



Office of the Governor of Guahan

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Felix P. Camacho  
Governor

Michael W. Cruz, M.D.  
Lieutenant Governor

2010 APR 19 AM 9:41

APR 16 2010

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

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 296-30 (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 March 12, 2010 as **Public Law 30-109**.

Sinseru yan Magahet,

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

Attachment: copy of Bill

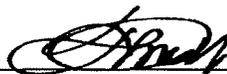
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4/16/10  
4:51 P  
m

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 Substitute Bill No. 296-30 (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," was on the 26<sup>th</sup> day of February, 2010, duly and regularly passed.

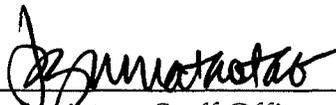


Judith T. Won Pat, Ed. D.  
Speaker

Attested

  
Tina Rose Muña Barnes  
Legislative Secretary

-----  
This Act was received by I Maga'lahaen Guåhan this 1 day of March, 2010, at  
5:40 o'clock P.M.



Assistant Staff Officer  
Maga'laha's Office

APPROVED:



MIKE W. CRUZ, MD  
GOVERNOR OF GUAM ACTING

Date: MAR 12 2010

Public Law No. P.L. 30-109

***I MINA'TRENTA NA LIHESLATURAN GUAHAN***  
**2009 (FIRST) Regular Session**

**Bill No. 296-30 (COR)**

As substituted by the Committee on Public Safety,  
Law Enforcement & Senior Citizens,  
and further substituted and amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.

T. C. Ada

F. B. Aguon, Jr.

B. J.F. Cruz

F. F. Blas, Jr.

E. J.B. Calvo

J. V. Espaldon

Judith P. Guthertz, DPA

T. R. Muña Barnes

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. Legislative Intent.** To ensure that persons vying for public  
3 office are absolutely and fully qualified for the office they are seeking, it is the  
4 intent of *I Liheslaturan Guahan* to require the Guam Election Commission (GEC)  
5 to verify the existence or non-existence of criminal records of these persons by  
6 amending 3 GCA §6114.

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

3 **“§6114. Convicted Felons and Others Shall Not be Candidates.**

4 Notwithstanding any other provision of law, all candidates for any elected  
5 public office, board or commission must *not* have been convicted of a  
6 felony, and must *not* have been convicted of a misdemeanor involving  
7 criminal sexual conduct or crime of moral turpitude.

8 At the time of filing for candidacy with the Commission, all  
9 candidates *shall* submit: (1) a clearance from the Guam Police Department,  
10 which includes a search of a nation-wide database, such as the National  
11 Crime Information Center of the Federal Bureau of Investigation, for any  
12 previous non-expunged or non-pardoned conviction of a felony, or previous  
13 non-expunged or non-pardoned conviction of a misdemeanor involving  
14 criminal sexual conduct or crime of moral turpitude; and (2) a signed  
15 affidavit attesting that the candidate has *not* been convicted for a felony or  
16 misdemeanor, as described herein in this Section, in any State or Territory of  
17 the United States or foreign country. The cost for the police clearance  
18 required by this Section *shall* be borne by the person seeking the public  
19 office.”

20 **Section 3. Effective Date.** The effective date of this Act *shall* be April 1,  
21 2010.

# I MINA' TRENTA NA LIHESLATURAN GUÅHAN

2010 (SECOND) Regular Session

Date: 2/26/10

## VOTING SHEET

SBill No. 296-30(COR)

Resolution No. \_\_\_\_\_

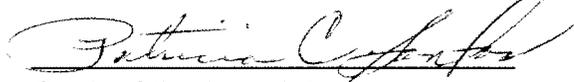
Question: \_\_\_\_\_

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

TOTAL

14

CERTIFIED TRUE AND CORRECT:

  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



Thirtieth  
Guam Legislature

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

*I Mina'Trenta na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**

*Chairman*

February 10, 2010

2010 FEB 19 PM 3:57  
JP

- Committee on Public Safety,  
Law Enforcement &  
Senior Citizens  
Members:
- Senator Adolpho B. Palacios, Sr.  
Chairman
  - Senator Ray Tenorio  
Vice Chairman
  - Speaker Judith T. Won Pat  
Member
  - Senator Thomas C. Ada  
Member
  - Senator Frank B. Aguon, Jr.  
Member
  - Senator Edward J.B. Calvo  
Member
  - Senator James V. Espaldon  
Member

**The Honorable Judith T. Won Pat, Ed.D.**  
Speaker  
I Mina'Trenta na Liheslaturan Guåhan  
155 Hesler Place  
Hagåtña, Guam 96910

*60-3*

**VIA: The Honorable Rory J. Respicio**  
Chairperson, Committee on Rules

**RE: Committee Report – Bill No. 296-30 (COR) As Substituted.**

Dear Speaker Won Pat:

The Committee on Public Safety, Law Enforcement & Senior Citizens, to which was referred Bill No. 296-30 (COR) as substituted by the Committee – "AN ACT TO REQUIRE THE GUAM ELECTIONS COMMISSION TO VERIFY THE EXISTENCE OR NON-EXISTENCE OF A CRIMINAL RECORD OF A PERSON SEEKING PUBLIC OFFICE BY AMENDING 3 GCA, §2107," hereby reports out with the recommendation TO PASS.

Committee votes are as follows:

- Other Committee Membership:
- Vice Chairman, Committee on Economic Development, Health and Human Services, & Judiciary
  - Vice Chairman, Committee on Utilities, Transportation, Public Works, & Veterans Affairs
  - Interim Chairman, Committee on Labor, the Public Structure, Public Libraries & Technology
  - Member, Committee on Rules
  - Member, Committee on Education

<u>6</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>0</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

Sincerely,

**ADOLPHO B. PALACIOS, SR., MPA, BS/CJA**  
Chairperson

Attachments



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

**SENATOR ADOLPHO B. PALACIOS, SR.  
CHAIRMAN**

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*I Mina'Trenta na Liheslaturan Guåhan*

**COMMITTEE  
REPORT  
ON**

**BILL NO. 296-30 (COR)  
As Substituted by the Committee  
Senator Adolpho B. Palacios, Sr.**

**"AN ACT TO REQUIRE THE GUAM ELECTIONS  
COMMISSION TO VERIFY THE EXISTENCE OR NON-  
EXISTENCE OF A CRIMINAL RECORD OF A PERSON  
SEEKING PUBLIC OFFICE BY AMENDING 3 GCA, §2107."**



Thirtieth  
Guam Legislature

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

*I Mina'Trenta na Liheslaturan Guåhan*

**SENATOR ADOLPHO B. PALACIOS, SR.**

*Chairman*

February 8, 2010

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

Senator Adolpho B. Palacios, Sr.  
Chairman

Senator Ray Tenorio  
Vice Chairman

Speaker Judith T. Won Pat  
Member

Senator Thomas C. Ada  
Member

Senator Frank B. Aguon, Jr.  
Member

Senator Matt Rector  
Member

Senator Edward J.B. Calvo  
Member

Senator James V. Espaldon  
Member

Other Committee Membership:

- Vice Chairman, Committee on Economic Development, Health and Human Services, & Judiciary
- Vice Chairman, Committee on Utilities, Transportation, Public Works, & Veterans Affairs
- Vice Chairman, Committee on Labor, the Public Structure, Public Libraries & Technology
- Member, Committee on Rules
- Member, Committee on Education

**MEMORANDUM**

**TO: ALL MEMBERS**  
Committee on Public Safety, Law Enforcement, & Senior Citizens

**FROM: Senator Adolpho B. Palacios, Sr.**  
Committee Chairman

**SUBJECT: Committee Report on Bill No. 296-30 (COR) As Substituted.**

Transmitted herewith for your consideration is the Committee Report on Bill No. 296-30 (COR) – “AN ACT TO REQUIRE THE GUAM ELECTIONS COMMISSION TO VERIFY THE EXISTENCE OR NON-EXISTENCE OF A CRIMINAL RECORD OF A PERSON SEEKING PUBLIC OFFICE BY AMENDING 3 GCA, §2107,” sponsored by Senator Adolpho B. Palacios, Sr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Substitute Bill No. 296-30 (COR)
- Copy of Bill No. 296-30 (COR)
- Public Hearing Sign-in Sheets
- Copies of testimony submitted and supporting documents
- Copy of COR Referral of Bill No. 296-30 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- News related articles

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please contact this office.

