

TITLE 115: BOARD OF PAROLE

CHAPTER 115-20 PAROLE SUPERVISION ASSESSMENT FEES RULES AND REGULATIONS

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Chapter Authority: 6 CMC § 4206.

Chapter History: Adopted 27 Com. Reg. 24626 (June 20, 2005); Proposed 27 Com. Reg. 24103 (Mar. 17, 2005).

Commission Comment: 6 CMC § 4201 creates a Board of Parole within the Commonwealth government. The Board is authorized to establish and implement a parole system in the Commonwealth. See 6 CMC §§ 4201-4207. 6 CMC § 4206 authorizes the Board of Parole to adopt rules and regulations not inconsistent with parole law.

For a complete history of the Board of Parole, see the general commission comment to NMIAC chapter 115-10.

PL 14-33 (effective Oct. 8, 2004), codified at 6 CMC §§ 4281-4288, established a Parole Supervision Assessment Fee Program to be implemented by the Board of Parole.

Part 001 - General Provisions

§ 115-20-001 Authority

The Board of Parole is authorized pursuant to 6 CMC § 4206 as amended by Public Law 12-41 to adopt regulations related to parole supervision and assessment fees.

History: Adopted 27 Com. Reg. 24626 (June 20, 2005); Proposed 27 Com. Reg. 24103 (Mar. 17, 2005).

§ 115-20-005 Purpose

The purpose of the rules and regulations in this chapter is to establish procedures to be utilized in the implementation and imposition of parole supervision assessment fees pursuant with Public Law 14-33 [6 CMC §§ 4281-4288].

Modified, 1 CMC 3806(d), (f).

History: Adopted 27 Com. Reg. 24626 (June 20, 2005); Proposed 27 Com. Reg. 24103 (Mar. 17, 2005).

§ 115-20-010 Definitions

(a) “Parole” means a conditional release from imprisonment.

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- (b) “Parolee” means an inmate released from prison on parole subject to conditions of parole.
- (c) “Supervision fees” means monies paid by and collected from parolees imposed by the Board of Parole to defray costs associated with supervising a parolee.
- (d) “Due date” means the date fees are due for payment.
- (e) “Special account” means an account assigned to the Board of Parole by the Department of Finance where monies or fees collected are deposited to and drawn from.
- (f) “Department of Finance” means a department within the Commonwealth of the Northern Mariana Islands government responsible for the maintenance and administration of the special account.
- (g) “Division of Treasury” means a division of the Department of Finance responsible in the collection of all monies or fees from parolees and the disbursement of all monies from the special account.
- (h) “Waive” means to defer or to put aside.
- (i) “Condition of parole” means a condition imposed by the Board of Parole on a parolee to adhere to.

Modified, 1 CMC 3806(f).

History: Adopted 27 Com. Reg. 24626 (June 20, 2005); Proposed 27 Com. Reg. 24103 (Mar. 17, 2005).

§ 115-20-015 Applicability

This shall be made applicable to all parolees on supervision prior to and after the effective date of the procedures in this chapter and pursuant with Public Law 14-33 [6 CMC §§ 4281-4288].

Modified, 1 CMC 3806(d), (f), (g).

History: Adopted 27 Com. Reg. 24626 (June 20, 2005); Proposed 27 Com. Reg. 24103 (Mar. 17, 2005).

Commission Comment: The Commission inserted the word “Law” after “Public” to correct a manifest error.

Part 100 - Parole Supervision Fee Requirements

§ 115-20-101 Supervision Fee

There is hereby established by this chapter and in accordance with Public Law 14-33 [6 CMC §§ 4281-4288], a monthly supervision fee of thirty U.S. dollars to be imposed, as a condition of parole, to all parolees in the CNMI including but not limited to parolees currently on supervision prior to and after the effective date of this chapter.

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Modified, 1 CMC 3806(d), (e), (f).

History: Adopted 27 Com. Reg. 24626 (June 20, 2005); Proposed 27 Com. Reg. 24103 (Mar. 17, 2005).

