GOV. COMM: 24-190
(HOUSE)

David M. Apatang
Governor

Dennis James C. Mendiola
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

September 9, 2026 **GOV2026-566**

The Honorable Diego Vincent F. Camacho
Acting Speaker, House of Representatives
Twenty-Fourth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

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

RECEIVED BY
DATE 9/10/2026 TIME 11:50A

OFFICE OF THE SPEAKER
RECEIVED
BY: Che'
DATE: 9/9/26
TIME: 2:06pm
CNMI LEGISLATURE

Dear Mr. Acting Speaker and Mr. President:

This is to inform you that I have vetoed **House Bill No. 24-43, HD1,** entitled "To create a New Criminal Offense for Desecration, Theft, or Attempted Sale of Stolen Memorials, Historical or Cultural Sites, and Property," which was passed by the Twenty-Fourth Northern Marianas Commonwealth Legislature.

I applaud the intent to strengthen protection of historical and cultural sites in the Commonwealth from theft and vandalism. However, as noted by the Attorney General, the bill as drafted presents a number of problems.

Rather than incorporating damage to historic and cultural sites as an aggravating factor into existing crimes of theft, vandalism, hate crime, etc., the bill creates a brand-new offense with quite severe mandatory minimum penalties for certain conduct, and inconsistent or unclear definition of certain elements of the offense, including an undefined Mens rea.

Accordingly, I urge the Legislature to revise this legislation to address the concerns identified by the Attorney General.

I respectfully exercise my constitutional authority to veto this Bill.

Sincerely,

DAVID M. APATANG
Governor

cc: Lieutenant Governor; Attorney General; Commonwealth Law Revision Commission; Department of Community and Cultural Affairs; Acting Special Assistant for Administration Programs and Legislative Review

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

Review of Pending Legislation[1]

September 2, 2026

OAGGOV: 2026-049
LSR No. 26-436

Hon. David M. Apatang
Governor
Commonwealth of the Northern Mariana Islands
Caller Box 10007
Saipan, MP 96950

Re: House Bill No. 24-43, HD1, "To Create a New Criminal Offense for Desecration, Theft, or Attempted Sale of Stolen Memorials, Historical or Cultural Sites, and Property."

Dear Governor Apatang:

Thank you for the opportunity to review and comment on House Bill No. 24-43, HD1, which is pending for your action.

I have read and reviewed the above-stated legislation and advise as follows:

_____ The Bill MAY BE SIGNED – no legal deficiency

_____ FURTHER CONSIDERATION IS ADVISED

__X__ **The Bill SHOULD NOT BE SIGNED**

House Bill 24-43, HD1:

This bill establishes a new criminal offense for discretion and theft of property at public sites.

Legislative history. H.B. 24-43 was introduced in the House by Rep. Ogo on August 31, 2025. The House Speaker referred the bill to the Committee on Judiciary and Governmental Operation. On November 6, 2025, the House Committee, after receiving substantial written and verbal testimony on the bill, amended the bill and recommended adoption by the House. See SCR 24-38; H.B. 24-43, HD1. On November 6, 2025, the House passed the bill as amended. The bill was then sent to the Senate.

[1] The information contained in this document is legally privileged and confidential information intended only for the use of the individual or entity named herein. If the reader of this document is not the intended recipient, you are notified that any dissemination, distribution or copy of this document is strictly prohibited. If you have received this document in error, please immediately notify the Office of the Attorney General by telephone and return the original document to the above address via the US Postal Service. Thank you.

The Senate President referred the House bill to the Committee on Judiciary, Government and Law. On August 14, 2026, the Senate Committee recommended adoption without change by the Senate. See SCR 24-84. On August 14, 2026, the Senate passed the bill as amended by the House.

The Legislature, unsatisfied with the current penal laws punishing damage to and loss of public memorials, created a new offense with a much more serious punishment range. Section 2 of the bill, combining several existing crimes into a new one, titled the offense as "Desecration, Theft, or Attempted Sale of Stolen Memorials, Historical or Cultural Sites, and Property." While the object of this bill (protection of significant cultural sites) is appropriate, the language of the bill creates numerous confusing legal challenges and contradictions.

