

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 230 (EC)

Introduced by:

J. T. Won Pat
A. B. Palacios, Sr.
B. J. F. Cruz

AN ACT TO ADD A NEW SECTION 8220 OF ARTICLE 2,
CHAPTER 8 OF TITLE 4 OF THE GUAM CODE
ANNOTATED, RELATIVE TO FORFEITURE OF
RETIREMENT BENEFITS OF ELECTED OFFICIALS,
APPOINTED OFFICIALS AND EMPLOYEES OF THE
GOVERNMENT OF GUAM.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the citizens of *Guåhan* expect elected officials, appointed officials and
4 employees of the government of Guam to adhere to the highest standard of
5 ethical conduct, respect the public trust, be accountable, avoid the appearance
6 of impropriety and not use their position for private gain or advantage.
7 When government corruption occurs it represents a serious threat to the basic
8 principal and values of government. It undermines public confidence in the
9 system and threatens to erode the rule of law. In the end the hard working
10 citizens of *Guåhan* are forced to pay the cost of government corruption.

1 *I Liheslaturan Guåhan* further finds that if an official or employee is convicted
2 of a felony involving government corruption they are subject to criminal
3 penalties and loss of employment. Nevertheless, if the official or employee is
4 eligible to retire or a retiree, the official or employee is entitled to receive
5 retirement benefits from the government.

6 It is therefore the intent of *I Liheslaturan Guåhan* that officials or
7 employees who become members of the Government of Guam Retirement
8 Fund on or after the enactment of this legislation shall not be entitled to
9 receive retirement benefits, if such official or employee is convicted in a local,
10 state, or federal court to a felony involving government corruption directly
11 out of that person's official or employment capacity. There is no reason for the
12 citizens of *Guåhan* to foot the bill for corrupt and ethically challenged officials
13 and employees.

14 **Section 2.** A new Section 8220, Article 2, Chapter 8 of Title 4 of the
15 Guam Code Annotated is hereby added to read as follows:

16 **"§8220. Forfeiture of Retirement Benefits.** (a) Notwithstanding
17 any other law to the contrary, no elected or appointed official or employee of
18 the government of Guam thereof shall be entitled to receive retirement
19 benefits from the Government of Guam Retirement Fund, if such official or
20 employee is convicted in a local, state or federal court of a felony involving
21 accepting or giving, or offering to give, any bribe, the embezzlement of public
22 money, extortion, theft of public money, theft of public property, perjury, or
23 conspiracy to commit any of those crimes arising directly out of that person's
24 official capacity or employment.

1 (b) Upon initial conviction, or upon a plea of guilty or nolo contendere,
2 an official or employee described in subsection (a) shall:

3 (1) Have his or her retirement benefit stopped immediately,
4 if the official or employee is receiving a benefit, and

5 (2) Be entitled to a return of his or her contribution paid into the
6 retirement fund without interest.

7 (c) The employing public agency that employs an official or employee
8 described in subsection (a) shall notify the Government of Guam Retirement
9 Fund of the conviction of the official or employee.

10 (d) In the event the conviction of the official or employee is later
11 overturned in any court or is granted a full pardon, the official or employee
12 shall be restored to all rights, privileges and benefits as if the conviction had
13 never occurred.

14 (e) Subsection (a) applies only to officials or employees who become
15 members of the Government of Guam Retirement Fund on or after enactment
16 of this Act.”