

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

February 29, 2012

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Bill No.400-31 (LS) "AN ACT TO AMEND §85.26 OF CHAPTER 85, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE GENERAL POWERS OF THE GUAM PAROLE BOARD", which I signed into law on February 27, 2012 as Public Law 31-193.

Senseramente

RAY TENORIO

I Maga'lahaen Guåhan para pa'go
Acting Governor of Guam

Attachment: copy of Bill

31-11-1379⁸
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 2/29/12
Time 3:18
Received by [Signature]

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

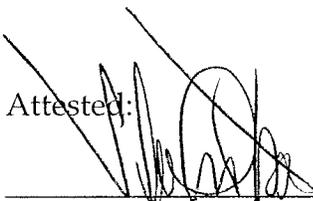
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 400-31 (LS), "AN ACT TO AMEND §85.26 OF CHAPTER 85, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE GENERAL POWERS OF THE GUAM PAROLE BOARD", was on the 17th day of February, 2012, duly and regularly passed.



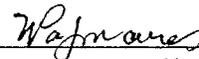
Judith T. Won Pat, Ed.D.
Speaker

Attested:



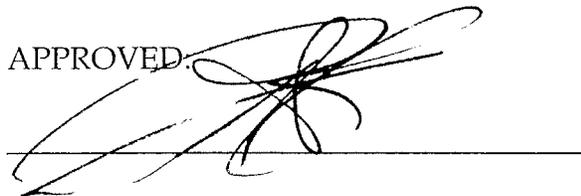
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 17 day of FEB., 2012, at
1:22 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED



RAYMOND S. TENORIO
Acting Governor of Guam

Date: Febr. 27, 2012

Public Law No. 31-193

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 400-31 (LS)

As amended by the Committee on Public Safety,
Law Enforcement and Judiciary.

Introduced by:

Adolpho B. Palacios, Sr.
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §85.26 OF CHAPTER 85, TITLE 9,
GUAM CODE ANNOTATED, RELATIVE TO THE
GENERAL POWERS OF THE GUAM PAROLE BOARD.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that there has been a recent controversy on the conduct of Guam Parole Board
4 meetings in accordance with the Open Government Law, specifically §8103(c)
5 Title 5, Guam Code Annotated. §8103(c) of Title 5, Guam Code Annotated
6 requires that no board, commission or public officer of the government of Guam

1 may prevent or deny the recording (audio and/or video) of any public meeting,
2 *except* for executive sessions and other meetings expressly authorized by public
3 law to be closed. Following guidance from the Office of the Attorney General, the
4 Guam Parole Board voided its actions at a meeting in September 2011.

5 *I Liheslaturan Guåhan* further finds that no provision of law currently exists
6 that permits deliberations by the Guam Parole Board to be conducted in a closed
7 meeting. Thus, the Parole Board has to forego deliberations, entirely, or conduct
8 them in an open public meeting, subject to recording by audio or video. While the
9 Open Government Law is intended to maximize transparency of Board actions, the
10 decision of whether to release an inmate on parole, revoke parole or discharge an
11 inmate from parole is a solemn quasi-judicial function for which Parole Board
12 members should be able to express themselves freely during deliberations, so that
13 all aspects of the case for or against a decision may be weighed. A number of
14 states close at least portions of their parole board meetings to the public.
15 California, Georgia and Kentucky each conduct their deliberations in a closed
16 meeting.

17 Therefore, it is the intent of *I Liheslaturan Guåhan* to mitigate the concerns
18 of the Guam Parole Board relative to the conduct of its meetings by amending
19 §85.26 of Chapter 85, Title 9, Guam Code Annotated.

20 **Section 2.** §85.26 of Chapter 85, Title 9, Guam Code Annotated, is hereby
21 *amended* to read:

22 **“§ 85.26. Board: General Powers.**

23 The Board is authorized to release on parole any person confined in
24 any penal *or* correctional institution of Guam, and to revoke parole *or*
25 discharge from parole any parolee as provided in Article 5 (commencing
26 with § 80.70) of Chapter 80. The Board *shall* adopt such rules and

1 procedures *not* inconsistent with law as it may deem proper *or* necessary to
2 carry out its duties, and *shall* be in accordance with the Open Government
3 Law, *except* as herein provided.

4 Such rules and procedures *shall* include, but *not* be limited to, the
5 following:

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

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

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

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

14 (e) any other rules in furtherance of the mandates of the
15 Board;

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

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



Thirty-First
Guam Legislature

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

February 10, 2012

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'Trentai Unu na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: **The Honorable Rory J. Respicio**
Chairman, Committee on Rules

RE: **Committee Report – Bill No. 400-31 (COR) as Amended.**

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **Bill No. 400-31 (LS) – "AN ACT TO AMEND §85.26 OF CHAPTER 85, 9GCA, RELATIVE TO THE CONDUCT OF DELIBERATIONS AND VOTING ON PAROLE ACTIONS BY THE GUAM PAROLE BOARD,"** hereby reports out with the recommendation **TO PASS**.

Committee Votes are as follows:

<u>8</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>1</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

Sincerely,


ADOLPHO B. PALACIOS, MPA, BS/CJA
Chairman

Attachments

Committee Members:

- Senator Thomas C. Ada
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.
Member
- Senator Tina R. Muña-Barnes
Member
- Senator Judith P. Guthertz, DPA
Member
- Senator Rory J. Respicio
Member
- Senator Dennis G. Rodriguez, Jr.
Member
- Senator V. Anthony Ada
Member
- Senator Christopher M. Duenas
Member
- Senator Mana Silva-Tajeron
Member
- Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
Membership:*

- Vice Chairman, Committee on
Utilities, Transportation, Public
Works and Veterans Affairs
- Vice Chairman, Committee on
Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform
- Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources
- Member, Committee on
Education and Public Libraries
- Member, Committee on Guam
Military Buildup and Homeland
Security
- Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation

2012 FEB 13 AM 8:47 



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guáhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT ON
Bill No. 400-31 (LS)
Amended by the Committee on
Public Safety, Law Enforcement & Judiciary

**AN ACT TO AMEND §85.26 OF
CHAPTER 85, 9GCA, RELATIVE TO
THE CONDUCT OF DELIBERATIONS
AND VOTING ON PAROLE ACTIONS
BY THE GUAM PAROLE BOARD.**



Thirty-First
Guam Legislature

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

February 8, 2012

MEMORANDUM

TO: ALL MEMBERS
Committee on Public Safety, Law Enforcement, & Judiciary

FROM: Senator Adolpho B. Palacios, Sr.
Committee Chairman

SUBJECT: Committee Report on Bill No. 400-31 (LS) as Amended.

