

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

December 10, 2012

Honorable Judith T. Won Pat, Ed.D
Speaker
I Mina'trentai Unu Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

31-12-1985
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date: 12/10/12
Time: 5:20 PM
Received by: [Signature]

2012 DEC 11 AM 10:31 [Signature]

Dear Madame Speaker:

Attached is Bill No. 455-31 (COR), entitled, "**AN ACT TO AMEND § 2111 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS,**" which was enacted into law without the signature of *i Maga'lahen Guåhan* as **Public Law 31-252.**

New Public Law 31-252 authorizes the Judiciary of Guam to submit requests for criminal history background checks act to the FBI for all Guam AmeriCorps volunteers. With the exception of the FBI fees, P.L. 31-252 also waives the local screening and processing fees for volunteers working uncompensated in any agency of the government of Guam, including the AmeriCorps program.

My administration fully values and appreciates the critical role that volunteers provide to our community. Of concern here, however, is the provision of the bill requiring the Judiciary to adopt a Memorandum of Agreement with the ServeGuam Commission. A legislative mandate imposing such a contractual obligation upon the Judiciary could be interpreted as infringing upon the doctrine of separation of powers. If so, the Judiciary is the party in the best position to make such a determination.

I pledge to continue working together with the Judiciary and *i Liheslatura* in ensuring that volunteers in all agencies of the government are fully supported.

Senseramente,

[Signature]
EDDIE BAZA CALVO

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2012 (SECOND) Regular Session

Date: 11/26/12

VOTING SHEET

SBill No. 455-31 (COR)

Resolution No. _____

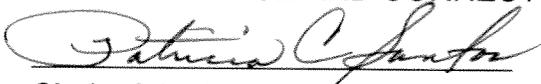
Question: _____

NAME	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.					EA
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera					EA
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

13 0 0 0 2

CERTIFIED TRUE AND CORRECT:


Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Thirty-First
Guam Legislature

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guáhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

August 2, 2012

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

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

RE: Committee Report on Bill No. 455-31 (COR) as Substituted.

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **Bill No. 455-31 (COR) – "AN ACT TO AMEND SUBSECTION 89.09 (F) AND TO ADD A NEW SECTION SUBSECTION 89.09 (G) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS"**, hereby reports out with the recommendation **TO PASS**.

Committee Votes are as follows:

<u> 7 </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

Sincerely,

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

Attachments

2012 AUG - 2 PM 1:43

Committee Members:

- Senator Thomas C. Ada
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.
Member
- Senator Tina R. Muna-Barnes
Member
- Senator Judith P. Guthertz, DPA
Member
- Senator Rory J. Respicio
Member
- Senator Dennis G. Rodriguez, Jr.
Member
- Senator V. Anthony Ada
Member
- Senator Christopher M. Duenas
Member
- Senator Mana Silva-Tajeron
Member
- Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
Membership:*

- Vice Chairman, Committee on
Utilities, Transportation, Public
Works and Veterans Affairs
- Vice Chairman, Committee on
Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform
- Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources
- Member, Committee on
Education and Public Libraries
- Member, Committee on Guam
Military Buildup and Homeland
Security
- Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT ON
Bill No. 455-31 (COR)
As Substituted by the Committee on
Public Safety, Law Enforcement & Judiciary

**AN ACT TO AMEND SUBSECTION 89.09 (F) AND
TO ADD A NEW SECTION SUBSECTION 89.09 (G)
OF TITLE 9 GCA RELATIVE TO AUTHORIZING
THE JUDICIARY OF GUAM TO SUBMIT
REQUESTS FOR CRIMINAL HISTORY CHECKS TO
THE FEDERAL BUREAU OF INVESTIGATION FOR
ALL GUAM AMERICORPS VOLUNTEERS.**



Thirty-First
Guam Legislature

Committee Members:

Senator Thomas C. Ada
Vice Chairman

Speaker Judith T. Won Pat, Ph.D.
Member

Senator Tina R. Muña-Barnes
Member

Senator Judith P. Guthertz, DPA
Member

Senator Rory J. Respicio
Member

Senator Dennis G. Rodriguez, Jr.
Member

Senator V. Anthony Ada
Member

Senator Christopher M. Duenas
Member

Senator Mana Silva-Taijeron
Member

Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
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Utilities, Transportation, Public
Works and Veterans Affairs

Vice Chairman, Committee on
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Senior Citizens, Economic
Development and Election
Reform

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Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources

Member, Committee on Guam
Military Buildup and Homeland
Security

Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

July 30, 2012

MEMORANDUM

TO: ALL MEMBERS
Committee on Public Safety, Law Enforcement, & Judiciary

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

SUBJECT: Committee Report on Bill No. 455-31 (COR) as Substituted.

Transmitted herewith for your consideration is the Committee Report on **Bill No. 455-31 (COR) — "AN ACT TO AMEND SUBSECTION 89.09 (F) AND TO ADD A NEW SECTION SUBSECTION 89.09 (G) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS."** — sponsored by Senator vicente "ben" c. pangelinan

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of **Bill No. 455-31 (COR) as Substituted**
- Copy of **Bill No. 455-31 (COR) as Introduced**
- Public Hearing Sign-in Sheet
- Copies of testimony submitted and supporting documents
- Fiscal Note for **Bill No. 455-31 (COR)**
- Copy of COR Referral of **Bill No. 455-31 (COR)**
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous 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 & JUDICIARY
I Mina Trentai Uno Na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE VOTING SHEET:

Bill No. 455-31 (COR), as Substituted, – “AN ACT TO AMEND SUBSECTION 89.09 (F) AND TO ADD A NEW SECTION SUBSECTION 89.09 (G) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS” sponsored by Senator vicente “ben” c. pangelinan.

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		7/30/12 ✓				
Thomas C. Ada Vice Chairman		✓				
Tina R. Muña-Barnes Member		✓				
Judith P. Guthertz, DPA Member		✓				
Rory J. Respicio Member		7/30/12 ✓				
Dennis G. Rodriguez, Jr. Member				7/31/12		
Judith T. Won Pat, Ed.D. Member		7/30/12 ✓				
V. Anthony Ada Member		7/31/12				
Christopher M. Duenas Member						
Mana Silva Taijeron Member				7/31/12		
Aline A. Yamashita, Ph.D. Member				7/31/12		



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT DIGEST

Bill No. 455-31 (COR) – “An act to amend §89.09 (f) and to add a new Section §89.09 (g) of Title 9 GCA relative to authorizing the Judiciary of Guam to submit requests for criminal history checks to the Federal Bureau of Investigation for all Guam AmeriCorps volunteers.”– Authored by Senator vicente (ben) c. pangelinan

I. OVERVIEW

The Committee on Public Safety, Law Enforcement and Judiciary convened the public hearing on June 14, 2012 at 9:05 a.m. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was Bill no. 455-31 (COR) – “An act to amend §89.09 (f) and to add a new Section §89.09 (g) of Title 9 GCA relative to authorizing the Judiciary of Guam to submit requests for criminal history checks to the Federal Bureau of Investigation for all Guam AmeriCorps volunteers.”– Authored by Senator vicente (ben) c. pangelinan

Public Hearing Requirements:

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on June 7, 2012 (5-day Notice) and on June 12, 2012 (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 Thomas C. Ada	Vice Chairman
Senator Aline A. Yamashita, Ph.D.	Member
Senator V. Anthony Ada	Member
Senator Christopher M. Duenas	Member

Individual(s) Registered for oral or written testimony:

George Santos, Director, Department of Labor, provided oral and written testimony in support of the Bill.

Lagrimas “Pinki” Lujan, Chairperson, ServeGuam Commission, provided oral and written testimony in support of the Bill.

Darryl A. Borja Taggerty, Member, ServeGuam Commission, provided oral testimony

in support of the Bill.
George L. Salas, Sanctuary Inc., provided written testimony in support of the Bill.
Perry C. Taitano, Administrator of the Courts, Unified Judiciary of Guam, provided written testimony.

Individuals Registered in Support of the Bill:

Adam Llanes, Pa' AmeriCorps.
Shayna Lynn San Nicolas, AmeriCorps.
Kevin Atalig, Pa'a AmeriCorps.
Lolita C. Reyes, ServeGuamCommision.
JoAnn Fullertu, ServeGuam Commission.
Yoichi K. Rengiil, ServeGuam Commission.

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr. convened the public hearing for the Committee on Public Safety, Law Enforcement and Judiciary at **9:05 a.m.**, read the agenda, recognized the Senators present, read the title of the bill and read a statement from the bill's author, Senator vicente "ben" pangelinan, who was not able to attend the Public Hearing.

In Senator vicente "ben" pangelinan's Sponsor Statement, he highlighted that the ServeGuam Commission's AmeriCorps state and national programs are subject to the new federal requirements for a criminal history check and without compliance, all AmeriCorps programs will be at risk of suspension or termination. He noted that to meet compliance, the AmeriCorps members and staff must first be granted authority through local statute or federal law for requests for background checks with the Federal Bureau of Investigation (FBI). Guam's State Identification Bureau (the Office of the Deputy Marshal) is currently only authorized to submit requests for government law enforcement personnel and individuals applying for a firearms identification card, while others are required to seek statutory authority. Upon passage, the law is still subject to approval by the Attorney General of the United States.

Chairman Palacios then called the panel of George Santos, Lagrimas "Pinki" Lujan, and Darryl A. Taggerty.

Mr. George Santos stated that he supports the bill as the essence of the bill is to comply with federal mandates pursuant to the Serve America Act which was enacted in April 2009. (*See attached testimony*).

Ms. Lagrimas "Pinki" Lujan stated that she supports the bill. Ms. Lujan stated that there are approximately two hundred (200) AmeriCorps members and over one thousand (1,000) resident volunteers assisting various local public service programs, which are supported by administrative, training, disability inclusion and formula grants administered by the Department of Labor/ServeGuam Commission and staff. She stated that the background checks for members can be processed locally, efficiently and expeditiously by the Judiciary of Guam. Referencing Section 2 of §2111 of Title 4, Guam Code Annotated, Ms. Lujan stated that this provision explicitly extends this policy to ServeGuam Commission participants while excluding them from the rationale of fees levied against convicted offenders. (*See attached testimony*).

Mr. Darryl A. Borja Taggerty stated that he supports the bill. He stated that the FBI charges eighteen dollars and fifty cents (\$18.50) to the ServeGuam Commission for the application which requires an electronic fingerprint and registration at the court. He noted there is no procedure for such process because the request has not been made through local policy to include the volunteers of AmeriCorps.

Vice-Chairman Thomas C. Ada said that the Judiciary stated that normally for these investigations, the Court sets a fee for thirty-two dollars (\$32.00), of which half of that amount goes to the FBI. Vice-Chairman Ada asked how many background investigations does the ServeGuam Commission anticipate will need to be accomplished, approximately how many annually, and will the ServeGuam Commission be able to absorb associated fees?

Mr. Santos noted that if clearance fees are not waived, then such costs will be passed on to the programs under ServeGuam/AmeriCorps. Assuming that the waiver is not passed by the Legislature, Mr. Santos suggests that naturally the programs will have to pay for it. Mr. Santos stated that just like everyone else, the government is going through a budget crisis and all federal programs are anticipating a reduction in funding. He stated that AmeriCorps has a budget of one million eight hundred dollars (\$1,800,000.00) and the organization anticipates a smaller budget next year of one million five hundred dollars (\$1,500,000.00). He stated that these costs have to be made up if AmeriCorps is to maintain the same standards and that costs associated with FBI

clearances will have to be made up if the organizations has to maintain the same standards, considering the dwindling number of volunteers over the years.

Senator Thomas C. Ada asked if they would be able to quantify the financial impact?

Mr. Santos stated that he is counting on Public Law 25-151 regarding volunteerism and the waiver of fees. He stated that AmeriCorps/ServeGuam Commission members are trying to cover the costs for clearances from through such law and additional expenses they are looking at could be as much as five-hundred thousand dollars (\$500,000.00) annually, as there is a high turnover rate for people who volunteer without compensation.

Senator Aline A. Yamashita thanked the panel for supporting the good program and asked if there is an overhead in the grant. Mr. Santos confirmed that his agency's grant include administrative costs. Senator Yamashita then asked if ServeGuam would be able to pay for the clearances from the overhead budget, to which Mr. Santos replied that his agency/ServeGuam Commission would have to reduce the program budget elsewhere to pay for these costs.

Senator V. Anthony Ada reviewed the testimony which the Judiciary submitted and stated that if the Judiciary capped the requests at fifty (50) per year, would AmeriCorps have the ability to pay for the remaining four hundred (400) applicants? Mr. Santos responded saying that if they cannot find relief through this process, then they would have to raise the money themselves or find other ways to satisfy the mandates of the federal government.

Senator Christopher M. Duenas thanked the volunteers who came out to show their support for the initiative. Senator Duenas observed that in the testimony provided by the Judiciary, there might be a duplication on the requirement of the program to have the FBI checks crossover in terms of what is being requested. He suggested having a flat fee and a central location for applicants to get all their clearances and consolidating it into one clearance. He noted he would work with the oversight Committee as it moves forward, because he thinks it's absolutely valuable for our children and the volunteers be cleared at the highest level of law.

