

Office of the Governor of Guahan

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

2010 MAY 19 PM 3:42

MAY 19 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. 162-30 (COR) "AN ACT TO ADD ANEW ARTICLE 2 TO CHAPTER 20 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF AN ONLINE WARRANT REPOSITORY/REGISTRY", which I signed into law on May 17, 2010 as Public Law 30-136.

Sinseru yan Magahet,

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

Attachment: copy of Bill

30-10-0454
5/19/10
12R

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. 162-30 (COR), "AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 20 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO THE CREATION OF AN ONLINE WARRANT REPOSITORY/REGISTRY", was on the 3rd day of May, 2010, duly and regularly passed.



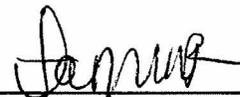
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by I Maga'lahaen Guåhan this 5th day of May, 2010, at
4:00 o'clock P.M.



Assistant Staff Officer
Maga'laha's Office

APPROVED:



I **MIKE W. CRUZ, MD**
GOVERNOR OF GUAM ACTING

Date: MAY 17 2010

Public Law No. P.L. 30-136

1 **§20.70. Online Warrant Repository/Registry.** The Unified
2 Judiciary of Guam (Judiciary) is authorized to create and maintain an *Online*
3 *Warrant Repository/Registry* that is accessible to the general public on the
4 internet. The purpose of the *Online Warrant Repository/Registry* is to
5 obtain assistance from the public in locating individuals with outstanding
6 arrest warrants and fugitives from justice.

7 **§20.75. Online Warrant Repository/Registry: Information**
8 **that is Posted On The Internet.** The *Online Warrant Repository/Registry*
9 *may* include information maintained in the Judiciary’s warrant repository
10 and any other information that may aid in the apprehension of individuals
11 with outstanding arrest warrants and fugitives from justice. The Judiciary
12 *shall* create rules on the content of fugitive information for the *Online*
13 *Warrant Repository/Registry*.

14 **§20.80. Redaction of Information on the Online Warrant**
15 **Repository/Registry.** At the request of the Attorney General of Guam, the
16 Guam Police Department, *or* federal and international investigative and law
17 enforcement agencies, the Judiciary *shall* omit the inclusion of a fugitive *if*
18 the investigatory/law enforcement agency determines that the inclusion of
19 such fugitive may harm the investigation.

20 **§20.85. Standards.** The Judiciary *shall* adopt standards for the
21 operation of the *Online Warrant Repository/Registry*. Such standards *may*
22 include, but *not* be limited to, the appearance of the site, contact information
23 and links to local, state (elsewhere in the United States), federal and
24 international investigatory/law enforcement agency links. Such standards
25 *shall* include (1) the official name of the *Online Warrant*

1 *Repository/Registry*; and (2) any policies that will allow for advertising,
2 underwriting, subscriptions or other financial support of the website.

3 **§20.90. Limitations of the Online Warrant Repository.** The
4 *Online Warrant Repository/Registry* created by this Chapter shall *not*
5 replace, take the place of, or be used in lieu of the official Warrant
6 Repository maintained and administered by the Superior Court of Guam.

7 **§20.95. Mistakes and Limited Liability.** The Judiciary is *not*
8 civilly or criminally liable for any erroneous information posted on the
9 *Online Warrant Repository/Registry*, provided that such information is
10 removed within five (5) days of the validation of the error.

11 **§20.100. Severability.** *If* any provision of this Article or its
12 application to any person or circumstance is found to be invalid or contrary
13 to law, such invalidity shall *not* affect other provisions or applications of
14 this Article, which can be given effect without the invalid provisions or
15 application, and to this end the provisions of this Article are severable.”



**Thirtieth
Guam Legislature**

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

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

February 17, 2010

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

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

RE: Committee Report – Bill No. 162-30 (COR) as Substituted by the Committee

Dear Speaker Won Pat:

The Committee on Public Safety, Law Enforcement & Senior Citizens, to which was referred **BILL NO. 162-30 (COR) "Bill No. 162-30 (COR) – "AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 20 OF 8GCA RELATIVE TO THE CREATION OF AN ONLINE WARRANT REPOSITORY/REGISTRY,"** sponsored by Senator Ray Tenorio hereby reports out with the recommendation **TO REPORT OUT ONLY.**

Committee votes are as follows:

<u>2</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>3</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

2010 FEB 12 PM 4:21

Sincerely,

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

Attachments

- 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

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



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

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

I Mina'Trenta na Liheslaturan Guåhan

**COMMITTEE
REPORT
ON**

**BILL NO. 162-30 (COR)
as Substituted by the Committee
Senator Ray Tenorio**

**“AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 20 OF 8
GCA RELATIVE TO THE CREATION OF AN ONLINE
WARRANT REPOSITORY.”**



**Thirtieth
Guam Legislature**

**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**

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

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

I Mina'Trenta na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

February 16, 2010

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. 162-30 (COR) as Substituted by the
Committee.**

Transmitted herewith for your consideration is the Committee Report on **Bill No. 162-30 (COR) as Substituted by the Committee** – “An act to add a new Article 2 to Chapter 20 of 8GCA relative to the creation of an Online Warrant Repository,” sponsored by Senator Ray Tenorio.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Substitute Bill No. 162-30 (COR)
- Copy of Bill No. 162-30 (COR) as introduced
- Public Hearing Sign-in Sheets
- Copies of testimony submitted and supporting documents
- Copy of COR Referral of Bill No. 162-30 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous related documents

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!



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. 162-30 (COR) as Substituted by the Committee – “AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 20 OF 8GCA RELATIVE TO THE CREATION OF AN ONLINE WARRANT REPOSITORY/REGISTRY.”

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		2/16/10 ✓				
Ray Tenorio Vice Chairman						
Speaker Judith T. Won Pat Member				2/16/10 ✓		
Thomas C. Ada Member						
Frank B. Aguon, Jr. Member						
Edward J.B. Calvo Member						
James V. Espaldon Member				2/16/10 ✓		



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

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 July 28, 2009 at 9:20am in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 162-30 (COR) – “An act to add a new Article 2 to Chapter 20 of 8GCA relative to the creation of an Online Warrant Repository.”

Public Notice Requirements:

Notices were disseminated via email and facsimile to all senators and all main media broadcasting outlets on July 16, 2009 (5-day notice) and again on July 23, 2009 (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 Frank Aguon Jr.

Individual(s) Registered for oral or written testimony:

1. Attorney Phil Tydingco, Chief Deputy Attorney General, Office of the Attorney General, Oral Testimony, In Favor
2. Attorney Dianne Corbett, Chief Prosecutor, Office of the Attorney General, Written Testimony, In Favor with reservations
3. Col. Joaquin G. Reyes, Acting Chief of Police, Guam Police Department, Written Testimony, Not in Favor

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr. called the Committee on Public Safety, Law Enforcement, and Senior Citizens to order at 9:20am, welcomed and introduced Senators present. He then recognized the author of the bill, **Senator Ray Tenorio**, who gave a brief presentation of the bill. Senator Tenorio stated that for all practical purpose, this bill will create a “most wanted list”, similar to the FBI's most wanted list. Last term, the Judiciary was opposed to this because of fear that it would have to

maintain the listing. However, the Attorney General will be the appointing body in identifying an agency to maintain this online warrant. It is also the case that the Guam Police Department has no desire to maintain this online warrant repository.

