

# SECOND NORTHERN MARIANAS CONSTITUTIONAL CONVENTION

SAIPAN, CM 96950

Telephone

6517/6572

Officers

Herman T. Guerrero, President  
Vicente M. Calvo, 1st Vice President  
David M. Cing, 2nd Vice President  
Maria T. Pangellinan, 3rd Vice President  
William B. Nabors, Convention Secretary  
Juan T. Lizama, Floor Leader

REPORT TO THE CONVENTION BY THE  
COMMITTEE ON PERSONAL RIGHTS & NATURAL RESOURCES

Members

Lorenzo I. Deleon Guerrero  
Alonzo Iglisomar  
David L. Igitol  
Rita H. Inos  
Benusto R. Kalpat  
Estevan H. King  
Luis M. Limes  
Jesus P. Mafnas  
Paul A. Mangiona  
James M. Mendiola  
Aniceto H. Mundo  
Felicidad T. Ogumoro  
Karl T. Reyes  
Joaquin A. Tenorio  
Francisco Tomokane  
William S. Torres  
Ramon G. Villagomez  
Ignacio Villanueva

Subject: Committee Recommendation No. 8

Your Committee has approved language to provide for the rights of victims of crime as an appropriate constitutional issue and believes that Article I on Personal Rights should address this issue. Too often a society allows the rights of a victim to be subjugated by the rights of the criminal. Such a travesty of justice should be allowed to be remedied by a court of law.

Your Committee is concerned over the possibly huge liability the government could incur if it was to provide restitution to victims. Since the government did not commit the crime, it should not be held responsible. The perpetrator of the crime should be responsible.

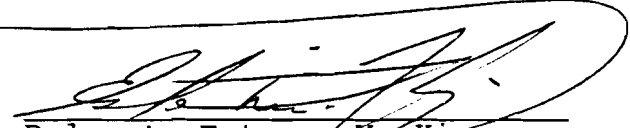
Your Committee accepted substitute language for a proposal to cover victims of crime, which is based on a model from the state of Michigan. While the Committee recognizes the capability and authority of the Legislature to further specify the particulars of a crime victims model legislation, the provision of a section in the Constitution guaranteeing the rights of crime victims would strengthen the applicability of the law.

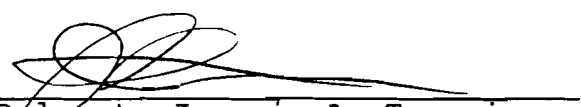
### Delegate Proposals

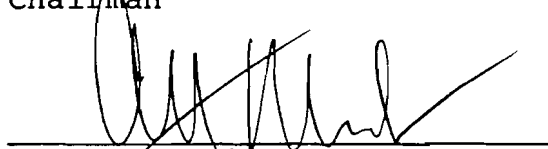
Your Committee carefully considered Delegate Proposals Nos. 36-85 and 122-85 dealing with the rights of victims of crime and agreed with their basic intent of providing restitution to the victims. The Committee sought to exclude the government from liability, however, placing the burden of restitution upon the criminal, not the government. The government, in the Committee's opinion, is in no financial state to provide for their type of compensation.

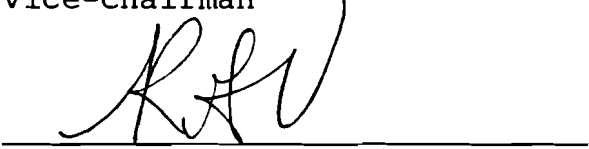
The placing of a new subsection under Section 4, Article I would secure the rights of victims of crime, while allowing the Legislature to arrive at comprehensive legislation based on a crime victims model legislation.

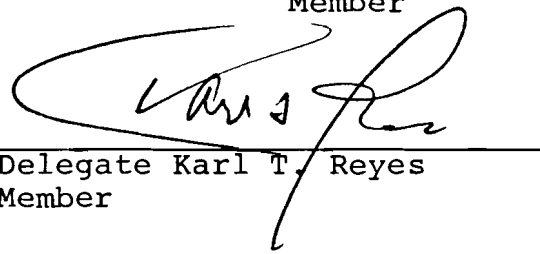
Respectfully submitted,

  
\_\_\_\_\_  
Delegate Esteven M. King  
Chairman

  
\_\_\_\_\_  
Delegate Joaquin A. Tenorio  
Vice-Chairman

  
\_\_\_\_\_  
Delegate Aniceto H. Mundo  
Member

  
\_\_\_\_\_  
Delegate Ramon G. Villagomez  
Member

  
\_\_\_\_\_  
Delegate Karl T. Reyes  
Member

A PROPOSED CONSTITUTIONAL AMENDMENT

To add a new Section to Article I of the Northern Marianas Constitution relating to Victims of Crime.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

Upon ratification pursuant to Section 5 of Article XVIII of the Commonwealth of the Northern Mariana Islands Constitution and Public Law No. 4-30, the Constitution of the Commonwealth of the Northern Mariana Islands is amended as follows:

1. Effective upon ratification, a new Section to Article I is added to read:

"Section \_\_\_\_: Victims of Crime. ~~The~~ The right of the people to be secure in their persons, houses, and belongings against crime shall be recognized at sentencing. ~~No victim of a crime shall be deprived of restitution as a condition of probation except upon a showing of~~

~~compelling interest.~~ *The legislature shall adopt provisions to implement this section during the calendar year following adoption of this section.*"

*Restitution to the crime victim shall be a condition of probation upon a showing of compelling interest.*