Chairman Adolpho B. Palacios, Sr. noted that the bill was drafted with very close consultation with the Marshal's Division of the Court, which is the only local entity that can access the FBI file, and which is why everything has to go through the Judiciary of

Guam. Chairman Palacios asked if the applicants volunteer only once or do they serve terms, and if so, how long are the terms. Ms. Lujan responded that there are no one-time volunteers and they welcome everyone to the programs. She noted that volunteers serve terms of up to two (2) years and are not allowed to volunteer beyond that. Chairman Palacios noted that the Legislature can amend statements relative to Police and Court Clearances, but not the FBI fee of eighteen dollars (\$18) as this would be discussed further during a Mark-up Meeting.

Chairman Adolpho B. Palacios, Sr., thanked the panel for their testimony and declared that Bill No. 455-31(COR) is duly heard. The Chairman concluded the hearing and requested that written testimony be submitted within the next ten (10) days. He adjourned the hearing at **10:32 a.m.**

III. WRITTEN TESTIMONIES

George Santos, Director, Department of Labor. *(Summarized in Section II and see attached written testimony.)*

Lagrimas "Pinki" Lujan, Chairperson, ServeGuam Commission. *(Summarized in Section II and see attached written testimony.)*

George L. Salas, Program Director, Sanctuary, Inc. Mr. Salas, who is in full support of the bill, stated that the Sanctuary, Incorporated, has been in partnership with the Guam Judicial System for many years and the Sanctuary AmeriCorps Program Members provide numerous services such as Youth and Adult Anger Management Groups, Parenting Skills Classes, Parent Support Group, numerous Drug & Alcohol groups, Self-Esteem, Mentoring, Tutoring, and Supportive Counseling Groups. Also, the members provide tutoring and mentoring at the Department of Youth Affairs. Mr. Salas noted that many of those who are referred and who receive services from Sanctuary-AmeriCorps Program Members are referrals from the Judicial System.

Perry C. Taitano, Administrator of the Courts, Judiciary of Guam. Mr. Taitano noted in his testimony that the legislation must be revised to include the mandatory requirement for the collection and submission of the subject's fingerprints in order to obtain the national criminal background checks. He also stated that the Judiciary of Guam (JOG) currently assesses a fee of thirty-two dollars (\$32.00) for a national criminal background check. Of that amount, sixteen dollars and fifty cents (\$16.50) is remitted to

the FBI per request with the balance used to fund local hardware and system maintenance expenses. The fees are a necessary cost for doing business. He stated that if the intent of the legislation is to relieve the volunteers and employees from paying for the fee, perhaps it would be suitable to require the ServeGuam Commission to pay for these fees as part of their grant operating expenses. Any exception should only apply to the portion of the fee payable to the FBI requests for clearances should and be capped annually to fifty (50) requests per year. Mr. Taitano noted that he has directed Deputy Chief Marshal Joseph Leon Guerrero to facilitate discussion with the FBI to ensure that the language contained in the legislation will meet the criteria and accomplish the intent of the legislation upon enactment.

No further written testimony received within the ten (10) day period after the public hearing.

IV. FINDINGS AND RECOMMENDATIONS

Following a mark-up meeting that was facilitated by Chairman Palacios on July 5, 2012 at his office, with representatives from the sponsor's office (Selena Onedera-Salas), Judiciary of Guam (Joshua Tenorio and Joseph Leon Guerrero), Department of Labor (George Santos and Daryl Wilkinson), the Committee on Public Safety, Law Enforcement and Judiciary has substituted Bill no. 455-31 (COR).

The Committee removed language from the legislation which made reference to Title 9GCA, and replaced applicable sections with reference to Section 2111 of Title 4GCA, relative to the exemption of volunteers from certain screening costs. Bill no. 455-31 (COR), as substituted, establishes the general framework for which communication and collaboration between the Judiciary of Guam and the ServeGuam Commission/AmeriCorps program can be accomplished relative to FBI clearances and background checks.

The legislation, as substituted, exempts ServeGuam Commission/AmeriCorps volunteers and employees from paying local processing fee(s) required by the Judiciary of Guam for FBI clearances. However, volunteers and employees and/or the ServeGuam/AmeriCorps program remain responsible for paying fees which are required by the FBI.

Recommendations:

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 455-31 (COR), as Substituted by the Committee,** with the recommendation **TO PASS.**

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) REGULAR SESSION

Bill No. 455-31 (COR)

Introduced by:

V.C. Pangelinan

AN ACT TO AMEND §89.09 (f) AND TO ADD A NEW SECTION §89.09 (g) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS.

2012 MAY 14 AM 9:56

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that the Serve Guam Commission, created by Executive Order 2005-22, serves as
3 Guam's vehicle to apply for and manage national service programs to include
4 AmeriCorps programs. Guam AmeriCorps administers six (6) program sites,
5 employs over 25 program and commission staff, and has recruited over 200
6 volunteers this past year, alone.

7 *I Liheslatura* further finds that pursuant to Section 1614 of the Serve
8 America Act, all volunteers and staff employed by the Serve Guam
9 Commission/Guam AmeriCorps are now required to submit to a federal criminal
10 history check. This requirement applies to all individuals serving in or working for
11 programs and services whereby there is recurring access to a vulnerable
12 population.

13 So that the Serve Guam Commission shall comply with the federal mandates
14 pursuant to the Serve America Act, it is the intent of *I Liheslaturan Guåhan* to

1 expand the duties of the Judiciary of Guam, as the administrator of the State
2 Identification Bureau, by designating the Serve Guam Commission as an agency
3 authorized by the Territory of Guam to request federal criminal history checks
4 from the Federal Bureau of Investigations established under the National Criminal
5 History Check rules.

6 **Section 2. Section 89.09 (f) of Title 9 GCA is hereby amended to read:**

7 “(f) Fees. The Judiciary of Guam, Probation Division, is authorized to
8 collect reasonable registration fees from registrants. Such fees *shall* be used for the
9 maintenance and support of the sex offender registration and notification program.
10 One hundred percent (100%) of the fee paid by the registrant *shall* be given to the
11 Judiciary of Guam, Probation Division. Fees pursuant to (g) of this Section shall
12 not apply to requests made by the Serve Guam Commission or Guam AmeriCorps
13 programs.”

14 **Section 3. A new Section 89.09 (g) of Title 9 GCA is hereby added to**
15 **read:**

16 “(g) The Judiciary of Guam, as the central repository of all criminal history
17 records information, pursuant to §89.09 Title 9 GCA, *shall* obtain federal-level
18 criminal history clearances through the Federal Bureau of Investigation for all
19 Guam AmeriCorps volunteer and employee applicants or existing volunteers and
20 employees at the request of the Serve Guam Commission.”

21 **Section 4. Severability.** If any provision of this Act or its application to any
22 person or circumstance is found to be invalid or contrary to law, such invalidity
23 shall not affect other provisions or applications of this Act which can be given
24 effect without the invalid provisions or applications, and to this end the provisions
25 of the Act are severable.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 455-31 (COR)

As Substituted by the Committee on Public Safety,
Law Enforcement and Judiciary.

Introduced by:

V.C. Pangelinan

**AN ACT TO AMEND §2111 OF CHAPTER 2, TITLE
4, GUAM CODE ANNOTATED, RELATIVE TO
AUTHORIZING THE JUDICIARY OF GUAM TO
SUBMIT REQUESTS FOR CRIMINAL HISTORY
CHECKS TO THE FEDERAL BUREAU OF
INVESTIGATION FOR ALL GUAM AMERICORPS
VOLUNTEERS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan*
3 *Guåhan* finds that the ServeGuam Commission, created by Executive
4 Order 2005-22, serves as Guam's vehicle to apply for and manage
5 national service programs to include AmeriCorps programs. Guam
6 AmeriCorps administers six (6) program sites, employs over 25
7 program and commission staff, and has recruited over 200 volunteers
8 this past year, alone.

9 *I Liheslaturan Guåhan* further finds that pursuant to Section 1614
10 of the Serve America Act, all volunteers and staff employed by the

1 ServeGuam Commission/Guam AmeriCorps are now required to
2 submit to a federal criminal history check, including a fingerprint-
3 based federal criminal history check. These requirements apply to all
4 individuals serving in or working for programs and services whereby
5 there is recurring access to a vulnerable population.

6 So that the ServeGuam Commission shall comply with the
7 federal mandates pursuant to the Serve America Act, it is the intent
8 of *I Liheslaturan Guåhan* to expand the duties of the Judiciary of
9 Guam, as the administrator of the State Identification Bureau, by
10 designating the ServeGuam Commission as an agency authorized by
11 the Territory of Guam to request for federal criminal history checks,
12 including fingerprint-based federal criminal history checks, from the
13 Federal Bureau of Investigation established under the National
14 Criminal History Check rules.

15 **Section 2. Section 2111 of Chapter 2, Title 4, Guam Code**
16 **Annotated, is hereby *amended*, to read:**

17 **“§ 2111. Volunteers Exempt from Certain Screening Costs.**

18 (a) All volunteers working uncompensated in any agency of the
19 government of Guam or volunteer applicants of a youth recreational
20 organization as evidenced by a form or letter issued by such youth
21 recreational organizations shall be exempt from clearance and
22 screening fees charged by government of Guam agencies, including
23 police and court clearances and skin test for tuberculosis

1 administered by a government of Guam agency. This exemption
2 does not apply to chest x-rays required of positive skin test readers or
3 drug testing; however, nothing herein shall prevent any appointing
4 agency from paying for such examinations for its volunteers.

5 **(b) Waiver of Local Processing Fee(s) for Federal Bureau of**
6 **Investigation Clearances.**

7 The Judiciary of Guam, as the central repository of all criminal
8 information, shall obtain federal-level criminal history clearances
9 through the Federal Bureau of Investigation for all Guam
10 AmeriCorps volunteer and employee applicants or existing
11 volunteers and employees at the request of the ServeGuam
12 Commission.

13 An applicant for a federal-level criminal history clearance shall
14 apply therefore on a form supplied by the Judiciary of Guam and
15 shall provide such information as may be necessary to afford the
16 Judiciary of Guam reasonable opportunity to ascertain information
17 required for such clearance. The applicant shall further submit to the
18 Judiciary of Guam his or her fingerprint through a fingerprint card,
19 or electronic fingerprint data, if so utilized.

20 Individuals applying to serve as volunteers with the
21 ServeGuam Commission or Guam AmeriCorps programs are hereby
22 exempted from paying any application or processing fee required by
23 the Judiciary of Guam for clearance required herein, except those fees

1 which are required by the Federal Bureau of Investigation. The
2 Judiciary of Guam and the ServeGuam Commission, or its authorized
3 successor, shall adopt a Memorandum of Agreement relative to the
4 payment of Federal Bureau of Investigation fees.”

5 **Section 3. Severability.** If any provision of this Act or its
6 application to any person or circumstance is found to be invalid or
7 contrary to law, such invalidity shall not affect other provisions or
8 applications of this Act which can be given effect without the invalid
9 provisions or applications, and to this end the provisions of the Act
10 are severable.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina 'Trentai Unu na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

Thursday, June 14, 2012

Bill No. 455-31 (COR) - AN ACT TO AMEND SUBSECTION 89.09 (F) AND TO ADD A NEW SECTION SUBSECTION 89.09 (G) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS. - by Senator V.C. Pangelinan

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
Co. A. Santos	Co Dept of Justice	475-7075	✓	✓	✓	
L. Lujan	Serve Guam AmeriCorps UOG.	6883281	✓	✓	✓	
Sunny Lee					✓	
Adam Llanes	Paia Americorps	686-6196			✓	
Ground Lynn San Nicolas	AmeriCorps	9205200			✓	
Kevin Atalig	Paia Americorps				✓	
Joanna Augustino	VWAS Ag's office	475-3406 Ext: 1019			✓	
Shirley Batingbatal	HGO	475-3406 Ext: 1020			✓	
Lolita C. Reyes	Serve Guam Commission	735-3611			✓	
JoAnn Fuller	Serve Guam Commission	475-7037			✓	



Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

GOVERNMENT OF GUAM
(GUBETNOMENTON GUAHAN)
DEPARTMENT OF LABOR
(DIPATTMENTON HUMOTNAT)
DIRECTOR'S OFFICE
(Ufisinan Direktot)

Post Office Box 9970 Tamuning, Guam 96931
414 W. Soledad Avenue, GCIC Building Hagatna, Guam 96910
Tel (671) 475-7075 · FAX: (671) 475-7045 · www.dol.guam.gov



George A. Santos
Director

June 13, 2012

The Honorable Adolpho B. Palacios
Chairman, Committee on Public Safety,
Law Enforcement and Judiciary
IMina'Trentai Unu Na Liheslaturan Guahan
155 Hesler Place
Hagåtña, GU 96910

Hafa Adai The Honorable Chairman Palacios, Committee Members and Senators:

The Department of Labor/ Serve Guam! Commission who oversees AmeriCorps programs appreciates the opportunity to testify in support of Bill 455-31 an act to Amend §89.09 (f) and to add a new section §89.09 (g) of Title 9 GCA Relative to authorizing the Judiciary of Guam to submit request for Criminal History Checks to the Federal Bureau of Investigation for all Serve Guam! Commission and AmeriCorps program volunteers.

