

# I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÁHAN

## 2024 (SECOND) Regular Session

### VOTING RECORD

<b>Bill No. 30-37 (COR)</b> As amended by the Committee on General Government Operations and Appropriations; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building January 26, 2024					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher	✓					
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin	✓					
Senator Dwayne T.D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

**TOTAL**

**15**

**0**

**Not  
Voting/  
Abstained**

**Out  
During  
Roll Call**

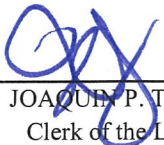
**0**

**Absent**

**0**

**Excused**

CERTIFIED TRUE AND CORRECT:

  
 JOAQUIN P. TAITAGUE  
 Clerk of the Legislature

I = Pass

*I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN*  
**2023 (FIRST) Regular Session**

**Bill No. 30-37 (COR)**

As amended by the Committee on  
General Government Operations  
and Appropriations; and further amended  
on the Floor.

\*

Introduced by:

Joanne Brown  
Chris Barnett  
Frank Blas, Jr.  
Thomas J. Fisher  
Telo T. Taitague  
Christopher M. Dueñas  
Jesse A. Lujan

**AN ACT TO *ADD* A NEW § 4101(a)(1)(E) OF ARTICLE 1,  
AND A NEW § 4203.4 OF ARTICLE 2, BOTH OF  
CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED; AND  
TO *AMEND* § 49.90 OF CHAPTER 49, TITLE 9, GUAM  
CODE ANNOTATED, RELATIVE TO THE  
PROHIBITION OF EMPLOYMENT IN THE  
GOVERNMENT OF GUAM FOR INDIVIDUALS  
CONVICTED OF OFFICIAL MISCONDUCT.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the people of Guam should be able to reasonably expect that their government  
4 employs people on the basis of merit and does not employ criminals, especially  
5 criminals convicted of official misconduct, while in government employment.  
6 Experience has shown that this expectation has been misplaced. While the sentiment

1 of providing second chances to criminals is admirable in the right context,  
2 government service cannot bear the risk of employing convicted criminals.

3 Therefore, *I Liheslatura* intends to prohibit the employment of an individual  
4 in any agency or instrumentality of the government of Guam if said individual is  
5 convicted under the provisions of Title 9 GCA, Chapter 49, § 49.90, or an offense  
6 in any jurisdiction which includes, at a minimum, all of the elements of said offenses.

7 **Section 2.** A new § 4101(a)(1)(E) of Article 1, Chapter 4, Title 4, Guam  
8 Code Annotated, is *added* to read as follows:

9 “(E) No person shall be employed nor continued in employment, who was  
10 convicted of a violation of Title 9 GCA, Chapter 49, § 49.90. Any attempted or  
11 erroneous appointment or continuation of employment in violation of this Section is  
12 void *ab initio*. Title 4 GCA, Chapter 4, §§ 4202 and 4406(b) shall not apply to this  
13 Section.”

14 **Section 3.** A new § 4203.4 is hereby *added* to Article 2 of Chapter 4, Title  
15 4, Guam Code Annotated, to read as follows:

16 **“§ 4203.4. Prohibition: Conviction of Official Misconduct and Absolute**  
17 **Bar to Employment.**

18 No person convicted under the provisions of Title 9 GCA, Chapter 49, §  
19 49.90, or an offense in any jurisdiction which includes, at a minimum, all of the  
20 elements of said offenses, shall work in any agency or instrumentality of the  
21 government of Guam.”

22 **Section 4.** § 49.90 of Chapter 49, Title 9, Guam Code Annotated, is hereby  
23 *amended* to read as follows:

24 **“§ 49.90. Official Misconduct; Defined & Punished.**

25 A public servant commits a misdemeanor if, with intent to  
26 benefit himself or another person or to harm another person or to  
27 deprive another person of a benefit:

1                   (a) he commits an act relating to his office but  
2                   constituting an unauthorized exercise of his official functions,  
3                   knowing that such act is unauthorized; or

4                   (b) he knowingly refrains from performing a duty  
5                   which is imposed upon him by law or is clearly inherent in the  
6                   nature of his office.

7                   (c) a person convicted of official misconduct may be  
8                   imprisoned for a term of up to one (1) year and, notwithstanding  
9                   § 80.50(c) of Article 3, Chapter 80, Title 9, Guam Code  
10                  Annotated, may be ordered to pay a fine of up to Twenty  
11                  Thousand Dollars (\$20,000.00).”