

*I Mina'Trentai Dos Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
188-32 (COR)	T.R. MUÑA Barnes, B. J.F. Cruz	AN ACT TO ADD A NEW § 80.50 TO ARTICLE 2, CHAPTER 80, TITLE 9 GUAM CODE ANNOTATED KNOWN AS THE JUSTICE SAFETY VALVE ACT OF 2013 RELATIVE TO EMPOWERING THE COURTS OF GUAM TO DEPART FROM APPLICABLE MANDATORY MINIMUM SENTENCES UNDER SPECIFIC CONDITIONS, AND FOR OTHER PURPOSES.	9/17/13 4:17 p.m.	09/19/13	Committee on the Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary	10/10/13 2 p.m.	8/11/14 9:36 a.m.	<b>Fiscal Note Requested 09/24/13</b>  <b>Fiscal Note Waived 7/8/14</b>



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I Mina'trentai Dos Na Liheslaturan Guahan | 32ND GUAM LEGISLATURE*



NOV 22 2013

**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

**Speaker  
Judith T. Won Pat, Ed.D.**  
Committee Member

**Senator  
Rory J. Respicio**  
Committee Member

**Senator  
Thomas C. Ada**  
Committee Member

**Senator  
Dennis G. Rodriguez, Jr.**  
Committee Member

**Senator  
V. Anthony Ada**  
Committee Member

**Senator  
Michael Imtiaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

**The Honorable Judith T. Won Pat, Ed.D.**

Speaker  
*I Mina'trentai Dos Na Liheslaturan Guahan*  
155 Hesler Place  
Hagatna, Guam 96910

**VIA: The Honorable Rory J. Respicio**  
Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 188-32 (COR) As Substituted**

2014 AUG 11 AM 9:36

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 188-32 (COR) As Substituted- An act to add new § 80.50 to Article 2, Chapter 80, Title 9 Guam Code Annotated known as the Justice Safety Valve Act of 2013 relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, and for other purposes.

Committee votes are as follows:

- 1 TO DO PASS
- \_\_\_\_\_ TO NOT PASS
- 7 TO REPORT OUT ONLY
- \_\_\_\_\_ TO ABSTAIN
- \_\_\_\_\_ TO PLACE IN INACTIVE FILE

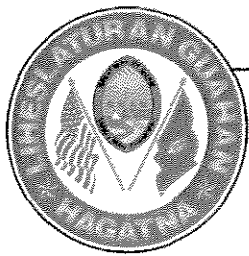
Respectfully

**SENATOR FRANK B. AGUON, JR.**

Committee Chairman of Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
*I Mina'trentai Dos Na Liheslaturan Guahan | 32<sup>nd</sup> Guam Legislature*

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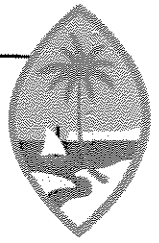
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COMMITTEE ON

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VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE*



**Senator**

**FRANK B. AGUON, JR.**  
Committee Chairperson

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Committee Member

**Senator**

**Thomas Morrison**  
Committee Member

## **COMMITTEE REPORT**

### **ON**

**BILL NO. 188-32 (COR) As Substituted -  
An act to add a new § 80.50 to Article 2,  
Chapter 80, Title 9 Guam Code Annotated  
known as the Justice Safety Valve Act of  
2013 relative to empowering the courts of  
Guam to depart from applicable  
mandatory minimum sentences under  
specific conditions, and for other purposes.**



**GUAM U.S. MILITARY RELOCATION  
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I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



November 14, 2013

**MEMORANDUM**

**To: ALL MEMBERS**  
Committee on Guam U.S. Military Relocation, Homeland Security,  
Veterans Affairs, and Judiciary

**From: Senator Frank B. Aguon, Jr.**   
Committee Chairperson

**Subject: Committee Report on Bill No. 188-32 (COR) As Substituted**

Transmitted herewith for your consideration is the Committee Report on Bill No. 188-32 (COR) As Substituted - An act to add a new § 80.50 to Article 2, Chapter 80, Title 9 Guam Code Annotated known as the Justice Safety Valve Act of 2013 relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, and for other purposes.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 188-32 (COR)
- Copy of Substituted Bill No. 188-32 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Referral of the Bill No. 188-32 (COR)
- Notices of Public Hearing & Other Correspondence
- Copy of Public Hearing Agenda
- Related News Report

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse' !

**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

**Speaker  
Judith T. Won Pat, Ed.D.**  
Committee Member

**Senator  
Rory J. Respicio**  
Committee Member

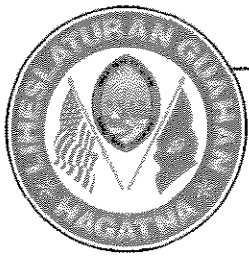
**Senator  
Thomas C. Ada**  
Committee Member

**Senator  
Dennis G. Rodriguez, Jr.**  
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**Senator  
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Committee Member

**Senator  
Michael Limtiaco**  
Committee Member

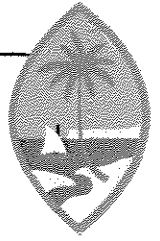
**Senator  
Thomas Morrison**  
Committee Member



COMMITTEE ON

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COMMITTEE VOTING SHEET

Bill No. 188-32 (COR) As Substituted – An act to add a new § 80.50 to Article 2, Chapter 80, Title 9 Guam Code Annotated known as the Justice Safety Valve Act of 2013 relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, and for other purposes.

Senator  
**FRANK B. AGUON, JR.**  
Committee Chairperson

Senator  
**Tina Muna-Barnes**  
Committee Vice Chairperson

Speaker  
**Judith T. Won Pat, Ed.D.**  
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Committee Member

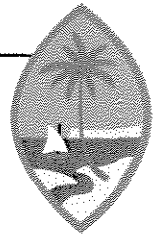
Senator  
**Thomas Morrison**  
Committee Member

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
AGUON, FRANK B. JR Committee Chairperson 11/14/12				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
MUNA BARNES, TINA ROSE Committee Vice Chairperson		<input checked="" type="checkbox"/>				
SPEAKER WON PAT, JUDITH T. Ed.D. Committee Member				<input checked="" type="checkbox"/>		
RESPICIO, RORY J. Committee Member						
ADA, THOMAS C. Committee Member				<input checked="" type="checkbox"/>		
RODRIGUEZ, DENNIS G. JR. Committee Member				<input checked="" type="checkbox"/> 11/22		
ADA, V. ANTHONY Committee Member				<input checked="" type="checkbox"/> 11/15		
LIMTIACO, MICHAEL Committee Member				<input checked="" type="checkbox"/> 11/15		
MORRISON, THOMAS Committee Member				<input checked="" type="checkbox"/> 11/14/12		



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



**COMMITTEE REPORT DIGEST**

**I. OVERVIEW**

Bill No. 188-32 (COR), as Substituted was introduced on September 17, 2013, by Senator Tina Rose Muña Barnes, and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary on September 19, 2013.

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary convened a 1st public hearing on Bill No. 188-32 (COR) on October 10, 2013 at 2:00PM in I Liheslatura's Public Hearing Room.

**Public Notice Requirements**

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets for the October 10, 2013 hearing on October 2, 2013 (5-Day Notice), and again on October 7, 2013 (48-Hour Notice). Notices were also published in the Marianas Variety Newspaper for the October 10, 2013 hearing on October 2, 2013 and October 7, 2013. Notices were also published in the Pacific Daily News Newspaper for October 10, 2013 hearing on October 7, 2013.

**Senators Present**

- Senator Frank B. Aguon, Jr., Chairperson
- Vice Speaker Benjamin J.F. Cruz
- Senator Tina Rose Muña Barnes, Committee Vice Chairperson
- Senator V. Anthony Ada
- Senator Christopher M. Duenas
- Senator Thomas C. Ada
- Senator Michael Limtiaco
- Senator Brant McCreddie
- Senator Thomas Morrison

**Appearing Before the Committee**

- Patricia Duenas
- Phillip J. Tydingco, Deputy Attorney General, The Office of the Attorney General

The public hearing was Called-to-Order at 2:00 PM.

**II. SUMMARY OF TESTIMONY & DISCUSSION**

***Senator Frank B. Aguon, Jr.***

Ladies and gentlemen we're gonna proceed with the next legislation, which is bill number 188 and it's reference, known as the Justice Safety Valve Act of 2013 relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions and for other purposes and the sponsor of this Legislation is Senator Muna Barnes

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Committee Chairperson

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would you like to provide your brief comments and we can proceed with receiving testimony.

**Senator Muna Barnes**

Thank you Mr. Chair, Mr. Chair bill 188 seeks to allow judges greater flexibility in sentencing when warranted. Are existing prison facilities are overcrowded and the space there should be reserved for truly violent offenders or those who demonstrate a refusal to be rehabilitated, Mr. Chair this bill does not apply to violent offenders or repeat offenders and judges are in the best position to make determinations on what the appropriate sentences should be given the facts of the specific case in front of them. This bill seeks to avoid situation where mandatory minimum sentencing would be cruel and unusual punishment given the specific facts of a case. In other words, it is the intent of this bill not to require Guam Judges to impose shorter sentences but rather to only to authorize then to depart below a statutory mandatory minimum sentence after finding among other things that providing a particular defendant a shorter sentence will not jeopardize public safety and this put plainly in cases where the mandatory minimum does not account for offenders limited rule on a crime or there relevant factors, judges would be allowed to consider those factors and narrowly tailor more appropriate sentences, in such a case I do want to note that the, when allowable crimes committed does not include the use attempted, use or threatened use of serious physical force by the defendant against another person by the defendant or involving any sexual contact offense by the defendant against a minor an I will know that other than offense involving a sexual conduct with a victim was at least thirteen years of age or thirteen years old and the offender was not more than four years older than the victim and the sexual conduct was consensual and the court find substantial in compelling reasons on the record that I'm giving due regard to the nature of the crime history and character of the defendant and his imposition of the mandatory minimum would result in a substantial injustice to the defendant or the mandatory minimum sentence is not necessary for the protection of the public. I do want to note for the record Mr. Chair that this is not allowed when the individual has a conviction for the same offense during a ten year period prior to the commission of the offense or that the individual was the leader or a manager or a supervisor of others in continuing criminal enterprise to that affect. Again I hope for my colleagues to give this some favorable consideration and allow the judges greater flexibility in sentencing when it's warranted so thank you very much for giving me the opportunity to share my thoughts on bill 188.

**Senator Frank B. Aguon Jr.**

Thank you very much Senator Muna Barnes.

**Senator Muna Barnes**

Note just for the record, I apologize Mr. Chair, in the act to add new section 80.50 if I could note for the record, I do believe that the right situation is 80.39, and if I could note that for the record please.

**Senator Frank B. Aguon Jr.**

So noted, we do have a couple of individuals who signed up to provide testimony on bill 188 and that's Attorney General Phil Tydingco and Ms. Patricia Duenas, Ms. Duenas would you like to go head and proceed first. Yes just identify yourself for the record then proceed.

**Patricia Duenas**

I do support this bill because I had the experience. The court not listening and to tell you the truth, you senators not listening, I have gone to my lengths, going to the Senator's and asking them for help when one of my family members was falsely accused. And this was six years ago I have pleaded, practically begged to be heard when this bill of your sex offender register came about, now I don't know if any of you remember the case of the girl accusing the boy of rape in the movie theatre and it was all about revenge because the girl didn't get what she wanted out of him.

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I did, I did win the case but the problem with you Senators, you make out bills ok and even with the court they don't listen to the other party, they listen to one party k. Now I am a mother, grandmother, great grandmother. I have been through a lot with my own family k. Yes I believe in justice but justice comes with consequences when nobody listen's ok people get hurt, family get hurt but I am not saying that one party is in the right, and the other party is in the wrong, just because there females it doesn't mean there always telling the truth and I happen to know that because I do have grandchildren, I have a granddaughter that gave birth at the age of fifteen. I got married at the age of fifteen.

Now you Senators keep changing the law k, to suit who the public? How many young men are up there at D.O.C.? Because why, their family is so old and they believe in its shameful so we don't stand by them, it happens to me I stand by my grandson and public defender, tell you the truth there no use, they said oh, we have our own investigator. The investigator gets paid for nothing, they don't do nothing. My whole family investigated this girl and we got our evidence but every time I put something on the table what did the public defender tell me. We can't do that, we can't use that, that's not the case, that when the girl don't get what they want, they accuse the boy. When the family don't get what they want from the boy, they accuse the boy but you know Senator, parents wake up take care of their kids and know where they're at, especially if there girls, any of you guys been to the mall, have you seen the way these young twelve year olds dress? Who's the fault of that, parents?

I don't know if you understand what I'm trying to say cause it looks like you are paying attention, cause earlier I'm watching you guys and not all of you are paying attention. Most of you Senators that are here now, are not the Senators I spoke too, except Tina , thank god for her she's always tried her best to help out but you cannot help when the court system and you guys do not agree. I'm not saying the Court System is all bad, but they need to have a better understanding that it's not always the young men that's guilty it takes two to tango and

I'm glad you're really listening Senator Ada cause now I see you are paying attention, but I'm just saying look first and listen. When I brought my grandson into Tiyan. You know what this cop turned and said and I heard him say it. If he had his way he would lock my grandson up and throw away the key. Is that the kind of police officers we have? I'm not saying there all bad and you know what, why they really pursued my grandson cause the grandfather of this girl knew Alicia Limtiaco. Alicia Limtiaco call Suba, I am illiterate but I am not stupid. I have been around and I have pleaded with people before I even won the case. He suffered four years of his life, four years. It took us three years of going back and forth to court before they even schedule a hearing. He was not arraigned till eighteen days later.

