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Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

MAY 24 2010

2010 MAY 26 PM 2:55

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 384-30 (COR) "AN ACT TO AMEND §6114 OF CHAPTER 6 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINAL RECORD OF A PERSON SEEKING PUBLIC OFFICE", which was signed into law on May 14, 2010 as Public Law 30-134.

Sinseru yan Magåhet,

MICHAEL W. CRUZ, M.D.
I Maga'låhen Guahan para pa'go
Acting Governor of Guam

Attachment: copy of Bill

30-10-6471
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date May 24, 2010
Time 4:21 PM
Received by

**I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session**

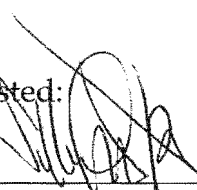
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 384-30 (LS)**, "AN ACT TO *AMEND* §6114 OF CHAPTER 6 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINAL RECORD OF A PERSON SEEKING PUBLIC OFFICE", was on the 3rd day of May, 2010, duly and regularly passed.



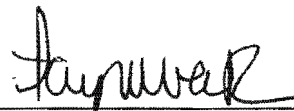
Judith T. Won Pat, Ed. D.
Speaker

Attested:



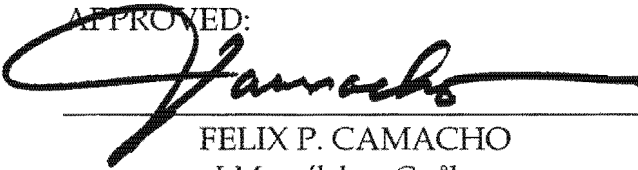
Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 4th day of MAY, 2010, at 10:30 o'clock A.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 14 MAY 2010

Public Law No. P.L. 30-134

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 384-30 (LS)

As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.
T. C. Ada
V. Anthony Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
T. R. Muña Barnes
Judith P. Guthertz, DPA
v. c. pangelinan
R. J. Respicio
Telo Taitague
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §6114 OF CHAPTER 6 OF TITLE 3,
GUAM CODE ANNOTATED, RELATIVE TO THE
CRIMINAL RECORD OF A PERSON SEEKING PUBLIC
OFFICE.**

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

2 **Section 1.** §6114 of Chapter 6, Title 3, Guam Code Annotated, is hereby
3 *amended* to read:

4 **“§6114. Convicted Felons and Others Shall Not be**
5 **Candidates.** Notwithstanding any other provision of law, all candidates for
6 any elected public office, board or commission must *not* have been

1 convicted of a felony, and must *not* have been convicted of a misdemeanor
2 involving criminal sexual conduct or crime of moral turpitude.

3 At the time of filing for candidacy with the Commission, a candidate
4 *shall* submit: (1) a clearance from the Guam Police Department, and a
5 clearance from the Judiciary of Guam; and (2) a signed affidavit attesting
6 that the candidate has *not* been convicted of a felony or misdemeanor, as
7 described herein in this Section, in any State or Territory of the United
8 States or foreign country. The cost for the police clearance and the court
9 clearance required by this Section *shall* be borne by the person seeking the
10 public office.”

11 **Section 2. Effective Date.** The effective date of this Act *shall* be
12 retroactive to April 1, 2010.



OFFICE OF THE SPEAKER
I MINA'TRENTA NA LIHESLATURAN GUAHAN | 30th GUAM LEGISLATURE
JUDITH T. WON PAT, Ed.D.

April 29, 2010

To: *I Mina'Trenta Na Liheslaturan Guahan*

RE: **Waiver of Public Hearing on Bill 384-30(LS)**

After careful evaluation for your request to waive the requirements for a public hearing on Bill 384-30(COR):

Bill 384-30(LS): An act to amend §6114 of Chapter 6 of Title 3, Guam Code Annotated, relative to the criminal record of a person seeking public office.

I certify, pursuant to 2 GCA §2103, that Bill 384-30(LS) meets a requirement of the above cited public law and that a public hearing on the bill is accordingly waived.

Senseramente,

Judith T. Won Pat, Ed.D.
Speaker

cc: Senator Adolpho Palacios, Sr.
Clerk of the Legislature



**COMMITTEE ON PUBLIC SAFETY,
LAW ENFORCEMENT & SENIOR CITIZENS**

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

PL 30-109

**Thirtieth
Guam Legislature**

April 29, 2010

Committee on Public Safety,
Law Enforcement &
Senior Citizens
Members:

MEMORANDUM

Senator Adolpho B. Palacios, Sr.
Chairman

TO: Speaker Judith T. Won Pat, Ed.D.

Senator Ray Tenorio
Vice Chairman

FROM: Senator Adolpho B. Palacios, Sr.

Speaker Judith T. Won Pat
Member

SUBJECT: Request for Emergency Certification of Bill No. 384-30(LS)

Senator Thomas C. Ada
Member

I am requesting that Bill No. 384-30 (LS) be declared an emergency for the purpose of waiving the public hearing requirements.

