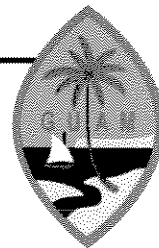




COMMITTEE ON

Guam U.S Military Relocation | Public Safety | Judiciary

I MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN | 33<sup>RD</sup> GUAM LEGISLATURE



Senator  
FRANK B. AGUON, JR.  
Chairman

Senator  
Thomas C. Ada  
Vice Chairman

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Senator  
Rory J. Respicio  
Member

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Dennis G. Rodriguez, Jr.  
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Senator  
Dr. Nerissa B. Underwood, Ph.D.  
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James V. Espaldon  
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Senator  
Brant T. McCreddie  
Member

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

JAN 06 2016

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

Speaker  
I Mina' Trentai Tres Na Liheslaturan Guahan  
155 Hesler Place  
Hagatna, Guam 96910

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

*Rory J. Respicio*

RE: Committee Report on Bill No. 215-33 (COR), As Substituted by the Committee

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 215-33 (COR), As Substituted by the Committee - An act to add a new item (c) to §67.412 of title 9 of the Guam Code Annotated relative to recognizing the successful rehabilitation and treatment of individuals convicted of first offender drug cases between 1998 and 2005.

Committee votes are as follows:

7	TO DO PASS
<del>0</del>	TO NOT PASS
<del>0</del>	TO REPORT OUT ONLY
<del>0</del>	TO ABSTAIN
<del>0</del>	TO PLACE IN INACTIVE FILE

Respectfully,

*Frank B. Aguon, Jr.*  
SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary  
I Mina' Trentai Tres Na Liheslaturan Guahan | 33<sup>rd</sup> Guam Legislature

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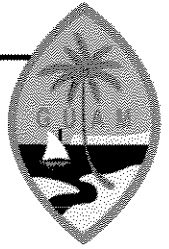
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COMMITTEE ON

Guam U.S Military Relocation | Public Safety | Judiciary

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Brant T. McCreadie  
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Dr. Judith T. Won Pat Ed.D  
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# COMMITTEE REPORT ON BILL NO. 215-33 (COR), *AS SUBSTITUTED BY THE COMMITTEE*

"An act to add a new item (c) to §67.412 of title 9 of the Guam Code Annotated relative to recognizing the successful rehabilitation and treatment of individuals convicted of first offender drug cases between 1998 and 2005."

**MEMORANDUM**

Senator  
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Senator  
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Vice Chairman

Vice-Speaker  
Benjamin J.F. Cruz  
Member

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Senator  
James V. Espaldon  
Member

Senator  
Brant T. McCreddie  
Member

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

To: ALL MEMBERS  
Committee on Guam U.S. Military Relocation, Public Safety, and Judiciary

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

Subject: Committee Report on Bill No. (215-33) (COR), *As Substituted by the Committee*

Transmitted herewith for your consideration is the Committee Report on Bill No. (215-33) (COR), *As Substituted by the Committee* – (An act to add a new item (c) to §67.412 of title 9 of the Guam Code Annotated relative to recognizing the successful rehabilitation and treatment of individuals convicted of first offender drug cases between 1998 and 2005.)

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 215-33 (COR), *As Introduced*
- Copy of Bill No. 215-33 (COR), *As Substituted by the Committee*
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Fiscal Note/Waiver
- Referral of Bill No. 215-33 (COR)
- Notices of Public Hearing
- 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'!

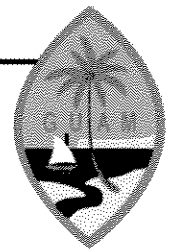
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## COMMITTEE ON


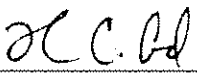


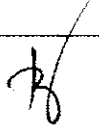
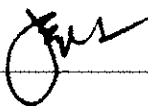

## Guam U.S Military Relocation | Public Safety | Judiciary

I MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN | 33<sup>RD</sup> GUAM LEGISLATURE

## COMMITTEE VOTING SHEET

Bill No. 215-33 (COR), As Substituted by the Committee – "An act to add a new item (c) to §67.412 of title 9 of the Guam Code Annotated relative to recognizing the successful rehabilitation and treatment of individuals convicted of first offender drug cases between 1998 and 2005."

