


GOVERNMENT OF GUAM
Office of the Governor
Agana, Guam

EXECUTIVE ORDER NO. 63- 20


WHEREAS, Section 39103, Chapter 2, Title XXXV, Government Code of Guam, authorizes the Territorial Parole Board to adopt rules with respect to the eligibility of prisoners for parole, the conduct of parole hearings, and conditions to be imposed upon parolees:

NOW, THEREFORE, by virtue of the foregoing, the attached rules entitled "Territorial Parole Board Rules" are hereby approved and promulgated by executive order, and shall be in force and effect from 12:01 a.m., September 19, 1963.

Dated at Agana, Guam, this 20th day of September, 1963.


MANUEL F. L. GUERRERO
Governor of Guam

COUNTERSIGNED:


RUDOLPH G. SABLÁN
Acting Secretary of Guam

GOVERNMENT OF GUAM
TERRITORIAL PAROLE BOARD
AGANA

TERRITORIAL PAROLE BOARD RULES

WHEREAS, Sections 39103 and 39113, Chapter 2, Title XXXV, Government Code of Guam, authorizes the Territorial Parole Board to adopt rules with respect to the eligibility of prisoners for parole, the conduct of parole hearings and conditions to be imposed upon paroled prisoners and with respect to revocation of paroles by the Board.

NOW, THEREFORE, by virtue of the foregoing, the Territorial Parole Board of Guam does hereby adopt the following rules entitled "Territorial Parole Board Rules", Titles I and II, in implementation of Title XXXV, Government Code of Guam:

TITLE I

RULES AND PROCEDURES CONCERNING PAROLE HEARINGS AND
GRANTING OF PAROLES

1. Prisoners, not sentenced to death, are eligible for parole as follows:

(a) Upon serving one-fourth of the sentence or total of consecutive sentences imposed by the court, less good-time allowance.

(b) If previously convicted of a felony, upon serving one-third of the sentence or total of consecutive sentences imposed by the court, less good-time allowance.

(c) If sentenced to life imprisonment, upon serving ten years, less good-time allowance.

(d) A person shall be eligible for parole after he has served ten years of any sentence or combination of sentence, previous convictions notwithstanding.

2. A prisoner whose parole has been revoked shall not again be eligible for parole within a year after his return to confinement.

3. All applications for parole must be submitted to the Board in writing at least twenty days prior to the meeting of the Board. Such applications shall be accompanied with social history, criminal record, report of attitude in prison and report of any physical examinations as have been made, prepared and submitted by prison officials.

4. Before a parole will be granted, the prisoner must appear before the Board and prove to the Board's satisfaction that arrangements have been made for his proper employment upon release or that arrangements have been made for his maintenance and care. A parole shall be ordered only for the best interests of society, not as an award of clemency. It shall not be considered to be a reduction of sentence or clemency.

5. The general conditions which shall be stipulated on each conditional parole granted by the Board are as follows:

(a) The paroled prisoner will report immediately to the Parole Officer upon his release and at such other times as may be designated by the Parole Officer.

(b) Before the paroled prisoner may leave the Territory of Guam, written permission must be obtained from the Parole Officer and this must be approved by the Board.

(c) The paroled prisoner must, between the first and fifth days of each month until his final release, and also on the final day of his parole, make a full and truthful report to the Parole Officer upon the form provided for that purpose.

(d) The paroled prisoner must not drink intoxicating liquors or beverages, or use narcotic drugs, or frequent places where they are sold, dispensed, used, or are made available, except as provided by competent and recognized medical authority.

(e) The paroled prisoner must not associate with criminals or with persons of known bad reputation.

(f) The paroled prisoner must in all respects conduct himself honorably, work diligently at lawful occupation, support his dependents, if any, to the best of his ability, giving evidence of his good citizenship at all times.

(g) The paroled prisoner must promptly and truthfully answer all inquiries directed to him by the Parole Board and/or the Parole Officer.

(h) The paroled prisoner must not violate the laws of the Territory of Guam or of the United States.

(i) The paroled prisoner must not change his residence or employment without permission in writing of the Parole Officer.

(j) The paroled prisoner shall remain and be at his place of residence from 7:00 p.m. to 6:00 a.m. of each day. Should the parolee's employment be such that this condition cannot be complied with, written permission must be obtained from the Parole Officer for amendment of this condition.

(k) The paroled prisoner shall not be employed as a taxicab driver or in any business connected with the sale of alcoholic beverages during the period of parole.

(l) The paroled prisoner shall not enter any cockpit or poolhall during the period of parole.

(m) The paroled prisoner shall not own, possess, or use any weapon or firearm during the period of parole.

6. In addition to the general conditions set forth above, the Board may impose any special conditions deemed necessary in individual cases.

7. The Parole Board shall meet on the second Tuesday of each calendar month at the hour of 10:00 a.m., at the office of the Director of Public Safety unless other times and places are agreed upon by the Board.

8. A paroled prisoner whose application has been rejected by the Board, may not re-apply until the expiration of six months from such rejection.

TITLE II

RULES AND REGULATIONS WITH RESPECT TO HEARINGS OF PRISONERS ARRESTED AND CONFINED FOR VIOLATION OF PAROLE

1. Any paroled prisoner arrested and confined pursuant to Sections 39109 and 39110, of the Government Code of Guam, shall be entitled to a hearing before the Board, as provided in Section 39113, of the Government Code of Guam, upon his written request submitted to the Chairman of the Board within six months of such arrest and confinement. A paroled prisoner may be given a hearing after the expiration of six months if the paroled prisoner presents written reasons satisfactory to the Board for his failure to apply within six months. If a paroled prisoner fails to request a hearing as herein provided, he shall be confined for the remainder of his sentence unless granted another parole.

2. The Chairman shall set for hearing such written request on a date not more than 30 days following receipt of such written notice. Hearings may be held as part of a regular meeting or a special meeting may be called by the Chairman.

3. The paroled prisoner shall be given at least ten days written notice, Saturdays, Sundays and holidays included, of the hearing. Such notice shall include a written statement of the provision or provisions for which he was arrested and confined, set forth in ordinary and concise language, and signed by the Parole Officer. Such statement need not be verified and may be on information and belief.

4. Hearing: rules. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil or criminal actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

5. A majority of the Board shall constitute a quorum.

6. The Chairman of the Board may grant continuances for good cause at any stage of the proceedings.

7. The Parole Officer and paroled prisoner shall have the right: to call and examine witnesses, to introduce exhibits, and to cross-examine each other's witnesses. The paroled prisoner may be called as a witness by the Parole Officer and be examined as if under cross-examination.

8. When the Board has determined the existence or non-existence of a violation of a parole, it shall enter an order rescinding the parole, reinstating the original order of parole, or enter such other order as it may see fit.

Dated at Agana, Guam, this 19 day of September, 1963.

Rev. Alvin La Feir

REV. ALVIN LAFEIR, Chairman

James Shintaku

JAMES SHINTAKU, Member

Sergio S. Quenga

SERGIO S. QUENGA, Member