§ 115-20-105 Due Date

All fees not otherwise waived are to be collected on the first working day of each month following the effective date of this chapter.

Modified, 1 CMC 3806(d).

History: Adopted 27 Com. Reg. 24626 (June 20, 2005); Proposed 27 Com. Reg. 24103 (Mar. 17, 2005).

§ 115-20-110 Notice

All parolees currently on parole supervision prior to and after the effective date of this chapter and in accordance with Public Law 14-33 [6 CMC §§ 4281-4288] shall be immediately notified of the imposition of the supervision fee as a condition of their parole. Notice shall be provided in the form of copies of the regulations in this chapter being provided to each parolee now under supervision.

Modified, 1 CMC 3806(d), (f).

History: Adopted 27 Com. Reg. 24626 (June 20, 2005); Proposed 27 Com. Reg. 24103 (Mar. 17, 2005).

§ 115-20-115 Waiver of Fees

At the request of a parolee or duly authorized official of the Board of Parole, the Board of Parole may, in its sole discretion, waive all or part of a parolee's supervision fee. Factors that the Board may consider include the following:

- (a) A licensed physician has certified that the parolee is physically and mentally disabled and is recommended by such physician that parolee is unable to be employed;
- (b) Is unable due to his/her criminal background and only when all attempts and means have been made and exhausted by the parolee to secure employment;
- (c) Is currently enrolled in a school, college, university, trades school, etc. as a full-time student;
- (d) Is undergoing full-time treatment at a mental health facility or other residential facilities as an in-patient; and
- (e) Such fee would be detrimental to the welfare of the parolee's family.

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(f) Such fee is otherwise found to be appropriately waived for such reasons as may be specified by the Board.

History: Adopted 27 Com. Reg. 24626 (June 20, 2005); Proposed 27 Com. Reg. 24103 (Mar. 17, 2005).

§ 115-20-120 Community Work Service

In lieu of supervision fees, parolees may request to perform community work service of 8 hours per month for the duration of his/her parole tenure. However, a parolee who has been determined able to pay such fees, shall be required to make such payments.

History: Adopted 27 Com. Reg. 24626 (June 20, 2005); Proposed 27 Com. Reg. 24103 (Mar. 17, 2005).

§ 115-20-125 Condition of Parole

Pursuant with Public Law 14-33 [6 CMC §§ 4281-4288], such supervision fee must be imposed on all parolees including those currently on parole and shall be a condition of their parole or and in accordance with this chapter and Public Law 14-33.

Modified, 1 CMC 3806(d).

History: Adopted 27 Com. Reg. 24626 (June 20, 2005); Proposed 27 Com. Reg. 24103 (Mar. 17, 2005).

Part 200 - Miscellaneous Provisions

§ 115-20-201 Severability Provision

If any provision, or the applicability of any provision of the rules and regulations in this chapter shall be held invalid by a court of competent jurisdiction, the remaining of these rules and regulations shall not be affected thereby.

Modified, 1 CMC 3806(d), (f).

History: Adopted 27 Com. Reg. 24626 (June 20, 2005); Proposed 27 Com. Reg. 24103 (Mar. 17, 2005).

§ 115-20-205 Savings Clause

The rules and regulations in this chapter and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order adopted under the statutes. Repealers contained in this chapter shall not affect any proceeding instituted under or pursuant with prior law. The enactment of these rules and regulations shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date the rules and regulations in this chapter become effective.

Modified, 1 CMC 3806(d), (f).

History: Adopted 27 Com. Reg. 24626 (June 20, 2005); Proposed 27 Com. Reg. 24103 (Mar. 17, 2005).

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§ 115-20-210 Effective Date

The rules and regulations in this chapter shall become effective upon their publication in the Commonwealth Register and the announcement having expired without comments or changes made therein.

Modified, 1 CMC 3806(d), (f), (g).

History: Adopted 27 Com. Reg. 24626 (June 20, 2005); Proposed 27 Com. Reg. 24103 (Mar. 17, 2005).

Commission Comment: The Commission changed “Commonwealth Registrar” to “Commonwealth Register” to correct a manifest error.