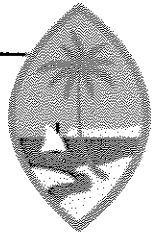
There's a lot of kids out there and there dropping the ball. I didn't have to come in here today to testify because my grandson was dismissed and expunged because I went out there and I found the evidence. I got it all right there but nobody listened. The Attorney General office after we won the case still put another year on his probation before they cleared him. So how many others are they in prison? How many young men whose life has been destroyed because they end up Romeo and Juliet in school, but, if they had a better, better system and I retired from the school so I know what I'm talking about. If they had a better system in school because when I was working for the school any child I see girls sitting on the boys lap, come on. You know damn well that when a girl sits on your lap you know you're gonna feel something. I break that up kids are not supposed to be going on the corner and smooching but do they even bother to watch those kid's; that there job but like I said senator it's not one sided, it takes two to tango.

Look into those before you senators, put out a law not everyone of those young men are sex offenders, it just happen to be, they got caught up on the moment and then when the girl feels like it and she don't get what she want, that's it. Before, my grandson, now I'm not gonna say my grandson was arrested cause I brought him in ok. The office that I spoke to didn't want to arrest him but he had orders, arrest him or lose your job, not every case is a sex offender register, not every case.



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Look into the cases first; look into what really went on between the two young people that's all I'm asking from you people. You got all these things, I'm not saying everyone of them are not rape victims, but I'm saying that look into the case, for the court to look into the case. Before you destroy these children, I'm sorry this girl waited until my grandson turned eighteen. He was just seventeen, just graduated, going to college, just got a job and it was taken away just like that and he's mentally challenged but did they listen, no. The only thing they the Attorney General lawyer turned around and kept saying, well she's fifteen, I said she's fifteen and ten months with better brains than he does, because he was actually just turned eighteen by age but by brains, by brains he's five years younger than she was.

So when you people make a bill, do research please, don't just keep making bills on top of bills and that's all I'm asking from you guys. Not every individual, that's the same, like Tina says jail is getting overpopulated and if you go up there. There's more young men up there than old men and if you go up there, you're gonna see that there is a lot of kid, I still call them kids. My daughter used to work for D.O.C. and at the time when my grandson was going to the court. Where is our tax money coming from? It took four years that's money, that's money, it took four years, look into that. How long does it take for them to convict a person? And where is the money being spent? It shouldn't take four years to destroy an individual's life. I don't know if you get what I'm saying but I'm just saying it. It shouldn't take four years of our tax money going into trying to convict my grandson, every month we are going to court for four years. Until, I got fed up and I said look, lock him up or not lock him up this is too much.

Senators do something I'm planning to leave in January but do it for the future kids because to tell you the truth girls oh my god, they got more hormones than boys and their parents, they need to be waken up. Most of those kids come home from school, they don't go home. They go to the mall, they go to GPO, they go to Agana Shopping Center that's the parents' babysitter. I have said this and I have said this and I have said this every time it went to each individual senator about the only thing they can tell me, I can't do nothing. Why can't, why can't you put a law I remember way back when I was first having kids. There was a curfew, do you have a curfew anymore, nothing, none, there's no curfew for kids, when these kids get pregnant, if you look at statistics senators, parents don't report you want to know why huh food stamp, a lot of food stamp. I raise my kids without food stamp and I raised nine, think about what I'm saying because there's a lot of twelve year olds, thirteen, fourteen giving birth but I'll bet you they haven't arrested those young men because you know parents don't report, the clinic don't report, the hospital don't report. So what can you guys do about that? That is what you should all be looking into, cause you're the law and that's all I have to say.

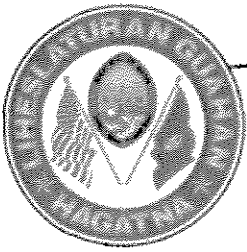
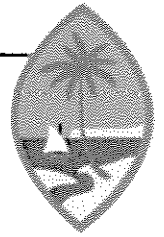
**Senator Frank B. Aguon Jr.**

Thank you very much Ms. Duenas, Attorney General Phil Tydingco.

**Phil Tydingco**

Good Afternoon Chairman Aguon and Honorable Senators, Senator Duenas, Senator McCreddie, Senator Limtiaco, Senator Tina Muna-Barnes, Senator Ada, Senator Tommy Morrison, Vice-Speaker B.J. Cruz. Here on behalf of Attorney General Rapadas and the office of the Attorney General.

Our position with bill as drafted is to oppose it, it appears that the bill was just taken almost verbatim from one of the model acts from and we believe that, that language as drafted here poses a number of problems if this were to become law today and signed into law.

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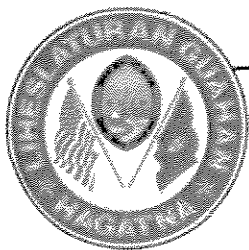
Let's go through some of those for example it references, it's actually based on the model legislation produce in fact I think I looked it up, it was almost verbatim. The American Legislation exchange council in Illinois that we don't have the same as or we don't call them the same, so that would be problematic, so this would require a mark-up if you wanted this not to have so easy consistencies, because like for example when you try to say exclude those crimes that are attempted vise or threatened vise of serious physical force or serious physical injury, we tend to use bodily injury or serious bodily injury as are terminology so it requires some of that. To make, if you want to make a consistent another reason the, he would want more time to look at the Romeo and Juliet at exception that they're trying to achieve here it looks as, that it's restricted to sexual contact we didn't know whether that's restricted to the crimes or crimes of sexual penetration also, for the Romeo and Juliet and there's still the language here again is adopted from Illinois and it talks about exempting as a Romeo and Juliet when there's a four year difference other than offense of involving sexual conduct where the victim was at least thirteen years old and the offender was not more than four years older form the victim.

So we we're trying to look at whether, so that policy is at, because our current law is you can't consent if you're under fourteen so here your bringing in thirteen, so that's an inconsistency with our statute, cause cause it says where the sexual conduct was consensual so we'd have to try to harmonize that with are current statute, cause here would be a seventeen year old and a thirteen year old could engage in I guess consensual sex, by this language even though we have an inconsistency where our statute says that only consensual sex is allowed between those who are sixteen and older and here we've lowered it down to fifteen, so there are these consistencies is the policy that the territory wants to take so that it's okay for seventeen year old and thirteen year old, sixteen year old and twelve's and so forth. You know, you run those ranges so it's something that should probably be discussed further.

And I know that , that we would prefer to, that if we're gonna have this type of safety valve that, that we eliminate the crimes that are not covered by it, because here a number of crimes that have minimum mandatory's that you may want as a policy, still require the minimum mandatory's, for example burglary, which many people it's made to be considered non violent but our current statutes says that on your second conviction, it's a minimum mandatory of five years and shall not be suspended and I think the policy behind that is because people who get burglarized repeatedly and I can tell you having gone to some of these neighborhood village meetings about burglaries, these burglarized over and over, more than once and I can tell you burglary cases when we catch them, by the time we charge them, they've done ten or twenty burglaries but lets' say here a burglary would be allowed, the court would be able to depart from the minimum mandatory and sometimes you know we just need a break for that guy or girl that's burglarizing us, we just need them to stay in there for five years and give the neighborhood a break, because some of these folks are people who are known to the family, known to the village and so there's a reason why we have a minimum mandatory.

So it might be better if we eliminate those, that is delineate, list those crimes we don't want to be subject the minimum mandatory plus I know that there is another bill that Senator McCreadie he's trying to define the minimum mandatory, we also have an appeal the issue about whether the courts can go depart below the minimum mandatory. So we have that fight going on up in the Supreme Court. I think this would actually help us as opposed to hurt us.

One argument if you put this into the law. We'd say here see they never meant for you to depart, they had to put it in. So those are things that you should factor and consider. The other thing to is victims want predictability, so this will probably affect our ability even for the nonviolent crimes.

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



Say we eliminate, but the crimes like burglary were, we want to like for example theft. If you have a second degree felony, I mean I'm sorry, if the theft is above fifteen thousand you're in a second degree felony and there minimum mandatory there is usually three is but if you're a first time offender statutes that lower the floors on our crimes. It would lower to a one to eight range.

So I understand that perhaps what's pushing this through is the Romeo and Juliet and I think there should be a Romeo and Juliet exception, I think we just have, I'm not so sure it need to go into general, a Justice Safety Valve Act, if you look at the federal model, this is clearly not the same as the federal model. The federal model has a lot of safeguards, has specific factors that are required, it gives the, it's not a mandatory right the defendant has. You know they make that clear on their Safety Valve Act. The court is required to give notice to the parties, there's all these requirements and hoop to jump through. If your gonna go below the minimum mandatory. The federal one gives a right of appeal to the prosecutor and a right to prosecution to challenge it. This statute does not do any of that like the federal counter part but if he wanted to have a balanced approach and also to harmonize with other statistics then we should look at the federal model and look at some of the procedural safeguards which may require amending for example the appeal statute which lays and what the people approved to appeal.

You know like for example we have a supreme court case that says the people when the jury finds someone guilty and there's a judgment acquittal we used to be able to appeal it but now we can't appeal that because it's not listed even though the jury decided they were guilty now the court can reverse it, I mean the court in its own can reverses it nit subject to any appeal this one too something, it's not subject to any appeal or scrutiny in the event that the court wanted to depart from the mandatory minimum.

So I think the there needs to be further mark up and dialogue about making this a much more balanced safety valve and especially if you want to put in the safeguards that the federal has I think that might be something that we could, we could discuss further because as it stands I believe if this was adopted in its present form it would it would cause problems with being able to interpret it cause again a lot of these doesn't apply to us. I think this is just based on Illinois criminal, there criminal stub, there penal code and there scheme and we do as I said we do have some safeguards for departing but the Romeo and Juliet is probably one that should be done and I don't know it has to be done here. In this one but it could be done separately in the criminal sexual conduct statutes. So I would say otherwise if it got passed like this I think it would put a chill in our ability to come to agreement and we would tell victims we can't predict it I mean for the nonviolent crimes, it would be difficult cause some folks are always saying well I thought you said that was the range for the second degrees or first degree. You know like the fraud statutes and stuff like that, I'd say well they do have a right to depart so that's something to consider, Thank you.

**Senator Frank B. Aguon Jr.**

Thank you General Tydingco. Any questions or comments Senators with General Tydingco? Yes. Senator Duenas?

**Senator Chris Duenas**

Thank you Mr. Chair I was following your concerns and I wanted to get your opinion General, Chief on this almost seems what worries me or concerns me, this almost seems like reversed departures or discretion, almost seems I want to make to be careful that we don't double victimize victims because this looks like a possibility of going the other way and in terms of discretion and do you see that.

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

**Phil Tydingco**

Senator I'm not sure I, I follow you are you, you asking whether the current bill as drafted could make some people victims unhappy with a departure.

**Senator Chris Duenas**

Yeah, like you said I mean when you've got the mandatory minimum and, and then now you go the other direction where it's sort of discussed it that's I mean you discussed it as to if you were dealing with a victim and there was some sort of departure from what the victim thought the sentence would be that, that would be problematic you are going the other direction where, Judge, cause there's a lot of pleas sometimes in this case.

**Phil Tydingco**

I was trying to give an example of a burglary when we know the fellow is up for his second burglary and he should be getting a minimum mandatory five years of, but it's a non violent crime and under this bill a departure could occur and it uses the standard, substantial, and compelling well it's substantial and compelling if I say I burglarized because I have a drug problem and then you're the victim of this burglar and you know this is his second time and you hear that he's not gonna do the minimum mandatory five I mean, you know again sometimes there are good reasons, the system allows departure in terms of plea agreement, sometimes we'll plea those the thefts and go below because the evidence is weak or the burglary wasn't, the burglar wasn't you know I had a number of cases where the burglar was caught before he or she could do anymore damage or make the person feel more violated you know folks tend to be, victims I've seen tend to be really, really upset. When they've been burglarized and the guys left as opposed to those who caught them and now they, their willing to say ok go ahead work something out, maybe he doesn't have to do the full five but have him one or two but the others you know saying oh, he's been doing this for two or three times, how come he keeps getting out and we do have folks that, that are regular, regularly burglarized and our policy is to try to, for the repeat offenders get the minimum mandatory five but it would be substantial and compelling reason that I did it cause I have a drug bottle.

**Senator Chris Duenas**

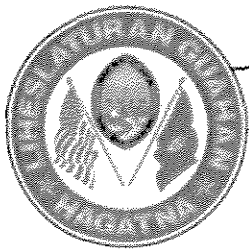
Yeah I guess that just as a follow up the reason why I know is Senator Ada and I have been getting a lot of community feedback on the issue and that was the point that I made for those who would be concerned sometimes saying wow you know some of that seems a little harsh and I said yea but there's a lot of discretion when the case is being worked on to the Attorney General and others, a lot of times this is really for those who are known habitual or true burglars, situation warrants where it gets the harshest sentence but a lot of times things get plead down sometimes for the purposes of, of ensuring the paper application of justice so that's where I think the really helps because that really set for the true offenders that, that are taken to the system in that manor you know but a lot of times the departure is really some sort of plea sometimes, so I just wanted to put that on the record.

**Phil Tydingco**

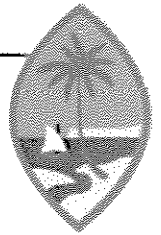
No I, I agree with you but I think that, again I think that what the public could support is if they saw the, those crimes that wouldn't be subject to the departure where numerated and delineated that might, that might give them the confidence to know that hey oh no they, don't worry you're, you're, that offense is not covered by the departure

**Chris Duenas**

Thanks Chief

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE

**Phil Tydingco**

Thank you very much Senator Duenas and ok chief, we will refer to you as chief any final comments from the Senators.