The essence of this bill is for Serve Guam! Commission and AmeriCorps program volunteers to comply with federal mandates pursuant to the Serve America Act of April 2009, and to expand the duties of the Judiciary of Guam, as the administrator of the State Identification Bureau authorized by the Territory of Guam to request criminal history checks from the Federal Bureau of Investigations established under the National Criminal History Check rules.

These requirements are outlined in the enclosure.

Thank you for your consideration and we humbly request for your support in passing Bill 455-31.

Sincerely,

George A. Santos

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) REGULAR SESSION

Bill No. 455-31 (COR)

Introduced by:

V.C. Pangelinan

AN ACT TO AMEND §89.09 (f) AND TO ADD A NEW SECTION §89.09 (g) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS.

012 MAY 14 AM 9:56

BE IT ENACTED BY THE PEOPLE OF GUAM:

- 1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that the Serve Guam Commission, created by Executive Order 2005-22, serves as
3 Guam's vehicle to apply for and manage national service programs to include
4 AmeriCorps programs. Guam AmeriCorps administers six (6) program sites,
5 employs over 25 program and commission staff, and has recruited over 200
6 volunteers this past year, alone.
- 7 *I Liheslatura* further finds that pursuant to Section 1614 of the Serve
8 America Act, all volunteers and staff employed by the Serve Guam
9 Commission/Guam AmeriCorps are now required to submit to a federal criminal
10 history check. This requirement applies to all individuals serving in or working for
11 programs and services whereby there is recurring access to a vulnerable
12 population.
- 13 So that the Serve Guam Commission shall comply with the federal mandates
14 pursuant to the Serve America Act, it is the intent of *I Liheslaturan Guåhan* to

1 expand the duties of the Judiciary of Guam, as the administrator of the State
2 Identification Bureau, by designating the Serve Guam Commission as an agency
3 authorized by the Territory of Guam to request federal criminal history checks
4 from the Federal Bureau of Investigations established under the National Criminal
5 History Check rules.

6 **Section 2. Section 89.09 (f) of Title 9 GCA is hereby amended to read:**

7 “(f) Fees. The Judiciary of Guam, Probation Division, is authorized to
8 collect reasonable registration fees from registrants. Such fees *shall* be used for the
9 maintenance and support of the sex offender registration and notification program.
10 One hundred percent (100%) of the fee paid by the registrant *shall* be given to the
11 Judiciary of Guam, Probation Division. Fees pursuant to (g) of this Section shall
12 not apply to requests made by the Serve Guam Commission or Guam AmeriCorps
13 programs.”

14 **Section 3. A new Section 89.09 (g) of Title 9 GCA is hereby added to**
15 **read:**

16 “(g) The Judiciary of Guam, as the central repository of all criminal history
17 records information, pursuant to §89.09 Title 9 GCA, *shall* obtain federal-level
18 criminal history clearances through the Federal Bureau of Investigation for all
19 Guam AmeriCorps volunteer and employee applicants or existing volunteers and
20 employees at the request of the Serve Guam Commission.”

21 **Section 4. Severability.** If any provision of this Act or its application to any
22 person or circumstance is found to be invalid or contrary to law, such invalidity
23 shall not affect other provisions or applications of this Act which can be given
24 effect without the invalid provisions or applications, and to this end the provisions
25 of the Act are severable.



U.S. Department of Justice

Federal Bureau of Investigation

Charleston, WV 26306

October 31, 2011

TO: ALL CJIS SYSTEM OFFICERS AND STATE IDENTIFICATION BUREAU REPRESENTATIVES.

RE: THE SERVE AMERICA ACT

On April 21, 2009, President Barack Obama signed the Edward M. Kennedy Serve America Act (SAA), Public Law (Pub. L.) 111-13. The SAA authorizes and expands national service programs administered by the Corporation for National and Community Service (Corporation) and requires National Service Criminal History Checks for individuals who serve in positions that receive living allowances, stipends, national service educational awards, or salaries from the Corporation. Section 1612 of the SAA added Section 189D to the National and Community Service Act of 1990, by expanding the types of programs requiring criminal history background checks. Section 1614 mandates enhanced criminal background checks for individuals in these programs who will work with vulnerable populations. Vulnerable populations include children age 17 or younger, persons age 60 and older, and individuals with disabilities. The following guidance is for states implementing access that is being made available under this new authority.

Background

The Corporation initially engaged in rulemaking concerning the requirement for grantees to conduct criminal history checks on national service participants and grant-funded staff in 2007. In that rule, the Corporation required programs to conduct National Service Criminal History Checks, consisting of a statewide search of a state's criminal registry (for both the state where the individual resided at the time of the application and the state where the individual would be serving) and a check of the Department of Justice's National Sex Offender Public Web site, on all "covered individuals." "Covered individuals" included those program staff and participants having recurring access to children, the elderly, and to individuals with disabilities. Effective October 1, 2009, the SAA expanded coverage to include all national service programs, including participants and program employees in AmeriCorps, Learn and Serve, Foster Grandparent, Senior Companion and other programs funded by the Corporation under National Service Laws. The SAA expanded background check requirements to all categories of corporation-funded individuals, including persons who do not have contact with vulnerable populations. Beginning April 21, 2011, the law requires that relevant programs conduct an enhanced National Service Criminal History Check on individuals having recurring contact with vulnerable populations. Specific details of this enhanced check are provided later in this correspondence.

TO: ALL CJIS SYSTEM OFFICERS AND STATE IDENTIFICATION BUREAU REPRESENTATIVES

National Service Criminal History Checks for Individuals Without Recurring Access to Vulnerable Populations

The SAA provides alternate methods to accomplish the National Service Criminal History Checks for individuals who serve in positions without recurring access to vulnerable populations. The SAA requires each national service organization responsible for selecting individuals to serve in positions that receive living allowances, stipends, national service educational awards, or salaries to conduct criminal history checks of applicants (except in cases approved for good cause by the Corporation) as follows:

- Name-based search of the National Sex Offender Public Registry (NSOPR) established under the Adam Walsh Child Protection and Safety Act of 2006 (AWA); and
- Name-based or fingerprint-based¹ searches of both the state criminal registry or repository in which the program is operating and the state in which the individual resides at the time of the application; or
- FBI fingerprint-based national criminal history background check.

Therefore, an organization may opt to submit fingerprints to the FBI for a national criminal history record check in lieu of state record checks of both the state where the program is operating and the state in which the individual resides at the time of the application (if they differ) for persons whose job functions do not require recurring access to vulnerable populations.

Enhanced National Service Criminal History Checks for Individuals Working With Vulnerable Populations

The SAA also requires national service organizations that are responsible for individuals to serve in positions that receive living allowances, stipends, national service education awards, or salaries, and who, on a recurring basis², will have access to vulnerable populations, initiate enhanced criminal history record searches as follows:

- Name-based searches of the NSOPR, as established under the AWA;
- Name-based or fingerprint-based searches of both the state criminal registry or repository in which the program is operating and the state in which the individual resides at the time of the application; and
- FBI fingerprint-based national criminal history background check.

¹ As authorized by state statute.

² "Recurring access" is defined by 45 C.F.R. § 2510.20, as the ability, on more than one occasion, to approach, observe, or communicate with an individual, through physical proximity or other means, including but not limited to, electronic or telephonic communication.

TO: ALL CJIS SYSTEM OFFICERS AND STATE IDENTIFICATION BUREAU REPRESENTATIVES

The Corporation has opted not to develop a national, centralized mechanism for conducting state and national fingerprint-based criminal history record checks for national service participants. Therefore, each national service organization must contact the state repository in the state of operation to determine if the organization can access national criminal history record information. In lieu of state statutory provisions, the following authorities may authorize fingerprint-based state and national criminal history record checks for national service organizations depending on the specific duties of the prospective position:

National Child Protection Act, as amended by the Volunteers for Children Act (NCPA/VCA), 42 U. S. C. § 5119;

- Section 153 of the AWA³; or
- The SAA.

Background checks conducted pursuant to the NCPA/VCA and the AWA should be conducted in accordance with the procedures established by the state. Background checks generated pursuant to the SAA must comply with certain criteria, to include fingerprints submitted via the CJIS Systems Agency (CSA)/State Identification Bureau (SIB); designation of a governmental agency to receive and screen the results of the record checks; and non-dissemination of the criminal history record information outside the receiving governmental department or related governmental agencies. The CSA/SIB is responsible to ensure national service organizations are in compliance with state and federal policies, procedures and statutes. For submissions pursuant to the authority of the SAA, the following guidance is provided.

Fitness Criteria

The SAA provides that an individual shall be ineligible to serve in a position that may involve recurring access to vulnerable populations if the individual refuses to submit to a criminal history record check; makes a false statement in connection with the criminal history record check; is registered, or is required to be registered, on a state sex offender registry or the NSOPR established under the AWA; or has been convicted of murder, as described in 18 United States Code (U.S.C.) § 1111.

Fingerprint Processing Requirements

Each national service organization must coordinate with the CSA/SIB in the states of program operation/residence to establish procedures for performing state and national criminal history record checks. Each participating CSA/SIB must request a unique Integrated Automated Fingerprint Identification System (IAFIS) originating agency identifier (ORI) or designate an

³ A state's chief executive officer must formally request access from the FBI CJIS Division to invoke the provisions of Section 153 of the AWA.

ALL CJIS SYSTEM OFFICERS AND STATE IDENTIFICATION BUREAU REPRESENTATIVES

existing ORI for exclusive use under the SAA. The CSA/SIB must coordinate requests for ORI issuance, or use of a designated ORI, with the FBI CJIS Division for programming. All fingerprints submitted to the FBI CJIS Division under this authority must include the program-designated ORI and be populated with "Serve America Act" or "Serve America Act-Volunteer"⁴ as the reason fingerprinted (RFP).

Fingerprint submissions forwarded to the FBI CJIS Division under this authority should be submitted using the non-federal applicant user fee (NFUF) system type of transaction. The FBI CJIS Division will process fingerprint submissions for SAA volunteers working with vulnerable populations as defined by the NCPA/VCA, and pursuant to this authority, at the reduced rate for volunteers when the fingerprint submission is appropriately marked with "Serve America Act-Volunteer" in the reason for fingerprinting field. Additional fees may be charged for State and/or FBI CJIS Division rap back services, and for fingerprint processing by independent or contracted vendors. Please see 28, Code of Federal Regulations (CFR), Part 20, and the Federal Register, Notice of Proposed Rule Making dated June 19, 2008, for the FBI CJIS Division's most current fee schedule.

Regulatory Dissemination/Use and Challenge

CJIS System Officer's and/or SIB representative's training programs should include information about user responsibilities under the provisions of 28 CFR § 50.12, relating to the exchange of identification records. This regulation, applicable to both governmental and non-governmental authorized recipients of criminal history record information, specifically provides:

"Records obtained under this authority may be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities. Officials at governmental institutions and other entities authorized to submit fingerprints and receive FBI identification records under this authority must notify the individuals fingerprinted that the fingerprints will be used to check the criminal history records of the FBI. The officials making the determination of suitability for licensing or employment shall provide the applicants the opportunity to complete, or challenge the accuracy of, the information contained in the FBI identification record. These officials must also advise the applicants that procedures for obtaining a change, correction, or updating an FBI

⁴ For volunteers having recurring access to children, the elderly, and to individuals with disabilities, the RFP should be populated with "Serve America Act-Volunteer."

TO: ALL CJIS SYSTEM OFFICERS AND STATE IDENTIFICATION BUREAU REPRESENTATIVES

identification record are set forth in 28 CFR § 16.34. Officials making such determinations should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record, or has declined to do so. A statement incorporating these use-and-challenge requirements will be placed on all records disseminated under this program. This policy is intended to ensure that all relevant criminal record information is made available to provide for the public safety and, further, to protect the interests of the prospective employee/licensee who may be affected by the information or lack of information in an identification record.”

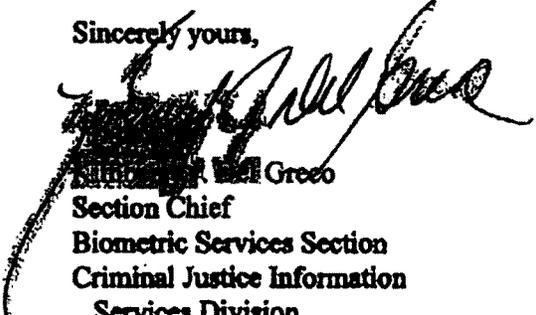
Alternative Screening Protocol (ASP)

An entity may apply to the Corporation for approval of an ASP that would relieve the entity from the requirement to conduct both the state and national checks on covered individuals with recurring access to vulnerable populations. At its discretion, the Corporation may approve an ASP if the entity demonstrates the service provided by the individual to a vulnerable population is episodic in nature or for a one-day period; the cost of complying with the program is prohibitive; the program is not authorized, or is unable under state or federal law, to access the national criminal history background check system of the FBI; or the program cannot comply with the requirement for good cause (as determined by the Corporation). “Episodic” is further defined as access that is not a regular, scheduled, and anticipated component of an individual’s position description.

