



The Senate
NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. BOX 500129
SAIPAN, MP 96950

STANDING COMMITTEE REPORT NO. 24- 80
Date: March 18, 2026
RE: Senate Bill No. 24-53

Honorable Karl R. King-Nabors
President of the Senate
Twenty-Fourth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mister President:

Your Committee on Judiciary, Government and Law, to which was referred Senate Bill No. 24-53, entitled:

"To prohibit the Office of the Attorney General from issuing criminal investigative subpoenas or adopting regulations to issue investigative subpoenas unless explicitly authorized by CNMI Law or a CNMI Judicial Officer; and for other purposes."

begs leave to report as follows:

I. RECOMMENDATION:

After considerable discussion and deliberation, your Committee recommends passage of Senate Bill No. 24-53 in its current form.

II. ANALYSIS:

A) Purpose:

The purpose of Senate Bill No. 24-53 is to prohibit the Office of the Attorney General from issuing criminal investigative subpoenas or adopting related regulations unless explicitly authorized by CNMI law or approved by a judicial officer, thereby preserving constitutional limits, maintaining checks and balances, and protecting individual rights within the criminal justice process.

B) Committee Findings:

Your Committee finds that the Office of the Attorney General (OAG) proposed regulations published in the Commonwealth Register on October 15, 2025 that would establish procedures for issuing and enforcing criminal investigative subpoenas based on a claimed inherent and constitutional authority. Your Committee finds that neither NMI Const. art. III, § 11 nor 1 CMC §§ 2153 and 2156 explicitly grant the Attorney General the power to issue such subpoenas, and that existing statutory authority for subpoenas is limited to consumer protection matters under 4 CMC § 5115, with regulatory authority under 4 CMC § 5119. Your Committee further finds that similar authority was previously proposed in House Bill 23-22 but was not enacted into law due to opposition, which can be cited in CNMI Supreme Court precedent indicating that the Attorney General's prosecutorial power is not absolute. Accordingly, the proposed legislation prohibits the Attorney General from issuing criminal investigative subpoenas or adopting related regulations unless expressly authorized by CNMI law or approved by a judicial officer, thereby preserving constitutional checks and balances and ensuring that compulsory process in criminal investigations remains subject to judicial oversight.

Your Committee met on March 18, 2026 to discuss the provisions of the proposed legislation. During discussion, it was expressed that the proposed legislation seeks to strengthen judicial oversight and protect individual rights by ensuring that all criminal investigations include appropriate safeguards, thereby promoting fairness and preventing potential abuse within the judicial process. Therefore, no member objected to the passage of Senate Bill No. 24-53 in its current form.

C) Legislative History:

Senate Bill No. 24-53 was formally introduced by Senator Karl R. King-Nabors on November 25, 2025. On December 16, 2025 Senate Bill No. 24-53 was referred to the Senate Standing Committee on Judiciary, Government and Law for disposition.

D) Public Hearing and Comment:

1. Public Hearing. No public hearing was scheduled for Senate Bill No. 24-53. However, a committee meeting, which is open to the public, was held to receive written and oral testimonies on any proposed legislation appearing on the agenda. See below for further details.
2. Committee Meeting. The proposed legislation made its first appearance during the scheduled committee meeting on March 18, 2026, in which your Committee deliberated on the provisions stated in the proposed legislation and the comments provided to the Committee for review.

The respective Committee Meeting notices and agendas were officially posted on various legislative forums and social media sites in accordance with the Open

Government Act to invite members of the general public to provide comments as indicated under Item No. III. Public Comment of the Committee Agenda. During the committee meetings, no public comments were provided on the proposed legislation.

3. Written Comment. To date, the status of comments received from the following government agencies are as follows:

1. Honorable Edward E. Manibusan, Attorney General for the Commonwealth of the Northern Mariana Islands, *letter dated January 26, 2026*
2. Douglas W. Hartig, NMI Public Defender, CNMI Office of the Public Defender, *letter dated January 30, 2026*
3. Honorable Alexandro C. Castro, Chief Justice, Supreme Court of the Commonwealth of the Northern Mariana Islands, *letter dated February 02, 2026*

E) Estimated Fiscal Cost:

The enactment of Senate Bill No. 24-53 will not result in additional costs to the CNMI government as it primarily establishes legal limitations on the Office of the Attorney General's authority to issue criminal investigative subpoenas and clarifies that such authority must be expressly granted by CNMI law or a judicial officer. The measure does not create new programs, staffing requirements, or appropriations.

