

FIRST GUAM LEGISLATURE
1952 (SECOND) Regular Session

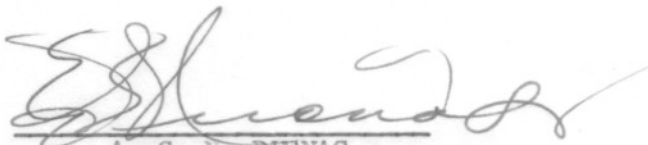
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 131, "An Act to provide a territorial parole system; to establish a territorial parole board and to define their powers, duties and responsibilities; and other related matters", was on the 18th day of June, 1952, duly and regularly passed.



A. B. WON PAT
Speaker

ATTESTED:



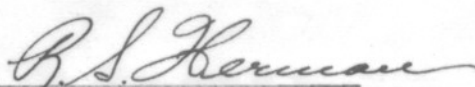
A. S. N. DUENAS
Legislative Secretary

This Act was received by the Governor this 20th day of June, 1952, at 10:07 o'clock A.M.



R. S. HERMAN
Secretary of Guam

APPROVED:



R. S. HERMAN
Acting Governor of Guam

Dated: June 28, 1952

FIRST GUAM LEGISLATURE
1952 (SECOND) Regular Session

Bill No. 131

Introduced by Ignacio P. Quitugua, by request

An Act to provide a territorial parole system; to establish a territorial parole board and to define their powers, duties and responsibilities; and other related matters.

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

ARTICLE I. TERRITORIAL BOARD

Section 1. A territorial parole board hereinafter referred to as "the board", consisting of three (3) members appointed by the Governor, by and with the advice and consent of the Legislature is hereby created within the Government of Guam. Only persons who by their knowledge and experience are prepared to perform efficiently the duties of the board as hereinafter provided shall be eligible to such appointment, and they shall be selected without reference to their political affiliations.

Section 2. The Governor shall appoint one of the members of the board as chairman. The board shall meet regularly at least once a month. Special meetings may be called by the chairman.

Section 3. The terms of office for the members shall be four (4) years and until their successors are appointed and have qualified, except that the first three members shall be appointed for terms of two (2), three (3) and four (4) years respectively. A vacancy occurring before expiration of the term of office shall be filled for the unexpired portion thereof.

Section 4. Members of the board shall receive no compensation for their service while on the board; provided, however, that they shall be reimbursed for reasonable travel and out-of-pocket expenses incurred in the performance of board duties as certified by the Treasurer of Guam.

Section 5. The board shall adopt an official seal of which the courts shall take judicial notice. Decisions of the board shall be by

1 majority vote. The orders of the board shall not be reviewable except
2 as to compliance with the terms of this Law.

3 The board shall keep a record of its acts and shall notify each
4 institution of its decisions relating to the persons who are or have been
5 confined therein. At the close of each fiscal year the board shall
6 submit to the Governor a report with statistical and other data of its
7 work.

8 ARTICLE II. PAROLE

9 Section 6. The board is hereby authorized to release on parole
10 any person confined in any penal or correctional institution of this
11 territory, except persons under sentence of death; provided, however,
12 that this section shall not be construed to encroach upon the juris-
13 diction of the Juvenile Court as prescribed in the Juvenile Court Act.

14 Within one year after his admission and at such intervals there-
15 after as it may determine, the board shall secure and consider all
16 pertinent information regarding each prisoner, except any under sentence
17 of death, including the circumstances of his offense, his previous
18 social history and criminal record, his conduct, employment and attitude
19 in prison, and the reports of such physical and mental examinations as
20 have been made.

21 Before ordering the parole of any prisoner, the board shall
22 have the prisoner appear before it and shall interview him. A parole shall
23 be ordered only for the best interest of society, not as an award of clemency;
24 it shall not be considered to be reduction of sentence or pardon. A
25 prisoner shall be placed on parole only when arrangements have been made
26 for his proper employment or for his maintenance and care, and when the
27 board believes that he is able and willing to fulfill the obligations of
28 a law abiding citizen. Every prisoner while on parole shall remain in
29 the legal custody of the institution from which he was released but shall
30 be amenable to the orders of the board.

31 The board may adopt such other rules not inconsistent with law
32 as it may deem proper or necessary, with respect to the eligibility

1 of prisoners for parole, the conduct of parole hearings, or conditions
2 to be imposed upon parolees. Whenever an order for parole is issued it
3 shall recite the conditions thereof.

4 Section 7. It shall be the duty of the court sentencing any
5 person to any penal or correctional institution in this territory to
6 cause to be transmitted to the board within thirty days after the
7 imposition of such sentence a statement of the facts adduced at the trial
8 or at the hearing of a plea of guilty, including such notes of testimony
9 as the board may request.

10 Section 8. It shall be the duty of all prison officials to
11 grant to the members of the board, or its properly accredited represen-
12 tatives, access at all reasonable times to any prisoner over whom the
13 board has jurisdiction under this Law, to provide for the board, or such
14 representatives, facilities for communicating with and observing such
15 prisoner, and to furnish to the board such reports as the board shall
16 require concerning the conduct and character of any prisoner in their
17 custody and any other facts deemed by the board pertinent in determining
18 whether such prisoner shall be paroled.