Contact Information

For any questions related to the fingerprint processing, please contact Mr. Allen Wayne Nash, at (304) 625-2738, or by email at <allen.nash@leo.gov>.

Sincerely yours,



William R. Greco
Section Chief
Biometric Services Section
Criminal Justice Information
Services Division

FBI (CHRI) Process Payment

3 messages

billie.knotts@leo.gov <billie.knotts@leo.gov>

Wed, Dec 28, 2011 at 5:40 AM

To: darrel.wilkerson@dol.guam.gov

Cc: pavilla@mail.justice.gov.gu

Darrel,

The email you sent to our Liaison mailbox here at the FBI CJIS Division was forwarded to my attention. Hopefully I can assist you in your endeavor.

Let me start by explaining a difference in the civil transactions coming into the FBI CJIS Division for processing and hopefully that will help. The process you reference in the email, the Departmental Order, instructs an individual to submit an application form, fingerprints, and \$18 fee paid by a certified bank check, credit card, or money order. This is typically used for individuals traveling abroad, private adoptions, personal record review, or for employers requesting employees be background checked when there is not a state statute present. Currently, the processing time is eight weeks from the date we receive your request. The prints are ran through the IAFIS and results are returned to the address the requester has supplied on the application form. We do not have an Employer Identification Number to provide for your transactions.

The second way civil applicant prints come in for processing is through the state/territory agency. If there is an approved state statute in place, the prints come in directly from the Guam Judicial Center. The prints are processed through the IAFIS and the response is sent back to the state/territory. The state/territory associated with the transaction is billed the associated fees. They in turn would charge the submitting agency if necessary. The state/territory has the capability to electronically submit the transaction so the processing time is drastically reduced. Currently there isn't a statute in place for Americorp transactions, however, I do urge you to contact your state/territory agency to see about getting one established. Especially since the Serve America Act was updated in April, 2009.

I am copying Pete Avilla on the email since he may be the individual you need to contact to get the process initiated.

Hopefully I have help with your questions. Feel free to contact me if necessary and I will assist you in any way I can.

Thanks,

Billie Knotts
Management/Program Analyst
Customer Service Group
FBI CJIS Division
304-625-2846 (phone)
304-625-3571 (fax)

This email may contain Personally Identifiable Information (PII) which must be protected in accordance with applicable privacy and security policies. If you are not the intended recipient of this information, disclosure, reproduction, distribution or use of this information is prohibited.

Public Laws - 25th

The following list of Public Laws currently available in electronic format from the 30th Guam Legislature. If you do not see the Public Law you are looking for within the following list, please contact the Clerk of the Legislature or call (671) 472-3465/3474 (*Updated: July 11, 2008*)

Public Law 25-151 - Exempting Volunteers working in the Government from certain fees (SBill No. 354, Sponsor -L.F. Kasperbauer, passed: 6/23/00; signed into law: 7/10/00)



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

JUL 10 2000

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina Bente Singko na Liheslaturan Guåhan
Twenty-Fifth Guam Legislature
Suite 200
130 Aspal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIVED	
Received By	<i>[Signature]</i>
Time	10:30 am
Date	7-10-00

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 354 (LS), "AN ACT TO ADD §2112 TO CHAPTER 2 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING VOLUNTEERS WORKING IN THE GOVERNMENT FROM CERTAIN FEES", which was signed into law Public Law No. 25-151.

This legislation provides that volunteers, such as those at the public schools, those involved with social services involving victim outreach, and those involved in the protection of life and property, while still being required to undergo necessary screenings, do not have to pay government fees charged for screenings. This would include police clearances and tuberculosis skin test. The exemption from paying for screenings would not apply, however, to screenings for drug testing or chest x-rays for those testing positive for tuberculosis.

This cuts down on the expense involved for those who desire to volunteer their time in the very important volunteer programs, and would eliminate some of the discouragement fostered by too many hurdles and expenses being required for volunteerism.

Very truly yours,

Carl T. C. Gutierrez
I Maga Lahen Guåhan
Governor of Guam

Attachment: copy attached for signed bill or overridden bill
original attached for vetoed bill

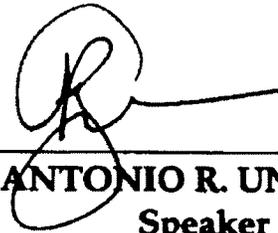
cc: The Honorable Antonio R. Unpingco
Speaker

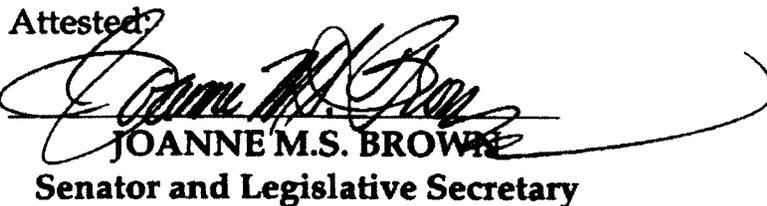
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MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

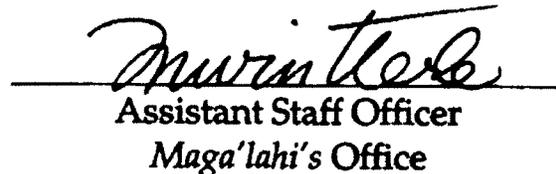
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 354 (LS) "AN ACT TO ADD §2112 TO CHAPTER 2 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING VOLUNTEERS WORKING IN THE GOVERNMENT FROM CERTAIN FEES," was on the 23rd day of June 2000, duly and regularly passed.


ANTONIO R. UNPINGCO
Speaker

Attested:

JOANNE M.S. BROWNE
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guahan* this 29th day of June, 2000,
at 8:20 o'clock 9 .M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


CARL T. C. GUTIERREZ
I Maga'lahen Guahan

Date: 7-10-00

Public Law No. 25-151

MINA'BENTE SINGKO NA LIHESLATURAN GUÅHAN
1999 (FIRST) Regular Session

Bill No. 354 (LS)

As substituted by the Committee on
Housing, General Government Services
and Foreign Affairs.

Introduced by:

L. F. Kasperbauer
V. C. Pangelinan
F. B. Aguon, Jr.
E. C. Bermudes
A. C. Blaz
J. M.S. Brown
E. B. Calvo
M. G. Camacho
Mark Forbes
A. C. Lamorena, V
C. A. Leon Guerrero
K. S. Moylan
J. C. Salas
S. A. Sanchez, II
A. R. Unpingco

**AN ACT TO ADD §2112 TO CHAPTER 2 OF TITLE 4
OF THE GUAM CODE ANNOTATED, RELATIVE
TO EXEMPTING VOLUNTEERS WORKING IN
THE GOVERNMENT FROM CERTAIN FEES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that many Guam residents unselfishly volunteer their time to assist
4 government agencies in fulfilling their missions. This includes service in

1 public schools, social services involving victim outreach and those involved in
2 the protection of life and property. *I Liheslaturan Guåhan* further finds that the
3 screening of volunteers similar to the types required for paid employees is
4 necessary to protect the integrity of the system. It does find however, that
5 since these individuals are working uncompensated for the benefit of the
6 government of Guam and the community, that the cost of such screening
7 should be the responsibility of the government of Guam.

8 It is the intent of *I Liheslaturan Guåhan* to exempt volunteers from certain
9 screening costs associated with their service.

10 **Section 2.** Section 2112 is hereby *added* to Chapter 2 of Title 4 of the
11 Guam Code Annotated to read as follows:

12 **"Section 2112. Volunteers Exempt from Certain Screening**
13 **Costs.** All volunteers working uncompensated in any agency of the
14 government of Guam shall be *exempt* from clearance and screening fees
15 charged by government of Guam agencies, including police and court
16 clearances and skin test for tuberculosis administered by a government
17 of Guam agency. This exemption does *not* apply to chest x-rays
18 required of positive skin test readers or drug testing; *however*, nothing
19 herein shall prevent any appointing agency from paying for such
20 examinations for its volunteers."

21 **Section 3. Severability.** *If* any provision of this Act, including, but
22 not limited to, any section or subsection contained within this Act, or its
23 application to any person or circumstances is held invalid or contrary to law,
24 the invalidity does *not* affect other provisions, sections, or applications of this

- 1 Act which can be given effect without the invalid provision or application,
- 2 and to this end the provisions of this Act are severable.



COPY

MINA' BENTE SINGKO NA LIHESLATURAN GUÅHAN
TWENTY-FIFTH GUAM LEGISLATURE
155 Healer Street, Hagåtña, Guam 96910

June 28, 2000

The Honorable Carl T.C. Gutierrez
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Gutierrez:

Transmitted herewith are Substitute Bill Nos. 165(COR), 354(LS), 422(LS), 427(COR), 428(COR) & 439(COR) and Bill Nos. 402(COR), 419(LS) & 423(LS) which were passed by *I Mina'Bente Singko Na Liheslaturan Guåhan* on June 23, 2000.

Sincerely,

JOANNE M.S. BROWN

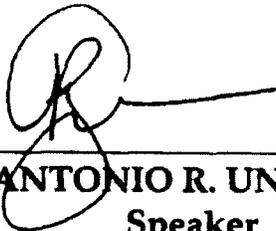
Senator and Legislative Secretary

Enclosure

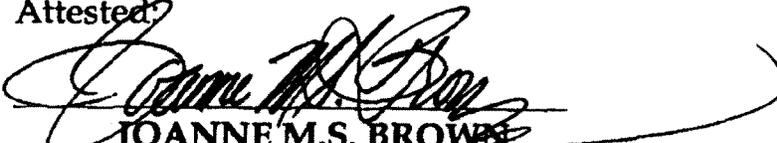
MINA'BENTE SINGKO NA LIHESLATURAN GUAHAN
2000 (SECOND) Regular Session

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

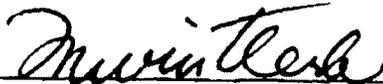
This is to certify that Substitute Bill No. 354 (LS) "AN ACT TO ADD §2112 TO CHAPTER 2 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO EXEMPTING VOLUNTEERS WORKING IN THE GOVERNMENT FROM CERTAIN FEES," was on the 23rd day of June 2000, duly and regularly passed.


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 29th day of June, 2000,
at 8:20 o'clock 9 .M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:

CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: _____

Public Law No. _____



Guam Department of Labor
 2nd Floor, Suite 205, GCIC Building
 Hagatna, Guam
 Phone: 475-7081/ 2
 Fax: 475-7045
serveguam@guamdoL.net



SERVE GUAM!
 COMMISSION
Shaping Communities...Changing Lives!
 Governor's Commission on National & Community Service

Eddie Baza Calvo
 Governor

Ray Tenorio
 Lt. Governor

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Lagrimas (Pinki) Lujan
 BOC Chairperson

Joannalyn Fullerton
 BOC Vice Chairperson
 Vice Chairperson

George a. Santos
 Director, Department
 of Labor

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 EC/ Finance (FC)
 Chairperson

Danilo Rapadas
 FC Vice Chairperson
 FC Member
 Grace Edrosa

Annie Makepeace
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 Management (PMC)
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Cynthia Toves
 PMC Vice Chairperson
 PMC Member
 Antonita Blas

Mayor Melissa Savares
 EC/ Marketing &
 Outreach (M&O)
 Chairperson

Peggy Denny
 M&O Vice Chairperson

M & O Members
 Edith Pangelinan
 Lolita Reyes
 Devin Frazier

Valerie Vy
 EC/ Youth Chairperson

Youth Members
 Lolita Reyes
 Devin Frazier

Yoichi Rengtil
 EC/ Disability Inclusion
 (DIC) Chairperson

Joannalyn Fullerton
 DIC Vice Chairperson

Ex-Officio
 James Stone
 CNCS

**DOL ASO/ Certifying
 Officer**
 Araceli Cruz

Serve Guam! Commission
 Doris Aguon
 Executive Director

Darrel Wilkerson
 Program Officer

Hafa Adai!

The Honorable Adolpho B. Palacios
 Chairman, Committee on Public Safety,
 Law Enforcement and Judiciary
 IMina Trentai Unu Na Liheslaturan Guahan
 155 Hesler Place
 Hagatna, GU 96910

Hafa Adai The Honorable Chairman Palacios, Committee Members and Senators:

Thank you for your consideration and we humbly request for your support in passing Bill 455-31.

I appear in support of its swift enactment.

Approximately 200 AmeriCorps members and over 1,000 island resident volunteers assist various local public service programs, which are supported by administrative, training, disability inclusion and (AmeriCorps) formula grants is administered by the Department of Labor/ Serve Guam! Commission and staff, which is now required by federal law to submit to an annual criminal history check that will be maintained on file. These background checks can be processed locally, efficiently and expeditiously by the Judiciary of Guam. Section 3 of this Bill will provide the Judiciary with necessary authority to process Americorps and associated clearance applications.

