

March 12, 2015

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

Speaker

I Mina' Trentai Tres Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio

Chairperson, Committee on Rules

RE: Committee Report on Bill No. 14-33 (COR), as substituted by the Committee

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 28-33 (COR), *as substituted by the Committee* - An act to add new §§ 80.39, 80.39.1, 80.39.2, 80.39.3 and 80.39.4 to Article 2, Chapter 80, Title 9, Guam Code Annotated, relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, to be known as "THE JUSTICE SAFETY VALVE ACT OF 2013"; and for other purposes.

Committee votes are as follows:

- 1 TO DO PASS
- _____ TO NOT PASS
- 9 TO REPORT OUT ONLY
- _____ TO ABSTAIN
- _____ TO PLACE IN INACTIVE FILE

Respectfully,

SENATOR FRANK B. AGUON, JR.
Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary
I Mina' Trentai Tres Na Liheslaturan Guåhan | 33rd Guam Legislature

2015 MAR 16 PM 5:14

Senator
FRANK B. AGUON, JR.
Chairman

Senator
Thomas C. Ada
Vice Chairman

Vice-Speaker
Benjamin J.F. Cruz
Member

Senator
Rory J. Respicio
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Senator
Dr. Nerissa B. Underwood, Ph.D.
Member

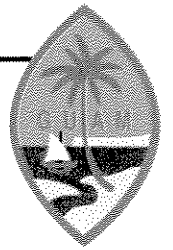
Senator
V. Anthony Ada
Member

Senator
Frank F. Blas Jr.
Member

Senator
James V. Espaldon
Member

Senator
Brant T. McCreddie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D
Ex-Officio



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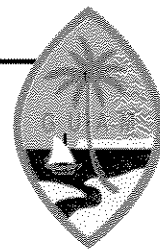
Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio

COMMITTEE REPORT ON

AS SUBSTITUTED BY THE COMMITTEE

BILL NO. 14-33 (COR)

“An act to add new §§ 80.39, 80.39.1, 80.39.2, 80.39.3 and 80.39.4 to Article 2, Chapter 80, Title 9, Guam Code Annotated, relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, to be known as “THE JUSTICE SAFETY VALVE ACT OF 2013”; and for other purposes.



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Chairman

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Senator
James V. Espaldon
Member


Senator
Brant T. McCreddie
Member

Speaker
Dr. Judith T. Won Pat, Ed.D.
Ex-Officio

March 3, 2015

MEMORANDUM

To: All Members
Committee on U.S. Military Relocation, Public Safety and Judiciary

From: SENATOR FRANK B. AGUON, JR. 
Committee Chairperson

Subject: Committee Report on Substituted Bill No. 14-33 (COR)

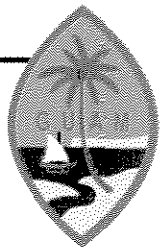
Transmitted herewith for your consideration is the Committee Report on Substituted Bill No. 14-33 (COR) – “An act to add new §§ 80.39, 80.39.1, 80.39.2, 80.39.3 and 80.39.4 to Article 2, Chapter 80, Title 9, Guam Code Annotated, relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, to be known as “THE JUSTICE SAFETY VALVE ACT OF 2013”; and for other purposes.”

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Substituted Bill No. 14-33 (COR)
- Copy of Bill No. 14-33 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 14-33 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Related News Reports

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'âse'!



COMMITTEE VOTING SHEET

Bill No. 14-33 (COR) - As Substituted - "An act to add new §§ 80.39, 80.39.1, 80.39.2, 80.39.3 and 80.39.4 to Article 2, Chapter 80, Title 9, Guam Code Annotated, relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, to be known as "THE JUSTICE SAFETY VALVE ACT OF 2013"; and for other purposes." sponsored by Senator T.R. Muña Barnes

Senator FRANK B. AGUON, JR. Chairman

Senator Thomas C. Ada Vice Chairman

Vice-Speaker Benjamin J.F. Cruz Member

Senator Rory J. Respicio Member

Senator Dennis G. Rodriguez, Jr. Member

Dr. Nerissa B. Underwood, Ph.D. Member

Senator V. Anthony Ada Member

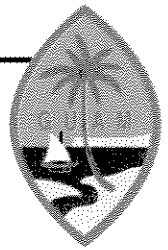
Senator Frank F. Blas Jr. Member

Senator James V. Espaldon Member

Senator Brant T. McCreddie Member

Speaker Dr. Judith T. Won Pat, Ed.D. Ex-Officio

Table with 7 columns: COMMITTEE MEMBERS, SIGNATURE, TO DO PASS, TO NOT PASS, TO REPORT OUT ONLY, TO ABSTAIN, TO PLACE IN INACTIVE FILE. Rows include AGUON, FRANK B. JR., ADA, THOMAS C., VICE-SPEAKER CRUZ, BENJAMIN J.F., RESPICIO, RORY J., RODRIGUEZ, DENNIS G. JR., UNDERWOOD, NERISSA B. PH.D., ADA, V. ANTHONY, BLAS, FRANK F. JR., ESPALDON, JAMES V., MCCREADIE, BRANT T., and SPEAKER WON PAT, JUDITH T. Ed.D.



COMMITTEE REPORT DIGEST

- Senator
FRANK B. AGUON, JR.
Chairman
- Senator
Thomas C. Ada
Vice Chairman
- Vice-Speaker
Benjamin J.F. Cruz
Member
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James V. Espaldon
Member
- Senator
Brant T. McCreadie
Member
- Speaker
Dr. Judith T. Won Pat Ed.D
Ex-Officio

I. OVERVIEW

Bill No. 14-33 (COR) was introduced on January 5, 2015, by Senator T.R. Muña Barnes, and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Public Safety and Judiciary on January 6, 2015.

The Committee on Guam US Military Relocation, Public Safety and Judiciary convened a public hearing on Bill No. 14-33 (COR) on Friday, February 06, 2015 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 on Thursday, January 29, 2015 (5-Day Notice), and again on Wednesday, February 04, 2015 (48-Hour Notice). Notices were also published in the Marianas Variety Newspaper on Friday, January 30, 2015 and Wednesday, February 04, 2015.