*Si Yu'os ma'åse!*

Office/Mailing Address: 155 Hester Pl., Hagatña GU 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR. CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

VOTING SHEET ON:

Bill No. 296-30 (COR) as substituted by the Committee: "AN ACT TO REQUIRE THE GUAM ELECTIONS COMMISSION TO VERIFY THE EXISTENCE OR NON-EXISTENCE OF A CRIMINAL RECORD OF A PERSON SEEKING PUBLIC OFFICE BY AMENDING 3 GCA, §2107."

Table with 7 columns: SENATOR, SIGNATURE, TO PASS, NOT TO PASS, TO REPORT OUT ONLY, ABSTAIN, INACTIVE FILE. Rows include Adolpho B. Palacios, Sr. Chairman, Ray Tenorio Vice Chairman, Speaker Judith T. Won Pat Member, Thomas C. Ada Member, Frank B. Aguon, Jr. Member, Matt Rector Member, Edward J.B. Calvo Member, and James V. Espaldon Member.



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

SENATOR ADOLPHO B. PALACIOS, SR.  
CHAIRMAN

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*I Mina'Trenta na Liheslaturan Guåhan*

### COMMITTEE REPORT DIGEST

#### I. OVERVIEW

The Committee on Public Safety, Law Enforcement, & Senior Citizens convened a public hearing on January 7, 2010 at 10:10am in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 296-30 (COR) – “An act to require the Guam Election Commission to verify the existence or non-existence of a criminal record of a person seeking public office by amending 3 GCA, Chapter 2, §2107,” sponsored by Senator Adolpho B. Palacios, Sr.

#### Public Hearing Requirements

Notices were disseminated via facsimile and email to all senators and all main media broadcasting outlets on December 29, 2009 (5-day Notice) and on January 4, 2010 (48-hour notice) pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature's website.

#### Senators Present

Senator Adolpho B. Palacios, Sr., Chairman  
Senator Ray Tenorio  
Senator Telo Taitague

#### Individual(s) Registered for oral or written testimony:

1. Mr. Vicente Gumataotao, Mayor of Piti, Oral Testimony, In Support
2. Mr. Bobing Wolford, Resident of Guam, Oral Testimony
3. Attorney James Mitchell, Guam Police Department Legal Counsel
4. Cpt. Mark Charfarous, Guam Police Department, Oral Testimony, In Support
5. Cpt. Joe Carbullido, Guam Police Department, Oral Testimony, In Support
6. Attorney Phil Tydingco, Office of the Attorney General, Oral Testimony
7. Mr. John F. Blas, Executive Director, Guam Election Commission, Written Testimony, Not in Support
8. Mr. Joseph F. Mesa, Resident of Guam, Board Member of the Guam Election Commission, Written Testimony, In Support

#### II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr. called the Committee on Public Safety, Law Enforcement, and Senior Citizens to order at 10:10am, welcomed and introduced Senators present. As author of the bill, Chairman Palacios gave a brief presentation of the bill. The Bill proposes to amend 3 GCA §2107. With respect to this issue, there is a current provision that says that no person shall be placed on the ballot for election to any public office, unless the Commission has determine that said person possesses the qualifications for the office which that person is a

candidate. The current practice is that any person will be required to submit a police clearance. It is a general observation that once this is submitted to the Guam Election Commission. This is taken at face value and with the current issue that has been publicized with the media, with respect to an individual in the last election record of conviction it became necessary to this issue that gave rise for the need of an amendment, which is an additive amendment. At the minimum, the Commission shall require the verification with the FBI, or through GPD as to the existence or non existence of such criminal record. This should not be necessary to be in the statute, because it is already in authority to certify the individual, which authority lies with the Commission. Nevertheless, there needs to be an emphasis to make sure, and then another additive amendment would be, the Commission shall not certify the qualifications of any person vying for public office unless the Commission first determined that the person is absolutely and fully qualified for the office for which that person is the candidate. Chairman Palacios then called those who are present to testify, however, he announced that Mayor Ben Gumataotao signed up to give oral testimony, but Mayor Gumataotao had to leave.

**Cpt. Mark Charfarous, GPD, in support, oral testimony.** Cpt. Charfauros first thanks the Senator for allowing him to testify on the Bill. He then stated that in consultation with their legal counsel and the Chief of Police, the Guam Police Department is in support of the Bill with some recommendations, and recommends the Committee receive information from the Commission on Automation out of the Superior Court of Guam.

He then explains the reason to make recommendations, and that is because they've had this issue in the past concerning the use of NCIC and in particular GHURA. There is a requirement by the federal government that all GHURA applications must undergo a stringent background check which includes the NCIC. GHURA personnel initially wanted to have direct access which this bill is proposing that the Commission has direct access to NCIC, thru the FBI, however, there is a restriction that the NCIC can only be utilized by law enforcement personnel. Regarding the issue with GHURA, the request goes to GPD and law enforcement personnel runs it thru NCIC, and then provides the information to GHURA, this is the recommendation that will make this bill work, simply because this method will access critical information which is nationally and internationally limited to the law enforcement community.

Another recommendation is automation through AFES and through NCIC, there is a need to amend legislation. He mentioned that there are ongoing meetings at the unified judiciary with other law enforcement entities in putting together a proposed legislation which should be provided to the Guam Legislature in regards to issues covering the utilization of the AFES and the NCIC. It is their recommendation that these meetings will produce a bill, and those recommendations will be submitted to the Committee, and hopes that these recommendations will be tacked on to this bill since it is directly related to this process. He closed and stated that they support the bill with the recommendations coming from the Criminal Justice Automation Commission.

**Chairman Palacios** then announced that the Committee will allow ten days to submit written testimony and recommendations and will look into incorporating those recommendations during a markup meeting of the bill. He then calls on Cpt. Joe Carbullido.

**Cpt. Joe Carbullido, GPD, in support, oral testimony.** Cpt. Joe Carbullido was also in support of the bill, and believes it serves a purpose when a bill uses the NCIC to be a check. The process is that they go to GPD to get a police clearance which only covers local background checks. This is the reason why Senator Matt Rector's issue came up, which shed some light because of the fact that it was only locally that he was required to submit a check to the NCIC. Now it will require that stringent check, it would serve as a basis for everyone to insure that whoever comes into an elected position has an actual clear check, and everyone would be assured that no issues would be forthcoming. In closing he stated that he will remain for any questions in regards to the processing.

**Chairman Palacios** noted that GEC, Mr. Blas, will not be able attend this public hearing because of prior engagement, and they will be submitting written testimony. Chairman stated that he does not object to the nonappearance of GEC, but would've preferred that they showed up. He made note that this bill was filed since December 15<sup>th</sup>, and that this bill is important to GEC because it is about what they have to do, and that they are not present to take questions or ask questions. This bill would be sufficient and adequate at the end of this public hearing, because in the end it is the policy-makers that will make the policy. He then calls on Attorney Phil Tydingco to testify.

**Attorney Phil Tydingco, Office of the Attorney General.** Attorney Phil Tydingco mentioned that he did not sign up to provide testimony on this bill, because the Attorney General's Office is still reviewing it but will be submitting written testimony. There are some technical aspects that need to be clarified; in regards to CJIS issue and that there are technical standards that need to be researched to determine how it will interplay with the language of this bill. In closing, he reiterated that they will submit written testimony, and apologized for not being able to answer any questions at the time.

**Chairman Palacios** then allowed Senator Telo Taitague to speak on the bill.

**Senator Telo Taitague** asked in regards to how much a police clearance costs.

Cpt. Carbullido replied, \$7.00

Senator Taitague asked, with regards to GHURA requests for NCIC report, how much does it cost the police department?

Cpt. Carbullido replied, when they request for a NCIC background check, it is a \$32 fee.

Senator Taitague then asked do you feel that the cost for that report should be incurred by the person running for election.

Carbullido replied that he believes so.

Senator Taitague then stated that is the same scenario with GHURA, the applicant pays for the fee or does GHURA shoulder that cost?

Carbullido replied that GHURA has been requesting for local checks, which is the \$7 fee.

Senator Taitague then asked in regards to the NCIC report, who pays for that out of GHURA?

Carbullido replies that NCIC has not been requested by GHURA. Then he yields to Captain Charfauros to refer to the criminal justice information.

Charfauros stated that in the past, GHURA has requested access to the CJIS and in depth background check, but wanted to do the checks at GHURA. Initially GPD considered that request, however upon reviewing this request there is a concern that this information can only be accessed thru local law enforcement. The process for GHURA is presently undergone by GPD personnel.

Senator Taitague asked in regards for that cost.

Charfauros replied the cost is being paid by GHURA, which is \$7 per person.

Senator Taitague then stated that is for the local, but for the NCIC, GHURA is not getting that information.

Charfauros replied that they have not done the NCIC for GHURA, however there has been a request by GHURA to have the system installed in their system at GHURA.