Current crimes. The current Penal Code already defines the following offenses:

Theft, 6 CMC § 1601;

Theft By Unlawful Taking or Disposition, 6 CMC § 1602;

Receiving Stolen Property, 6 CMC § 1606;

Criminal Mischief, 6 CMC § 1803; and

Vandalism, 6 CMC § 1805; 6 CMC § 103(x).

In addition, the Penal Code already defines a hate crime and the related punishment. 6 CMC §§ 401-03.

In addition, the current Penal Code already describes how to apply principal versus accessory after the fact status and applies inchoate crimes. 6 CMC §§ 201-02; 6 CMC §§ 301-04 (attempts, solicitation, conspiracy, and associated penalties).

Normally, a Legislature would rely upon existing crimes and enhance the punishment for a subset of each of these offenses by adding specific language to each of the offenses, identifying the target (e.g., cultural sites) of the offense as deserving of additional punishment. However, the Legislature instead chose to combine the various crimes into various methods of committing a new, single offense. That approach is quite uncommon and creates substantial confusion.

New offense. In defining the new offense, the bill begins by describing "property" as monuments, statues, busts, plaques, structures, ancestral stones, lusongs (ancestral mortar stones), signage, or other ancestral objects, materials and artifacts that are significant to a historical and cultural identities and sites. Presumably, this list is the property that is supposed to be protected by the new offense. However, the bill fails to reference with consistency the definition when listing "property" and, instead, repeats a different list of certain objects for each separate description of the new offense. This approach renders the definition of property confusing and subject to legal challenge. In addition, the Penal Code already has a separate definition of property, which will add more confusion. 6 CMC § 103(h) (property); see also 6 CMC § 103(i) (property of another).

The bill then provides various methods of committing this new crime without referencing any definitions of the internal elements of each method:

- "Damage, deface, destroy, or desecrate", which is essentially criminal mischief or vandalism, see, e.g., 6 CMC § 1803 (criminal mischief) and 6 CMC § 1805 (vandalism);

- "Steal, remove, or unlawfully possess", which is essentially theft, see, e.g., 6 CMC § 1601;
- "Tamper, paint, spray, urinate on, or defile", which is essentially criminal mischief or vandalism, see, e.g., 6 CMC § 1803 (criminal mischief) and 6 CMC § 1805 (vandalism);
- "Attempt to sell", which does not state an actual crime, as attempting to sell something is not inherently unlawful in the absence of establishing that the thing being sold was stolen;
- "Unlawful possession", which is essentially theft, 6 CMC § 1606 (receiving stolen property);
- "Aid, abet, or conspire", which are essentially already covered in the liability section of the Penal Code, see 6 CMC § 201.

By failing to reference these existing offenses and definitions, the bill introduces uncertainty and requires litigation to establish the meaning to each of these methods of committing the overall new crime.

The bill then clarifies that the new offense only applies to certain objects on certain "sites", although the application of the term "sites" is not uniformly applied to each method of the new offense. Proof of the existence of those sites presumably requires external evidence from different organizations.

Punishment. The bill provides for a confinement range of 5 to 15 years in prison. The bill also provides for a fine of $25,000 to $100,000. Notably, the bill fails to explain whether the confinement and fine are to be combined ("and") or whether a judge could impose just one of them ("or"). By failing to specify this, the punishment range is subject to legal challenge. See 6 CMC § 4101 (providing for discretion to impose a fine "unless a fine is elsewhere prescribed by law").

The bill also provides for mandatory confinement of 15 years if the offense involves certain "aggravating circumstances", which include, for example, "international memorials" or "commercial intent".