Senators Present

Senator Frank B. Aguon, Jr., Chairperson
Senator Dennis G. Rodriguez, Jr., Committee Member

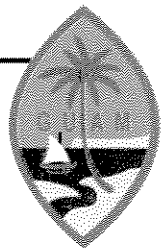
The public hearing was Called-to-Order at 2:00 PM.

II. SUMMARY OF TESTIMONY & DISCUSSION

Senator Aguon:

"The items that will be discussed this afternoon on the agenda include: Bill No. 10-33 which is - An act to exempt certain Public Sector Allied Health Professions from Jury Duty, by amending sections in the Guam Code Annotated. The second bill that will be discussed this afternoon will be Bill No. 14-33 which is - An act known as the Justice Safe 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. Then, we will close the discussion for this particular public hearing on Bill No. 28-33 which is - An act relative to removing the time restriction for the Guam Police Department Headquarters, Administrative and other Agency Sections from occupying Government-owned facilities at Tiyan, Guam.

Just for the information of the public, the initial disseminating of information with regards to this particular public hearing was sent out to all the senators and to include stakeholders. "



Senator Aguon:

“The initial public hearing ad was placed in the Variety(Marianas) on Friday, January 30th. Second public hearing notice sent out on February 4th and also the second ad was printed on February 4th, Wednesday. So that is incompliance with the public notification act.

The Committee will proceed with the next bill in the agenda which is Bill# 14-33(COR) known as “The Justice Safety Valve Act of 2013” relative to empowering the courts of Guam to depart from applicable mandatory minimum sentences in this specific conditions and other purposes. And just for information of the community, the committee has received testimony and will be incorporating that into, from the Judiciary of Guam. The Particular testimony will be recognize by the committee and incorporated into the committee report. Other than that, we do have Ms. Bostus, is there a Bostus in the audience? Cheryl! Okay I take it she came in and signed in and in support of this particular legislation, that will also be recognized. Aside from that uh! Acknowledging that they are no other individuals to testify on Bill# 14-33(COR) this legislation has been publicly heard. And uh! The committee will continue to receive testimony for up to 10 days. After today’s public hearing date, and that very same time extension is provided to the general committee of Bill# 10-33, just to be consistent.

The public hearing was adjourned at 2:17PM.

III. WRITTEN TESTIMONY

The following individuals submitted written testimonies to the Committee on Guam U.S. Military Relocation, Public Safety and Judiciary before or after the scheduled Public Hearing on Friday, February 06, 2015 at 2:00PM:

- 1. Mr. Joshua Tenorio, Administrator of the Courts, Judiciary of Guam

IV. FINDINGS & RECOMMENDATIONS

The Committee on Guam U.S. Military Relocation, Public Safety and Judiciary hereby reports out *As Substituted* Bill No. 14-33 (COR), with the recommendation to:

TO REPORT OUT

- Senator
FRANK B. AGUON, JR.
Chairman
- Senator
Thomas C. Ada
Vice Chairman
- Vice-Speaker
Benjamin J.F. Cruz
Member
- Senator
Rory J. Respicio
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- Senator
James V. Espaldon
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- Senator
Brant T. McCreddie
Member
- Speaker
Dr. Judith T. Won Pat, Ed.D
Ex-Officio

I MINA TRENTAI TRES NA LIHESLATURAN GUÁHAN

2015 (FIRST) Regular Session

Bill No. 14-03 (COR)

Introduced by:

T.R. Muña Barnes

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 Guahan* 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 Guahan 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 Guahan* 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 upon the introduction of the federal “Justice Safety Valve Act of 2013,” “[o]ur reliance on mandatory

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

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

11 “§80.39. **Title.** This Section shall be known and may be cited as Justice Safety Valve Act of
12 2013.

13 **§80.39.1. Sentencing.**

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

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

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

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

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

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

29 **§80.39.2. Exceptions.** Section 80.39.1 of this Article shall not apply if the court finds that:

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

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

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

3 **§80.39.3. Reporting.** Upon departing from mandatory minimum sentences, judges shall report
4 to Judicial Council which shall, one year following the enactment of this statute and annually
5 thereafter, make available in electronic form and on the World Wide Web, a report as to the number of
6 departures from mandatory minimum sentences made by each judge of the Superior Court of Guam.

7 **§80.39.4. Reinvestment.** Twenty-five (25) percent of the savings realized as a result of this act
8 shall revert to the general fund to advance evidence-based practices shown to reduce recidivism.”

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

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

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 14-33(COR)

as substituted by the Committee on
U.S Military Relocation, Public Safety,
and Judiciary

Introduced by:

T.R. Muña Barnes

**AN ACT TO *ADD* NEW §§ 80.39, 80.39.1, 80.39.2, 80.39.3
AND 80.39.4 TO ARTICLE 2, CHAPTER 80, TITLE 9,
GUAM CODE ANNOTATED, RELATIVE TO
EMPOWERING THE COURTS OF GUAM TO DEPART
FROM APPLICABLE MANDATORY MINIMUM
SENTENCES UNDER SPECIFIC CONDITIONS, TO BE
KNOWN AS “THE JUSTICE SAFETY VALVE ACT OF
2013”; AND FOR OTHER PURPOSES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. Taking a cue from recent U.S. 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 (8) 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

1 codify what has been described as a “common-sense” understanding that while
2 mandatory minimum sentences may be appropriate in many cases, they are
3 certainly not so in every case, especially those cases involving nonviolent
4 offenders.

5 *I Liheslaturan Guåhan* finds that giving courts more flexibility in sentencing
6 will only improve upon our justice system, as scarce prison beds will be reserved
7 first and foremost to keep the public safe from truly violent offenders. *I*
8 *Liheslaturan Guåhan* further finds that legislative bodies across the United States
9 have too often moved in the mistaken policy direction of imposing new mandatory
10 minimum sentences, unsupported by evidence, while failing to re-authorize and
11 adequately fund crucial alternative programs designed to, among other things,
12 rehabilitate prisoners so that they may be released to rejoin their communities as
13 contributing members thereof. As Senator Patrick Leahy said upon the introduction
14 of the federal “Justice Safety Valve Act of 2013,” “[o]ur reliance on mandatory
15 minimums has been a great mistake. It is time for us to let judges go back to acting
16 as judges and making decisions based on the individual facts before them. A one-
17 size-fits-all approach to sentencing does not make us safer.” In other words, *I*
18 *Liheslaturan Guåhan* intends not to require Guam judges to impose shorter
19 sentences, but rather only to authorize them to depart below a statutory mandatory
20 minimum sentence after finding, among other things, that providing a particular
21 defendant a shorter sentence will not jeopardize public safety. Put plainly, in cases
22 where the mandatory minimum does not account for the offender’s limited role in a
23 crime, or other relevant factors, judges would be allowed to consider those factors
24 and narrowly tailor more appropriate sentences in such cases.