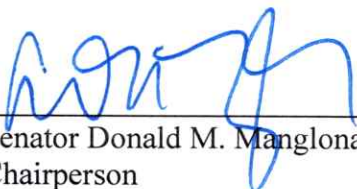
F) Summary of Committee Amendments:

Your Committee agreed that no further amendments were needed.

III. CONCLUSION:

Your Committee agrees with the intent and purpose of the proposed legislation and recommends the passage of Senate Bill No. 24-53 in its current form.

Respectfully submitted,

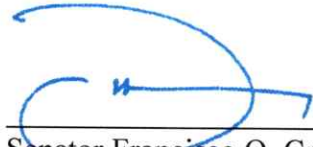


Senator Donald M. Manglona
Chairperson

Senator Manny Gregory T. Castro
Vice Chairperson

Senator Celina R. Babauta
Member

Senator Ronnie M. Calvo
Member

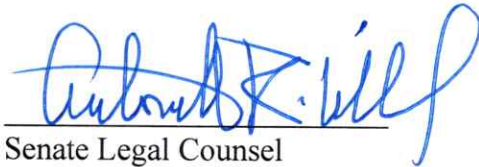


Senator Francisco Q. Cruz
Member



Senator Jude U. Hofschneider
Member

Reviewed by:



Senate Legal Counsel

Attachments:

- Honorable Edward E. Manibusan, Attorney General for the Commonwealth of the Northern Mariana Islands, *letter dated January 26, 2026*
- Douglas W. Hartig, NMI Public Defender, CNMI Office of the Public Defender, *letter dated January 30, 2026*
- Honorable Alexandro C. Castro, Chief Justice, Supreme Court of the Commonwealth of the Northern Mariana Islands, *letter dated February 02, 2026*

TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND REGULAR SESSION, 2025

S.B. NO. 24-53

A BILL FOR AN ACT

To prohibit the Office of the Attorney General from issuing criminal investigative subpoenas or adopting regulations to issue investigative subpoenas unless explicitly authorized by CNMI Law or a CNMI Judicial Officer; and for other purposes.

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

1 **Section 1. Findings and Purpose.** The Legislature finds that the Office of the
2 Attorney General (OAG) published a “Public Notice of Proposed Regulations Regarding
3 the Use of the Investigative Subpoenas by the Office of the Attorney General” in the
4 Commonwealth Register on October 15, 2025. Pursuant to 1 CMC § 9104, public
5 comments must be submitted to the OAG within 30 days of the date of publication and
6 would become effective 10 days after adoption and publication in the Commonwealth
7 Register.

8 The Legislature further finds that as stated in the OAG proposed “Criminal
9 Investigative Subpoena Regulations” Section § 001-101, the purpose of these regulations
10 is to “implement the independent, constitutional authority of the Attorney General of the
11 Commonwealth of the Northern Mariana Islands (CNMI) to prosecute violations of
12 criminal law, which includes the authority to investigate and evaluate each case before
13 making a charging decision. As part of that authority to investigate, the Attorney General
14 has inherent power to issue investigative subpoenas. These regulations establish the
15 process for issuing and enforcing investigative subpoenas.” *See* Proposed 47 Com. Reg.
16 052967, 052673 (Oct. 15, 2025). The OAG further stated in Section § 001.102 that “these
17 regulations are promulgated by the Attorney General under the authority granted by CNMI
18 Const. art. III, § 11, 1 CMC § 2153 & 2156, 4 CMC § 5119, and the CNMI Administrative
19 Procedure Act. *Id.*

