



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.
EXECUTIVE ORDER NO. 97-03

RELATIVE TO CREATION OF THE PARDON REVIEW BOARD.

WHEREAS, the Organic Act of Guam gives the Governor exclusive and unconditional pardon power; and

WHEREAS, the Governor currently collects the records of the Department of Law and the Department of Corrections, in addition to whatever other information is available in considering requests for pardons, commutation of sentence, and transfers from one prison to another; and

WHEREAS, the island community has recently become very concerned relative to the process for consideration of requests for pardons; and

WHEREAS, the various states have different procedures contained within their constitutions for considering pardons, some states having exclusive and unconditional pardon power similar to that granted in the Organic Act of Guam; and

WHEREAS, many states have processes involving a "review board" of some kind to provide additional input into the pardon decision; some states utilize their parole board for this process; and

WHEREAS, there are a great number of requests for pardons, commutations, and requests for transfer of prison, coming in daily into the Office of the Governor, and action has only been granted in a very few instances when very carefully considered; and

WHEREAS, a broader base of consideration is desired in the Governor's decision making process to grant a pardon, commutation, or request for transfer from one prison to another; and


NOW, THEREFORE, I, CARL T. C. GUTIERREZ, Governor of Guam, by virtue of the authority vested in me by the Organic Act do order:

1. **Creation of Pardon Review Board.** The Pardon Review Board is hereby created, consisting of the following members:
 - a) Members of the Territorial Parole Board;
 - b) The Attorney General, or designee;
 - c) The Director of the Department of Corrections, or designee;
 - d) representative of the clergy, to be appointed by the Governor;
 - e) representative of the public at large, to be appointed by the Governor.

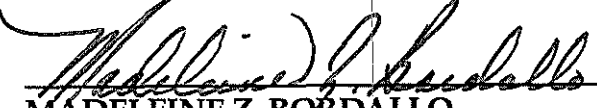


2. **Chairperson of Pardon Review Board.** The Chairperson of the Territorial Parole Board shall serve as Chairperson of the Pardon Review Board; and
3. **Notification of victims.** The Attorney General shall provide notification of consideration of an action and opportunity to be heard to victims when requests for pardon, commutation, or transfer of prison come up for consideration by the Pardon Review Board; and
4. **Proceedings according to Chapter 85 of Title 9, Guam Code Annotated.** The proceedings to consider requests for pardon, commutation, and transfer of prison shall be considered by the Pardon Review Board in the same manner as requests for parole, and be governed under Chapter 85 of Title 9, Guam Code Annotated; and
5. **Consideration of request.** The Pardon Review Board may entertain requests for pardon, commutation, or transfer of prison at any time or the requests may be deferred.
6. **Recommendations to be forwarded to Governor and Governor's Legal Counsel.** All recommendations of the Pardon Review Board regarding pardon, commutation, or transfer of prison shall be forwarded to the Governor and the Governor's Legal Counsel.

SIGNED AND PROMULGATED at Agana, Guam this 29th day of January, 1997.


CARL T. C. GUTIERREZ
Governor of Guam

COUNTERSIGNED:


MADELEINE Z. BORDALLO
Lieutenant Governor of Guam