

TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2025

H. B. 24-25

A BILL FOR AN ACT

To establish mandatory consecutive sentencing for repeat felony offenders on probation or parole, and to ensure consistent application of sentencing laws.

**BE IT ENACTED BY THE 24TH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** The Legislature finds that public safety
2 and trust in the criminal justice system are undermined when individuals with
3 repeated felony convictions continue to reoffend, even after being granted
4 opportunities for rehabilitation through probation or parole.

5 Under the existing legal framework, a person convicted of a felony may
6 receive a suspended execution of sentence under 6 CMC § 4105 or a suspended
7 imposition of sentence under 6 CMC § 4113, and be placed on probation. If such
8 individuals violate the terms of their probation, courts retain discretion to revoke or
9 modify the suspended sentence. In cases where a new offense is committed, a
10 portion of the suspended sentence may be reimposed, and the court retains
11 discretion to determine whether the prior and new sentences run concurrently or
12 consecutively. Similarly, parolees who commit new offenses during their term of

1 supervision may be subject to new criminal charges, but the original sentence for
2 which parole was granted is not automatically reimposed and may be served
3 concurrently with the new sentence.

4 The Legislature finds that this discretionary model is insufficient to deter
5 habitual offenders, particularly where it allows individuals with multiple felony
6 convictions to face fragmented or lenient sentencing outcomes. This contributes to
7 a public perception that the criminal justice system fails to impose meaningful or
8 escalating consequences for repeat criminal behavior. In cases where a person
9 commits a third or subsequent felony while on probation or parole for a second or
10 subsequent felony, the potential for rehabilitation is significantly diminished, and
11 the need for accountability and public protection becomes more urgent.

12 To address this concern, and to enhance public confidence in the criminal
13 justice system, the Legislature finds it necessary to strengthen sentencing
14 requirements for repeat felony offenders. This Act establishes a mandatory
15 framework under which, upon a third felony conviction—when the offender was
16 on probation or parole for a second or later felony at the time the new offense was
17 committed—the court must reimpose the full suspended sentence from the prior
18 conviction and order it to be served consecutively to the sentence for the new
19 felony. This Act amends 6 CMC § 4105 to reflect this mandate and provides a
20 definition of “felony conviction” consistent with existing sentencing law, excluding
21 convictions for which the individual was unconditionally discharged more than ten

1 years prior to the commission of the new offense.

2 Additionally, this Act amends 6 CMC § 4104 to require that courts inform
3 defendants that a future felony committed while under probation or parole for a
4 prior felony will result in the full reimposition of the prior sentence, to be served
5 consecutively. It also amends 6 CMC § 4284 to ensure that the same rule applies
6 when the individual is on parole instead of probation. Further, the Act amends 6
7 CMC § 4113 to provide that where a defendant on probation under a suspended
8 imposition of sentence for a second or subsequent felony is convicted of a new
9 felony, the court must impose a sentence for the prior offense and require that it be
10 served consecutively to the new sentence.

11 To ensure internal consistency within the affected provisions, this Act also
12 includes a technical amendment to 6 CMC § 4113(i) to correct a citation to a cross-
13 referenced statute and to clarify that, in cases where probation is revoked for
14 noncompliance with conditions such as payment of restitution or participation in
15 counseling, the court may impose sentencing as described in subsections (f) and
16 (g). Currently, subsection (i) references subsection (e), which is unrelated to
17 sentencing.

18 Last, to avoid any ambiguity regarding the scope of this Act, the Legislature
19 clarifies that the enhanced sentencing provisions shall apply only to felony offenses
20 committed on or after the effective date of this Act. However, prior felony
21 convictions, regardless of when they occurred, may be used to trigger the

1 sentencing provisions of this Act, provided they meet the statutory criteria—such
2 as falling within the ten-year lookback period and qualifying as felonies under
3 Commonwealth law or their equivalent in another jurisdiction. This ensures the
4 Act’s application is prospective while honoring its deterrent and accountability
5 objectives.

6 Through these targeted amendments, this Act ensures that repeat felony
7 offenders face clear and predictable consequences for continued criminal behavior.
8 By eliminating judicial discretion to impose concurrent sentences in the context of
9 third felony convictions committed while under supervised release, the Act
10 reinforces the seriousness of committing multiple criminal offenses, promotes
11 accountability, and supports the integrity of the sentencing, probation, and parole
12 systems. In doing so, this Act protects public safety, deters recidivism, and restores
13 public confidence in the fairness and consistency of the Commonwealth’s criminal
14 justice system.

15 **Section 2. Amendment.** Section 4104 of Chapter 1, Division 4, Title 6 of
16 the Commonwealth Code is hereby amended to add subsection (f) to read as
17 follows:

18 “(f) The sentencing court shall inform the defendant that should the
19 defendant be convicted of a new felony offense while on probation or
20 parole for a second or subsequent felony conviction, the entire
21 suspended sentence from the prior conviction shall be reimposed and

1 served consecutively pursuant to 6 CMC §§ 4105(i), 4113(h), and
2 4284(b).”

