This Act and any repealer contained herein  
19 shall not be construed as affecting any existing right acquired under contract or  
20 acquired under statutes repealed or under any rule, regulation, or order adopted  
21 under the statutes. Repealers contained in this Act shall not affect any proceeding  
22 instituted under or pursuant to prior law. The enactment of the Act shall not have

1 the effect of terminating, or in any way modifying, any liability, civil or criminal,  
2 which shall already be in existence on the date this Act becomes effective.  
3 Provided further that this provision shall not operate to permit or authorize the  
4 possession or ownership of any handgun, automatic weapon, or ammunition  
5 prohibited by this Act.

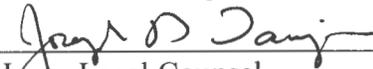
6 **Section 6. Effective Date.** This Act shall take effect upon its approval by  
7 the Governor, or its becoming law without such approval.

Prefiled: 1/30/17

Date: 1/30/17

Introduced by:   
/s/ Rep. Vinson F. Sablan

Reviewed for Legal Sufficiency by:

  
House Legal Counsel

