

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.

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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.