Chairman Palacios read the letter received from the Acting Chief of Police, Col. Joaquin G. Reyes who stated that the Guam Police Department believes that the Online Warrant repository should be maintained by the Superior Court of Guam and that the Guam Police Department has no desire to maintain the repository. Chairman Palacios then called those who are present to testify.

Attorney Phil Tydingco, Deputy Attorney General, Oral Testimony

We will be submitting a written testimony that supports the intent in providing information to the public. However there are practical issues that we would like to recommend. Certainly this letter received by the Guam Police Department narrows the scope of who the agency will be to maintain the online warrant.

The thought occurred to him that for some reason that if this becomes law, we put something on paper to fund it and to also put into the bill a sunset clause. If the Attorney General does not determine an agency to do this, it will sunset at such time. This is important because the Legislature could revisit this legislation again at a later date. Ultimately, there are technical issues involved and we can place this in writing.

Chairman Palacios allowed Senators to give comments and/or questions.

Senator Ray Tenorio stated that the Triple A process would allow the vetting for this online warrant repository. In terms of funding, it would be relatively a small number, perhaps Two Hundred Thousand (\$200,000) or Three Hundred Thousand (\$300,000) to maintain the repository. One person could maintain the repository. Lastly, Senator Tenorio asked when the testimony would be available.

Attorney Phil Tydingco stated that there are 3 or 4 people working on the testimony and perhaps within 10 days the Attorney General office could furnish a written comment/testimony.

Senator Frank Aguon Jr. thanked everyone for being present and for providing testimony by the Attorney General's office. He stated that he looks forward to the comments/testimony so that we can come up with something.

Chairman Palacios stated that this will benefit law enforcement and the people of Guam. His impression is that there will be a mechanism to place a warrant online. It is a benefit in multiplying the eyes and ears. It is a benefit. The fact that there is a warrant out on people should not be confidential but made accessible to the public.

Attorney Tydingco stated that this is principally the reason why we need to look at the potential liability concerning the technicalities of the confidential nature of warrants etc. We have to make sure that people need to take it off line when it is served. One practical issue came up was that there was a warrant for an arrest when in fact the warrant was wrong. The purpose is to benefit the public that these people are out there and may be a danger to others.

Chairman Palacios stated that the bill would only establish an online warrant repository and provides a general framework for the Attorney General to choose an agency. Following this would be the drafting the rules and regulations in which these concerns may be reflected. The passage of this does not already immediately set the program going. There is a process afterwards.

Attorney Tydingco responded that this is why I am proposing a sunset clause if the Attorney General is not able to get an agency to do the maintenance and may be a sunset for a later time in which the Legislature can re-visit such a measure.

Chairman Palacios stated that the Guam Police Department does not want to do maintain the repository, but the Guam Police Department is the most relevant because it will help officers to determine the warrants. They are looking only at a task and not the benefit to the officers.

Senator Tenorio stated that when we were growing up in the 60's, 70's and 80's, you found this information on poster boards in the mayor's office and in other locations. The community bulletin board today is a website. It is timely and in time the Guam Police Department will see the wisdom in this legislation because the excess to this information is important to people and relevant to the technological advances.

Chairman Palacios concluded the hearing and requested that written testimony be submitted within the next ten (10) days. He adjourned the hearing at 9:35pm.

III. WRITTEN TESTIMONIES

Col. Joaquin G. Reyes, Acting Chief of Police, Guam Police Department, Written Testimony received on July 16, 2009 via Hand Delivery

Col. Reyes stated that the Guam Police Department opposes Bill 162-30 (COR) as it believe that any warrant repository, online or otherwise, should be maintained by the Superior Court of Guam. The Guam Police Department has no desire to maintain a warrant repository.

Attorney Dianne Corbett, Chief Prosecutor, Office of the Attorney General, Written Testimony received on August 7, 2009 via Hand Delivery.

Attorney Dianne Corbett stated that while we do not disagree with the concept of an Online Warrant Repository, we do have some concerns about its implementation. At present, the only agency with a 24-hour dispatch and communication is the Guam Police Department. No other agencies have a 24-hour dispatch capability. The requirement for a 24-hour dispatch and communication is so that any jurisdiction who locates the fugitive can immediately determine the status of the warrant and, if necessary, whether Guam would authorize the fugitive's extradition.

GPD would be the only agency capable of meeting that requirement. As such, it would be more appropriate for GPD to draft the proposed Rules and Regulations consistent with their already established operating procedures. Thus, if the Bill is enacted, we would recommend designating the Guam Police Department as the online repository and permit them to draft the Rules and Regulations consistent with their existing policies and procedures with review by the Office of the Attorney General.

IV. FINDINGS AND RECOMMENDATIONS

The Committee on Public Safety, Law Enforcement, & Senior Citizens finds that Bill No. 162-30 (COR) allows the Attorney General, with the approval of the Presiding Judge of the Superior Court, to designate one law enforcement agency with the responsibility for the maintenance, administration, and retention of attested copies of arrest warrants issued by the Superior Court. Bill 162-30 (COR) intends to make arrest warrants public by posting information to the Online Warrant Repository unless expressly designated as confidential by the Attorney General. The bill also mandates the Attorney General, in accordance with the Administrative Adjudication Act, to adopt rules and standards for posting information online and does not replace, take the place of, or be used in lieu of the official Warrant Repository maintained and administered by the Superior Court

of Guam. Bill 162-30 (COR) may also be considered a duplication of the current and existing system for posting Warrants of Arrest information currently maintained by the Superior Court and offers minimum characteristics and standards for the Attorney General to select law enforcement agencies to act as an arrest Online Warrant Repository which may be too broad and wide in scope.

A mark-up meeting was held on October 15, 2009 at the Office of the Attorney General. Representatives from the Unified Courts, the Marshall Division and the Attorney General's Office met to discuss the online warrant repository. Major discussion revolved around the NCIC/SEGIS system currently in place for all law enforcement as well as the privacy act and the right of immunity for each agency. Deputy Attorney General Phil Tydingco agreed to take the lead in providing the language for a substituted version of the bill. Ultimately, the NCIC/SEGIS systems needed to have an interface with the proposed Online Warrant Registry, but questions revolved around whether this could be possible for the public. After much deliberation, it was determined that the Unified Courts would end up maintaining this database. On February 12, 2010 and after months of research, a substituted version of Bill 162-30 (COR) was submitted to the Committee proffered by the author based upon the recommendations from the Office of the Attorney General.

The Committee on Public Safety, Law Enforcement, & Senior Citizens hereby reports out **Bill No. 162-30 (COR) as Substituted by the Committee** with the recommendation **TO REPORT OUT ONLY.**

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

Bill No. 162-30 (COR)

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

Introduced by:

Ray Tenorio
E. J. B. Calvo
A.B. Palacios, Sr.

**AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 20 OF 8GCA
RELATIVE TO THE CREATION OF AN ONLINE WARRANT
REPOSITORY/REGISTRY.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 2 is hereby added to Chapter 20 of 8GCA to read:

“Article 2

Online Warrant Repository/Registry

§20.70. Online Warrant Repository/Registry. The Unified Judiciary of Guam (the ‘Judiciary’) is authorized to create and maintain an *Online Warrant Repository/Registry* that is accessible to the general public on the internet. The purpose of the *Online Warrant Repository/Registry* is to obtain assistance from the public for locating individuals with outstanding arrest warrants and fugitives from justice.

§20.75. Online Warrant Repository/Registry: Information that is Posted On The Internet. The *Online Warrant Repository/Registry* may include information maintained in the Judiciary’s warrant repository and any other information that may aid in the apprehension of individuals with outstanding arrest warrants and fugitives from justice. The Judiciary shall create rules on the content of fugitive information for the *Online Warrant Repository/Registry*.

1 **§20.80. Redaction of Information on the Online Warrant Repository/Registry.** At
2 the request of the Attorney General of Guam, the Guam Police Department or Federal and
3 International investigative and law enforcement agencies, the Judiciary *shall* omit the inclusion
4 of a fugitive if the investigatory/law enforcement agency determines that the inclusion such
5 fugitive may harm the investigation.

6 At the request of the Attorney General of Guam, the Guam Police Department or Federal
7 and International investigative and law enforcement agencies, the Judiciary *shall* omit the
8 inclusion of specific information about a fugitive if the investigatory/law enforcement agency
9 determines that the inclusion such information may harm the investigation.

10 **§20.85. Standards.** The Judiciary, *shall* adopt standards for the operation of the *Online*
11 *Warrant Repository/Registry*. Such standards *may* include, but not be limited to, the appearance
12 of the site, contact information and links to local, state (elsewhere in the United States), federal
13 and investigatory/law enforcement agency links. Such standards *shall* include the (1) the official
14 name of the *Online Warrant Repository/Registry* and (2) any policies that will allow for
15 advertising, underwriting, subscriptions or other financial support of the website.

16 **§20.90. Limitations of the Online Warrant Repository.** The *Online Warrant*
17 *Repository/Registry* created by this Chapter shall *not* replace, take the place of, or be used in lieu
18 of the official Warrant Repository maintained and administered by the Superior Court of Guam.

19 **§20.95. Mistakes and Limited Liability.** The Judiciary is not civilly or criminally liable
20 for any erroneous information posted on the *Online Warrant Repository/Registry* provided that
21 such information is removed within five (5) days, Saturdays, Sundays and Government of Guam
22 holidays excepted, of the validation of the error.

1 **§20.100. Severability.** If any provision of this Article or its application to any person or
2 circumstance is found to be invalid or contrary to law, such invalidity shall *not* affect other
3 provisions or applications of this Article which can be given effect without the invalid provisions
4 or application, and to this end the provisions of this Article are severable.”

I MINA TRENTA NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

2009 JUN 19 PM 2:11

Bill No. 162(COR)

Introduced by:

Ray Tenorio 

**AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 20 OF
8GCA RELATIVE TO THE CREATION OF AN ONLINE
WARRANT REPOSITORY.**

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

2
3 **Section 1.** A new Article 2 is hereby added to Chapter 20 of 8GCA to read:

4 **Article 2**

5 **Online Warrant Repository**

6 **§20.70. Online Warrant Repository**

7 The Attorney General shall designate, with the approval of the Presiding Judge of the
8 Superior Court, at least one law enforcement agency that is responsible for the
9 maintenance, administration and retention of attested copies of arrest warrants issued by
10 the Superior Court. The Attorney General shall notify the Superior Court of the location
11 of the arrest Online Warrant Repository for arrest warrants in the jurisdiction covered by
12 that court. All attested copies of arrest warrants issued by Superior Court must be
13 directed to the arrest Online Warrant Repository designated for the Superior Court,
14 except as otherwise provided by this Chapter or by the standards adopted by rule of the
15 Attorney General pursuant to this chapter. Unless expressly designated as confidential

1 by the Attorney General, all information in the arrest Online Warrant Repository shall be
2 public information.

3
4 **§20.75. Online Warrant Repository: Information To Be Posted On The**
5 **Internet.**

6 The Attorney General shall, in accordance with the Administrative Adjudication
7 Act (5GCA: Chapter 9), shall adopt rules and standards for posting of public
8 information contained in the arrest Online Warrant Repository on the internet.

9
10 **§20.80. Criteria For Selection Of Arrest Online Warrant Repository**

11 The Attorney General shall select an agency that meets the following minimum
12 characteristics to act as an arrest Online Warrant Repository.

13
14 **1. Communications capability.** The agency must have a Twenty-four-hour
15 (24-hour) dispatch and communication capability and must connect to the
16 Guam Police Department's telecommunications and radio operations system

17
18 **2. Verification.** The agency must have the capability and willingness to
19 verify records as requested and perform the mandated verification of
20 National Crime Information Center warrants.

21
22 **3. Monitor management.** The agency must have the capability and
23 willingness to properly monitor the management of warrants, including:

24 A. Immediately notifying the originating agency of an arrest on a warrant
25 that the originating agency obtained;

1 B. Cooperating with any investigative agency that may hold a warrant for up
2 to five (5) days after its issuance; and

3 C. Immediately and properly entering and deleting warrant information in
4 the pertinent data base as required.

5
6 **4. Warrant management.** The agency must have the capability and
7 willingness to accept the burden and responsibility of warrant management
8 as a full and equal element of its sworn public duty.

9
10 **5. Review by the Attorney General.** The agency must have the capability
11 and willingness to accept regular monitoring and review of its warrant files
12 and procedures by the Attorney General or the Attorney General 's designee
13 and by the court or the Superior Court's designee, pursuant to standards
14 adopted by the Attorney General. The Attorney General shall regularly
15 review the arrest Online Warrant Repository's record of performance with a
16 representative of the Superior Court.

17
18 **6. Structured plan.** The agency must develop a structured warrants
19 management plan designed to maximize the execution of outstanding arrest
20 warrants.

21
22 **§20.85. Standards by Attorney General**

23 The Attorney General, in accordance with the Administrative Adjudication Act
24 (5GCA: Chapter 9), shall adopt standards for the operation of arrest warrant

1 repositories. These standards must include or provide for, but are not limited to,
2 the following.

3 **1. Copies forwarded to repository.** Except as otherwise provided, all
4 attested copies of arrest warrants must be forwarded to the appropriate arrest
5 Online Warrant Repository.

6 **2. Limited physical possession by investigating agency.** The
7 investigating law enforcement agency must have the opportunity to
8 physically possess the attested copy of an investigative arrest warrant for the
9 express purpose of execution of the warrant for a period of seventy-two (72)
10 hours, after which time the attested copy of the warrant must be forwarded
11 to the appropriate arrest Online Warrant Repository. For purposes of this
12 subsection and subsection 3, an "investigative arrest warrant" means a
13 warrant for the arrest of a person charged with a criminal offense as
14 distinguished from a bench warrant for failure to appear or pay a fine.

