

**9 GCA CRIMES AND CORRECTIONS
CH. 85 GUAM PAROLE BOARD**

**CHAPTER 85
GUAM PAROLE BOARD**

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2016 NOTE: References to the "Territorial Parole Board" changed to "Guam Parole Board" pursuant to 1 GCA § 420 (added by P.L. 24-089 (Oct. 7, 1997)).

COMMENT: Chapter 85, Territorial [Guam] Parole Board, transfers from the Government Code Chapter 1 of Title XXXV creating the Territorial [Guam] Parole Board and Chapter 4 dealing with the employees of the Parole Board and Section 39107 relative to subpoenas. All these have been done without change and the respective Sections of the Government Code have been repealed by Public Law 13-187. The authority of the Board, and the conditions of parole are treated by Chapter 80 of this Code.

§ 85.10. Guam Parole Board Created.

(a) There is in the Executive Branch of the government of Guam, a Guam Parole Board, hereinafter referred to as the Board, consisting of five (5) members appointed by *I Maga'låhi* [the Governor], by and with the advice and consent of *I Liheslatura* [the Legislature].

(1) Only persons, who by their knowledge and experience are prepared to perform efficiently the duties of the Board as hereinafter provided, *shall* be eligible for such appointment.

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(2) Any person holding an elected office *shall* not be eligible to serve on the Guam Parole Board.

(3) No person who has a family member of the first consanguinity serving a local sentence, or on parole, *shall* be eligible to serve on the Board.

(b) The composition of the Board members *shall* be comprised of the following, with the minimum background and experience:

(1) at least one (1) Board member *shall* have at least five (5) years of experience in law enforcement or other criminal justice work, or a baccalaureate degree in criminal justice from a college or university accredited by a United States accrediting body recognized by the Council on Higher Education Accreditation (CHEA) or its successor, or an equivalent foreign university as determined consistent with 17 GCA § 3104(a)(1), or professional experience in these areas of study;

(2) at least one (1) Board member *shall* have at least a baccalaureate degree or higher in social work, sociology or psychology, or a medical degree from a college or university accredited by a United States accrediting body recognized by the Council on Higher Education Accreditation (CHEA) or its successor, or an equivalent foreign university as determined consistent with 17 GCA § 3104(a)(1);

(3) at least one (1) Board member *shall* have at least five (5) years of experience in human resources development, or legal background or professional experience in these areas of study;

(4) at least two (2) Board members *shall* come from the public at-large; and

(5) all Guam Parole Board members *shall* be of good moral character.

SOURCE: Amended by P.L. 27-104:5 (June 30, 2004), P.L. 31-003:2 (Mar. 8, 2011), P.L. 33-125:2 (Mar. 4, 2016), and P.L. 34-028:3 (July 13, 2017).

2017 NOTE: Subitem designations added in subsection (a) pursuant to authority granted by 1 GCA § 1606.

2016 NOTE: Subsection designations added and altered to adhere to the Compiler's alpha-numeric scheme pursuant to the authority of 1 GCA § 1606.

§ 85.14. Chairman Appointed: Meetings at Least Monthly.

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The Board *shall* elect a chairperson from among its members.

(a) The chairperson *shall* be elected by its members every two (2) years.

(b) The Board *shall* meet regularly at least once a month.

(c) Special meetings may be called by the chairperson.

(d) Not less than three (3) voting members present *shall* constitute a quorum for the transaction of business, and the affirmative vote of three (3) members present *shall* be required to make any action of the Board valid.

(e) No action *shall* be taken by the Board at any meetings or hearings, unless a quorum is present.

(f) The election for chairperson from among its members *shall* follow upon enactment of this Act.

SOURCE: Amended by P.L. 31-003:3 (Mar. 8, 2011) and P.L. 34-028:4 (July 13, 2017)

2017 NOTE: Subsection designations added pursuant to authority granted by 1 GCA § 1606.

§ 85.18. Term Established.

The terms of office for the members shall be four (4) years, and until their successors are appointed and have qualified. A vacancy occurring before expiration of the term of office shall be filled for the unexpired portion thereof.

§ 85.22. No Compensation; Expenses Allowed.

Members of the Board shall receive no compensation for their service while on the Board; provided, however, that they shall be reimbursed for reasonable travel and out-of-pocket expenses incurred in the performance of Board duties as certified by the Treasurer of Guam.

§ 85.26. Board: General Powers.

(a) The Board is authorized to release on parole any person confined in any penal *or* correctional institution of Guam, and to revoke parole *or* discharge from parole any parolee as provided in Article 5 (commencing with § 80.70) of Chapter 80. The Board *shall* adopt such rules and procedures *not* inconsistent with law as it may deem proper *or* necessary to

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carry out its duties, and *shall* be in accordance with the Open Government Law, *except* as herein provided.

