EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam

JUL 14 2017

GL# 34-17-733

Speaker Benjamin J.F. Cruz

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Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 93-34 (COR), **"AN ACT TO *AMEND* § 80.72(b) OF ARTICLE 5, CHAPTER 80; AND TO *AMEND* §§ 85.10 AND 85.14, AND TO *ADD* A NEW § 85.61 TO CHAPTER 85, ALL OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO IMPROVING THE GUAM PAROLE BOARD PROCESSES,"** which was signed into law on July 13, 2017, as **Public Law 34-28.**

Senseramente,

EDDIE BAZA CALVO

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

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

This is to certify that **Bill No. 93-34 (COR), "AN ACT TO *AMEND* § 80.72(b) OF ARTICLE 5, CHAPTER 80; AND TO *AMEND* §§ 85.10 AND 85.14, AND TO *ADD* A NEW § 85.61 TO CHAPTER 85, ALL OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO IMPROVING THE GUAM PAROLE BOARD PROCESSES,"** was on the 30th day of June 2017, duly and regularly passed.

Benjamin J.F. Cruz
Speaker

Attested:

Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 03 day of July, 2017, at 2:10 o'clock P.M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: JUL 13 2017

Public Law No. 34-28

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

Bill No. 93-34 (COR)
As amended on the Floor.

Introduced by: Therese M. Terlaje
Telena Cruz Nelson
Thomas C. Ada
FRANK B. AGUON, JR.
William M. Castro
B. J.F. Cruz
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Mary Camacho Torres

AN ACT TO *AMEND* § 80.72(b) OF ARTICLE 5, CHAPTER 80; AND TO *AMEND* §§ 85.10 AND 85.14, AND TO *ADD* A NEW § 85.61 TO CHAPTER 85, ALL OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO IMPROVING THE GUAM PAROLE BOARD PROCESSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

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

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

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

"(b) The Board *shall* consider the desirability of parole of each inmate at least sixty (60) days prior to his/her first eligibility. Following such consideration, the Board *shall* issue a formal order granting or denying parole. If parole is denied, the Board *shall* state in its order the reasons therefor and the approximate date of next consideration, which *shall not* be more than one (1) year from the date of the previous consideration, except that if a person imprisoned for the commission of a violent crime has been denied parole by the Board for two (2) consecutive years, the Board *shall* set the next consideration four (4) years from the date of the previous consideration. Said person *shall not* be eligible for parole again for at least four (4) years after the date of the last denial of parole. The Board need not state any reasons for denial if to do so would impair a course of rehabilitative treatment of the inmate."

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

"**§ 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]. 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. Any person holding an elected office *shall not* be eligible to serve on the Guam Parole Board. 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."

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

"**§ 85.14. Chairperson Appointed: Meetings at Least Monthly.**

The Board *shall* elect a chairperson from among its members. The chairperson *shall* be elected by its members every two (2) years. The Board *shall* meet regularly at least once a month. Special meetings may be called by the chairperson. 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. No action *shall* be taken by the Board at any meetings or hearings, unless a quorum is present. The election for chairperson from among its members *shall* follow upon enactment of this Act."

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

"**§ 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."

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

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