Senator Taitague said that because it is federal funding, GHURA is required to do a check to the FBI to obtain this information through GPD, and then asked whether this is currently being done and if it can be done.

Charfauros replied that it's not currently being done, but it can be done and that they have to pay the \$32 fee and only through law enforcement personnel not thru GHURA personnel.

Senator Taitague asked whether GPD has a problem with GEC following that same process, requesting upon GPD to do the check?

Charfauros replies that GPD does not have a problem with that. He then stated that there are 2 issues that have to be addressed, if the bill could be amended rather than the commission to do it directly, it should be done thru GPD. The next issue is how the authorized access can be addressed. He then requests that the amendment can be made now and wait for the criminal justice automation commission to complete their assessment, because even without this bill they were already meeting to put together legislation. His recommendation will be to wait until they come up with recommendations, how these recommendations can be incorporated, who can incorporate these checks, and what level can these checks be implemented will be provided to the Guam Legislature.

Senator Taitague then asked, if she were to run again for re-election, and this bill is implemented, the \$32 will be to GEC and not GPD, and if she were to go to GEC and is now required by law to get a local police clearance and a NCIC clearance, who does she pay that money to?

Charfauros replied that the fee has to be paid thru the judiciary where FBI receives a portion of that fee. He then cautioned Senators that there may be technical issues that involves the FBI and other federal entities and recommends that the Committee take it slowly.

Chairman Palacios stated that this is a major bill, but there is a timetable because this is an election year. Candidates have to submit their petitions by July. Passing this bill now will not matter, because it won't be needed until the candidates are certified. If this bill can be settled by June it will still be good. There is no reason to "rush" this bill, because it won't be enforced until 60 days before primary election, which is September 4<sup>th</sup>.

Senator Taitague then asked how long does it take to get this report, local checks only takes 15 minutes.

Charfauros replied that it varies depending on how many users are on, it can take 4 hours to 1 to 2 days.

Chairman Palacios mentioned that the AG is not prepared to provide testimony due to more research, so he excuses Attorney Tydingco. After consulting with Attorney Tydingco, Chairman Palacios indicated that the AG's office will submit information within a week. He also mentions that there may be more than one mark up meeting. Chairman then recognizes Senator Tenorio to speak on the bill.

**Senator Tenorio** refers to the proposed legislation, "the commission shall employ such lawful methods or means," whatever the methods or means are available within the legal parameter, any lawful means to obtain information about a person's satisfactory meeting of the qualifications is the essence of the bill. Any technical issues that has to be hammered out by GPD or the judiciary or any entity is a repository of such information of records of conviction or indictment can be used as long as it is legally done.

He then refers to the line that says, "as may be necessary," it is important to understand that every person has a certain field of experience, residency, and other things that makes him or her unique versus other people. That will determine that person's qualifications where that search should be done. In the course of forty years, then we can look outside the scope. If a person has lived out of Guam, this could give guidance to the Commission as to where to look.

Charfauros stated that this section of the bill can be interpreted in many different ways, based on the way that this bill is written, it can be interpreted that the Commission shall verify directed, and that is the point of his testimony. He then stated that to clarify the bill is the issue that only law enforcement access the NCIC, which access they have to go thru training as part of law enforcement. The language has to ensure that NCIC is limited to law enforcement personnel.

Chairman Palacios stated GEC is to apply and be approved by the NCIC. GEC is the certifying agency for qualifications, and based on that authority, they should qualify just for that specific purpose, to inquire the background of a candidate who has submitted an intention to run for public office.

Senator Tenorio explained the scenario that Mr. Charfauros pointed out is contrary to the legislation, meaning "lawful means or lawful methods," if it's unlawful for an individual to gain access to the NCIC, then clearly you will not be able to do so. If GEC is empowered to verify the records or lack thereof of any conviction of a person who has gone thru any jurisdiction, and if there is a legal and lawful mean, by which we can exact that information that is the essence of the first line.

The line that says, "at the minimum, the Commission shall verify with the NCIC of the FBI," we can broaden that and say, "use whatever sources of records of any jurisdiction" which means whether your are anywhere, if the source is available that would establish that you have been convicted of a crime, we'll know by virtue of your residency. That can be used under penalty of perjury, if you established where you lived, we can find out in those jurisdictions. Regarding cost, the \$7 and the \$32 charge, there may be ancillary costs associated with other searches beyond those two, which is narrowed to Guam and the United States jurisdictions. The cost should be borne by the person rather than the people of Guam.

Charfauros then stated that they are in agreement to mean that the Commission does not have direct access to NCIC, and that the language has to be amended to reflect that. In regards to the cost, it has always been born by the individual that is applying, GPD does not absorb the cost of any of its background checks or its police clearances. The costs that GPD incurs and the cost they charge are not commensurate, meaning it costs GPD more to provide the service.

Senator Taitague asked regarding the training to access NCIC, what does that report entail?

Charfauros replies that the training is administered by the Judiciary of Guam, in example if GPD inquires to access NCIC the requests goes thru the courts, and court schedules a training program and then thru the courts they get the certification.

Chairman Palacios asks, considering the competency of the staff at GEC, anyone of them can be trained, be qualified and be able to access.

Charfauros replied yes if they make the pre-requisite, but the next question will be can we provide it.

Chairman Palacios stated that will be up to the NCIC to approve or not to approve the application. Then he asked which is more expeditious or simplified, the fingerprinting of candidates by the time petitions are submitted, the GEC will transmit the fingerprints to GPD who transmit it to the FBI, the result will go back to GPD and then to GEC, can this be done and what is the timeline. In example, fingerprinting for a firearms license is a period of 10 days, but an applicant will have to pay more, how soon will it take GPD to get results of the background check from the FBI.

Carbullido replied saying that they have the AFES which is already online, and has been fully implemented, so it will take 4 hours minimum and 1 to 2 days maximum.

Chairman asked in regards to the fee.

Carbullido replied saying that the fee is \$32, once you pay to GPD when you make the application for the NCIC check, that goes thru the POS system then it goes to the courts, the courts are the administrators of the NCIC. Once the court receives the fee a portion of that fee goes to the FBI.

Chairman asked, if the statute requires the candidate for fingerprinting, and the receipt of which or certification from GPD is to be submitted to authenticate that the individual submitted fingerprints to GEC.

Carbullido replies that the manual fingerprinting is a longer process, it would take longer than the AFES.

Chairman asked to explain AFES.

Carbullido replied saying that AFES is electronic, no more cards.

Chairman stated that GPD has the equipment, but GEC does not have this equipment, so it would appear then that any person seeking public office and is required to fingerprinting they would have to go to GPD.

Carbullido stated that the fingerprinting is done electronically, and then submitted thru the electronic system at AFES.

Chairman replied saying to make it easier for GEC, we should require the candidate to submit a fingerprint result, not the receipt. So in the statute we should say that the candidate must submit an FBI clearance.

Carbullido said that would be automatic with the NCIC, thru GPD.

Chairman explains that he is just looking at a simplified way that would have the same results, which is the background record of the individual.

Carbullido said that the most expedient process is the process that they are doing now with the AFES.

Charfauros explains that the process that is ongoing now is the local checks, the GEC does not do it, GPD does it. If a candidates needs to submit a police clearance they go thru GPD not GEC.

Chairman stated that the 2 day processing timeline is no problem because it gives the candidate time to submit these things. So if the language says to submit a police clearance and an FBI clearance, then that takes care of everything. He then suggests that \$10 be added on to the fee for GPD specifically for candidate clearance, at least to recover costs.

Charfauros mentioned that they are looking into amending the fee schedule.

Senator Taitague asked in regards to police clearance, NCIC reports, and fingerprinting, whether anybody can falsify these clearances? Can GPD give these reports directly to the GECA?

Carbullido suggests making that an amendment to the bill.

Charfauros explains that there is a stamp that they provide, which is difficult to copy but can be copied. The way GHURA addresses this is that the applicant does not pick up the clearance, it is transmitted directly to GHURA officials.

Senator Taitague asked whether there is such a thing as an interpol of crimes outside of Guam? A person who may have lived in the Philippines or Japan, who are residence here now, how do they check on that?

Charfauros replied that the only entity that has interpol access is the airport. Their check goes thru NCIC and national and international, that's required by the federal government.

Chairman intervened stating that people running for office must be U.S. citizen, and if you were a national and then became a U.S. citizen you would've done your fingerprinting already. The fact that you have become a U.S. citizen testifies that you have a clean record, and of course that person's fingerprint is already on file.

Senator Taitague asked in the event that a U.S. citizen goes to the Philippines or Singapore and commits a crime in that country and then travels back to Guam, is there any way to know that?