15 **3. Extended possession by agency.** The Attorney General or designees may
16 permit a law enforcement agency to possess the attested copy of an
17 investigative arrest warrant for a period not to exceed five (5) days for the
18 express purpose of execution of the warrant if the Attorney General
19 determines that the likelihood of warrant execution will be substantially
20 increased by permitting a law enforcement agency to possess the warrant
21 prior to forwarding it to the appropriate arrest Online Warrant Repository.
22 The investigating agency may seek, and the Attorney General or designees
23 may grant to the investigating agency, permission to possess the warrant for
24 a further period of up to five (5) days if the likelihood of warrant execution
25 will be further increased.

1 **4. Content of warrant.** A warrant must contain available information
2 concerning the identity and location of the subject, including, but not
3 limited to, photographs of the subject, the subject's name and last known
4 address identified by town, county and geographic codes, the subject's date
5 of birth and any distinguishing physical characteristics that will aid in the
6 location of the subject and the execution of the warrant.

7 **5. Computer entry.** Upon receipt by the arrest Online Warrant Repository,
8 an arrest warrant must be promptly entered in the Guam's wanted and
9 missing persons computer data base.

10 **6. National Crime Information Center.** A warrant may not be entered in
11 the National Crime Information Center data base without authorization from
12 the Attorney General or designees, except that the Department of
13 Corrections may enter warrants for violations of parole or probation or for
14 escape.

15 **7. Storage.** Except as otherwise permitted under this chapter, an original
16 warrant must be stored at the issuing court and an attested copy must be
17 stored at the appropriate arrest Online Warrant Repository.

18 **8. Validation by court.** A procedure must be established whereby the
19 courts shall validate arrest warrants.

20 **9. Removal from data base.** When arrest warrants are executed, cancelled
21 or recalled, they must be immediately removed from the computer data base
22 by the appropriate arrest Online Warrant Repository and the issuing court.

23 **10. Guam Police data base.** The Guam Police Department is responsible
24 for maintaining a computerized data base, including computer entry
25 standards, and administering the warrants data base, including printing and

1 mailing geographical code lists to police agencies and printing and mailing
2 repository validation lists.

3 **11. Periodic listing of warrants.** Each arrest Online Warrant Repository
4 must periodically generate lists of all warrants stored at that location,
5 including warrants entered on the Guam's wanted and missing persons data
6 base, and provide them to the originating agencies and the issuing courts.

7 **12. Telecommunications system.** A procedure governing the entry of
8 warrants through the Guam Police telecommunications system must be
9 established to require entry when the established criteria are met.

10
11 **§20.90. Limitations of the Online Warrant Repository.** The Online Warrant
12 Repository created by this Chapter shall *not* replace, take the place of, or be used
13 in lieu of the official Warrant Repository maintained and administered by the
14 Superior Court of Guam.

15
16 **§20.95. Severability.** If any provision of this Article or its application to any
17 person or circumstance is found to be invalid or contrary to law, such invalidity
18 shall *not* affect other provisions or applications of this Article which can be given
19 effect without the invalid provisions or application, and to this end the provisions
20 of this Article are severable.



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

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

TUESDAY, JULY 28, 2009

Bill No. 162 (COR) – An act to add a new Article 2 to Chapter 20 of 8 GCA relative to the creation of an Online Warrant Repository – by Senator Ray Tenorio

NAME (Please Print)	AGENCY/ ORGANIZATION (If any)	SUPPORT? ✓	OPPOSE? ✓	WRITTEN TESTIMONY✓	ORAL TESTIMONY✓	CONTRACT NUMBER	EMAIL ADDRESS
Phil Tydings	AGD	✓					



GUAM POLICE DEPARTMENT

DIPATTAMENTON POLISIAN GUAHAN



FELIX P. CAMACHO
Governor of Guam

Government of Guam
Bldg No. 233, Central Avenue, Tiyan, Guam 96913
Telephone: (671) 475-8473 (Switchboard); (671) 475-8508 / 8509 / 8512
Fax: (671) 472-4036

PAUL R. SUBA
Chief of Police

MICHAEL W. CRUZ, M.D.
Lieutenant Governor

COLONEL JOAQUIN G. REYES
Police Commander

July 16, 2009

RECEIVED

7/17/09 @ 8:40am
Ala

The Honorable Adolpho B. Palacios, Sr.
Senator and Chairperson, Committee on Public Safety,
Law Enforcement and Senior Citizens
30th Guam Legislature
Suite 104, Guam Legislature Building
155 Hesler Place
Hagåtña, Guam 96910

Subject: Comments Re: Bill No. 162(COR).

Dear Senator Palacios:

The Guam Police Department (GPD) opposes Bill 162(COR) as it believes that any warrant repository, online or otherwise, should be maintained by the Superior Court of Guam. The Guam Police Department has no desire to maintain a warrant repository.

Sincerely,

JOAQUIN G. REYES, Colonel
Acting Chief of Police

Alicia G. Limtiaco
Attorney General



Dianne Corbett
Chief Prosecutor

OFFICE OF THE ATTORNEY GENERAL

August 7, 2009


Honorable Adolpho B. Palacios, Sr.
30th Guam Legislature
Committee on Public Safety, Law Enforcement, and Senior Citizens
Suite, 104
155 Hesler St.
Hagåtña, Guam 96910

Re: Bill 162 (COR) An Act to Add a New Article 2 to Chapter 20 of the 8 G.C.A. Relative to the Creation of an Online Warrant Repository

Dear Senator Palacios:

As indicated in our testimony before the Committee on Public Safety, Law Enforcement and Senior Citizens presented on July 14, 2009, while we do not disagree with the concept of an Online Warrant Repository we do have some concerns about its implementation.

At present, the only agency with a 24-hour dispatch and communication capability is the Guam Police Department. No other agencies have 24-hour dispatch capability. The requirement for a 24-hour dispatch and communication is so that any jurisdiction who locates the fugitive can immediately determine the status of the warrant and, if necessary, whether Guam would authorize the fugitive's extradition.

Thus, GPD would be the only agency capable of meeting that requirement. As such, it would be more appropriate for GPD to draft the proposed Rules and Regulations consistent with their already established operating procedures. These Rules and Regulations could then be reviewed by the Office of the Attorney General for consistency with the requirements of the statute. The required hearings could then be conducted by GPD pursuant to the Administrative Adjudication Act.

Research into other jurisdictions with online warrant depositories shows that a large number of mainland counties and jurisdictions maintain public access systems where outstanding warrants are posted online.

If the bill is enacted we would recommend designating the Guam Police Department as the online repository and permit them to draft the Rules and Regulations consistent with their existing policies and procedures with review by the Office of the Attorney General.

