

I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2009 (FIRST) Regular Session

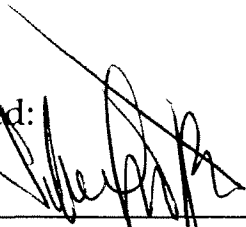
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 177-30 (COR) "AN ACT TO ADD NEW §§30119 AND 30120 TO CHAPTER 30, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE OFFICE OF THE ATTORNEY GENERAL TO COLLECT A FEE FOR ITS ATTORNEY GENERAL CLEARANCES, AND TO ESTABLISHING A SEPARATE FUND FOR THE DEPOSIT OF THOSE FEES, ENTITLED THE "VICTIM OR WITNESS TRAVEL-HOUSING FUND", FOR USE BY THE OFFICE OF THE ATTORNEY GENERAL," was on the 10<sup>th</sup> day of November, 2009, duly and regularly passed.



Judith T. Won Pat, Ed. D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by I Maga'lahaen Guåhan this 13 day of Nov, 2009, at 1:30 o'clock P.M.



Assistant Staff Officer  
Maga'laha's Office

APPROVED:

FELIX P. CAMACHO  
I Maga'lahaen Guåhan

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

***I MINA'TRENTA NA LIHESLATURAN GUÅHAN***  
**2009 (FIRST) Regular Session**

**Bill No. 177-30 (COR)**

As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.

T. C. Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

Judith P. Guthertz, DPA

T. R. Muña Barnes

v. c. pangelinan

M. J. Rector

R. J. Respicio

Ray Tenorio

Telo Taitague

Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* NEW §§30119 AND 30120 TO CHAPTER 30, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE OFFICE OF THE ATTORNEY GENERAL TO COLLECT A FEE FOR ITS ATTORNEY GENERAL CLEARANCES, AND TO ESTABLISHING A SEPARATE FUND FOR THE DEPOSIT OF THOSE FEES, ENTITLED THE “VICTIM OR WITNESS TRAVEL-HOUSING FUND”, FOR USE BY THE OFFICE OF THE ATTORNEY GENERAL.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that many residents of Guam must obtain a police clearance and court clearance

1 from the Guam Police Department and the Judiciary of Guam, respectively, as part  
2 of seeking employment with both public and private employers. However, it is  
3 also a common, frequent occurrence that a police clearance may show an arrest  
4 under a certain police report number from many years ago with no disposition, and  
5 there is also nothing in the court clearance indicating whether a disposition  
6 occurred for that police report number.

7 *I Liheslaturan Guåhan* also finds that for those seeking to join the military  
8 *or* apply for a law enforcement or security type job with local, state *or* federal  
9 agencies, a police clearance will show an arrest within the past year but *no*  
10 disposition because the police *or* local law enforcement have *not* referred the  
11 matter to the Office of the Attorney General (AG) for their review and disposition.  
12 Others, like those applying for Alcoholic Beverage Control (ABC) liquor licenses  
13 with the Department of Revenue and Taxation, *cannot* simply provide a police  
14 clearance that contains an arrest with no disposition letter *or* a court clearance that  
15 *does not* clear the police report related to the arrest, because it will be insufficient.

16 *I Liheslaturan Guåhan* further finds that such circumstances are common  
17 and frequent occurrences, and for these people, obtaining a disposition letter *or*  
18 “AG clearance letter” is their only recourse because a request by them *or* their  
19 prospective employers for such a letter results in the Office of the Attorney  
20 General requesting the police reports and/ *or* reviewing those police reports *or* its  
21 own files in order to make a determination that results in dispositions, including  
22 charges pending, charges filed, or prosecution declined.

23 The Prosecution Division of the Office of the Attorney General has handled  
24 and processed on an annual basis as much as five hundred (500) AG clearance  
25 requests, but unlike the Guam Police Department, *or* the Judiciary of Guam has *not*  
26 ever charged a fee in order to recover the cost of expending its personnel resources  
27 to provide this service to the public.

1           It has, however, come to the attention of *I Liheslaturan Guåhan* in these  
2 trying financial times that authorizing the Office of the Attorney General to charge  
3 a fee for such AG Clearances will serve two (2) purposes. First, it will assist the  
4 Office of the Attorney General in recovering some of its cost. Secondly, mandating  
5 the collection and deposit of such fees into a separate fund, entitled the  
6 “Victim/Witness Travel-Housing Fund”, for use by the Prosecution Division of the  
7 Office of the Attorney General, will provide much-needed help to fund the travel  
8 and housing costs of victims *or* witnesses who reside off-island, but must return to  
9 Guam to give testimony against criminal offenders.

10           Therefore, it is the intent of *I Liheslaturan Guåhan* to authorize the Office of  
11 the Attorney General to charge a fee for Attorney General clearances, and to  
12 establish a “Victim *or* Witness Travel-Housing Fund”, by adding new §§30119  
13 and 30120, Chapter 30, Title 5, Guam Code Annotated.

14           **Section 2.** A new §30119, Chapter 30, Title 5, Guam Code Annotated, is  
15 hereby *added* to read:

16           “**§30119. Fees.** (a) Every request for a letter from the Office of the  
17 Attorney General to provide a statement about the disposition of a person’s  
18 criminal arrest *or* criminal case, also known as an “AG Clearance”, *shall* pay  
19 to the Treasurer of Guam a non-refundable fee equal to the same fee charged  
20 by the Guam Police Department or the Judiciary of Guam for their police  
21 clearance *or* court clearance, whichever is higher. All such fees *shall* be  
22 deposited into the “Victim/Witness Travel-Housing Fund” and used  
23 accordingly.”

24           **Section 3.** A new §30120, Chapter 30, Title 5, Guam Code Annotated, is  
25 hereby *added* to read:

26           “**§30120. Fund.** There is hereby established a fund to be known as  
27 the “Victim/Witness Travel-Housing Fund”, which *shall* be maintained

1 separate and apart from other funds of the government of Guam, and *not*  
2 subject to any transfer authority of *I Maga'lahen Guåhan*. This Fund *shall*  
3 be used by the Office of the Attorney General for the purpose of assisting  
4 with the costs of travel and *or* housing of victims *or* witnesses who must  
5 return to Guam to testify in criminal trials against criminal offenders, subject  
6 to appropriation by *I Liheslaturan Guåhan*. The Attorney General *shall*  
7 comply with Government of Guam financial reporting requirements. ”