While we support the intent of background checks to protect vulnerable residents, and the concept of user fees, we understand there is an established public policy that addresses the matter of fees incurred by volunteers.

According to §2111 of Title 4 Guam Code Annotated, enacted in the 25th Guam Legislature and reaffirmed twice in the 27th Guam Legislature,

"([all] volunteers working uncompensated in any agency of the government of Guam ... shall be exempt from clearance and screening fees charged by government of Guam agencies, including police and court clearances..."

Section 2 explicitly extends this policy to Serve Guam! Commission program participants, while excluding them from the rationale of fees levied against convicted offenders.

The Commission thanks you and your colleagues for your timely efforts to promote volunteer participation on Guam, and our diligence against predatory behavior, by passing Bill No. 455-31 into law.

I would be pleased to answer questions you may have concerning the virtues of Serve Guam! Commission programs, policies, and most especially, the hundreds of volunteers who provide needed services on a daily basis in our community.

Yours in Service,

Lagrimas (Pinki) Lujan
 Chairperson, Board of Commission

AMERICORPS PROGRAM TESTIMONY - SANCTUARY INC. –

GEORGE L. SALAS

Sanctuary, Incorporated is in partnership with the Guam Judicial System for many years and continuous to do so.

The Sanctuary AmeriCorps Program Members provide services to children, youth, adults and families from the Community.

Services provided are Youth and Adult Anger Management Groups, Parenting Skills Classes, Parent Support Group, the numerous Drugs & Alcohol groups such as Na Homlo (to get well) and Pathways, Self-Esteem, Mentoring, Tutoring (assisting with homework) and other Supportive Counseling Groups.

The AmeriCorps Members have been trained to Co-Facilitate the numerous Supportive Counseling Groups provided by Sanctuary Staff and Sanctuary AmeriCorps Members at Sanctuary, Inc. facility, and at the Northern site in Astumbo, Dededo.

In addition, the Sanctuary AmeriCorps Members also do Mentoring and Tutoring (assisting with homework) at the Department of Youth Affairs (DYA) and its three (3) Resource Centers in Dededo (Lagu), Toto (Kattan) and at Agat (Haya).

There is a MOA between Sanctuary and DYA.

Sanctuary AmeriCorps Members are at the DYA Sites, Monday - Thursday.

Many of the referral who receive services from the Sanctuary AmeriCorps Program/ Members are referrals from the Judicial System, therefore, I George L. Salas am in full support of Bill No. 455-31, **Exemption for AmeriCorps Program.**



Judiciary of Guam

ADMINISTRATIVE OFFICE OF THE COURTS
120 WEST O'BRIEN DRIVE, HAGÁTÑA, GUAM 96910-5174
TEL: (671) 475-3544 / FAX: (671) 477-3184



F. PHILIP CARBULLIDO
CHIEF JUSTICE

ALBERTO C. LAMORENA III
PRESIDING JUDGE

PERRY C. TAITANO
ADMINISTRATOR OF THE COURTS

June 7, 2012

The Honorable Adolpho B. Palacios
Chairman
Committee on Public Safety, Law Enforcement & Judiciary
I Mina' Trentai Unu Na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

RE: Testimony on Bill No. 455-31(COR)

Dear Chairman Palacios:

Thank you for providing notice of the public hearing for Bill No. 455-31(COR), AN ACT TO AMEND §89.09 (F) AND TO ADD A NEW SECTION §89.09 (G) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS.

The legislation would mandate the Judiciary of Guam to obtain federal-level criminal history clearances through the Federal Bureau of Investigation for all Guam AmeriCorps volunteers and employees at the request of the Serve Guam Commission and a waiver of any fees to obtain such clearances.

As you may know, the Judiciary of Guam has been designated as the central repository for the Sex Offender Registry and sole source of submission of information to the Federal Bureau of Investigation (FBI) and the National Crime Information Center (NCIC). This requires the Court to submit all criminal history records and fingerprint cards from Guam to the FBI as part of a national data base of criminal history records.

The Director of the FBI has delegated authority of the Attorney General of the United States to approve and conduct exchanges of identification records with officials of state and local governments for employment and licensing purposes. The FBI, consistent with several legal opinions from the U.S. Department of Justice, has established the mandatory elements of a state statute enacted under the auspices of U.S. Public Law 92-544, which authorized the FBI to acquire, collect, classify, preserve, and exchange identification records with duly authorized officials of the federal government, the states, cities, and other institutions. Statutes must meet the following criteria:

1. Exist as a result of a legislative enactment;
2. Require that the criminal background check be fingerprint-based;
3. Authorize the submission of fingerprints to the State Identification Bureau for forwarding to the FBI for a national criminal history check;
4. Identify the categories and licensees amenable to backgrounding; and
5. Provide that an authorized government agency be the recipient of the results of the record check.

In 2004, former Senator John M. Quinata authored Public Law 27-52, which authorized the utilization of the FBI database for the review of applications for Guam Firearms Identification Card. The Judiciary of Guam, acting as the Guam State Identification Bureau, facilitated the review of the proposed language with the FBI to ensure compliance with the criteria above. The language is contained in Item (c) of § 60108 as follows:

“(c) An applicant for an identification card shall apply therefore on a form supplied by the Department and shall provide such information as may be necessary to afford the Department reasonable opportunity to ascertain the facts required to appear upon the card and facts relevant to the applicant’s eligibility for a card, and facts necessary to determine whether the applicant may carry a concealed weapon if such permission is sought. The applicant is required to submit to a national criminal background check conducted by the Federal Bureau of Investigation to process such background checks.

A fingerprint card, or electronic fingerprint data, if so utilized, shall be transmitted to Guam’s State Identification Bureau as classified by the Federal Bureau of Investigation for processing of fingerprints.”

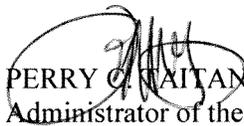
The legislation must be revised to include the mandatory requirement for the collection and submission of the subject’s fingerprints in order to obtain the national criminal background checks.

The Judiciary of Guam currently assesses a fee of \$32.00 for a national criminal background check. Of this amount, \$16.50 is remitted to the Federal Bureau of Investigation (FBI Fee per request) with the balance used to fund local hardware and system maintenance expenses. These fees are a necessary cost for doing business. If the intent of the legislation is to relieve the volunteers and employees from paying for the fee, perhaps it would be suitable to require the Serve Guam Commission to pay for these fees as part of their grant operating expenses. Any exception should only apply to the portion of the fee payable to the FBI and be capped annually to 50 requests per year.

I have directed Deputy Chief Marshal Joseph Leon Guerrero to facilitate discussion with the FBI to ensure that the language contained in the legislation will meet the criteria and accomplish the intent of this legislation upon enactment.

Should you require further information, please feel free to contact me or Mr. Joshua F. Tenorio, Director of Policy, Planning and Community Relations.

Senseramente,


PERRY C. TAITANO
Administrator of the Courts

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 455-31**

AN ACT TO AMEND §89.09(f) AND TO ADD A NEW SECTION §89.09(g) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS

Department/Agency Appropriation Information	
Dept./Agency Affected: Judiciary of Guam	Dept./Agency Head: Chief Justice, F. Philip Carbullido
Department's General Fund (GF) appropriation(s) to date:	24,738,596
Department's Other Fund (Specify) appropriation(s) to date:	145,000
Total Department/Agency Appropriation(s) to date:	524,883,596

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2011 Unreserved Fund Balance		\$0	\$0
FY 2012 Adopted Revenues	\$0	\$0	\$0
FY 2012 Appr. (P.L. 31-75 & 31-77)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2012 (if applicable)	FY 2013	FY 2014	FY 2015	FY 2016
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- 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? / / N/A / / Yes /x/ 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: / / Yes /x/ No*
/ / Requested agency comments not received by due date / / Other:

*Due to other budgetary priorities and overdue deadline, unable to coordinated with affected Agency(s).

Analyst: Dina P. Rivera Date: 6/5/12 Director: John A. Rios, Director Date: JUN 08 2012

Footnotes:

1/ The Bill has a potential for additional funding impact to the Judiciary of Guam. However, in its present form, that impact cannot be determined at this time.

Handwritten note: 2/6/12



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

May 15, 2012

MEMORANDUM

To: Pat Santos
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Majority Leader & Rules Chair

Subject: Referral of Bill Nos. 455-31 (COR) & 456-31 (COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 455-31 (COR) and 456-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

(2) Attachment

I Mina'Trentai Unu Na Lihestaturan Guahan
Bill Log Sheet

BILL NOS.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	120 DAY DEADLINE	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
455-31 (COR)	V.C. Pangelinan	AN ACT TO AMEND §89.09 (f) AND TO ADD A NEW SECTION §89.09 (g) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS.	5/14/12 9:56a.m.	5/15/12		Committee on Public Safety, Law Enforcement and Judiciary			



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

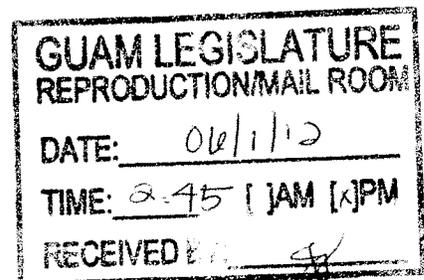
June 1, 2012

NOTICE OF PUBLIC HEARING

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:00 am, Thursday, June 14, 2012**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagatña, on the following:

9:00 am:

- **Confirmation Hearing for Dr. Lisa D. Flores to serve as a Member of the Criminal Injuries Compensation Commission.**
- **Bill No. 455-31 (COR) - AN ACT TO AMEND §89.09 (F) AND TO ADD A NEW SECTION §89.09 (G) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICOPRS VOLUNTEERS. – sponsored by Senator vicente "ben" c. pangelinan**



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 Senator@SenatorPalacios.com. Copies of the aforementioned Bill may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Jennifer Dulla at 472-5047/5048.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR. 
Chairman

PRESS RELEASE

NOTICE OF PUBLIC HEARING
Thursday, June 14, 2012 – 9:00 am

FOR IMMEDIATE RELEASE
(Hagatna, Guam – June 1, 2012)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement, and Judiciary will be conducting a public hearing starting at **9:00 am, Thursday, June 14, 2012**, at *I Liheslaturan Guahan's Public Hearing Room* in *Hagatna*, on the following:

9:00 am:

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

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



Jennifer Louise Dulla <jennifer.lj.dulla@gmail.com>

NOTICE OF PUBLIC HEARING for Thursday, June 14, 2012 – 9:00 am

Jennifer Louise Dulla <jennifer@senatorpalacios.com>

Fri, Jun 1, 2012 at 3:18 PM

To: Public Hearing Notices <phnotice@guamlegislature.org>

Bcc: "Adolpho B. Palacios" <senator@senatorpalacios.com>, Ben Degayo <ben@senatorpalacios.com>, Berlene Taitano <berlene@senatorpalacios.com>, James Lujan <james@senatorpalacios.com>, Jason Tedtaotao <jason@senatorpalacios.com>, Priscilla Cruz <pris@senatorpalacios.com>

June 1, 2012

NOTICE OF PUBLIC HEARING

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–

Best,

Jennifer Louise Dulla

Executive Assistant

Office of Senator Adolpho B. Palacios, Sr., MPA, BS/CJA

7/25/12

Gmail - NOTICE OF PUBLIC HEARING for Thursday, June 14, 2012 – 9:00 am

Chairman, Committee on Public Safety, Law Enforcement, and Judiciary
Mina' Trentai Unu na Liheslaturan Guahan
472.5047/8 (office) ; 472.5022 (facsimile)



06012012 PHN 2.pdf

367K



Jennifer Louise Dulla <jennifer.lj.dulla@gmail.com>

NOTICE OF PUBLIC HEARING for Thursday, June 14, 2012 – 9:00 am

Jennifer Louise Dulla <jennifer@senatorpalacios.com>

Fri, Jun 1, 2012 at 3:12 PM

Bcc: "amier@mvguam.com" <amier@mvguam.com>, "clynt@spbguam.com" <clynt@spbguam.com>, "dcrisost@guampdn.com" <dcrisost@guampdn.com>, "dmgeorge@guampdn.com" <dmgeorge@guampdn.com>, "editor@mvguam.com" <editor@mvguam.com>, "egthompson@guampdn.com" <egthompson@guampdn.com>, "jason@kuam.com" <jason@kuam.com>, "jtyquiengco@spbguam.com" <jtyquiengco@spbguam.com>, "kstokish@gmail.com" <kstokish@gmail.com>, "kstonews@ite.net" <kstonews@ite.net>, "life@guampdn.com" <life@guampdn.com>, "mabuhaynews@yahoo.com" <mabuhaynews@yahoo.com>, "mindy@kuam.com" <mindy@kuam.com>, "mpieper@guampdn.com" <mpieper@guampdn.com>, "news@guampdn.com" <news@guampdn.com>, "news@spbguam.com" <news@spbguam.com>, "nick.delgado@kuam.com" <nick.delgado@kuam.com>, "officemanager@hitradio100.com" <officemanager@hitradio100.com>, "ricknauta@hitradio100.com" <ricknauta@hitradio100.com>, "rimtiaco@guampdn.com" <rimtiaco@guampdn.com>, "sabrina@kuam.com" <sabrina@kuam.com>, "slimtiaco@guampdn.com" <slimtiaco@guampdn.com>, "therese.hart.writer@gmail.com" <therese.hart.writer@gmail.com>, "zita@mvguam.com" <zita@mvguam.com>, "telo.taitague@guam.gov" <telo.taitague@guam.gov>, "Adolpho B. Palacios" <senator@senatorpalacios.com>, Ben Degayo <ben@senatorpalacios.com>, Berlene Taitano <berlene@senatorpalacios.com>, James Lujan <james@senatorpalacios.com>, Jason Tedtaotao <jason@senatorpalacios.com>, Priscilla Cruz <pris@senatorpalacios.com>

