

**TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH  
LEGISLATURE**

**IN THE HOUSE OF REPRESENTATIVES**

\_\_\_\_\_, 2025

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SESSION, 2025

H. B. 24- 28

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**A BILL FOR AN ACT**

To establish a grand jury system in the Commonwealth for use in criminal investigations and prosecutions, and to provide for related powers and procedures.

**BE IT ENACTED BY THE 24<sup>TH</sup> NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE:**

1           **Section 1. Findings and Purpose.** The Legislature finds that the  
2 Commonwealth lacks a formal statutory mechanism for compelling testimony and  
3 the production of documents during the investigative stage of a criminal case. This  
4 limitation hampers the ability of the Office of the Attorney General (OAG) to fully  
5 investigate serious crimes, including complex financial crimes, public corruption,  
6 and organized criminal activity. Without the ability to issue subpoenas prior to  
7 charging decisions, investigations may stall or rely solely on voluntary cooperation,  
8 which can hinder effective law enforcement and public accountability.

9           Under current Commonwealth law and practice, criminal prosecutions are  
10 initiated by the Attorney General through the filing of a criminal complaint or  
11 information, followed by a preliminary examination in the Superior Court to  
12 determine probable cause. The Commonwealth does not presently employ a grand  
13 jury system, and there is no statutory authority for the OAG to compel testimony

1 or documents in aid of a criminal investigation unless charges have already been  
2 filed. In contrast, most U.S. jurisdictions use grand juries both as investigative  
3 bodies with subpoena authority and as decision-making bodies for determining  
4 whether to return indictments.

5 To address this gap and strengthen the Commonwealth’s criminal justice  
6 system, this Act establishes a grand jury process as an optional investigative and  
7 charging mechanism. This Act also empowers the Superior Court to impanel grand  
8 juries upon the request of the Attorney General and authorizes grand juries to issue  
9 subpoenas, hear testimony, and return indictments—also known as “True Bills”—  
10 where probable cause exists. Use of the grand jury is discretionary and does not  
11 displace or limit the Attorney General’s authority to proceed by criminal complaint  
12 or information under existing law.

13 Grand jury proceedings under this Act are investigatory and non-adversarial  
14 in nature, and the accused and their legal counsel do not participate in or attend  
15 these proceedings. This structure is consistent with established practice in other  
16 jurisdictions, where grand juries serve to assess whether charges should be brought,  
17 not to determine guilt or innocence. The right to confront witnesses and present a  
18 defense is preserved in any subsequent prosecution, where full due process  
19 protections apply.

20 Thus, this Act is intended to enhance the investigative tools available to the  
21 Office of the Attorney General, ensure proper oversight of charging decisions

1 through citizen participation, and safeguard the rights of individuals through  
2 procedural protections and judicial review. By incorporating a grand jury process  
3 into the Commonwealth’s legal framework, the Legislature aims to promote  
4 effective and transparent criminal investigations while maintaining flexibility in  
5 how prosecutions are initiated.

6 **Section 2. Enactment.** Chapter 10 of Division 6, Title 6 of the  
7 Commonwealth Code is hereby enacted to read as follows:

8 **“Chapter 10. Grand Jury**

9 **§ 61001. Definitions.**

10 As used in this Chapter:

11 (a) “Attorney General” means the Attorney General of the Commonwealth  
12 of the Northern Mariana Islands, or any Assistant Attorney General,  
13 investigator, or legal representative acting under the Attorney General’s  
14 authority in connection with a grand jury proceeding.

15 (b) “Foreperson” means the member of the grand jury appointed by the  
16 Superior Court to preside over the grand jury’s proceedings, administer  
17 oaths, and sign indictments. The term includes the deputy foreperson in  
18 the absence or incapacity of the foreperson.

19 (c) “Grand jury” means a body of citizens impaneled by the Commonwealth  
20 Superior Court to conduct criminal investigations and determine whether  
21 to return indictments.