Charfarous replies, if an individual flies out of country and goes to a foreign country and commits a crime, the crime is reported and is placed into their system, most likely the CBP will catch that on the way back to Guam. The CBP is the Customs & Border Protection, has a system that covers international and federal and local. By using the passport, and screening it, it actually is doing a check on the individual, and if you commit a crime abroad, it will pop up.

Chairman asked whether it would be necessary to submit a police clearance and wouldn't a FBI clearance be sufficient?

Carbullido recommends keeping the local police clearance.

Chairman Palacios requests that GPD remain and allows Mr. Bobing Wolford to give his testimony.

**Francis "Bobing" Wolford, Malojloj/Inarajan.** The people who have a criminal record, they check their names with the courts and the police. Everything is checked. I had a friend who worked in Hong Kong, they would do a check until fines have been paid. How can the Guam Election Commission slip on this issue. We have to stop people who have a criminal record to not run.

**Chairman Palacios** concluded the hearing and requested that written testimony be submitted within the next ten (10) days. He adjourned the hearing at 11:05am.

### III. WRITTEN TESTIMONIES

**1. Mr. John F. Blas, Executive Director, Guam Election Commission, Written Testimony received via hand-delivery on January 15, 2010.** Mr. Blas states that it is the policy of the Guam Election Commission to generally remain neutral regarding public policy determinations and pending legislation, except with matters impacting the operations and funding of GEC. With its passage in its current form, it will have an impact on the GEC's operations and well as current funding level. GEC has performed its due diligence by implementing and enforcing the "mandated" requirement that all candidates submit a GPD clearance and sign affidavits attesting that they have not been convicted of a felony or misdemeanor. The bill as written proposes to require GEC to take on an additional responsibility without additional funding for either personnel or for the costs of obtaining information/documentation from the NCIC of the FBI. GEC feels that background checks should remain with law enforcement entities. He states that with all due respect as a Senator, the manner in which this particular piece of legislation was drafted and introduced, clearly condemned the GEC for its position and action taken relative to "recent media accounts surrounding an elected official's qualification for public office." The Commission Members, and myself included, would have welcomed any opportunity to meet with you, or any member of the Legislature in a "working session" to discuss issues relative to the GEC's operations and laws for the purposes of amending our enabling act. (*See written testimony attached.*)

**2. Mr. Joseph F. Mesa, Resident of Guam, Board Member of the Guam Election Commission, In Support, Written Testimony received via hand-delivery on January 7, 2010.** Mr. Mesa states that while he strongly disagrees with the language contained in Section 1, he can only conclude that the author did not have the luxury of time to do a complete analysis of the other Sections within Title 3 Guam Code Annotated relative to a candidate's qualifications, more specifically Section 6105 and 6114, as well Section 1423f of the Organic Act of Guam. While he does not endorse the legislation as it is written, he recommends that the Committee considering amending Section 6114 in lieu of Section 2107 as provided for in the proposed legislation. (*See written testimony attached.*)

### IV. FINDINGS AND RECOMMENDATIONS

The Committee on Public Safety, Law Enforcement, & Senior Citizens finds that Bill 296-30 (COR) intends to require the Guam Election Commission to verify the existence or non-existence of criminal records of these persons by amending 3 GCA, Chapter 2, §21207. The Bill intends for the Commission to employ lawful methods or means as may be necessary to verify any claim or representation reference to the qualification of said person. At a minimum, the Commission shall verify with the National Crime Information Center of the Federal Bureau of Investigation directly, or through the Guam Police Department at to the existence or non-existence of any criminal records. The Commission shall not certify the qualifications of any

person vying for a public office unless the Commission first determined that the person is absolutely and fully qualified for the office for which that person is a candidate.

Based upon the recommendations from the public hearing, the Committee on Public Safety, Law Enforcement & Senior Citizens substituted Bill 296-30 (COR) on February 3, 2010 to require the verification of the criminal history record with the Federal Bureau of Investigation through the Guam Police Department. Costs associated with this verification will be paid for by the candidate seeking the political office.

The Committee on Public Safety, Law Enforcement, & Senior Citizens hereby reports out **Bill No. 296-30 (COR) as substituted by the Committee**, with recommendation **TO PASS**.

I MINA'TRENTA NA LIHESLATURÁN GUÅHAN  
2009 (FIRST) Regular Session

Bill No. 296-30 (COR)

Introduced by:

Adolpho B. Palacios, Sr. 

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2009 DEC 15 PM 1:25

*De*

AN ACT TO REQUIRE THE GUAM ELECTION  
COMMISSION TO VERIFY THE EXISTENCE OR NON-  
EXISTENCE OF A CRIMINAL RECORD OF A PERSON  
SEEKING PUBLIC OFFICE BY AMENDING 3 GCA,  
CHAPTER 2, §2107.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. **Legislative Findings and Intent.** Recent media accounts

3 surrounding an elected official reference to his qualifications for public office

4 have raised concern on the inadequacy of the current process of screening by the

5 Guam Election Commission (GEC) of persons who are vying for public office.

6 The recent revelation of a crime conviction of an elected official is the result of

7 this inadequacy. It appears from this incident that the GEC has chosen to take

8 the passive approach in determining the qualifications of a person for public

9 office by simply accepting materials and documents submitted to the GEC by

10 such person. To ensure that persons vying for public office are absolutely and

11 fully qualified for the office they are seeking, it is the intent of *I Liheslaturan*

1 *Guåhan* to require the GEC to verify the existence or non-existence of criminal  
2 records of these persons by amending 3 GCA, Chapter 2, §2107.

3 **Section 2.** §2107. Placement on Ballot of 3 GCA, Chapter 2, is hereby  
4 amended to read:

5 **“§2107. Placement on Ballot.**

6 (a) No person shall be placed on the ballot for election to any public  
7 office unless the Commission has determined that said person possesses the  
8 qualifications for the office for which that person is a candidate.

9 (b) The Commission shall employ such lawful methods or means as  
10 may be necessary to verify any claim or representation reference to the  
11 qualification of said person. At the minimum, the Commission shall verify with  
12 the National Crime Information Center of the Federal Bureau of Investigation  
13 directly, or through the Guam Police Department as to the existence or non-  
14 existence of any criminal records.

15 (c) The Commission shall not certify the qualifications of any  
16 person vying for a public office unless the Commission first determined that the  
17 person is absolutely and fully qualified for the office for which that person is a  
18 candidate.”

I MINA'TRENTA NA LIHESLATURÁN GUÁHAN  
2009 (FIRST) Regular Session

**Bill No. 296-30 (COR)**

As Substituted by the Committee on  
Public Safety, Law Enforcement & Senior Citizens

**Introduced by:**

**Adolpho B. Palacios, Sr.**

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AN ACT TO REQUIRE THE GUAM ELECTION  
COMMISSION TO VERIFY THE EXISTENCE OR NON-  
EXISTENCE OF A CRIMINAL RECORD OF A PERSON  
SEEKING PUBLIC OFFICE BY AMENDING 3 GCA,  
CHAPTER 2, §2107.

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

2           **Section 1. Legislative Findings and Intent.** Recent media accounts  
3 surrounding an elected official reference to his qualifications for public office  
4 have raised concern on the inadequacy of the current process of screening by the  
5 Guam Election Commission (GEC) of persons who are vying for public office.  
6 The recent revelation of a crime conviction of an elected official is the result of  
7 this inadequacy. It appears from this incident that the GEC has chosen to take  
8 the passive approach in determining the qualifications of a person for public  
9 office by simply accepting materials and documents submitted to the GEC by  
10 such person. To ensure that persons vying for public office are absolutely and  
11 fully qualified for the office they are seeking, it is the intent of *I Liheslaturan*

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8 qualifications for the office for which that person is a candidate.

9 (b) The Commission shall employ such lawful methods or means as  
10 may be necessary to verify any claim or representation reference to the  
11 qualification of said person. At the minimum, the Commission shall ~~verify with~~  
12 ~~the National Crime Information Center of~~ require the verification of the criminal  
13 history record with the Federal Bureau of Investigation, directly, or through the  
14 Guam Police Department as to the existence or non-existence of any criminal  
15 records. pertinent to the public office being sought.

16 (c) The Commission shall not certify the qualifications of any  
17 person vying for a public office unless the Commission first determined that the  
18 person is absolutely and fully qualified for the office for which that person is a  
19 candidate.

1                    (d) The cost for the criminal history verification or check shall be  
2 borne by the person seeking the public office."



**COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT  
& SENIOR CITIZENS**  
*I Mina Trenta na Liheslaturan Guåhan*

SENATOR ADOLPHO B. PALACIOS, SR.  
CHAIRMAN

THURSDAY, JANUARY 7, 2010

**Bill No. 296-30 (COR)** – An act to require the Guam Election Commission to verify the existence or non-existence of a criminal record of a person seeking public office by amend 3 GCA, Chapter 2, §2107. – by Senator A. B. Palacios, Sr.

NAME (Please Print)	AGENCY/ ORGANIZATION (If any)	SUPPORT? ✓	OPPOSE? ✓	WRITTEN TESTIMONY ✓	ORAL TESTIMONY ✓	CONTACT NUMBER	EMAIL ADDRESS
Bob Carroll	Mayor	✓			✓	4722202	
Bobbing Wolford	Police				✓		
JAMES M. FCHELL	APD					475 8509	
MARK CARRASCO	GPD	✓			✓		
JOE CARBUJIDO	GPD	✓			✓		
Phil Gybice	AGO	will	be submitting	written	testimony.		



# GUAM ELECTION COMMISSION



## Kumision Ileksion Guåhan

P.O. Box BG • Hagåtña, Guam 96932  
Tel: (671) 477-9791/2 • Fax: (671) 477-1895

January 14, 2010

The Honorable Adolpho B. Palacios, Sr.  
Senator and Chairman  
Committee on Public Safety, Law Enforcement and Senior Citizens  
I Mina Trenta Na Liheslaturan Guåhan  
155 Hesler Street  
Hagåtña, Guam 96932



Mr. Chairman and Members of the Committee:

*Hafa Adai yan Biba Añu Nuebu!* Submitted herewith for the record, is the Guam Election Commission's testimony on **Bill No. 296-30 (COR) "AN ACT TO REQUIRE THE GUAM ELECTION COMMISSION TO VERIFY THE EXISTENCE OR NONEXISTENCE OF A CRIMINAL RECORD OF A PERSON SEEKING PUBLIC OFFICE BY AMENDING 3 GCA, CHAPTER 2, §2107."**

First of all, it is the policy of the Guam Election Commission (GEC) to generally remain neutral regarding public policy determinations and pending legislation, except with matters impacting the operations and funding of the GEC. With this particular piece of legislation, it is obvious that the proposed bill, if passed and signed into law in its current form, will have an impact on the GEC's operations, as well as our current funding level.

With respect to Section 1 of the bill, I respectfully take exception to the author's insinuation that *"the GEC has chosen to take the passive approach in determining the qualifications of a person for public office by simply accepting materials and documents submitted to the GEC by such person"*. In determining the qualifications of a person for public office, the GEC's authority is guided by and limited to §6114 of Chapter 6, Title 3 of the Guam Code Annotated.

**"§6114. Convicted Felons and Others Shall Not be Candidates.**

Notwithstanding any other provision of law, all candidates for any elected public office, board or commission must not have been convicted of a felony, and must not have been convicted of a misdemeanor involving criminal sexual conduct or crime of moral turpitude.

At the time of filing for candidacy with the Commission, all candidates shall submit: (1) clearance from the Guam Police Department; and (2) signed affidavit attesting that the candidate has not been convicted for a felony or misdemeanor, as described herein this Section, in any State or Territory of the United States or foreign country... "

Given that the aforementioned section is “the authority” provided to the GEC in determining the qualifications of a person for public office, the GEC followed the letter of the law (*relative to the “recent revelation of a crime conviction of an elected official”*) and acted within the scope of its authority as mandated by the Legislature. Furthermore, the GEC has performed its due diligence by implementing and enforcing the “mandated” requirement that all candidates submit a GPD Clearance and sign affidavits attesting that they have not been convicted of a felony or misdemeanor. I firmly believe that if a person wants to run for public office, the opportunities are there. However, I strongly feel that it is the responsibility of the candidate to be truthful with the GEC, as well as the voters. The onus to be honest when signing official documents should be on the potential candidate.

The passage of this bill with the proposed amendments intact would eventually have an impact on the GEC’s funding and operations. The bill as written proposes to require the GEC to take on an additional responsibility without additional funding for either personnel or for the cost of obtaining information/documentation from the NCIC of the FBI. As you may be aware, the GEC has a current staffing level of only four (4) employees. Of these employees, none of them possess the qualifications to conduct background checks. Secondly, I do not know what it would cost to process a background check with the NCIC. I do know that presently, I do not have the funding to cover such cost. I would therefore recommend that this task be left to the experts in the law enforcement community to request for and to provide the GEC with these documents.

In an effort to achieve minimal impact on the GEC’s funding and personnel, I would recommend that §6114 of Chapter 6 of 3 GCA be amended as opposed to §2107. Since §6114 already requires the candidates to submit a GPD clearance, it would be appropriate for §6114 to be amended to include an FBI clearance as well. In that respect, it is the candidate who will have to obtain and provide the GEC with the clearance and not the GEC having to request for it, which may in some cases take time and impact our election timeline.

In closing, with all due respect to you as a Senator, the manner in which this particular piece of legislation was drafted and introduced, clearly condemned the GEC for its position and action taken relative to “recent media accounts surrounding an elected official’s qualifications for public office”. The Commission Members, and myself included, would have welcomed any opportunity to meet with you, or any Member of Legislature in a “working session” to discuss issues relative to the GEC’s operations and laws for the purposes of amending our enabling act. The GEC remains ready and willing to handle any mandate given to us by *I Liheslaturan Guåhan*. It is our sincere desire to fulfill any direction required from the Legislature. The GEC respectfully requests for the support, attention and assistance of *I Mina Trenta Na Liheslaturan Guåhan*, in addressing the needs of the GEC, in order to enhance the delivery of services and to better serve our people.

Thank you for the opportunity to submit comments on Bill No. 296-30 (COR). If you or your staff should have any questions, please do not hesitate to call me at 477-9791-4. You may also email me at [director@gec.guam.gov](mailto:director@gec.guam.gov)

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*Senseramente,*

  
JOHN F. BLAS  
Executive Director

cc: All Senators, *I Mina Trenta Na Liheslaturan Guåhan*  
All Media  
GEC Board of Directors  
GEC Legal Counsel  
File

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TESTIMONY FROM JOSEPH F. MESA  
ON  
BILL NO. 296-30(COR)

BEFORE THE

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT  
AND SENIOR CITIZENS

I MINA'TRENTA NA LIHESLATURAN GUAHAN

7 JANUARY 2010

Mr. Chairman and Members of the Committee On Public Safety, Law Enforcement and Senior Citizens, my name is Joseph F. Mesa and I am submitting this written testimony as a private citizen, as a voter and as a taxpayer. I would also like to disclose to the Committee that my association with the Guam Election Commission began in 1974 and continues to this very day, where I sit as a Board Member of the Guam Election Commission. However, this testimony is submitted as a private person and does not necessarily represent the views of the Board Members of the Guam Election Commission.

While I strongly disagree with the language contained in Section 1, I can only conclude that the author did not have the luxury of time to do a complete analysis of the other Sections within Title 3 Guam Code Annotated relative to a candidate's qualifications, more specifically, Sections 6105 and 6114, as well as Section 1423f of the Organic Act of Guam:

“Section 6105. Qualifications of Members.

No person shall sit in the Legislature of Guam who is not a citizen of the United States, who has not attained the age of twenty-five (25) years and who has not been domiciled in Guam for at least five (5) years immediately preceding the sitting of the Legislature in which he seeks to qualify as a member.

Section 6114. Convicted Felons and Others Shall Not be Candidates.

Notwithstanding any other provision of law, all candidates for any elected public office, board or commission must not have been convicted of a felony, and must not have been convicted of a misdemeanor involving criminal sexual conduct or crime of moral turpitude.

At the time of filing for candidacy with the Commission, all candidates shall submit: (1) clearance from the Guam Police Department; and (2) signed affidavit attesting that the candidate has not been convicted for a felony or misdemeanor, as described herein this Section, in any State or Territory of the United States or foreign country. The Commission shall disclose via a Public Notice in a newspaper published on Guam, a list of candidates with any pending felony or misdemeanor, as described herein this Section, and such offense(s) the candidate is charged with.”

Section 1423f of the Organic Act of Guam outlines the qualifications of legislators:

“§1423f. Qualifications of Legislators. No person shall sit in the legislature who is not a citizen of the United States, who has not attained the age of twenty-five years and who has not been domiciled in Guam for at least five years immediately preceding the sitting of the legislature in which he seeks to qualify as a member, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights.”

All candidates are also required to complete under oath two separate affidavits, as required by the Guam Election Commission, swearing to the fact that they do meet the qualifications as prescribed by law, including the submission of a Police Clearance Form from the Guam Police Department.

