

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
172-35 (COR) As amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice.	Therese M. Terlaje	AN ACT TO AMEND § 80.14 OF ARTICLE 1, AND §§ 80.76 AND § 80.78 OF ARTICLE 5, ALL OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ENSURING PRE-SENTENCE REPORTS AND ASSESSMENTS ARE UTILIZED BY THE GUAM PAROLE BOARD PRIOR TO THE RELEASE OF ANY OFFENDER ON PAROLE.	6/26/19 10:21 a.m.	7/12/19	Committee on Health, Tourism, Historic Preservation, Land, and Justice	7/24/19 9:00 a.m.	11/13/19 10:49 a.m.	Request: 7/18/19 Waiver: 7/26/19	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	11/12/19	AN ACT TO <i>AMEND</i> § 80.14 OF ARTICLE 1, AND §§ 80.76 AND 80.78 OF ARTICLE 5, ALL OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ENSURING PRE-SENTENCE REPORTS AND ASSESSMENTS ARE UTILIZED BY THE GUAM PAROLE BOARD PRIOR TO THE RELEASE OF ANY OFFENDER ON PAROLE.	11/18/19	11/18/19	11/29/19	35-57	11/27/19	Received: 11/27/19 Mess and Comm. Doc. No. 35GL-19-1275.	

LOURDES A. LEON GUERRERO
MAGA'HAGA • GOVERNOR



JOSHUA F. TENORIO
SIGUNDO MAGA'LÁHI • LIEUTENANT GOVERNOR

November 27, 2019

HONORABLE TINA ROSE MUÑA BARNES

Speaker

I Mina'trentai Singko Na Liheslaturan Guåhan

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96932

352L-19-1275
Speaker Tina Rose Muña Barnes

NOV 27 2019
Time 4:39 AM / PM
Received By: alen

2019 NOV 27 PM 5:09 JPN

Re: Bill No. 172-35 (COR) – An Act to Amend § 80.14 of Article 1, and §§ 80.76 and 80.78 of Article 5, All of Chapter 80, Title 9, Guam Code Annotated, Relative to Ensuring Pre-Sentence Reports and Assessments are Utilized by the Guam Parole Board Prior to the Release of Any Offender on Parole

Dear Madame Speaker:

I am signing Bill 172-35 into law as **Public Law No. 35-57**, to give the Parole Board an important tool in its deliberations. Our community deserves to feel safe, part of that is giving those responsible for parole the information they need to make sound decisions.

Pre-Sentence reports are a necessary tool for the court when determining appropriate sentences for convicted felons. These reports should also be a tool for the parole board when considering release. Bill No. 172-35, which I have signed into law as **Public Law No. 35-57**, arms the parole board in making informed decisions. To the extent that the laws allow, the board should now have access to those vital assessment reports.

I appreciate the Legislature's effort in improving this process. I also hope that these efforts continue with meaningful steps that help parolees prepare for reentry. To decrease recidivism and

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To: Speaker Tina Rose Muña Barnes
Fr: Governor of Guam
Date: November 27, 2019
Re: Bill No. 172-35 (COR)

Page 2 of 2

stop the cycle of crime, we must stop drugs at our border and aggressively treat addiction and mental health challenges.

Senseremente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

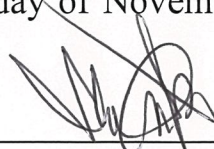
Enclosure(s): Bill No. 172-35 (COR) *nka Public Law 35-57*

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

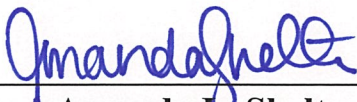
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 172-35 (COR)**, “AN ACT TO AMEND § 80.14 OF ARTICLE 1, AND §§ 80.76 AND 80.78 OF ARTICLE 5, ALL OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ENSURING PRE-SENTENCE REPORTS AND ASSESSMENTS ARE UTILIZED BY THE GUAM PAROLE BOARD PRIOR TO THE RELEASE OF ANY OFFENDER ON PAROLE,” was on the 18th day of November 2019, duly and regularly passed.



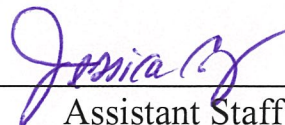
Tina Rose Muña Barnes
Speaker

Attested:



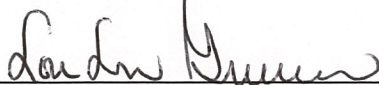
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 18th day of NOV.,
2019, at 6:02 o'clock P.M.



Jessica Cruz
Assistant Staff Officer
***Maga'håga's* Office**

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 11/27/2019

Public Law No. 35-57

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
2019 (FIRST) Regular Session

Bill No. 172-35 (COR)

As amended by the Committee on Health,
Tourism, Historic Preservation, Land
and Justice.

Introduced by:

Therese M. Terlaje
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Tina Rose Muña Barnes
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Jose "Pedo" Terlaje
Mary Camacho Torres

**AN ACT TO AMEND § 80.14 OF ARTICLE 1, AND §§ 80.76
AND 80.78 OF ARTICLE 5, ALL OF CHAPTER 80, TITLE
9, GUAM CODE ANNOTATED, RELATIVE TO
ENSURING PRE-SENTENCE REPORTS AND
ASSESSMENTS ARE UTILIZED BY THE GUAM
PAROLE BOARD PRIOR TO THE RELEASE OF ANY
OFFENDER ON PAROLE.**

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

2 **Section 1. Legislative Findings and Intent.**

1 *I Liheslaturan Guåhan* intends to eliminate any barrier to the Guam Parole
2 Board’s review of any and all pre-trial, pre-sentence and incarceration reports and
3 assessments prior to release on parole of any offender.