Sincerely,


DIANNE CORBETT
Chief Prosecutor



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

**SENATOR
RORY J.
RESPICIO
CHAIRPERSON**

June 23, 2009

**SENATOR
Judith P. Guthertz
VICE
CHAIRPERSON**

Memorandum

**MAJORITY
MEMBERS:**

To: Clerk of the Legislature
I Mina'Trenta Na Liheslaturan Guåhan

Judith T. Won Pat
SPEAKER

Attorney Therese M. Terlaje
*Legislative Legal Counsel
I Mina'Trenta Na Liheslaturan Guåhan*

Benjamin J. F. Cruz
VICE SPEAKER

From: Senator Rory J. Respicio 
*Chairperson, Committee on Rules
I Mina'Trenta Na Liheslaturan Guåhan*

Tina Rose Mufia Barnes
LEGISLATIVE SECRETARY

Subject: Referral of Bills No. 162 (COR) and 163 (COR)

Thomas C. Ada
SENATOR

As Acting Chairperson of the Committee on Rules, I am forwarding my referral of Bills No. 162 (COR) and 163 (COR).

Frank B. Aguon, Jr.
SENATOR

Please ensure that the subject Bills are referred, in my name, to the respective Chairpersons, as shown on the attachment. I am also requesting that the same be forwarded to all Senators of *I Mina'Trenta Na Liheslaturan Guåhan*.

Adolpho B. Palacios, Sr.
SENATOR

Vicente C. Pangelinan
SENATOR

Should you have any questions, please contact Elaine Tajalle or Stephanie Mendiola from my office.

Matthew Rector
SENATOR

Si Yu'os Ma'åse.

**MINORITY
MEMBERS:**

Frank F. Blas, Jr.
SENATOR

Attachment

James V. Espaldon
SENATOR

2009 JUN 23 PM 5:03 

Bill/Resolution Introduction/Referral

Bill	Sponsor	Description	Date Introduced	Date Referred	Committee Referred
162(COR)	Ray Tenorio	An act to add a new Article 2 to Chapter 20 of 8GCA relative to the creation of an Online Warrant Repository.	6-19-09	6-23-09	Committee on Public Safety, Law Enforcement, and Senior Citizens
163(COR)	Ray Tenorio, E. J.B. Calvo, A. B. Palacios, Sr.	An act to add a new Article 14 to Chapter 5 of 5GCA relative to creating an On-Line Bidding Option for government procurement.	6-19-09	6-23-09	Committee on Appropriations, Taxation, Banking, Insurance, Retirement, and Land



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

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

I Mina'Trenta na Liheslaturan Guåhan

July 16, 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 starting at **9:00 a.m., Tuesday, July 28, 2009**, at *I Liheslaturan Guåhan's Public Hearing Room* in Hagåtña, on the following:

- **Bill No. 162 (LS)** – An act to add a new Article 2 to Chapter 20 of 8 GCA relative to the creation of an Online Warrant Repository – by Senator Ray Tenorio.

- **Bill No. 30-176 (COR)** – An act to repeal and reenact §33106, §33214 and §33556 of Title 5, Guam Code Annotated, to establish a separate Notary Public Revolving Fund; to establish new fees collected by the government of Guam for notary applications, and for issuing Certificates of Authenticity and Apostilles, and to clarify that Apostilles are issued by the Director or Deputy Director of the Department of Administration. – by Senator Adolpho B. Palacios, Sr.

- **Bill No. 30-177 (COR)** – An act to add a new section 30119 and 30120, Chapter 30, Title 5 Guam Code Annotated, relative to authorizing the Office of the Attorney General to collect a fee for its Attorney General Clearances, and to establish a separate fund for the deposit of those fees entitled the “Victim or Witness Travel-Housing Fund” for use by the Office of the Attorney General. – by Senator Adolpho B. Palacios, Sr.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bills may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Jonathan Diaz or Priscilla Cruz at 472-5047/5048.

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

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



Adolpho Palacios <senabpalacios@gmail.com>

First Notice - Notice of Public Hearing - July 28, 2009

2 messages

Adolpho Palacios <senabpalacios@gmail.com>

Thu, Jul 16, 2009 at 9:28 AM

To: sabrina@kuam.com, mindy@kuam.com, malafunkshun@kuam.com, news@guampdn.com, cmelyan@guampdn.com, amier@mvguam.com, marvic@mvguam.com, admin@mvguam.com, jontalk@k57.com, msilva@k57.com, kstone@ite.net, news@spbgum.com, news@k57.com

July 16, 2009

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

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Adolpho Palacios <senabpalacios@gmail.com>

Thu, Jul 16, 2009 at 10:24 AM

To: john@marianasmedia.com, jeff@marianasmedia.com, jac@marianasmedia.com

[Quoted text hidden]

MULTI COMMUNICATION REPORT

JUL-16-2009 10:27 AM THU

FAX NUMBER :
NAME :

REF. NAME :
PAGES : 2

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4722528	

2. UNSUCCESSFUL

FAX NUMBER	NAME
9698357	

3. MULTI COMMUNICATION JOURNAL

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Libeslaturan Guahan

FACSIMILE TRANSMITTAL SHEET

DATE: July 16, 2009

TO:

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

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

SUBJECT: *PUBLIC HEARING FIRST NOTICE – July 28, 2009*

PAGES: 2 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

PLEASE SEE ATTACHED NOTICE.

THANK YOU.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

July 16, 2009

MEMORANDUM

TO: Chairman, Committee on Rules
Members, Committee on Public Safety, Law Enforcement
and Senior Citizens
ALL SENATORS

FROM: Chairman, Committee on Public Safety, Law Enforcement
and Senior Citizens 

SUBJECT: *First Notice* – Notice of Public Hearing
Tuesday, July 28, 2009 – 9:00 am.

The Committee on Public Safety, Law Enforcement, and Senior Citizens has scheduled a public hearing starting at **9:00 a.m., Tuesday, July 28, 2009**, at *I Liheslaturan Guåhan's Public Hearing Room* in Hagåtña, on the following:

- **Bill No. 162 (LS)** – An act to add a new Article 2 to Chapter 20 of 8 GCA relative to the creation of an Online Warrant Repository – by **Senator Ray Tenorio**.
- **Bill No. 30-176 (COR)** – An act to repeal and reenact §33106, §33214 and §33556 of Title 5, Guam Code Annotated, to establish a separate Notary Public Revolving Fund; to establish new fees collected by the government of Guam for notary applications, and for issuing Certificates of Authenticity and Apostilles, and to clarify that Apostilles are issued by the Director or Deputy Director of the Department of Administration. – by **Senator Adolpho B. Palacios, Sr.**
- **Bill No. 30-177 (COR)** – An act to add a new section 30119 and 30120, Chapter 30, Title 5 Guam Code Annotated, relative to authorizing the Office of the Attorney General to collect a fee for its Attorney General Clearances, and to establish a separate fund for the deposit of those fees entitled the "Victim or Witness Travel-Housing Fund" for use by the Office of the Attorney General. – by **Senator Adolpho B. Palacios, Sr.**

cc: Protocol/MIS/Audio
Clerk of the Legislature



Adolpho Palacios <senabpalacios@gmail.com>

First Notice - Notice of Public Hearing - July 28, 2009

1 message

Adolpho Palacios <senabpalacios@gmail.com>**Thu, Jul 16, 2009 at 9:28 AM**

To: sabrina@kuam.com, mindy@kuam.com, malafunkshun@kuam.com, news@guampdn.com, cmelyan@guampdn.com, amier@mvguam.com, marvic@mvguam.com, admin@mvguam.com, jontalk@k57.com, msilva@k57.com, kstone@ite.net, news@spbguam.com, news@k57.com

July 16, 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 starting at **9:00 a.m., Tuesday, July 28, 2009**, at ***I Liheslaturan Guåhan's Public Hearing Room*** in Hagåtña, on the following:

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The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bills may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Jonathan Diaz or Priscilla Cruz at 472-5047/5048.