1 The Legislature finds that, contrary to the OAG's declaration of authority under
2 Section § 001.102 of its proposed regulations, NMI Const. art. III, § 11 does not explicitly
3 or otherwise grant the OAG with any power to issue investigative subpoenas. The relevant
4 provision in § 11 provides that "[t]he Attorney General shall be the Chief Legal Officer of
5 the Commonwealth government and shall be responsible for providing legal advice to the
6 governor and executive departments (including public corporations and autonomous
7 agencies), representing the Commonwealth in all legal matters, and prosecuting violations
8 of Commonwealth law." A plain reading of the excerpt above indicates that there is no
9 explicit language granting the Attorney General with the "power to issue criminal
10 investigative subpoenas" in any part or subsection of Art. III, § 11. Moreover, Art. III, §
11 11 does not include any language granting the Attorney General with "inherent powers" as
12 claimed in the proposed criminal investigative subpoena regulations. On the contrary, the
13 CNMI Supreme Court in the case *In re San Nicholas*, 2013 MP 8 (Jun. 28, 2013) opined
14 that the power of the Attorney General to prosecute is not absolute. *Id.* at ¶ 13.

15 The Legislature finds that in addition to the limited powers granted to the Attorney
16 General in NMI Const. art. III, § 11, the Attorney General is also conferred statutory
17 authority set forth at 1 CMC §§ 2153, which enumerates the powers and duties of the
18 Attorney General, but does not explicitly mention, include, or list the power to issue
19 criminal investigative subpoenas. Moreover, 1 CMC § 2156, which lists the duties of the
20 OAG Consumer Counsel, further does not include the power to issue criminal investigative
21 subpoenas. However, in order to accomplish the objectives and to carry out the duties
22 prescribed by the Consumer Protection Act set forth at 4 CMC § 5101 *et seq.*, 4 CMC §
23 5115 explicitly gives the OAG Consumer Counsel the authority to issue subpoenas only in
24 consumer protection cases. The Consumer Counsel with the concurrence of the Attorney
25 General may promulgate regulations to carry out the purposes of the Consumer Protection
26 Act pursuant to 4 CMC § 5119.

27 The Legislature further finds that the concept of granting the Attorney General
28 statutory authority to issue general criminal investigative subpoenas was introduced in the

1 23rd CNMI Legislature through House Bill 23-22, which was passed by the House of
2 Representatives. House Bill 23-22 failed to pass in the Senate due to oral and written
3 opposition by numerous private criminal law attorneys, the CNMI Office of the Public
4 Defender, and the members of the public. Therefore, it is alarming that the Attorney
5 General who is the "Chief Legal Officer of the Commonwealth Government" would ignore
6 that fact that House Bill 23-22 was not enacted into law and attempt to establish AGO
7 criminal investigative subpoena powers through regulations pursuant to authority that is
8 not explicitly or otherwise granted to the Attorney General in NMI Const. art. III, § 11, 1
9 CMC §§ 2153 and 2156, and 4 CMC § 5119. Until such time that the NMI Constitution is
10 amended or a CNMI law is enacted to grant the Attorney General with the explicit power
11 to issue general criminal investigative subpoenas, the Attorney General must continue with
12 the current system of constitutional checks and balances practice of compelling the
13 testimony of witnesses or production of documents with probable cause reviewed by a
14 judicial officer. Accordingly, the purpose of this legislation is to prohibit the Attorney
15 General from issuing criminal investigative subpoenas or adopting applicable regulations
16 unless explicitly authorized by CNMI law or a CNMI judicial officer.

17 **Section 2. Amendment.** Title 1, Division 2, Part 1, Chapter 3, Article 1 of the
18 Commonwealth Code is hereby amended by adding a new section 2158 to read as follows:

19 **"§ 2158. Prohibition of Use of Criminal Investigative Subpoena unless**
20 **explicitly authorized by CNMI Law or a CNMI Judicial Officer.**

21 (a) Except as provided in 4 CMC § 5116, the Attorney General shall not
22 issue any criminal investigative subpoena or adopt regulations authorizing such
23 criminal investigative subpoenas unless explicitly authorized by CNMI law or a
24 CNMI Judicial Officer.

25 (b) Any regulation adopted to authorize criminal investigative subpoenas
26 without express authorization by CNMI law shall be null and void, and
27 unenforceable against any person."