As to confinement, the punishment range is far above the range applied for similar conduct under the incorporated offenses, which largely apply misdemeanor punishment ranges.[2] While the Legislature may impose reasonable punishment ranges, a punishment that is grossly disproportionate to the offense may be subject to constitutional challenge. *Commonwealth v. Yu Qun*, 2016 MP 19 (discussing application of the 8th Amendment of U.S. Constitution to disproportionate confinement).

As an example, the mere theft of a single object from an international memorial would require a mandatory punishment of 15 years in prison. Such a crime under normal circumstances would likely be punished as a misdemeanor, involving at best a maximum punishment of confinement for one year. Such substantial differences in punishment would likely be subject to legal challenge.

In addition, the bill fails to define numerous new terms. For example, there is no definition of "hate", "malice", "commercial intent", or "cultural and historical significance". Without clear definitions, a court will be left to apply unclear meanings that will create confusion.

Finally, the bill fails to apply a mental state to the new offense. See *Commonwealth v. Camacho*, 2019 MP 2 (reversing conviction because trial court failed to consider the correct mental state when the statute was silent on the issue). This gap in the law will again lead to legal challenges and delayed litigation.

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[2] In a letter to the House Committee, the Executive Director of the NMI Museum found "the penalty provision to be somewhat severe" and recommended the Committee "revise the penalty clauses to better reflect the nature of the violation." See letter attached to SCR 24-38.

Conclusion:

The Legislature has chosen a noble goal in seeking to provide additional protection of sensitive cultural sites from damage or loss. However, the application of more serious punishments should have taken place within current existing crimes (e.g., theft, criminal mischief, and vandalism) and within current existing hate crime laws. By duplicating and expanding these existing crimes into a new, more complex single crime, the Legislature has raised serious legal concerns that likely will result in substantial litigation rather than speedy and successful prosecution.

The Governor should veto this bill and encourage the Legislature to draft a bill that better addresses the concerns raised in the findings and purpose of H.B. 24-43, HD1.

I am available to discuss further at your convenience. Please feel free to contact me at 237-7500 or email at attorney_general@cnmioag.org.

Sincerely,

EDWARD MANIBUSAN
Attorney General

HOUSE OF REPRESENTATIVES

TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

Vice Speaker Jesus P. Mafnas Memorial Building
Capitol Hill
Saipan, MP 96950
cnmileg.net

August 25, 2026

The Honorable David M. Apatang
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Apatang:

I have the honor of transmitting herewith for your action **H. B. No. 24-43, HD1,** entitled, "To create a new criminal offense for Desecration, Theft, or Attempted Sale of Stolen Memorials, Historical or Cultural Sites, and Property.", which was passed by the House of Representatives and the Senate of the Twenty-Fourth Northern Marianas Commonwealth Legislature.

Sincerely yours,

Linda B. Muña, MPA
House Clerk

Attachment

OFFICE OF THE GOVERNOR
RECEIVED
By: SAPLR
Date: 8/25/26
Time: 1:50pm
PROGRAMS AND LEGISLATIVE REVIEW

TWENTY-FOURTH NORTHERN MARIANA COMMONWEALTH LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

FIFTH SPECIAL SESSION

JULY 31, 2025

REPRESENTATIVE JULIE M. A. OGO OF ROTA, PRECINCT 7 (*for herself,* Representatives Vincent R. Aldan, Roman C. Benavente, Angelo A. Camacho, Joseph A. Flores, Marissa R. Flores, and Ralph N. Yumul) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 24-43, HD1
AN ACT

TO CREATE A NEW CRIMINAL OFFENSE FOR DESECRATION, THEFT, OR ATTEMPTED SALE OF STOLEN MEMORIALS, HISTORICAL OR CULTURAL SITES, AND PROPERTY.

IN THE HOUSE OF REPRESENTATIVES

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 24-38; adopted 11/6/2025.

THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON FIRST AND FINAL READING, NOVEMBER 6, 2025; *with amendments* in the form of H. B. No. 24-43, HD1 and transmitted to **THE SENATE.**

IN THE SENATE

The Bill was referred to the Senate Committee on Judiciary, Government, and Law, which submitted Standing Committee Report 24-84; adopted 8/14/2026.
THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, AUGUST 14, 2026; *without amendments* and returned to **THE HOUSE OF REPRESENTATIVES.**

H. B. NO. 24-43, HD1 IS DULY PASSED BY THE TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE.

Linda B. Muña, House Clerk

TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

SEVENTH DAY, SECOND REGULAR SESSION

NOVEMBER 6, 2025

H. B. NO. 24-43, HD1

AN ACT

TO CREATE A NEW CRIMINAL OFFENSE FOR DESECRATION, THEFT, OR ATTEMPTED SALE OF STOLEN MEMORIALS, HISTORICAL OR CULTURAL SITES, AND PROPERTY.

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

SECTION 1. FINDINGS AND PURPOSE.

Sites of remembrance, reconciliation, and cultural identity—such as public memorials, historic landmarks, commemorative structures, and cultural structures—hold deep meaning for the people of the Commonwealth and for visitors who share in our history. These places are not only local heritage sites; they are enduring symbols of peace, sacrifice, resilience, perseverance, and international goodwill. The recent theft and vandalism of the Korean Peace Memorial bust of Mr. Yong Taek Lee—a revered representation of friendship between the CNMI and the Republic of Korea—and other similar acts at historical or tourist sites are not merely property crimes. They are acts of desecration that diminish the Marianas' standing as a safe and respectful

place—one that honors the sacrifices made here and the relationships those sites were built to represent.

In its current form, the CNMI's general vandalism statute—6 CMC § 1805—fails to capture the distinct and compounded harm caused when memorials or culturally significant sites are defiled. While the statute criminalizes property damage, it draws no distinction between routine vandalism—such as graffiti or minor destruction, and acts of disrespect and malice—and the desecration of structures that carry ceremonial, symbolic, or local and international importance. This lack of legal recognition leaves prosecutors and courts without the tools to reflect the full gravity of such acts. As a result, the Commonwealth's ability to deter these offenses and respond meaningfully remains limited.

The lack of a specific legal remedy—one that goes beyond merely prosecuting property damage—weakens deterrence and leaves culturally and historically significant sites vulnerable to repeat offenses. When such acts go unpunished or are treated as routine vandalism, the message conveyed is one of indifference. Without a legal distinction that captures the true nature of these violations, we cannot fully confront or correct the harm they cause.

Enactment of this "full force" legislation empowers the Commonwealth to respond decisively to acts that target the sites most sacred to our shared identity. By establishing a distinct criminal offense, imposing enhanced penalties, and requiring full restitution, this Act ensures that such violations are no longer treated as minor offenses. The Legislature affirms that cultural, memorials, and historical sites deserve not only preservation, but protection rooted in principle—protection that addresses not just the physical damage, but the broader harm these offenses inflict on the image of our islands and our people. These crimes of desecration shall be met with the full force of the law.

SECTION. 2. ENACTMENT.

Title 6, Division 1, Crimes Against Person and Property, Part 2. Crimes Against Property, Chapter 3. Other Property Offenses of the Commonwealth

Code is hereby amended by adding the following new section 1806, titled, "Desecration, Theft, or Attempted Sale of Stolen Memorials, Historical or Cultural Sites, and Property" that provides as follows:

"§ 1806. Desecration, Theft, or Attempted Sale of Stolen Memorials, Historical or Cultural Sites, and Property.

Definitions.

Property: Monuments, statues, busts, plaques, structures, ancestral latte stones, lusongs (ancestral mortar stone), signages, or other ancestral objects, materials and artifacts that are significant to a historical and cultural identities and sites.