25 **Section 2.** New §§ 80.39, 80.39.1, 80.39.2, 80.39.3 and 80.39.4 are hereby
26 *added*, to Article 2, Chapter 80, Title 9, Guam Code Annotated, to read as follows:

1 “§ 80.39. Title. This Section *shall* be known and may be cited as
2 “the Justice Safety Valve Act of 2013.”

3 **§ 80.39.1. Sentencing.**

4 (a) Notwithstanding any other provision of law, when
5 sentencing a person convicted of a violation for which there is a mandatory
6 minimum sentence, the court may depart from the applicable mandatory
7 minimum sentence if the violation did not:

8 (1) include the use, attempted use or threatened use of
9 a serious physical force by the defendant against another
10 person or result in the serious physical injury of another person
11 by the defendant; or

12 (2) involve any sexual contact offense by the
13 defendant against a minor (other than an offense involving
14 sexual conduct where the victim was *at least sixteen* (16) years
15 old and the offender was *not more than* four (4) years older
16 than the victim and the sexual conduct was consensual.

17 (b) In addition to § 80.39.1(a), the court may depart from the
18 applicable mandatory minimum sentence if the court finds substantial and
19 compelling reasons on the record that, in giving due regard to the nature of
20 the crime, the history and character of the defendant, and his or her chances
21 of successful rehabilitations, that:

22 (1) imposition of the mandatory minimum sentence
23 would result in substantial injustice to the defendant; and

24 (2) the mandatory minimum sentence is *not* necessary
25 for the protection of the public.

26 **§ 80.39.2. Exceptions.** § 80.39.1 of this Article *shall not* apply if the
27 court finds that:

1 (a) the individual has a conviction for the same offense
2 during the ten (10)-year period prior to the commission of the offense;

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

5 (c) the individual was the leader, manager, or supervisor of
6 others in a continuing criminal enterprise.

7 **§ 80.39.3. Reporting.** Upon departing from mandatory minimum
8 sentences, judges *shall* report to the Judicial Council which shall, one (1)
9 year following the enactment of this statute and annually thereafter, make
10 available in electronic form and on the world wide web, a report as to the
11 number of departures from mandatory minimum sentences made by each
12 judge of the Superior Court of Guam.

13 **§ 80.39.4. Reinvestment.** Twenty-five percent (25%) of the savings
14 realized as a result of this Act *shall* revert to the General Fund to advance
15 evidence-based practices shown to reduce recidivism.”

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



Judiciary of Guam

Administrative Office of the Courts
Guam Judicial Center • 120 West OBrien Dr • Hagatna Gu 96910
Tel: (671) 475-3544/3278 • Fax: (671) 477-3184



HON. ROBERT J. TORRES
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA III
PRESIDING JUDGE

JOSHUA F. TENORIO
ADMINISTRATOR OF THE COURTS

February 6, 2015

The Honorable Frank B. Aguon, Jr.
Chairman
Committee on the Guam U.S. Military Relocation, Public Safety, and Judiciary
Mina' Trentai Tres Na Liheslaturan Guåhan
Ste. 502A DNA Building
Hagåtña, Guam 96910

Re: Testimony on Bill No. 14-33(COR)

Dear Chairman Aguon:

Thank you for providing me with the opportunity to submit testimony regarding *Bill No. 14-33(COR), AN ACT TO ADD A NEW §80.39 TO ARTICLE 2, CHAPTER 80, TITLE 9 GUAM CODE ANNOTATED RLEATIVE TO EMPOWERING THE COURTS OF GUAM TO DEPART FROM APPLICABLE MANDATORY MINIMUM SENTENCES UNDER SPECIFIC CONDITIONS, AND FOR OTHER PURPOSES*, introduced by Senator Tina Rose Muña Barnes.

The Judiciary of Guam does not object to any legislation that provides Judges with the authority to utilize their education and training, courtroom experience, and judicial discretion to determine appropriate sentences for convicted defendants. Because judges must stand for retention every 7 years before the electorate, and it is through this statutory mechanism that they are held accountable for their actions.

However, have a few concerns regarding the bill as draft. First, the reporting requirements contained in §80.39.3 appears to be more appropriate satisfied by the Office of the Attorney General. Negotiated plea agreements typically involve some movement away from maximum penalties allowable under the law (although not mandatory sentences). These plea agreements, which are proposed by the Office of the Attorney General, include recommended sentences that are carefully considered by Judges. The reasoning behind such recommendations stems from the parties involved. The same would be true with any departures from mandatory sentences.

Second, the provision contained in §80.39.4 should be closely examined given the fiscal challenges being experienced by the Department of Corrections as the Judiciary of Guam could not quantify any potential savings to court operations should this bill be enacted.

Finally, the current format of the bill is not in conformance with the formatting scheme of the Compiler's Office. I suggest that the provisions be renumbered as attached. Thank-you for your consideration.

Senseramente,

A handwritten signature in black ink, appearing to read "Joshua F. Tenorio". The signature is fluid and cursive, with a prominent initial "J".

JOSHUA F. TENORIO
Administrator of the Courts

Attachment

Cc: Senator Tina Rose Muna Barnes

ATTACHMENT

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

~~§80.39.1. Sentencing.~~

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

(1) ~~include~~ the use, attempted use or threatened use of serious physical force by the defendant against another person or result in the serious physical injury of another person by the defendant; or

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

~~(B) The court may depart from the applicable mandatory minimum sentence if the court finds substantial and compelling reasons on the record that, in giving due regard to the nature of the crime, history and character of the defendant and his or her chances of successful rehabilitation that: (1) Imposition of the mandatory minimum would result in substantial injustice to the defendant; and (2) The mandatory minimum sentence is not necessary for the protection of the public.~~

~~§80.39.2. (b) Exceptions. Subsection (a) Section 80.39.1 of this Article shall not apply if the court finds that:~~

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

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

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

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

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



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: 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

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

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muna Barnes
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
Nerissa Bretania Underwood
Member

V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

February 18, 2015

Memorandum

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

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

Subject: **Fiscal Notes**

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes are issued on the bills as introduced.