**Senator Tina Muna Barnes**

Thank you very Mr. Chair and note comment just based on the Chiefs presentation and know that even with the Federal Government as they look at the Safety Valve Act and its common sense..... would be critical and the, the comment that you noted about maybe enumerating those cases would be something that, that the committee at least my committee would look at visiting but just know that, that this was a takeoff from the Federal Government Safety Valve Act.

**Phil Tydingco**

Yeah and I understand that, the history of that is that because of the, the problem with the Federal System is they have those sentencing guidelines that had some draconian effect and they were problematic until they had case law that loosened that up and so it's Justice Safety Valve Act came as a result of those sentencing guidelines that forced, that took a lot of discretion away from the judges cause they actually had a table system, if ever you worked in the Federal Court, they have a whole system of sentencing guidelines and points and categorizes that fall into it so, this was a way to help loosen that up to, so but your point is well taken Senator, thank you and like I said I think we could, we could, we could work, mark up on this together.

**Senator Frank B. Aguon Jr.**

Thank you very much Chief Tydingco, just for the purposes of this particular public hearing on bill 161 and 188 had been publicly heard and for the public. If by any chance the committee will continue to receive testimonies on these measures for the subsequent ten days before we close out the committee report, also for the information at, I'd like to thank my colleagues for joining us in this public hearing but we do have one more scheduled for this evening to commence at 5pm on the Infant Child's Right to Life Act. So I certainly invite you to return to the table and also encourage the public to participate thank you very much.

The public hearing was adjourned at 3:29 PM.

III. The following individuals submitted written testimonies to the Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary before or after the scheduled Public Hearing on 10 October 2013 at 2:00PM:

1. N/A

**IV. FINDINGS & RECOMMENDATIONS**

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary hereby submits these findings and reports out Bill No. 188-32 (LS) by the Committee on Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary, with a recommendation TO REPORT OUT ONLY

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*

2013 ( ) Regular Session

Bill No. 188-32 (COR)

Introduced by:

T.R. Muña Barnes  
B.J.F. Cruz

2013 SEP 17 PM 4:17

**AN ACT TO ADD A NEW § 80.50 TO ARTICLE 2, CHAPTER 80, TITLE 9 GUAM CODE ANNOTATED KNOWN AS THE JUSTICE SAFETY VALVE ACT OF 2013 RELATIVE TO EMPOWERING THE COURTS OF GUAM TO DEPART FROM APPLICABLE MANDATORY MINIMUM SENTENCES UNDER SPECIFIC CONDITIONS, AND FOR OTHER PURPOSES.**

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

**Section 1. Legislative Findings and Intent.** Taking a cue from recent congressional efforts to save taxpayer dollars by reserving scarce prison beds for the most dangerous offenders—efforts culminating in the introduction in both houses of the U.S. Congress of the “The Justice Safety Valve Act of 2013,” (S. 619; HR 1695)—*I Liheslaturan Guåhan* seeks a similar “safety valve” at the territorial level, thereby allowing Guam courts to likewise impose sentences below the mandatory minimum sentence under specific conditions. The federal Act marks a national embrace of similar sentencing safety valves that have been enacted by legislatures in some eight states and counting. Like its state counterparts, the federal legislation is a sound way to reduce prison populations and save money, while at the same time protecting public safety. The federal Act seeks only to codify what has been described as an “common-sense” understanding that while mandatory minimum sentences may be appropriate in *many* cases, they are certainly not so in *every* case, especially those cases involving nonviolent offenders.

*I Liheslaturan Guåhan* finds that giving courts more flexibility in sentencing will only improve upon our justice system, as scarce prison beds will be reserved first and foremost to keep the public safe from truly violent offenders. *I Liheslaturan Guåhan* further finds that legislative bodies across the United States have too often moved in the mistaken policy direction of imposing new mandatory minimum sentences, unsupported by evidence, while failing to re-authorize and adequately fund crucial alternative programs designed to, among other things, rehabilitate prisoners so that they may be released to rejoin their communities as contributing members thereof. As Senator Patrick Leahy said

1 upon the introduction of the federal “Justice Safety Valve Act of 2013,” “[o]ur reliance on mandatory  
2 minimums has been a great mistake. It is time for us to let judges go back to acting as judges and  
3 making decisions based on the individual facts before them. A one-size-fits-all approach to sentencing  
4 does not make us safer.” In other words, *I Liheslaturan Guåhan* intends not to require Guam judges to  
5 impose shorter sentences, but rather only to authorize them to depart below a statutory mandatory  
6 minimum sentence after finding, among other things, that providing a particular defendant a shorter  
7 sentence will not jeopardize public safety. Put plainly, in cases where the mandatory minimum does  
8 not account for the offender’s limited role in a crime, or other relevant factors, judges would be  
9 allowed to consider those factors and narrowly tailor more appropriate sentences in such cases.

10 **Section 2. A new Section 80.50, Article 2, Chapter 80, 9 Guam Code Annotated is hereby**  
11 **added to read as follows:**

12 “§80.50. **Title.** This Section shall be known and may be cited as Justice Safety Valve Act of  
13 2013.

14 **§80.50.1. Sentencing.**

15 (A) Notwithstanding any other provision of law, when sentencing a person convicted of a  
16 violation for which there is a mandatory minimum sentence, but which did not:

17 (1) Include the use, attempted use or threatened use of serious physical force by the  
18 defendant against another person or result in the serious physical injury of another  
19 person by the defendant; or

20 (2) Involve any sexual contact offense by the defendant against a minor (other than an  
21 offense involving sexual conduct where the victim was at least 13 years old and the  
22 offender was not more than four years older than the victim and the sexual conduct was  
23 consensual);

24 (B) The court may depart from the applicable mandatory minimum sentence if the court finds  
25 substantial and compelling reasons on the record that, in giving due regard to the nature of the crime,  
26 history and character of the defendant and his or her chances of successful rehabilitation that:

27 (1) Imposition of the mandatory minimum would result in substantial injustice to the  
28 defendant;

29 (2) The mandatory minimum sentence is not necessary for the protection of the public.

30 **§80.50.2. Exceptions.** Section 80.50.1 of this Article shall not apply if the court finds that:

31 (1) The individual has a conviction for the same offense during the ten-year period prior  
32 to the commission of the offense;

33 (2) The individual intentionally uses a firearm in a manner that causes physical injury

1                   during the commission of the offense; or

2                   (3) The individual was the leader, manager, or supervisor of others in a continuing  
3                   criminal enterprise.

4                   **§80.50.3. Reporting.** Upon departing from mandatory minimum sentences, judges shall report  
5                   to Judicial Council which shall, one year following the enactment of this statute and annually  
6                   thereafter, make available in electronic form and on the World Wide Web, a report as to the number of  
7                   departures from mandatory minimum sentences made by each judge of the Superior Court of Guam.

8                   **§80.50.4. Reinvestment.** Twenty-five (25) percent of the savings realized as a result of this act  
9                   shall revert to the general fund to advance evidence-based practices shown to reduce recidivism.”

10                  **Section 3. Severability.** The provisions outlined in this Act are declared to be separate and  
11                  severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this Act,  
12                  or the invalidity of the application thereof to any person or circumstance shall not affect the validity of  
13                  the remainder of this Act, or the validity of its application to other persons or circumstances.

14                  **Section 4. Effective Date.** The provisions outlined in this Act shall become effective  
15                  immediately upon passage.



*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*

2013 (FIRST) Regular Session

**Bill No.188-32 (COR)**

As substituted by the Committee on Municipal  
Affairs, Tourism, Housing and Hagåtña  
Restoration and Redevelopment Authority.

**Introduced by:**

**T.R. Muña Barnes**  
**B.J.F. Cruz**

**AN ACT TO ADD A NEW § 80.39 TO ARTICLE 2, CHAPTER 80, TITLE 9 GUAM CODE ANNOTATED KNOWN AS THE JUSTICE SAFETY VALVE ACT OF 2013 RELATIVE TO EMPOWERING THE COURTS OF GUAM TO DEPART FROM APPLICABLE MANDATORY MINIMUM SENTENCES UNDER SPECIFIC CONDITIONS, AND FOR OTHER PURPOSES.**

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

**Section 1. Legislative Findings and Intent.** Taking a cue from recent congressional efforts to save taxpayer dollars by reserving scarce prison beds for the most dangerous offenders—efforts culminating in the introduction in both houses of the U.S. Congress of the “The Justice Safety Valve Act of 2013,” (S. 619; HR 1695)—*I Liheslaturan Guåhan* seeks a similar “safety valve” at the territorial level, thereby allowing Guam courts to likewise impose sentences below the mandatory minimum sentence under specific conditions. The federal Act marks a national embrace of similar sentencing safety valves that have been enacted by legislatures in some eight states and counting. Like its state counterparts, the federal legislation is a sound way to reduce prison populations and save money, while at the same time protecting public safety. The federal Act seeks only to codify what has been described as an “common-sense” understanding that while mandatory minimum sentences may be appropriate in *many* cases, they are certainly not so in *every* case, especially those cases involving nonviolent offenders.

*I Liheslaturan Guåhan* finds that giving courts more flexibility in sentencing will only improve upon our justice system, as scarce prison beds will be reserved first and foremost to keep the public safe from truly violent offenders. *I Liheslaturan Guåhan* further finds that legislative bodies across the United States have too often moved in the mistaken policy direction of imposing new mandatory minimum sentences, unsupported by evidence, while failing to re-authorize and adequately fund crucial

1 alternative programs designed to, among other things, rehabilitate prisoners so that they may be  
2 released to rejoin their communities as contributing members thereof. As Senator Patrick Leahy said  
3 upon the introduction of the federal “Justice Safety Valve Act of 2013,” “[o]ur reliance on mandatory  
4 minimums has been a great mistake. It is time for us to let judges go back to acting as judges and  
5 making decisions based on the individual facts before them. A one-size-fits-all approach to sentencing  
6 does not make us safer.” In other words, *I Liheslaturan Guåhan* intends not to require Guam judges to  
7 impose shorter sentences, but rather only to authorize them to depart below a statutory mandatory  
8 minimum sentence after finding, among other things, that providing a particular defendant a shorter  
9 sentence will not jeopardize public safety. Put plainly, in cases where the mandatory minimum does  
10 not account for the offender’s limited role in a crime, or other relevant factors, judges would be  
11 allowed to consider those factors and narrowly tailor more appropriate sentences in such cases.

12 **Section 2. A new Section 80.39, Article 2, Chapter 80, 9 Guam Code Annotated is hereby**  
13 **added to read as follows:**

14 “§80.39. **Title.** This Section shall be known and may be cited as Justice Safety Valve Act of  
15 2013.

16 **§80.39.1. Sentencing.**

17 (A) Notwithstanding any other provision of law, when sentencing a person convicted of a  
18 violation for which there is a mandatory minimum sentence, but which did not:

19 (1) Include the use, attempted use or threatened use of serious physical force by the  
20 defendant against another person or result in the serious physical injury of another  
21 person by the defendant; or

22 (2) Involve any sexual contact offense by the defendant against a minor (other than an  
23 offense involving sexual conduct where the victim was at least ~~13 years old~~ sixteen (16)  
24 years old and the offender was not more than four years older than the victim and the  
25 sexual conduct was consensual);

26 (B) The court may depart from the applicable mandatory minimum sentence if the court finds  
27 substantial and compelling reasons on the record that, in giving due regard to the nature of the crime,  
28 history and character of the defendant and his or her chances of successful rehabilitation that:

29 (1) Imposition of the mandatory minimum would result in substantial injustice to the  
30 defendant;

31 (2) The mandatory minimum sentence is not necessary for the protection of the public.

32 **§80.39.2. Exceptions.** Section 80.39.1 of this Article shall not apply if the court finds that:

33 (1) The individual has a conviction for the same offense during the ten-year period prior

1 to the commission of the offense;

2 (2) The individual intentionally uses a firearm in a manner that causes physical injury  
3 during the commission of the offense; or

4 (3) The individual was the leader, manager, or supervisor of others in a continuing  
5 criminal enterprise.

6 **§80.39.3. Reporting.** Upon departing from mandatory minimum sentences, judges shall report  
7 to Judicial Council which shall, one year following the enactment of this statute and annually  
8 thereafter, make available in electronic form and on the World Wide Web, a report as to the number of  
9 departures from mandatory minimum sentences made by each judge of the Superior Court of Guam.

10 **§80.39.4. Reinvestment.** Twenty-five (25) percent of the savings realized as a result of this act  
11 shall revert to the general fund to advance evidence-based practices shown to reduce recidivism.”

12 **Section 3. Severability.** The provisions outlined in this Act are declared to be separate and  
13 severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this Act,  
14 or the invalidity of the application thereof to any person or circumstance shall not affect the validity of  
15 the remainder of this Act, or the validity of its application to other persons or circumstances.

16 **Section 4. Effective Date.** The provisions outlined in this Act shall become effective  
17 immediately upon passage.

**COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS' AFFAIRS HOMELAND  
SECURITY & JUDICIARY**

*I Mina'Trentai Dos na Liheslaturan Guahan | 32<sup>nd</sup> Guam Legislature*



**SENATOR FRANK B. AGUON, JR  
CHAIRMAN**

**Thursday, October 10, 2013 @ 2:00PM**

**Bill No. 188-32 (COR)- An act to add a new § 80.50 to Article 2, Chapter 80, Title 9 Guam Code Annotated known as the Justice Safety Valve Act of 2013 relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, and for other purposes.**

NAME ( Please Print )	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
Patricia Duonag	#284 Magda Dedeso	742-2245	✓			
Phil Tydings	AGO		✓			X
Bias, Amanda	PDN	483-0418				



## COMMITTEE ON RULES

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Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

# Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **BILL NO. 188-32 (COR)**, "AN ACT TO ADD A NEW § 80.50 TO ARTICLE 2, CHAPTER 80, TITLE 9 GUAM CODE ANNOTATED KNOWN AS THE JUSTICE SAFETY VALVE ACT OF 2013 RELATIVE TO EMPOWERING THE COURTS OF GUAM TO DEPART FROM APPLICABLE MANDATORY MINIMUM SENTENCES UNDER SPECIFIC CONDITIONS, AND FOR OTHER PURPOSES." – on September 24, 2013. COR hereby certifies that BBMR confirmed receipt of this request September 24, 2014 at 12:57 P.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 188-32 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

  
\_\_\_\_\_

**Senator Rory J. Respicio**  
Chairperson, Committee on Rules

July 8, 2014

Date



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Alme Yamashita  
Member

September 24, 2013

VIA E-MAIL  
[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

John A. Rios  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Notes-- Bill Nos. 177-32(COR) through 180-32(COR);  
184-32(COR) through 186-32(COR); and 188-  
32(COR) through 193-32(COR)

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio  
*Chairperson, Committee on Rules*

Attachments (1)

Cc: Clerk of the Legislature

2013 SEP 24 11:06:15 AM

Bill Nos.	Sponsor	Title
177-32 (COR)	Vicente (ben) C. Pangelinan, Michael F.Q. San Nicolas, Judith T. Won Pat, Ed.D., T. R. Muña Barnes, Frank B. Aguon, Jr., B.J.F. Cruz, R.J. Respicio	AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2014; MAKING OTHER APPROPRIATIONS; AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.
178-32 (COR)	Judith T. Won Pat, Ed.D. Tina R. Muna Barnes D.G. Rodriguez, Jr., Rory J. Respicio, Michael F.Q. San Nicolas Frank B. Aguon, Jr. Tommy Morrison	AN ACT TO APPROPRIATE THE REMAINING FUNDS ESCHEATED TO THE GENERAL FUND PRIOR TO END OF FISCAL YEAR 2013, PURSUANT TO §21116 OF CHAPTER 21, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, TO THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES AND AUTHORIZED TO USE AS A LOCAL REQUIREMENT FOR THE MEDICAID PROGRAM.
179-32 (COR)	B.J.F. Cruz T.R. Muña-Barnes J.T. Won Pat, Ed.D	AN ACT TO AMEND P.L. 30-83 RELATIVE TO THE COORDINATING COMMITTEE OF THE 12TH FESTIVAL OF PACIFIC ARTS OF 2016.
180-32 (COR)	B.J.F. Cruz T. C. Ada	AN ACT TO AMEND SECTION 30102(a) OF CHAPTER 30, TITLE 5 GUAM CODE ANNOTATED, TO REQUIRE AGENCIES PERMITTED TO RETAIN COUNSEL OTHER THAN THE ATTORNEY GENERAL, TO HIRE UNCLASSIFIED, IN-HOUSE COUNSEL.
184-32 (COR)	Aline A. Yamashita, Ph.D., V. Anthony Ada, Brant T. McCreddie, Tommy Morrison, Michael T. Limtiaco, Chris M. Dueñas	AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) FROM SECTION 30 TAX REVENUES TO THE DEPARTMENT OF EDUCATION FOR THE IMPLEMENTATION OF PROVISIONS OF PUBLIC LAW NO. 31-29.
185-32 (COR)	Michael T. Limtiaco, Brant T. McCreddie, V. Anthony Ada, Chris M. Dueñas, Tommy Morrison, Aline A. Yamashita, Ph.D.,	AN ACT TO APPROPRIATE THE SUM OF FOUR HUNDRED FORTY NINE THOUSAND, ONE HUNDRED NINETEEN DOLLARS (\$449,119) FROM SECTION 30 TAX REVENUES TO PURCHASE VEHICLES FOR THE GUAM POLICE DEPARTMENT.
186-32 (COR)	Tommy Morrison, Brant T. McCreddie, V. Anthony Ada, Chris M. Dueñas, Michael T. Limtiaco, Aline A. Yamashita, Ph.D.,	AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) FROM SECTION 30 TAX REVENUES TO THE GUAM POLICE DEPARTMENT, THE GUAM FIRE DEPARTMENT, AND THE DEPARTMENT OF CORRECTIONS.

188-32 (COR)	T.R. MUÑA Barnes, B. J.F. Cruz	AN ACT TO ADD A NEW § 80.50 TO ARTICLE 2, CHAPTER 80, TITLE 9 GUAM CODE ANNOTATED KNOWN AS THE JUSTICE SAFETY VALVE ACT OF 2013 RELATIVE TO EMPOWERING THE COURTS OF GUAM TO DEPART FROM APPLICABLE MANDATORY MINIMUM SENTENCES UNDER SPECIFIC CONDITIONS, AND FOR OTHER PURPOSES.
189-32 (COR)	Dennis G. Rodriguez, Jr.	AN ACT TO FACILITATE THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS, BY AMENDING §6229.14 OF CHAPTER 6, 4 GCA, AND SUBSECTION (a) OF § 12805, ARTICLE B, CHAPTER 12, PART 1, 10 GCA.
190-32 (COR)	B J.F. Cruz, Judith T. Won Pat, Ed.D., Aline A. Yamashita, Ph.D.	AN ACT TO ADD A NEW CHAPTER 28 TO DIVISION 2 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE RESEARCH CORPORATION, UNIVERSITY OF GUAM (RCUOG).
191-32 (COR)	Frank B. Aguon, Jr.	AN ACT TO AMEND PUBLIC LAW 31-235, RELATIVE TO THE WOMEN'S REPRODUCTIVE HEALTH INFORMATION ACT OF 2012.
192-32 (COR)	B J.F. Cruz	AN ACT TO ADD A NEW § 64.15, § 64.16, AND § 64.17 TO CHAPTER 64 OF TITLE 9 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE PROHIBITION AND FORFEITURE OF ELECTRONIC MACHINES OR DEVICES TO CONDUCT SWEEPSTAKES GAMBLING.
193-32 (COR)	Dennis G. Rodriguez, Jr.	AN ACT TO AMEND SECTION 4 OF PUBLIC LAW 31-235 TO DELETE THE PROVISION REQUIRING THE "PRINTED MATERIALS" AND THE "CHECKLIST CERTIFICATION" TO UNDERGO THE RULE MAKING PROCESS PURSUANT TO THE ADMINISTRATIVE ADJUDICATION LAW.





## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Senator  
Dennis G. Rodriguez, Jr.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muña Barnes  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

September 19, 2013

### MEMORANDUM

To: **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

From: **Senator Rory J. Respicio**  
*Majority Leader & Rules Chair*

Subject: **Referral of Bill Nos. 188 & 189-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill Nos. 188 & 189-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

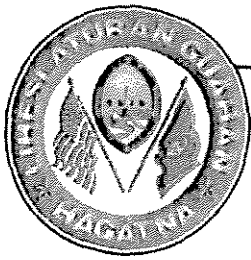
*Si Yu'os Ma'åse!*

Attachment

*I Mina'Trentai Dos Na Liheslaturan Guahan*

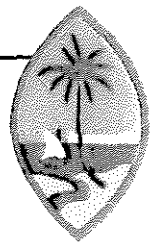
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
188-32 (COR)	T.R. MUÑA Barnes, B. J.F. Cruz	AN ACT TO ADD A NEW § 80.50 TO ARTICLE 2, CHAPTER 80, TITLE 9 GUAM CODE ANNOTATED KNOWN AS THE JUSTICE SAFETY VALVE ACT OF 2013 RELATIVE TO EMPOWERING THE COURTS OF GUAM TO DEPART FROM APPLICABLE MANDATORY MINIMUM SENTENCES UNDER SPECIFIC CONDITIONS, AND FOR OTHER PURPOSES.	9/17/13 4:17 p.m.	9/19/13	Committee on the Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary			



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**


I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



October 2, 2013

**MEMORANDUM**

TO: All Honorable Senators

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary 

SUBJECT: *FIRST NOTICE* of **Round Table** on Thursday, October 10, 2013 at 9:00AM  
*FIRST NOTICE* of **Public Hearing** on Thursday, October 10, 2013 at 2:00PM  
*FIRST NOTICE* of **Public Hearing** on Thursday, October 10, 2013 at 5:00PM

***Buenas yan Hafa Adai!***

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a **Round Table** and **Two (2) Public Hearings** on Thursday, October 10, 2013 at I Liheslaturan Guáhan's Public Hearing Room in Hagatña.

**9:00AM Round Table Agenda:**

Judiciary of Guam-Status report on the implementation of the Judiciary of Guam's strategic plan

**2:00PM Public Hearing Agenda:**

**Bill No. 161-32 (LS)** - An act relative to the establishment of a Guam Veterans Court within the Judiciary of Guam; through adding a new subsection "D" to §2101 of Chapter 2, Division 1, Title 7, Guam Code Annotated; this act shall henceforth be referred to as the "Justice for Veterans Act of 2013".

**Bill No. 188-32 (COR)** - An act to add a new § 80.50 to Article 2, Chapter 80, Title 9 Guam Code Annotated known as the Justice Safety Valve Act of 2013 relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, and for other purposes.

**5:00PM Public Hearing Agenda:**

**Bill No. 195-32 (COR)** - An act relative to protecting infants who are born alive as a result of an abortion, through the establishment of the "Infant Child's Right to Life Act"; through adding a new Chapter 91 to Title 9, Guam Code Annotated.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3 (4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at I Liheslaturan Guáhan's website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or service, please contact Fred "Rico" Taitague at 475-GUM1/2 (4861/2) or via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com).

***Si Yu'os Ma'ase!***

cc: Clerks / MIS / Sgt.-at-Arms

**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

**Speaker  
Judith T. Won Pat, Ed.D.**  
Committee Member

**Senator  
Rory J. Resplido**  
Committee Member

**Senator  
Thomas C. Ada**  
Committee Member

**Senator  
Dennis G. Rodriguez, Jr.**  
Committee Member

**Senator  
V. Anthony Ada**  
Committee Member

**Senator  
Michael Limtlaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member



---

## FIRST NOTICE: One (1) Round Table & Two (2) Public Hearings on THURSDAY, 10 October 2013

---

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com>

Wed, Oct 2, 2013 at 12:16 PM

To: phnotice@guamlegislature.org

Cc: Guam Legislature Clerks Office <clerks@guamlegislature.org>, mis@guamlegislature.org,  
sgtarms@guamlegislature.org

Bcc: committee@frankaguonjr.com

October 2, 2013

### MEMORANDUM

TO: All Honorable Senators

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland  
Security and Judiciary

SUBJECT: *FIRST NOTICE* of **Round Table** on Thursday, October 10, 2013 at **9:00AM**

*FIRST NOTICE* of **Public Hearing** on Thursday, October 10, 2013 at **2:00PM**

*FIRST NOTICE* of **Public Hearing** on Thursday, October 10, 2013 at **5:00PM**

### ***Buenas yan Hata Adai!***

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a **Round Table** and **Two (2) Public Hearings** on Thursday, October 10, 2013 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagatña.

- **9:00AM Round Table Agenda:**

- Judiciary of Guam-Status report on the implementation of the Judiciary of Guam's strategic plan

- **2:00PM Public Hearing Agenda:**

- **Bill No. 161-32 (LS)** - An act relative to the establishment of a Guam Veterans Court within the Judiciary of Guam; through adding a new subsection "D" to §2101 of Chapter 2, Division 1, Title 7, Guam Code Annotated; this act shall henceforth be referred to as the "Justice for Veterans Act of 2013".

- **Bill No. 188-32 (COR)** - An act to add a new § 80.50 to Article 2, Chapter 80, Title 9 Guam Code Annotated known as the Justice Safety Valve Act of 2013 relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, and for other purposes.

- **5:00PM Public Hearing Agenda:**

- **Bill No. 195-32 (COR)** - An act relative to protecting infants who are born alive as a result of an abortion, through the establishment of the "Infant Child's Right to Life Act"; through adding a new Chapter 91 to Title 9, Guam Code Annotated.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3 (4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at I Liheslaturan Guåhan's website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or service, please contact Fred "Rico" Taitague at 475-GUM1/2 (4861/2) or via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com).

*Si Yu'os Ma'ase!*

cc: Clerks / MIS / Sgt.-at-Arms

--  
Thanks!

**Office of Senator Frank B. Aguon, Jr.**

Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary

155 Hesler PL Suite 104, Hagåtña, Guam 96910

Tel: (671) 475-GUM1/2 (4861/2)


Fax: (671) GUM3 (4863)


[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com) | [www.frankaguonjr.com](http://www.frankaguonjr.com)


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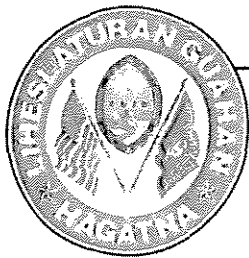
**4 attachments**

 **AllSen\_Memo.pdf**  
482K

 **Bill No. B161-32 (LS).pdf**  
178K

 **Bill No. B188-32 (COR).pdf**  
108K

 **Bill No. B195-32 (COR).pdf**  
89K



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*



October 7, 2013

**MEMORANDUM**

TO: All Honorable Senators

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs,  
Homeland Security and Judiciary

SUBJECT: **SECOND NOTICE of Round Table** on Thursday, October 10, 2013 at 9:00AM  
**SECOND NOTICE of Public Hearing** on Thursday, October 10, 2013 at 2:00PM  
**SECOND NOTICE of Public Hearing** on Thursday, October 10, 2013 at 5:00PM

***Buenas yan Hafa Adai!***

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a **Round Table** and **Two (2) Public Hearings** on Thursday, October 10, 2013 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagatña.