Transmitted herewith for your consideration is the Committee Report on **Bill No. 400-31 (LS) as Amended – “AN ACT TO AMEND §85.26 OF CHAPTER 85, 9GCA, RELATIVE TO THE CONDUCT OF DELIBERATIONS AND VOTING ON PAROLE ACTIONS BY THE GUAM PAROLE BOARD.”** – sponsored by Senator Adolpho B. Palacios, Sr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of **Bill No. 400-31 (LS) as Amended**
- Copy of **Bill No. 400-31 (LS) as Introduced**
- Public Hearing Sign-in Sheet
- Copies of testimony submitted and supporting documents
- Fiscal Note request for **Bill No. 400-31 (LS)**
- Copy of COR Referral of **Bill No. 400-31 (LS)**
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous documents

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please contact this office.

Si Yu'os ma'åse!

Committee Members:

- Senator Thomas C. Ada
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.
Member
- Senator Tina R. Muña-Barnes
Member
- Senator Judith P. Guthertz, DPA
Member
- Senator Rory J. Respicio
Member
- Senator Dennis G. Rodriguez, Jr.
Member
- Senator V. Anthony Ada
Member
- Senator Christopher M. Duenas
Member
- Senator Mana Silva-Tajeron
Member
- Senator Aline A. Yamashita, Ph.D.
Member

Other Committee Membership:

- Vice Chairman, Committee on Utilities, Transportation, Public Works and Veterans Affairs
- Vice Chairman, Committee on Health and Human Services, Senior Citizens, Economic Development and Election Reform
- Member, Committee on Education and Public Libraries
- Member, Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources
- Member, Committee on Guam Military Buildup and Homeland Security
- Member, Committee on Municipal Affairs, Tourism, Housing and Recreation



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

COMMITTEE VOTING SHEET:

Bill No. 400-31 (LS) as Amended – “AN ACT TO AMEND §85.26 OF CHAPTER 85, 9GCA, RELATIVE TO THE CONDUCT OF DELIBERATIONS AND VOTING ON PAROLE ACTIONS BY THE GUAM PAROLE BOARD.” — sponsored by Senator Adolpho B. Palacios, Sr.

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		2/8/12 ✓				
Thomas C. Ada Vice Chairman		2/8/12 ✓				
Tina R. Muña-Barnes Member		✓				
Judith P. Guthertz, DPA Member						
Rory J. Respicio Member		2/9/12 ✓				
Dennis G. Rodriguez, Jr. Member		2/9/12 ✓				
Judith T. Won Pat, Ed.D. Member		2/9/12 ✓				
V. Anthony Ada Member		2/9/12 ✓				
Christopher M. Duenas Member		2/9/12 ✓				
Mana Silva Tajeron Member				2/9/12		
Aline A. Yamashita, Ph.D. Member						



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

COMMITTEE REPORT DIGEST

Bill No. 400-31 (LS) – “An act to amend §85.26 of Chapter 85, 9GCA, relative to the conduct of deliberations and voting on parole actions by the Guam Parole Board.” – by Adolpho B. Palacios, Sr.

I. OVERVIEW

The Committee on Public Safety, Law Enforcement & Judiciary convened the public hearing on **February 6, 2012 at 1:05 a.m.** in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of **Bill No. 400-31 (LS) - “An act to amend §85.26 of Chapter 85, 9GCA, relative to the conduct of deliberations and voting on parole actions by the Guam Parole Board,”** sponsored by Senator Adolpho B. Palacios, Sr.

Public Hearing Requirements:

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on January 27 and 30, 2012 (5-day Notice) and on February 3, 2012 (48-Hour notice), pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature's website.

Senators Present:

Senator Adolpho B. Palacios, Sr., Chairman

Senator Thomas C. Ada, Vice Chairman

Senator Aline A. Yamashita, Member

Senator V. Anthony “Tony” Ada, Member

Individual(s) Registered for oral or written testimony:

Jose A. San Agustin, Director, Department of Corrections, provided oral and written testimony in support of the Bill.

Joanna M. Blas, Member, Guam Parole Board, provided oral testimony in support of the Bill.

Connie Duenas, Member, Guam Parole Board, provided oral testimony in support of the Bill.

J. Patrick Mason, Deputy Attorney General, provided oral testimony in support of the Bill.

Kevin Smith, Member, Guam Parole Board, provided oral testimony in support of the Bill.

Office/Mailing Address: 155 Hesler Place, Hagatña, Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022

Email: SenABPalacios@gmail.com • Website: www.senatorpalacios.com

Dr. Dianne Strong, provided written testimony in support of the Bill.

Soledad Chargualaf, Member, Guam Parole Board, provided oral testimony in support of the Bill.

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr., convened the public hearing at 1:05 p.m., read the agenda and gave a brief overview of the Bill. Chairman Palacios explained that there is concern about the safety of parole board members when they impact the lives of parolees or potential parolees through a vote. He stated that the Bill would close the portion of the meeting where deliberations occur and when a vote is taken on parole actions. Chairman Palacios called the panel of Jose A. San Agustin, Joanna M. Blas, Connie Duenas, Deputy Attorney General J. Patrick Mason, and Kevin Smith to testify.

Director Jose A. San Agustin read his prepared written testimony. He said that he supports the Bill. He said that while the Open Government Law is intended to create openness in government, the Parole Board should be allowed discretion. He said that the Bill would allow Parole Board members to make decisions freely without fear of retribution. (*See attached written testimony.*)

Joanna M. Blas supports the Bill. She said that the Parole Board should be allowed to conduct their deliberations and vote in a closed meeting.

Connie Duenas supports the Bill. She said that she is not afraid because only God can take your life. She said that it concerns the safety of the family and the victims.

Deputy Attorney General Pat Mason said that release on parole is not a right. He points out that revoking parole is different, since it deprives someone of their liberty. He suggested that the phrase, "except as provided herein," following the phrase "pursuant to the Open Government Law."

Kevin Smith supports the Bill. He said that Open Government and transparency are ideal, but that there need to be deviations from that ideal. He said that Parole Board members have sought to acquire guns to protect themselves.

Soledad Chargualaf supports the Bill. She pointed out that the Parole Board has not had a consistent place to meet. She believes that the current site at the Department of Corrections is not a good location for their meetings.

Chairman Palacios mentioned that a status briefing will follow, discussing the logistical support provided by the Department of Corrections for the Parole Board. Chairman Palacios noted that Lieutenant Antone Aguon indicated his support on the sign-up sheet.