- 1 (d) “Grand jury investigation” means any investigation conducted under the  
2 authority of a grand jury, whether initiated by the grand jury itself or  
3 presented to it by the Attorney General.
- 4 (e) “Indictment” means a formal written accusation returned by a grand  
5 jury, charging a person with one or more criminal offenses based on a  
6 finding of probable cause. An indictment may also be referred to as a  
7 “True Bill.”
- 8 (f) “No True Bill” means a formal determination by a grand jury that the  
9 evidence presented does not establish probable cause to indict a person  
10 for a criminal offense under investigation. A No True Bill is not an  
11 acquittal, a finding of innocence, or a final judgment, and it does not  
12 prevent the Attorney General from pursuing prosecution through other  
13 lawful means.
- 14 (g) “Subpoena” means a legal order issued in the name of the  
15 Commonwealth Superior Court, directing a person to appear before the  
16 grand jury to testify or to produce specified documents, records, or other  
17 evidence.
- 18 (h) “Target of the investigation” means a person as to whom the grand jury  
19 or Attorney General has substantial evidence linking them to the  
20 commission of a criminal offense and who is likely to be the subject of  
21 an indictment.

1 (i) “Witness” means any person who is subpoenaed or otherwise called to  
2 appear before the grand jury to provide testimony or evidence.

3 **§ 61002. Grand Jury Establishment and Composition.**

4 (a) A grand jury is hereby established as an instrumentality of the  
5 Commonwealth Superior Court for the purpose of conducting criminal  
6 investigations and considering whether to issue indictments. The  
7 Superior Court shall impanel a grand jury when requested by the  
8 Attorney General. The Attorney General’s request to impanel a grand  
9 jury shall be made in writing to the Superior Court and shall include a  
10 general description of the subject matter to be investigated. The request  
11 need not identify specific individuals or allegations, but must provide  
12 sufficient detail to establish the nature and scope of the investigation. The  
13 court may file the request under seal to preserve grand jury secrecy. The  
14 decision to utilize a grand jury for purposes of indictment shall be at the  
15 discretion of the Attorney General, and nothing in this Chapter shall be  
16 construed to require the use of a grand jury as the exclusive method for  
17 initiating criminal prosecutions.

18 (b) A grand jury shall consist of not fewer than 16 and not more than 23  
19 jurors, drawn at random from the same pool of eligible citizens used for  
20 trial juries in the Commonwealth. To the extent practicable, the grand  
21 jury should represent a fair cross-section of the community. All grand

1 jurors must meet the qualifications for jurors under Commonwealth law.  
2 The Court may also select a reasonable number of alternate grand jurors,  
3 who will attend all sessions and replace any juror who is unable to  
4 continue.

5 (c) A grand jury shall serve for a term not to exceed six (6) months, unless  
6 an extension of up to an additional six months is approved by the  
7 Presiding Judge upon a showing of continuing investigative need. The  
8 grand jury may be discharged earlier by the Court once its business is  
9 concluded or if the Attorney General and the Court find that its  
10 continuation is no longer in the public interest.

11 **§ 61003. Grand Jury Proceedings and Powers.**

12 (a) Grand jurors shall be sworn to diligently inquire into crimes committed  
13 within the Commonwealth and to keep secret the proceedings of the  
14 grand jury. The court shall appoint one of the jurors as the foreperson  
15 and another as deputy foreperson. The foreperson or deputy foreperson  
16 will preside over grand jury sessions and may administer oaths to  
17 witnesses.

18 (b) A majority of the total grand jurors, not including alternates, constitutes  
19 a quorum to conduct business. An affirmative vote of at least 12 grand  
20 jurors is required to return an indictment (a "True Bill"). If fewer than 12  
21 grand jurors concur, the result is no indictment (a "No True Bill").

1 (c) The grand jury is empowered to issue subpoenas to compel the  
2 attendance and testimony of witnesses, as well as the production of  
3 documents, records, and other physical evidence relevant to any matter  
4 within its investigation. Subpoenas shall be issued in the name of the  
5 Commonwealth Superior Court and may be initiated in one of two ways:  
6 (1) Ex parte, at the request of the Attorney General, without prior vote of  
7 the grand jury, provided the subpoena relates to a matter within the  
8 scope of the grand jury's investigation; or  
9 (2) Upon the vote of a majority of the grand jurors, based on their own  
10 deliberations or concerns.