Adolpho Palacios <senabpalacios@gmail.com>

First Notice - July 28, 2009 Public Hearing

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Thu, Jul 16, 2009 at 9:37 AM

To: speaker@judiwonpat.com, office@senatorada.org, "Senator Frank B. Aguon" <aguon4guam@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>, "Vice Speaker Benjamin J. F. Cruz" <senadotbjcruz@aol.com>, senjim@ite.net, senator@espaldon.com, judiguthertz@gmail.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, Senator Matt Rector <matt@mattrector.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senatortelo@gmail.com, Senator Ray Tenorio <ray@raytenorio.com>, psantos@guamlegislature.org, fterlaje@guamlegislature.org, cdecastro@guamlegislature.org, yong@guamlegislature.org, sgtarms@guamlegislature.org, sem@guamlegislature.org, roeann@raytenorio.com

July 16, 2009

Please see attached Notice of Public Hearing from Senator A. B. Palacios, Sr. scheduled for 9:00 am, Tuesday, July 28, 2009. Thank you for your kind attention.



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873K



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

FACSIMILE TRANSMITTAL SHEET

DATE: July 16, 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
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: *PUBLIC HEARING FIRST NOTICE – July 28, 2009*

PAGES: 2 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

**PLEASE SEE ATTACHED
PUBLIC HEARING NOTICE.
THANK YOU.**

MULTI COMMUNICATION REPORT

JUL-16-2009 09:33 AM THU

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NAME :

REF. NAME :
PAGES : 2

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3. MULTI COMMUNICATION JOURNAL

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

July 23, 2009

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

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Senior Citizens has scheduled a public hearing starting at **9:00 a.m., Tuesday, July 28, 2009**, at *I Liheslaturan Guåhan's Public Hearing Room* in Hagåtña, on the following:

- **Bill No. 162 (COR)** – An act to add a new Article 2 to Chapter 20 of 8 GCA relative to the creation of an Online Warrant Repository – by Senator Ray Tenorio.
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Office/Mailing Address: 155 Hesler Place, Hagatña Guam 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 Guahan

FACSIMILE TRANSMITTAL SHEET

DATE: July 23, 2009

TO:

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

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

SUBJECT: *PUBLIC HEARING SECOND NOTICE – July 28, 2009*

PAGES: 2 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

PLEASE SEE ATTACHED PUBLIC HEARING NOTICE.

THANK YOU.

MULTI COMMUNICATION REPORT

JUL-23-2009 01:17 PM THU

FAX NUMBER :
NAME :

REF. NAME :
PAGES : 2

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2. UNSUCCESSFUL

FAX NUMBER	NAME
9698357	

3. MULTI COMMUNICATION JOURNAL

NO.	NAME/NUMBER	START TIME	TIME	MODE	PAGE	RESULTS
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579	4772522	07-23 01:04PM	00'18"	ECM BC	002/002	[O.K]
579	4723400	07-23 01:05PM	00'48"	G3 BC	002/002	[O.K]
579	4723547	07-23 01:06PM	00'20"	ECM BC	002/002	[O.K]
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579	4734238	07-23 01:10PM	00'28"	ECM BC	002/002	[O.K]
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

FACSIMILE TRANSMITTAL SHEET

DATE: July 23, 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
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: *PUBLIC HEARING SECOND NOTICE – July 28, 2009*

PAGES: 2 (including this sheet)

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

**PLEASE SEE ATTACHED PUBLIC HEARING NOTICE.
THANK YOU.**

MULTI COMMUNICATION REPORT

JUL-23-2009 10:51 AM THU

FAX NUMBER :
NAME :

REF. NAME :
PAGES : 2

1. SUCCESSFUL

FAX NUMBER	NAME
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4727663	
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6498883	
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5652983	
6480104	

2. UNSUCCESSFUL

FAX NUMBER	NAME
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7342958	

3. MULTI COMMUNICATION JOURNAL

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578	7342958	07-23 10:51AM	00' 00"	G3 BC	000/002	[NO ANSWER]



Adolpho Palacios <senabpalacios@gmail.com>

CORRECTION - Second Notice - Public Hearing July 28, 2009

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Thu, Jul 23, 2009 at 12:01 PM

To: mindy@kuam.com, sabrina@kuam.com, malafunkshun@kuam.com, news@guampdn.com, cmelyan@guampdn.com, admin@mvguam.com, amier@mvguam.com, marvic@mvguam.com, jontalk@k57.com, msilva@k57.com, news@spbguam.com, news@k57.com, kstone@jite.net, john@marianasmedia.com, jeff@marianasmedia.com, jac.cherry@gmail.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>, "Vice Speaker Benjamin J. F. Cruz" <senadotbjcruz@aol.com>, senjim@ite.net, senator@espaldon.com, judiguthertz@gmail.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, Senator Matt Rector <matt@mattrector.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senartelo@gmail.com, Senator Ray Tenorio <ray@raytenorio.com>, psantos@guamlegislature.org, fterlaje@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, cdecastro@guamlegislature.org, yong@guamlegislature.org, sgtarms@guamlegislature.org, roeann@raytenorio.com

Correction: Should be Bill No. 162 (COR) - erroneously sent as Bill No. 162 (LS), I apologize for the inconvenience this may have caused.

July 23, 2009

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

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Senior Citizens has scheduled a public hearing starting at **9:00 a.m., Tuesday, July 28, 2009**, at *I Liheslaturan Guåhan's Public Hearing Room* in Hagåtña, on the following:

- **Bill No. 162 (COR)** – An act to add a new Article 2 to Chapter 20 of 8 GCA relative to the creation of an Online Warrant Repository – by Senator Ray Tenorio.
- **Bill No. 30-176 (COR)** – An act to repeal and reenact §33106, §33214 and §33556 of Title 5, Guam Code Annotated, to establish a separate Notary Public Revolving Fund; to establish new fees collected by the government of Guam for notary applications, and for issuing Certificates of Authenticity and Apostilles, and to clarify that Apostilles are issued by the Director or Deputy Director of the Department of Administration. – by Senator Adolpho B. Palacios, Sr.