Vice Chairman Ada asked about the proceedings of a standard Parole Board meeting. Vice Chairman Ada brought up the concern by Dr. Dianne Strong that rules and regulations have not been established. A number of Parole Board members responded that there are rules and regulations. Vice Chairman Ada ascertained that the reason(s) for denial are to be provided in writing. Connie Duenas said that the Parole Officer informs the inmate or parolee of the outcome.

Senator Yamashita asked whether a victim, family member or lay representative may be present when the decision is made. Soledad Chargualaf stated that they are not. Senator Yamashita found that the Parole Officer is allowed in the meeting.

Chairman Palacios stated that the Parole Officer is the main connection between the parole process and the inmate and parolee. Chairman Palacios mentioned that there is a concern that the Parole Board, in the past, may have been inconsistent and lacking rules and regulations. Lieutenant Antone Aguon began discussing the rules and regulations for the Parole Services Division. Chairman Palacios pointed out that what is being discussed are the rules and regulations promulgated by the Board, not the rules of the Division. Lieutenant Antone Aguon said that Chairman Taitano and he have worked together to try to adopt rules and regulations, but that they are still draft documents, although there are some rules and procedures already established.

Soledad Chargualaf said that there is a high rate of giving parolees second chances. Chairman Palacios said that as long as there are rules and regulations, it will help justify the decisions that the Parole Board makes.

Kevin Smith said that his understanding is that the Board is not allowed to meet at places like at his home, for example. Chairman Palacios said that his understanding is that Parole Board meetings should be conducted in public facilities and suggested a possible location.

Chairman Palacios asked Deputy Attorney General Mason if there is a necessity to add language to the Bill. Mr. Mason said that the language should be added, "except as provided herein," as noted prior.

Chairman Palacios declared that Bill No. 400-31 (LS) has been duly heard. The Chairman concluded the hearing and requested that written testimony be submitted. Chairman Palacios adjourned the hearing at 1:56 p.m.

III. WRITTEN TESTIMONIES

Michael Carey. *(Summary follows.)*

Jose A. San Agustin, Director, Department of Corrections. *(Summarized in Section II.)*

Dr. Dianne Strong. *(Summary follows.)*

Michael Carey. Mr. Carey had formerly served as a member of the Guam Parole Board. He expressed his concern that individual voting on Parole Board decisions could be made a public record. Michael Carey explained the quasi-judicial function of the Board and stated that the Board should be able to vote by secret ballot, to which the press would not be privy. He said that the Board historically has received occasional threats. *(See attached written testimony.)*

Dr. Dianne Strong. Dr. Strong supports the Bill. She wrote that the Board's actions may not always be popular, but the members bear a daunting responsibility. She believes that the current process of the Parole Board is inefficient, time-consuming, and fails to protect the rights of inmates or those who may wish to testify or who do testify. Dr. Strong asserted that the Parole Board had not adopted policies and procedures and need to follow the Administrative Adjudication Law. She advocated the Governor filling the Board's vacant position. She believes that other portions of the meetings of the Parole Board should comply with the Open Government Law and the Fifth and Fourteenth Amendments to the U.S. Constitution. *(See attached written testimony.)*

No additional written testimony was received following the public hearing.

IV. FINDINGS AND RECOMMENDATIONS

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 400-31 (LS), as Amended**, with the recommendation **TO PASS**.

2011 DEC 21 11:09 AM EDM

MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 400-31 (LS)

Introduced by:

Adolpho B. Palacios, Sr. 

**AN ACT TO AMEND §85.26 OF CHAPTER 85,
9GCA, RELATIVE TO THE CONDUCT OF
DELIBERATIONS AND VOTING ON PAROLE
ACTIONS BY THE GUAM PAROLE BOARD.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that there has been a recent controversy on the conduct of Guam Parole Board
4 meetings in accordance with the Open Government Law, specifically §8103(c)
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6 requires that no board, commission or public officer of the government of
7 Guam may prevent or deny the recording (audio and/or video) of any public
8 meeting, except for executive sessions and other meetings expressly
9 authorized by public law to be closed. Following guidance from the Office of
10 the Attorney General, the Guam Parole Board voided its actions at a meeting
11 in September, 2011.

12 *I Liheslaturan Guåhan* further finds that no provision of law currently
13 exists that permits deliberations by the Guam Parole Board to be conducted in

1 a closed meeting. Thus, the Parole Board has to forego deliberations, entirely,
2 or conduct them in an open public meeting, subject to recording by audio or
3 video. While the Open Government Law is intended to maximize
4 transparency of Board actions, the decision of whether to release an inmate on
5 parole, revoke parole or discharge an inmate from parole is a solemn quasi-
6 judicial function for which Parole Board members should be able to express
7 themselves freely during deliberations, so that all aspects of the case for or
8 against a decision may be weighed. A number of states close at least portions
9 of their parole board meetings to the public. California, Georgia and
10 Kentucky each conduct their deliberations in a closed meeting.

11 Therefore, it is the intent of *I Liheslaturan Guåhan* to mitigate the
12 concerns of the Parole Board relative to the conduct of its meetings by
13 amending §85.26 of Chapter 85, 9GCA.

14 **Section 2. Board: General Powers.** §85.26 of Chapter 85, 9GCA, is
15 hereby amended, to read:

16 **“§ 85.26. Board: General Powers.**

17 The Board is authorized to release on parole any person confined in any
18 penal *or* correctional institution of Guam, and to revoke parole *or* discharge
19 from parole any parolee as provided in Article 5 (commencing with § 80.70) of
20 Chapter 80. The Board *shall* adopt such rules and procedures *not* inconsistent
21 with law as it may deem proper *or* necessary to carry out its duties, and *shall*
22 be in accordance with the Open Government Law.

1 Such rules and procedures *shall* include, but *not* be limited to, the
2 following:

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

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

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

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

11 (e) any other rules in furtherance of the mandates of the Board; ~~and~~

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

15 (g) pursuant to rules and regulations established by the Board, the
16 Board may conduct deliberations in closed meetings and may vote by secret
17 ballot on matters relative to the release on, revocation of, or discharge from
18 parole."

19 **Section 3. Effective Date.** This Act shall be effective upon enactment.

MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 400-31 (LS)

As Amended by the Committee on Public Safety,
Law Enforcement and Judiciary.

Introduced by:

Adolpho B. Palacios, Sr.

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11 of their parole board meetings to the public. California, Georgia and
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21 from parole any parolee as provided in Article 5 (commencing with § 80.70) of
22 Chapter 80. The Board *shall* adopt such rules and procedures *not* inconsistent

1 with law as it may deem proper *or* necessary to carry out its duties, and *shall*
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18 Board may conduct deliberations in closed meetings and may vote by secret
19 ballot on matters relative to the release on, revocation of, or discharge from
20 parole, notwithstanding the provisions of the Open Government Law."