Committee on Personal Rights and Natural Resources

*Adopted by vote of the whole passed on 7/17/85*

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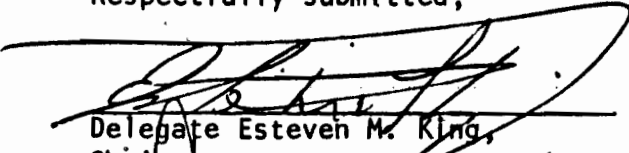
Subject: Committee Recommendation No. 8

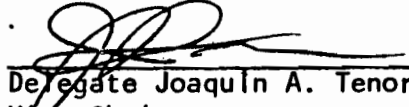
The Committee on Personal Rights and Natural Resources met and discussed Delegate Proposal No. 36-85 and recommends that the Convention meeting in Committee of the Whole adopt the proposed amendments made by the Committee with respect to Delegate Proposal No. 36-85, as amended, relating to a new Section 11, under Article I, to read as follows:

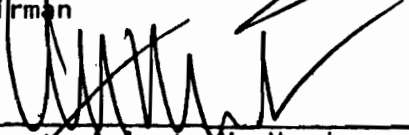
"Section 11: Victim of Crime Compensation. The legislature shall provide for a victim-of-crime assistance program for personal injuries such as rape, injury in the commission of robbery, and other types of injuries to be determined by the legislature. The legislature may require the perpetrator of the crime to defray any or all costs that are reasonably related to the injury, be it bodily or otherwise, such as hospital cost(s), sick-leave payments, and all other costs subject to adjudication."

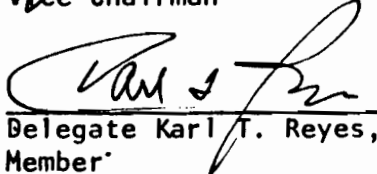
Your Committee recommends that the amendments made to Delegate Proposal No. 36-85, as amended, be adopted by the Convention and urge the unanimous endorsement of the members.


Respectfully submitted,

  
Delegate Esteven M. King,  
Chairman

  
Delegate Joaquin A. Tenorio,  
Vice Chairman

  
Delegate Aniceto H. Mundo,  
Member

  
Delegate Karl T. Reyes,  
Member

  
Delegate Ramon G. Villagomez,  
Member

A PROPOSAL

To add a new Section 11 to Article I of the Northern Marianas Constitution, relating to Victim of Crime Compensation.

BE IT ADOPTED BY THE SECOND CONSTITUTIONAL CONVENTION:

1 Section 1. Article I of the Northern Marianas Constitution is  
2 hereby amended to add a new "Section 11" to read as follows:

3 "Section 11. Victim of Crime Compensation. The legislature  
4 shall provide for a victim-of-crime assistance program for personal  
5 injuries such as rape, injury in the commission of robbery, and  
6 other types of injuries to be determined by the legislature.  
7 The legislature may require the perpetrator of the crime to  
8 defray any or all costs that are reasonably related to the  
9 injury, be it bodily or otherwise, such as hospital cost(s),  
10 sick-leave payments, and all other costs subject to adjudication."

11  
12 Date: June 20, 1985

Offered by: /s/ Delegate William S. Torres  
Saipan

13 /s/ Delegate Lorenzo I. Guerrero  
14 Saipan

15 /s/ Delegate Alonzo Igisomar  
Saipan

16 /s/ Delegate David L. Igitol  
17 Saipan

18 /s/ Delegate Jesus P. Mafnas  
Saipan

19 /s/ Delegate Karl T. Reyes  
20 Saipan

21 /s/ Delegate Joaquin A. Tenorio  
Saipan

/s/ Delegate Francisco Tomokane  
Saipan

/s/ Delegate Ramon G. Villagomez  
Saipan

/s/ Delegate Ignacio Villanueva  
Saipan

ANALYSIS OF CR No. 8.

It is noted that there are 3 other delegate proposals that are related to this one, Nos. 122-85, 149-85, and 180-85. Delegate Proposals 122-85 and 180-85 deal specifically with the subject of victims rights. This committee recommendation should probably be ~~recommitted~~ <sup>recommitted</sup> for the committee to review the content of all delegate proposals on this subject and then issue a single recommendation relative to victims rights. Before recomiting CR No. 8, however, the Committee of the Whole should make a judgement on the merits of this proposal, in order to guide the committee in its review of the subject of victims rights.

Three points on the merits of CR No. 8 are worth making:

1. The phrase "victim-of-crime assistance program" seems to imply a new social program to be funded from government revenues, at a time when our government is experiencing chronic budgetary problems. This constitutional amendment would create a constitutional obligation for the legislature to establish such a program, giving it priority over other programs that are not in the constitution such as health care or highway maintenance.
2. I believe the legislature already has the authority to do everything this amendment proposes. If that is the case, this is a policy question that is probably better decided at the legislative level, after a longer period of deliberation.
3. The language of the final sentence is broader than that in

Delegate Proposal 180-85, although it is not mandatory, as is the latter proposal. This would seem to include intangibles such as mental anguish as well as actual costs or losses incurred. Do we want to permit punitive civil lawsuits? Wouldn't it be better to make recovery mandatory for actual losses? To what extent is the victim already able to recover from the perpetrator under a civil lawsuit? Do we create an obligation for the government to represent the victim in a civil action against the perpetrator in any of these proposals? Do we want to do that? What would the effect of any of these proposals be on the policies of insurance companies?