- **Bill No. 30-177 (COR)** – An act to add a new section 30119 and 30120, Chapter 30, Title 5 Guam Code Annotated, relative to authorizing the Office of the Attorney General to collect a fee for its Attorney General Clearances, and to establish a separate fund for the deposit of those fees entitled the “Victim or Witness Travel-Housing Fund” for use by the Office of the Attorney General. – by Senator Adolpho B. Palacios, Sr.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bills may be obtained at *Liheslaturan Guåhan*'s website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Jonathan Diaz or Priscilla Cruz at 472-5047/5048.



Adolpho Palacios <senabpalacios@gmail.com>

Second Notice - Public Hearing on July 28, 2009

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Thu, Jul 23, 2009 at 10:49 AM

To: mindy@kuam.com, sabrina@kuam.com, malafunkshun@kuam.com, news@guampdn.com, cmelyan@guampdn.com, admin@mvguam.com, amier@mvguam.com, marvic@mvguam.com, jontalk@k57.com, msilva@k57.com, kstone@ite.net, news@spbgum.com, news@k57.com, john@marianasmedia.com, jeff@marianasmedia.com, jac@marianasmedia.com

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Adolpho Palacios <senabpalacios@gmail.com>

Second Notice - Public Hearing on July 28, 2009

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Thu, Jul 23, 2009 at 10:52 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>, "Vice Speaker Benjamin J. F. Cruz" <senadotbjcruz@aol.com>, senjim@ite.net, senator@espaldon.com, judiguthertz@gmail.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, Senator Matt Rector <matt@mattrector.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, senartelo@gmail.com, Senator Ray Tenorio <ray@raytenorio.com>, psantos@guamlegislature.org, fterlaje@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, cdecastro@guamlegislature.org, yong@guamlegislature.org, sgtarms@guamlegislature.org, sem@guamlegislature.org, roeann@raytenorio.com

July 23, 2009

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one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bills may be obtained at *Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Jonathan Diaz or Priscilla Cruz at 472-5047/5048.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT
& SENIOR CITIZENS

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

I Mina'Trenta na Liheslaturan Guåhan

PUBLIC HEARING

Tuesday, July 28, 2009

9:00 a.m.

Public Hearing Room, I Liheslaturan Guåhan

Notices for the public hearing were disseminated to all local media via fax and email on July 16, 2009 and on July 23, 2009, pursuant to the Open Government Law.

AGENDA

- **Bill No. 162 (COR)** – An act to add a new Article 2 to Chapter 20 of 8 GCA relative to the creation of an Online Warrant Repository – by Senator Ray Tenorio.
- **Bill No. 30-176 (COR)** – An act to repeal and reenact §33106, §33214 and §33556 of Title 5, Guam Code Annotated, to establish a separate Notary Public Revolving Fund; to establish new fees collected by the government of Guam for notary applications, and for issuing Certificates of Authenticity and Apostilles, and to clarify that Apostilles are issued by the Director or Deputy Director of the Department of Administration. – by Senator Adolpho B. Palacios, Sr.
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The Committee will prepare and submit the Committee Report on Bills Nos. 162 (COR), 30-176 (COR), and 30-177 (COR) within next 10 days, in preparation for consideration by the legislative body. However, the Committee will continue to receive written testimonies until August 7, 2009. 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.

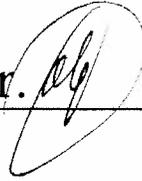
Office/Mailing Address: 155 Hester Place, Hagatña Guam 96910

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

LEGISLATIVE ALERT



Thirtieth
Guam
Legislature

Office of Senator
Adolpho B. Palacios, Sr. 
I Mina'Trenta Na Liheslaturan Guåhan

**BILL NO: 162 (COR) AN ACT TO ADD A NEW ARTICLE 2
TO CHAPTER 20 OF THE 8GCA RELATIVE TO THE
CREATION OF AN ONLINE WARRANT REPOSITORY.**

RAMIFICATIONS/IMPLICATIONS:

1. Bill allows for the Attorney General, with the approval of the Presiding Judge of the Superior Court, to designate one law enforcement agency with the responsibility for the maintenance, administration, and retention of attested copies of arrest warrants issued by the Superior Court.
2. Bill intends to make arrest warrants public by posting information to the Online Warrant Repository unless expressly designated as confidential by the Attorney General.
3. Bill mandates the Attorney General, in accordance with the Administrative Adjudication Act, to adopt rules and standards for posting information online.
4. Bill does not replace, take the place of, or be used in lieu of the official Warrant Repository maintained and administered by the Superior Court of Guam.

FLAWS/SHORTCOMINGS:

1. Bill may be a duplication of the current and existing system for posting Warrants of Arrest information currently maintained by the Superior Court.
2. Bill offers minimum characteristics and standards for the Attorney General to select law enforcement agencies to act as an arrest Online Warrant Repository which may be too broad and wide in scope.

REMARKS: A public hearing will be held on **Tuesday, July 28, 2009 9:00am at the Guam Legislature's Public Hearing Room**. A copy of this bill is available at the Legislature, or my office can fax one to you. Written testimony may be submitted to SenABPalacios@gmail.com or fax: [472-5022](tel:472-5022) on or before the 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. It 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: July 17, 2009

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

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POSTPONED

REMARKS: A public hearing will be held on ~~Thursday, July 14, 2009~~ **beginning at 1:30pm at the Guam Legislature's Public Hearing Room.** A copy of this bill is available at the Legislature, or my office can fax one to you. Written testimony may be submitted to SenABPalacios@gmail.com or fax: **472-5022** on or before the 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. It 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: July 08, 2009

CONSTITUENTS

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 Police Department: ~~475-8468~~, 472-4036

Guam Bar Association: (671) 475-3400

superior court 475-3184, 472-5450, 472-2856, 475-3192,

U.S. Attorney's Office: 472-7334

Supreme Court: 475-3164, 475-3140

Guam Legal Services: 477-1320

Guam Public Defender: 477-5844, 475-3238

Guam Fire Department: 472-3360

Probation: 477-4944

Mayor's Council: 477-8777

Marshall Division: 477-2644, ~~477-3184~~

MULTI COMMUNICATION REPORT

JUL-08-2009 11:24 AM WED

FAX NUMBER :
NAME :

REF. NAME :
PAGES : 1

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2. UNSUCCESSFUL

FAX NUMBER	NAME
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3. MULTI COMMUNICATION JOURNAL

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559	4772007	07-08 11:00AM	00'16"	ECM BC	001/001	[O.K]
559	4722493	07-08 11:01AM	00'14"	ECM BC	001/001	[O.K]
559	4773390	07-08 11:02AM	00'12"	ECM BC	001/001	[O.K]
559	4753203	07-08 11:03AM	00'14"	ECM BC	001/001	[O.K]
559	4724036	07-08 11:05AM	00'18"	ECM BC	001/001	[O.K]
559	4753400	07-08 11:05AM	00'12"	ECM BC	001/001	[O.K]
559	4725450	07-08 11:07AM	00'16"	ECM BC	001/001	[O.K]

I MINA TRENTA NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

2007 JUN 19 PM 2:11

Bill No. 162(COR)

Introduced by:

Ray Tenorio



**AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 20 OF
8GCA RELATIVE TO THE CREATION OF AN ONLINE
WARRANT REPOSITORY.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 2 is hereby added to Chapter 20 of 8GCA to read:

Article 2

Online Warrant Repository

§20.70. Online Warrant Repository

The Attorney General shall designate, with the approval of the Presiding Judge of the Superior Court, at least one law enforcement agency that is responsible for the maintenance, administration and retention of attested copies of arrest warrants issued by the Superior Court. The Attorney General shall notify the Superior Court of the location of the arrest Online Warrant Repository for arrest warrants in the jurisdiction covered by that court. All attested copies of arrest warrants issued by Superior Court must be directed to the arrest Online Warrant Repository designated for the Superior Court, except as otherwise provided by this Chapter or by the standards adopted by rule of the Attorney General pursuant to this chapter. Unless expressly designated as confidential

1 by the Attorney General, all information in the arrest Online Warrant Repository shall be
2 public information.