21 **Section 3. Effective Date.** This Act shall be effective upon enactment.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina 'Trentai Unu na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

Monday, February 6, 2012

Bill No. 400-31 (COR) - AN ACT TO AMEND §85.26 OF CHAPTER 85, 9GCA, RELATIVE TO THE CONDUCT OF DELIBERATIONS AND VOTING ON PAROLE ACTIONS BY THE GUAM PAROLE BOARD. - sponsored by Senator Adolpho B. Palacios, Sr.

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
✓ Jose A. San Agustin	DOC	735-4131	✓	✓	✓	
Joseph M. Mesa	DOC	734-3918				
✓ JOANA MARGARITA BLOZ	Parole Board	888-6569	-		✓	
✓ Connie Mesa DUEÑAS	" "	646-1945	✓		✓	
✓ Pat Mason	AG office		✓			
Kevin Smith	GP Board	734-2156		✓	✓	
Fiona Hocking	REACTOR	688-9982			✓	



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

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NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
✓ Dianne M. Johnson	self	687-3647		✓	✓	
✓ Slesao Chagasuafe	Parole	477-9678	✓		✓	
✓ Antone Agvon	Doc	688-6638			✓	



Adolpho Palacios <senabpalacios@gmail.com>

Bill 400 input

Michael Carey <mdcarey0302@gmail.com>

Sun, Feb 5, 2012 at 2:43 PM

To: senabpalacios@gmail.com

Senator Palacios,

I'm writing on behalf of the Guam Parole Board, as a former Board member. Unfortunately, I am leaving Guam Monday morning, after 24 years, to attend to a family medical situation in the States, and I have not had time or opportunity to research Bill 400

I'm told that a possible provision being pushed by the local press is to make individual voting on Board decisions a matter of public record. Certainly, voting by elected officials (senators) should and always has been so. However, Parole Board members are not elected to serve. They are volunteers who agreed to take time away from their regular jobs and families to perform fairly hazardous public service without compensation. I see them as somewhat analogous to jury members in a trial, whose votes are by secret written ballot, to which the press is not privy.

Frankly, I left the Parole Board when my wife and I adopted a little girl who had been abandoned in GMH after an attempted, late term abortion that resulted in live birth. As a Board member – indeed, the only white face on the Board – I lived with a loaded pistol. Every time the Board sat, we had the opportunity to piss off some genuinely bad guys, some from large families, and there were occasional threats. I didn't want to raise our daughter in those

conditions.

The current Board faces the same situation. Threats, overt or implied, are part of the job. Two members are retired GPD officers and are armed. The civilian members recently approached me to inquire about applying for a firearms permit and acquiring a pistol. A civilian female member is currently being stalked by a parolee.

Consequently, as a matter of conscience, I am compelled to write and register my opposition to the flawed concept that Parole Board members' voting should be made public. We should be grateful for this small cadre of self-sacrificing and courageous citizens who are willing to serve. Lets not make their duties any more difficult or hazardous than need be just to satisfy the demands of a misguided press.

Semper Fidelis,

Mike Carey

USMC (Retired)

--
Michael D. Carey
USMC (Ret)

Thomas Jefferson: "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants."



DEPARTMENT OF CORRECTIONS

Depattamenton Mangngurihi

P.O. Box 3236

Hagatna, Guam 96932



Eddie Baza Calvo
Governor

Jose A. San Agustin
Director

Ray Tenorio
Lt. Governor

Testimony of

Jose A. San Agustin

Director Department of Corrections

Feb 6 2011

Buenas Yan Hafa Adai

Honorable Chairman Adolpho Palacios, SR. Members of the Committee, and all Honorable Senators:

Gaho Si Jose Acfalle San Agustin Director Department of Corrections

I am pleased to come before you to testify on Bill 400-31. AN ACT TO AMEND SS85.26 OF CHAPTER 85, 9GCA RELATIVE TO THE CONDUCT OF DELIBERATIONS AND VOTING ON PAROLE ACTIONS BY THE GUAM PAROLE BOARD.

While the open Government law is intended to maximize transparency of board actions. I feel that Parole Board members should be able to express themselves freely with out fear of threats or repercussion. This can only be done through discrete actions of each and every Parole Board Member.

I Liheslaturan Guahans intent to amend SS 85.26 of Chapter 85, 9 GCA **Section 2. Board: General Powers.** Page 3 line 15 Subparagraph (g) 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. This amendment would allow Parole Board Members to express themselves freely during deliberations and make a more refined decision with out having to fear of threats or other repercussions.

Jose A. San Agustin
DirDepCor

Testimony of Dianne M. Strong, Ed.D.

Rights Activist

February 6, 2012



Committee on Public Safety, Law Enforcement & Judiciary

31st Guam Legislature, Public Hearing on Bill 400-31 (COR)

**RELATIVE TO THE CONDUCT OF DELIBERATIONS AND VOTING ON
PAROLE ACTIONS BY THE GUAM PAROLE BOARD.**

Chairman: Senator Adolpho B. Palacios, Sr.

Honorable Chairman Palacios and Senators of the 31st Guam Legislature:

I wish to preface my testimony today with my public acknowledgment that members of the Guam Parole Board perform a time consuming and often thankless task, and receive no remuneration. One former member told me he always slept with a handgun under his pillow. The Board's actions may not always be popular, and the members bear a daunting responsibility.

I have observed that the process the current Parole Board engages in is both inefficient and time-consuming, but most importantly, this process fails to protect rights of either inmates or members of the public who may wish to testify or who do testify.

I would like to remind our senators that to date the Parole Board has NOT taken steps to draft the required Policies and Procedures, and therefore must follow the Guam Administrative Adjudication Law, 5 GCA §9100, et. seq.

Among the many purposes for policies and procedures for Guam's Public Boards are the following:

- (1) to follow Territorial and US laws (such as the Open Government Law, Constitutional due process guarantees, etc.)
- (2) to safeguard the rights of all
- (3) to enable public participation
- (4) to provide transparency in the actions they take
- (5) to provide accountability to the public
- (6) to provide consistency and equal treatment for all
- (7) to set policy which benefits the people of Guam

RECEIVED
2/6/12
12:00 PM



BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

RAY TENORIO
LIEUTENANT GOVERNOR

JOHN A. RIOS
DIRECTOR

STEPHEN J. GUERRERO
DEPUTY DIRECTOR

JAN 09 2012

The Bureau requests that Bill No(s). 400-31(LS) is granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 400-31(LS) relative to the conduct of deliberations and voting on parole actions by the Guam Parole Board is administrative in nature and poses no fiscal impact upon any funds of the Government of Guam.