Sponsored by B. J.F. Cruz/ R. J. Respicio

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		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADA, THOMAS C. Committee Vice Chairperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VICE-SPEAKER CRUZ, BENJAMIN J. F. Committee Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RESPICIO, RORY J. Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RODRIGUEZ, DENNIS G. JR. Committee Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
UNDERWOOD, NERISSA B. Ph.D. Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADA, V. ANTHONY Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BLAS, FRANK F., JR. Committee Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ESPALDON, JAMES V. Committee Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCCREADIE, BRANT T. Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SPEAKER WON PAT, JUDITH T. Ed. D. Committee Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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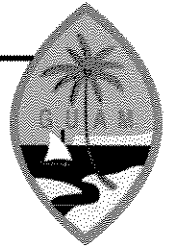
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Senator  
Brant T. McCreddie  
Member

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

**COMMITTEE REPORT DIGEST**

Senator  
FRANK B. AGUON, JR.  
Chairman

Senator  
Thomas C. Ada  
Vice Chairman

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Benjamin J.F. Cruz  
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Dr. Judith T. Won Pat, Ed.D.  
Ex-Officio

**I. OVERVIEW**

Bill No. 215-33 (COR) was introduced on December 3, 2015, by Vice Speaker B.J.F. Cruz and Senator R.J. Respicio and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Public Safety and Judiciary on December 4, 2015.

The Committee on Guam US Military Relocation, Public Safety and Judiciary convened a public hearing on Bill No. 215-33 (COR) on a Wednesday, December, 30 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 Tuesday, December 22, 2015 (5-Day Notice), and again on Monday, December 28, 2015 (48-Hour Notice).

**Senators Present**

Senator Frank B. Aguon, Jr., Chairman  
Senator Thomas C. Ada, Vice-Chairman  
Vice-Speaker Benjamin J.F. Cruz, Committee Member  
Senator Rory J. Respicio, Committee Member  
Senator V. Anthony Ada, Committee Member  
Speaker Judith T. Won Pat Ed. D., Ex-Officio  
Senator Mary Torres  
Senator Tina Muña Barnes

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

**II. SUMMARY OF TESTIMONY & DISCUSSION****Chairman Aguon:**

This public hearing sponsored by the Committee on the Guam U.S. Military Relocation, Public Safety, and Judiciary is hereby convened. We do have three pieces of legislation that we will be entertaining this afternoon. In the following order, Bill No. 197, which is relative to extending the duties of the Guam Police Department community assisted policing efforts CAPE volunteers to include event supervision of the 12<sup>th</sup> FESTPAC of the Pacific Arts sponsored by Speaker Won Pat, T.C. Ada and T.R. Muña Barnes.

**Chairman Aguon:**

Bill No. 198-33(LS) which is relative to creating the uniform interstate enforcement of domestic violence protection orders sponsored by Senator B.T. McCreadie, and then we will conclude with Bill No. 215-33 (COR) which is relative to recognizing the successful rehabilitation and treatment of individuals convicted of first offender drug cases between 1998 and 2005 sponsored by Vice-Speaker B.J.F. Cruz and Majority Leader R.J. Respicio. As we proceed with this public hearing I would like to recognize the members of the committee and the members of the legislature that are here. Vice Speaker B.J Cruz, thank you very much Mr. Vice-Speaker for joining us. Senator Rory Respicio, Senator Mary Torres and Senator Tony Ada. Thank you Senators again for joining us this afternoon. As was highlighted, we will commence with Bill 197-33. One other piece of item first of all for notification in compliance with the open government law, the initial notification on this particular public hearing was disseminated on December 22<sup>nd</sup> and the second notices were disseminated on December 28<sup>th</sup>. If anyone would like copies of the messages that were disseminated to the stakeholders and the community as well as the print ads by all means, contact my office.

I take it that the three of you will be remaining in that seat. I do have Mayor Laguana, please if you can join us upfront. Attorney Miller, Mr. Tydingco. I apologize, Presiding Judge Alberto Lamorena was in the audience for an extended period of time but he just walked out because he has an obligation so. I apologize. Next time around, let the chair know and we'll try to rearrange the schedule. We have Josh Tenorio incidentally folks who is celebrating his birthday today, but Mr. Tenorio will join us up front. Danielle Rosette and Dana Gutierrez. Also just for the record, the Judiciary of Guam did submit written testimony for Bill 198. That has been entered to the record and for purposes of this particular public hearing and any of the pieces of legislation being entertained today, I would like to share with the public that the committee will continue to receive written testimony through close of business on Monday the 5<sup>th</sup> of January. Should any of the sponsors should want to have this reported out to the committee then the committee will continue to received public written testimony on any of the pieces of legislation through the close of business on Monday so that will give our people at least an extra 6 days 7 days to be able to provide testimony. Aside from that. Mayor Laguana, you want us to go ahead a proceed with you first?