Section 2 of Bill No. 296-30(COR) propose to add an additional requirement of having the Guam Election Commission verify with the National Crime Information Center of the Federal Bureau of Investigation to obtain information relative to the existence or non-existence of any criminal records, thus becoming an additional expense for the taxpayers. As I am unfamiliar with the process of obtaining some sort of confirmation from the National Crime Information Center of the FBI, I am unable to estimate the costs as well as the timeframe on when the confirmation would be received.

However, I am sure that there are costs associated with the verification, as well as an unknown number of days that this process would take.

For the information of the Committee – the deadline to submit nominating petitions for the September 4, 2010 primary election is around July 5, 2010 – sixty days prior – there is approximately a window of around fifteen to twenty days in which the GEC must make the necessary election preparations, for example: ballot placement, ballot programming, ballot printing, etc – of which must be completed prior to the thirty day window before the primary – as absentee ballots are required to be made available for those voters who will be absent on election day, including the mailing of absentee ballots. This is only one task of the many tasks that must be initiated and completed not later than thirty days prior to the election.

Section 2 of Bill No. 296-30(COR) proposes to amend Section 2107 of Title 3 GCA. While I do not endorse the legislation as it is written, I would recommend that the Committee considering amending Section 6114 in lieu of Section 2107 as provided for in the propose legislation. I would recommend that the Committee consider incorporating the following language into Section 6114: *At the time of filing for candidacy with the Commission, all candidates shall submit: (1) clearance from the Guam Police Department; (2) clearance from the Superior Court of Guam; (3) clearance from the United States District Court of Guam; (4) clearance from the National Crime Information Center of the Federal Bureau of Investigation; and (5) signed affidavit attesting that the candidate has not been convicted for a felony or misdemeanor, as described herein this Section, in any State or Territory of the United States or foreign country.*

While the verification coming from the FBI might suffice for areas within the United States – I am curious as to what this Committee will propose when attempting to verify this information in a foreign country – see current Section 6114.

In closing, when a common person applies for a job – we are required to obtain a police clearance and court clearances from both the Superior and District Court, with the individual absorbing the costs. The same should apply to an individual wanting to run for public office – after all they are applying for a job.

Respectfully submitted – Joseph F. Mesa, 777-1952

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 296-30 (COR)**

An Act to require the Guam Election Commission to verify the existence or nonexistence of a criminal record of a person seeking public office by amending 3 GCA, Chapter 2, §2107.

**Department/Agency Appropriation Information**

Dept./Agency Affected: Guam Election Commission	Dept./Agency Head: John Blas, Executive Director
Department's General Fund (GF) appropriation(s) to date:	\$759,599
Department's Other Fund (specify): Tourist Attraction Fund (TAF) appropriation(s) to date:	\$0
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$759,599</b>

**Fund Source Information of Proposed Appropriation**

	General Fund:	Other:	Total:
FY 2010 Adopted Revenues	\$540,218,638	\$112,566,011	\$652,784,649
FY 2010 Appro. (P.L. 30-55)	(\$540,228,723)	(\$113,243,583)	(\$653,472,306)
Sub-total:	(\$10,085)	(\$677,572)	(\$687,657)
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>(\$10,085)</b>	<b>(\$677,572)</b>	<b>(\$687,657)</b>

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2010 (if applicable)	FY 2011	FY 2012	FY 2013	FY 2014
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Tourist Attraction Fund	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions? / / Yes /x/ No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No  
If no, what is the additional amount required? \$ \_\_\_\_\_ /x/ N/A
- Does the Bill establish a new program/agency? / / Yes /x/ No  
If yes, will the program duplicate existing programs/agencies? /x/ N/A / / Yes / / No  
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /x/ Yes / / No  
/x/ Requested agency comments not received by due date / / Other: \_\_\_\_\_

Analyst: D. P. Rivera Date: 12/31/09 Director: Bertha M. Duenas Date: DEC 31 2009  
Dina P. Rivera Bertha M. Duenas, Director, BBMR

Footnotes: The Bill has a potential for additional funding impact. However, in its present form, that impact cannot be determined at this time.





**COMMITTEE ON RULES**  
*I Mina' Trenta na Liheslaturan Guåhan* • 30th Guam Legislature  
 155 Hesler Place, Hagatña, Guam 96910 • tel: (671)472-7679 • fax: (671)472-3547 • roryforguam@gmail.com

Dec 17 AM 9:08  
 EDM

**SENATOR**  
**RORY J.**  
**RESPICIO**  
 CHAIRPERSON

**SENATOR**  
 Judith P. Guthertz  
 VICE  
 CHAIRPERSON

**MAJORITY**  
**MEMBERS:**

Judith T. Won Pat  
 SPEAKER

Benjamin J. F. Cruz  
 VICE SPEAKER

Tina Rose Mufia Barnes  
 LEGISLATIVE SECRETARY

Thomas C. Ada  
 SENATOR

Frank B. Aguon, Jr.  
 SENATOR

Adolpho B. Palacios, Sr.  
 SENATOR

Vicente C. Pangelinan  
 SENATOR

Matthew Rector  
 SENATOR

**MINORITY**  
**MEMBERS:**

Frank F. Blas, Jr.  
 SENATOR

James V. Espaldon  
 SENATOR

December 16, 2009

**MEMORANDUM**

**To:** Pat Santos  
 Clerk of the Legislature

Attorney Therese M. Terlaje  
 Legislative Legal Counsel

**From:** Senator Rory J. Respicio  
 Chairperson, Committee on Rules

**Subject:** Referral of Bill No. 296-30 (COR)

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 296-30 (COR).

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please contact Stephanie Mendiola or Elaine Tajalle at 472-7679.

*Si Yu'os Ma'åse'!*

(1) Attachment

*I Mina'Trenta Na Liheslaturan Guåhan*  
**Bill Log Sheet**  
Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date)
B296-30 (COR)	Adolpho B. Palacios, Sr.	An act to require the Guam Election Commission to verify the existence or non-existence of a criminal record of a person seeking public office by amending 3 GCA, Chapter 2, §2107.	12/15/09 1:25 p.m.	12/16/09	Committee on Labor, the Public Structure, Public Libraries and Technology			



Adolpho Palacios <senabpalacios@gmail.com>

# 1st Notice of Public Hearing scheduled for January 7, 2010

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Tue, Dec 29, 2009 at 3:01 PM

To: mindy@kuam.com, malafunkshun@kuam.com, news@guampdn.com, news@k57.com, news@spbgum.com, Catriona Melyan <cmelyan@guampdn.com>, amier@mvguam.com, marvic@mvguam.com, admin@mvguam.com, advertise@mvguam.com, jontalk@k57.com, msilva@k57.com, kstone@ite.net, john@marianasmedia.com, jeff@marianasmedia.com

December 29, 2009

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

## PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Senior Citizens has scheduled a public hearing for 9:00 a.m., Thursday, January 7, 2010, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 295-30 (COR)** – An act to add a new §43.80 to Chapter 43 of 9 GCA relative to the breaking of window glass to gain access to an automobile. – by **Senator Ray Tenorio**.
- **Bill No. 296-30 (COR)** – An act to require the Guam Election Commission to verify the existence or non-existence of a criminal record of a person seeking public office by amend 3 GCA, Chapter 2, §2107. – by **Senator A. B. Palacios, Sr.**

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Adolpho Palacios <senabpalacios@gmail.com>

## 1st Notice of Public Hearing scheduled for January 7, 2010

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Tue, Dec 29, 2009 at 3:04 PM

To: "Speaker Judith T. Won Pat, Ed.D" <info@judiwonpat.com>, speaker@judiwonpat.com, office@senatorada.org, "Senator Frank B. Aguon" <aguon4guam@gmail.com>, aguonmedia@gmail.com, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Senator Edward J. B. Calvo" <sencalvo@gmail.com>, "Sen. BJ Cruz" <senadotbjcruz@gmail.com>, senjim@ite.net, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, judiguthertz@gmail.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, Senator Matt Rector <matt@mattorector.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senartelo@gmail.com, Senator Ray Tenorio <ray@raytenorio.com>, Pat Santos <psantos@guamlegislature.org>, fterlaje@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, Stephanie Mendiola <sem@guamlegislature.org>, roeann@raytenorio.com, yong@guamlegislature.org, vbermudes@guamlegislature.org, sgtarms@guamlegislature.org, nsantos@senatorada.org

**December 29, 2009**

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

### PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Senior Citizens has scheduled a public hearing for 9:00 a.m., Thursday, January 7, 2010, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 295-30 (COR)** – An act to add a new §43.80 to Chapter 43 of 9 GCA relative to the breaking of window glass to gain access to an automobile. – by **Senator Ray Tenorio**.
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT  
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.  
CHAIRMAN