PRESS RELEASE

NOTICE OF PUBLIC HEARING

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FOR IMMEDIATE RELEASE

(Hagåtña, Guam – June 1, 2012)

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–

Best,
Jennifer Louise Dulla
Executive Assistant
Office of Senator Adolpho B. Palacios, Sr., MPA, BS/CJA
Chairman, Committee on Public Safety, Law Enforcement, and Judiciary
Mina' Trentai Unu na Liheslaturan Guahan
472.5047/8 (office) ; 472.5022 (facsimile)

 **06012012 PHN.pdf**
408K

Destination	Start Time	Time	Prints	Result	Note
PDN	06-01 14:33	00:00:33	001/001	OK	
MV GUAM	06-01 14:33	00:00:17	001/001	OK	
KUAM	06-01 14:34	00:00:22	001/001	OK	
PNC	06-01 14:35	00:00:20	001/001	OK	
K57	06-01 14:35	00:00:17	001/001	OK	
HIT RADIO 100	06-01 14:36	00:00:18	001/001	OK	
KSTO	06-01 14:37	00:00:37	001/001	OK	
GLIMPSES	06-01 14:38	00:00:18	001/001	OK	
MARIANAS VARIETY	06-01 14:38	00:00:17	001/001	OK	
KSTEREO/KISH	06-01 14:39	00:00:37	001/001	OK	
JOY 92 FM	06-01 14:40	00:00:17	001/001	OK	
KPRG	06-01 14:41	00:00:17	001/001	OK	
GUAM BROADCASTING SE	06-01 14:45	00:00:56	000/001	No Ans	

Note TMR: Timer TX, POL: Polling, DRG: Original Size Setting, FME: Frame Erase TX,
 MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWO: Forward, PC: PC-Fax,
 BND: Double-Sided Binding Direction, SP: Special original, FCODE: F-code, RTX: Re-TX,
 RLV: Relay, MEX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
 I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
 Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
 LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error,
 DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina' Trental Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR. 
 Chairman

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

June 7, 2012

(§8107 Title 5 GCA – 5-day notice prior to hearing)

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- **Bill No. 455-31 (COR) - AN ACT TO AMEND §89.09 (F) AND TO ADD A NEW SECTION §89.09 (G) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICOPRS VOLUNTEERS. – sponsored by Senator vicente "ben" c. pangelinan**

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 Senator@SenatorPalacios.com. Copies of the aforementioned Bill may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Jennifer Dulla at 472-5047/5048.

GUAM LEGISLATURE
REPRODUCTION/MAIL ROOM

DATE: 6/7/12

TIME: 11:30 AM (JPM)

RECEIVED BY: [Signature]

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

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



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

NOTICE OF PUBLIC HEARING
Thursday, June 14, 2012 – 9:00 am

FOR IMMEDIATE RELEASE
(Hagatna, Guam – June 7, 2012)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement, and Judiciary will be conducting a public hearing starting at **9:00 am, Thursday, June 14, 2012, at I Liheslaturan Guahan's Public Hearing Room in Hagatna**, on the following:

9:00 am:

- **Confirmation Hearing for Dr. Lisa D. Flores to serve as a Member of the Criminal Injuries Compensation Commission.**
- **Bill No. 455-31 (COR) - AN ACT TO AMEND §89.09 (F) AND TO ADD A NEW SECTION §89.09 (G) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICOPRS VOLUNTEERS. – sponsored by Senator vicente "ben" c. pangelinan**

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

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



Jennifer Louise Dulla <jennifer.l.dulla@gmail.com>

NOTICE OF PUBLIC HEARING for Thursday, June 14, 2012 – 9:00 am

Jennifer Louise Dulla <jennifer@senatorpalacios.com>

Thu, Jun 7, 2012 at 11:28 AM

To: Public Hearing Notices <phnotice@guamlegislature.org>

Bcc: "Adolpho B. Palacios" <senator@senatorpalacios.com>, Ben Degayo <ben@senatorpalacios.com>, Berlene Taitano <berlene@senatorpalacios.com>, James Lujan <james@senatorpalacios.com>, Jason Tedtaotao <jason@senatorpalacios.com>, Priscilla Cruz <pris@senatorpalacios.com>, Telo Taitague <telo.taitague@guam.gov>

June 7, 2012 ✓

NOTICE OF PUBLIC HEARING

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:00 am, Thursday, June 14, 2012**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

9:00 am:

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–
Best,
Jennifer Louise Dulla

Executive Assistant

Office of Senator Adolpho B. Palacios, Sr., MPA, BS/CJA

Chairman, Committee on Public Safety, Law Enforcement, and Judiciary

Mina' Trentai Unu na Liheslaturan Guahan

472.5047/8 (office) ; 472.5022 (facsimile)



06072012 PH NOTICE .pdf

375K



Jennifer Louise Dulla <jennifer.lj.dulla@gmail.com>

NOTICE OF PUBLIC HEARING for Thursday, June 14, 2012 – 9:00 am

Jennifer Louise Dulla <jennifer@senatorpalacios.com>

Thu, Jun 7, 2012 at 11:35 AM

Bcc: "amier@mvguam.com" <amier@mvguam.com>, "clynt@spbguam.com" <clynt@spbguam.com>, "dcrisost@guampdn.com" <dcrisost@guampdn.com>, "dmgeorge@guampdn.com" <dmgeorge@guampdn.com>, "editor@mvguam.com" <editor@mvguam.com>, "egthompson@guampdn.com" <egthompson@guampdn.com>, "jason@kuam.com" <jason@kuam.com>, "jtyquiengco@spbguam.com" <jtyquiengco@spbguam.com>, "kstokish@gmail.com" <kstokish@gmail.com>, "kstonews@ite.net" <kstonews@ite.net>, "life@guampdn.com" <life@guampdn.com>, "mabuhaynews@yahoo.com" <mabuhaynews@yahoo.com>, "mindy@kuam.com" <mindy@kuam.com>, "mpieper@guampdn.com" <mpieper@guampdn.com>, "news@guampdn.com" <news@guampdn.com>, "news@spbguam.com" <news@spbguam.com>, "nick.delgado@kuam.com" <nick.delgado@kuam.com>, "officemanager@hitradio100.com" <officemanager@hitradio100.com>, "ricknauta@hitradio100.com" <ricknauta@hitradio100.com>, "rimtiaco@guampdn.com" <rimtiaco@guampdn.com>, "sabrina@kuam.com" <sabrina@kuam.com>, "slimtiaco@guampdn.com" <slimtiaco@guampdn.com>, "therese.hart.writer@gmail.com" <therese.hart.writer@gmail.com>, "zita@mvguam.com" <zita@mvguam.com>, "Adolpho B. Palacios" <senator@senatorpalacios.com>, Ben Degayo <ben@senatorpalacios.com>, Berlene Taitano <berlene@senatorpalacios.com>, James Lujan <james@senatorpalacios.com>, Jason Tedtaotao <jason@senatorpalacios.com>, Priscilla Cruz <pris@senatorpalacios.com>

PRESS RELEASE

NOTICE OF PUBLIC HEARING

Thursday, June 14, 2012 – 9:00 am

FOR IMMEDIATE RELEASE

(Hagatna, Guam – June 7, 2012)

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Best,
Jennifer Louise Dulla
Executive Assistant
Office of Senator Adolpho B. Palacios, Sr., MPA, BS/CJA
Chairman, Committee on Public Safety, Law Enforcement, and Judiciary
Mina' Trentai Unu na Liheslaturan Guahan
472.5047/8 (office) ; 472.5022 (facsimile)

 **06072012 PH NOTICE MEDIA.pdf**
409K

Destination	Start Time	Time	Prints	Result	Note
PDN	06-07 11:03	00:00:33	001/001	OK	
MV GUAM	06-07 11:04	00:00:17	001/001	OK	
KUAM	06-07 11:04	00:00:45	001/001	OK	
KS7	06-07 11:05	00:00:16	001/001	OK	
HIT RADIO 100	06-07 11:06	00:00:18	001/001	OK	
KSTO	06-07 11:07	00:00:37	001/001	OK	
GLIMPSES	06-07 11:08	00:00:18	001/001	OK	
MARIANAS VARIETY	06-07 11:08	00:00:17	001/001	OK	
KSTEREO/KISH	06-07 11:09	00:00:37	001/001	OK	
JOY 92 FM	06-07 11:10	00:00:17	001/001	OK	
ADVEVTIST RADIO	06-07 11:11	00:00:39	001/001	OK	
KPRG	06-07 11:12	00:00:17	001/001	OK	
GUAM BROADCASTING SE	06-07 11:16	00:00:52	000/001	No Ans	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX, MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax, BND: Double-Sided Binding Direction, SP: Special Original, FCODE: F-code, RTX: Re-TX, RL: Relay, MSX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax, I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF, TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer, Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full, LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error, DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trental Unu Na Liheslaturan Guåhan
SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

NOTICE OF PUBLIC HEARING
Thursday, June 14, 2012 – 9:00 am

FOR IMMEDIATE RELEASE
(Hagåtña, Guam – June 7, 2012)

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING

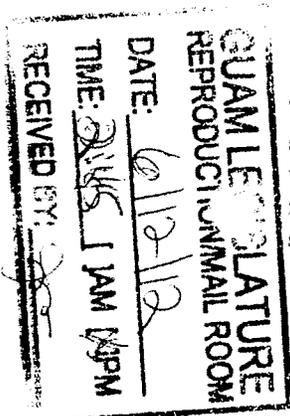
Thursday, June 14, 2012 – 9:00 am

FOR IMMEDIATE RELEASE
(Hagatna, Guam – June 12, 2012)

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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: Senator@SenatorPalacios.com



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

June 11, 2012

(§8107 Title 5 GCA – 48 hour notice prior to hearing)

NOTICE OF PUBLIC HEARING

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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: Senator@SenatorPalacios.com



Jennifer Louise Dulla <jennifer.lj.dulla@gmail.com>

2ND NOTICE OF PUBLIC HEARING for Thursday, June 14, 2012 – 9:00 am

Jennifer Louise Dulla <jennifer@senatorpalacios.com>

Tue, Jun 12, 2012 at 9:35 AM

Bcc: zita@mvguam.com, "amier@mvguam.com" <amier@mvguam.com>, "clynt@spbguam.com" <clynt@spbguam.com>, "dcrisost@guampdn.com" <dcrisost@guampdn.com>, "dmgeorge@guampdn.com" <dmgeorge@guampdn.com>, "editor@mvguam.com" <editor@mvguam.com>, "egthompson@guampdn.com" <egthompson@guampdn.com>, "jason@kuam.com" <jason@kuam.com>, "jtyquiengco@spbguam.com" <jtyquiengco@spbguam.com>, "kstkish@gmail.com" <kstkish@gmail.com>, "kstonews@ite.net" <kstonews@ite.net>, "life@guampdn.com" <life@guampdn.com>, "mabuhaynews@yahoo.com" <mabuhaynews@yahoo.com>, "mindy@kuam.com" <mindy@kuam.com>, "mpieper@guampdn.com" <mpieper@guampdn.com>, "news@guampdn.com" <news@guampdn.com>, "news@spbguam.com" <news@spbguam.com>, "nick.delgado@kuam.com" <nick.delgado@kuam.com>, "officemanager@hitradiio100.com" <officemanager@hitradiio100.com>, "ricknauta@hitradiio100.com" <ricknauta@hitradiio100.com>, "rlimtiaco@guampdn.com" <rlimtiaco@guampdn.com>, "sabrina@kuam.com" <sabrina@kuam.com>, "slimtiaco@guampdn.com" <slimtiaco@guampdn.com>, "telo.taitague@guam.gov" <telo.taitague@guam.gov>, "therese.hart.writer@gmail.com" <therese.hart.writer@gmail.com>, "Adolpho B. Palacios" <senator@senatorpalacios.com>, Ben Degayo <ben@senatorpalacios.com>, Berlene Taitano <berlene@senatorpalacios.com>, James Lujan <james@senatorpalacios.com>, Jason Tedtaotao <jason@senatorpalacios.com>, Priscilla Cruz <pris@senatorpalacios.com>