**Mayor Laguana:**

Yes. I'm the senior citizen here so I have the right to go in front. First of all, Merry Christmas and a Happy New Year to each and everyone of you senators. Let me start with my criminal history. When I just turned 18, I committed assault and battery. I was sentenced for 30 days in jail. I just turned 18. I was a gangster. I was part of the leader beating up people in the street. I served my time, but none of my gang ever came and visit me. The only person that came was my mom. My gang never came. When I got out I made up my mind that it's not the right way. So I turned around and ran as president for the first Barrigada Youth Club. Barrigada popular party and I was active in all the community affairs in Barrigada. Even the Christian Mother meeting I was there helping the Christian mother. I even testified in front of you to elect our first Washington Delegate. I even testified in front of congressman ... to elect our governor and lieutenant governor. I was the only youth at that time testifying to elect the people of Guam elect the ... The people of Barrigada only took 6 years for them to forgive me. I got elected as the Vice-Mayor for the assistant Commission of Barrigada in 1978. I committed a crime in 1972. It took them only 6 years to give me that opportunity to serve as their Vice-Mayor and I had even more votes than the mayor running with me.

**Mayor Laguana:**

It was a good opportunity for them to give me that. Now that I have a crime against myself. I didn't commit it with anybody, it was against myself, it took the government 17 years to recognize that crime that I did. I tried going to the governor, but when you're a politician, it takes a good governor to pardon another politician. They never always say don't worry Goudy I'll do it, I'll do it. His term past and he never does it, but now is the time that it's here and I hope that you guys understand that out of all the crimes I had only two. People get pardoned by the governor that has 15 crimes in their hands and worse crimes than what I did, but now that we have this bill, the time that I did my crime, the opportunity for you to go through rehab, go through everything. I did everything that the rehab wants me to do, but I never get pardoned. Now that they have this law in 205 where after you finish your going to rehab and everything, your case is punched away and you get a chance to rehabilitate. It good for me because I was retired before I committed a crime and I'm living on my retirement now, but my buddy .... Is still young. I still can go a long way as what Dr. Taitano said to me. You a very strong patient. I told I said God is with me. So help that you give me this opportunity. We don't have to go and kiss somebody's hand to get pardoned. The law says it. So do it. Thank you very much and Si Yuus Ma'ase.

**Chairman Aguon:**

Thank you very much Mayor Laguana. Before we proceed with the birthday celebrant I would like to recognize and I apologize the sponsor of the legislation. Vice Speaker Cruz. If you can provide us your comments.

**Vice-Speaker B.J. Cruz:**

Thank you very much actually. I'm glad you started with mayor because he had come to see me before. He was one of the reasons why this legislation was introduced. I've been working on this since after 2006 when he came to speak to me about the fact that he has a record and as he put it, it was a crime against himself. It was a victimless crime. It was a drug crime, but it was a victim less crime and because of that on his record, he could not. I mean every time he went for a police clearance or court clearance it showed and consequently it affected his ability to be employed further. Unfortunately, he was not the only one. Literally over the last 10 years 100s of people have come to me about the fact that they wanted to have their records cleared because of issues. I even had one grandmother come in and see me crying because she was embarrassed she had taken her 17 year-old grand daughter to get a police clearance and said grandma why don't you get a police clearance and she applied for the police clearance and it showed that in the mid 60's she had had a curfew violation but it was on the record and she as mortified, embarrassed that her grand daughter had found out that grand-ma has a police record and she came in crying into the office, but more importantly Mr. Chairman the intent of this when we started to introduce this was not only because the mayor, but because so many of these individuals who have, at least for this bill, who have a drug offense, and it's the only offense that they had and they successfully completed the drug rehab program at the court it was before 2005 they could not get it expunged and consequently, every time they go and apply for a job they cant be hired.

**Vice-Speaker B.J. Cruz:**

I've had contractors come talk to me about the fact that they have really good craftsman who they can't take onto the base because of the fact that they can't get a police clearance and there are many people who say our unemployment rate is down to 7%, but there are 60,000 people aren't applying. A good number of those people that aren't applying or looking for jobs are people that have completely given up and we cannot give up on them. I know that Senator Mary Torres is considering a full on second chance bill and I'm hoping that with the success of this one her bill would pass soon so that we can give other individuals who have committed other crimes the ability to get a second chance. Clear their record so they can apply for jobs. It does not serve the community any positive good as the mayor put it to have the ability to forgive you after 6 years and have your community refuse to forgive you after 17. We got to get them fully employed so they can assist in growing this economy. So I'm hoping, and I want to thank the Judiciary because we've been working on this for a long time, I've spoken to Judge Mike Bordallo and the Presiding Judge and the great thing was that now the general was the one that established the drug court and she understands the success of the drug court and it was a lot easier. In the past had difficulty to convince other people that there was some value in this legislation so I was very happy that the general, at least I hope. When I spoke to her she was supportive of the idea of providing an opportunity for people to apply as long as they've not have a violent offense subsequent or any other further encounters with the law just to be. If they completed the program if they had since 1998. If they completed the program and they've stayed clean and they've stayed out of trouble that they can get their record expunged without having to kiss any bodies hand or anything else to get a pardon, but to just get it because they have complied with the law, and so I thank you Mr. Chairman for allowing for this bill to be heard. I thank everyone who has assisted me over the last 10 years trying to move this through and I'm hoping that we can get this through during this term at the legislature.