**9:00AM Round Table Agenda:**

Judiciary of Guam-Status report on the implementation of the Judiciary of Guam's strategic plan

**2:00PM Public Hearing Agenda:**

**Bill No. 161-32 (LS)** - An act relative to the establishment of a Guam Veterans Court within the Judiciary of Guam; through adding a new subsection "D" to §2101 of Chapter 2, Division 1, Title 7, Guam Code Annotated; this act shall henceforth be referred to as the "Justice for Veterans Act of 2013".

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**5:00PM Public Hearing Agenda:**

**Bill No. 195-32 (COR)** - An act relative to protecting infants who are born alive as a result of an abortion, through the establishment of the "Infant Child's Right to Life Act"; through adding a new Chapter 91 to Title 9, Guam Code Annotated.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3 (4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or service, please contact Fred "Rico" Taitague at 475-GUM1/2 (4861/2) or via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com).

***Si Yu'os Ma'åse'!***

cc: Clerks / MIS / Sgt.-at-Arms

**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

**Speaker  
Judith T. Won Pat, Ed.D.**  
Committee Member

**Senator  
Rory J. Respicio**  
Committee Member

**Senator  
Thomas C. Ada**  
Committee Member

**Senator  
Dennis G. Rodriguez, Jr.**  
Committee Member

**Senator  
V. Anthony Ada**  
Committee Member

**Senator  
Michael Limtiaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member



---

## SECOND NOTICE: One (1) Round Table & Two (2) Public Hearings on THURSDAY, 10 October 2013

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Office of Sen. Frank B. Aguon, Jr. <committee@frankaguonjr.com>

Mon, Oct 7, 2013 at 11:56 AM

To: phnotice@guamlegislature.org

Cc: Guam Legislature Clerks Office <clerks@guamlegislature.org>, mis@guamlegislature.org,  
sgtarms@guamlegislature.org

Bcc: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>, Senator Aguon Staff  
<staff@frankaguonjr.com>, "Frank Aguon, Jr." <aguon4guam@gmail.com>, Senator Aguon Communications  
<media@frankaguonjr.com>, Senator Aguon Legislative Policy <policy@frankaguonjr.com>

October 7, 2013

### MEMORANDUM

TO: All Honorable Senators

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland  
Security and Judiciary

SUBJECT: *SECOND NOTICE* of **Round Table** on Thursday, October 10, 2013 at **9:00AM**  
*SECOND NOTICE* of **Public Hearing** on Thursday, October 10, 2013 at **2:00PM**  
*SECOND NOTICE* of **Public Hearing** on Thursday, October 10, 2013 at **5:00PM**

***Buenas yan Hata Adai!***

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has  
scheduled a **Round Table** and **Two (2) Public Hearings** on Thursday, October 10, 2013 at *I Liheslaturan*  
*Guåhan*'s Public Hearing Room in Hagatña.

- **9:00AM Round Table Agenda:**

- Judiciary of Guam-Status report on the implementation of the Judiciary of Guam's strategic plan

- **2:00PM Public Hearing Agenda:**

- **Bill No. 161-32 (LS)** - An act relative to the establishment of a Guam Veterans Court within the  
Judiciary of Guam; through adding a new subsection "D" to §2101 of Chapter 2, Division 1, Title

7, Guam Code Annotated; this act shall henceforth be referred to as the "Justice for Veterans Act of 2013".

- **Bill No. 188-32 (COR)** - An act to add a new § 80.50 to Article 2, Chapter 80, Title 9 Guam Code Annotated known as the Justice Safety Valve Act of 2013 relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, and for other purposes.
  
- **5:00PM Public Hearing Agenda:**
  - **Bill No. 195-32 (COR)** - An act relative to protecting infants who are born alive as a result of an abortion, through the establishment of the "Infant Child's Right to Life Act"; through adding a new Chapter 91 to Title 9, Guam Code Annotated.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3 (4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at Liheslaturan Guåhan's website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or service, please contact Fred "Rico" Taitague at 475-GUM1/2 (4861/2) or via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com).

*Si Yu'os Ma'ase!*

cc: Clerks / MIS / Sgt.-at-Arms

---  
**Thanks!**

**Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary**

Office of Senator Frank B. Aguon, Jr.

155 Hesler PL Suite 104, Hagåtña, Guam 96910


Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) GUM3 (4863)

[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com) | [www.frankaguonjr.com](http://www.frankaguonjr.com)

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467K





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## ROUND TABLE & PUBLIC HEARING NOTICE - Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary

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Senator Aguon Communications <[media@frankaguonjr.com](mailto:media@frankaguonjr.com)>

Tue, Oct 8, 2013 at 4:02 PM

To: "Comm. on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary"  
<[committee@frankaguonjr.com](mailto:committee@frankaguonjr.com)>, "Frank B. Aguon, Jr." <[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com)>

08 October 2013

### ***Buenas yan Hata Adai!***

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a **Round Table** and Two (2) **Public Hearings** on Thursday, October 10, 2013 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña.

#### **9:00AM Round Table Agenda:**

Judiciary of Guam - Status report on the implementation of the Judiciary of Guam's strategic plan

#### **2:00PM Public Hearing Agenda:**

**Bill No. 161-32 (LS)** - An act relative to the establishment of a Guam Veterans Court within the Judiciary of Guam; through adding a new subsection "D" to §2101 of Chapter 2, Division 1, Title 7, Guam Code Annotated; this act shall henceforth be referred to as the "Justice for Veterans Act of 2013".

**Bill No. 188-32 (COR)** - An act to add a new § 80.50 to Article 2, Chapter 80, Title 9 Guam Code Annotated known as the Justice Safety Valve Act of 2013 relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, and for other purposes.

#### **5:00PM Public Hearing Agenda:**

**Bill No. 195-32 (COR)** - An act relative to protecting infants who are born alive as a result of an abortion, through the establishment of the "Infant Child's Right to Life Act"; through adding a new Chapter 91 to Title 9, Guam Code Annotated.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3 (4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or service, please contact Fred "Rico" Taitague at 475-GUM1/2 (4861/2) or via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com).

***Si Yu'os Ma'åse'!***

--  
Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

155 Hesler PL Suite 104, Hagåtña, Guam 96910


Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) GUM3 (4863)

[aguon4guam@gmail.com](mailto:aguon4guam@gmail.com) | [www.frankaguonjr.com](http://www.frankaguonjr.com)

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 **MEMO\_8Oct2013.pdf**  
547K



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## REMINDER: Round Table with the Judiciary of Guam & Public Hearings Tomorrow on Bill Nos. 161 & 188; 195

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Senator Aguon Communications <media@frankaguonjr.com>  
To: Senator Aguon Communications <media@frankaguonjr.com>  
Bcc: committee@frankaguonjr.com

Wed, Oct 9, 2013 at 11:59 AM

09 October 2013

### MEDIA ADVISORY

#### *Buenas yan Håta Adai!*

Please be advised the Committee on Guam U.S. Military Relocation, Veterans' Affairs, Homeland Security and Judiciary will host three (3) legislative events tomorrow, 10 October 2013 in the Public Hearing Room of the Legislature Building.

#### **9:00AM Agenda**

Judiciary of Guam - Status report on the implementation of the Judiciary of Guam's strategic plan

---

#### **2:00PM Agenda**

**Bill No. 161-32 (LS)** - An act relative to the establishment of a Guam Veterans Court within the Judiciary of Guam; through adding a new subsection "D" to §2101 of Chapter 2, Division 1, Title 7, Guam Code Annotated; this act shall henceforth be referred to as the "Justice for Veterans Act of 2013".

**Bill No. 188-32 (COR)** - An act to add a new § 80.50 to Article 2, Chapter 80, Title 9 Guam Code Annotated known as the Justice Safety Valve Act of 2013 relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, and for other purposes.

---

#### **5:00PM Agenda**

**Bill No. 195-32 (COR)** - An act relative to protecting infants who are born alive as a result of an abortion, through the establishment of the "Infant Child's Right to Life Act"; through adding a new Chapter 91 to Title 9, Guam Code Annotated.

The Guam Legislature complies with provisions of the Americans with Disabilities Act (ADA). Individuals requiring special accommodations or services should contact Fred "Rico" Taitague at 475-GUM1/2 (4861/2) or by email at [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com).

The public hearing will be broadcasted on MCV Channel 13 or GUdTV Channel 21.

***Si Yu'os Ma'åse'!***

###

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**Thanks!**

**Office of Senator Frank B. Aguon, Jr.**

Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

155 Hesler PL Suite 104, Hagåtña, Guam 96910

Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) GUM3 (4863)

aguon4guam@gmail.com | [www.frankaguonjr.com](http://www.frankaguonjr.com)

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**Listserv: phnotice@guamlegislature.org  
As of October 1, 2013**

aalladi@guampdn.com
action@weareguahan.com
admin@frankaguonjr.com
admin@guamrealtors.com
admin@leapguam.com
admin@weareguahan.com
agnes@judiwonpat.com
aguon4guam@gmail.com
ahernandez@guamlegislature.org
ajuan@kjifm104.com
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aline4families@gmail.com
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As of October 1, 2013**

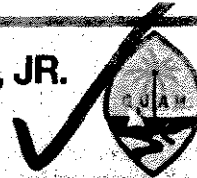
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## OFFICE OF SENATOR FRANK B. AGUON, JR.

Chairman, Committee on Guam US Military Relocation,  
Homeland Security, Veterans Affairs and Judiciary  
*Mina' Trentai Dos Na Liheslaturan Guahan / 32nd Guam Legislature*



### PUBLIC HEARING NOTICES -- To be held at Liheslaturan Guahan's Public Hearing Room

Judiciary of Guam Round Table - Thursday, October 10, 2013 at 9:00AM

Bill Nos. 161-32 & 188-32 - Thursday, October 10, 2013 at 2:00PM

"Infant Child's Right to Life Act" (Bill No. 195-32) - Thursday, October 10, 2013 at 5:00PM

"Anti-Sweepstakes Cafe" (Bill No. 192-32) - Tuesday, October 15, 2013 at 5:00PM

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**TUESDAY - OCTOBER 15, 2013 at 5:00PM - Bill No. 192-32 (COR) - "ANTI-SWEEPSTAKES CAFE"** - An act to add a new § 64.15, § 64.16, and § 64.17 to Chapter 64 of Title 9 of the Guam Code Annotated; relative to the prohibition and forfeiture of electronic machines or devices to conduct sweepstakes gambling.

**TUESDAY - OCTOBER 15, 2013 at 6:00PM - Quarterly Veterans Round Table**

The public hearing will be broadcasted on MCV Channel 13 or GUMTV Channel 21. If you require any special accommodations, please contact the Office of Senator Frank B. Aguon, Jr. at 475-GUM1/2 (4861/2) or e-mail [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com). **This ad paid for with government funds**



## OFFICE OF SENATOR FRANK B. AGUON, JR.

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*Mina Trentai Dos Na Liheslaturan Guahan 132nd Guam Legislature*



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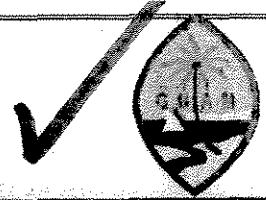
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**TUESDAY - OCTOBER 15, 2013 at 6:00PM** - Quarterly Veterans Round Table

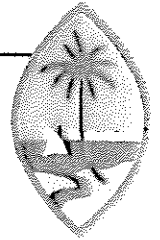
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COMMITTEE ON

GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



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Committee Chairperson

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Committee Vice Chairperson

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Senator  
**V. Anthony Ada**  
Committee Member

Senator  
**Michael Limtlaco**  
Committee Member

Senator  
**Thomas Morrison**  
Committee Member

October 2, 2013

The Honorable Edward J. Calvo  
Governor of Guam  
513 West Marine Corps Drive  
Ricardo J. Bordallo Complex  
Hagåtña, Guam 96910  
Sent via email to [governor@guam.gov](mailto:governor@guam.gov)

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM  
**Public Hearing** on Thursday, October 10, 2013 at 2:00PM  
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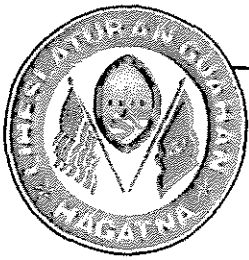
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Respectfully,

**SENATOR FRANK B. AGUON, JR.**

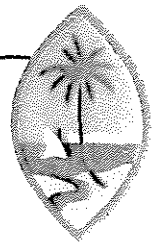
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
*I Liheslaturan Guåhan* | 32<sup>nd</sup> Guam Legislature

cc: Lieutenant Governor Raymond Tenorio  
Elaine Gogue / Rose Ramsey / Joy Unpingco



GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



October 2, 2013

Honorable Madeleine Z. Bordallo

Guam Delegate

GUAM DISTRICT OFFICE

Suite 107 Capitol Plaza

120 Father Dueñas Avenue

Hagåtña, Guam 96910

Sent via electronic email to [andrew.tenorio@mail.house.gv](mailto:andrew.tenorio@mail.house.gv)