JOHN A. RIOS
Director



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY
MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY
MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

December 20, 2011

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

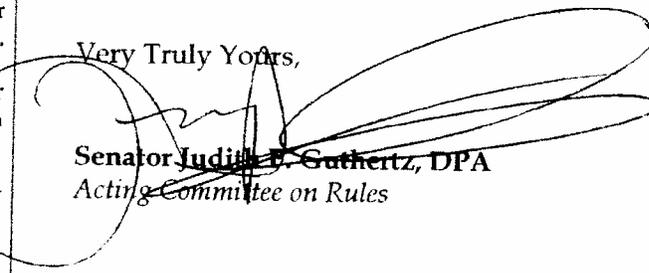
RE: Request for Fiscal Note -
Bill Nos. 396-31 (COR) to 397-31 (COR) & 398-31 (LS) to 399-31 (LS)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Unu na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,


Senator Judith P. Guthertz, DPA
Acting Committee on Rules

Attachments

Cc: Clerk of the Legislature

2011 DEC 20 PM 11:53

MESSAGE CONFIRMATION

DEC-20-2011 02:47 PM TUE

FAX NUMBER : 4772240
NAME : GNF

NAME/NUMBER : 4722825
PAGE : 2
START TIME : DEC-20-2011 02:46 PM TUE
ELAPSED TIME : 00' 20"
MODE : STD ECM
RESULTS : [O.K]



COMMITTEE ON RULES

I Minutrentai Unu na Libeslaturan Guåhan • The 31st Guam Legislature
155 Hester Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: rorjfor Guam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

- Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER
- Senator
Judith P. Guthertz
VICE CHAIRPERSON
MAJORITY LEADER
- MAJORITY MEMBERS:
- Speaker
Judith T. Won Pat
- Vice Speaker
Benjamin J. F. Cruz
- Senator
Rose Muna Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP
- Senator
G. Rodriguez, Jr.
MINORITY WHIP
- Senator
Thomas C. Ada
- Senator
John B. Palacios, Sr.
- Senator
Antonio Pangolinan
- MINORITY MEMBERS:
- Senator
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MINORITY LEADER
- Senator
Christopher M. Ducenas

December 20, 2011

VIA FACSIMILE
(671) 472-2825

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

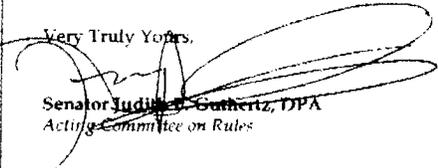
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Very Truly Yours,


Senator Judith P. Guthertz, DPA
Acting Committee on Rules

Attachments
Cc: Clerk of the Legislature

Rec'd by. Analyn
date. 12/20/11
time. 4:02pm



COMMITTEE ON RULES

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155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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MAJORITY LEADER

Senator
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VICE CHAIRPERSON
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Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

December 23, 2011

MEMORANDUM

To: **Pat Santos**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**

Subject: **Referral of Bill Nos. 400-31(LS)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 400-31 (LS).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(1) Attachment

I Mina Trentai Unu Na Liheslaturan Guahan

Bill Log Sheet

BILL NOS.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	Status
400-31 (LS)	Adolpho B. Palacios, Sr.	AN ACT TO AMEND §85.26 OF CHAPTER 85, 9GCA, RELATIVE TO THE CONDUCT OF DELIBERATIONS AND VOTING ON PAROLE ACTIONS BY THE GUAM PAROLE BOARD	12/21/11 9:19 a.m.	12/22/2011	4/19/2012	Committee on Public Safety, Law Enforcement & Judiciary			12/22/11 - Request for Fiscal Note

Subject: First Notice of Public Hearing scheduled for February 6, 2012

From: Adolpho B. Palacios, Sr. (senator@senatorpalacios.com)

To: phnotice@guamlegislature.org; telo.taitague@guam.gov;

amier@mvguam.com; clynt@spbgua.com; dcrisost@guampdn.com; dmgeorge@guampdn.com;
editor@mvguam.com; egthompson@guampdn.com; jason@kuam.com; jtyquiengco@spbgua.com;
kstokish@gmail.com; kstone@ite.net; life@guampdn.com; mabuhaynews@yahoo.com;
Cc: mindy@kuam.com; mpieper@guampdn.com; news@guampdn.com; news@spbgua.com;
nick.delgado@kuam.com; officemanager@hitradio100.com; ricknauta@hitradio100.com;
rlimtiaco@guampdn.com; sabrina@kuam.com; slimtiaco@guampdn.com;
therese.hart.writer@gmail.com; zita@mvguam.com;

Date: Friday, January 27, 2012 12:04 PM

January 27, 2012

Hafa Adai! Please see attached press release - First Notice of Public Hearing scheduled for Monday, February 6, 2012, starting at 9:00am in the Legislature's Public Hearing Room. *Thank you for your kind attention!*

*Committee on Public Safety, Law Enforcement & Judiciary
Senator Adolpho B. Palacios, Sr., Chairman
155 Hesler Place, Hagåtña, Guam 96910
477-5047/5048
477-5022 (fax)*

Listserv: phnotice@guamlegislature.org

As of Nov. 23, 2011

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victoria@senatorpalacios.com
vkomiyama.senatorrodriguez@gmail.com
wilcastro671@gmail.com

Subject: First Notice of Public Hearing scheduled for February 6, 2012
From: Adolpho B. Palacios, Sr. (senator@senatorpalacios.com)
To: joey.sannicolas@gfd.guam.gov; jose.sanagustin@doc.guam.gu; chellegu@gmail.com;
lrapadas@guamattorneygeneral.com; ptaitano@mail.justice.gov.gu;
Date: Friday, January 27, 2012 1:40 PM

January 27, 2012

Hafa Adai! Please see attached press release - First Notice of Public Hearing scheduled for Monday, February 6, 2012, starting at 9:00am in the Legislature's Public Hearing Room. *Thank you for your kind attention!*

*Committee on Public Safety, Law Enforcement & Judiciary
Senator Adolpho B. Palacios, Sr., Chairman
155 Hesler Place, Hagåtña, Guam 96910
477-5047/5048
477-5022 (fax)*