(b) Such rules and procedures *shall* include, but *not* be limited to, the following:

(1) rights and restrictions of an inmate during a parole application or revocation hearing;

(2) presence of legal counsel or a lay representative on behalf of an inmate during a hearing;

(3) the right of an inmate to receive, in writing, a specific reason or reasons for denial of parole, to include deficiencies to be addressed in preparation for a future parole application;

(4) rules for the recusal of a member due to a conflict;

(5) any other rules in furtherance of the mandates of the Board;

(6) nothing herein shall prevent the Board from interviewing victims in private. Nothing herein *shall* prevent the Board from excluding any persons that they determine may unduly influence a victim's testimony; and

(7) pursuant to rules and regulations established by the Board, the Board *may* conduct deliberations in closed meetings and *may* vote by secret ballot on matters relative to the release on, revocation of, or discharge from parole, notwithstanding the provisions of the Open Government Law.

SOURCE: Amended by P.L. 31-003:4 (Mar. 8, 2011), P.L. 31-193:2 (Feb. 27, 2012).

2016 NOTE: Subsection designations added and altered to adhere to the Compiler's alpha-numeric scheme pursuant to the authority of 1 GCA § 1606.

§ 85.30. Subpoena Power Given.

Upon approval of a majority of its members, the Board shall have power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers and documents as it may deem necessary for investigation of the case of any person before it. Subpoenas may be signed an oaths administered by any member of the Board. Subpoenas so issued may be served by any police, parole or probation officer, or other law enforcement officer, in the same manner as similar process in the Superior Court. Any person who testifies falsely or fails to

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appear when subpoenaed, or fails or refuses to produce such material pursuant to the subpoena, shall be subject to the same orders and penalties to which a person before a court is subject. The Superior Court, upon application of the Board, may in its discretion compel the attendance of witnesses, the production of such material and the giving of testimony before the Board, by an attachment for contempt or otherwise, in the same manner as production of evidence may be compelled before such court.

§ 85.34. Seal.

The Board shall adopt an official seal of which the courts shall take judicial notice. Decisions of the Board shall be by majority vote.

§ 85.38. Records to be Kept; Report to Governor Required.

The Board shall keep a record of its acts, and shall notify each institution of its decisions relating to the persons who are or have been confined therein. At the close of each fiscal year the Board shall submit to the Governor a report with statistical and other data of its work.

§ 85.50. Probation Officers to Serve as Parole Officers.

[Repealed]

SOURCE: Repealed by P.L. 14-133, effective 07/03/78.

§ 85.54. Duties of Parole Officers.

The parole officer shall:

- (a) be responsible for investigation, supervision and reports as may be requested by the Board;
- (b) formulate methods of supervision, record keeping and reports;
- (c) furnish to each person released under his supervision a written statement of the conditions of parole and instruct such person as to the same;
- (d) keep informed of the conduct and condition of each person under his supervision and use all suitable methods to aid and encourage them and to bring about improvement in their conduct and condition;
- (e) keep detailed records of his work.

§ 85.58. Governor to Provide Executive Secretary & Support.

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The Governor shall appoint an Executive Secretary for the Board and such other clerical and administrative personnel as are necessary to carry out the provisions of this Chapter.

§ 85.61. Adherence to Crime Victim's Rights Act of 2004.

Pursuant to 8 GCA Chapter 160, also known as the Crime Victim's Rights Act of 2004, the Board and Parole Officers shall adhere to all of their responsibilities and honor all of the rights afforded to victims as outlined in the Chapter.

SOURCE: Added by P.L. 34-028:5 (July 13, 2017).

§ 85.62. Board's Information Privileged.

All information obtained in the discharge of official duty by any employee appointed pursuant to this Chapter shall be privileged and shall not be disclosed directly or indirectly to anyone other than to the Board, or others entitled under this Code to receive such information, unless and until otherwise ordered by the Board.

§ 85.68. Board May Accept Aid from United States.

The Board, with the written consent of the Governor, shall have the power and duty to accept from the United States of America or any of its agencies, such advisory services, funds, equipment and supplies as may be made available to Guam for any of the purposes contemplated by this Chapter, and to enter into such contracts and agreements with the United States or any of its agencies as may be necessary, proper and convenient, not contrary to the laws of Guam.

2016 NOTE: References to the "Territory" changed to "Guam" pursuant to 1 GCA § 420 (added by P.L. 24-089 (Oct. 7, 1997)).

§ 85.72. Paroled Prisoner to Receive Clothes, Transportation and Maximum of \$25.

When a prisoner is placed on parole, he shall receive from Guam civilian clothing and transportation to the place in Guam in which he is to reside. At the discretion of the Board, the prisoner may be advanced such sum for his temporary maintenance as said Board may allow, not to exceed Twenty-Five Dollars (\$25.00), from a fund which shall be provided for use of the Board for this purpose.

2016 NOTE: References to the "Territory" changed to "Guam" pursuant to 1 GCA § 420 (added by P.L. 24-089 (Oct. 7, 1997)).

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