

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

MAR 16 2016

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

Dear Madame Speaker:

Transmitted herewith is Bill No. 89-33 (LS) "AN ACT TO AMEND § 85.10 OF CHAPTER 85, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM PAROLE BOARD," which I signed into law on March 4, 2016, as Public Law 33-125.

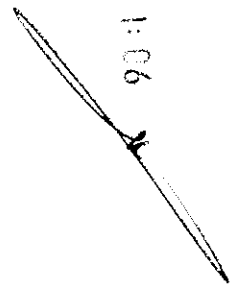
Senseramente,


EDDIE BAZA CALVO

33-16-1436
Office of the Speaker
Judith T. Won Pat, Ed.D

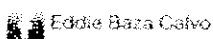
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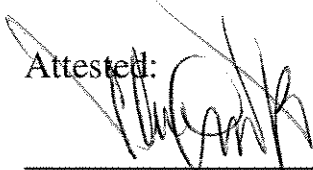
I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 89-33 (LS), "AN ACT TO AMEND § 85.10 OF CHAPTER 85, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE GUAM PAROLE BOARD,"** was on the 18th day of February 2016, duly and regularly passed.

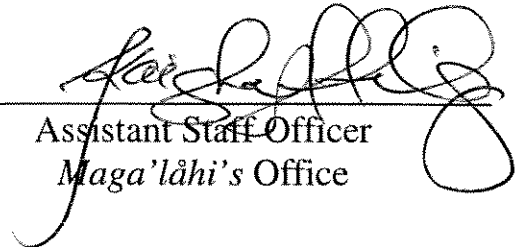


Judith T. Won Pat, Ed.D.
Speaker

Attested: 

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 22ND day of FEBRUARY, 2016, at 2:59 o'clock P.M.



Assistant Staff Officer
Maga'låhi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: MAR 04 2016

Public Law No. 33-125

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

Bill No. 89-33 (LS)

As substituted by the Committee on the Guam
U.S. Military Relocation, Public Safety and Judiciary;
and amended on the Floor.

Introduced by:

FRANK B. AGUON, JR.
Judith T. Won Pat, Ed.D.
Brant T. McCreadie
N. B. Underwood, Ph.D.
T. C. Ada
V. Anthony Ada
Frank F. Blas, Jr.
B. J.F. Cruz
James V. Espaldon
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres

**AN ACT TO *AMEND* § 85.10 OF CHAPTER 85, TITLE 9,
GUAM CODE ANNOTATED, RELATIVE TO THE
COMPOSITION 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 Public Law 31-03 increased the size of the Guam Parole Board (Board) from
4 five (5) members to seven (7) members and harmonized the composition of the
5 Board with the rehabilitative ethos which the Department of Corrections is intended

1 to engender. As a result of these provisions, the Board has encountered challenges
2 reaching a quorum during regularly scheduled monthly Board meetings.

3 *I Liheslatura* further finds that the Board cancelled regularly scheduled
4 monthly meetings due to no quorum during the following calendar years:

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

10 The lack of a quorum has prevented inmates from the legitimate expectation of the
11 parole process. Moreover, the lack of quorum has prevented the Board from
12 addressing parole revocations, potentially compromising public safety.

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

16 **Section 2.** § 85.10 of Chapter 85, Title 9, Guam Code Annotated, is hereby
17 *amended* to read:

18 **“§ 85.10. Guam Parole Board Created.**

19 There is in the Executive Branch of the government of Guam, a Guam
20 Parole Board, hereinafter referred to as the Board, consisting of seven (7)
21 members appointed by *I Maga'låhi* [the Governor], by and with the advice
22 and consent of *I Liheslatura* [the Legislature]. Only persons, who by their
23 knowledge and experience are prepared to perform efficiently the duties of
24 the Board as hereinafter provided, *shall* be eligible for such appointment. Any
25 person holding an elected office *shall not* be eligible to serve on the Guam
26 Parole Board. No person who has a family member of the first consanguinity
27 serving a local sentence, or on parole, shall be eligible to serve on the Board.

1 (a) The composition of the Board members *shall* be comprised of
2 the following, with the minimum background and experience:

3 (1) at least one (1) Board member *shall* have at least five (5)
4 years in law enforcement or other criminal justice work, or a
5 baccalaureate degree in criminal justice from a college or university
6 accredited by a United States accrediting body recognized by the
7 Council on Higher Education Accreditation (CHEA) or its successor,
8 or an equivalent foreign university as determined consistent with 17
9 GCA § 3104 (a)(1), or professional experience in these areas of study;

10 (2) at least one (1) Board member *shall* have at least a
11 baccalaureate degree or higher in social work, sociology or psychology,
12 or a medical degree from a college or university accredited by a United
13 States accrediting body recognized by the Council on Higher Education
14 Accreditation (CHEA) or its successor, or an equivalent foreign
15 university as determined consistent with 17 GCA § 3104 (a)(1);

16 (3) at least one (1) Board member *shall* have at least five (5)
17 years of experience in human resources development, or legal
18 background or professional experience in these areas of study;

19 (4) at least four (4) Board members *shall* come from the
20 public at-large; and

21 (5) all Guam Parole Board members *shall* be of good moral
22 character.”

23 **Section 3. Severability.** If any of the provisions of this Act, or the
24 application thereof to any person or circumstance, is held invalid, such invalidity
25 *shall not* affect any other provision or application of this Act which can be given
26 effect without the invalid provision or application, and to this end the provisions of
27 this Act are severable.