Destination	Start Time	Time	Prints	Result	Note
PDN	01-27 09:48	00:00:37	001/001	OK	
KUAM	01-27 09:49	00:00:34	001/001	OK	
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K57	01-27 09:50	00:00:18	001/001	OK	
HIT RADIO 100	01-27 09:51	00:00:19	001/001	OK	
KSTO	01-27 09:52	00:00:44	001/001	OK	
GLIMPSES	01-27 09:53	00:00:20	001/001	OK	
MARIANAS VARIETY	01-27 09:53	00:00:19	001/001	OK	
KSTEREO/KISH	01-27 09:54	00:00:44	001/001	OK	
JOY 92 FM	01-27 09:55	00:00:19	001/001	OK	
KPRG	01-27 09:56	00:00:20	001/001	OK	
Gov.	01-27 09:57	00:00:20	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
BND: Double-Sided Binding Direction, SP: Special Original, FCODE: F-code, RTX: Re-TX,
RLY: Relay, MBX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error,
DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trental Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

**FIRST NOTICE OF PUBLIC HEARING
MONDAY, FEBRUARY 6, 2012**

FOR IMMEDIATE RELEASE
(Hagatna, Guam – January 27, 2012)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at 9:00 a.m., Monday, February 6, 2012 at *I Liheslaturan Guåhan's* Public Hearing Room in *Hagåtña*, based on the following schedule:

9:00 am:

- Status Briefing by the Guam Fire Department, relative to ambulance services, billing services and office relocation.

1:00 pm:

- Bill No. 400-31 (COR) - AN ACT TO AMEND §85.26 OF CHAPTER 85, 9GCA, RELATIVE TO THE CONDUCT OF DELIBERATIONS AND VOTING ON PAROLE ACTIONS BY THE GUAM PAROLE BOARD. – sponsored by Senator Adolpho B. Palacios, Sr.

2:00 pm:

- Status Briefing by the Department of Corrections, relative to office relocation, administrative support for the Guam Parole board, and inmates' access to medical services/medication.

Copies of the aforementioned Bill may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hester Place, Hagatna, Guam 96910, or via email to senator@senatorpalacios.com, or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.

Destination	Start Time	Time	Prints	Result	Note
6422012 GFD	01-27 12:08	00:00:28	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
 MIX: Mixed Original TX, CALL: Manual TX, CSAC: CSAC, FWD: Forward, PC: PC-Fax,
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
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SENATOR ADOLPHO B. PALACIOS, SR.
 Chairman

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

**FIRST NOTICE OF PUBLIC HEARING
MONDAY, FEBRUARY 6, 2012**

FOR IMMEDIATE RELEASE

(Hagatna, Guam – January 27, 2012)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement and Judiciary will be conducting a public hearing starting at 9:00 a.m., Monday, February 6, 2012 at *I Liheslaturan Guåhan's Public Hearing Room* in *Hagåtña*, based on the following schedule:

9:00 am:

- **Status Briefing** by the **Guam Fire Department**, relative to ambulance services, billing services and office relocation.

1:00 pm:

- **Bill No. 400-31 (COR) - AN ACT TO AMEND §85.26 OF CHAPTER 85, 9GCA, RELATIVE TO THE CONDUCT OF DELIBERATIONS AND VOTING ON PAROLE ACTIONS BY THE GUAM PAROLE BOARD.** – sponsored by Senator Adolpho B. Palacios, Sr.

2:00 pm:

- **Status Briefing** by the **Department of Corrections**, relative to office relocation, administrative support for the Guam Parole board, and inmates' access to medical services/medication.

Copies of the aforementioned Bill may be obtained thru Senator Palacios' website at www.senatorpalacios.com. Testimonies should be addressed to Senator Adolpho B. Palacios, Sr., Chairperson, and will be accepted via hand delivery to our office, our mailbox at the main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, or via email to senator@senatorpalacios.com, or via facsimile to (671) 472-5022. Individuals requiring special accommodations or services, or for more information, please contact Julian Janssen or Jennifer Dulla at (671) 472-5047/5048.

###

Office/Mailing Address: 155 Hesler Place, Hagatña, Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022

Email: SenABPalacios@gmail.com • Website: www.senatorpalacios.com

Subject: REVISED First Notice of Public Hearing scheduled for Feb. 6, 2012

From: Adolpho B. Palacios, Sr. (senator@senatorpalacios.com)

To: phnotice@guamlegislature.org; telo.taitague@guam.gov;

amier@mvguam.com; clynt@spbg Guam.com; dcrisost@guampdn.com; dmgeorge@guampdn.com;
editor@mvguam.com; egthompson@guampdn.com; jason@kuam.com; jtyquiengco@spbg Guam.com;

Cc: kstokish@gmail.com; kstone@ite.net; life@guampdn.com; mabuhaynews@yahoo.com;
mindy@kuam.com; mpieper@guampdn.com; news@guampdn.com; news@spbg Guam.com;
nick.delgado@kuam.com; officemanager@hitradio100.com; ricknauta@hitradio100.com;
rlimtiaco@guampdn.com; sabrina@kuam.com; slimtiaco@guampdn.com;
therese.hart.writer@gmail.com; zita@mvguam.com;

Bcc: jose.sanagustin@doc.guam.gu;

Date: Monday, January 30, 2012 9:10 AM

Hafa Adai! Please find attached a REVISED First Notice of Public Hearing scheduled for February 6, 2012 starting at 9:00 am. Thank You for your kind attention!

*Committee on Public Safety, Law Enforcement & Judiciary
Senator Adolpho B. Palacios, Sr., Chairman
155 Hesler Place, Hagåtña, Guam 96910
477-5047/5048
477-5022 (fax)*

Destination	Start Time	Time	Prints	Result	Note
PDN	01-30 08:41	00:00:38	001/001	OK	
KJAM	01-30 08:46	00:01:02	001/001	OK	
PNC	01-30 08:47	00:00:22	001/001	OK	
K57	01-30 08:48	00:00:19	001/001	OK	
HIT RADIO 100	01-30 08:49	00:00:21	001/001	OK	
KSTO	01-30 08:50	00:00:45	001/001	OK	
GLIMPSES	01-30 08:51	00:00:20	001/001	OK	
MARIANAS VARIETY	01-30 08:51	00:00:19	001/001	OK	
KSTEREO/KISH	01-30 08:52	00:00:45	001/001	OK	
JOY 92 FM	01-30 08:53	00:00:20	001/001	OK	
KPRG	01-30 08:54	00:00:22	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-Code, RFX: Re-TX,
RLY: Relay, MEX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
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 - a. Status of vehicles not in service
 - b. Vehicle equipment;
 - (3) Civilian Volunteer Police Reserve Program; and
 - (4) Community Assisted Policing Effort Program.

