

Arnold I. Palacios
Governor



David M. Apatang
Lieutenant Governor

COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS
OFFICE OF THE GOVERNOR

EXECUTIVE ORDER No. 2024-008

SUBJECT: Transfer of responsibility for the administration and operation of parole from the Board of Parole to the Department of Corrections.

AUTHORITY: NMI Const. art. III, § 15 provides that “[t]he governor may make changes in the allocation of offices, agencies and instrumentalities and in their functions and duties that are necessary for efficient administration.”

WHEREAS, parole serves a very important role in the criminal justice system, and the administration of parole requires supervision and programming; and

WHEREAS, most inmates who have been sentenced to prison will be released at some point and return to the community, and criminal justice experts agree that it is better for society if most individuals are reintegrated into the community on a gradual basis and under parole supervision rather than being released without it; and

WHEREAS, parole is designed as an opportunity for a prisoner to transition back into society, and the restrictions on parolees are supposed to encourage good behavior after incarceration; and

WHEREAS, even before prisoners get out of custody, the possibility of parole gives them an incentive to avoid trouble, and with parole as part of the Department of Corrections (“DOC”), the rehabilitative process can begin during incarceration and continue when inmates are released on parole with shared resources and programming;

WHEREAS, the Division of Parole has separate functions than the Board of Parole; and

NOW THEREFORE, I, ARNOLD I. PALACIOS, by virtue of the power vested in me by the Constitution and laws of the Commonwealth of the Northern Marianas Island, and in order to achieve effective and efficient government administration so as to better serve the interests of the Commonwealth and its people, hereby order as follows:

Section 1. Repealer. 6 CMC § 4207 is hereby repealed.

Section 2. Enactment. There is enacted in Title 6 of the Commonwealth Code a new statute, subject to codification by the Law Revision Commission, to read as follows:

Division of Parole. There is established within the Department of Corrections a Division of Parole.

Whenever information is sought regarding a request for the Governor to grant clemency, the Division of Parole will respond with such information.

Parole operations heretofore under the management and control of the Board of Parole are transferred to the management and control of the Department of Corrections

The Department of Corrections Commissioner shall be responsible for the services and programs for parole and be the expenditure authority.

The Board of Parole shall relinquish responsibility for the administration and operation of services and programs for parole.

The Department of Corrections shall be responsible for ensuring that the Board of Parole has the funding necessary to hold regular meetings upon request by the Division of Parole, at minimum twice annually.

The Department of Corrections may promulgate rules and regulations to implement the purposes of this statute.

Section 3. Enactment. There is enacted in Title 6 of the Commonwealth Code a new statute, subject to codification by the Law Revision Commission, to read as follows:

Division of Parole: Staff. The Department of Corrections may employ staff as necessary to assist it in performing the duties and responsibilities of the Division of Parole, subject to budgetary appropriation. Parole officers shall have the power of arrest of persons under the jurisdiction of the Division of Parole and shall be responsible for writing reports and supervising inmates on parole. The expenditure authority for the Division of Parole shall be the Commissioner of the Department of Corrections.

Section 4. Amendment. 6 CMC § 4251 is amended to read as follows:

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 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~~ Division of Parole shall provide to the Governor all information relating to the criminal record of the person.

Section 5. Amendment.

All references to the “Chief Parole Officer” in Chapter 115-10 of the NMI Administrative Code shall henceforth read “the Division of Parole.”

Section 6. Amendment.

All references to the “Board of Parole Office” in Section 115-10-205 of the NMI Administrative Code shall henceforth read “the Division of Parole.”

Section 7. Transfer.

All records and property, including office equipment, of the Board of Parole Office and all personnel used in the administration of the Board of Parole Office are transferred to the Department of Corrections. The Office of Personnel shall ensure an orderly transfer of personnel.

The unexpended balances of appropriations, allocations, allotments, or other funds available for the use of the Board of Parole Office on the effective date of the transfer are transferred to the Department of Corrections on the effective date of transfer. In the transfer of such funds, an amount may be included for the liquidations of obligations incurred prior to the transfer. Subject to the transfer, parole operations shall be reflected in the annual Department of Corrections budget. If there are federal funds from certain grants, the Department of Corrections shall ensure there is strict compliance with grant requirements during and after the transfer.

Section 8. General Provisions.

- (a) Nothing in this executive order shall be construed to impair or otherwise affect the authority granted to the Board of Parole, Division of Parole, or Department of Corrections unless otherwise provided by this executive order. In particular, the Board of Parole shall remain a separate quasi-judicial board that will continue to operate as provided by 6 CMC § 2401 *et seq.* and NMIAC Chapter 115-10.
- (b) This executive order shall be implemented consistent with applicable law.
- (c) This executive order is not intended to and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the Commonwealth, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
- (d) In accordance with NMI Const. art. III, § 15, this executive order shall be submitted to the legislature and shall become effective sixty days after submission, unless specifically modified or disapproved by a majority of the members of each house of the legislature.
- (e) If any provision of this executive order 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 executive order or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

It is so Ordered,

SIGNED AND PROMULGATED on this 9th day of August 2024.


ARNOLD I. PALACIOS
Governor