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM  
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Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
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cc: Andrew Tenorio / Jon Calvo

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I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



October 2, 2013

The Honorable F. Phillip Carbullido  
Chief Justice of the Judiciary of Guam  
Suite 300, Guam Judicial Ctr.  
120 West O' Brien Drive  
Hagåtña, Guam 96910

Sent via email to [fpcarbullido@guamsupremecourt.com](mailto:fpcarbullido@guamsupremecourt.com)

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cc: Joshua Tenorio

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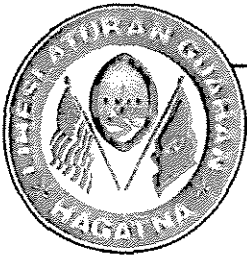
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Dennis G. Rodriguez, Jr.  
Committee Member

Senator  
V. Anthony Ada  
Committee Member

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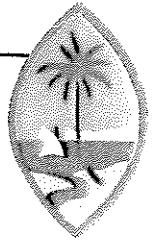
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Thomas Morrison  
Committee Member



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd GUAM LEGISLATURE*



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October 2, 2013

**Ambrose Constantino**  
Advisor, Guam Homeland Security  
2218 Chalan Palasyo  
Agana Heights, Guam 96910  
Sent via email to [ambrosio.constantino@qhs.guam.gov](mailto:ambrosio.constantino@qhs.guam.gov)

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM  
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Judiciary of Guam-Status report on the implementation of the Judiciary of Guam's strategic plan

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Respectfully,

**SENATOR FRANK B. AGUON, JR.**

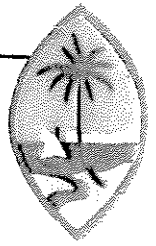
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Committee Member

October 2, 2013

**James T. McDonald**  
Office of Civil Defense Administrator  
221B Chalan Palasyo  
Agana Heights, Guam  
Sent via email to [jim.mcdonald@ghs.guam.gov](mailto:jim.mcdonald@ghs.guam.gov)

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VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



October 2, 2013

**The Honorable John Unpingco, Esq.**  
Administrator, Office of Veterans Affairs  
172 S. Marine Corp Dr. Asan  
P.O. Box 5178  
Hagåtña, Guam 96932  
Sent via email to [john.unpingco@qvao.guam.gov](mailto:john.unpingco@qvao.guam.gov)

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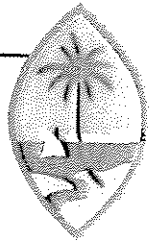
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GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



October 2, 2013

**Mr. Mark Calvo**  
Special Assistant to Governor on Military Buildup & Infrastructure  
513 West Marine Corps Drive  
Ricardo J. Bordallo Complex  
Hagåtña, Guam 96910  
Sent via email to [mark.calvo@guam.gov](mailto:mark.calvo@guam.gov)

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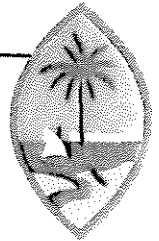
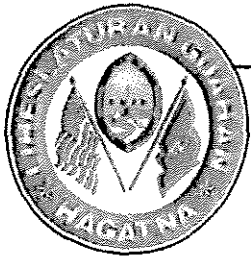
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VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*

October 2, 2013

**Eric D. Miller**  
Public Defender Service Corporation  
MVP Sinajana Commercial Bldg.,  
Unit B 779 Route 4  
Sinajana, Guam 96910  
*Sent via email to [emiller@quampdsc.net](mailto:emiller@quampdsc.net)*

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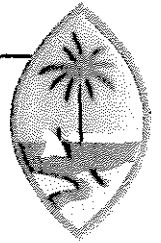
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October 2, 2013

**Colonel Raffaele J.M. Sgambelluri**  
Chief of Guam Customs and Quarantine Agency  
770 East Sunset Boulevard Airport Rd.  
AB Won Pat, Guam 96913  
Sent via email to [Raffaele.sgambelluri@cqa.guam.gov](mailto:Raffaele.sgambelluri@cqa.guam.gov)

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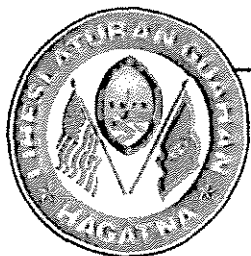
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**Pedro Leon Guerrero**  
Guam Customs & Quarantine Agency  
770 East Sunset Boulevard Airport Rd.  
AB Won Pat, Guam 96913  
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Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
I Mina'trentai Dos Na Liheslaturan Guåhan | 32<sup>nd</sup> Guam Legislature



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*



October 2, 2013

**Attorney General Leonardo G. Rapadas**  
**Office of the Attorney General**  
287 W. O'Brien Drive  
Hagåtña, Guam 96910  
*Sent via email to [lgw@guomog.org](mailto:lgw@guomog.org)*

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM  
**Public Hearing** on Thursday, October 10, 2013 at 2:00PM  
**Public Hearing** on Thursday, October 10, 2013 at 5:00PM

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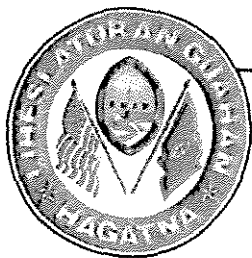
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October 2, 2013

**Celine Sanchez-Guzman**  
Army Retirees Association  
Sent via email to [celine.sanchez@us.army.mil](mailto:celine.sanchez@us.army.mil)

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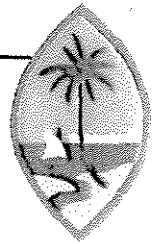
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**Tony Guzman**  
Army Retirees Association  
*Sent via email to [celine.sanchez@us.army.mil](mailto:celine.sanchez@us.army.mil)*

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**Joseph San Nicolas**  
**Dededo Veterans Organization**  
*Sent via email to joe\_kamudo@yahoo.com*

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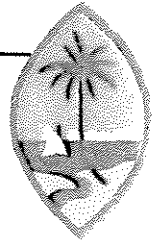
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October 2, 2013

**John Taitano**  
Military Order of the Purple Heart Chapter 787  
Sent via email to [jnbatulai@guam.net](mailto:jnbatulai@guam.net)

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**Alan Van Aken**  
Third Marine Division Association  
Sent via email to [AGunner77@teleguam.net](mailto:AGunner77@teleguam.net)

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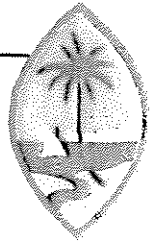
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**Victor Ryan**  
American Legion  
*Sent via email to [alegionguam@yahoo.com](mailto:alegionguam@yahoo.com)*

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*I Mina'trentai Dos Na Liheslaturan Guahan | 32nd Guam Legislature*



October 2, 2013

Tom Devlin  
Military Order of the Purple Heart Chapter 1315  
Sent via email to [mophtd@ite.net](mailto:mophtd@ite.net)

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM  
**Public Hearing** on Thursday, October 10, 2013 at 2:00PM  
**Public Hearing** on Thursday, October 10, 2013 at 5:00PM

*Buenas yan Hafa Adai!*

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a **Round Table** and **Two (2) Public Hearings** on Thursday, October 10, 2013 at *I Liheslaturan Guahan's* Public Hearing Room in Hagatña.

**9:00AM Round Table Agenda:**

Judiciary of Guam-Status report on the implementation of the Judiciary of Guam's strategic plan

**2:00PM Public Hearing Agenda:**

**Bill No. 161-32 (LS)** - An act relative to the establishment of a Guam Veterans Court within the Judiciary of Guam; through adding a new subsection "D" to §2101 of Chapter 2, Division 1, Title 7, Guam Code Annotated; this act shall henceforth be referred to as the "Justice for Veterans Act of 2013".

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Respectfully,

**SENATOR FRANK B. AGUON, JR.**

Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
*I Mina'trentai Dos Na Liheslaturan Guahan | 32nd Guam Legislature*

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**Senator  
Thomas Morrison**  
Committee Member



COMMITTEE ON

GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



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Committee Member

Senator  
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Committee Member

October 2, 2013

**Robert Hayes**  
Brotherhood of Veterans  
Sent via email to [alegionquam@yahoo.com](mailto:alegionquam@yahoo.com)

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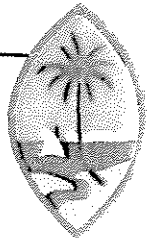
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
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**Michael Limtiaco**  
Committee Member

Senator  
**Thomas Morrison**  
Committee Member

October 2, 2013

**Nancy T. Kuper**  
Commander for Chapter 43  
Women Veterans of America  
Sent via email to [nancy.t.kuper.ctr@mail.com](mailto:nancy.t.kuper.ctr@mail.com)

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GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



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Senator  
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Committee Member

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October 2, 2013

**Dan Perez**  
Barrigada Veterans Organization  
Sent via email to [jgrivera1949@ymail.com](mailto:jgrivera1949@ymail.com)

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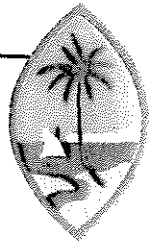
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GUAM U.S. MILITARY RELOCATION  
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October 2, 2013

**Dan Mendiola**  
Vietnam Veterans of America #668  
Sent via email to [dmendiola@teleguam.net](mailto:dmendiola@teleguam.net)

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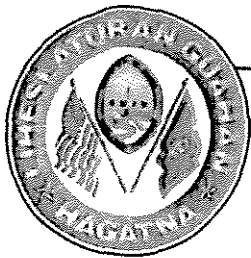
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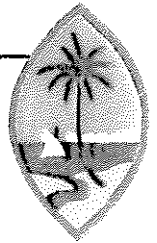
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*I Mina'Trentai Dos Na Liheslaturan Guåhan | 32ND GUAM LEGISLATURE*



October 2, 2013

**Bernard Gines**  
Philippine Scouts & World War II Association  
Sent via email to [edaycab@yahoo.com](mailto:edaycab@yahoo.com)

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM  
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PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)  
155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: [AGUON4GUAM@GMAIL.COM](mailto:AGUON4GUAM@GMAIL.COM)

[WWW.FRANKAGUONJR.COM](http://WWW.FRANKAGUONJR.COM)

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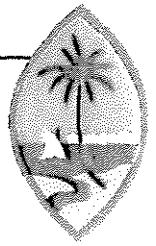
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October 2, 2013

**Albert Parke**  
Veterans of Guam Motorcycle Club  
Sent via email to [tsugam@hotmail.com](mailto:tsugam@hotmail.com)

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**Bobbie Taitano**  
Ladies Auxiliary – Military Order of the Purple Heart  
Sent via email to [inbatulai@guam.net](mailto:inbatulai@guam.net)

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**Bill No. 161-32 (LS)** - An act relative to the establishment of a Guam Veterans Court within the Judiciary of Guam; through adding a new subsection "D" to §2101 of Chapter 2, Division 1, Title 7, Guam Code Annotated; this act shall henceforth be referred to as the "Justice for Veterans Act of 2013".

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Respectfully,

**SENATOR FRANK B. AGUON, JR.**

Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
I Mina'trentai Dos Na Liheslaturan Guåhan | 32<sup>nd</sup> Guam Legislature

**Senator**  
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**Speaker**  
**Judith T. Won Pat, Ed.D.**  
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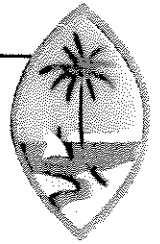
**Senator**  
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GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



October 2, 2013

**Brian Merenda**  
Veterans of Foreign Wars Post 1509  
Sent via email to [bjmerenda@yahoo.com](mailto:bjmerenda@yahoo.com)

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM  
**Public Hearing** on Thursday, October 10, 2013 at 2:00PM  
**Public Hearing** on Thursday, October 10, 2013 at 5:00PM

*Buenas yan Hafa Adai!*

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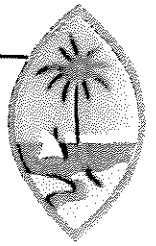
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Committee Member

Senator  
**Thomas Morrison**  
Committee Member

October 2, 2013

John G. Rivera  
Barrigada Veterans Organization  
Sent via email to [jgrivera1949@ymail.com](mailto:jgrivera1949@ymail.com)

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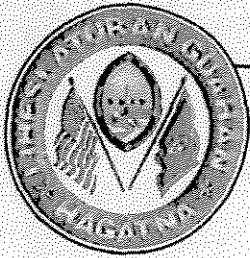
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Respectfully,

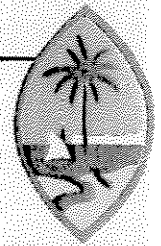
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Committee Member

**Senator  
Thomas Morrison**  
Committee Member

October 2, 2013

**Harold Kirk**  
Fleet Reserve Association BR 73  
Sent via email to [harold.kirk@med.navy.mil](mailto:harold.kirk@med.navy.mil)

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM  
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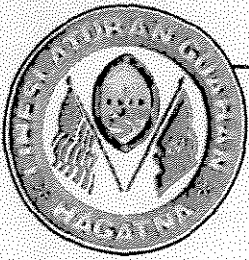
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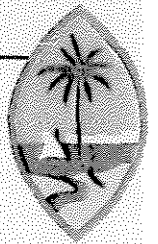
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October 2, 2013

**George Perez**  
Chairman, Korean War Veterans Association  
P.O. Box 26798  
Barrigada, Guam 96921

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PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)  
155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: [AGUON4GUAM@GMAIL.COM](mailto:AGUON4GUAM@GMAIL.COM)

[WWW.FRANKAGUONJR.COM](http://WWW.FRANKAGUONJR.COM)

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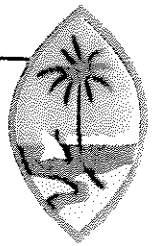
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October 2, 2013

Joyce Martratt  
Fleet Reserve Association 73 Auxiliary  
Sent via email to [joyimar13@yahoo.com](mailto:joyimar13@yahoo.com)

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM  
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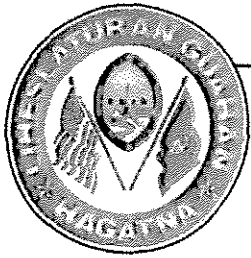
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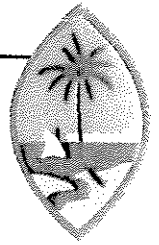
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October 2, 2013

**Bill Cundiff**  
Guam Veterans Commission  
Guam U.S. Air Force Association  
*Sent via email to afcmsgt24@yahoo.com*

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM  
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155 HESLATA PLACE HAGATNA, GUAM 96910 | EMAIL: [AGUON4GUAM@GMAIL.COM](mailto:AGUON4GUAM@GMAIL.COM)

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October 2, 2013

**Art Mesa**  
American Legion  
*Sent via email to varoquam1@yahoo.com*

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The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a **Round Table** and **Two (2) Public Hearings** on Thursday, October 10, 2013 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagatña.