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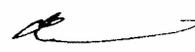
Destination	Start Time	Time	Prints	Result	Note
GPD	01-30 08:54	00:01:03	001/001	OK	
DOC	01-30 08:56	00:00:23	001/001	OK	
Gov.	01-30 08:56	00:00:20	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
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Chairman

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###

Subject: SECOND NOTICE of Public Hearing scheduled for February 6, 2012

From: Adolpho B. Palacios, Sr. (senator@senatorpalacios.com)

To: phnotice@guamlegislature.org; telo.taitague@guam.gov;

Cc: amier@mvguam.com; clynt@spbgum.com; dcrisost@guampdn.com; dmgeorge@guampdn.com; editor@mvguam.com; egthompson@guampdn.com; jason@kuam.com; jtyquiengco@spbgum.com; kstokish@gmail.com; kstone@ite.net; life@guampdn.com; mabuhaynews@yahoo.com; mindy@kuam.com; mpieper@guampdn.com; news@guampdn.com; news@spbgum.com; nick.delgado@kuam.com; officemanager@hitradio100.com; ricknauta@hitradio100.com; rlimtiaco@guampdn.com; sabrina@kuam.com; slimtiaco@guampdn.com; therese.hart.writer@gmail.com; zita@mvguam.com;

Bcc: chellegu@gmail.com; fred.bordallo@gpd.guam.gov; jose.sanagustin@doc.guam.gov;

Date: Friday, February 3, 2012 9:27 AM

Please see attached Second Notice of Public Hearing scheduled for Monday, February 6, 2012 starting at 9:00 am in the Legislature's Public Hearing Room. Thank you for your kind attention.

*Committee on Public Safety, Law Enforcement & Judiciary
Senator Adolpho B. Palacios, Sr., Chairman
155 Hesler Place, Hagåtña, Guam 96910
477-5047/5048
477-5022 (fax)*

Destination	Start Time	Time	Prints	Result	Note
PDN	02-03 09:15	00:00:37	001/001	OK	
KUAM	02-03 09:16	00:00:25	001/001	OK	
PNC	02-03 09:16	00:00:22	001/001	OK	
K57	02-03 09:17	00:00:19	001/001	OK	
HIT RADIO 100	02-03 09:18	00:00:20	001/001	OK	
KSTO	02-03 09:19	00:00:44	001/001	OK	
GLIMPSES	02-03 09:20	00:00:20	001/001	OK	
MARIANAS VARIETY	02-03 09:20	00:00:20	001/001	OK	
KSTEREO/KISH	02-03 09:21	00:00:44	001/001	OK	
JOY 92 FM	02-03 09:22	00:00:21	001/001	OK	
KPRG	02-03 09:23	00:00:20	001/001	OK	
Gov.	02-03 09:23	00:00:20	001/001	OK	

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I Mina' Trental Unu Na Liheslaturan Guåhan

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Chairman

PRESS RELEASE

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9:00 am:

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 - a. Number of police cruisers received in the last two (2) years:
 - i. Year/Make/Model,
 - ii. Current Mileage,
 - iii. Dates/Mileage reading when preventative maintenance work was performed per vehicle since receipt, and
 - iv. Since commissioning, how many days was each cruiser not available/in use?
 - b. Status of vehicles not in service
 - c. Vehicle equipment
 3. Civilian Volunteer Police Reserve Program;
 4. Community Assisted Policing Effort Program; and
 5. Status of deposits from the Accessible Parking fines.

1:00 pm:

- Bill No. 400-31 (COR) - AN ACT TO AMEND §85.26 OF CHAPTER 85, 9GCA, RELATIVE TO THE CONDUCT OF DELIBERATIONS AND VOTING ON PAROLE ACTIONS BY THE GUAM PAROLE BOARD. – sponsored by Senator Adolpho B. Palacios, Sr.

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Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022
Email: SenABPalacios@gmail.com • Website: www.senatorpalacios.com



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PUBLIC HEARING

MONDAY, FEBRUARY 6, 2012

I Liheslaturan Guåhan's Public Hearing Room, Hagåtña

AGENDA

- I. Call to Order
- II. Opening Remarks/Announcements
- III. Items for Discussion:

1:00 pm:

- **Bill No. 400-31 (COR) - AN ACT TO AMEND §85.26 OF CHAPTER 85, 9GCA, RELATIVE TO THE CONDUCT OF DELIBERATIONS AND VOTING ON PAROLE ACTIONS BY THE GUAM PAROLE BOARD. – sponsored by Senator Adolpho B. Palacios, Sr.**

Palacios holds briefings today on GPD and DOC

By Zita Y. Taltano
zita@mvguam.com
Variety News Staff

THE Committee on Public Safety, Law Enforcement and Judiciary is holding a status briefing this morning with the Guam Police Department to discuss the agency's relocation status.

Sen. Adolpho Palacios, the committee's chairman, will start the briefing at 9 a.m. Expected to be discussed is the status for the relocation of GPD divisions, including the administrative division, Records and ID, and special operations.

The committee will also discuss the number of cruisers in the GPD fleet in the past two years that were received and are still in operation, and the status of the vehicles that are

no longer in service.

The Civilian Volunteer Police Reserve Program, the Community Assisted Policing Effort Program, and the status of deposits from accessible parking fines are to be reviewed as well.

At 1 p.m., the committee will hear testimony on Palacios' Bill 400-31, which seeks to amend the conduct of deliberations and voting on parole actions by the Guam Parole Board.

And at 2 p.m., Palacios and his committee members will hold a status briefing with the Department of Corrections on its relocation to the Mangilao compound.

Also to be discussed are the administrative support for the Guam Parole Board and access for inmates to medical services and medication.

Bill provides confidentiality for parole deliberations, votes

By Zita Y. Taitano
zita@mvguam.com
Variety News Staff

LEGISLATION on whether the Parole Board can hold its meetings in private was discussed yesterday morning.

Bill 400-31 is intended to amend the open government law and hold closed meetings when members vote on whether to approve or disprove parole for a Department of Corrections inmate.

Sen. Adolpho Palacios, author of the bill, said he introduced the bill after hearing concerns on the safety of members and others who come before the board for either release or re-confinement.

"Pursuant to rules and regulations established by the

board, the board may conduct deliberations in closed meetings and may vote in secret ballot on the release on, revocation of, or discharge from parole," Palacios said.

Present to provide testimony was DOC Director Joe San Agustin and board members Joanna Margaret Blas, Kevin Smith, Dot Chargualaf and Connie Duenas.

According to San Agustin, parole board members should be able to freely express themselves without fear of exposure.

Blas is in favor of the measure, citing a meeting they had last year when media showed up for a board meeting.

"We told them that cases should not be heard through-

out the whole world. Let's try and protect the victims. The families are always there to testify. Let's hear them, but not in public," he said.

