


MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
TWENTY-EIGHTH GUAM LEGISLATURE  
2005 (FIRST) Regular Session

Bill No. 224(LS)

Introduced by:

A. B. Palacios, Sr. 

---

AN ACT TO AMEND §6114 OF CHAPTER 6, TITLE 3 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE DISQUALIFICATION OF ANY ELECTED PUBLIC OFFICIAL UPON CONVICTION OF A FELONY OR A MISDEMEANOR INVOLVING CRIMINAL SEXUAL CONDUCT OR A CRIME OF MORAL TURPITUDE.

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

1        **Section 1. Legislative findings and intent.** *I Liheslaturan Guåhan*  
2 amended §6114 of Chapter 6, Title 3 of the Guam Code Annotated,  
3 establishing qualifying requirements for all elected public offices in Guam  
4 through the passage of Public Law 26-171. *I Liheslaturan Guåhan* also finds  
5 that §4203.2 of Chapter 4, Title 4, Guam Code Annotated, prohibits any  
6 person from running or holding an elective public office on Guam who has  
7 been convicted of any family violence felony as described in Title 9, Guam  
8 Code Annotated.

1            *I Liheslaturan Guåhan* finds that these requirements are fairly standard in  
2 other states and jurisdictions of the United States.

3            *I Liheslaturan Guåhan* also finds that Guam does not have specific  
4 statutes providing for the removal or disqualification of incumbent elected  
5 public officials who are convicted of a crime while in office, after having been  
6 qualified to run for such public office pursuant to §6114(a).

7            Therefore, it is the intent of *I Liheslaturan Guåhan* to amend §6114(a) to  
8 provide for the disqualification of incumbent elected public official after  
9 conviction of a crime of felony, or a crime of misdemeanor involving criminal  
10 sexual conduct, or a crime of moral turpitude.

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

13            “§6114.    (a)    **Convicted Felons and Others shall not be**  
14            **Candidates.**    Notwithstanding any other provision of law, all  
15 candidates for any elected public office, board or commission in Guam  
16 must *not* have been convicted of a felony, and must *not* have been  
17 convicted of a misdemeanor involving criminal sexual conduct or crime  
18 of moral turpitude.

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

1 The Commission shall disclose via a Public Notice in a newspaper  
2 published on Guam, a list of candidates with any pending felony or  
3 misdemeanor, as described herein this Section, and such offense(s) the  
4 candidate is charged with.

5 (b) Conviction of Elected Public Official. Any elected public  
6 official who is convicted of a crime of felony or a misdemeanor  
7 involving criminal sexual conduct, or a crime of moral turpitude while  
8 in public office, shall be immediately suspended from continuing to  
9 hold said public office. Such elected official shall be temporarily  
10 removed from office pending judicial appeal, or pending result of the  
11 process of recall.

12 (c) Mandatory Administrative Leave during Initial Appeal. An  
13 elected public official convicted of a crime under §6114 of Chapter 6,  
14 Title 3, Guam Code Annotated, may have the right to appeal such  
15 conviction. However, such convicted public official shall be barred  
16 from exercising the powers and authority of said position, and said  
17 public official shall be placed on administrative leave with pay during  
18 the pendency of the appeal, unless sooner removed through the process  
19 of recall. Failure to obtain reversal of conviction with this initial appeal  
20 shall effectuate the effective removal from office, and such office shall  
21 be declared "vacant". Such vacant office shall then be filled according  
22 to law.

1            (d) Notwithstanding the provisions of subsections (b) and (c) of  
2 this Section, a recall process may be initiated pursuant to law, separate  
3 and apart or concurrent with said subsections (b) and (c)."