



I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2012 (Second) Regular Session

2012 MAY 31  
AM 11:10

Bill No. 469-31(LS)

Introduced by:

Sam Mabini, Ph.D. 

Adolpho B. Palacios, Sr. 

AN ACT TO ADD A NEW §90.48 TO ARTICLE 1 OF CHAPTER 90,  
TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO  
ESTABLISHING AND ADMINISTERING AN INTERNATIONAL  
PRISONER TRANSFER PROGRAM.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

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

6 *I Liheslaturan Guåhan* finds that Guam is entitled to adopt legislation authorizing the  
7 transfer of foreign nationals who have been convicted and sentenced in the island courts. This  
8 would align Guam with the Commonwealth of the Northern Marianas Islands, Puerto Rico, and  
9 all fifty (50) states. Implementing a prisoner transfer program for Guam would assist the United  
10 States in meeting its treaty obligations, as concurred by the U.S. 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, the Federated States of Micronesia, the Republic of  
14 Palau, 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  
19 “International Prisoner Transfer Program,” as recommended by the U.S. Department of Justice.  
20 Guam would have the opportunity to reduce the population of the DOC adult detention facilities

1 by transferring non-U.S. citizens to their home of origin, which would reduce the total agency  
2 costs, improve operations and  
3 safety resulting from the decrease of the detainee population.

4 **Section 2.** A new § 90.48 is hereby added to Article 1 of Chapter 90, Title 9, Guam  
5 Code Annotated, to read:

6 **“§ 90.48. International Prisoner Transfer Program.**

7 The Department of Corrections, in conjunction with *I Maga’lahen Guåhan* (the  
8 Governor of Guam), the Guam Parole Board, and the International Prisoner Transfer Unit  
9 (IPTU) of the U.S. Department of Justice, Criminal Division, shall establish an  
10 International Prisoner Transfer Program.

11 (a) The Department of Corrections, in conjunction with the *I Maga’lahen*  
12 *Guåhan* (Governor of Guam) and the Guam Parole Board, shall designate a Guam  
13 decision-making authority for the program.

14 (b) Designation of Administrator of the International Prisoner Transfer Program.  
15 The Director of the Department of Corrections, in conjunction with *I Maga’lahen Guåhan*  
16 (the Governor Guam), shall appoint an Administrator of the International Prisoner 3  
17 Transfer Program. The responsibilities of the Administrator shall include, but is not be  
18 limited to:

19 (1) liaison with the International Prisoner Transfer Unit (IPTU) by:

20 (A) receiving and distributing notices, forms, documents, and  
21 updates regarding the program; and

22 (B) having responsibility for inquiries and requests for  
23 information from the IPTU, keeping the IPTU informed of changes in  
24 Guam personnel and policy;

25 (2) developing procedures and guidelines for the program;

26 (3) ensuring that adequate staff is assigned to the program and that the  
27 staff understands the procedures and guidelines;

28 (4) receiving documentation relating to the transfer requests and  
29 reviewing these materials;

30 (5) examining the file and making recommendations to the Guam  
31 decision-making authority;

- 1 (6) obtaining the letter of approval or denial from the Guam decision-  
2 making authority;
- 3 (7) notifying the IPTU and the inmate of the decision;
- 4 (8) preparing an application package for approved cases to the IPTU;
- 5 (9) coordinating with the IPTU for consent verification hearing after  
6 approval, and for transferring the inmate and/or detainee to Bureau of Prisons  
7 (BOP) custody;
- 8 (10) maintaining a record-keeping system;
- 9 (11) training program personnel; and
- 10 (12) developing relationships with foreign consular officials and the DHS  
11 Immigration and Customs Enforcement.

12 (c) The Department of Corrections shall establish rules, regulations, procedures,  
13 and guidelines for the proper transfer of inmates and/or detainees that are foreign  
14 nationals to their home of origin, which shall adhere to all local, federal, and international  
15 laws.

16 The Director of the Department of Corrections shall provide administrative and clerical  
17 support to administer the International Prisoner Transfer Program. The Director of the  
18 Department of Corrections may request for budgetary support from *I Liheslaturan Guåhan* in  
19 the Department of Corrections budget submission, which shall be so identified.”

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

21 The Director of the Department of Corrections shall implement the International Prisoner  
22 Transfer Program within one (1) year of the enactment of this Act.

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