

§ 2301. Importation of Contraband.

(a) It shall be unlawful for any person to knowingly enter the Commonwealth, with the intent to import, or to cause another to bring or import into the Commonwealth, or conceal for the purpose of importation, any of the following items:

(1) Controlled substances as defined in this title.

(2) Currency, coin, travelers checks, money orders, and/or negotiable instruments of a total of more than \$10,000 unless the same is reported to the Division of Customs in a signed customs declaration form prior to entry into the Commonwealth.

(3) Firearms and ammunition.

(i) The terms used in this section shall have the same meaning as the terms defined in 6 CMC § 10101.

(ii) Any firearm that cannot be lawfully possessed by a private person.

(iii) Any large capacity ammunition feeding device regardless of whether the device is attached to a firearm. For the purposes of this subsection, the term “large capacity ammunition feeding device” means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition. The term “large capacity ammunition feeding device” shall not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.

(iv) Any restricted pistol bullet or any restricted bullet.

(v) The following individuals, organizations, and agencies are exempt from this subsection:

(A) United States Marshals, while engaged in the operation of their official duties;

(B) members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;

(C) members of law enforcement, while engaged in the operation of their official duties;

(D) a gunsmith who is in possession or seeks possession of a firearm solely for the purposes of service or repair;

(E) a common carrier, warehouseman, or other person engaged in the business of transporting or storing goods, to the extent that the possession or receipt of any firearm is in the ordinary course of business, not for the personal use of any such person, and at the behest of a person, agency, or organization exempted under this subsection.

(F) a person lawfully transporting a firearm through the Commonwealth in accordance with 18 U.S.C. § 926A; or

(G) federal officials required to carry firearms, while engaged in the operation of their official duties.

(4) [Reserved.]

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(5) Goods, merchandise or commodities that violate international or U.S. copyright or patent laws.

(6) Undeclared goods, merchandise, or commodities subject to excise tax.

(7) Cigarettes, the package of which fails to bear any warning label which may be required by United States federal law in relation to cigarettes for the sale or other distribution within the United States. For the purposes of this subsection, the terms “cigarettes” and “package” shall be defined as in United States federal law.

(i) Exemption for Personal Consumption. An exemption from this subsection shall apply to allow each person entering the Commonwealth to import, for personal use and consumption, into the Commonwealth, up to 10 packs of tobacco cigarettes that do not contain the federal warning required by this subsection.

(8) (i) Motor vehicles which are not covered by a Certification of Compliance issued under 49 U.S.C. § 30115, and are not otherwise exempted and eligible for importation into the United States under United States Motor Vehicle Safety Code Standards (49 U.S.C.A Subt. Vi, Pt. A, Ch. 301. § 30101 *et seq.*) as amended, and regulations promulgated thereunder.

(ii) Persons or entities importing a motor vehicle into the Commonwealth or registering a motor vehicle in the Commonwealth for the first time, that is not covered by a Certification of Compliance issued under 49 U.S.C. § 30115, shall file a declaration and required documentation, in a paper or electronic format acceptable to, and established by regulation adopted by, the Commonwealth Department of Finance, Customs Division, which declares and substantiates that one or more of the exemptions allowable under Federal Motor Vehicle Safety law is applicable, including but not limited to, a declaration in substantially the same format and content as that set forth in the “Declarations required for importation” found at 49 C.F.R. §§ 591.5 and 591.6.

(9) Used tires.

(10) Banned pesticides as defined by regulations adopted by the Bureau of Environmental and Coastal Quality.

(11) Reconstructed or salvage motor vehicles, as defined in 49 C.F.R. § 591.4.

(12) Banned sunscreen that contains oxybenzone or octinoxate, or both, without a prescription issued by a licensed healthcare provider. Banned sunscreens shall be subject to seizure and forfeiture under 6 CMC § 2150.

(b) Any person who violates this section may be punished by imprisonment for not more than five years, or by a fine of not more than \$2,000, or both; provided, however, any person who violates subsection (a)(1) of this section with respect to controlled substances shall serve at least two years of imprisonment not subject to probation, parole or suspension. This punishment is in addition to any penalty or fine which may otherwise be imposed.

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(c) Any person who violates subsection (a)(1) of this section and the controlled substance is five or more grams and is classified in Schedules I or II as a narcotic drug or methamphetaminehydrochloride or any derivative or metabolites thereof shall be sentenced to an unlimited number of hours of community service and:

(1) For a first offense to a term of not less than 25 years without the possibility or condition of any form of probation, parole, or suspension of sentence under any circumstances.

(2) Upon a second offense to a term of life imprisonment without the possibility or condition of any form of probation, parole, or suspension of sentence under any circumstances.

