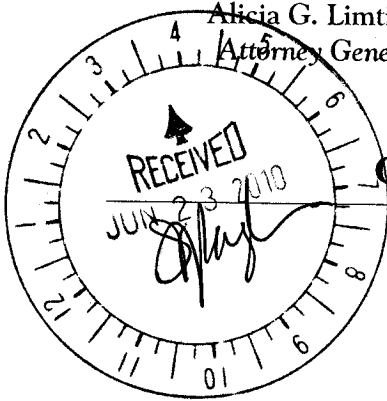




Phillip J. Tydingco
Chief Deputy Attorney General

Alicia G. Limtiaco
Attorney General



OFFICE OF THE ATTORNEY GENERAL

June 18, 2010

Ref.: DOC 09-0808

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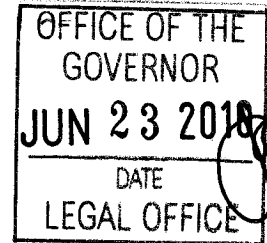
Jose B. Palacios, Director
Department of Corrections
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Re: Prisoner Participation in Work Release and Educational Programs

Dear Director Palacios:

I. Introduction

Due to developments in the relevant case law, the Office of the Attorney General is re-examining its opinion in Attorney General Opinion LEG 88-0205, "Application of P.L. 19-6 to DOC inmates." P.L. 19-06 prohibits prisoners convicted of certain crimes from participating in work release and educational programs. Attorney General Opinion LEG 88-0205 opined that applying P.L. 19-06 to prisoners sentenced prior to its enactment would violate the prohibition against ex post facto punishment. As a result, the earlier opinion recommended that prisoners sentenced prior to the enactment of P.L. 19-06 not be subjected to its restrictions, because the application of P.L. 19-06 to those prisoners would not withstand a legal challenge in the courts. This opinion revisits that earlier pronouncement, and also examines the due process and equal protection implications of P.L. 19-06, if any.

II. Facts

In 1982, Guam's murder statute provided in pertinent part:

Murder is a felony of the first degree but a person convicted of murder shall be sentenced to life imprisonment notwithstanding any other provision of law; provided, however, that any person convicted of murder shall be eligible for parole after serving fifteen (15) years as provided in § 80.72 of this Title and no part of said sentence shall be suspended.

9 G.C.A. § 16.40(b), P.L. 16-126:1 (Dec. 31, 1982).

Office of the Legislative Secretary
Senator Tina Rose Mufia Barnes

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