FISCAL NOTES:

Bill No. 7-33(COR)

Bill No. 14-33(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2015 FEB 19 PM 2:29
JR

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 14-33 (COR)**

AN ACT TO ADD A NEW §90.39 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.

Department/Agency Appropriation Information	
Dept./Agency Affected: Unified Judiciary of Guam	Dept./Agency Head: Honorable Robert J. Torres, Chief
Department's General Fund (GF) appropriation(s) to date:	32,661,437
Department's Other Fund (Specify) appropriation(s) to date:	145,323
Total Department/Agency Appropriation(s) to date:	532,806,760

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2014 Unreserved Fund Balance		\$0	\$0
FY 2015 Adopted Revenues	\$0	\$0	\$0
FY 2015 Appro. (P.L. 32-181 thru 32-204)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2015 (if applicable)	FY 2016	FY 2017	FY 2018	FY 2019
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? /x/ Yes / / No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ /x/ N/A
- Does the Bill establish a new program/agency? / / Yes /x/ No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x/ No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /x/ Yes / / No
/ / Requested agency comments not received by due date / / Other:

Analyst: Dina P. Rivera Date: 2.18.15 Director: [Signature] Date: FEB 18 2015
 Dina P. Rivera Jose S. Salvo, Acting Director

Comments:
See attachment.

COMMENTS TO BILL No. 14-33(COR)

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 PURPOSE.

According to the proposed Bill's Legislative Findings and Intent, *I Liheslaturan Guåhan* seeks to allow the Guam Courts the ability to impose sentences below the mandatory minimum sentence under specific conditions. It is anticipated that giving the courts more flexibility in sentencing will help improve our justice system and reserve scarce prison beds for the totally violent offenders. The Bill also provides for the reinvestment of twenty-five percent (25%) of any realized savings as a result of this Act to revert to the General Fund to support advance evidence-based practices to reduce recidivism.

Per written testimony, the Judiciary of Guam supports the intent of the proposed measure, however, is concerned with the provision of the reinvestment as the Judiciary of Guam cannot quantify any potential savings to court operations and suggest it be closely examined given the fiscal challenges being experienced by the Department of Corrections (DOC) and its growing population. Furthermore, the Office of Public Accountability (OPA) on its Audit Report No. 14-06 on DOC's Prison Capacity Planning cites that DOC lacks a prison capacity plan to effectively manage its growing prisoner (inmates/detainees) population and currently has the highest pre-trial detention rate in the world.

In closing, the Bureau would like to note that the proposed Bill does not include language on how the "realized savings" would be monitored between the Judiciary of Guam and the DOC. In addition, since the Bill is proposing that savings be reverted to the General Fund, if enacted, would entail an appropriation from the General Fund for the specific purpose of supporting evidence-based practices to reduce recidivism by the Judiciary of Guam and/or the DOC.



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

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

Senator

Rory J. Respicio

CHAIRPERSON

MAJORITY LEADER

January 8, 2014

Senator

Thomas C. Ada

VICE CHAIRPERSON

ASSISTANT MAJORITY LEADER

VIA E-MAIL

anthony.blaz@bbmr.guam.gov

Anthony C. Blaz

Director

Bureau of Budget & Management Research

P.O. Box 2950

Hagåtña, Guam 96910

Speaker

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

Member

Vice-Speaker

Benjamin J.F. Cruz

Member

RE: Request for Fiscal Notes– Bill Nos. 1-33(LS) through 18-33(COR)

Legislative Secretary

Tina Rose Muna Barnes

Member

Hafa Adai Mr. Blaz:

Transmitted herewith is a listing of *I Mina'trentai Tres 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.

Senator

Dennis G. Rodriguez, Jr.

Member

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

Senator

Frank Blas Aguon, Jr.

Member

Very Truly Yours,

Senator

Michael F.Q. San Nicolas

Member

Senator

Nerissa Bretania Underwood

Member

Senator Rory J. Respicio

Chairperson of the Committee on Rules

PENDING

MINORITY MEMBER

Attachment (3)

PENDING

MINORITY MEMBER

Cc: Clerk of the Legislature

Bill No.	Sponsor	Title
1-33 (LS)	Judith T. Won Pat, Ed.D.	AN ACT TO TRANSFER TITLE OF LOT NO. 5397 MUNICIPALITY OF BARRIGADA, GUAM TO THE UNIVERSITY OF GUAM.
2-33 (LS)	B. J.F. Cruz	AN ACT TO ADD A NEW ARTICLE 5 TO TITLE 4, CHAPTER 8, OF THE GUAM CODE ANNOTATED TO CREATE A NEW "HYBRID" RETIREMENT SYSTEM WITH MANDATORY PARTICIPATION BY GOVERNMENT OF GUAM EMPLOYEES HIRED AFTER DECEMBER 31, 2015; WITH OPTIONAL PARTICIPATION FOR DEFINED CONTRIBUTION RETIREMENT SYSTEM PARTICIPANTS WHO ELECT TO TRANSFER TO THE NEW HYBRID PLAN IN ACCORDANCE WITH REGULATIONS TO BE PROMULGATED.
3-33 (LS)	Tommy Morrison R. J. Respicio Brant T. McCreadie	AN ACT TO AMEND § 5204(d) OF CHAPTER 5, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE PROCUREMENT OF SPORTS EQUIPMENT AND SUPPLIES FOR YOUTH AND COMMUNITY SPORTS PROGRAMS.
4-33 (LS)	Michael F.Q. San Nicolas	AN ACT TO RESTORE SALARIES FOR ELECTED OFFICIALS AND CABINET MEMBERS TO LEVELS ESTABLISHED PRIOR TO THE ENACTMENT OF PUBLIC LAW 32-208, TO PREVENT THE WAIVER OF THE PUBLIC HEARING REQUIREMENT FOR BILLS PROPOSING SALARY CHANGES FOR ELECTED OFFICIALS, AND TO REQUIRE THAT ANY CHANGE IN SALARY OF ELECTED OFFICIALS TAKE EFFECT AFTER A GENERAL ELECTION TO THE GUAM LEGISLATURE HAS INTERVENED, BY REPEALING PUBLIC LAW 32-208 AND ADDING NEW §§ 6215 AND 6215.1 BOTH TO ARTICLE 2, CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED.
5-33 (LS)	Brant T. McCreadie	AN ACT TO CREATE A NEW ARTICLE 6 & 7 TO CHAPTER 90, AND TO AMEND §90.90OF ARTICLE 4, CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CONSTRUCTION AND RENOVATION OF THE DEPARTMENT OF CORRECTIONS ADULT CORRECTIONAL FACILITY TO ENSURE THE SAFETY OF THE PEOPLE OF GUAM; WHICH SHALL COLLECTIVELY BE CITED AS "THE DEPARTMENT OF CORRECTIONS CONSTRUCTION INITIATIVE ACT OF 2015".
6-33 (COR)	D. G. Rodriguez, Jr.	AN ACT TO AMEND §58146.1 OF CHAPTER 58, TITLE 12, GUAM CODE ANNOTATED TO EXEMPT THE GUAM ECONOMIC DEVELOPMENT AUTHORITY FROM ARTICLE 3 OF CHAPTER 9, 5 GCA IN THE DEVELOPMENT OF PROPOSED INDUSTRY SPECIFIC POLICY, CRITERIA AND MEASURABLE GOALS RELATIVE TO THE QUALIFYING CERTIFICATE PROGRAM.
7-33 (COR)	D. G. Rodriguez, Jr.	AN ACT TO PROVIDE FOR A HAZARDOUS PAY DIFFERENTIAL FOR EMPLOYEES OF THE GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER IN UNSAFE OR DANGEROUS HAZARDOUS DUTY WORKING CONDITIONS, BY ADDING A NEW §86112 TO CHAPTER 86, TITLE 10, GUAM CODE ANNOTATED.

