

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 89-33 (4)

Introduced by:

FRANK B. AGUON, JR.



AN ACT TO AMEND §§ 85.10 AND 85.14 OF CHAPTER 85, TITLE 9, GUAM CODE ANNOTATED; RELATIVE TO THE COMPOSITION OF THE GUAM PAROLE BOARD.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that Public Law 31-03 increased the size of the Guam Parole Board (Board) to
4 seven (7) members changing the requirements for four (4) of the Board positions:
5 two (2) members must have ten (10) years of law enforcement experience or a
6 degree in criminal justice; and two (2) members must have ten (10) years
7 experience as a social worker, or a degree in psychology or sociology or a medical
8 degree. As a result of these restrictive provisions, the Board has encountered
9 challenges reaching Quorum during regularly scheduled monthly Board meetings.

10 *I Liheslatura* further finds that the Board cancelled regularly scheduled
11 monthly meetings due to *no Quorum* during the following Calendar years:

- 12 (a) '2011 – nine (9) months from April to December;
- 13 (b) '2012 – three (3) months from January, May and November;
- 14 (c) '2013 – six (6) months from January to May and September;
- 15 (d) '2014 – three (3) months from March, June and July; and
- 16 (e) '2015 – one (1) month in March.

1 The lack of Quorum has prevented inmates from the legitimate expectation of the
2 parole process. Moreover, the lack of quorum has prevented the Board from
3 addressing parole revocations, potentially compromising public safety.

4 It is, therefore, the intent of *I Liheslaturan Guåhan* to amend §§ 85.10 and
5 85.14 of Chapter 85, Title 9, Guam Code Annotated so the island has a fully
6 functional and effective Territorial Parole Board.

7 **Section 2. Territorial Parole Board Created.** §§ 85.10 of Chapter 85,
8 Title 9, Guam Code Annotated, is hereby *amended*, to read:

9 **“§ 85.10. Territorial Parole Board Created.**

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

20 (a) The composition of the Board members *shall* be comprised
21 of the following minimum background and experience:

22 (1) at least one (1) ~~two (2)~~ Board members *shall* have
23 at least ten (10) years in law enforcement work, or a baccalaureate
24 degree in criminal justice from a college or university accredited by a
25 United States accrediting body recognized by the Council on Higher
26 Education Accreditation (CHEA) or its successor, or an equivalent

1 foreign university as determined consistent with 17 GCA § 3104
2 (a)(1), or professional experience in these areas of study;

3 (2) at least one (1) two ~~(2)~~ Board members *shall* have
4 at least a baccalaureate degree or higher from an accredited U.S.
5 institution of higher education in social work, sociology or
6 psychology or a medical degree from a college or university
7 accredited by a United States accrediting body recognized by the
8 Council on Higher Education Accreditation (CHEA) or its successor,
9 or an equivalent foreign university as determined consistent with 17
10 GCA § 3104 (a)(1); and

11 (3) the three (3) remaining Board members shall have
12 at least ten (10) years of experience in human resources development,
13 or legal background or professional experience in these areas of study,
14 or any person of good moral character.”

15 **Section 3. Chairman Appointed: Meetings at Least Monthly.** § 85.14
16 of Chapter 85, Title 9, Guam Code Annotated, is hereby *amended*, to read:

17 “§ 85.14. **Chairman Appointed: Meetings at Least Monthly.**

18 The Board *shall* elect a chairman from among its members. The
19 chairman *shall* be elected by its members every two (2) years. The
20 Board *shall* meet regularly at least once a month. Special meetings
21 may be called by the chairman. *Not less than* three (3) four ~~(4)~~ voting
22 members present *shall* constitute a quorum for the transaction of
23 business, and the affirmative vote of three (3) four ~~(4)~~ members
24 present *shall* be required to make any action of the Board valid. No
25 action *shall* be taken by the Board at any meetings or hearings, unless
26 a quorum is present. The election for chairman from among its
27 members *shall* follow upon enactment of this Act.”

1 **Section 4. Severability.** If any provisions of this Code, or the application
2 thereof to any person or circumstance, is held invalid, such invalidity shall not
3 affect any other provision or application of this Code which can be given effect
4 without the invalid provision or application, and to this end the provisions of this
5 Code are severable.