
A BILL FOR AN ACT

To authorize the Commonwealth of the Northern Mariana Islands join the CNMI-Guam Interjurisdictional Corrections Compact to improve and expand inmate rehabilitation and training; 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 interjurisdictional
2 compacts between the correctional authorities of states, territories, and possessions of the
3 United States have proven to be valuable tools for alleviation of prison overcrowding and
4 provision of rehabilitation and treatment services.

5 The Legislature also finds that while nearly all states and territories, including
6 Guam, have entered into such interjurisdictional corrections compacts, the CNMI has not.
7 Guam is currently experiencing severe overcrowding of their correctional facilities, while
8 CNMI has significant available space.

9 The Legislature further finds that, in recent years, the CNMI Department of
10 Corrections has made great strides in advancing and expanding its rehabilitation, work-
11 release, and inmate vocational training programs. The CNMI being able to accept, from
12 Guam, exceptional non-violent offenders who volunteer to be transferred to CNMI, and
13 whose maintenance and participation in rehabilitation programs would be paid for by
14 Guam, would offer a source of funding with which CNMI Department of Corrections could
15 greatly improve and expand its current offering. This improvement and expansion would
16 reduce recidivism rates and ensure that more CNMI offenders, after serving their sentence,
17 could be released into the community with the skills and experience to allow them to
18 become productive, valuable members of society.

19 Therefore, the purpose of this Act is to authorize the Commonwealth of the
20 Northern Mariana Islands join the CNMI-Guam Interjurisdictional Corrections Compact
21 to improve and expand inmate rehabilitation and training; and for other purposes.

1 **Section 2. Enactment.** The following provisions are hereby enacted subject to
2 codification by the CNMI Law Revision Commission:

3 **“Chapter xx. CNMI-Guam Interjurisdictional Corrections Compact.**

4 **§ 101. Definitions.** For the purposes of this Act, the following terms are defined as
5 follows:

6 (a) “Compact” means the CNMI-Guam Interjurisdictional Corrections Compact as
7 set forth in this Act.

8 (b) “Inmate” means a male or female offender who is under sentence to or confined
9 in a prison or other correctional institution.

10 (c) “Institution” means any prison, reformatory or other correctional facility
11 (including but not limited to a facility for persons with mental illness or intellectual
12 disabilities) in which inmates may lawfully be confined.

13 (d) “Jurisdiction” means the Commonwealth of the Northern Mariana Islands or
14 Guam.

15 (e) “Receiving jurisdiction” means a jurisdiction party to this compact to which an
16 inmate is sent for confinement other than a jurisdiction in which conviction was had.

17 (f) “Sending jurisdiction” means a jurisdiction party to this compact in which
18 conviction was had.

19 **§ 102. Interjurisdictional Corrections Contracts.** Each party jurisdiction may
20 make one or more contracts with any one of the other jurisdictions for the confinement of
21 inmates on behalf of a sending jurisdiction in institutions situated within receiving
22 jurisdiction. Any such contract shall provide for:

23 (a) Its duration.

24 (b) Payments to be made to the receiving jurisdiction by the sending jurisdiction
25 for inmate maintenance, extraordinary medical and dental expenses, and any participation
26 in or receipt by inmates of rehabilitative or correctional services, facilities, programs or
27 treatment not reasonably included as part of normal maintenance.

1 (c) Participation in programs of inmate employment, if any; the disposition or
2 crediting of any payments received by inmates on account thereof; and the crediting of
3 proceeds from or disposal of any products resulting therefrom.

4 (d) Delivery and retaking of inmates.

5 (e) Such other matters as may be necessary and appropriate to fix the obligations,
6 responsibilities and rights of the sending and receiving jurisdictions.

7 **§ 103. Facility Construction.** Prior to the construction or completion of
8 construction of any institution or addition thereto by a party jurisdiction, any other party
9 jurisdiction or jurisdictions may contract therewith for the enlargement of the planned
10 capacity of the institution or addition thereto, or for the inclusion therein of particular
11 equipment or structures, and for the reservation of a specific percentum of the capacity of
12 the institution to be kept available for use by inmates of the sending jurisdiction or
13 jurisdictions so contracting. Any sending jurisdiction so contracting may, to the extent that
14 monies are legally available therefor, pay to the receiving jurisdiction, a reasonable sum as
15 consideration for such enlargement of capacity, or provision of equipment or structures,
16 and reservation of capacity. Such payment may be in a lump sum or in installments as
17 provided in the contract.

