

TWELFTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

THIRD REGULAR SESSION, 2001

PUBLIC LAW NO. 12-41

SENATE BILL

NO. 12-102, SD1, HD1

AN ACT

To amend 6 CMC § 4201, 4202, 4203, 4206, 4251, and 4252 relating to the Board of Parole; and for other purposes.

**BE IT ENACTED BY THE TWELFTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

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 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.

Section 2. 6 CMC § 4201 is amended as follows:

“§ 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.”

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Section 3. 6 CMC § 4202 is amended as follows:

“§ 4202. Board of Parole: Tenure.

The members of the board shall serve for six years, except that of the members first appointed, two shall serve for two years, two shall serve for four years and four shall serve for six years. A board member may be removed from the board if, in the opinion of a majority of the other members, that member has been habitually absent, and has thereby impeded the ability of the board to perform its duties.”

Section 4. 6 CMC § 4203 is amended as follows:

“§ 4203. Board of Parole: Quorum.

Five members of the Board shall constitute a quorum. The concurrence of four members is necessary to grant or revoke parole. Other acts of a preliminary or administrative nature may be performed by individual Board members, as needed.”

Section 5. 6 CMC § 4206 is amended as follows:

“§ 4206. Board of Parole: Rules and Regulations.

The board shall adopt rules and regulations not inconsistent with law with respect to eligibility for parole, the conduct of parole hearings and meetings, conditions to be imposed upon parolees, revocation of parole and re-parole after revocation. Whenever an order for parole is issued, it shall recite the conditions of parole.”

Section 6. 6 CMC § 4251 is amended as follows:

“§ 4251. Pardons.

As vested by N.M.I. Const. art. III, § 9(c), the Governor shall, after consultation with the Board of Parole, have the clemency power to grant reprieves, commutations and pardons after convictions to any person for all offenses except impeachments. A “reprieve” shall postpone the execution of a sentence. A “commutation” substitutes a lighter penalty for that imposed by the court. A “pardon” ends penalties or legal disabilities imposed after

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conviction. The Governor may grant an absolute pardon, which frees the person without any conditions, terminates any punishment and exonerates the person from any guilt or conviction; a conditional pardon, which depends upon the performance of some act by the person for its validity, or which may become void when some specific event transpires; or a partial pardon, which remits only some portion of the punishment, or absolves the person from a portion of the legal consequences, or restores one or more of the person's civil liberties after conviction. Prior to granting any reprieve, commutation or pardon, the Governor shall, after initial consultation with the Board of Parole, submit a written notice of intention to grant to an individual a reprieve, commutation or pardon, as the case may be, to the Board of Parole and shall thereafter again consult with the Board of Parole. If the Board of Parole fails, neglects or refuses to consult with the Governor on such intention within 30 days of the receipt of the notice, the Board of Parole is deemed to have been consulted and objected to such intention. Prior to submitting the written notice, the Governor shall request and the office of the Attorney General, the Department of Public Safety and the Board of Parole shall provide to the Governor all information relating to the criminal record of the person."

Section 7. 6 CMC § 4252 is amended as follows:

"§ 4252. Parole.

The Board of Parole, acting pursuant to applicable Commonwealth laws and the rules and regulations of the Board of Parole, shall have the power to grant parole to any person convicted of felony offense under this title or prior law, after the person has completed at least one-third of the unsuspended term of imprisonment sentenced by the court, except for the following exceptions:

(a) any person convicted of a crime for which a mandatory minimum term of imprisonment has been provided pursuant to

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statute, shall not be eligible for parole until the mandatory minimum term of imprisonment has been served;

(b) any person whose eligibility for parole has been restricted by the sentencing court, in its discretion, shall not be eligible for parole during the period of restriction, which period may be up to the maximum sentence provided under the law;

(c) any person who has been civilly or criminally committed for the purpose of receiving treatment for mental illness, disease or defect, after an adjudication of guilt by a court of competent jurisdiction, shall not be eligible for parole during the period of any commitment or extension thereof; and

(d) any person sentenced to life imprisonment shall not be eligible for parole until a term of at least 30 years' imprisonment has been served, unless further restricted by the sentencing court pursuant to subsection (b), above."

After reasonable notice and an opportunity for a hearing, the Board of Parole may revoke parole if there has been a violation of the conditions of parole by a parolee.

Section 8. Severability. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 9. Savings Clause. This Act 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 Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act 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 this Act becomes effective.

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Section 10. Effective Date. This Act shall take effect upon its approval by the Governor or upon its becoming law without such approval.

CERTIFIED BY:

ATTESTED BY:

/s/ Paul A. Manglona
PAUL A. MANGLONA
President of the Senate

/s/ Joaquin G. Adriano
JOAQUIN G. ADRIANO
Senate Legislative Secretary

Approved this 14th day of November, 2000

/s/ Pedro P. Tenorio
PEDRO P. TENORIO
Governor
Commonwealth of the Northern Mariana Islands