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING

Thursday, June 14, 2012 – 9:00 am

FOR IMMEDIATE RELEASE

(Hagatna, Guam – June 12, 2012)

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–

Best,
Jennifer Louise Dulla
Executive Assistant
Office of Senator Adolpho B. Palacios, Sr., MPA, BS/CJA
Chairman, Committee on Public Safety, Law Enforcement, and Judiciary
Mina' Trentai Unu na Liheslaturan Guahan
472.5047/8 (office) ; 472.5022 (facsimile)



06122012 PRESS RELEASE PH.pdf

442K



Jennifer Louise Dulla <jennifer.lj.dulla@gmail.com>

2ND NOTICE OF PUBLIC HEARING for Thursday, June 14, 2012 – 9:00 am

Jennifer Louise Dulla <jennifer@senatorpalacios.com>

Tue, Jun 12, 2012 at 9:44 AM

To: Public Hearing Notices <phnotice@guamlegislature.org>

Bcc: "Adolpho B. Palacios" <senator@senatorpalacios.com>, Ben Degayo <ben@senatorpalacios.com>, Berlene Taitano <berlene@senatorpalacios.com>, James Lujan <james@senatorpalacios.com>, Jason Tedtaotao <jason@senatorpalacios.com>, Priscilla Cruz <pris@senatorpalacios.com>

PRESS RELEASE**SECOND NOTICE OF PUBLIC HEARING****Thursday, June 14, 2012 – 9:00 am****FOR IMMEDIATE RELEASE*****(Hagatna, Guam – June 12, 2012)***

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Executive Assistant
Office of Senator Adolpho B. Palacios, Sr., MPA, BS/CJA
Chairman, Committee on Public Safety, Law Enforcement, and Judiciary
Mina' Trentai Unu na Liheslaturan Guahan
472.5047/8 (office) ; 472.5022 (facsimile)



06122012 PRESS RELEASE PH.pdf

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Jennifer Louise Dulla <jennifer.lj.dulla@gmail.com>

2ND NOTICE OF PUBLIC HEARING for Thursday, June 14, 2012 – 9:00 am

Jennifer Louise Dulla <jennifer@senatorpalacios.com>

Tue, Jun 12, 2012 at 10:24 AM

Bcc: "Dr. Lisa Flores" <lisaflores99@gmail.com>, Franklin Arriola <franklin.arriola@guam.gov>, Juanita Cruz <juanita.cruz@guam.gov>, elaine.gogue@guam.gov, "Leonardo Rapadas (OAG)" <lrappadas@guamattorneygeneral.com>, "Phil Tydingco, Deputy Attorney General" <ptydingco@guamattorneygeneral.com>, "Chief Justice F. Philip Carbullido" <fpcarbullido@guamsupremecourt.com>, "Perry C. Taitano" <ptaitano@mail.justice.gov.gu>, Joshua Tenorio <jtenorio@guamcourts.org>, Eric Miller <emiller@guampdsc.net>, harold.parker@guamlsc.org, ecubelaw@guam.net, Zerlyn Palomo <zpalomo@guamattorneygeneral.com>, "Joanna S. McDonald" <jmcdonald@guamsupremecourt.com>, info@guambar.org, Bernadette SN Chargualaf <bchargualaf@guampdsc.net>, "Vanessa L. Diaz" <vdiaz@guampdsc.net>, uguamamericorps@gmail.com, steve.moore@ic.fbi.gov, alicia.limtiaco@usdoj.gov, "Adolpho B. Palacios" <senator@senatorpalacios.com>, Ben Degayo <ben@senatorpalacios.com>, Berlene Taitano <berlene@senatorpalacios.com>, James Lujan <james@senatorpalacios.com>, Jason Tedtaotao <jason@senatorpalacios.com>, Priscilla Cruz <pris@senatorpalacios.com>

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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 Senator@SenatorPalacios.com. Copies of the aforementioned Bill may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Jennifer Dulla at 472-5047/5048.

–

Best,
Jennifer Louise Dulla
Executive Assistant
Office of Senator Adolpho B. Palacios, Sr., MPA, BS/CJA
Chairman, Committee on Public Safety, Law Enforcement, and Judiciary
Mina' Trentai Unu na Liheslaturan Guahan
472.5047/8 (office) ; 472.5022 (facsimile)



06122012 PRESS RELEASE PH.pdf
442K

#11

Destination	Start Time	Time	Prints	Result	Note
PDN	06-12 09:19	00:00:34	001/001	OK	
MV GUAM	06-12 09:19	00:00:18	001/001	OK	
KJAM	06-12 09:20	00:00:25	001/001	OK	
PNC	06-12 09:21	00:00:23	001/001	OK	
KS7	06-12 09:21	00:00:18	001/001	OK	
HIT RADIO 100	06-12 09:22	00:00:18	001/001	OK	
KSTO	06-12 09:23	00:00:39	001/001	OK	
GLIMPSES	06-12 09:24	00:00:19	001/001	OK	
MARIANAS VARIETY	06-12 09:25	00:00:18	001/001	OK	
KSTEREO/KISH	06-12 09:26	00:00:53	001/001	OK	
ADVEPTIST RADIO	06-12 09:31	00:02:34	001/001	OK	
GUAM BROADCASTING SE	06-12 09:38	00:00:56	000/001	No Ans	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trental Unu Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR. 
Chairman

PRESS RELEASE

SECOND NOTICE OF PUBLIC HEARING
Thursday, June 14, 2012 – 9:00 am

FOR IMMEDIATE RELEASE
(Hagåtña, Guam – June 12, 2012)

In accordance with the Open Government Law, Public Law No. 24-109, relative to notice for public meetings, please be advised that the Committee on Public Safety, Law Enforcement, and Judiciary will be conducting a public hearing starting at 9:00 am, Thursday, June 14, 2012, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

9:00 am:

- **Confirmation Hearing for Dr. Lisa D. Flores to serve as a Member of the Criminal Injuries Compensation Commission.**
At the request of Dr. Lisa Flores, the Committee will convene the confirmation hearing for her appointment by the Governor, but will schedule a continuation for a later date. Dr. Flores is scheduled to travel off island this week and will return on July 2, 2012. The Committee will advise the public as soon as the continuation is scheduled.
- **Bill No. 455-31 (COR) - AN ACT TO AMEND §89.09 (F) AND TO ADD A NEW SECTION §89.09 (G) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS. – sponsored by Senator Vicente "ben" c. pangelinan**

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 Senator@SenatorPalacios.com. Copies of the aforementioned Bill may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Jennifer Dulla at 472-5047/5048.



I Mina'trentai Unu Na Liheslaturan Guåhan

Senator Vicente (ben) Cabrera Pangelinan (D)

June 13, 2012

Bill 455-31 Sponsor Statement

The Serve America Act was updated in 2011 to require all volunteers who work with “vulnerable populations” to submit to a federal-level criminal history check requirement. One program that is governed by the Serve America Act that most people recognize is AmeriCorps.

AmeriCorps members engage in direct service activities, such as after-school tutoring or homebuilding, and capacity-building activities, and programs to help low-income individuals and communities out of poverty.

The Serve Guam Commission’s AmeriCorps state and national programs are subject to the new federal requirement for a criminal history check. Without compliance, all AmeriCorps programs will be at-risk of suspension or termination.

To meet compliance, however, the AmeriCorps members and staff (through the Serve Guam Commission) must first be granted authority through local statute or federal law for requests of background checks with the FBI. Guam’s State Identification Bureau (the Office of the Deputy Marshall) is currently only authorized to submit requests for government law enforcement personnel and individuals requesting a firearms identification card, while others are required to seek statutory authority.

Upon passage of Bill 455-31 into law, the law is still subject to approval by the Attorney General of the United States.

(Please see Legislative Findings and Intent of Bill 455-31 for further clarification.)

Si Yu'os Ma'åse',


Vicente (ben) Cabrera Pangelinan

Chairman
Committee on Appropriations,
Taxation, Public Debt, Banking,
Insurance, Retirement, and
Land

Vice Chairman
Committee on Education

Member
Committee on Rules,
Federal, Foreign &
Micronesian Affairs and
Human & Natural
Resources

Member
Committee on
Municipal Affairs,
Tourism, Housing, and
Recreation

Member
Committee on the Guam
Military Buildup and
Homeland Security

Member
Committee on Health and
Human Services, Senior
Citizens, Economic
Development, and Election
Reform



Thirty-First
Guam Legislature

Committee Members:

- Senator Thomas C. Ada
Vice Chairman
- Speaker Judith T. Won Pat, Ph.D.
Member
- Senator Tina R. Muña-Barnes
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- Senator Judith P. Gothertz, DPA
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- Senator Aline A. Yamashita, Ph.D.
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Education and Public Libraries
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina' Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

June 26, 2012

Honorable Vicente "Ben" C. Pangelinan
Chairman
Committee on Appropriations, Taxation,
Public Debt, Banking, Insurance, Retirement, and Land
Mina' Trentai Unu na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

RE: Mark-up Meeting Regarding Bill No. 455-31 (COR)

Håfa adai, Senator Pangelinan:

For your office's information, the Committee on Public Safety, Law Enforcement and Judiciary ("Committee") has scheduled a mark-up meeting to address issues concerning Bill No. 455-31 (COR), which were raised during a public hearing held on June 14, 2012. The Committee is particularly interested in finding out what financial impact, if any, this legislation will have on the Judiciary of Guam.

The Committee invites your office to participate in the mark-up meeting. A copy of this correspondence will be forwarded to the Judiciary of Guam and the Department of Labor/Serve Guam Commission as an official request for these entities to participate in the mark-up meeting.

Please do not hesitate to contact my office should you have any questions concerning this matter.

Senseramente,

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

cc: Perry Taitano, Administrator, Judiciary of Guam
George Santos, Director, Department of Labor
Pinky Lujan, Chairperson, Serve Guam Board of Commission

Office/Mailing Address: 155 Hesler Place, Hagatña, Guam 96910
Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022
Email: senator@senatorpalacios.com • Website: www.senatorpalacios.com

GUAM LEGISLATURE
REPRODUCTION MAIL ROOM
DATE: 6/26/12
TIME: 4:00 PM
RECEIVED BY: [Signature]



Thirty-First
Guam Legislature

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- Senator Thomas C. Ada
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I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

June 1, 2012

Steve Moore

Senior Supervisory Resident Agent
Federal Bureau of Investigations (FBI)
First Hawaiian Bank Building
Suite 402
Maite, Guam 96910

RE: Public Hearing
Thursday, June 14, 2012

Dear Mr. Moore,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Thursday, June 14, 2012. Included on the agenda is the following bill which concerns the Federal Bureau of Investigations:

Beginning at 9:00 a.m.:

- **Bill No. 455-31 (COR) - AN ACT TO AMEND §89.09 (F) AND TO ADD A NEW SECTION §89.09 (G) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICOPRS VOLUNTEERS. – sponsored by Senator vicente "ben" c. pangelinan**

Your attendance in this public hearing would be very helpful. If you are unable to attend, a written comment would be appreciated. Please contact me or my office for further information or concerns.

Sincerely,

Senator Adolpho B. Palacios, Sr., MPA, BS/CJA

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

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022

Email: Senator@SenatorPalacios.com • Website: www.senatorpalacios.com

Destination	Start Time	Time	Prints	Result	Note
FBI	06-01 08:19	00:00:22	001/001	OK	

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

June 1, 2012

Steve Moore
Senior Supervisory Resident Agent
Federal Bureau of Investigations (FBI)
First Hawaiian Bank Building
Suite 402
Maite, Guam 96910

RE: **Public Hearing**
Thursday, June 14, 2012

Dear Mr. Moore,

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Beginning at 9:00 a.m.:

- **Bill No. 455-31 (COR) - AN ACT TO AMEND §89.09 (F) AND TO ADD A NEW SECTION §89.09 (G) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICOPRS VOLUNTEERS. - sponsored by Senator vicente "ben" c. pangelinan**

Your attendance in this public hearing would be very helpful. If you are unable to attend, a written comment would be appreciated. Please contact me or my office for further information or concerns.

