NITIJELA OF THE MARSHALL ISLANDS

22ND CONSTITUTIONAL REGULAR SESSION, 2001 BILL NO. 73 N.D.1

P.L. 2001-41

An Act

To make provision for the establishment of the Parole of Prisoners Board and confer upon it the authority to grant parole, and to make recommendations to Cabinet for granting of pardon, to persons convicted of criminal offenses in the Republic.

BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

Section 1. Short Title.

This Act may be cited as the Parole of Prisoners Act of 2001.

Section 2. Purpose of the Act.

The purpose of this Act is to establish the Parole of Prisoners Board.

Section 3. Definitions.

In this Act, unless the context otherwise requires:

(1) "Minister" means the Minister to whom the responsibility of the Ministry of Justice has been assigned by the President;

(2) "Parole" means the conditional and revocable release of a prisoner serving an unexpired sentence in prison or any correctional institution;

(3) "Parole Board" means the Parole of Prisoners Board established under Section 4 of this Act.

Section 4. Parole Board.

(1) There is hereby established a Parole of Prisoners Board which shall consist of:

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(a) a Chairman and four (4) other members, appointed by the Cabinet

(i) two (2) of whom shall be persons with adequate qualifications and experience in the subject of the law; and

(ii) three (3) of whom shall be persons representing the general public; and

(b) a non-voting Secretary, who shall be a member of the Public Service.

(2) The term of office of the members appointed under Subsection (1) (a) shall be a period of two years, unless otherwise earlier removed by the Cabinet with or without cause, or a vacancy exists by reason of death, incapacity or resignation by the member; provided that a member may be reappointed for a further term or terms.

(3) Any vacancy in an unexpired term of a member which exists through death, incapacity or resignation, shall be filled by appointment in the same manner as the original appointment for the remainder of the unexpired term of the member concerned.

(4) The appointment of the members of the Parole Board shall be on a part-time basis, and except a member who otherwise holds a salaried office under the Government of the Republic, members shall be entitled to receive such compensation for their services as the Cabinet may determine.

Section 5. Secretary of the Board.

The Secretary of the Board shall:

(a) administer the routine business of the Board;

(b) record promptly and accurately, and distribute and maintain the

minutes of all Board meetings;

(c) convey to the Cabinet, any and all recommendations and reports of the Board as required under this Act or any other law or Regulations, and act as the liaison officer between the Board and all other government agencies and the general public; and

(d) perform such other functions as may be directed by the Board.

Section 6. Functions of the Parole Board.

(1) Subject to the provisions of any other law or to regulations made under this Chapter or any other Act regulating the grant of parole or pardon, the Parole Board shall:

(a) serve as the paroling authority of the Republic;

(b) make recommendations to the Cabinet on the grant of pardon by Cabinet to any person convicted of a criminal offense in the Republic;

(c) appraise prisoners and make decisions that will be compatible with the welfare of the community and of individual offenders, and as such, determine the time at which parole may be granted to any eligible person;

(d) acting on the report and recommendations referred to in Section 531 of the Public Safety Act, either release the prisoner on parole as recommended or release the prisoner subject to such terms and conditions as it may deem fit, or decline to grant parole to the prisoner;

(e) provide continuing custody, control, and supervision of paroled persons;

(f) where a paroled person has violated parole or any conditions of parole,

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make recommendations to the Attorney-General for the revocation or suspension of such parole, and upon court order, provide the facilities for the return to the correctional institution of the paroled person;

(g) discharge a person from parole when supervision is no longer needed; and

(h) send on a bi-annual basis, a detailed report of its operations to the Minister, who shall transmit such report to Cabinet.

(2) Any Regulations for the time being in force, regulating the granting of pardon and parole, shall to the extent that they are not inconsistent with this Act or any other law, remain applicable and have the force and effect of law.

Section 7. Effective Date.

This Act shall take effect on the date of certification in accordance with Article IV, Section 21 of the Constitution.

Certificate

I hereby certify:

(1) that the Nitijela Bill No. 73 N.D.1 has been passed by the Nitijela of the Marshall Islands on the 26th day of September, 2001; and

(2) that I am satisfied that Nitijela Bill No. 73 N.D.1 has been passed in accordance with the Constitution of the Republic of the Marshall Islands and the Rules of the Nitijela .

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I hereby place my signature before the Clerk of the Nitijela this 18th day of October, 2001.

Attest:

Litokwa Tomeing, Speaker
Nitijela of the Marshall Islands

Joe E. Riklon, Clerk
Nitijela of the Marshall Islands