**9:00AM Round Table Agenda:**

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Respectfully,

**SENATOR FRANK B. AGUON, JR.**

Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
*I Minna'Trentai Dos Na Liheslaturan Guåhan | 32<sup>nd</sup> Guam Legislature*

PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)  
155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: [AGUON4GUAM@GMAIL.COM](mailto:AGUON4GUAM@GMAIL.COM)

[WWW.FRANKAGUONJR.COM](http://WWW.FRANKAGUONJR.COM)

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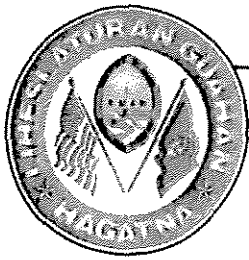
**Senator**  
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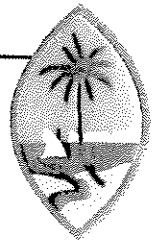
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**Michael Limtlaco**  
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GUAM U.S. MILITARY RELOCATION  
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Committee Member

October 2, 2013

Ray Baza  
Guam Vietnamese American Association  
Sent via email to [jbazanaputi@gmail.com](mailto:jbazanaputi@gmail.com)

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM  
**Public Hearing** on Thursday, October 10, 2013 at 2:00PM  
**Public Hearing** on Thursday, October 10, 2013 at 5:00PM

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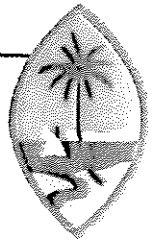
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*I Mina'trentai Dos Na Liheslaturan Guåhan | 32ND GUAM LEGISLATURE*



October 2, 2013

**Connie Flores**  
Ladies Auxilliary Veterans for Women Post 1509  
*Sent via email to ritalynn\_flores@yahoo.com*

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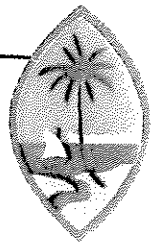
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Committee Member

October 2, 2013

**Bill Bradford**  
Veterans of Foreign Wars Post 2917  
*Sent via email to [wwbradford@live.com](mailto:wwbradford@live.com)*

RE: **Round Table** on Thursday, October 10, 2013 at 9:00AM  
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Committee Member

October 2, 2013

**Gregorio Borja**  
U.S. Department of Veterans Affairs  
VA Benefits Administration, Guam Benefits Office  
Reflection Center Suite 202  
222 Chalan Santo Papa  
Hagåtña, Guam 96910  
Sent via email to [gregorio.a.borja@va.gov](mailto:gregorio.a.borja@va.gov)

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October 2, 2013

**Sarah Thomas Nededog**  
Vice President, WestCare Pacific Islands  
545 Chalan San Antonio Suite 301  
Tamuning, GU 96923  
Sent via email to [sarah.thomasnededog@westcare.com](mailto:sarah.thomasnededog@westcare.com)

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cc: Tony Nangauta / Carmelita Calvo

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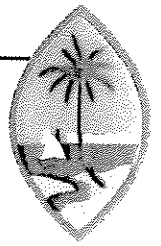
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October 2, 2013

**Bernadette Santos**  
Guam Community-Based Outpatient Clinic  
498 Chalan Palasyo  
Agana Heights, GU 96910  
Sent via email to [bernadette.santos@va.gov](mailto:bernadette.santos@va.gov)

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October 2, 2013

**Alwin Rafael**  
Guam Vet Center  
Reflection Center Suite 102  
222 Chalan Santo Papa  
Hagåtña, Guam 96910  
*Sent via email to [alwin.rafael@va.gov](mailto:alwin.rafael@va.gov)*

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*Buenas yan Hafa Adol!*

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a **Round Table** and **Two (2) Public Hearings** on Thursday, October 10, 2013 at *1 Liheslaturan Guáhan's* Public Hearing Room in Hagatña.

**9:00AM Round Table Agenda:**

Judiciary of Guam-Status report on the implementation of the Judiciary of Guam's strategic plan

**2:00PM Public Hearing Agenda:**

**Bill No. 161-32 (LS)** - An act relative to the establishment of a Guam Veterans Court within the Judiciary of Guam; through adding a new subsection "D" to §2101 of Chapter 2, Division 1, Title 7, Guam Code Annotated; this act shall henceforth be referred to as the "Justice for Veterans Act of 2013".

**Bill No. 188-32 (COR)** - An act to add a new § 80.50 to Article 2, Chapter 80, Title 9 Guam Code Annotated known as the Justice Safety Valve Act of 2013 relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, and for other purposes.

**5:00PM Public Hearing Agenda:**

**Bill No. 195-32 (COR)** - An act relative to protecting infants who are born alive as a result of an abortion, through the establishment of the "Infant Child's Right to Life Act"; through adding a new Chapter 91 to Title 9, Guam Code Annotated.

If you feel the above mentioned items impact your agency or organization, we encourage you to participate in the relative upcoming Public Hearing. The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3 (4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *1 Liheslaturan Guáhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or service, please contact Fred "Rico" Taitague at 475-GUM1/2 (4861/2) or via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com).

Respectfully,

**SENATOR FRANK B. AGUON, JR.**

Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
*1 Miná'Trental Dos Na Liheslaturan Guáhan | 32<sup>nd</sup> Guam Legislature*

**Senator**  
**FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator**  
**Tina Muna-Barnes**  
Committee Vice Chairperson

**Speaker**  
**Judith T. Won Pat, Ed.D.**  
Committee Member

**Senator**  
**Rory J. Respicio**  
Committee Member

**Senator**  
**Thomas C. Ada**  
Committee Member

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**Dennis G. Rodriguez, Jr.**  
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**Senator**  
**V. Anthony Ada**  
Committee Member

**Senator**  
**Michael Limtiaco**  
Committee Member

**Senator**  
**Thomas Morrison**  
Committee Member





GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE



October 2, 2013

Melissa M. McDaniel  
Guam Veterans Magazine  
137 North Leonardo Tenorio  
Talofofo, Guam 96915  
Sent via email to [mel.mvision@gmail.com](mailto:mel.mvision@gmail.com)

RE: Round Table on Thursday, October 10, 2013 at 9:00AM  
Public Hearing on Thursday, October 10, 2013 at 2:00PM  
Public Hearing on Thursday, October 10, 2013 at 5:00PM

*Buenas yan Hafa Adai!*

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Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32<sup>nd</sup> GUAM LEGISLATURE

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Committee Member

Senator  
**Rory J. Respicio**  
Committee Member

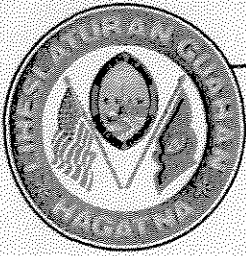
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Committee Member

Senator  
**Dennis G. Rodríguez, Jr.**  
Committee Member

Senator  
**V. Anthony Ada**  
Committee Member

Senator  
**Michael Lintlaco**  
Committee Member

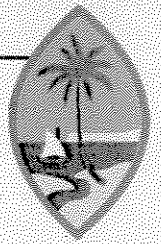
Senator  
**Thomas Morrison**  
Committee Member



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE*



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**FRANK B. AGUON, JR.**  
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Committee Member

Senator  
**Thomas Morrison**  
Committee Member

## **PUBLIC HEARING**

October 10, 2013, Thursday at 2:00PM

*I Liheslaturan Guahan's Public Hearing Room, Hagatna*

### **AGENDA**

- I. Call to Order**
- II. Opening remarks/Announcements**
- III. Items for discussion:**
  - **Bill No. 161-32(LS)** – An act relative to the establishment of a Guam Veterans Court within the Judiciary of Guam; through adding a new subsection “D” to §2101 of Chapter 2, Division 1, Title 7, Guam Code Annotated; this act shall henceforth be referred to as the “Justice for Veterans Act of 2013”.
  - **Bill No. 188-32(COR)**- An act to add a new §80.50 to Article 2, Chapter 80, Title 9 Guam Code Annotated known as the “Justice Safety Valve Act of 2013” relative to empowering the Courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, and for other purposes.
- IV. Closing Remarks**
- V. Adjournment**

## **New bill would allow judges to be more lenient in sentencing**

*Written by Steve Limtiaco Pacific Daily News  
Sep. 19, 2013 |*

guampdn.com

The Guam Legislature this year passed laws that are tougher on crime -- including a mandatory life sentence for repeat offenders -- but two senators this week introduced a bill that would allow judges to be more lenient when punishing some criminals.

Sen. Tina Muña Barnes, D-Mangilao, and Vice Speaker Benjamin J.F. Cruz, D-Piti, on Tuesday introduced Bill 188, which would allow judges to sentence convicts to less than the required mandatory minimum sentence for their crimes.

The premise of the "Justice Safety Valve Act of 2013" is that a one-size-fits all approach to sentencing does not make residents safer, the bill states, and it strains the island's prison.

"In cases where the mandatory minimum does not account for the offender's limited role in a crime, or other relevant factors, judges would be allowed to consider those factors and narrowly tailor more appropriate sentences in such cases," the bill states.

According to the bill, judges would be allowed to give lighter sentences if the crime didn't involve physical force or injury, and didn't involve criminal sexual conduct with a minor. The convict also shouldn't have been convicted of the same type of crime and the crime cannot involve the use of a firearm or involve leading a criminal enterprise.

The judge also must find "substantial and compelling" reasons that the mandatory minimum sentence would be unjust and isn't necessary to protect the public, the bill states.

## Bill gives judges more discretion

FRIDAY, 20 SEP 2013 03:00AM BY LOUELLA LOSINO | VARIETY NEWS STAFF HITS: 500



SHARE

SEN. Tina Muña-Barnes and Vice Speaker Benjamin Cruz have introduced Bill 108-32 that, if passed, will allow Superior Court judges greater discretion when sentencing nonviolent offenders.

The Justice Safety Valve Act of 2013 will allow Superior Court judges to depart from imposing mandatory minimum sentences for nonviolent offenders under certain specific conditions.

Muña-Barnes said the bill seeks to allow judges the freedom to "tailor" the punishment to the facts of the case before them.

"It is common sense that while mandatory minimum sentences may be appropriate in many cases, they are certainly not so in every case, especially those cases involving nonviolent offenders," Muña-Barnes said.

For his part, the Vice Speaker said giving courts more flexibility in sentencing will only improve upon Guam's justice system, as scarce prison beds will be reserved first and foremost to keep the public safe from truly violent offenders.

## Public hearing held for bills related to judicial system

Written by Amanda France | Blas Pacific Sunday News  
Oct. 13, 2013 |

guampdn.com

Senators held a public hearing on Thursday on several bills that would affect Guam's current judicial system.

Sen. Frank Aguon, D-Yona; Sen. Aline Yamashita, R-Tamuning; and Vice Speaker Benjamin Cruz, D-Piti, introduced Bill 161, which would establish a Guam Veterans Court.

Similar to the Judiciary of Guam's existing specialty courts, such as the juvenile and drug courts, the establishment of the Guam Veterans Court would provide "the necessary flexibility to meet the specialized problems faced by these veteran defendants," the bill states.

These specialized problems include post-traumatic stress disorder, traumatic brain injury, depression and drug and substance abuse problems that come as the effects of military service.

Superior Court of Guam Presiding Judge Alberto C. Lamorena III testified in favor of the bill.

"The bill could provide the Judiciary with the resources necessary to operate a specialty court for justice-involved veterans," Lamorena stated.

### Lower sentences

Sen. Tina Muña Barnes, D-Mangilao, and Cruz also introduced Bill 188, which would give judges the flexibility to impose lower sentences than those required by law.

"Our existing prison facilities are overcrowded and the space there should be reserved for true crime offenders or those who refuse to be rehabilitated," Barnes said. "This bill seeks to avoid situations where mandatory minimum sentence would be a cruel and unusual punishment given the specific facts of the case."

However, Deputy Attorney General Phil Tydingco raised concerns about the bill. Because the bill was modeled after Illinois legislation, it included references to crimes that do not apply to Guam or align with Guam's laws.

"Our position with the bill as drafted is oppose it," Tydingco said.

# Judiciary to present strategic plan status report in legislative meeting

THURSDAY, 10 OCT 2013 03:00AM BY LOUELLA LOSINIO | VARIETY NEWS STAFF HITS: 435



SHARE

THE Legislature's judicial committee will hold a roundtable discussion today with officials from the Judiciary of Guam.

