



**Arnold I. Palacios**  
Governor

**David M. Apatang**  
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS  
**OFFICE OF THE GOVERNOR**

**31 JAN 2023**

The Honorable Edmund S. Villagomez  
Speaker, House of Representatives  
Twenty-Third Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

The Honorable Edith E. Deleon Guerrero  
President of the Senate  
Twenty-Third Northern Marianas  
Commonwealth Legislature  
Saipan, MP 96950

Dear Mr. Speaker and Madam President:

This is to inform you that I have signed into law **House Bill No. 22-39, HS1** entitled, "To amend Title 6, Division 6, Chapter 5. Witnesses, by adding a new section 6503. Witness to Outcry of abuse; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twenty-Second Northern Marianas Commonwealth Legislature.

This bill becomes **Public Law No. 22-29**. Copies bearing my signature are forwarded for your reference.

Sincerely,

  
**ARNOLD I. PALACIOS**  
Governor

cc: Lt. Governor; Attorney General's Office; Commonwealth Law Revision Commission;  
Public Auditor; CNMI Judiciary; Programs and Legislative Review Office



# House of Representatives

NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586  
SAIPAN, MP 96950

December 30, 2022

The Honorable Ralph DLG. Torres  
Governor  
Commonwealth of the Northern  
Mariana Islands  
Capitol Hill  
Saipan, MP 96950

Dear Governor Torres:

I have the honor of transmitting herewith for your action **H. B. No. 22-39, HS1**, entitled: "To amend Title 6, Division 6, Chapter 5. Witnesses, by adding a new section 6503. Witness to Outcry of Abuse; and for other purposes.", which was passed by the House of Representatives and the Senate of the Twenty-Second Northern Marianas Commonwealth Legislature.

Sincerely yours,

  
Linda B. Muña  
House Clerk

Attachment



*Twenty-Second Legislature  
of the  
Commonwealth of the Northern Mariana Islands*

**IN THE HOUSE OF REPRESENTATIVES**

**FIRST REGULAR SESSION**

**MARCH 16, 2021**

**REPRESENTATIVE CELINA R. BABAUTA OF SAIPAN, PRECINCT 1** (*for herself*, Representative Christina M.E. Sablan,) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

**H. B. No. 22-39, HS1**

**AN ACT**

**TO AMEND TITLE 6, DIVISION 6, CHAPTER 5. WITNESSES, BY  
ADDING A NEW SECTION 6503. WITNESS TO OUTCRY OF  
ABUSE; AND FOR OTHER PURPOSES.**

**IN THE HOUSE OF REPRESENTATIVES**

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 22-42; adopted 3/29/2022.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON  
FIRST AND FINAL READING, MARCH 29, 2022;**

*with amendments* in the form of H. B. No. 22-39, HS1 and transmitted to **THE SENATE.**

**IN THE SENATE**

The Bill was referred to the Senate Committee on Judiciary, Government, Law and Federal Relations.  
**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, DECEMBER 28, 2022;**  
*without amendments* and returned to **THE HOUSE OF REPRESENTATIVES.**

**H. B. NO. 22-39, HS1 IS DULY PASSED BY THE TWENTY-SECOND NORTHERN MARIANAS  
COMMONWEALTH LEGISLATURE.**

  
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**Linda B. Muña, House Clerk**



*Twenty-Second Legislature*  
*of the*  
*Commonwealth of the Northern Mariana Islands*  
**IN THE HOUSE OF REPRESENTATIVES**

THIRD DAY, THIRD REGULAR SESSION

MARCH 29, 2022

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**H. B. No. 22-39, HS1**

**AN ACT**

**TO AMEND TITLE 6, DIVISION 6, CHAPTER 5. WITNESSES,  
BY ADDING A NEW SECTION 6503. WITNESS TO OUTCRY  
OF ABUSE; AND FOR OTHER PURPOSES.**