18 **§ 104. Contract Consistency With Compact.** The terms and provisions of this
19 compact shall be a part of any contract entered into by the authority of or pursuant thereto,
20 and nothing in any such contract shall be inconsistent therewith.

21 **§ 105. Intra-jurisdictional Inmate Transfer.** Whenever the duly constituted
22 judicial or administrative authorities in a jurisdiction party to this compact, and which has
23 entered into a contract pursuant to this Compact, shall decide that confinement in, or
24 transfer of an inmate to, an institution within the territory of another party jurisdiction is
25 necessary in order to provide adequate quarters and care or desirable in order to provide an
26 appropriate program of rehabilitation or treatment, said officials may direct that the
27 confinement be within an institution within the territory of said other party jurisdiction, the
28 receiving jurisdiction to act in that regard solely as agent for the sending jurisdiction.

1 **§ 106. Access To Institutions.** The appropriate officials of any jurisdiction party
2 to this compact shall have access, at all reasonable times, to any institution in which it has
3 a contractual right to confine inmates for the purpose of inspecting the facilities thereof
4 and visiting such of its inmates as may be confined in the institution.

5 **§ 107. Payment Obligation.** Inmates confined in an institution pursuant to the
6 terms of this compact shall at all times be subject to the jurisdiction of the sending
7 jurisdiction and may at any time be removed therefrom for transfer to a prison or other
8 institution within the sending jurisdiction, for transfer to another institution in which the
9 sending jurisdiction may have a contractual or other right to confine inmates, for release
10 on probation or parole, for discharge, or for any other purpose permitted by the laws of the
11 sending jurisdiction; provided that the sending jurisdiction shall continue to be obligated
12 to such payments as may be required pursuant to the terms of any contract entered into
13 under the terms of this compact.

14 **§ 108. Reports and Records.** Each receiving jurisdiction shall provide regular
15 reports to each sending jurisdiction on the inmates of that sending jurisdiction in
16 institutions pursuant to this compact including a conduct record of each inmate and certify
17 said record to the official designated by the sending jurisdiction, in order that each inmate
18 may have the benefit of his or her record in determining and altering the disposition of said
19 inmate in accordance with the law which may obtain in the sending jurisdiction and in
20 order that the same may be a source of information for the sending jurisdiction.

21 **§ 109. Treatment of Inmates.** All inmates who may be confined in an institution
22 pursuant to the provisions of this compact shall be treated in a reasonable and humane
23 manner and shall be cared for and treated equally with such similar inmates of the receiving
24 jurisdiction as may be confined in the same institution. The fact of confinement in a
25 receiving jurisdiction shall not deprive any inmate so confined of any legal rights which
26 said inmate would have had if confined in an appropriate institution of the sending
27 jurisdiction.

1 **§ 110. Hearings.** Any hearing or hearings to which an inmate confined pursuant to
2 this compact may be entitled by the laws of the sending jurisdiction may be had before the
3 appropriate authorities of the sending jurisdiction, or of the receiving jurisdiction if
4 authorized by the sending jurisdiction. The receiving jurisdiction shall provide adequate
5 facilities for such hearings as may be conducted by the appropriate officials of a sending
6 jurisdiction. In the event such hearing or hearings are held before officials of the receiving
7 jurisdiction, the governing law shall be that of the sending jurisdiction and a record of the
8 hearing or hearings as prescribed by the sending jurisdiction shall be made. Said record
9 together with any recommendations of the hearing officials shall be transmitted forthwith
10 to the official or officials before whom the hearing would have been had if it had taken
11 place in the sending jurisdiction. In any and all proceedings pursuant to the provisions of
12 this subdivision, the officials of the receiving jurisdiction shall act solely as agents of the
13 sending jurisdiction and no final determination shall be made in any matter except by the
14 appropriate officials of the sending jurisdiction. Costs of records made pursuant to this
15 subdivision shall be borne by the sending jurisdiction.

