MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
TWENTY-NINTH GUAM LEGISLATURE
2007 (FIRST) Regular Session

Bill No. _86 (LS)_

Introduced by: A. B. Palacios, Sr.

AN ACT TO AMEND §6114 OF CHAPTER 6, TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE DISQUALIFICATION AND REMOVAL 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, Guam Code Annotated, establishing

3   qualifying requirements for all elected public offices in Guam through the

4   passage of Public Law 26-171. *I Liheslaturan Guåhan* finds that §4203.2 of

5   Chapter 4, Title 4, Guam Code Annotated, prohibits any person from running

6   or holding an elective public office on Guam who has been convicted of any

7   family violence felony as described in Title 9, Guam Code Annotated.

8   *I Liheslaturan Guåhan* finds that these requirements are fairly standard in

9   other states and jurisdictions of the United States.

1 *I Liheslaturan Guåhan* also finds that Guam does not have specific

2 statutes providing for the removal or disqualification of incumbent elected

3 public officials who are convicted of a crime while in office, after having been

4 qualified to run for such public office pursuant to §6114(a).

5 Therefore, it is the intent of *I Liheslaturan Guåhan* to amend §6114(a) to

6 provide for the disqualification and removal of incumbent elected public

7 official after conviction of a crime of felony, or a crime of misdemeanor

8 involving criminal sexual conduct, or a crime of moral turpitude.

9 **Section 2.** §6114 of Chapter 6, Title 3, Guam Code Annotated, is

10 hereby *amended* to read:

11 "**§6114.** (a) **Convicted Felons and Others shall not be**

12 **Candidates.** Notwithstanding any other provision of law, all

13 candidates for any elected public office, board or commission in Guam

14 must *not* have been convicted of a felony, and must *not* have been

15 convicted of a misdemeanor involving criminal sexual conduct or crime

16 of moral turpitude.

17 At the time of filing for candidacy with the Commission, all

18 candidates shall submit: (1) clearance from the Guam Police

19 Department; *and* (2) signed affidavit attesting that the candidate has *not*

20 been convicted for a felony or misdemeanor, as described herein this

21 Section, in any State or Territory of the United States or foreign country.

22 The Commission shall disclose via a Public Notice in a newspaper

23 published on Guam, a list of candidates with any pending felony or

1 misdemeanor, as described herein this Section, and such offense(s) the

2 candidate is charged with.

3 (b) **Conviction of Elected Public Official.** Any elected public

4 official who is convicted of a crime of felony or a misdemeanor

5 involving criminal sexual conduct, or a crime of moral turpitude while

6 in public office, shall be immediately suspended from continuing to

7 hold said public office. Such elected official shall be temporarily

8 removed from office pending judicial appeal, or pending result of the

9 process of recall.

10 (c) **Mandatory Administrative Leave during Initial Appeal.** An

11 elected public official convicted of a crime under §6114 of Chapter 6,

12 Title 3, Guam Code Annotated, may have the right to appeal such

13 conviction. However, such convicted public official shall be barred

14 from exercising the powers and authority of said position, and said

15 public official shall be placed on administrative leave with pay during

16 the pendency of the appeal, unless sooner removed through the process

17 of recall. Failure to obtain reversal of conviction with this initial appeal

18 shall effectuate the effective removal from office, and such office shall

19 be declared "vacant". Such vacant office shall then be filled according

20 to law.

21 (d) Notwithstanding the provisions of subsections (b) and (c) of

22 this Section, a recall process may be initiated pursuant to law, separate

23 and apart or concurrent with said subsections (b) and (c). "