

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

2021 (FIRST) Regular Session

VOTING RECORD

	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building July 8, 2021					
Bill No. 99-36 (LS) As amended in the Committee of the Whole.						
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada					√	√
Senator Frank Blas Jr.	√					
Senator Joanne Brown	√					
Senator Christopher M. Dueñas	√					
Senator James C. Moylan	√					
Vice Speaker Tina Rose Muña Barnes	√					
Senator Telena Cruz Nelson	√					
Senator Sabina Flores Perez	√					
Senator Clynton E. Ridgell	√					
Senator Joe S. San Agustin	√					
Senator Amanda L. Shelton	√					
Senator Telo T. Taitague	√					
Senator Jose "Pedo" Terlaje	√					
Speaker Therese M. Terlaje	√					
Senator Mary Camacho Torres	√					

TOTAL

14

0

1

1

Aye

Nay


Not Voting/
Abstained

Out During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

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

Bill No. 99-36 (LS)

As amended in the Committee of the Whole.

*

Introduced by:

Tina Rose Muña Barnes
James C. Moylan
Jose “Pedo” Terlaje
Joe S. San Agustin
Amanda L. Shelton
Clynton E. Ridgell
Mary Camacho Torres
Frank Blas Jr.
V. Anthony Ada

**AN ACT TO ADD A NEW § 90.50 TO ARTICLE 1 OF
CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO PROVIDING INDIGENT INMATES AND
INDIGENT DETAINEES THEIR CONSTITUTIONAL
RIGHT TO LEGAL REPRESENTATION AND
CREATING THE *INMATE PHONE ACCESS FUND*; AND
TO CITING THIS ACT AS THE “*INMATE PHONE
ACCESS ACT OF 2021.*”**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that during the novel coronavirus disease 2019 (COVID-19) pandemic, in an effort
4 to protect the Guam Department of Corrections (DOC) from exposure to COVID-
5 19, physical visitation privileges were restricted. In the midst of the pandemic, on
6 September 8, 2020, Paytel Guam, provider of the telephone service at the prison,
7 updated the inmate telephone system (Paytel System) for the detainees and inmates

1 of DOC to communicate with their family and friends. As a result, fees were
2 imposed, requiring inmates to add funds to their phone accounts. Furthermore, as
3 visitation was halted, DOC required that all inmates use the Paytel System to contact
4 their attorneys. Many of those incarcerated within the prison are indigent and using
5 the Paytel System restricted access to legal representation, a right afforded to all by
6 the United States Constitution. The provider for the current prison phone service
7 deposits fifteen percent (15%) of net revenues to the General Fund as a condition of
8 doing business within DOC.

9 Therefore, it is the intent of *I Liheslatura* to support those incarcerated by
10 using the funds that are deposited into the General Fund, or any other funding source
11 that *I Maga'hågan Guåhan* so chooses, to allow indigent clients to have access to
12 adequate legal representation.

13 **Section 2.** A new § 90.50 is hereby *added* to Article 1 of Chapter 90, Title
14 9, Guam Code Annotated, to read as follows:

15 **“§ 90.50. Inmate Phone Access Act of 2021.**

16 (a) Inmate Phone Access Fund.

17 There is hereby created, within the Department of Corrections, a
18 revolving fund called the “Inmate Phone Access Fund” (Fund), which shall
19 be established by the Department of Administration in accordance with the
20 following provisions:

21 (1) Notwithstanding any other provision of law, any revenue
22 that is collected by the Government of Guam for telephone services
23 within the Guam Department of Corrections shall be deposited into said
24 Fund.

25 (2) Any revenue that is deposited into said Fund is to be used
26 to provide no-cost telephonic services for indigent inmates or indigent
27 detainees to contact their legal counsel.

1 (3) Should revenues deposited into this Fund not be adequate
2 to provide no-cost telephonic services for indigent inmates to contact
3 their legal counsel, the Director of the Department of Corrections and *I*
4 *Maga'hågan Guåhan* shall ensure that any indigent inmate or indigent
5 detainee be provided with their constitutional right to consult legal
6 counsel through no-cost telephonic service by any means that the
7 Director or *I Maga'hågan Guåhan* sees fit.

8 (4) For the purposes of this Section, “indigent inmates” or
9 “indigent detainees” shall mean those persons charged in a criminal
10 case before the courts of Guam who are determined indigent consistent
11 with 12 GCA § 11104.

12 (b) Notwithstanding any other provision of law, within thirty (30)
13 days of the enactment of this Section, the Director of the Department of
14 Corrections shall create and implement a policy where indigent inmates shall
15 be allowed to call the Public Defender Service Corporation, the Alternate
16 Public Defender, or their Attorney of Record, at no cost to the indigent inmate.
17 The Director of the Department of Corrections shall submit a report to *I*
18 *Liheslatura* upon the creation and implementation of said policy.”

19 **Section 3. Severability.** If any provision of this Act or its application to any
20 person or circumstance is found to be invalid or contrary to law, such invalidity shall
21 not affect other provisions or applications of this Act that can be given effect without
22 the invalid provision or application, and to this end the provisions of this Act are
23 severable.

24 **Section 4. Effective Date.** This Act shall be effective upon enactment.