---

*I Mina'Trenta na Liheslaturan Guåhan*

December 29, 2009

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

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Office/Mailing Address: 155 Hester Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com)



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT  
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.  
CHAIRMAN

*I Mina Trenta na Liheslaturan Guåhan*

FACSIMILE TRANSMITTAL SHEET

DATE: December 29, 2009

TO: Speaker J. Won Pat 472-3589 Senator v. c. pangelinan 473-4238  
Vice Speaker B. J. Cruz 477-2522 Senator F. B. Aguon, Jr. 969-1497  
Senator T. Muna-Barnes 472-3400 Senator E. J. B. Calvo 475-8805  
Senator R. J. Respicio 472-3547 Senator Ray Tenorio 479-1329  
Senator J. P. Guthertz 472-3547 Senator J. V. Espaldon 475-2000  
Senator T. C. Ada 473-3303 Senator T. Taitague 969-8357  
Senator Matt Rector 734-8085 Senator F. Blas, Jr. 472-2528

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: First Notice of Public Hearing scheduled for  
Thursday, January 7, 2010 – 9:00 am

PAGES: 1 (including this sheet)

URGENT  FOR REVIEW  PLEASE COMMENT  PLEASE REPLY  PLEASE RECYCLE

December 29, 2009

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

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Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

BROADCAST REPORT

TIME : 12/29/2009 16:10  
 NAME : SEN. PALACIOS  
 FAX : 671-472-5022  
 TEL :  
 SER.# : G9N282826

PAGE(S)

01

DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
12/29	15:56	4723589	27	01	OK	ECM
12/29	15:57	4772522	26	01	OK	ECM
12/29	15:58	4723400	28	01	OK	ECM
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12/29	16:00	4733303	26	01	OK	ECM
12/29	16:02	7348085	26	01	OK	ECM
12/29	16:03	4734238	27	01	OK	ECM
12/29	16:04	9691497	27	01	OK	ECM
12/29	16:05	4758805	27	01	OK	ECM
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BUSY : BUSY/NO RESPONSE  
 NG : POOR LINE CONDITION  
 CV : COVERPAGE  
 PC : PC-FAX



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT  
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.  
CHAIRMAN

*I Mina<sup>3</sup>Trenta na Liheslaturan Guåhan*

**FACSIMILE TRANSMITTAL SHEET**

DATE: December 29, 2009

TO: Pacific Daily News 477-3079 Marianas Variety 648-2007  
KUAM/Isla 630 637-9865 Pacific News Center 477-0793  
K-57/Power 98 477-3982 Hit Radio 100 472-7663  
K Stereo/KISH 477-6411 Glimpses 649-8883  
Joy 92 FM 477-4678 Adventist Radio 565-2983  
KPRG 734-2958  
Guam Broadcast Services 648-0104

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: **First Notice of Public Hearing scheduled for  
Thursday, January 7, 2010 – 9:00 am**

PAGES: 1 (including this sheet)

URGENT     FOR REVIEW     PLEASE COMMENT     PLEASE REPLY     PLEASE RECYCLE

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Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

BROADCAST REPORT

TIME : 12/29/2009 15:40  
 NAME : SEN. PALACIOS  
 FAX : 671-472-5022  
 TEL :  
 SER.# : G9N282826

PAGE(S) 01

DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
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12/29	15:26	6482007	25	01	OK	ECM
12/29	15:27	4770793	25	01	OK	ECM
12/29	15:28	4727663	25	01	OK	ECM
12/29	15:30	5652983	37	01	OK	ECM
12/29	15:36	4773982	26	01	OK	ECM
12/29	15:36	4776411	25	01	OK	ECM
12/29	15:37	4774678	25	01	OK	ECM
12/29	15:38	7342958	34	01	OK	ECM
12/29	15:39	6498883	25	01	OK	ECM

BUSY : BUSY/NO RESPONSE  
 NG : POOR LINE CONDITION  
 CV : COVERPAGE  
 PC : PC-FAX



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR. CHAIRMAN

I Mina Trenta na Liheslaturan Guahan

FACSIMILE TRANSMITTAL SHEET

DATE: January 4, 2010

TO: Speaker J. Won Pat 472-3589 Senator v. c. pangelinan 473-4238
Vice Speaker B. J. Cruz 477-2522 Senator F. B. Aguon, Jr. 969-1497
Senator T. Muna-Barnes 472-3400 Senator E. J. B. Calvo 475-8805
Senator R. J. Respicio 472-3547 Senator Ray Tenorio 479-1329
Senator J. P. Guthertz 472-3547 Senator J. V. Espaldon 475-2000
Senator T. C. Ada 473-3303 Senator T. Taitague 969-8357
Senator Matt Rector 734-8085 Senator F. Blas, Jr. 472-2528

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: Second Notice of Public Hearing scheduled for Thursday, January 7, 2010 - 9:00 am

PAGES: 1 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

January 4, 2010

(Pursuant to §8107, Title 5 GCA - 48 hours prior to hearing date)

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Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

BROADCAST REPORT

TIME : 01/04/2010 10:57  
 NAME : SEN. PALACIOS  
 FAX : 671-472-5022  
 TEL :  
 SER.# : G9N282826

PAGE(S) 01

DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
01/04	10:40	4773079	26	01	OK	ECM
01/04	10:41	6379865	25	01	OK	ECM
01/04	10:42	4773982	25	01	OK	ECM
01/04	10:43	4776411	25	01	OK	ECM
01/04	10:44	4774678	25	01	OK	ECM
01/04	10:45	7342958	25	01	OK	ECM
01/04	10:46	6480104	25	01	OK	ECM
01/04	10:47	4770793	25	01	OK	ECM
01/04	10:48	4727663	25	01	OK	ECM
01/04	10:49	6498883	25	01	OK	ECM
01/04	10:50	5652983	30	01	OK	ECM
01/04	10:56	6482007	25	01	OK	ECM

BUSY : BUSY/NO RESPONSE  
 NG : POOR LINE CONDITION  
 CV : COVERPAGE  
 PC : PC-FAX



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR. CHAIRMAN

I Mina Trenta na Liheslaturan Guåhan FACSIMILE TRANSMITTAL SHEET

DATE: January 4, 2010

TO: Pacific Daily News 477-3079 Marianas Variety 648-2007
KUAM/Isla 630 637-9865 Pacific News Center 477-0793
K-57/Power 98 477-3982 Hit Radio 100 472-7663
KStereo/KISH 477-6411 Glimpses 649-8883
Joy 92 FM 477-4678 Adventist Radio 565-2983
KPRG 734-2958
Guam Broadcast Services 648-0104

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: Second Notice of Public Hearing scheduled for Thursday, January 7, 2010 - 9:00 am

PAGES: 1 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

January 4, 2010

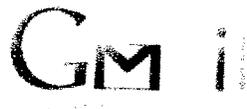
(Pursuant to §8107, Title 5 GCA - 48 hours prior to hearing date)

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Adolpho Palacios <senabpalacios@gmail.com>

## 2nd Notice of Public Hearing scheduled for January 7, 2010

1 message

**Adolpho Palacios <senabpalacios@gmail.com>**

**Mon, Jan 4, 2010 at 10:18 AM**

To: speaker@judiwonpat.com, office@senatorada.org, "Senator Frank B. Aguon" <aguon4guam@gmail.com>, aguonmedia@gmail.com, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, "Senator Edward J. B. Calvo" <sencalvo@gmail.com>, "Sen. BJ Cruz" <senadotbjcruz@gmail.com>, senjim@ite.net, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, judiguthertz@gmail.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, Senator Matt Rector <matt@mattorector.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senartelo@gmail.com, Senator Ray Tenorio <ray@raytenorio.com>, roeann@raytenorio.com, nsantos@senatorada.org, Stephanie Mendiola <sem@guamlegislature.org>, Pat Santos <psantos@guamlegislature.org>, fterlaje@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, vbermudes@guamlegislature.org, yong@guamlegislature.org, sgtarms@guamlegislature.org

**January 4, 2010**

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

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Adolpho Palacios <senabpalacios@gmail.com>

## 2nd Notice of Public Hearing scheduled for January 7, 2010

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Mon, Jan 4, 2010 at 10:15 AM

To: mindy@kuam.com, malafunkshun@kuam.com, news@guampdn.com, news@k57.com, news@spbgum.com, Catriona Melyan <cmelyan@guampdn.com>, amier@mvguam.com, marvic@mvguam.com, admin@mvguam.com, advertise@mvguam.com, jontalk@k57.com, msilva@k57.com, kstone@ite.net, john@marianasmedia.com, jeff@marianasmedia.com

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT  
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.  
CHAIRMAN

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*I Mina'Trenta na Liheslaturan Guåhan*

**PUBLIC HEARING**

9:00 am, Thursday, January 7, 2010  
Public Hearing Room, *I Liheslaturan Guåhan*

Notices for the public hearing were disseminated to all local media via fax and email on December 29, 2009 and on January 4, 2010, pursuant to the Open Government Law. Notice of the public hearing was also posted on the Guam Legislature's website.