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

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

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

Date: 11/25/25

Introduced By: /s/
Sen. Karl R. King-Nabors

Reviewed for Legal Sufficiency by:

/s/ Antonette R. Villagomez
Senate Legal Counsel



Commonwealth of the Northern Mariana Islands Office of the Attorney General

2nd Floor Hon. Juan A. Sablan Memorial Bldg.
Caller Box 10007, Capitol Hill
Saipan, MP 96950

EDWARD MANIBUSAN
Attorney General

VIA EMAIL: sen.dmanglona@gmail.com

January 26, 2026

OAGSEN: 2026-008

Hon. Donald M. Manglona
Chairperson, Senate Standing Committee on
Judiciary, Government, and Law
The Senate
24th Northern Marianas Commonwealth Legislature
Saipan, MP 96950

Re: Senate Bill No. 24-53: "To prohibit the Office of the Attorney General from issuing criminal investigative subpoenas or adopting regulations to issue investigative subpoenas unless explicitly authorized by CNMI law or CNMI Judicial Officer; and for other purposes."

Dear Chairperson Manglona:

The Senate Standing Committee on Judiciary, Government and Law has requested comment on S.B. 24-53, which would prohibit the Attorney General from issuing criminal investigative subpoenas or promulgating regulations on that subject without approval of CNMI law or by the judiciary. The Attorney General opposes the bill as unconstitutional and hereby submits the following comments.

For many years, the CNMI judiciary recognized, through policy, an investigative subpoena power in Attorney General criminal matters and supported the process by accepting applications for investigative subpoenas and issuing them through the Clerk of the Court. However, effective February 8, 2024, without any notice, hearing, or explanation, the Presiding Judge of the Superior Court issued a "directive" to the Clerk to cease issuing subpoenas absent a "cause number". That directive effectively prevented the Clerk from continuing to accept investigative subpoena applications.

Recognizing that the Legislature has some authority over criminal procedure matters, the Attorney General supported H.B. 23-22 as a detailed *procedure* for seeking investigative subpoenas through the judiciary. That bill passed the House after a recommendation for passage by the House Standing Committee on Judiciary and Government Operations. (See the following link:

[https://cnmileg.net/documents/files/23RD%20COMMITTEE%20REPORTS/SCR23-012%20\(HB%2023-22\).pdf](https://cnmileg.net/documents/files/23RD%20COMMITTEE%20REPORTS/SCR23-012%20(HB%2023-22).pdf).)

The Senate Standing Committee on Judiciary, Government and Law also recommended passage. However, the Senate refused to vote on the bill's merits and, instead, by a divided vote, withdrew the report and returned the bill to the Senate committee, where no further action was taken.

Given this gap, the Office of the Attorney General exercised constitutional and independent authority to promulgate regulations establishing a *procedure* for issuing investigative subpoenas. The Commonwealth Register published the regulations, related public comments, and explained in detail the constitutional authority for investigative subpoena *power*. 48 Comm. Reg. No 1 (January 15, 2026). At every opportunity, the Attorney General has sought to preserve the power to issue investigative subpoenas as a critical tool for carrying out the duty to prosecute criminal cases. The

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Criminal Division
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Facsimile: (670) 234-7016

Attorney General Investigation Division
Telephone: (670) 237-7628
Facsimile: (670) 234-7016

Victim Witness Advocacy Unit
Telephone: (670) 237-7602
Facsimile: (670) 234-7016

regulations simply provide a *procedure* that describes HOW something is done, not whether it CAN be done. As noted in the explanation, a reasonable procedure could be established by policy, regulation, statute, court rule or case law.

The CNMI Constitution establishes an *independent* and *elected* Attorney General, who serves as Chief Legal Officer and is responsible for providing legal advice to the executive branch, "and prosecuting violations of Commonwealth law." CNMI Const. art. III, § 11. The prosecution of criminal matters necessarily includes investigation and exercise of discretion in deciding whether to charge individuals with criminal offenses. Investigation must include the authority to issue subpoenas for persons and things relevant to a criminal case.