11 (d) All subpoenas must describe with reasonable particularity the testimony,  
12 documents, or objects sought, and must state the date, time, and location  
13 for compliance. Each subpoena shall inform the witness of their right to  
14 consult an attorney and to invoke applicable privileges. Each subpoena  
15 shall also contain a brief general description of the subject matter of the  
16 grand jury's investigation, sufficient to allow the recipient to understand  
17 the nature of the inquiry and to assert any legal objections or privileges.  
18 This description shall not disclose the identity of any target of the  
19 investigation unless necessary. All subpoenas shall bear the signature of  
20 either the grand jury foreperson or an authorized prosecutor and shall  
21 clearly indicate that they are issued in connection with a grand jury

1 investigation.

2 (e) The Attorney General may, without prior vote of the grand jury, apply  
3 ex parte to the Superior Court for judicial approval of a subpoena. Upon  
4 approval by a judge, the clerk of court shall issue the subpoena under seal  
5 of the court. When a subpoena is issued without a prior vote of the grand  
6 jury, the Attorney General shall notify the grand jury of the subpoena's  
7 issuance at the next session of the grand jury. The grand jury shall retain  
8 the authority, by majority vote, to disapprove and revoke any subpoena  
9 issued at the Attorney General's request that was not previously voted on  
10 by the grand jury. A subpoena disapproved or revoked by the grand jury  
11 may not be enforced or further relied upon, and the Attorney General  
12 shall take reasonable steps to withdraw or suspend its effect if already  
13 served.

14 (f) A grand jury subpoena may be served by any police officer, investigator  
15 of the OAG, or other person authorized to serve process, who is not a  
16 grand juror and is at least 18 years of age. Service may be made anywhere  
17 within the Commonwealth of the Northern Mariana Islands. The service  
18 shall be effected by delivering a copy of the subpoena to the person  
19 named, or to a proper agent or officer if the recipient is an entity, and  
20 informing them of the general nature of the inquiry. The person serving  
21 the subpoena shall tender any witness fee or other obligation required by

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1 law at the time of service, unless such payment is waived or deferred  
2 pursuant to law or court rule. Proof of service shall be filed with the court  
3 by the server, noting the date, time, and manner of service.

4 (g) Grand jury proceedings shall be conducted in secret. Only the following  
5 persons may be present in the grand jury room during sessions: grand  
6 jurors; the Attorney General or designated prosecutors and their  
7 necessary assistants; interpreters, if needed; a court reporter or recording  
8 technician as authorized by the Attorney General or the Court for the  
9 purpose of making a record of proceedings; and the testifying witness.  
10 No person under investigation may be present in the grand jury room  
11 except when called to testify as a witness. A witness who is called to  
12 testify may consult with their counsel outside the grand jury room.  
13 Prosecutors may present evidence, examine witnesses, and provide legal  
14 opinions to the grand jurors on matters of law. A verbatim record, such  
15 as a transcript or audio recording, of grand jury witness testimony and  
16 any instructions on the law shall be maintained under seal, accessible  
17 only to the prosecutors, the court, or later to the defendant, if required by  
18 law for purposes of discovery, impeachment, or as otherwise authorized  
19 by the court upon a showing of particularized need. Grand jurors and all  
20 persons present must maintain the secrecy of the proceedings. Any  
21 person who violates grand jury secrecy without authorization may be

1           punished for contempt of court or as otherwise provided by law.

2           (h) The grand jury is not authorized to issue public reports, statements,  
3           findings, or recommendations. Its authority is limited to conducting  
4           investigations and determining whether to return an indictment.

5           **§ 61004. Witness Rights, Immunities, and Privileges.**

6           (a) Any witness appearing before the grand jury shall be examined under  
7           oath and must answer all questions and produce all evidence lawfully  
8           demanded by the grand jury, except where a valid privilege or  
9           constitutional protection applies. Witnesses are entitled to all privileges  
10          guaranteed by Commonwealth and federal law, including, but not limited  
11          to, the privilege against self-incrimination under the Fifth Amendment  
12          of the U.S. Constitution and Article I, Section 5 of the CNMI  
13          Constitution, attorney-client privilege, spousal privilege, and any other  
14          established privilege. Nothing in this Chapter shall be construed to  
15          abrogate any legal privilege or to compel a witness to incriminate  
16          themselves without proper safeguards.

