

A BILL FOR AN ACT

To repeal and reenact 2 CMC § 4842 to increase the penalties for taking or destroying historic or cultural artifacts and properties; 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 it has been declared
2 a policy of the Commonwealth government to promote and preserve historic and cultural
3 artifacts and properties in the Commonwealth. However, there have been several reports
4 of historic and cultural artifacts and properties being damaged or destroyed in recent years.
5 The Legislature finds that when historic or cultural artifacts or properties are destroyed, it
6 results in the irreversible loss of cultural heritage, scientific data, and shared history. When
7 an artifact is destroyed or removed from its original site (context) without scientific
8 recording, it loses its scientific value and becomes merely an object with economic value.
9 Moreover, intentional destruction of historic and cultural artifacts or properties is often
10 done to erase the memory and identity of a community, sometimes acting as a sign to or
11 component of genocide. Loss of identity or heritage destruction cuts the roots of a
12 community, affecting their connection to their past.

13 Accordingly, the purpose of this legislation is to repeal and reenact 2 CMC § 4824
14 to increase the penalties for taking or destroying historic or cultural artifacts in order to:

15 1) To protect and preserve the historical and cultural heritage of the Northern
16 Mariana Islands.

17 2) To prohibit the taking of historic properties and artifacts from the Northern
18 Mariana Islands.

19 3) To deter any person, partnership, business, corporation or other entity who
20 remove or take ANY artifact that is of historic or cultural significance to the people of the

1 Northern Mariana Islands, or vandalize, disturb, displace, or disfigure any cultural or
2 historic property on public or private land or in the water surrounding the Northern Mariana
3 Islands as designated by or eligible for designation by the Historic Preservation Office as
4 a cultural or historic property, unless activity is pursuant to a permit issued and approved
5 by the Historic Preservation Office.

6 **Section 2. Amendment.** 2 CMC § 4842 is hereby repealed and reenacted to read
7 as follows:

8 **“§ 4842. Penalties.**

9 Any person who, individually or acting for any business, corporation or
10 other entity, knowingly and willfully violates any provision of this chapter or any
11 valid rule or regulation promulgated under this chapter shall be fined and penalized
12 as follows:

13 (a) First Offense: a minimum fine of \$10,000 or imprisonment of not more
14 than 90 days, or both.

15 (b) Second Offense: a minimum fine of \$25,000 or imprisonment of not
16 more than 1 year, or both.

17 (c) Third Offense: a minimum fine of \$50,000 or imprisonment of not more
18 than 10 years, or both.”

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

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