3 **Section 3. Amendment.** Sections 4105(a) and (i) of Chapter 1, Division 4,
4 Title 6 of the Commonwealth Code are hereby amended to read as follows:

5 **“§ 4105. Alternative Sentence: Probation and Suspension of Execution**
6 **of Sentence.**

7 (a) Except as restricted by a specific provision of a section of this title,
8 subsection (i) herein, or by 6 CMC § 4102, the court may suspend or
9 modify all or part of a sentence and order probation or other sentencing
10 where that action is deemed to be in the best interests of justice, and may
11 reimpose all or part of the suspended sentence upon violation of the
12 terms of the suspension. Probation may be limited to one or more
13 counts, but in the absence of express limitation, shall extend to the entire
14 sentence or judgment.

15 [. . .]

16 (i) A judgment of conviction on a new criminal charge based on conduct
17 which occurred during the period of probation shall be conclusive proof
18 that a violation of the probation has occurred. If the conviction results
19 in the defendant having three or more felony convictions, and the
20 defendant was on probation or parole for a second or later felony
21 conviction at the time the offense was committed, the court, after

1 satisfying the procedural requirements stated in subsection (i)(3), shall
2 order the entire suspended portion of the sentence from the prior
3 conviction to be reimposed and served consecutively to the sentence
4 imposed for the new offense. ~~Some portion of a suspended sentence~~
5 ~~revoked for a violation of law occurring during the period of probation~~
6 ~~shall be consecutive to any sentence imposed for the violation of law.~~
7 The sentencing court shall clearly state for the record that the full term
8 of the previously suspended sentence is to run consecutively and shall
9 not be served concurrently with any other sentence. ~~what portion of the~~
10 ~~revoked time is consecutive, and what portion is concurrent, if any, to~~
11 ~~time imposed for a subsequent violation of law. The court shall grant~~
12 ~~credit for any time the defendant has already served in custody that is~~
13 ~~specifically attributable to the suspended sentence being reimposed.~~
14 (1) For the purposes of this subsection (i), “felony conviction” means a
15 conviction in this or another jurisdiction for an offense having
16 elements similar to those of a felony under Commonwealth law at
17 the time the offense was committed. A prior felony conviction shall
18 not be considered if ten or more years have passed between the
19 defendant’s unconditional discharge from all sentence-related
20 obligations for that offense, including probation and parole, and the

1 commission of the present offense.

2 (2) For purposes of this subsection (i), “unconditional discharge” means
3 full release from all components of a criminal sentence, including
4 imprisonment, probation, parole, or any other term of supervision,
5 such that the person is no longer subject to any sentence-related
6 condition.

7 (3) If the court is required to reimpose a sentence pursuant to subsection
8 (i), the court shall first provide the defendant an opportunity to be
9 heard on the record regarding whether the statutory criteria for
10 reimposition have been met, including but not limited to: whether
11 the prior conviction qualifies as a felony conviction, whether the
12 defendant was on probation or parole for a second or subsequent
13 felony at the time of the new offense, and whether ten or more years
14 have elapsed between the unconditional discharge from the prior
15 conviction and the commission of the new offense. The defendant
16 shall have the right to counsel at this proceeding. The court shall
17 make express findings on the record as to each applicable criterion
18 prior to ordering that the prior sentence be reimposed and served
19 consecutively.

20 [. . .].”

1 **Section 4. Amendment.** Sections 4113(a), (h), and (i) of Article 3, Chapter
2 2, Division 4, Title 6 of the Commonwealth Code are hereby amended to read as
3 follows:

4 “**§ 4113. Alternative Sentence: Probation and Suspension of Imposition**
5 **of Sentence.**

6 (a) Except as restricted by a specific provision of a section of this Title or
7 subsection (h) herein, upon entering a judgment of conviction of any
8 offense under this title not punishable by life imprisonment, the court,
9 when satisfied that the ends of justice and the best interests of the public
10 as well as the probationer will be served, may suspend the imposition
11 of sentence upon the terms and conditions which the court determines
12 and may direct that the suspension continue for a period of time, not to
13 exceed:

14 (1) Three years from the date suspended imposition is granted, or the
15 probationer is released from any period of incarceration imposed
16 as a special condition of probation, whichever is greater, upon
17 conviction for any misdemeanor; and

18 (2) Ten years from the date suspended imposition is granted, or the
19 probationer is released from any period of incarceration imposed
20 as a special condition of probation, whichever is greater, upon
21 conviction for any felony.

1 The court shall place the person on probation, under the charge and
2 supervision of the Office of Adult Probation during the suspension.

3 [. . .]

4 (h) A judgment of conviction on a new criminal charge based on conduct
5 which occurred during the period of probation shall be conclusive
6 proof that a violation of the probation has occurred. If the conviction
7 results in the defendant having three or more felony convictions, and
8 the defendant was on probation under this section for a second or later
9 felony conviction at the time the offense was committed, the court shall
10 enter a conviction of record for the offense previously subject to
11 suspended imposition and shall impose any sentence that could have
12 been lawfully imposed at the time of conviction. Some portion of any
13 Any sentence imposed on the conviction for which the probationer was
14 originally granted suspended imposition shall be served consecutively
15 to any sentence imposed for the subsequent conviction. The court shall
16 grant credit for any time the defendant has already served in custody
17 for the offense that was originally subject to suspended imposition. For
18 purposes of this subsection, "felony conviction" and "unconditional
19 discharge" shall have the same meanings as set forth in 6 CMC
20 §§ 4105(i)(1)–(2).