Source: PL 6-38, § 2 (§ 2301); amended by PL 7-38, § 5; PL 7-42, § 7; PL 10-22, § 3, modified; new subsection (c) added by PL 11-24, § 2; new subsection (a)(8) added by PL 11-12, § 2; subsection (a)(2) amended by PL 12-37, § 1; Subsection (a)(3) and (a)(4) amended by PL 18-26 § 7(b) (Oct. 18, 2013); (a)(3) and (a)(4) repealed, (a)(3) repealed and reenacted by PL 19-42 §§ 3, 12 (Apr. 11, 2016), modified; (a)(9) enacted by PL 19-44 § 3 (Apr. 28, 2016), modified; (a)(10) enacted by PL 19-54 § 2 (July 20, 2016), modified; amended by PL 21-20, § 3 (Apr. 3, 2020), modified; amended by PL 22-26, § 7 (Jan. 6, 2023), modified.

Commission Comment: PL 6-38 took effect October 6, 1989. According to PL 6-38, § 1:

Section 1. Purpose. An integral part of controlling the importation of controlled substances and other contraband is an effective customs inspection system that includes prosecution of persons who are importing or attempting to import contraband.

With respect to PL 7-42, see the comment to [6 CMC § 2141](#).

PL 10-22, which added new subsection (a)(7) to this section, took effect July 11, 1996. According to PL 10-22, § 2:

Section 2. Purpose. The purpose of this act is to prohibit the importation of cigarettes that are not properly labeled in accordance with United States federal law and to authorize the Division of Customs Service to confiscate and destroy any improperly labeled cigarettes it may find in the course of its inspections. The Legislature believes that proper labeling is necessary to protect the public health by ensuring that consistent information is provided to the general public that cigarette smoking may be hazardous.

PL 11-12, which added new subsection (a)(8) to this section, took effect April 30, 1998. According to PL 11-12, § 1:

Section 1. Statement of Purpose. The Legislature finds that the Federal Motor Vehicle Safety Standards, as set forth in [49 U.S.C. §§ 30101, et seq.](#), as amended, and all regulations promulgated thereunder, apply to the CNMI. Nevertheless, there continues to be motor vehicles imported into, sold and registered in the CNMI in violation of such safety standards. Accordingly, in order to safeguard the health, welfare and safety of the people

of the Commonwealth, it is the purpose of this Act to prohibit the importation, sale by a dealer and registration of noncomplying vehicles.

PL 11-24 which added new subsection (c) to this section, took effect July 17, 1998. According to PL 11-24, § 1:

Section 1. Findings. The Legislature finds the use of dangerous, highly addicting narcotic substances has become epidemic in the Commonwealth. The Legislature further finds that among the leading facilitators of the drug trade in the CNMI are couriers who smuggle the contraband into the Commonwealth. CNMI law has already established that possession of five grams or more of certain controlled substances is a rebuttable presumption of the crime of trafficking. In the Legislature's opinion it has become necessary to impose severe penalties on those who, without conscience, would so prey on our society as to threaten its very survival.

With respect to the references to the "Director of the Department of Public Safety," the "Division of Customs" and the "Chief of the Customs Service," see Executive Order 94-3 (effective Aug. 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to [1 CMC § 2001](#).

PL 12-37 became effective January 11, 2001 and contained severability and savings clause provisions.

PL 19-42 became effective on April 11, 2016. The Commission renumbered subsections (a)(v)(1)–(7) to (a)(v)(A)–(G) pursuant to 1 CMC § 3806(a). The Commission substituted "Chapter 1, § 101 of the SAFE Act." in subsection (a)(3) with "6 CMC § 10101" pursuant to 1 CMC § 3806(d). The Commission changed capitalization in subsections (a)(3)(v)(B)–(G) for the purpose of conformity pursuant to 1 CMC § 3806(f).

PL 19-44 became effective on April 28, 2016. In addition to findings and purpose, savings, and severability clauses, PL 19-44 included the following Short Title section:

Section 1. Short Title. This Act shall be known and may be cited as the "Used Tire Importation Ban Act of 2015."

The Commission inserted a period at the end of subsection (a)(9) pursuant to 1 CMC § 3806(g).

PL 19-54 became effective on July 20, 2016 and contained findings and purpose, savings, and severability clauses.

The Commission codified the proposed new subsection at (a)(10) pursuant to 1 CMC § 3806(a). The Commission changed the capitalization of "banned" in (a)(10) for the purpose of conformity pursuant to 1 CMC § 3806(f).

Legislative Findings of 2023 Amendment.— For Findings and Purpose of PL 22-26, see Commission comment to 9 CMC § 2101.

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Modifications.— In codifying PL 22-26, the Commission numbered portions of paragraph (a)(8) as subparagraphs (i) and (ii), pursuant to 1 CMC § 3806(a), and substituted “C.F.R.” for “CFR” in (a)(11), pursuant to 1 CMC § 3806(g).