16 **§ 111. Inmate Release.** Any inmate confined pursuant to this compact shall be
17 released within the territory of the sending jurisdiction unless the inmate, and the sending
18 and receiving jurisdictions, shall agree upon release in some other place. The sending
19 jurisdiction shall bear the cost of such return to its territory.

20 **§ 112. Inmate Benefits and Obligation Relief.** Any inmate confined pursuant to
21 the terms of this compact shall have any and all rights to participate in and derive any
22 benefits or incur or be relieved of any obligations or have such obligations modified or the
23 status of the inmate changed on account of any action or proceeding in which the inmate
24 could have participated if confined in any appropriate institution of the sending jurisdiction
25 located within such jurisdiction.

26 **§ 113. Inmate Guardian Rights.** The parent, guardian, trustee, or other person or
27 persons entitled under the laws of the sending jurisdiction to act for, advise, or otherwise

1 function with respect to any inmate shall not be deprived of or restricted in the exercise of
2 any power in respect of any inmate confined pursuant to the terms of this compact.

3 **§ 114. Sending Jurisdiction Decisions Conclusive.** Any decision of the sending
4 jurisdiction in respect of any matter over which it retains jurisdiction pursuant to this
5 compact shall be conclusive upon and not reviewable within the receiving jurisdiction, but
6 if at the time the sending jurisdiction seeks to remove an inmate from an institution in the
7 receiving jurisdiction there is pending against the inmate within such jurisdiction any
8 criminal charge or if the inmate is suspected of having committed within such jurisdiction
9 a criminal offense, the inmate shall not be returned without the consent of the receiving
10 jurisdiction until discharged from prosecution or other form of proceeding, imprisonment
11 or detention for such offense. The duly accredited officers of the sending jurisdiction shall
12 be permitted to transport inmates pursuant to this compact through any and all jurisdictions
13 party to this compact without interference.

14 **§ 115. Inmate Escape.** An inmate who escapes from an institution in which the
15 inmate is confined pursuant to this compact shall be deemed a fugitive from the sending
16 jurisdiction and from the jurisdiction in which the institution is situated. In the case of an
17 escape to a jurisdiction other than the sending or receiving jurisdiction, the responsibility
18 for institution of extradition proceedings shall be that of the sending jurisdiction, but
19 nothing contained herein shall be construed to prevent or affect the activities of officers
20 and agencies of any jurisdiction directed toward the apprehension and return of an escapee.

21 **§ 116. Federal Aid.** Any jurisdiction party to this compact may accept federal aid
22 for use in connection with any institution or program, the use of which is or may be affected
23 by this compact or any contract pursuant hereto and any inmate in a receiving jurisdiction
24 pursuant to this compact may participate in any such federally aided program or activity
25 for which the sending and receiving jurisdictions have made contractual provision provided
26 that if such program or activity is not part of the customary correctional regimen the express
27 consent of the appropriate official of the sending jurisdiction shall be required therefor.

1 **§ 117. Compact Enactment.** This compact shall enter into force and become
2 effective and binding upon the jurisdiction so acting when it has been enacted into law by
3 any two jurisdictions. Thereafter, this compact shall enter into force and become effective
4 and binding as to any other of said jurisdictions upon similar action by such jurisdiction.

5 This compact shall continue in force and remain binding upon a party jurisdiction
6 until it shall have enacted a statute repealing the same and providing for the sending of
7 formal written notice of withdrawal from the compact to the appropriate officials of all
8 other party jurisdictions. An actual withdrawal shall not take effect until two years after
9 the notices provided in said statute have been sent. Such withdrawal shall not relieve the
10 withdrawing jurisdiction from its obligations assumed hereunder prior to the effective date
11 of withdrawal. Before the effective date of withdrawal, a withdrawing jurisdiction shall
12 remove to its territory, at its own expense, such inmates as it may have confined pursuant
13 to the provisions of this compact.

14 Nothing contained in this compact shall be construed to abrogate or impair any
15 agreement or other arrangement which a party jurisdiction may have with a nonparty
16 jurisdiction for the confinement, rehabilitation or treatment of inmates nor to repeal any
17 other laws of a party jurisdiction authorizing the making of cooperative institutional
18 arrangements.