1 (1) If the court, pursuant to subsection (h) above, is required to impose
2 any sentence that could have been lawfully imposed at the time of
3 conviction, the court shall first provide the defendant an
4 opportunity to be heard on the record regarding whether the
5 statutory criteria for sentencing imposition have been met,
6 including but not limited to: whether the prior conviction qualifies
7 as a felony conviction, whether the defendant was on probation or
8 parole for a second or subsequent felony at the time of the new
9 offense, and whether ten or more years have elapsed between the
10 unconditional discharge from the prior conviction and the
11 commission of the new offense. The defendant shall have the right
12 to counsel at this proceeding. The court shall make express findings
13 on the record as to each applicable criterion prior to ordering that a
14 sentence may be imposed and served consecutively.

15 (2) When a probation violation is established by a judgment of
16 conviction on a new criminal charge, no additional adjudication of
17 the violation is required. However, before imposing sentence for
18 the offense previously subject to suspended imposition, the court
19 shall conduct a sentencing hearing at which the defendant shall
20 have the right to be represented by counsel, to be heard in
21 mitigation, to present relevant evidence, and to make a personal

1 statement to the court. The court shall determine and pronounce
2 sentence in open court, stating its reasons on the record.

3 (i) If the court finds a violation of probation based on the probationer's
4 failure to perform any special condition of probation, pay restitution,
5 fees or fines, participate in counseling, or perform community work
6 service, a conviction of record shall enter, and the court may impose
7 sentence as described in §§ 4113~~(e)(f)-(g)~~, and may, in addition,
8 extend the period of probation up to the maximum period allowable by
9 law for the crime for which the probationer was granted suspended
10 imposition, in order to ensure compliance with the conditions
11 originally imposed. Before finding a violation of probation based on
12 the failure to pay restitution, fees, or fines, the Court must find by a
13 preponderance of the evidence that the probationer has made no efforts
14 to pay and has the ability to do so.

15 [. . .].”

16 **Section 5. Amendment.** Section 4284 of Article 3, Chapter 2, Division 4,
17 Title 6 of the Commonwealth Code is hereby to read as follows:

18 “§ 4284. **Condition of Parole.**

19 (a) Parole supervision fees shall be imposed as an additional condition of
20 parole, in accordance with the provisions of this Act which shall be

1 applicable to all parolees, including those currently on parole
2 supervision.

3 (b) If a parolee is convicted of a new felony offense committed during the
4 period of parole supervision, and the conviction results in the parolee
5 having three or more felony convictions, then parole shall be revoked
6 by operation of law for the prior conviction. The court shall order that
7 the parolee serve the entire remaining unserved term of imprisonment
8 from the prior conviction, which shall be served consecutively to the
9 sentence for the new felony. The court shall grant credit for any time
10 the defendant has already served in custody that is specifically
11 attributable to the sentence for the prior conviction. For purposes of
12 this subsection, "felony conviction" and "unconditional discharge"
13 shall have the same meanings as set forth in 6 CMC §§ 4105(i)(1)–(2)."

14 **Section 6. Severability.** If any provisions of this Act or the application of
15 any such provision to any person or circumstance should be held invalid by a court
16 of competent jurisdiction, the remainder of this Act or the application of its
17 provisions to persons or circumstances other than those to which it is held invalid
18 shall not be affected thereby.

19 **Section 7. Savings Clause.** This Act and any repealer contained herein
20 shall not be construed as affecting any existing right acquired under contract or
21 acquired under statutes repealed or under any rule, regulation, or order adopted

1 under the statutes. Repealers contained in this Act shall not affect any proceeding
2 instituted under or pursuant to prior law. The enactment of the Act shall not have
3 the effect of terminating, or in any way modifying, any liability, civil or criminal,
4 which shall already be in existence on the date this Act becomes effective.

5 **Section 8. Effective Date.** This Act shall take effect upon its approval by
6 the Governor, or it becoming law without such approval. The provisions of this Act
7 shall apply to any felony offense committed on or after the effective date of this
8 Act, regardless of the date of any prior felony convictions, provided that such prior
9 convictions satisfy the criteria set forth in this Act, including the requirement that
10 fewer than ten years have passed between the individual's unconditional discharge
11 from all sentence-related obligations for the prior offense and the commission of
12 the new felony. This Act shall not apply to offenses committed before its effective
13 date.

Prefiled: 4/16/2025

Date: _____

Introduced by: _____

Rep. Daniel I. Aquino Jr.

Reviewed for legal sufficiency by:

[Signature]
House Legal Counsel

Date: 4/15/25

[Signature]
[Signature]