17          (b) If a witness asserts the privilege against self-incrimination, the grand  
18          jury and the Attorney General shall not compel the witness to testify,  
19          unless the Attorney General requests and obtains a court order granting  
20          immunity to that witness. Upon request of the Attorney General, the  
21          Commonwealth Superior Court may issue an order conferring immunity,

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1 as provided by law, to compel the testimony of a witness who has  
2 invoked the right against self-incrimination. Such an order shall  
3 guarantee that no testimony or other information directly or indirectly  
4 derived from that testimony can be used against the witness in any  
5 criminal case, except a prosecution for perjury or false statements  
6 committed during the testimony. Once immunity is granted, the witness  
7 is required to answer the grand jury's questions. Refusal to testify after  
8 immunity is granted may be punished as contempt.

9 (c) A witness subpoenaed to testify may consult with an attorney prior to  
10 testifying and may have an attorney available during their grand jury  
11 appearance. Although counsel for the witness may not be present inside  
12 the grand jury room during testimony, the witness may, at reasonable  
13 intervals, be excused from the grand jury room to consult with legal  
14 counsel. If the witness cannot afford counsel and is a target of the  
15 investigation, the court may appoint counsel for the witness for the  
16 limited purpose of advising on self-incrimination issues, consistent with  
17 the witness's constitutional rights.

18 **§ 61005. Motions to Quash or Modify Subpoena; Challenge to Grand**  
19 **Jury Composition.**

20 (a) Any person or entity receiving a grand jury subpoena may, before the  
21 return date specified, file a motion in the Commonwealth Superior Court

1 to quash or modify the subpoena. The motion may be based on any  
2 appropriate legal grounds, including but not limited to: the subpoena  
3 does not reasonably relate to the subject matter of a legitimate grand jury  
4 investigation; the subpoena is excessively broad or unduly burdensome;  
5 the subpoena seeks privileged or otherwise protected information; or the  
6 service or issuance of the subpoena was defective. Such motion shall be  
7 filed under seal and shall be heard by the supervising judge of the grand  
8 jury or another judge designated by the court. The Attorney General may  
9 respond under seal. The court may quash or modify the subpoena if  
10 compliance would be unreasonable, oppressive, or unlawful, or may  
11 direct compliance subject to specified conditions, including those  
12 imposed by a separate protective order, such as the redaction of  
13 privileged material, limitations on disclosure, or other safeguards  
14 necessary to protect confidential or privileged information. In camera  
15 proceedings may be used to determine claims of privilege or relevance  
16 while maintaining grand jury secrecy.

17 (b) A defendant may challenge the array of grand jurors or an individual  
18 grand juror on the ground that the selection process was not in  
19 accordance with law or that a juror was not legally qualified. Such a  
20 challenge must be raised by motion before trial. If the court finds that  
21 grand jury selection did not substantially comply with legal

1 requirements, it may dismiss any indictment returned without prejudice.

2 Minor irregularities that did not prejudice the defendant's rights or the

3 integrity of the process shall not be grounds to dismiss an indictment.

4 **§ 61006. Indictments and No True Bills.**

5 (a) If the grand jury finds, based on the evidence presented, that there is  
6 probable cause to believe a particular person has committed a criminal  
7 offense, it may return an indictment. An indictment is a written statement  
8 of the essential facts constituting the offense charged, signed by the  
9 foreperson of the grand jury. Each indictment shall be presented in open  
10 court by the foreperson or his designee to a judge of the Superior Court.  
11 The indictment itself shall be filed under seal and may be made public as  
12 the court directs. Upon the return of an indictment in open court, the  
13 Superior Court is authorized to proceed with arraignment and trial as in  
14 any other criminal case. After the return of an indictment and upon a  
15 request made by the Attorney General, the Superior Court shall cause a  
16 warrant of arrest or summons to be issued against the accused. An  
17 indictment returned by the grand jury shall carry the same legal effect as  
18 an information filed by the Attorney General. The Attorney General is  
19 not required to use the grand jury process to initiate prosecution and may  
20 proceed by criminal complaint or information as otherwise authorized by  
21 law.

