



*I Mina'Trentai Kuáttro Na Liheslaturan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
93-34 (COR)	Therese M. Terlaje Telena Cruz Nelson	AN ACT TO AMEND § 80.72(b) OF ARTICLE 5, CHAPTER 80, TITLE 9 GUAM CODE ANNOTATED; TO AMEND § 85.10 AND TO ADD § 85.61 OF CHAPTER 85, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO IMPROVING GUAM PAROLE BOARD PROCESSES.	5/22/17 4:24 p.m.						

*I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÅHAN*  
**2017 (FIRST) Regular Session**

Bill No. **93** -34 (COR)

Introduced by:

Therese M. Terlaje   
Telena Cruz Nelson 

**AN ACT TO AMEND § 80.72(b) OF ARTICLE 5, CHAPTER 80, TITLE 9 GUAM CODE ANNOTATED; TO AMEND § 85.10 AND TO ADD § 85.61 OF CHAPTER 85, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO IMPROVING GUAM PAROLE BOARD PROCESSES.**

2017 MAY 22 PM 4:24



**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Finding and Intent.** *I Liheslaturan Guahan* finds that the number of persons applying to the Guam Parole Board for parole has increased significantly in the past several years. The Guam Parole Board has been inundated with parole requests. Parole requests made by the same person annually are rejected every year due to the circumstances of the crimes and based upon the Guam Parole Board's review and application of the law to these requests.

These parole requests and hearings are traumatic for the victims of violent crimes and the loved ones of the victims of violent crimes and re-victimize them. Serial parole requests by violent offenders require the victims and loved ones of victims to appear at parole hearings every year to oppose or object to the parole requests. *I Liheslaturan Guahan* finds that the serial, annual parole requests require the victims of violent crimes and victims' loved ones of violent crimes to relive the pain and trauma of the victims' deaths or injuries and to experience the loss and grief over losing their loved ones every year, year after year. Many of the victims and

1 victims' loved ones travel long distances to attend the parole hearings and the stress  
2 of travel is added on top of the already difficult circumstances. *I Liheslaturan*  
3 *Guahan* finds that persons imprisoned for violent crimes who have applied for parole  
4 and who have been denied parole for two (2) consecutive years should not be eligible  
5 to apply for parole again for at least four (4) years from the date of denial of the last  
6 parole request in order to spare the victims' loved ones further trauma, pain and  
7 grief.

8 In addition, current law provides that the board consists of seven (7) members,  
9 requiring a quorum of four (4) to meet and make decisions. The Guam Parole Board  
10 is comprised of members who sit on the board on a volunteer basis, which makes it  
11 more difficult for members to attend full-day meetings when they have jobs, become  
12 sick, or go off-island. This has resulted in great difficulties in obtaining the number  
13 of persons necessary for a quorum, resulting in backlogs and delays in determining  
14 the parole applications. *I Liheslaturan Guahan* finds that when the previous law,  
15 which allowed for five (5) members and a quorum of three (3) was in effect, the  
16 board had less difficulty obtaining a quorum or having backlogs of undetermined  
17 parole applications.

18 Crime victims and families of victims have rights under the Crime Victim's  
19 Rights Act of 2004. *I Liheslaturan Guahan* finds that the rights of crime victims and  
20 their families extended in 8 GCA Chapter 160 are necessary to ensure that they are  
21 treated with dignity, respect, courtesy and sensitivity and that their safety is  
22 prioritized.

23 **Section 2.** § 80.72(b) of Article 5, Chapter 80, Title 9, Guam Code Annotated,  
24 is hereby *amended* to read:

25 “(b) The Board shall consider the desirability of parole of each inmate  
26 at least sixty (60) days prior to his first eligibility. Following such  
27 consideration, the Board shall issue a formal order granting or denying parole.

1 If parole is denied, the Board shall state in its order the reasons therefor and  
2 the approximate date of next consideration, which shall not be more than one  
3 (1) year from the date of the previous consideration.; except that if a person  
4 imprisoned for the commission of a violent crime has been denied parole by  
5 the Board for two (2) consecutive years, the Board shall set the next  
6 consideration four (4) years from the date of the previous consideration. Said  
7 person shall not be eligible to apply for parole again for at least four (4) years  
8 after the date of the last denial of parole. The Board need not state any reasons  
9 for denial if to do so would impair a course of rehabilitative treatment of the  
10 inmate.”

11 **Section 3.** § 85.10 of Chapter 85, Title 9, Guam Code Annotated, are hereby  
12 *amended* to read:

13 **“§ 85.10. Guam Parole Board Created.**

14 (a) There is in the Executive Branch of the government of Guam, a  
15 Guam Parole Board, hereinafter referred to as the Board, consisting of ~~seven~~  
16 ~~(7)~~ five (5) members appointed by *I Maga'låhi* [the Governor], by and with  
17 the advice and consent of *I Liheslatura* [the Legislature]. Only persons, who  
18 by their knowledge and experience are prepared to perform efficiently the  
19 duties of the Board as hereinafter provided, shall be eligible for such  
20 appointment. Any person holding an elected office shall not be eligible to  
21 serve on the Guam Parole Board. No person who has a family member of the  
22 first consanguinity serving a local sentence, or on parole, shall be eligible to  
23 serve on the Board.

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

26 (1) at least one (1) Board member shall have at least five (5) years  
27 in law enforcement or other criminal justice work, or a baccalaureate degree

1 in criminal justice from a college or university accredited by a United States  
2 accrediting body recognized by the Council on Higher Education  
3 Accreditation (CHEA) or its successor, or an equivalent foreign university as  
4 determined consistent with 17 GCA § 3104 (a)(1), or professional experience  
5 in these areas of study;

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

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

15 (4) at least ~~four~~ (4) two (2) Board members shall come from the  
16 public at-large; and

17 (5) all Guam Parole Board members shall be of good moral  
18 character.”

19 **Section 4.** § 85.14 of Chapter 85, Title 9 Guam Code Annotated, is hereby  
20 *amended* to read:

21 **“§ 85.14 ~~Chairman~~ Chairperson Appointed: Meetings at Least**  
22 **Monthly.**

23 The Board shall elect a ~~chairman~~ chairperson from among its  
24 members. The chairman shall be elected by its members every two (2)  
25 years. The Board shall meet regularly at least once a month. Special  
26 meetings may be called by the chairman. Not less than ~~four~~ (4) three  
27 (3) voting members present shall constitute a quorum for the transaction

1 of business, and the affirmative vote of ~~four (4)~~ three (3) members  
2 present shall be required to make any action of the Board valid. No  
3 action shall be taken by the Board at any meetings or hearings, unless  
4 a quorum is present. The election for chairman from among its  
5 members shall follow upon enactment of this Act.”

6 **Section 5.** 85.61 of Chapter 85, Title 9, Guam Code Annotated is hereby  
7 *added* to read:

8 **“§ 85.61 Adherence to Crime Victim’s Rights Act of 2004.**

9 Pursuant to 8 G.C.A. Chapter 160, also known as the Crime  
10 Victim’s Right Act of 2004, the Board and Parole Officers shall adhere  
11 to all of their responsibilities and honor all of the rights afforded to  
12 victims as outlined in the Chapter.”

13 **Section 6. Severability.** If any provision of this Act or its application to any  
14 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
15 not affect other provisions or applications of this Act which can be given effect  
16 without the invalid provisions or application, and to this end the provisions of this  
17 Act are severable.

18 **Section 7. Effective Date.** This Act shall become immediately effective upon  
19 enactment.