8-33 (COR)	D. G. Rodriguez, Jr.	AN ACT TO PROVIDE FOR DEVELOPMENT AND IMPLEMENTATION OF COMPARABLE RATE SCHEDULE R CHARGES FOR RESIDENTIAL MULTIFAMILY ACCOMMODATIONS BY THE GUAM POWER AUTHORITY, BY ADDING A NEW ITEM (1) TO §8104(D) OF CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, AND A NEW ITEM (1) TO §3111 OF ARTICLE 1, CHAPTER 3, TITLE 28, GUAM ADMINISTRATIVE RULES AND REGULATIONS.
9-33 (COR)	D. G. Rodriguez, Jr.	AN ACT TO ADOPT THE RULES AND REGULATIONS RELATIVE TO RESPONSIBLE ALCOHOL SERVER/SELLER TRAINING PROGRAMS, BY AMENDING CHAPTER 2 - ALCOHOLIC BEVERAGE CONTROL BOARD, OF TITLE 3, GUAM ADMINISTRATIVE RULES AND REGULATIONS - BUSINESS REGULATIONS.
10-33 (COR)	D. G. Rodriguez, Jr.	AN ACT TO EXEMPT CERTAIN PUBLIC SECTOR ALLIED HEALTH PROFESSIONS FROM JURY DUTY, BY AMENDING § 22107 OF CHAPTER 22, TITLE 7, GUAM CODE ANNOTATED.
11-33 (COR)	D. G. Rodriguez, Jr.	AN ACT TO PROVIDE FOR HEALTHCARE PROFESSIONAL PAY PLAN CATEGORY IN THE GOVERNMENT OF GUAM COMPETITIVE WAGE ACT OF 2014, AND REINSTATE THE PRIOR PAY PLAN RATE FOR THESE POSITIONS, AND MANDATE A REASSESSMENT OF HEALTHCARE PROFESSIONALS SALARY RANGES SO AS TO BE COMPETITIVE BASED UPON NATIONAL STANDARDS.
12-33 (COR)	D. G. Rodriguez, Jr.	AN ACT TO ADD A NEW ITEM (1) TO SUBSECTION (a) OF § 4301 OF ARTICLE 3, CHAPTER 4, 4 GCA, TO PROVIDE FOR THE ISSUANCE OF A SEPARATE REQUEST FOR PROPOSAL FOR THE SOLICITATION OF HEALTH INSURANCE OR PROVISION OF HEALTH CARE FOR FOSTER CHILDREN IN THE CARE OF THE GOVERNMENT ON TERMS COMPARABLE TO THE GOVERNMENT PLAN FOR ACTIVE AND RETIRED EMPLOYEES AND THEIR DEPENDENTS.
13-33 (COR)	D. G. Rodriguez, Jr.	AN ACT TO ADD A REPRESENTATIVE FROM THE GUAM MEMORIAL HOSPITAL AUTHORITY AND THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES TO THE GOVERNMENT OF GUAM GROUP HEALTH INSURANCE NEGOTIATING TEAM, TO DELETE THE REQUIREMENT FOR THE SOLICITATION OF AN EXCLUSIVE GROUP HEALTH INSURANCE CONTRACT AND REQUIRE ONLY THE SOLICITATION OF THREE (3) NON-EXCLUSIVE CONTRACTS FOR A CONTRACT TERM OF TWO (2) YEARS, BY AMENDING §4302 (c) AND §4302 (e) OF ARTICLE 3, CHAPTER 4, 4 GCA.
14-33 (COR)	T. R. Muña Barnes	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.