An excellent discussion of the ethical and constitutional duties of a prosecutor before formal charges, including the authority to investigate by subpoena, is found in *People v. Nohren*, 283 Ill. App. 3d 753 (1996). The discussion concludes: "If the State's Attorney did not have such investigative power, it would lead to the perverse result that the State must formally charge an individual prior to investigating the factual basis for the charge." *Id.* at 759.

In a case involving the subpoena power of the Inspector General (IG) when seeking records from CNMI officials, the late Judge Munson likewise stated, "To grant the IG the authority to conduct audits without the administrative subpoena power necessary to obtain data in the absence of CNMI voluntary compliance would make the auditing power illusory. An express provision permitting the Inspector General to have access to records to perform an audit is unnecessary because legislative grants of power carry the right to use means and instrumentalities necessary and beneficial to exercise that power." *U.S. ex. Rel. Richards v. De Leon Guerrero*, 1992 WL 321010 (D.N. Mar. I. 1992).

The Legislature may not block a constitutionally empowered prosecution duty of the Attorney General by failing to establish or denying a *procedure* for properly exercising that *power* through investigative subpoenas. Indeed, the investigative subpoena process is universally recognized in American jurisdictions as part of the core power for criminal prosecution. The Senate appears to understand that principle, as it has previously approved a subpoena process for numerous government agencies. Indeed, the Legislature itself has a subpoena process established for its own investigative functions and has used it effectively to hold public officials accountable. That makes the Senate's resistance to investigative subpoena power somewhat mysterious but no less unconstitutional.

The Attorney General welcomes the Legislature to set aside political posturing and participate in the establishment of a reasonable process for the application and issuance of investigative subpoenas. Surely there is common ground for the principle that good government includes effective oversight by investigation. We should work together for an effective prosecution system that protects the people of the Commonwealth of the Northern Mariana Islands from crime and corruption.

I am available to discuss further the issues raised in SB 24-53. Please feel free to contact me at (670) 237-7500 or email at attorney_general@cnmioag.org.

Sincerely,



EDWARD MANIBUSAN
Attorney General

cc: All Members, The Senate



**Office of the Public Defender
Commonwealth of the Northern Mariana Islands**

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Sen. Donald M. Manglona
Senate Standing Committee on Judiciary,
Government, and Law
Twenty-Fourth Northern Marianas Commonwealth Legislature

Re: **SB 24-53**

January 30, 2026

Dear Sen. Manglona,

I am writing to you to comment on S.B. 24-53. Thank you for this opportunity. The Public Defender's Office supports this legislation.

The subpoena regulations the OAG has promulgated is beyond the scope of its constitutional powers, violates the separation of powers doctrine and is a power grab taking authority that belongs to the legislature.

In its Findings and Purpose of Senate Bill 24-53, the Legislature correctly finds that the NMI Const. art. III, § 11 does not grant the OAG the power to issue investigative subpoenas. The NMI Constitution does not include any "inherent powers" to issue investigative subpoenas. The powers and duties of the OAG are set forth in NMI Const. art. III §11 and 1 CMC §2153. None of this expansive authority includes the issuing of investigative subpoenas.

If fact, as sighted in the Findings and Purpose, CNMI Supreme Court in the case of *In re San Nicholas*, 2013 MP 8 (Jun. 28, 2013) found that the power of the Attorney General to prosecute is not absolute. *Id.* at ¶ 13. Subpoenas are issued under court oversight and rightfully so.

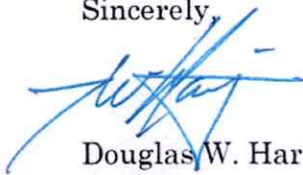
I share in the legislature's concern that it is disturbing the OAG would discount the legislature's intent in rejecting a statute with a similar purpose and attempt to subvert that intent with a regulation. It is essential that the AGO only obtain that authority which the legislature grants within the confines of its own

constitutional authority. An agency should not be allowed to expand its own authority beyond what the constitution allow and the legislature intends.

The current system of checks and balances requiring statements of witnesses or production of documents with review by a judge should remain as is because it complies with the CNMI and Federal Constitutions. Judicial oversight is essential in maintaining civil rights guaranteed to the people of the CNMI.