1 (b)If the grand jury votes not to indict on a charge that was under  
2 consideration, the foreperson shall report a “No True Bill” to the court.  
3 A No True Bill shall be filed under seal. The target of the investigation  
4 does not acquire any vested right or immunity from prosecution by virtue  
5 of a No True Bill, and the Attorney General retains the discretion to later  
6 file a criminal complaint or information for the same offense, or it may  
7 seek a new grand jury indictment, if new evidence emerges or if the  
8 Attorney General determines that the interests of justice so require.

9 **§ 61007. Contempt and Enforcement.**

10 (a) If any person neglects or refuses to comply with a grand jury subpoena  
11 without lawful excuse, the Attorney General may apply to the Superior  
12 Court for an order to show cause why the person should not be held in  
13 contempt. Upon application, or on its own initiative, the court may issue  
14 such an order and shall provide the person an opportunity to be heard. If  
15 the court finds that the failure to comply was willful and without lawful  
16 justification, it may hold the person in contempt. The court may exercise  
17 its authority to impose either civil or criminal contempt in accordance  
18 with applicable law and the nature of the violation. Remedies include  
19 ordering immediate compliance, imposing coercive fines, or committing  
20 the person to custody until compliance is achieved. Any period of  
21 confinement for civil contempt shall be solely for the purpose of

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1           compelling compliance, shall be subject to judicial oversight, and shall  
2           not exceed the duration of the grand jury's term.

3           (b) If a witness appears before the grand jury but refuses to answer a  
4           question or produce evidence, and the court determines that the refusal  
5           is not justified by a valid privilege or other lawful excuse, the court may  
6           proceed as in subsection (a).

7           (c) A person held in contempt under this Section shall have the right to  
8           appeal the contempt finding. The court shall consider any such appeal on  
9           an expedited basis, giving due regard to the liberty interest at stake.  
10          Where appropriate, the court may order immediate confinement for  
11          contempt, including, but not limited to, cases in which a person has been  
12          granted immunity under § 61004(b) and still refuses to testify. If a person  
13          willfully fails to produce subpoenaed documents or objects, the court  
14          may issue a warrant for the seizure of such materials or grant any other  
15          appropriate relief, consistent with the person's legal rights.

16          (d) Any witness who knowingly gives materially false testimony under oath  
17          before the grand jury may be prosecuted for perjury under applicable law,  
18          in addition to any contempt sanctions the court may impose.

19          **§ 61008. Supplementary Procedures and Rule-Making.**

20          (a) The Commonwealth Supreme Court may promulgate rules of court  
21          governing grand jury procedures and the issuance and enforcement of

1 grand jury subpoenas, to the extent not inconsistent with this Chapter.  
2 Such rules may include additional provisions for secrecy, the recording  
3 and transcribing of testimony, maintaining transcripts or recordings,  
4 selection and excuse of jurors, procedures for administering oaths,  
5 procedures governing the disclosure of grand jury records, and any other  
6 procedural safeguards or clarification of process. In the absence of  
7 specific provisions in this Chapter or court rules, the practice in the  
8 United States federal courts regarding grand juries may serve as a  
9 persuasive guide, insofar as it is applicable to the Commonwealth's  
10 circumstances and not in conflict with Commonwealth law or  
11 constitutional provisions.

12 **§ 61009. No Limitation on Alternate Processes.**

- 13 (a) Nothing in this Chapter shall be construed to require an indictment by  
14 grand jury for any criminal prosecution in the Commonwealth.  
15 The Attorney General retains full authority to initiate criminal  
16 proceedings by criminal complaint or information and to proceed  
17 through preliminary examination in accordance with applicable law and  
18 court rules.
- 19 (b) This Chapter establishes an alternative mechanism for initiating  
20 prosecution, particularly suited to complex, sensitive, or high-profile  
21 cases, but does not eliminate or supersede existing charging procedures.

1           Where an indictment has been returned by a grand jury, a separate  
2           preliminary examination shall not be required. The absence of a grand  
3           jury indictment shall not preclude prosecution by other lawful means.”

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

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

16          **Section 5. Effective Date.** This Act shall take into effect upon its approval  
17          by the Governor, or its becoming law without such approval.

Prefiled: 5/6/2025

Date: \_\_\_\_\_

Introduced by: \_\_\_\_\_  
Rep. Marissa R. Flores

Reviewed for legal sufficiency by:

  
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House Legal Counsel

Date: 5/5/25