3
4 **§20.75. Online Warrant Repository: Information To Be Posted On The**
5 **Internet.**

6 The Attorney General shall, in accordance with the Administrative Adjudication
7 Act (5GCA: Chapter 9), shall adopt rules and standards for posting of public
8 information contained in the arrest Online Warrant Repository on the internet.

9
10 **§20.80. Criteria For Selection Of Arrest Online Warrant Repository**

11 The Attorney General shall select an agency that meets the following minimum
12 characteristics to act as an arrest Online Warrant Repository.

13
14 **1. Communications capability.** The agency must have a Twenty-four-hour
15 (24-hour) dispatch and communication capability and must connect to the
16 Guam Police Department's telecommunications and radio operations system

17
18 **2. Verification.** The agency must have the capability and willingness to
19 verify records as requested and perform the mandated verification of
20 National Crime Information Center warrants.

21
22 **3. Monitor management.** The agency must have the capability and
23 willingness to properly monitor the management of warrants, including:

24 A. Immediately notifying the originating agency of an arrest on a warrant
25 that the originating agency obtained;

1 B. Cooperating with any investigative agency that may hold a warrant for up
2 to five (5) days after its issuance; and

3 C. Immediately and properly entering and deleting warrant information in
4 the pertinent data base as required.

5
6 **4. Warrant management.** The agency must have the capability and
7 willingness to accept the burden and responsibility of warrant management
8 as a full and equal element of its sworn public duty.

9
10 **5. Review by the Attorney General.** The agency must have the capability
11 and willingness to accept regular monitoring and review of its warrant files
12 and procedures by the Attorney General or the Attorney General's designee
13 and by the court or the Superior Court's designee, pursuant to standards
14 adopted by the Attorney General. The Attorney General shall regularly
15 review the arrest Online Warrant Repository's record of performance with a
16 representative of the Superior Court.

17
18 **6. Structured plan.** The agency must develop a structured warrants
19 management plan designed to maximize the execution of outstanding arrest
20 warrants.

21
22 **§20.85. Standards by Attorney General**

23 The Attorney General, in accordance with the Administrative Adjudication Act
24 (5GCA: Chapter 9), shall adopt standards for the operation of arrest warrant

1 repositories. These standards must include or provide for, but are not limited to,
2 the following.

3 **1. Copies forwarded to repository.** Except as otherwise provided, all
4 attested copies of arrest warrants must be forwarded to the appropriate arrest
5 Online Warrant Repository.

6 **2. Limited physical possession by investigating agency.** The
7 investigating law enforcement agency must have the opportunity to
8 physically possess the attested copy of an investigative arrest warrant for the
9 express purpose of execution of the warrant for a period of seventy-two (72)
10 hours, after which time the attested copy of the warrant must be forwarded
11 to the appropriate arrest Online Warrant Repository. For purposes of this
12 subsection and subsection 3, an "investigative arrest warrant" means a
13 warrant for the arrest of a person charged with a criminal offense as
14 distinguished from a bench warrant for failure to appear or pay a fine.

15 **3. Extended possession by agency.** The Attorney General or designees may
16 permit a law enforcement agency to possess the attested copy of an
17 investigative arrest warrant for a period not to exceed five (5) days for the
18 express purpose of execution of the warrant if the Attorney General
19 determines that the likelihood of warrant execution will be substantially
20 increased by permitting a law enforcement agency to possess the warrant
21 prior to forwarding it to the appropriate arrest Online Warrant Repository.
22 The investigating agency may seek, and the Attorney General or designees
23 may grant to the investigating agency, permission to possess the warrant for
24 a further period of up to five (5) days if the likelihood of warrant execution
25 will be further increased.

1 **4. Content of warrant.** A warrant must contain available information
2 concerning the identity and location of the subject, including, but not
3 limited to, photographs of the subject, the subject's name and last known
4 address identified by town, county and geographic codes, the subject's date
5 of birth and any distinguishing physical characteristics that will aid in the
6 location of the subject and the execution of the warrant.

7 **5. Computer entry.** Upon receipt by the arrest Online Warrant Repository,
8 an arrest warrant must be promptly entered in the Guam's wanted and
9 missing persons computer data base.

10 **6. National Crime Information Center.** A warrant may not be entered in
11 the National Crime Information Center data base without authorization from
12 the Attorney General or designees, except that the Department of
13 Corrections may enter warrants for violations of parole or probation or for
14 escape.

15 **7. Storage.** Except as otherwise permitted under this chapter, an original
16 warrant must be stored at the issuing court and an attested copy must be
17 stored at the appropriate arrest Online Warrant Repository.

18 **8. Validation by court.** A procedure must be established whereby the
19 courts shall validate arrest warrants.

20 **9. Removal from data base.** When arrest warrants are executed, cancelled
21 or recalled, they must be immediately removed from the computer data base
22 by the appropriate arrest Online Warrant Repository and the issuing court.

23 **10. Guam Police data base.** The Guam Police Department is responsible
24 for maintaining a computerized data base, including computer entry
25 standards, and administering the warrants data base, including printing and

1 mailing geographical code lists to police agencies and printing and mailing
2 repository validation lists.

3 **11. Periodic listing of warrants.** Each arrest Online Warrant Repository
4 must periodically generate lists of all warrants stored at that location,
5 including warrants entered on the Guam's wanted and missing persons data
6 base, and provide them to the originating agencies and the issuing courts.

7 **12. Telecommunications system.** A procedure governing the entry of
8 warrants through the Guam Police telecommunications system must be
9 established to require entry when the established criteria are met.

10
11 **§20.90. Limitations of the Online Warrant Repository.** The Online Warrant
12 Repository created by this Chapter shall *not* replace, take the place of, or be used
13 in lieu of the official Warrant Repository maintained and administered by the
14 Superior Court of Guam.

15
16 **§20.95. Severability.** If any provision of this Article or its application to any
17 person or circumstance is found to be invalid or contrary to law, such invalidity
18 shall *not* affect other provisions or applications of this Article which can be given
19 effect without the invalid provisions or application, and to this end the provisions
20 of this Article are severable.