

**I MINA 'TRENTAI UNU NA LIHELATURAN GUÅHAN
2011 (FIRST) Regular Session**

Bill No. 306-31 (LS)

Introduced by:

Sam Mabini, PhD
A.B. Palacios, Sr.

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AN ACT TO ADD A NEW §90.50 TO 9 GUAM CODE ANNOTATED, CHAPTER 90, REALTIVE TO ESTABLISHING AND ADMINISTERING AN INTERNATIONL PRISONER TRANFER PROGRAM.

1 **Section 1. Legislative findings and intent.** *I Mina'trentai Umu Na Liheslaturan Guåhan*
2 finds that pursuant to the International Prisoner Transfer Program established under treaties since
3 1976, foreign nationals from participating countries who are serving sentences in the United
4 States may be transferred to their home country to serve the remainder of their sentences.

5 *I Liheslaturan Guåhan* finds that the territory of Guåhan is entitled to adopt legislation
6 authorizing the transfer of foreign nationals who have been convicted and sentenced in state and
7 territorial courts. This would align Guam with the Commonwealth of the Northern Marianas
8 Islands, Puerto Rico, and all fifty states. Implementing a prisoner transfer program for Guam
9 would assist the United States in meeting its treaty obligations, as concurred by the U.S.
10 Department of Justice.

11 *I Liheslaturan Guåhan* finds that countries participating with the United States in the
12 International Prisoner Transfer Program include neighboring Asian and Pacific nations, such as
13 Hong Kong, Japan, the Marshall Islands, Federated States of Micronesia, Republic of Palau,
14 Thailand, and Tonga.

15 *I Liheslaturan Guåhan* finds that the overcrowding of the Department of Corrections
16 (DOC) adult detention facilities on Guam seriously compromises effective and safe operations,
17 and contributes to rising per detainee costs.

18 *I Liheslaturan Guåhan* finds that Guam would greatly benefit by adopting an

1 “International Prisoner Transfer Program” recommended by the U.S. Department of Justice.
2 Guam would have the opportunity to reduce the population of the DOC adult detention facilities
3 by transferring non-U.S citizens to their home of origin, which would reduce the total agency
4 costs, improve operations and safety resulting from the decrease of detainee’s population.

5 **Section 2.** A new §90.50, Title 9 GCA, Chapter 90, is hereby added to read as follows:

6 “§90.50. International Prison Transfer Program.

7 The Department of Corrections, in conjunction with the Governor of Guam and the International
8 Prison transfer unit (IPTU) of the U.S. Department of Justice, Criminal Division, shall establish
9 an International Prisoner Transfer Program.

10 **A. Designation of Administrator of the International Prison transfer program**

11 1. The Department of Correction, in conjunction with the Governor Guam, shall
12 appoint an Administrator of the International Prison Transfer Program. The
13 responsibilities of the Administrator include, but is not limited to:

14 (a). Liaison with the International Prison Transfer Unit (IPTU)

15 (1). Receiving and distributing notices, form, documents, and
16 updates regarding the program;

17 (2). Responsible to inquiries and requests for information from the IPTU,
18 keeping the IPTU informed of changes in Guam personnel and policy;

19 (b). Developing procedures and guidelines for the program;

20 (c). Ensuring that adequate staff is assigned to perform the work and that the staff
21 is trained and understands the procedures and guidelines;

22 (d). Receiving documentation relating to the transfer request and reviewing these
23 materials for completeness;

24 (e). Examining the file and making recommendations to the Guam decision
25 making authority;

26 (f). Obtaining the letter of approval or denial from Guam;

27 (g). Notifying the IPTU and the inmate of the decision;

28 (h). Preparing an application package for approval cases to the IPTU;

29 (i). Coordinating with the IPTU for consent verification hearing after approval
30 and for transferring the inmate to Bureau of Prisons (BOP) custody

31 (j). Maintaining a record-keeping system;

1 (k). training;

2 (l) Developing relationships with foreign consular officials and the DHS
3 Immigration and Customs Enforcement.

4 The Department of Correction shall establish rules, regulations, procedures, and guidelines for
5 the proper transfer of detainees that are foreign nationals to their home of origin. The rules,
6 regulations, procedures, and guidelines established by the Department of Correction for the
7 International Prisoner Transfer Program shall adhere to all local, federal, and international laws.

8 **Section 3: Effective Date.** This Act shall take effect upon enactment.

9 **Section 4: Severability.** If any provision of this Law or its application to any person
10 or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other
11 provisions or applications of this Law which can be given effect without the invalid
12 provisions or applications, and to this end the provisions of this Law are severable.