



TERRITORY OF GUAM
OFFICE OF THE GOVERNOR
AGAÑA, GUAM 96910
U. S. A.
EXECUTIVE ORDER NO. 97-12

**RELATIVE TO CLARIFYING EXECUTIVE ORDER NO.
97-03 RELATIVE TO THE PARDON REVIEW BOARD.**

WHEREAS, Executive Order No. 97-03 recites the following:

- "1) that the Organic Act of Guam gives the Governor exclusive and unconditional pardon power; and
- 2) 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
- 3) the island community has recently become very concerned relative to the process for consideration of requests for pardons and commutations; and
- 4) 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
- 5) 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
- 6) 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
- 7) 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"

WHEREAS, Executive Order No. 97-03 creates the Pardon Review Board as follows:

- "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;



regarding pardon or commutation shall be forwarded to the Governor and the Governor's Legal Counsel.

7. **Requests made to the Governor for transfer of prison to be reviewed by the Territorial Parole Board.** Requests made to the Governor for transfer of prison are to be handled by the Territorial Parole Board under the provisions of Chapter 85 of Title 9, Guam Code Annotated, as if the request for transfer of prison was made by the Director of Corrections. Recommendations by the Territorial Parole Board concerning all requests for transfer of prison made to the Governor shall be forwarded to the Governor.
8. **Prior and future requests for pardon and commutation.** All prior, as well as future, requests for pardon and commutation made to the Governor shall be forwarded to the Pardon Review Board for their review.
9. **Executive Order No. 97-03 superceded.** The provisions of Executive Order No. 97-03 which are in conflict with this Executive Order No. 97-12 are rescinded.

SIGNED AND PROMULGATED at Agana, Guam this 11th day of June, 1997.

Handwritten signature of Carl T. C. Gutierrez in black ink.

CARL T. C. GUTIERREZ
Governor of Guam

COUNTERSIGNED:

Handwritten signature of Madeleine L. Bordallo in black ink.

MADELEINE L. BORDALLO
Lieutenant Governor of Guam