▶ Parole board member Kevin Smith testifies in support of Bill 400-3, which would allow the parole board to keep meetings, deliberations and voting confidential. David Castro / For Variety



Water and Wastewater Operator Certification Exams

Exams: Thursday, March 29, 2012
Deadline to apply: Friday, March 2, 2012

Guam EPA is given the authority to protect Guam's drinking waters and ensure every water system is run in a safe and healthy manner. As part of these efforts, Guam EPA requires all those operating a water or wastewater system pass a certification exam. This requirement ensures all those working on the island's drinking water system have the knowledge and training to do the job effectively without harm to the health of Guam's population or the environment.

HOW TO APPLY TO TAKE THE CERTIFICATION EXAM

1 - Complete application form found at Guam EPA's offices in Tiyan

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LOCAL

LOCAL

Bill proposes closed parole board deliberations

By Brett Kelman

Pacific Daily News
bmkelman@guampdn.com

Four months after a challenge by the Pacific Daily News forced the Guam parole board to open portions of its meetings that were improperly closed, a new bill hopes to make them secret again.

Bill 400 would allow the board to conduct deliberations in parole decisions behind closed doors and vote by secret ballot.

The bill was introduced recently by Democratic Sen. Adolpho Palacios, who said it received near unanimous support during a hearing on Monday. If passed into law it would create an exception to the Open Government Law.

"While the Open Government Law is intended to maximize transparency of board actions, the decision of whether to release an inmate on parole, revoke parole or discharge an inmate for parole is a solemn quasi-judicial function for which parole board members should be able to express themselves freely during deliberations, so that all aspects of a case for or against a decision may be weighed," the bill states.

Other states

According to Bill 400, equivalent parole boards in the states of California, Georgia and Kentucky are al-



Hearing: In this Sept. 29, 2011, file photo, the Guam Parole Board prepares for a hearing at the DNA Building in Hagåtña. From left, Dot Chargualaf, Connie Duenas, Joana Blas, Chairwoman Michelle Taitano, Kevin Smith and Ike Pangelinan.

Pacific Daily News

Protest

The board had previously conducted its deliberations in secret, but the Pacific Daily News filed a protest of this decision in October, insisting local law was being broken. The board also had been barring the public from the testimony of inmates, and the newspaper argued this was improper, too.

After reviewing the law, the Office of the Attorney General determined the board was in violation, and that inmate testimony and deliberations should have been held in the open. As a result of the ruling, several board decisions, which had been made while journalists were barred from a parole meeting, were voided.



/GuamPDN

During this controversy in October, Palacios voiced a very different position on the parole board. Back then the senator said the board's decision to conduct business in secret was "sad."

"When you're transparent, people with power are cautious in their decision-making process," Palacios said in October. "They are methodical. They want to make sure what they do is proper. But in a closed-door session, everyone can conveniently forget what they said or what they did because nobody is a witness."

Palacios said yesterday that he reversed his position on the parole board deliberations after speaking with the current board members, who voiced their earnest discomfort with public deliberations. Palacios said he no longer believed that closed-door meetings would damage the fairness of board decisions, and he introduced the bill after they urged him to do so.

However, the board has never actually deliberated in public.

The parole board hasn't made a single decision since the AG's ruling was released in October because the board has never had a quorum at a meeting.

Without a quorum, the board is powerless, so parole requests go unanswered and parolees who've been rearrested for violations must be released. As of last month, about 90 inmates were waiting for hearings and 15 violators had been rereleased without board decisions.

Palacios yesterday said that he believed the board's lack of comfort with public deliberations has contributed to its inability to maintain a quorum, although the problem is mostly fueled by lack of space. The parole board used to rent a conference room in Hagåtña, but moved out to save GovGuam money.

LOCAL NEWS

MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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EDW


Bill No. 400-31(LS)

Introduced by: Adolpho B. Palacios, Sr.

**AN ACT TO AMEND §85.26 OF CHAPTER 85,
9GCA, RELATIVE TO THE CONDUCT OF
DELIBERATIONS AND VOTING ON PAROLE
ACTIONS BY THE GUAM PAROLE BOARD.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that there has been a recent controversy on the conduct of Guam Parole Board
4 meetings in accordance with the Open Government Law, specifically §8103(c)
5 Title 5, Guam Code Annotated. §8103(c) of Title 5, Guam Code Annotated
6 requires that no board, commission or public officer of the government of
7 Guam may prevent or deny the recording (audio and/or video) of any public
8 meeting, except for executive sessions and other meetings expressly
9 authorized by public law to be closed. Following guidance from the Office of
10 the Attorney General, the Guam Parole Board voided its actions at a meeting
11 in September, 2011.

12 *I Liheslaturan Guåhan* further finds that no provision of law currently
13 exists that permits deliberations by the Guam Parole Board to be conducted in

1 a closed meeting. Thus, the Parole Board has to forego deliberations, entirely,
2 or conduct them in an open public meeting, subject to recording by audio or
3 video. While the Open Government Law is intended to maximize
4 transparency of Board actions, the decision of whether to release an inmate on
5 parole, revoke parole or discharge an inmate from parole is a solemn quasi-
6 judicial function for which Parole Board members should be able to express
7 themselves freely during deliberations, so that all aspects of the case for or
8 against a decision may be weighed. A number of states close at least portions
9 of their parole board meetings to the public. California, Georgia and
10 Kentucky each conduct their deliberations in a closed meeting.

11 Therefore, it is the intent of *I Liheslaturan Guåhan* to mitigate the
12 concerns of the Parole Board relative to the conduct of its meetings by
13 amending §85.26 of Chapter 85, 9GCA.

14 **Section 2. Board: General Powers.** §85.26 of Chapter 85, 9GCA, is
15 hereby amended, to read:

16 **“§ 85.26. Board: General Powers.**

17 The Board is authorized to release on parole any person confined in any
18 penal *or* correctional institution of Guam, and to revoke parole *or* discharge
19 from parole any parolee as provided in Article 5 (commencing with § 80.70) of
20 Chapter 80. The Board *shall* adopt such rules and procedures *not* inconsistent
21 with law as it may deem proper *or* necessary to carry out its duties, and *shall*
22 be in accordance with the Open Government Law.

1 Such rules and procedures *shall* include, but *not* be limited to, the
2 following:

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

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

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

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

11 (e) any other rules in furtherance of the mandates of the Board; ~~and~~

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

15 (g) pursuant to rules and regulations established by the Board, the
16 Board *may* conduct deliberations in closed meetings and *may* vote by secret
17 ballot on matters relative to the release on, revocation of, or discharge from
18 parole."

19 **Section 3. Effective Date.** This Act shall be effective upon enactment.