**A G E N D A**

- **Bill No. 295-30 (COR)** – An act to add a new §43.80 to Chapter 43 of 9 GCA relative to the breaking of window glass to gain access to an automobile. – by **Senator Ray Tenorio**.
  
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The Committee will continue to receive written testimonies within the next 10 days. Please fax, e-mail, or drop testimonies to the Office of Senator Adolpho B. Palacios, Sr., Chairman, Committee on Public Safety, Law Enforcement, and Senior Citizens or the Legislature's mail room. Copies of the above said Bill(s) may be found on the Guam Legislature website ([www.guamlegislature.com](http://www.guamlegislature.com)). Please contact this office should you have any questions or concerns.

Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com)

# LEGISLATIVE ALERT



Thirtieth  
Guam  
Legislature

## CHAIRPERSON:

Committee on  
Public Safety, Law  
Enforcement and  
Senior Citizens

Office of Senator  
Adolpho B. Palacios, Sr.

*I Mina'Trenta Na Liheslaturan Guåhan*

**BILL NO: 296-30(COR) AN ACT TO REQUIRE THE GUAM ELECTION COMMISSION TO VERIFY THE EXISTENCE OR NON-EXISTENCE OF A CRIMINAL RECORD OF A PERSON SEEKING PUBLIC OFFICE BY AMENDING 3 GCA, CHAPTER 2, §2107.**

## RAMIFICATIONS/IMPLICATIONS/ISSUES/HIGHLIGHTS:

1. Bill intends to require the Guam Election Commission to verify the existence or non-existence of criminal records of these persons by amending 3 GCA, Chapter 2, §21207.
2. Bill intends for the Commission to employ lawful methods or means as may be necessary to verify any claim or representation reference to the qualification of said person. At a minimum, the Commission shall verify with the National Crime Information Center of the Federal Bureau of Investigation directly, or through the Guam Police Department at to the existence or non-existence of any criminal records.
3. The Commission shall not certify the qualifications of any person vying for a public office unless the Commission first determined that the person is absolutely and fully qualified for the office for which that person is a candidate.

## REMARKS:

A public hearing will be held on **January 7, 2009 beginning at 9:00am** at the **Guam Legislature Public Hearing Room**. A copy of this bill is available at [http://www.guamlegislature.com/30th\\_bills\\_intro.htm](http://www.guamlegislature.com/30th_bills_intro.htm) or my office can fax a copy to you. Written testimony may be submitted to [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com) or fax: to 472-5022 on or before the public hearing date. After the public hearing, you may submit or fax your testimony to my office for up to 10 days after the hearing. I would appreciate any comments you can provide. Your comments would be very helpful to me when this Bill comes up for Legislative debate on whether to pass the Bill or not.

By: Jonathan B. Diaz, Policy Researcher 

Date: December 30, 2009

## **CONSTITUTENTS**

**Governor's Office: 477-GUAM (4826), 472-7549, 477-8934**

**Lt. Governor's Office: 477-2007**

**AG's Office: (671) 472-2493, (671) 477-3390, (671) 475-3203**

**Guam Election Commission: 477-1895**

**Democratic Chair (Pilar Lujan): SPIMA 477-9015**

**Republican Chair (Jesse Torres)**

**Mayor's Council: 477-8777, 472-6124, 565-4826, 472-6446, 734-1988, 477-7131, 637-1129, 477-6686, 828-2543, 734-4130, 828-2429, 472-6494, 477-2674, 565-3222, 472-5084, 789-5251, 646-5210, 828-2676, 653-3434, 789-1821**

**Guam Public Auditor: 472-7951**

**Guam Police Department: 475-8460, 472-4036**

**Insurance Companies: ALFAC 647-5080, AIOI 648-5373, Alpha 477-4683, AM477-2602, AON 649-6098, AON 646-5754, Paulino 477-7377, Calvo's 477-5273, Cassidy's 477-3127, Fidelity 648-5373, Great National 649-2418, IAC 472-1556, MCMV 647-1914, Moylans 472-2598, 477-1837, Nanbo 477-2315, Personal Finance 646-1249, Pioneer 647-8867, Prudential 475-8889, Staywell 477-5096, Sterling 649-3654, Takagi 648-5373, Take Care 647-3542, Universal 475-8889, Young 646-9044**

**Speaker WonPat: 472-3589**

**CCU: 648-3290**

**Guam Education Policy Board: 475-0597**

BROADCAST REPORT

TIME : 12/30/2009 15:31  
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 SER.# : G9N282826

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ECM

Office/Mailing Address: Suite 104, Guam Legislature Building, 153 Hester Place, Hagåtña GU 96910  
Telephone No. (671) 472-5047/8 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

Date: December 30, 2009

By: Jonathan B. Diaz, Policy Researcher

**REMARKS:**  
A public hearing will be held thirty on January 7, 2009 beginning at 9:00am at the Guam Legislature's Public Hearing Room. A copy of this bill is available at [http://www.guamlegislature.com/30th\\_bills\\_intro.htm](http://www.guamlegislature.com/30th_bills_intro.htm) or my office can fax a copy to you. Written testimony may be submitted to [SenABPalacios@gmail.com](mailto:SenABPalacios@gmail.com) or fax: to 472-5022 on or before the public hearing date. After the public hearing, you may submit or fax your testimony to my office for up to 10 days after the hearing. I would appreciate any comments you can provide. Your comments would be very helpful to me when this Bill comes up for Legislative debate on whether to pass the Bill or not.

2. Bill intends to make it a second degree felony if any person who commits theft or attempted theft is found guilty by breaking the glass to gain access to an automobile in which the broken glass causes bodily injury to an innocent person.
3. Bill intends that a person convicted of a violation of this section shall make restitution to the owner of the vehicle for all expenses incurred that are related to the damage of the vehicle from the theft or attempted theft.

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01/04	11:08	4734238	27	01	OK	ECM
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BUSY : BUSY/NO RESPONSE  
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I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2009 (FIRST) Regular Session

Bill No. 296-30 (COR)

Introduced by:

Adolpho B. Palacios, Sr. 

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AN ACT TO REQUIRE THE GUAM ELECTION  
COMMISSION TO VERIFY THE EXISTENCE OR NON-  
EXISTENCE OF A CRIMINAL RECORD OF A PERSON  
SEEKING PUBLIC OFFICE BY AMENDING 3 GCA,  
CHAPTER 2, §2107.

2009 DEC 15 PM 1:25



1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. Recent media accounts  
3 surrounding an elected official reference to his qualifications for public office  
4 have raised concern on the inadequacy of the current process of screening by the  
5 Guam Election Commission (GEC) of persons who are vying for public office.  
6 The recent revelation of a crime conviction of an elected official is the result of  
7 this inadequacy. It appears from this incident that the GEC has chosen to take  
8 the passive approach in determining the qualifications of a person for public  
9 office by simply accepting materials and documents submitted to the GEC by  
10 such person. To ensure that persons vying for public office are absolutely and  
11 fully qualified for the office they are seeking, it is the intent of *I Liheslaturan*

1 *Guåhan* to require the GEC to verify the existence or non-existence of criminal  
2 records of these persons by amending 3 GCA, Chapter 2, §2107.

3 **Section 2.** §2107. Placement on Ballot of 3 GCA, Chapter 2, is hereby  
4 amended to read:

5 **“§2107. Placement on Ballot.**

6 (a) No person shall be placed on the ballot for election to any public  
7 office unless the Commission has determined that said person possesses the  
8 qualifications for the office for which that person is a candidate.

9 (b) The Commission shall employ such lawful methods or means as  
10 may be necessary to verify any claim or representation reference to the  
11 qualification of said person. At the minimum, the Commission shall verify with  
12 the National Crime Information Center of the Federal Bureau of Investigation  
13 directly, or through the Guam Police Department as to the existence or non-  
14 existence of any criminal records.

15 (c) The Commission shall not certify the qualifications of any  
16 person vying for a public office unless the Commission first determined that the  
17 person is absolutely and fully qualified for the office for which that person is a  
18 candidate.”