

## CHAPTER 2

### TERRITORIAL PAROLE BOARD

- Article 1 Parole Hearings and Granting Paroles.  
2 Hearings on Prisoners Arrested and Confined for Violations of Parole.

**NOTE:** Rule making authority cited for Territorial Parole Board, 5 GCA, Chapter 3, Article 1, Chapter 3, §3113. The regulations of the Territorial Parole Board are reprinted here in form as exact as possible to those filed with the Legislative Secretary. The substance of the regulations has not been changed. However, for the purpose of uniformity and ease of use, a new system of numbering has been adopted by the Editor. It is hoped that the revised numerical system will eventually be substituted for that formulated by the Territorial Parole Board.

#### Article 1

#### Parole Hearings and Granting Paroles

- §2101. Parole -- Eligibility.  
§2102. Effect of Revocation of Previous Parole.  
§2103. Parole Application.  
§2104. Parole -- Appearance Before Board.  
§2105. General Conditions to be Followed Upon Granting of Parole.  
§2106. Special Conditions.  
§2107. Parole Board -- Meetings.  
§2108. Rejection of Parole Application -- 6 Months Waiting Period Required Before Reapplication.

**§2101. Parole -- Eligibility.** 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.

**§2102. Effect of Revocation of Previous Parole.** A prisoner whose parole has been revoked shall not again be eligible for parole within a year after his return to confinement.

**§2103. Parole Application.** 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.

**§2104. Parole -- Appearance Before Board.** 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.

**§2105. General Conditions to be Followed Upon Granting of Parole.** 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 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 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 9:00 p.m. to 6:00 am. of the following day. Should a 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 pool hall during the period of parole.

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

**§2106. Special Conditions.** In addition to the general conditions set forth above, the Board may impose any special conditions deemed necessary in individual cases.

**§2107. Parole Board -- Meetings.** 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 Chief of Police unless other times and places are agreed upon by the Board.

**§2108. Rejection of Parole Application -- 6 Months Waiting Period Required Before Reapplication.** A paroled prisoner whose application has been rejected by the Board, may not reapply until the expiration of six months from such rejection. [8].

Article 2

Hearings on Prisoners Arrested and Confined for Violation of Parole

- §2201. Hearings on Prisoners Arrested and Confined for Violation of Parole.
- §2202. Date of Hearing.
- §2203. Paroled Prisoner's Right to Prior Notice of Hearing.
- §2204. Hearing: Rules.
- §2205. Quorum of Board.
- §2206. Continuance Granted for Good Cause.
- §2207. Right to Call and Examine Witnesses, Introduce Exhibits, and to Cross-Examine Each Other's Witnesses.
- §2208. Board to Issue Order Upon Determination of Whether Parole Violation Exists.

**§2201. Hearings on Prisoners Arrested and Confined for Violation of Parole.** Any paroled prisoner arrested and confined pursuant to 9 GCA §80.83, shall be entitled to a hearing before the Board, as provided in 9 GCA §8084, 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 parole 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.

**§2202. Date of Hearing.** 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.

**§2203. Paroled Prisoner's Right to Prior Notice of Hearing.** 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.

**§2204. Hearings: 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.

**§2205. Quorum of Board.** A majority of the Board shall constitute a quorum.

**§2206. Continuance Granted for Good Cause.** The Chairman of the Board may grant continuances for good cause at any stage of the proceedings.

**§2207. Right to Call and Examine Witnesses, Introduce Exhibits, and To Cross-Examine Each Other Witnesses.** The Parole Officer and paroled prisoner shall have the right: to call and examine witness, 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.

**§2208. Board to Issue Order Upon Determination of Whether Parole Violation Exists.** 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..

**CHAPTER 3**

INTERSTATE COMPACT ON JUVENILE ENABLING ACT

(No rules filed.)

NOTE: Rule making authority cited for formulation of regulations on the Interstate Compact on Juveniles can be found in 9 GCA Chapter 90 Article 3.