(a) *Offense.* A person commits the offense of Desecration, Theft, or Attempted Sale of Stolen Memorials, Historical or Cultural Sites, and property if they knowingly or intentionally:

(1) Damage, deface, destroy, or desecrate any monument, statue, bust, plaque, structure, ancestral latte stone, lusong (ancestral mortar stone), or signage located at or designated as a memorial, cultural or historical site;

(2) Steal, remove, or unlawfully possess any component of a memorial, cultural or historical site, including ancestral latte stone, lusong (ancestral mortar stone), statues, sacred items, markers, or artifacts;

(3) Tamper with, paint, spray, urinate on, or defile any portion of such site or property;

(4) Attempt to sell any ancestral latte stone, lusong (ancestral mortar stone), regardless of locality of finding (public or private land);

(5) Unlawful possession ancestral artifacts and other materials that hold cultural significance;

(6) Attempt to sell any monument, statue, bust, plaque, structure, or signage stolen from a site designated as a memorial, cultural or

historical. This includes ancestral objects, artifacts and other materials that hold cultural and historical significance;

(7) Aid, abet, or conspire in the commission of any such act.

(b) *Designated Protected Sites.* This section shall apply to:

(1) Sites registered by the CNMI Historic Preservation Office;

(2) Sites designated by local or municipal governments as war memorials or cultural heritage locations;

(3) Sites established or recognized in partnership with foreign governments or international peace organizations.

(c) *Penalty.* Any person convicted under this section shall be guilty of a felony and shall be sentenced to:

(1) Imprisonment for not less than five (5) years and up to fifteen (15) years;

(2) A fine of not less than $25,000 and not more than $100,000;

(3) Mandatory full restitution, including the cost of repair, replacement, or recovery of stolen or damaged property;

(4) A written and public apology to the community and any affected international partner or donor;

(5) Four hundred (400) hours of community service, preferably focused on cultural preservation, site restoration, or public education.

(d) *Aggravating Circumstances.* The court shall impose the maximum sentence under this section if:

(1) The offense involves international memorials or symbols of reconciliation;

(2) The act causes permanent or irreparable damage;

(3) The offense was committed with hate, malice, or commercial intent;

(4) The offender has a prior conviction under this section.

(e) *Juvenile Offenders.* For offenders under the age of eighteen (18):

(1) The minor shall be subject to court-ordered rehabilitative cultural education, in addition to restitution and community service;

(2) Parent(s) or legal guardian(s) shall be jointly liable for restitution.

SECTION 3. ENACTMENT.

Subject to codification by the CNMI Law Revision Commission, the following provision shall be enacted into law:

"101. Public Education and Protection.

The Historic Preservation Office, in coordination with the Department of Public Safety and the Marianas Visitors Authority, shall:

(a) Post signage at all memorial and historical sites clearly stating penalties for Title 6 section 1806;

(b) Implement a public awareness campaign to educate residents and tourists about the importance of respecting CNMI heritage;"

SECTION 4. SEVERABILITY.

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

SECTION 5. SAVINGS CLAUSE.

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

SECTION 6. EFFECTIVE DATE.

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

Attested to by: _____
Linda B. Muña, House Clerk

Certified by: _____
SPEAKER EDMUND S. VILLAGOMEZ
House of Representatives
24th Northern Marianas Commonwealth Legislature

Disapproved this 9th day of September, 2026

_____
DAVID M. APATANG
Governor
Commonwealth of the Northern Mariana Islands

HOUSE OF REPRESENTATIVES

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE
P.O. BOX 500586
SAIPAN, MP 96950

TRANSMITTAL SLIP

FROM: House Clerk's Office
(670) 664-8848/8856

TO: OFFICE OF THE GOVERNOR
c/o Office of Special Assistant for Programs and Legislative Review (**SAPLR**)

Acknowledges transmittal of:

H. B. NO. 24-43, HD1: TO CREATE A NEW CRIMINAL OFFENSE FOR DESECRATION, THEFT, OR ATTEMPTED SALE OF STOLEN MEMORIALS, HISTORICAL OR CULTURAL SITES, AND PROPERTY.

Delivered by: Wilbrandon Reyes
(Print & Sign)

RECEIVED BY: SAPLR
(Print & Sign)

DATE: 8/25/26

TIME: 1:50 pm