


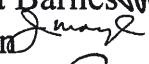






I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
99-36 (LS)	Tina Rose Muña Barnes James C. Moylan Jose "Pedo" Terlaje Joe S. San Agustin Amanda L. Shelton Clynton E. Ridgell Frank Blas Jr. V. Anthony Ada	AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO ACQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE <i>INAFAMAOLEK FOR INMATES FUND</i> ; AND TO CITE THIS ACT AS THE <i>INAFAMAOLEK FOR INMATES ACT OF 2021</i> .	3/25/21 3:59 p.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 99-36 (LS)

Introduced by:

Tina Rose Muña Barnes 
 James C. Moylan 
 Jose "PEDO" Terlaje 
 Joe S. San Agustin 
 Amanda L. Shelton 
 Clynton E. Ridgell 
 Frank F. Blas Jr. 
V. Anthony Ada 

**AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9
GUAM CODE ANNOTATED RELATIVE TO GRANTING
INDIGENT INMATES THE ABILITY TO AQUIRE
THEIR CONSTITUTIONAL RIGHT TO LEGAL
REPRESENATATION; CREATING THE
INAFAMAOLEK FOR INMATES FUND; AND TO CITE
THIS ACT AS THE *INAFAMAOLEK FOR INMATES ACT
OF 2021*.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** During the COVID-19 Pandemic, in
 3 an effort to protect the Guam Department of Corrections from exposure to COVID-
 4 19, visitation privileges were eliminated. In the midst of the Pandemic, on September
 5 08, 2020, Paytel Guam, the provider of the telephone service at the prison, has
 6 updated the Inmate Telephone System for the detainees and inmates of the Guam
 7 Department of Corrections to communicate with their family and friends. As a result,
 8 fees were imposed to add funds to an inmate's phone account. Furthermore, as
 9 visitation was halted, the Guam Department of Corrections had required that all
 10 inmates use the Paytel system to contact their attorney's. Many of those incarcerated
 11 within the prison are indigent and using the Paytel system has served as a barrier to
 12 acquiring legal representation, a right afforded to all by the United States
 13 Constitution. The Provider for the current prison phone service does deposit 15% of

1 net revenues to the General Fund as a condition to doing business within the prison.
2 It is the intent of *I Liheslatura* to make good to those incarcerated by using the funds
3 that are deposited into the General Fund, or any other funding source that
4 *I'Magahagan Guahan* so chooses, to allow indigent clients to have access to
5 adequate legal representation.

6
7 **Section 2.** A new § 90.300 is hereby *added* to Chapter 90 of Title 9 Guam Code
8 Annotated, to read as follows:

9 **§ 90.300 *Inafa'maolek for Inmates Act of 2021.***

10
11 **(a) *Inafa'maolek for Inmates Fund.***

12
13 There is hereby created, within the Department of Corrections, a revolving
14 fund called the '*Inafa'maolek for Inmates Fund*', which shall be established
15 by the Department of Administration in accordance with the following
16 provisions:

- 17
18 (1) Notwithstanding any provision of Law, any revenue that is collected by
19 the Government of Guam for Telephone Services within the Guam
20 Department of Corrections, shall be deposited into said fund.
21
22 (2) Any revenue that is deposited into said fund is to be used to provide no-
23 cost telephonic services for inmates or detainees to contact their legal
24 counsel.
25
26 (3) Should revenues deposited into this fund not be adequate to provide no-
27 cost telephonic services for inmates to contact their legal counsel, the
28 Director of the Department of Corrections, and *I Maga'hagan Guahan*
29 shall ensure that any inmate or detainee be provided their constitutional
30 right to consul legal counsel through no-cost telephonic service by any
31 means that the Director or *I Maga'hagan Guahan* sees fit.

- 32
33 (b) Notwithstanding any other provision of Law, the Director of the Department
34 of Corrections shall within 30 days of the passage of this measure create and
35 implement a policy where inmates shall be allowed to call the Public Defender

1 Service Corporation, or the Alternate Public Defender, or their Attorney of
2 Record, at no cost to the inmate. The Director of the Department of
3 Corrections shall report to I Liheslatura upon the creation and enactment of
4 said policy.

5
6 **Section 3. Severability.** If any provision of this Act or its application to any
7 person or circumstance is found to be invalid or contrary to law, such invalidity shall
8 not affect other provisions or applications of this Act that can be given effect without
9 the invalid provision or application, and to this end the provisions of this Act are
10 severable.

11
12 **Section 4. Effective Date.** This Act shall become effective upon enactment.
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