I appreciate you and this committee giving me the opportunity to submit these brief comments. If I can be of any further service, please allow me to do so.

Sincerely,



Douglas W. Hartig
NMI Public Defender

Concurring:

Victorino Torres	Joaquin Torres	Bruce Berline	Viola Alepuyo
Attorney at Law	Attorney at Law	Attorney at Law	Attorney at Law

Robert Torres	Charity Hodson	Michael Evangelista	David Banes
Attorney at Law	Attorney at Law	Attorney at Law	Attorney at Law

Janet King	Richard Milier	Steven Pixley
Attorney at Law	Attorney at Law	Attorney at Law



The
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NORTHERN MARIANA ISLANDS

SUPREME COURT

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ALEXANDRO C. CASTRO
Chief Justice
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February 2, 2026

The Honorable Donald M. Manglona
Chairman, Senate Standing Committee on Judiciary, Government, and Law
Twenty-Fourth Northern Marianas Commonwealth Legislature
Saipan, MP 96950

Re: Judiciary Comments on House Bill No. 24-59 and Senate Bills 24-37, 24-53, and 24-55

Dear Chairman Manglona:

We write in response to your letter requesting for comments on House Bill No. 24-59 and Senate Bills 24-37, 24-53, and 24-55. Keeping with past practice, the Judiciary will submit comments or recommendations on proposed legislation that affects the functions and operations of the third branch of government. Here, as House Bill No. 24-59 and Senate Bills 24-53 and 24-55 affect the substance of the law, the Judiciary will refrain from commenting on these bills. Additionally, the Judiciary fully supports the passage of Senate Bill No. 24-37 which will amend the authority for compliance officers to staff treatment programs in the Judiciary.

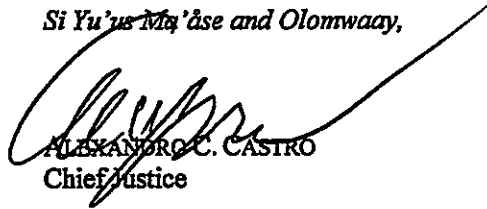
Through the passage of Senate Bill No. 24-37, the Judiciary will be better equipped to serve participants in its existing treatment court programs, as well as future programs. Due to the success of the Drug Court program and Mental Health Court Docket, the Judiciary foresees the expansion of additional treatment courts that continue to focus on alternative, evidence-based practices. Because of the nature of treatment court programs, there is a strong need for close supervision of participants. Close supervision supports a treatment court participant's progress by providing early intervention and deterring non-compliant behavior. In the course of delivering these services, compliance officers sometimes encounter potentially dangerous situations. The establishment of statutory authority for compliance officers to serve as law enforcement officers will significantly enhance the effectiveness of these programs by providing the authority to carry firearms and make arrests as required by law. For these reasons, the Judiciary supports the passage of Senate Bill No. 24-37.

At this time, the Judiciary would also like to note its support for House Bill No. 24-39, which aims to "establish Treatment Program Enforcement Officers within the Judiciary to carry out enforcement, supervision, and monitoring functions essential to the success of court-supervised treatment programs, and to ensure that these officers are fully recognized as law enforcement personnel under Commonwealth law." While Senate Bill No. 24-37 and House Bill No. 24-39 ultimately aim to achieve the same outcome of better equipping treatment court officers, the Judiciary prefers the structure of House Bill No. 24-39 as it better aligns with the organizational needs of the Judiciary.

Thank you for your time and attention to these matters. We look forward to continuing to work with your office on matters affecting the Judiciary in this 24th Commonwealth Legislature.

Letter to Senate Chairman Donald M. Manglona
February 2, 2026
Page 2 of 2

Si Yu'us Ma'ase and Olomwaay,



ALEXANDER C. CASTRO
Chief Justice

cc: Associate Justice John A. Manglona
Associate Justice Perry B. Inos
Presiding Judge Roberto C. Naraja
Associate Judge Kenneth L. Govendo
Associate Judge Joseph N. Camacho
Associate Judge Teresa K. Kim-Tenorio
Associate Judge Lillian A. Tenorio