

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 4: DISPOSITION OF OFFENDERS

§ 4201. Board of Parole.

There is in the Commonwealth government a Board of Parole, a quasi-judicial instrumentality, composed of eight members. Two members shall be from Tinian, two members shall be from Rota and four members shall be from Saipan.

Source: PL 1-8, ch. 8, § 1, modified; amended by PL 12-41, § 2.

Commission Comment: Section 4 of PL 6-25, the “Commonwealth Judicial Reorganization Act of 1989,” provides that “[w]herever the term ‘Commonwealth Trial Court’ appears in the Commonwealth Code, it is henceforth to be interpreted and understood to refer to the Commonwealth Superior Court.”

Executive Order 94-3, the “Second Re-organization Plan of 1994” (effective August 23, 1994), reorganized the Commonwealth government executive branch, changed agency names and official titles and effected numerous other revisions. According to Executive Order 94-3, § 213:

Section 213. Board of Parole. [REPEALED by PL 11-8, § 6]

(a) The Board of Parole is allocated to the Office of the Special Assistant for Administration for purposes of administration and coordination. After the effective date of this section, appointments to the Board shall be made by the Governor with the advice and consent of the Senate.

(b) Subsection (a) of 6 CMC § 4205, relative to probation, is repealed and succeeding subsections re-designated accordingly.

(c) Section 4207 of 1 CMC is revised to read as follows:

§ 4207. Board of Parole: Staff.

The Special Assistant for Administration shall provide staff support to the Board, including a Probation Officer who shall have the power of arrest of persons under the jurisdiction of the Board.

(d) Any existing staff of the Board of Parole is transferred to the Office of the Special Assistant for Administration.

The repealer in subsection (b) above was also provided for in PL 11-8, § 5. This section 213 was repealed in its entirety by PL 11-8, § 6. PL 11-8 took effect on April 8, 1998.

The full text of Executive Order 94-3 is set forth in the Commission comment to 1 CMC § 2001.

PL 12-41, which amended 6 CMC §§ 4201, 4202, 4203, 4206, 4251, and 4252, took effect April 4, 2001. PL 12-41 increased the board by one and eliminated the requirement that one member be an attorney. Included in PL 12-41 were findings, severability, and savings clause provisions. In particular, the findings stated:

Section 1. Findings. The Legislature finds that since the enactment of the statutes governing the Board of Parole, certain provisions of the existing statutes have proven unworkable, and have hampered the ability of the Board of Parole to discharge its mandate. The Legislature finds that

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enactment of this bill, amending the statutes, will result in greater fairness and efficiency in the Board operating procedures, and will allow the Board the leeway to effectively address the administrative issues that may periodically arise. The Legislature further finds that the existing statutes leave doubt as to the interpretation of certain terms, and that it is in the best interest of the Commonwealth to provide definitions for those terms. The changes this bill would implement will result in greater consistency, uniformity and fairness to parolees, as well as increased confidence in the ability of the Board of Parole to protect the citizens of the Commonwealth.