15-33 (COR)	T. R. Muña Barnes	AN ACT TO AMEND § 41006 OF ARTICLE 10, CHAPTER 4 OF TITLE 12 GUAM CODE ANNOTATED, AND TO REPEAL §§ 41004(a)(4) and (5) OF ARTICLE 10, CHAPTER 4 OF TITLE 12 GUAM CODE ANNOTATED, RELATIVE TO ELIMINATING THE REQUIREMENT THAT THE CORPORATION APPROPRIATE A FIXED AMOUNT OF \$500,000.00 FROM ITS ANNUAL OPERATING REVENUE TO ENSURE A RESERVE BALANCE OF THE SAME AT THE BEGINNING OF EACH FISCAL YEAR, AND TO AMENDING THE TIMING RESPECTING THE ANNUAL AUDIT OF THE HOUSING TRUST FUND TO COINCIDE WITH THAT OF THE GUAM HOUSING CORPORATION'S ANNUAL AUDIT.
16-33 (COR)	T. R. Muña Barnes	AN ACT TO AMEND PUBLIC LAW 32-207 RELATIVE TO THE REPAYMENT OF FUNDS TO THE TOURIST ATTRACTION FUND.
17-33 (COR)	T. R. Muña Barnes	AN ACT TO AMEND §§18102, 18103, 18105, 18105.1, 18106, 18108, 18112, 18113, 18114, 18121, 18125, 18126, 18128.4, 18128.5, 18128.7, 18128.8, 18129, 18131, AND 18133 OF DIVISION 1 OF CHAPTER 18 OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE BARBERING AND COSMETOLOGY ACT OF 2010.
18-33 (COR)	V. Anthony Ada	AN ACT TO ADD A NEW CHAPTER 81 TO, TITLE 21, GUAM CODE ANNOTATED RELATIVE TO THE DEPLOYMENT OF BROADBAND AND TELECOMMUNICATIONS INFRASTRUCTURE ON PUBLIC RIGHTS OF WAY.



COMMITTEE ON RULES

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Senator

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Senator

Nerissa Bretania Underwood
Member

PENDING

MINORITY LEADER

PENDING

ASSISTANT MINORITY LEADER

January 6, 2015

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson, Committee on Rules

Subject: Referral of Bill No. 14-33(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 14-33(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 Tres 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 Tres Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED
14-33 (COR)	T. R. Muña Barnes	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.	01/05/15 3:23 p.m.	01/06/15	Committee on the Guam U.S. Military Relocation, Public Safety, and Judiciary		



1st Public Hearing Notice: February 6, 2015 - 2 PM

7 messages

Senator Aguon Media <media@frankaguonjr.com>

Thu, Jan 29, 2015 at 11:41 AM

To: Speaker Won Pat <speaker@judiwonpat.com>, "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>, Tina Muna Barnes <senator@tinamunabarnes.com>, "Rory J. Respicio" <rorryforguam@gmail.com>, office@senatorada.org, Mike San Nicholas <senatorsannicolas@gmail.com>, "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, senatorunderwood@guamlegislature.org, Tony Ada <senatorTonyada@guamlegislature.org>, Brant McCreadie <brantforguam@gmail.com>, Mary Camacho Torres <marycamachotorres@gmail.com>, Tommy Morrison <tommy@senatormorrison.com>, "Frank Blas, Jr." <frank.blasjr@gmail.com>, jespaldonesq@gmail.com, "Frank B. Aguon, Jr." <aguon4guam@gmail.com>

Cc: Senator Aguon's Assistant <officeassistant@frankaguonjr.com>, Senator Aguon Staff <staff@frankaguonjr.com>, Guam Legislature Clerks Office <clerks@guamlegislature.org>, sgtarms@guamlegislature.org, mis <mis@guamlegislature.org>

January 29, 2015

MEMORANDUM

To: All Senators

Fr: Senator Frank B. Aguon, Jr., Chairperson

Subject: **1st Notice of Public Hearing: February 6, 2015 – 2:00 PM**

Please be advised that the Committee on Guam U.S. Military Relocation, Public Safety and Judiciary will be conducting a public hearing on **Friday, February 6, 2015 at 2:00 pm**. This meeting will take place in the Public Hearing Room of *Liheislaturan Guahan*. The agenda is as follows:

Bill No. 10-33 (COR)

An act to exempt certain Public Sector Allied Health Professions from Jury Duty, by amending § 22107 of Chapter 22, Title 7, Guam Code Annotated.

Bill No. 14-33 (COR)

An act to add a new § 80.39 to Article 2, Chapter 80, Title 9 Guam Code Annotated known as the Justice Safe 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.

Bill No. 28-33 (COR)

An act relative to removing the time restriction for the Guam Police Department Headquarters, Administrative and other Agency Sections from occupying Government-owned facilities at Tiyan, Guam; through amending Section 2 of Public Law No. 26-100.

Testimony on **Bill No. 10-33 (COR)**, **Bill No. 14-33 (COR)** and **Bill No. 28-33 (COR)** should be addressed to Senator Frank B. Aguon, Jr., Chairperson, and will be accepted via hand delivery to our office at 238 Archbishop Flores St. DNA Bldg. Suite 501 Hagatna, Guam; our mailbox at the Legislature Bldg 155 Hesler Place, Hagatna, Guam 96910; via email to aguon4guam@gmail.com or media@frankaguonjr.com until **Friday, February 6, 2015 at 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should contact our office at 475-4861/62. Please feel free to contact my office should you have any questions or concerns.

—
Respectfully,

Tricia Benavente

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Public Safety, and Judiciary

238 Archbishop Flores St., Hagatna, Guam - DNA Bldg. Ste. 501

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Senator Aguon Media <media@frankaguonjr.com>

Thu, Jan 29, 2015 at 12:21 PM

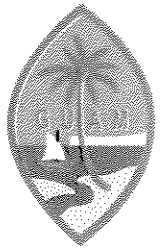
To: rjtorres@guamsupremecourt.com, Joshua Tenorio <jtenorio@guamcourts.org>, fred bordallo <fred.bordallo@gpd.guam.gov>, joey.sannicolas@gfd.guam.gov, Robert Camacho <bobcamacho@guamairport.net>, Doris Aguero <dcaguero@portguam.com>, jose.sanagustin@doc.guam.gov, mike.cura@dpr.guam.gov, raymond.blas@dpr.guam.gov, Pedro LeonGuerrero <pedro.leonguerrero@cqa.guam.gov>, philip taijeron <philip.taijeron@cqa.guam.gov>, raffaele sgambelluri <raffaele.sgambelluri@cqa.guam.gov>, Matthew Sablan <matt.sablan12@yahoo.com>, guamwarden2k@yahoo.com, cme.guam@gmail.com
Cc: "Frank B. Aguon, Jr." <aguon4guam@gmail.com>, jmcdonald@guamsupremecourt.com, PHrg Notice <phnotice@guamlegislature.org>, phmaterials@guamlegislature.org, Guam Legislature Clerks Office <clerks@guamlegislature.org>, sgtarms@guamlegislature.org, mis <mis@guamlegislature.org>

January 29, 2015



OFFICE OF SENATOR
FRANK B. AGUON, JR.