Chief Justice F. Philip Carbullido is expected to present a status report on the progress made by the Judiciary in implementing the 2012-2015 Judiciary of Guam Strategic Plan.

The legislative committee, which is chaired by Sen. Frank Aguon Jr., will also host several public hearings in the afternoon.

At 2 p.m., the committee will tackle Aguon's Bill 161, an act relative to the establishment of a Guam Veterans Court within the Judiciary of Guam or the Justice for Veterans Act of 2013.

Vice Speaker Benjamin Cruz and Sen. Aline Yamashita co-sponsored the bill which proposes the creation of a specialized veterans court program with the necessary flexibility to meet the specialized problems faced by veterans who come into contact with the criminal justice system.

Bill No. 162, introduced by Sen. Tina Magsalona, is also on the agenda this afternoon.

Also referred to as the Justice Safety Valve Act of 2013, the Vice Speaker co-sponsored the measure which seeks to authorize Guam judges "to depart below a statutory mandatory minimum sentence after finding that providing a particular defendant a shorter sentence will not jeopardize public safety."

At 5 p.m., only one measure will be discussed – Bill 195 or the Infant Child's Right to Life Act.

Aguon's measure mandates that "healthcare providers give medically appropriate and reasonable life-sustaining medical care and treatment to all born-alive infants," including an infant whose live birth occurred as the result of an abortion.



October 10, 2013

Office of the Vice Speaker  
Date: 10.10.13  
Time: 4:25pm  
Received by: [Signature]

**MEMORANDUM**

**To:** Judith T. Won Pat  
Speaker, *I Mina Trentai Dos Na Liheslaturan Guahan*

**From:** Vice Speaker Benjamin J.F. Cruz [Signature]

**Re:** Withdrawal of Co-sponsorship from Bill 188-32(COR)

In accordance with the commonly observed courtesies of the 32<sup>nd</sup> Guam Legislature, I hereby request my removal as a cosponsor of Bill 188-32(COR).



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Senator  
Vicente (Ben) C. Pangelinan  
Member

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Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

September 24, 2013

VIA E-MAIL  
[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

John A. Rios  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

**RE: Request for Fiscal Notes– Bill Nos. 177-32(COR) through 180-32(COR);**  
**184-32(COR) through 186-32(COR); and 188-**  
**32(COR) through 193-32(COR)**

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

**Senator Rory J. Respicio**  
*Chairperson, Committee on Rules*

Attachments (1)

Cc: Clerk of the Legislature

2013 SEP 24 AM 10:15 AM



Bill Nos.	Sponsor	Title
177-32 (COR)	Vicente (ben) C. Pangelinan, Michael F.Q. SanNicolas, Judith T. Won Pat, Ed.D., T. R. Muña Barnes, Frank B. Aguon, Jr., B.J.F. Cruz, R.J. Respicio	AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2014; MAKING OTHER APPROPRIATIONS; AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.
178-32 (COR)	Judith T. Won Pat, Ed.D. Tina R. Muna Barnes D.G. Rodriguez, Jr., Rory J. Respicio, Michael F.Q. San Nicolas Frank B. Aguon, Jr. Tommy Morrison	AN ACT TO APPROPRIATE THE REMAINING FUNDS ESCHEATED TO THE GENERAL FUND PRIOR TO END OF FISCAL YEAR 2013, PURSUANT TO §21116 OF CHAPTER 21, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, TO THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES AND AUTHORIZED TO USE AS A LOCAL REQUIREMENT FOR THE MEDICAID PROGRAM.
179-32 (COR)	B.J.F. Cruz T.R. Muña-Barnes J.T. Won Pat, Ed.D	AN ACT TO AMEND P.L. 30-83 RELATIVE TO THE COORDINATING COMMITTEE OF THE 12TH FESTIVAL OF PACIFIC ARTS OF 2016.
180-32 (COR)	B.J.F. Cruz T. C. Ada	AN ACT TO AMEND SECTION 30102(a) OF CHAPTER 30, TITLE 5 GUAM CODE ANNOTATED, TO REQUIRE AGENCIES PERMITTED TO RETAIN COUNSEL OTHER THAN THE ATTORNEY GENERAL, TO HIRE UNCLASSIFIED, IN-HOUSE COUNSEL.
184-32 (COR)	Aline A. Yamashita, Ph.D., V. Anthony Ada, Brant T. McCreadie, Tommy Morrison, Michael T. Limtiaco, Chris M. Dueñas	AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) FROM SECTION 30 TAX REVENUES TO THE DEPARTMENT OF EDUCATION FOR THE IMPLEMENTATION OF PROVISIONS OF PUBLIC LAW NO. 31-29.
185-32 (COR)	Michael T. Limtiaco, Brant T. McCreadie, V. Anthony Ada, Chris M. Dueñas, Tommy Morrison, Aline A. Yamashita, Ph.D.,	AN ACT TO APPROPRIATE THE SUM OF FOUR HUNDRED FORTY NINE THOUSAND, ONE HUNDRED NINETEEN DOLLARS (\$449,119) FROM SECTION 30 TAX REVENUES TO PURCHASE VEHICLES FOR THE GUAM POLICE DEPARTMENT.
186-32 (COR)	Tommy Morrison, Brant T. McCreadie, V. Anthony Ada, Chris M. Dueñas, Michael T. Limtiaco, Aline A. Yamashita, Ph.D.,	AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) FROM SECTION 30 TAX REVENUES TO THE GUAM POLICE DEPARTMENT, THE GUAM FIRE DEPARTMENT, AND THE DEPARTMENT OF CORRECTIONS.

188-32 (COR)	T.R. MUÑA Barnes, B. J.F. Cruz	AN ACT TO ADD A NEW § 80.50 TO ARTICLE 2, CHAPTER 80, TITLE 9 GUAM CODE ANNOTATED KNOWN AS THE JUSTICE SAFETY VALVE ACT OF 2013 RELATIVE TO EMPOWERING THE COURTS OF GUAM TO DEPART FROM APPLICABLE MANDATORY MINIMUM SENTENCES UNDER SPECIFIC CONDITIONS, AND FOR OTHER PURPOSES.
189-32 (COR)	Dennis G. Rodriguez, Jr.	AN ACT TO FACILITATE THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS, BY AMENDING §6229.14 OF CHAPTER 6, 4 GCA, AND SUBSECTION (a) OF § 12805, ARTICLE 8, CHAPTER 12, PART 1, 10 GCA.
190-32 (COR)	B J.F. Cruz, Judith T. Won Pat, Ed.D., Aline A. Yamashita, Ph.D.	AN ACT TO ADD A NEW CHAPTER 28 TO DIVISION 2 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE RESEARCH CORPORATION, UNIVERSITY OF GUAM (RCUOG).
191-32 (COR)	Frank B. Aguon, Jr.	AN ACT TO AMEND PUBLIC LAW 31-235, RELATIVE TO THE WOMEN'S REPRODUCTIVE HEALTH INFORMATION ACT OF 2012.
192-32 (COR)	B J.F. Cruz	AN ACT TO ADD A NEW § 64.15, § 64.16, AND § 64.17 TO CHAPTER 64 OF TITLE 9 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE PROHIBITION AND FORFEITURE OF ELECTRONIC MACHINES OR DEVICES TO CONDUCT SWEEPSTAKES GAMBLING.
193-32 (COR)	Dennis G. Rodriguez, Jr.	AN ACT TO AMEND SECTION 4 OF PUBLIC LAW 31-235 TO DELETE THE PROVISION REQUIRING THE "PRINTED MATERIALS" AND THE "CHECKLIST CERTIFICATION" TO UNDERGO THE RULE MAKING PROCESS PURSUANT TO THE ADMINISTRATIVE ADJUDICATION LAW.



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Member

September 19, 2013

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**  
*Majority Leader & Rules Chair*

**Subject:** **Referral of Bill Nos. 188 & 189-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill Nos. 188 & 189-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN

2013 ( ) Regular Session

Bill No. 188-32 (col)

Introduced by:

T.R. Muña Barnes  
B.J.F. Cruz

2013 SEP 17 PM 4:17

AN ACT TO ADD A NEW § 80.50 TO ARTICLE 2, CHAPTER 80, TITLE 9 GUAM CODE ANNOTATED KNOWN AS THE JUSTICE SAFETY VALVE ACT OF 2013 RELATIVE TO EMPOWERING THE COURTS OF GUAM TO DEPART FROM APPLICABLE MANDATORY MINIMUM SENTENCES UNDER SPECIFIC CONDITIONS, AND FOR OTHER PURPOSES.

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

2 **Section 1. Legislative Findings and Intent.** Taking a cue from recent congressional efforts to  
3 save taxpayer dollars by reserving scarce prison beds for the most dangerous offenders—efforts  
4 culminating in the introduction in both houses of the U.S. Congress of the “The Justice Safety Valve  
5 Act of 2013,” (S. 619; HR 1695)—*I Liheslaturan Guáhan* seeks a similar “safety valve” at the  
6 territorial level, thereby allowing Guam courts to likewise impose sentences below the mandatory  
7 minimum sentence under specific conditions. The federal Act marks a national embrace of similar  
8 sentencing safety valves that have been enacted by legislatures in some eight states and counting. Like  
9 its state counterparts, the federal legislation is a sound way to reduce prison populations and save  
10 money, while at the same time protecting public safety. The federal Act seeks only to codify what has  
11 been described as an “common-sense” understanding that while mandatory minimum sentences may be  
12 appropriate in *many* cases, they are certainly not so in *every* case, especially those cases involving  
13 nonviolent offenders.

14 *I Liheslaturan Guáhan* finds that giving courts more flexibility in sentencing will only improve  
15 upon our justice system, as scarce prison beds will be reserved first and foremost to keep the public  
16 safe from truly violent offenders. *I Liheslaturan Guáhan* further finds that legislative bodies across the  
17 United States have too often moved in the mistaken policy direction of imposing new mandatory  
18 minimum sentences, unsupported by evidence, while failing to re-authorize and adequately fund crucial  
19 alternative programs designed to, among other things, rehabilitate prisoners so that they may be  
20 released to rejoin their communities as contributing members thereof. As Senator Patrick Leahy said

1 upon the introduction of the federal “Justice Safety Valve Act of 2013,” “[o]ur reliance on mandatory  
2 minimums has been a great mistake. It is time for us to let judges go back to acting as judges and  
3 making decisions based on the individual facts before them. A one-size-fits-all approach to sentencing  
4 does not make us safer.” In other words, *I Liheslaturan Guåhan* intends not to require Guam judges to  
5 impose shorter sentences, but rather only to authorize them to depart below a statutory mandatory  
6 minimum sentence after finding, among other things, that providing a particular defendant a shorter  
7 sentence will not jeopardize public safety. Put plainly, in cases where the mandatory minimum does  
8 not account for the offender’s limited role in a crime, or other relevant factors, judges would be  
9 allowed to consider those factors and narrowly tailor more appropriate sentences in such cases.

10 **Section 2. A new Section 80.50, Article 2, Chapter 80, 9 Guam Code Annotated is hereby**  
11 **added to read as follows:**

12 “§80.50. **Title.** This Section shall be known and may be cited as Justice Safety Valve Act of  
13 2013.

14 **§80.50.1. Sentencing.**

15 (A) Notwithstanding any other provision of law, when sentencing a person convicted of a  
16 violation for which there is a mandatory minimum sentence, but which did not:

17 (1) Include the use, attempted use or threatened use of serious physical force by the  
18 defendant against another person or result in the serious physical injury of another  
19 person by the defendant; or

20 (2) Involve any sexual contact offense by the defendant against a minor (other than an  
21 offense involving sexual conduct where the victim was at least 13 years old and the  
22 offender was not more than four years older than the victim and the sexual conduct was  
23 consensual);

24 (B) The court may depart from the applicable mandatory minimum sentence if the court finds  
25 substantial and compelling reasons on the record that, in giving due regard to the nature of the crime,  
26 history and character of the defendant and his or her chances of successful rehabilitation that:

27 (1) Imposition of the mandatory minimum would result in substantial injustice to the  
28 defendant;

29 (2) The mandatory minimum sentence is not necessary for the protection of the public.

30 **§80.50.2. Exceptions.** Section 80.50.1 of this Article shall not apply if the court finds that:

31 (1) The individual has a conviction for the same offense during the ten-year period prior  
32 to the commission of the offense;

33 (2) The individual intentionally uses a firearm in a manner that causes physical injury

1                   during the commission of the offense; or

2                   (3) The individual was the leader, manager, or supervisor of others in a continuing  
3                   criminal enterprise.

4                   **§80.50.3. Reporting.** Upon departing from mandatory minimum sentences, judges shall report  
5 to Judicial Council which shall, one year following the enactment of this statute and annually  
6 thereafter, make available in electronic form and on the World Wide Web, a report as to the number of  
7 departures from mandatory minimum sentences made by each judge of the Superior Court of Guam.

8                   **§80.50.4. Reinvestment.** Twenty-five (25) percent of the savings realized as a result of this act  
9 shall revert to the general fund to advance evidence-based practices shown to reduce recidivism.”

10                  **Section 3. Severability.** The provisions outlined in this Act are declared to be separate and  
11 severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this Act,  
12 or the invalidity of the application thereof to any person or circumstance shall not affect the validity of  
13 the remainder of this Act, or the validity of its application to other persons or circumstances.

14                  **Section 4. Effective Date.** The provisions outlined in this Act shall become effective  
15 immediately upon passage.