Sincerely,

Senator Adolpho B. Palacios, Sr., MPA, BS/CJA



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I Mina Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

June 1, 2012

Doris Aguon
Executive Director
AmeriCorps, University of Guam
UOG Station
Mangilao, Guam 96923

RE: Public Hearing
Thursday, June 14, 2012

Dear Ms. Aguon,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Thursday, June 14, 2012. Included on the agenda is the following bill which concerns the AmeriCorps, University of Guam:

Beginning at 9:00 a.m.:

- **Bill No. 455-31 (COR) - AN ACT TO AMEND §89.09 (F) AND TO ADD A NEW SECTION §89.09 (G) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICOPRS VOLUNTEERS. - sponsored by Senator vicente "ben" c. pangelinan**

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Sincerely,

Senator Adolpho B. Palacios, Sr., MPA, BS/CJA

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AMERICORPS	06-01 08:18	00:00:29	001/001	OK	

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina' Trental Uno Na Lheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

June 1, 2012

Doris Aguon
Executive Director
AmeriCorps, University of Guam
UOG Station
Mangilao, Guam 96923

RE: **Public Hearing**
Thursday, June 14, 2012

Dear Ms. Aguon,

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and Judiciary has scheduled a public hearing on Thursday, June 14, 2012.
Included on the agenda is the following bill which concerns the
AmeriCorps, University of Guam:

Beginning at 9:00 a.m.:

- **Bill No. 455-31 (COR) - AN ACT TO AMEND §89.09 (F) AND TO ADD A NEW SECTION §89.09 (G) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS. - sponsored by Senator vicente "ben" c. pangelinan**

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Senator Adolpho B. Palacios, Sr., MPA, BS/CJA



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I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
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June 1, 2012

Perry C. Taitano
Administrator of the Courts
Unified Judiciary of Guam
120 West O'Brien Drive
Hagåtña, Guam 96910

RE: Public Hearing
Thursday, June 14, 2012

Dear Perry Taitano,

Buenas yan Håfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Thursday, June 14, 2012. Included on the agenda is the following bill which concerns the Unified Judiciary of Guam:

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- **Bill No. 455-31 (COR) - AN ACT TO AMEND §89.09 (F) AND TO ADD A NEW SECTION §89.09 (G) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICOPRS VOLUNTEERS. – sponsored by Senator vicente "ben" c. pangelinan**

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SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

June 1, 2012

Perry C. Taitano
Administrator of the Courts
Unified Judiciary of Guam
120 West O'Brien Drive
Hagåtña, Guam 96910

RE: Public Hearing
Thursday, June 14, 2012

Dear Perry Taitano,

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- Senator Mana Silva-Tajerón
Member
- Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
Memberships:*

- Vice Chairman, Committee on
Utilities, Transportation, Public
Works and Veterans Affairs
- Vice Chairman, Committee on
Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform
- Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources
- Member, Committee on Guam
Military Buildup and Homeland
Security
- Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

June 1, 2012

Honorable Alicia G. Limtiaco

U.S. Attorney for Guam and the CNMI
United States Department of Justice
Sirena Plaza
108 Hernan Cortez Ave., Suite 500
Hagatna, Guam 96910

RE: Public Hearing
Thursday, June 14, 2012

Dear Honorable Attorney Limtiaco,

Buenas yan Háfa Adai! The Committee on Public Safety, Law Enforcement and Judiciary has scheduled a public hearing on Thursday, June 14, 2012. Included on the agenda is the following bill which concerns the U.S. Attorney's Office:

Beginning at 9:00 a.m.:

- **Bill No. 455-31 (COR) - AN ACT TO AMEND §89.09 (F) AND TO ADD A NEW SECTION §89.09 (G) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICOPRS VOLUNTEERS. - sponsored by Senator vicente "ben" c. pangelinan**

Your attendance in this public hearing would be very helpful. If you are unable to attend, a written comment would be appreciated. Please contact me or my office for further information or concerns.

Sincerely,

Senator Adolpho B. Palacios, Sr., MPA, BS/CJA

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

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022

Email: Senator@SenatorPalacios.com • Website: www.senatorpalacios.com

Destination	Start Time	Time	Prints	Result	Note
US ATTN Y LIMTIACO	06-01 08:15	00:00:32	001/001	OK	

Note TMR: Timer TX, POL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,
MIX: Mixed Original TX, CALL: Manual TX, CSRC: CSRC, FWD: Forward, PC: PC-Fax,
BND: Double-Sided Binding Direction, SP: Special Original, FCODE: F-code, RTX: Re-TX,
RLY: Relay, MEX: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,
I-FAX: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,
TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,
Refuse: Receipt Refused, Busy: Busy, M-Full: Memory Full,
LOVR: Receiving length Over, POVER: Receiving page Over, FIL: File Error,
DC: Decode Error, MDN: MDN Response Error, DSN: DSN Response Error.



Thirty-First
Guam Legislature

Committee Members:

Senator Thomas C. Ada
Vice Chairman
Speaker Judith T. Won Pat, Ph.D.
Member
Senator Tina R. Muña-Barnes
Member
Senator Judith P. Guthertz, DPA
Member
Senator Rory J. Respicio
Member
Senator Dennis G. Rodriguez, Jr.
Member
Senator V. Anthony Ada
Member
Senator Christopher M. Duenas
Member
Senator Mana Silva-Taljeron
Member
Senator Althea A. Yamasita, Ph.D.
Member

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Memberships:**

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Reform
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Minn' Trental Uno Na Lheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

June 1, 2012

Honorable Alicia G. Limtiaco
U.S. Attorney for Guam and the CNMI
United States Department of Justice
Sirena Plaza
108 Herman Cortez Ave., Suite 500
Hagatna, Guam 96910

RE: **Public Hearing**
Thursday, June 14, 2012

Dear Honorable Attorney Limtiaco,

Buenas yan Háfa Adail The Committee on Public Safety, Law Enforcement
and Judiciary has scheduled a public hearing on Thursday, June 14, 2012.
Included on the agenda is the following bill which concerns the U.S.
Attorney's Office:

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Your attendance in this public hearing would be very helpful. If you are unable to attend, a written comment would be appreciated. Please contact me or my office for further information or concerns.

Sincerely,

Senator Adolpho B. Palacios, Sr., MPA, BS/CJA



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PUBLIC HEARING

THURSDAY, JUNE 14, 2012

I Liheslaturan Guåhan's Public Hearing Room, Hagatña

AGENDA

- I. **Call to Order**
- II. **Opening Remarks/Announcements**
- III. **Items for Discussion:**

9:00 am:

- **Confirmation Hearing for Dr. Lisa D. Flores to serve as a Member of the Criminal Injuries Compensation Commission.**
- **Bill No. 455-31 (COR) - AN ACT TO AMEND §89.09 (F) AND TO ADD A NEW SECTION §89.09 (G) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS. – sponsored by Senator vicente “ben” c. pangelinan**

- IV. **Closing remarks.**
- V. **Recess/Adjournment.**

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) REGULAR SESSION

Bill No. 455-31 (COR)

Introduced by:

V.C. Pangelinan

AN ACT TO AMEND §89.09 (f) AND TO ADD A NEW SECTION §89.09 (g) OF TITLE 9 GCA RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS.

2012 MAY 14 AM 9:56

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that the Serve Guam Commission, created by Executive Order 2005-22, serves as
3 Guam's vehicle to apply for and manage national service programs to include
4 AmeriCorps programs. Guam AmeriCorps administers six (6) program sites,
5 employs over 25 program and commission staff, and has recruited over 200
6 volunteers this past year, alone.

7 *I Liheslatura* further finds that pursuant to Section 1614 of the Serve
8 America Act, all volunteers and staff employed by the Serve Guam
9 Commission/Guam AmeriCorps are now required to submit to a federal criminal
10 history check. This requirement applies to all individuals serving in or working for
11 programs and services whereby there is recurring access to a vulnerable
12 population.

13 So that the Serve Guam Commission shall comply with the federal mandates
14 pursuant to the Serve America Act, it is the intent of *I Liheslaturan Guåhan* to

1 expand the duties of the Judiciary of Guam, as the administrator of the State
2 Identification Bureau, by designating the Serve Guam Commission as an agency
3 authorized by the Territory of Guam to request federal criminal history checks
4 from the Federal Bureau of Investigations established under the National Criminal
5 History Check rules.

6 **Section 2. Section 89.09 (f) of Title 9 GCA is hereby amended to read:**

7 “(f) Fees. The Judiciary of Guam, Probation Division, is authorized to
8 collect reasonable registration fees from registrants. Such fees *shall* be used for the
9 maintenance and support of the sex offender registration and notification program.
10 One hundred percent (100%) of the fee paid by the registrant *shall* be given to the
11 Judiciary of Guam, Probation Division. Fees pursuant to (g) of this Section shall
12 not apply to requests made by the Serve Guam Commission or Guam AmeriCorps
13 programs.”

14 **Section 3. A new Section 89.09 (g) of Title 9 GCA is hereby added to**
15 **read:**

16 “(g) The Judiciary of Guam, as the central repository of all criminal history
17 records information, pursuant to §89.09 Title 9 GCA, *shall* obtain federal-level
18 criminal history clearances through the Federal Bureau of Investigation for all
19 Guam AmeriCorps volunteer and employee applicants or existing volunteers and
20 employees at the request of the Serve Guam Commission.”

21 **Section 4. Severability.** If any provision of this Act or its application to any
22 person or circumstance is found to be invalid or contrary to law, such invalidity
23 shall not affect other provisions or applications of this Act which can be given
24 effect without the invalid provisions or applications, and to this end the provisions
25 of the Act are severable.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

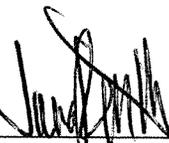
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 455-31 (COR), "AN ACT TO AMEND §2111 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS", was on the 26th day of November 2012, duly and regularly passed.



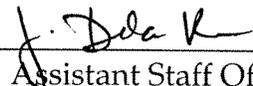
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 28th day of Nov., 2012, at 11:10 o'clock A.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: _____

Public Law No. 31-252

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 455-31 (COR)

As substituted by the Committee on Public Safety, Law Enforcement and Judiciary; and amended on the Floor.

Introduced by:

V. C. Pangelinan
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam A. Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
R. J. Respicio
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO AMEND §2111 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 the ServeGuam Commission, created by Executive Order 2005-22, serves as Guam's
4 vehicle to apply for and manage national service programs to include AmeriCorps

1 programs. Guam AmeriCorps administers six (6) program sites, employs over
2 twenty-five (25) program and commission staff, and has recruited over two hundred
3 (200) volunteers this past year, alone.

4 *I Liheslaturan Guåhan* further finds that pursuant to Section 1614 of the Serve
5 America Act, all volunteers and staff employed by the ServeGuam Commission/Guam
6 AmeriCorps are now required to submit to a federal criminal history check, including
7 a fingerprint-based federal criminal history check. These requirements apply to all
8 individuals serving in or working for programs and services whereby there is recurring
9 access to a vulnerable population.

10 So that the ServeGuam Commission *shall* comply with the federal mandates
11 pursuant to the Serve America Act, it is the intent of *I Liheslaturan Guåhan* to expand
12 the duties of the Judiciary of Guam, as the administrator of the State Identification
13 Bureau, by designating the ServeGuam Commission as an agency authorized by the
14 Territory of Guam to request for federal criminal history checks, including fingerprint-
15 based federal criminal history checks, from the Federal Bureau of Investigation
16 established under the National Criminal History Check rules.

17 **Section 2.** §2111 of Chapter 2, Title 4, Guam Code Annotated, is hereby
18 *amended* to read:

19 **“§ 2111. Screening of Volunteers in Government of Guam Agencies.**

20 (a) **Volunteers Exempt from Certain Screening Costs.** All volunteers
21 working uncompensated in any agency of the government of Guam, including
22 volunteers with the ServeGuam Commission, or its authorized successor, or volunteer
23 applicants of a youth recreational organization as evidenced by a form or letter issued
24 by such youth recreational organizations *shall* be exempt from clearance and
25 screening fees charged by government of Guam agencies, including police and court
26 clearances and skin test for tuberculosis administered by a government of Guam

1 agency. This exemption *does not* apply to chest x-rays required of positive skin test
2 readers or drug testing; however, nothing herein shall prevent any appointing agency
3 from paying for such examinations for its volunteers.

4 **(b) Judiciary of Guam is Authorized to Submit Requests for Criminal**
5 **History Checks to the Federal Bureau of Investigation for all Guam AmeriCorps**
6 **Volunteers.**

7 The Judiciary of Guam, as the central repository of all criminal information,
8 *shall* obtain federal-level criminal history clearances through the Federal Bureau of
9 Investigation for all Guam AmeriCorps volunteer and employee applicants, or existing
10 volunteers and employees, at the request of the ServeGuam Commission.

11 An applicant for a federal-level criminal history clearance *shall* apply therefore
12 on a form supplied by the Judiciary of Guam, and *shall* provide such information as
13 may be necessary to afford the Judiciary of Guam reasonable opportunity to ascertain
14 information required for such clearance. The applicant *shall* further submit to the
15 Judiciary of Guam his or her fingerprint through a fingerprint card, or electronic
16 fingerprint data, if so utilized.

17 **(c) Waiver of Local Processing Fee(s) for Federal Bureau of Investigation**
18 **Clearances.**

19 Individuals applying to serve as volunteers with the ServeGuam Commission or
20 Guam AmeriCorps programs are hereby exempted from paying any application or
21 processing fee required by the Judiciary of Guam for clearance required herein, *except*
22 those fees which are required by the Federal Bureau of Investigation. The Judiciary of
23 Guam and the ServeGuam Commission, or its authorized successor, *shall* adopt a
24 Memorandum of Agreement relative to the payment of Federal Bureau of
25 Investigation fees.”

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