Senator Frank B. Aguon, Jr.
Member

Senator Matt Rector
Member

Bill No. 384-30 (LS), is an act to amend §6114 of Chapter 6, Title 3, Guam Code Annotated, relative to the criminal record of a person seeking public office, requiring Federal Bureau of Investigation (FBI) clearance.

Senator Edward J.B. C. 'vo
Member

This Bill would provide for the appropriate language that would be acceptable to the FBI in order to provide the services required by this Section.

Senator James V. Espaldon
Member

I look forward to your approval of my request and the swift passage of this legislation.

Other Committee

Chairmanship/Membership:

Chairman, Committee on
Labor, the Public Structure,
Public Libraries & Technology

Vice Chairman, Committee
on Economic Development,
Health and Human Services,
& Judiciary

Vice Chairman, Committee
on Utilities, Transportation,
Public Works, & Veterans
Affairs

Member, Committee on
Rules

Member, Committee on
Education

Si Yu'os Ma'ase'

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I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 5/3/2010

VOTING SHEET

Bill No. 384-30(LS)

Resolution No. _____

Question: _____

| NAME | YEAS | NAYS | NOT VOTING/ ABSTAINED | OUT DURING ROLL CALL | ABSENT |
|-----------------------------------|------|------|--------------------------|-------------------------|--------|
| ADA, Thomas C. | ✓ | | | | |
| ADA, V. Anthony | ✓ | | | | |
| AGUON, Frank B., Jr. | | | | | EA |
| BLAS, Frank F., Jr. | ✓ | | | | |
| CALVO, Edward J.B. | ✓ | | | | |
| CRUZ, Benjamin J. F. | | | | | EA |
| ESPALDON, James V. | ✓ | | | | |
| GUTHERTZ, Judith Paulette | ✓ | | | | |
| MUNA-BARNES, Tina Rose | | | | | EA |
| PALACIOS, Adolpho Borja, Sr. | ✓ | | | | |
| PANGELINAN, vicente (ben) cabrera | ✓ | | | | |
| RESPICIO, Rory J. | ✓ | | | | |
| TAITAGUE, Telo | ✓ | | | | |
| TENORIO, Ray | | | | | EA |
| WON PAT, Judith T. | ✓ | | | | |

TOTAL

11

4

CERTIFIED TRUE AND CORRECT:


 Clerk of the Legislature

* 3 Passes = No vote
 EA = Excused Absence

I MINA'TRENTA NA LIHESLATURAN GUAHAN
2010 (SECOND) Regular Session

2010 APR 29 PM 5:18 EPM

Bill No. 384-30 (LS)

Introduced by:

Adolpho B. Palacios, Sr. 

AN ACT TO AMEND §6114 OF CHAPTER 6 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINAL RECORD OF A PERSON SEEKING PUBLIC OFFICE.

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

2 **Section 1. §6114 of Chapter 6, Title 3, Guam Code Annotated, is hereby *amended to***
3 **read:**

4 **“§6114. Convicted Felons and Others Shall Not be Candidates.**
5 Notwithstanding any other provision of law, all candidates for any elected public
6 office, board or commission must *not* have been convicted of a felony, and must *not*
7 have been convicted of a misdemeanor involving criminal sexual conduct or crime of
8 moral turpitude.

9 At the time of filing for candidacy with the Commission, all candidates *shall*
10 ~~submit: (1) obtain and submit~~ a clearance from the Guam Police Department, and
11 shall submit: (1) a fingerprint card, or electronic fingerprint data, if so utilized to the
12 Guam's State Identification Bureau, as classified by the Federal Bureau of
13 Investigation (FBI) for processing of fingerprints. The fingerprints shall be
14 forwarded to the FBI for a national criminal history record check. The results of the
15 FBI check will be returned to the Guam Police Department, and shall not be further

1 disseminated outside the receiving governmental agency. A certification of the
2 results may be provided to the candidate upon request; ~~which includes a search of a~~
3 ~~nation-wide database, such as the National Crime Information Center of the Federal~~
4 ~~Bureau of Investigation for any previous non-expunged or non-pardoned conviction~~
5 ~~of a felony, or previous non-expunged or non-pardoned conviction of a misdemeanor~~
6 ~~involving criminal sexual conduct or crime of moral turpitude; and (2) a signed~~
7 affidavit attesting that the candidate has *not* been convicted for a felony or
8 misdemeanor, as described herein in this Section, in any State or Territory of the
9 United States or foreign country. The cost for the police clearance and FBI
10 background check required by this Section *shall* be borne by the person seeking the
11 public office.”

12 **Section 2.** Effective Date. The effective date of this Act *shall* be retroactive to April 1,
13 2010.