19 **§ 118. Severability.** The provisions of this compact shall be liberally construed and
20 shall be severable. If any phrase, clause, sentence or provision of this compact is declared
21 to be contrary to the constitution of any participating jurisdiction or of the United States or
22 the applicability thereof to any government, agency, person or circumstance is held invalid,
23 the validity of the remainder of this compact and the applicability thereof to any
24 government, agency, person or circumstance shall not be affected thereby. If this compact
25 shall be held contrary to the constitution of any jurisdiction participating therein, the
26 compact shall remain in full force and effect as to the remaining jurisdictions and in full
27 force and effect as to the jurisdiction affected as to all severable matters.”

1 **Section 3. Amendment.** 6 CMC § 4112 is hereby amended to add a new subsection
2 (c) to read as follows:

3 “(c) If an interjurisdictional compact is in effect between the Commonwealth and a
4 state, territory, possession or commonwealth of the United States provides for the transfer
5 or exchange of convicted offenders, the Governor may, on behalf of the Commonwealth
6 and subject to the terms of the compact, authorize the Commissioner of the Department of
7 Corrections to consent to the transfer or exchange of offenders and take any other action
8 necessary to initiate the participation of this Commonwealth in the compact.”

9 **Section 4. Amendment.** Title 1 Division 2 Part 1 Chapter 16 Article 1 of the
10 Commonwealth Code is hereby amended to add a new section 2856 to read as follows:

11 “**§ 2856. Interjurisdictional Corrections Compact Enforcement.** All courts,
12 agencies and officers of the Commonwealth or any political subdivision therein, in
13 coordination with the Commissioner of the Department of Corrections shall enforce any
14 interjurisdictional correction compact and carry out its provisions with the following
15 restrictions:

16 (a) The Commissioner of the Department of Corrections shall hold such hearings
17 as are requested by another state pursuant to the terms of an interjurisdictional corrections
18 compact. All such shall be conducted in compliance with the compact.

19 (b) The cost of any hearing conducted under subsection (a) of this section shall be
20 paid out of the Department of Corrections Revolving Fund. Reimbursements received from
21 the jurisdiction that requested the hearing shall be paid into the revolving fund.

22 (c) The Commonwealth Board of Parole may hold hearings in another jurisdiction
23 in connection with the case of an inmate confined in an institution of another jurisdiction
24 that is a party to the compact, or may request a hearing to be held by officers of the other
25 jurisdiction pursuant to the terms of the compact.

26 (d) The cost of any hearing conducted under subsection (c) of this section shall be
27 paid by the Department of Corrections out of money appropriated to the department for the
28 purpose of paying lawful expenses of the department.

1 (e) The Department of Corrections may enter into any contracts on behalf of the
2 Commonwealth, not prohibited by any law of this state, as it considers appropriate to
3 implement the participation of the Commonwealth in the compact. However, the
4 department shall not enter into any contract:

5 (1) Relating to commitments or transfers of children who are under 12 years
6 of age;

7 (2) Providing for commitments or transfers of inmates from another
8 jurisdiction who are 19 years of age or older to a youth correction facility; or

9 (3) Providing for commitments or transfers of youths in this jurisdiction
10 who are under 17 years of age to an institution in another state if any of the inmates
11 in that institution are 21 years of age or older.”

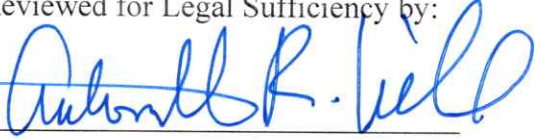
12 **Section 5. Severability.** If any provision of this Act or the application of any such
13 provision to any person or circumstance should be held invalid by a court of competent
14 jurisdiction, the remainder of this Act or the application of its provisions to persons or
15 circumstances other than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

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

23 **Section 7. Effective Date.** This Act shall take effect upon its approval by the
24 Governor or upon its becoming law without such approval.

Date: 3/4/25

Introduced By: 
Sen. Manny Gregory T. Castro

Reviewed for Legal Sufficiency by:

Senate Legal Counsel