**BE IT ENACTED BY THE TWENTY-SECOND NORTHERN  
MARIANAS COMMONWEALTH LEGISLATURE:**

**SECTION 1. FINDINGS AND PURPOSE.**

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The Legislature finds that children subject to abuse often have a difficult time reporting it in the same manner as adults. There are likely to be substantial delays in reporting. Moreover, children are likely to talk to a friend, teacher or parent before any formal investigation begins. Known as outcry statements, such statements provide significant evidence of the abuse and are admissible in most states as an exception to the hearsay rules. This bill sets out the standards for admission of an outcry of abuse and requires a judge to find the statement sufficiently reliable to justify its admission. The United States Supreme Court has already addressed this issue and found that admission of an outcry statement of a child does not violate an accused's right to confrontation of witnesses. See *Ohio v. Clark*, 576 U.S. 237 (2015). This provision

**HOUSE BILL 22-39, HS1**

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1 will provide a jury with critical information in evaluating the credibility of a victim of physical  
2 or sexual abuse who is a child or a person with a disability.

3 **SECTION 2. AMENDMENT.**

4 Title 6, Division 6, Chapter 5 of the Commonwealth Code is hereby amended by adding  
5 a new section 6503 to read as follows:

6 “§ 6503. Witness to Outcry of Abuse.

7 101. This section applies to a proceeding in the prosecution of an offense under  
8 any provision involving child abuse, sexual abuse of a minor, or any other offense  
9 committed against a child 16 years of age or younger or a person with a disability.

10 102. This section applies only to statements that:

11 (a) describe the alleged offense; or

12 (b) describe a crime, wrong, or act other than the alleged offense, if the statement  
13 is offered during the punishment phase of the proceeding; and

14 (1) if the crime, wrong, or act other than the alleged offense was  
15 allegedly committed by the defendant against the victim or against another child  
16 16 years of age or younger or another person with a disability; and

17 (2) if the statement is otherwise admissible as evidence under Rule 404  
18 or 405 of the CNMI Rules of Evidence or another law or rule of evidence of  
19 CNMI.

20 (c) were made by the child or person with a disability against whom the charged  
21 offense or other crime, wrong, or act was allegedly committed; and

22 (d) were made to the first person, 16 years of age or older, other than the  
23 defendant, to whom the child or person with a disability made an outcry statement about  
24 the offense or other crime, wrong, or act.

25 103. A party may present testimony from a witness to such an outcry statement,  
26 regardless of any hearsay rules, if:

27 (a) on or before 14 calendar days before the trial begins, the party intending to  
28 offer the statement:

29 (1) notifies the adverse party of its intention to do so;

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1 (2) provides the adverse party with the name of the witness through  
2 whom it intends to offer the statement; and

3 (3) provides the adverse party with discovery of the statement; or

4 (b) the trial court finds, in a hearing conducted outside the presence of the jury,  
5 that the statement is reliable based on the time, content, and circumstances of the  
6 statement; and

7 (c) the child or person with a disability testifies or is available to testify at the  
8 proceeding in court or in any other manner provided by law.

9 104. In this section, “person with a disability” means a person 17 years of age  
10 or older who because of age or physical or mental impairment, is substantially unable  
11 to protect the person's self from harm or to provide food, shelter, medical care, or other  
12 major life activities for the person’s self.”

13 **SECTION 3. SEVERABILITY.**

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

18 **SECTION 4. SAVINGS CLAUSE.**


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

**HOUSE BILL 22-39, HS1**


1           **SECTION 5. EFFECTIVE DATE.**

2           This Act shall take effect upon its approval by the Governor, or its becoming law  
3 without such approval.

Attested to by:   
**Linda B. Muña, House Clerk**

Certified by:   
**SPEAKER EDMUND S. VILLAGOMEZ**  
House of Representatives  
22<sup>nd</sup> Northern Marianas Commonwealth Legislature

Approved this 31<sup>st</sup> day of January, 202~~2~~<sup>3</sup>

  
**ARNOLD I. PALACIOS**  
Governor  
Commonwealth of the Northern Mariana Islands