Chairman, Committee on
Guam U.S Military Relocation | Public Safety | Judiciary



January 29, 2015

MEMORANDUM

To: All Senators

Fr: Senator Frank B. Aguon, Jr., Chairperson 

Subject: **1st Notice of Public Hearing: February 6, 2015 – 2:00 PM**

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Testimony on **Bill No. 10-33 (COR)**, **Bill No. 14-33 (COR)** and **Bill No. 28-33 (COR)** should be addressed to Senator Frank B. Aguon, Jr., Chairperson, and will be accepted via hand delivery to our office at 238 Archbishop Flores St. DNA Bldg. Suite 501 Hagatna, Guam; our mailbox at the Legislature Bldg 155 Hesler Place, Hagatna, Guam 96910; via email to aguon4guam@gmail.com or media@frankaguonjr.com until **Friday, February 6, 2015 at 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should contact our office at 475-4861/62. Please feel free to contact my office should you have any questions or concerns.

**I MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN
THE THIRTY THIRD GUAM LESIGLATURE**

PHONE: (671) 475-GUM1/2 (4861/2) | FAX: (671) 475-GUM3 (4863)
238 ARCHBISHOP FLORES STREET, SUITE 502, DNA BLDG. HAGATNA, GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM



Senator Aguon Media <media@frankaguonjr.com>

1st Public Hearing Notice: February 6, 2015 - 2 PM

Senator Aguon Media <media@frankaguonjr.com>

Thu, Jan 29, 2015 at 12:21 PM

To: rjtorres@guamsupremecourt.com, Joshua Tenorio <jtenorio@guamcourts.org>, fred bordallo <fred.bordallo@gpd.guam.gov>, joey.sannicolas@gfd.guam.gov, Robert Camacho <bobcamacho@guamairport.net>, Doris Aguero <dcaguero@portguam.com>, jose.sanagustin@doc.guam.gov, mike.cura@dpr.guam.gov, raymond.blas@dpr.guam.gov, Pedro LeonGuerrero <pedro.leonguerrero@cqa.guam.gov>, philip taijeron <philip.taijeron@cqa.guam.gov>, raffaele sgambelluri <raffaele.sgambelluri@cqa.guam.gov>, Matthew Sablan <matt.sablan12@yahoo.com>, guamwarden2k@yahoo.com, cme.guam@gmail.com
Cc: "Frank B. Aguon, Jr." <aguon4guam@gmail.com>, jmcDonald@guamsupremecourt.com, PHrg Notice <phnotice@guamlegislature.org>, phmaterials@guamlegislature.org, Guam Legislature Clerks Office <clerks@guamlegislature.org>, sgtarms@guamlegislature.org, mis <mis@guamlegislature.org>

January 29, 2015

MEMORANDUM

To: All Stakeholders

Fr: Senator Frank B. Aguon, Jr., Chairperson

Subject: 1st Notice of Public Hearing: February 6, 2015 – 2:00 PM

Please be advised that the Committee on Guam U.S. Military Relocation, Public Safety and Judiciary will be conducting a public hearing on **Friday, February 6, 2015 at 2:00pm**. This meeting will take place in the Public Hearing Room of *I Liheslaturan Guahan*. The agenda is as follows:

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Testimony on **Bill No. 10-33 (COR)**, **Bill No. 14-33 (COR)** and **Bill No. 28-33 (COR)** should be addressed to Senator Frank B. Aguon, Jr., Chairperson, and will be accepted via hand delivery to our office at 238 Archbishop Flores St. DNA Bldg. Suite 501 Hagatna, Guam; our mailbox at the Legislature Bldg 155 Hesler Place, Hagatna, Guam 96910; via email to aguon4guam@gmail.com or media@frankaguonjr.com until **Friday, February 6, 2015 at 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should contact our office at 475-4861/62. Please feel free to contact my office should you have any questions or concerns.

CC: Media

—

Respectfully,

Tricia Benavente

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Public Safety, and Judiciary

238 Archbishop Flores St., Hagatna, Guam - DNA Bldg. Ste. 501

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

Fax: (671) GUM3 (4863)

aguon4guam@gmail.com | www.frankaguonjr.com

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OFFICE OF SENATOR FRANK B. AGUON, JR.

Committee on Guam U.S. Military Relocation, Public Safety and Judiciary

Mina' Trenta Tres Na Liheslaturan Guahan

33rd Guam Legislature

Public Hearing

Friday, February 6, 2015 | 2:00 p.m.

AGENDA

Bill No. 10-33 (COR) - An act to exempt certain Public Sector Allied Health Professions from Jury Duty, by amending § 22107 of Chapter 22, Title 7, Guam Code Annotated.

Bill No. 14-33 (COR) - 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.

Bill No. 28-33 (COR) - An act relative to removing the time restriction for the Guam Police Department Headquarters, Administrative and other Agency Sections from occupying Government-owned facilities at Tiyan, Guam; through amending Section 2 of Public Law No. 26-100.

The public hearing will be broadcasted on Docomo Pacific TV Channel 117 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 or policy@frankaguonjr.com.

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2ND NOTICE - Public Hearing - February 6, 2015 - 2:00 PM

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Wed, Feb 4, 2015 at 11:27 AM

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Cc: "Frank B. Aguon, Jr." <aguon4guam@gmail.com>, Joy Unpingco <joy.unpingco@guam.gov>, Elaine Gogue <elaine.gogue@guam.gov>, Rose Ramsey <rose.ramsey@guam.gov>, Senator Aguon Staff <staff@frankaguonjr.com>, Senator Aguon's Assistant <officeassistant@frankaguonjr.com>, pcamacho@guamag.org, PHrg Notice <phnotice@guamlegislature.org>, phmaterials@guamlegislature.org

January 29, 2015

MEMORANDUM

To: All Stakeholders

Fr: Senator Frank B. Aguon, Jr., Chairperson

Subject: **2nd Notice of Public Hearing: February 6, 2015 – 2:00 PM**

Please be advised that the Committee on Guam U.S. Military Relocation, Public Safety and Judiciary will be conducting a public hearing on **Friday, February 6, 2015 at 2:00 pm**. This meeting will take place in the Public Hearing Room of *I Liheslaturan Guahan*. The agenda is as follows:

Bill No. 10-33 (COR)

An act to exempt certain Public Sector Allied Health Professions from Jury Duty, by amending § 22107 of Chapter 22, Title 7, Guam Code Annotated.

