

TWENTY-FOURTH NORTHERN MARIANAS COMMONWEALTH

LEGISLATURE

IN THE HOUSE OF REPRESENTATIVES

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Regular Session, 2026

H. B. 24- 99

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A BILL FOR AN ACT

To amend Title 6, Division 1, §1609, Theft of Utility Services, to provide a permissive inference of intent under specified circumstances while preserving due process protections; and for other purposes.

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

1           **Section 1. Findings and Purpose.** The Legislature finds that theft of utility  
2 services is difficult to detect and prove, yet imposes substantial economic burdens  
3 on utility providers and lawful customers. The Legislature further finds that, under  
4 specified circumstances, it is fair and reasonable to permit a permissive inference  
5 regarding intent, provided the Commonwealth retains the burden of proving every  
6 element of the offense beyond a reasonable doubt. The purpose of this Act is to  
7 assist the trier of fact in evaluating evidence relevant to the specific intent required  
8 for theft of utility services, while protecting defendants from any shift in the burden  
9 of proof. By authorizing a narrowly drawn permissive inference and including  
10 appropriate procedural safeguards, the Act seeks to deter and remediate utility theft,

1 reduce costs passed on to consumers, and promote the efficient enforcement of the  
2 law without compromising constitutional protections.

3       **Section 2. Amendment.** Title 6, Crimes and Criminal Procedure, Division  
4 1, Crimes Against Person and Property, Part 2 Crimes Against Property, Chapter 1,  
5 Theft and Related Offenses, Section 1609, is hereby amended by adding  
6 subsections (g), (h), and (i) to read as follows:

7       “(g) Permissive inference of intent. In a prosecution under this section, the  
8 trier of fact may infer that a person acted with intent to obtain utility services for  
9 the person’s own or another’s use without paying the full lawful charge therefor, or  
10 with intent to deprive any utility of any part of the full lawful charge for utility  
11 services, if the trier of fact finds, based on the evidence, that one or more of the  
12 following conditions existed on or in connection with the premises served and that  
13 the person was a customer (as defined in subsection (a)(1)) or otherwise exercised  
14 actual custody or control over the premises and the utility service connection:

15               (1) The meter or other measuring device provided by the utility has  
16               been altered, tampered with, bypassed, or otherwise interfered with  
17               so as to prevent accurate measurement;

18               (2) Utility service has been reconnected without authorization after  
19               having been lawfully disconnected by the utility; or

1           (3) Any device, connection, wire, pipe, or other apparatus exists which  
2                   diverts utility service without passing through a lawful meter or  
3                   other measuring device.

4           The Commonwealth bears the burden to prove each element of the offense  
5 beyond a reasonable doubt. The inference described in this subsection is evidence  
6 of intent only and does not relieve the Commonwealth of the burden of proving any  
7 element required by law.

8           (h) Rebuttal; jury instruction:

9                   (1) The inference set forth in subsection (g) may be rebutted by any  
10                   evidence tending to show that:

11                           (A) the condition existed without the knowledge, consent, or  
12                           participation of the person;

13                           (B) the person did not have actual custody or control over the  
14                           premises served and the utility service connection during the  
15                           relevant period; or

16                           (C) the condition did not result in the unauthorized use of utility  
17                           service.

18                   (2) In a jury trial, upon request of a party and if supported by the  
19                   evidence, the court shall instruct the jury consistent with this  
20                   subsection.

21           (i) Definitions. For purposes of subsections (g) and (h):

1 (1) “Premises served” means the building, dwelling unit, structure, or  
2 parcel identified by the applicable utility account, service address,  
3 and/or meter location as the location to which the utility provides  
4 service. The term includes any appurtenant area where the lawful  
5 meter or utility service connection is located.

6 (2) “Utility service connection” means the point at which the utility’s  
7 facilities connect to customer-side wiring, piping, equipment, or  
8 appurtenances for the delivery of utility service.

9 (3) “Lawful meter or other measuring device” means a meter or  
10 measuring device installed or authorized by the utility, or otherwise  
11 used by the utility for measuring and billing utility service.

12 (4) For purposes of subsection (g)(3) only, “diverts” or “diversion”  
13 means routing, channeling, or otherwise causing utility service to  
14 bypass a lawful meter or other measuring device, or to be measured  
15 inaccurately, resulting in avoidance of full lawful charges.”

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

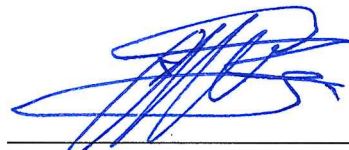
1           **Section 4. Savings Clause.** This Act and any repealer contained herein  
2 shall not be construed as affecting any existing right acquired under contract or  
3 acquired under statutes repealed or under any rule, regulation, or order adopted  
4 under the statutes. Repealers contained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

8           **Section 5. Effective Date.** This Act shall take effect upon its approval by  
9 the Governor, or it becoming law without such approval.


Prefiled: 2/20/2016

Date: 20 FEB '26

Introduced by: \_\_\_\_\_

  
Rep. Vincent R. Aldan

Reviewed for legal sufficiency by:

  
\_\_\_\_\_  
House Legal Counsel

Date: 2-20-26