19 Section 9. All attorneys presenting information or arguments
20 to the board shall submit their statements in writing and not otherwise,
21 and shall submit therewith an affidavit stating whether any fee has been
22 paid or is to be paid for their services in the case, the amount of such
23 fee, if any, and by whom such fee is paid or to be paid.

24 Section 10. Upon approval of a majority of its members, the
25 board shall have power to issue subpoenas requiring the attendance of
26 such witnesses and the production of such records, books, papers and
27 documents as it may deem necessary for investigation of the case of any
28 person before it. Subpoenas may be signed and oaths administered by any
29 member of the board. Subpoenas so issued may be served by any police,
30 parole or probation officer, or other law enforcement officer, in the same
31 manner as similar process in the Island Court. Any person who testifies
32 falsely or fails to appear when subpoenaed, or fails or refuses to produce

1 such material pursuant to the subpoena shall be subject to the same orders
2 and penalties to which a person before a court is subject. The Island
3 Court, upon application of the board, may in its discretion compel the
4 attendance of witnesses, the production of such material and the giving
5 of testimony before the board, by an attachment for contempt or other-
6 wise in the same manner as production of evidence may be compelled before
7 such Island Court.

8 Section 11. When a prisoner is placed on parole he shall receive
9 from the territory civilian clothing and transportation to the place on
10 Guam in which he is to reside. At the discretion of the board the
11 prisoner may be advanced such sum for his temporary maintenance as said
12 board may allow, not to exceed twenty-five dollars (\$25.00), from a
13 fund which shall be provided for the use of the board for this purpose.

14 Section 12. The board is hereby authorized, at any time in
15 its discretion and upon a showing of probable violation of parole, to
16 issue a warrant for the return of any paroled prisoner to the institution
17 from which he was paroled. Such warrant shall authorize all officers
18 named therein to return such paroled prisoner to physical custody of the
19 penal institution from which he was paroled. Pending hearing as herein-
20 after provided, upon any charge of parole violation, the prisoner shall
21 remain incarcerated in such institution.

22 Any parole or probation officer may arrest a parolee without
23 a warrant or may deputize any other officer with power of arrest to do
24 so by giving him a written statement setting forth that the parolee has,
25 in the judgment of said parole or probation officer, violated the
26 conditions of his parole. Such written statement delivered with the
27 parolee by the arresting officer to the official in charge of the
28 institution from which the parolee was released or other place of
29 detention shall be sufficient warrant for the detention of the parolee.
30 The parole or probation officer after making an arrest shall present to
31 the detaining authorities a similar statement of the circumstances of the
32 violation. The parole or probation officer shall at once notify the

1 investigate and report to him with respect to any case of pardon,
2 commutation of sentence, reprieve, or remission of fine or forfeiture.

3 ARTICLE IV. EMPLOYEES

4 Section 16. The probation officer, appointed by the Governor
5 pursuant to Section 1233 of the Penal Code, as added by Public Law 17,
6 First Guam Legislature, First Regular Session, shall also serve as parole
7 officer in administering the provisions of this Law.

8 Section 17. The parole officer shall:

9 (a) Be responsible for investigation, supervision and reports
10 as may be requested by the board;

11 (b) Formulate methods of supervision, record keeping and
12 reports;

13 (c) Furnish to each person released under his supervision a
14 written statement of the conditions of parole and instruct such person
15 as to the same;

16 (d) Keep informed of the conduct and condition of each person
17 under his supervision and to use all suitable methods to aid and encourage
18 them and to bring about improvement in their conduct and condition;

19 (e) Keep detailed records of his work.

20 Section 18. All information obtained in the discharge of
21 official duty by any employee appointed pursuant to this Law shall be
22 privileged and shall not be disclosed directly or indirectly to anyone
23 other than to the board, or others entitled under this Law to receive
24 such information, unless and until otherwise ordered by the board.

25 Section 19. The Governor shall appoint an Executive Secretary
26 for the board and such other clerical and administrative personnel as are
27 necessary to carry out the provisions of this Law.

28 ARTICLE V. GENERAL

29 Section 20. The provisions of this Law are hereby extended to
30 all persons who, at the effective date hereof, may be on parole under
31 existing laws, with the same force and effect as if this Law had been in
32 operation at the time such persons were placed on parole or become

1 eligible to be placed thereon, as the case may be.

2 Section 21. The board, with the written consent of the Governor,
3 shall have the power and duty to accept from the United States of America
4 or any of its agencies such advisory services, funds, equipment and
5 supplies as may be made available to this territory for any of the
6 purposes contemplated by this Law, and to enter into such contracts and
7 agreements with the United States or any of its agencies as may be
8 necessary, proper and convenient, not contrary to the laws of this
9 territory.

10 Section 22. Sections 1417 to 1422 of the Penal Code, inclusive,
11 are hereby repealed and all other laws or parts of laws inconsistent
12 herewith are to the extent of such inconsistency repealed.

13 Section 23. This Law may be cited as the Parole Law.

14 Section 24. There are hereby authorized to be appropriated
15 out of any moneys in the Treasury of Guam, not otherwise appropriated,
16 such sums as may be necessary to carry out the provisions of this Law.

17 Section 25. This is an urgency measure and shall be effective
18 upon approval of the Governor.

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