Bill No. 14-33 (COR)

An act to add a new § 80.39 to Article 2, Chapter 80, Title 9 Guam Code Annotated known as the Justice Safe 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.

Bill No. 28-33 (COR)

An act relative to removing the time restriction for the Guam Police Department Headquarters, Administrative and other Agency Sections from occupying Government-owned facilities at Tiyan, Guam; through amending Section 2 of Public Law No. 26-100.

Testimony on **Bill No. 10-33 (COR), Bill No. 14-33 (COR) and Bill No. 28-33 (COR)** should be addressed to Senator Frank B. Aguon, Jr., Chairperson, and will be accepted via hand delivery to our office at 238 Archbishop Flores St. DNA Bldg. Suite 501 Hagatna, Guam; our mailbox at the Legislature Bldg 155 Hesler Place, Hagatna, Guam 96910; via email to aguon4guam@gmail.com or media@frankaguonjr.com until **Friday, February 6, 2015 at 5:00 pm**. Individuals requiring special accommodations, auxiliary aids, or services should contact our office at 475-4861/62. Please feel free to contact my office should you have any questions or concerns.

—
Respectfully,

Tricia Benavente

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Public Safety, and Judiciary
238 Archbishop Flores St., Hagatna, Guam - DNA Bldg, Ste. 501
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Committee on Guam U.S. Military Relocation, Public Safety and Judiciary

Mina' Trentai Tres Na Liheslaturan Guahan

33rd Guam Legislature

Public Hearing

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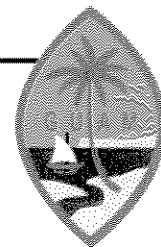
Bill No. 14-33 (COR) - An act to add a new § 80.39 to Article 2, Chapter 80, Title 9 Guam Code Annotated known as the Justice Safety Valve Act of 2013 relative to empowering the Courts of Guam to depart from applicable mandatory minimum sentences under specific conditions, and for other purposes.

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Dr. Judith T. Won Pat, Ed.D
Ex-Officio

Notified Stakeholders

- **All Senators / Stakeholders / Media**
- **Governor Eddie B. Calvo**
- **Congresswoman Madeleine Z. Bordallo**
- **Chief Justice Robert J. Torres**
 - Joshua Tenorio, Administrator of the Courts
- **Special Assistant to the Governor on Military Buildup & Infrastructure**
 - Mark Calvo
- **Guam Customs & Quarantine Agency**
 - Pedro Leon Guerrero, Director
 - Rafalle J. M. Sgambellure, Chief
 - Philip Taijeron, Assistant Chief
- **Guam Police Department**
 - Fred Bordallo, Chief
- **Antonio Won Pat International Airport**
 - Charles Ada, General Manager
 - Edward Untalan, Chairman of the Board
- **Guam Airport Police**
 - Bob Camacho, Chief
- **Guam Port Authority Police**
 - Doris Aguero, Chief
- **Guam Fire Department**
 - Joey San Nicolas, Chief
- **Department of Corrections**
 - Jose A. San Agustin
- **Guam Department of Parks and Recreation**
 - Raymond Blas, Director
 - Mike Cura, Parks Administrator
- **Office of the Attorney General**
 - Attorney Elizabeth Barrett-Anderson
- **Public Defender Service Corporation**
 - Eric D. Miller



1st Public Hearing Notice: February 6, 2015 - 2 PM

Senator Aguon Media <media@frankaguonjr.com>
To: chuck.ada@guamairport.net, euntalan@fmb.com
Cc: "Frank B. Aguon, Jr." <aguon4guam@gmail.com>

Mon, Feb 2, 2015 at 8:39 AM

MEMORANDUM

To: All Stakeholders

Fr: Senator Frank B. Aguon, Jr., Chairperson

Subject: **1st Notice of Public Hearing: February 6, 2015 – 2:00 PM**

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special accommodations, auxiliary aids, or services should contact our office at 475-4861/62. Please feel free to contact my office should you have any questions or concerns.

CC: Media

—
Respectfully,

Tricia Benavente

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Public Safety, and Judiciary

238 Archbishop Flores St., Hagatna, Guam - DNA Bldg. Ste. 501

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

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Senator Aguon Media <media@frankaguonjr.com>

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Senator Aguon Media <media@frankaguonjr.com>

Wed, Feb 4, 2015 at 11:27 AM

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January 29, 2015

MEMORANDUM

To: All Stakeholders

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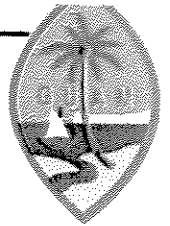
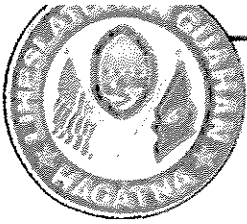
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Senator
FRANK B. AGUON, JR.
Chairman

PUBLIC HEARING

Friday, February 6, 2015 at 2:00PM

I Liheslaturan Guahan's Public Hearing Room, Hagåtña

Senator
Thomas C. Ada
Vice Chairman

AGENDA

Members

Vice-Speaker
Benjamin J.F. Cruz

I. Call to Order at 2:00PM

II. Opening remarks / Announcements

Bills for discussion

Senator
Dennis G. Rodriguez, Jr.

- **Bill No. 10-33 (COR)** - An act to exempt certain Public Sector Allied Health Professions from Jury Duty, by amending § 22107 of Chapter 22, Title 7, Guam Code Annotated.

Senator
Dr. Nerissa B. Underwood

- **Bill No. 14-33 (COR)** - 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.

Senator
V. Anthony Ada

- **Bill No. 28-33 (COR)** - An act relative to removing the time restriction for the Guam Police Department Headquarters, Administrative and other Agency Sections from occupying Government-owned facilities at Tiyan, Guam; through amending Section 2 of Public Law No. 26-100.

Senator
Frank F. Blas Jr.

III. Closing Remarks

IV. Adjournment

Senator
James V. Espaldon

Senator
Brant T. McCreadie

Speaker
Dr. Judith T. Won Pat
Ex-Officio