4 **Section 2.** § 80.14 of Article 1, Chapter 80, Title 9, Guam Code Annotated,
5 is hereby *amended* to read:

6 **“§ 80.14. Presentence Report: Use Regulated.**

7 (a)(1) The presentence report shall not be a public record.

8 (2) It may be made available only

9 (A) to the sentencing court,

10 (B) to any reviewing court where relevant to an issue on
11 which an appeal has been taken,

12 (C) to any examining facility, correctional institution,
13 probation or parole department or board for use in the treatment
14 or supervision of the offender and to the parties as provided in
15 this Section.

16 (b) At least two (2) days before imposing sentence the court shall
17 furnish the offender, or his counsel if he is so represented, a copy of the report
18 of the presentence investigation exclusive of any recommendations as to
19 sentence, unless in the opinion of the court the report contains diagnostic
20 opinion which might seriously disrupt a program of rehabilitation, sources of
21 information obtained upon a promise of confidentiality, or any other
22 information which, if disclosed, might result in harm, physical or otherwise,
23 to the defendant or other persons; and the court shall afford the offender or his
24 counsel an opportunity to comment thereon.

25 (c) If the court is of the view that there is information in the
26 presentence report which should not be disclosed under Subsection (b), the
27 court in lieu of making the report or part thereof available shall state in writing

1 a summary of the factual information contained therein to be relied on in
2 determining sentence, and shall give the offender or his counsel an
3 opportunity to comment thereon. The statement may be made to the parties in
4 camera but shall be included as part of the permanent record and subject to
5 disclosure to the Parole Board.

6 (d) Any material disclosed to the offender or his counsel shall at the
7 same time be disclosed to the attorney for the Government.

8 (e) (1) Any copies of the presentence investigation report made
9 available to the offender or his counsel and the attorney for the Government
10 shall be returned to the court immediately following the imposition of
11 sentence.

12 (2) Copies of the presentence investigation report shall not be
13 made by the offender, his counsel or the attorney for the Government.”

14 **Section 3.** § 80.76 of Article 5, Chapter 80, Title 9, Guam Code Annotated,
15 is hereby *amended* to read:

16 **“§ 80.76. Standards Governing Release on Parole.**

17 (a) Whenever the board considers the release of a prisoner for
18 parole, the board shall order his release, if it is of the opinion after review of
19 the records mandated in 9 GCA § 80.78, that:

20 (1) his release is compatible with public safety and security
21 and will not put victims’ safety or security in danger based on an
22 assessment of the risk of prisoner to re-offend;

23 (2) there is substantial likelihood that he will abide by law and
24 conform to the conditions of parole;

25 (3) his release at that time would not depreciate the
26 seriousness of his crime nor promote disrespect for law;

1 (4) his release would not have a substantially adverse effect
2 on institutional discipline; and

3 (5) he is of sufficient capacity and deemed likely to lead a law-
4 abiding life when released and his continued correctional treatment,
5 medical care, or vocational or other training in the institution will not
6 substantially enhance his capacity to lead a law-abiding life when
7 released at a later date.

8 (b) In making its determination regarding a prisoner's release on
9 parole, the board may consider, to the extent relevant, the following factors:

10 (1) the prisoner's personality, including his age and maturity,
11 stability, sense of responsibility and any apparent development in his
12 personality which may promote or hinder his conformity to law;

13 (2) the prisoner's parole plan;

14 (3) the prisoner's ability and readiness to assume obligations
15 and undertake responsibilities;

16 (4) the prisoner's family status and whether he has relatives
17 who display interest in him or whether he has other close and
18 constructive associations in the community;

19 (5) the prisoner's employment history, his occupational skills
20 and training, and the stability of his past employment;

21 (6) the type of home environment in which the prisoner plans
22 to live;

23 (7) the prisoner's past use of narcotics or other harmful drugs,
24 or past habitual and excessive use of alcohol;

25 (8) the prisoner's mental and physical make-up, including any
26 disability or handicap which may affect his conformity to law;

1 (9) the prisoner's prior criminal record, including the nature
2 and circumstances, recentness and frequency of previous offense;

3 (10) the prisoner's attitude toward law and authority;

4 (11) the prisoner's conduct in the institution, including whether
5 he has taken advantage of the opportunities for self-improvement
6 afforded by the institutional program;

7 (12) the prisoner's conduct and attitude during any previous
8 experience of probation or parole and the recentness of such
9 experience.”

10 **Section 4.** § 80.78 of Article 5, Chapter 80, Title 9, Guam Code Annotated,
11 is hereby *amended* to read:

12 **“§ 80.78. Records to Be Made Available to Board.**

13 Before making a determination regarding a prisoner's release on parole,
14 the board shall cause to be brought before it, and it shall be the responsibility
15 of the Department of Corrections or administrative head of the institution in
16 which an offender is held and the Clerk of Court of the Superior Court of
17 Guam to furnish such of the following records and information regarding the
18 prisoner as may be available:

19 (a) a report prepared by the institutional parole staff, relating
20 to his personality, social history and adjustment to authority, and
21 including any recommendations which the institutional staff may make;

22 (b) all official reports of his prior criminal record, including
23 reports and records of earlier probation and parole experiences;

24 (c) any pre-sentence investigation report of the sentencing
25 court;

26 (d) any recommendations regarding his parole made at the
27 time of sentencing by the sentencing judge or the prosecutor;

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- (e) the reports of any physical and mental examinations of the prisoner;
- (f) any and all pre-trial, pre-sentence, or incarceration assessment reports;
- (g) any relevant information which may be submitted by the prisoner, the victim of his crime, or by other persons;
- (h) the prisoner's parole plan;
- (i) the record of his conduct while imprisoned;
- (j) such other relevant information concerning the prisoner as may be reasonably available."