**Mayor Laguana:**

But Senator, the only thing that is saving me now is I became a housewife. I stay home, and that's why I appreciate this now so I could get a job. I tried to get a job the minute I passed everything, but people were reluctant to take me because of the drug charges or people are reluctant to take me because mayor I hate to tell you, mayor go sweep that or mayor go do this. The position really helped me stop getting a job too. So this time, maybe the all look at me because nothing about drugs. I don't know why now that ice now is too strong, but heroine was worse, but people get to know the people who are taking it are getting a job. I don't know what's wrong with ice. Is it too cold or what? I cannot know. I wish I could find a different, but all the people that I help don't even know my name. Thank you.

**Chairman Aguon:**

Thank you very much mayor and thank you Vice Speaker for your comments on this legislation. Joshua.

**Mr. Joshua Tenorio:**

Thank you Mr. Chairman. I'm Joshua Tenorio. I'm the administrator of the courts. I would like to present some oral testimony, but before I do that if you would allow me I would like to call on Danielle Rosette the clerk of court for the Superior Court to read Presiding Judge Lamorena's testimony to the record, and I would like to come back after her.

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**Ms. Danielle Rosette:**

Good afternoon Senators. Testimony written by the Presiding Judge Alberto C. Lamorena III addressed to the Honorable Frank B. Aguon Jr. Chairman on the Committee on Guam U.S. Military Relocation, Public Safety and Judiciary.

**[Written Testimony Attached]**

**Chairman Aguon:**

Thank you Attorney Rosette. Please extend our appreciation to the Presiding Judge. I apologize for not giving him the opportunity to present himself. Mr. Tenorio.

**Mr. Joshua Tenorio:**

Thank you Chairman Aguon. I too on behalf of the Judiciary as Administrator of the Court I do want to fully support this bill as it's introduced with the amendments provided by the Presiding Judge and I'm hopeful that after this legislation is passed and I'm hopeful for the governors signing it and it's enacted into to law the we would then move into continue this discussion on the issue of second chances and I wanted to point out and share some data for you. Right now there are 6000 people on probation in Guam out of a population of about 165,000. Which means one in twenty-seven residents on Guam are on probation compared to the national average which is one in fifty-two. So you can see it is almost double. The occurrences is almost double on Guam. As it is nationally. I think this discussion requires some self evaluation across the board in the criminal justice area. I think as the year goes on and in March you'll see that the Public Defender and the Attorney General's Office and the Judiciary will announce a criminal justice strategic agenda in March that aims to address some system wide issues and taking a look for example at pretrial detention and the rates on charging conviction are part of that but focusing on the group that is expunged or the group that has been convicted. I had a recent, I was fortunate that I was helping lead a team a couple weeks ago with the Presiding Judge as the Judiciary of Guam starts it's planning process in establishing the re entry court and the re entry court is going to deal with all those that are going to be paroled and all those that are going to be released and its going in partnership with the Parole Board and the Department Of Corrections its going to compel the government really to focus on making some investments in rehabilitation and the corrections department and I would point out that a lot of the movement coming in unfortunately led by a bi-partisan group of folks. It's not very often that you see social conservatives and liberals in partnership to address this issue where a large number of citizens of the United States residents of the states and territories are faced with having criminal convictions on their record, which have led to under employment or in many cases unemployment. I think that the policies that occurred in the 90's, the three strikes, mandatory minimum sentences that have caused the overcrowding of institutions in the United States or here on Guam I think also causes us to take a look and delve deeper into what really is happening on Guam. That's going to require I think all of us to be little bit open minded, and also to recognize that people do need a second chance if they're going to be able to rejoin society and become productive citizens. And I think there some excellent examples that we see nationally that we'll try and work with on Guam.

**Mr. Joshua Tenorio:**

We'll be working with the Council State Government Justice Center. They are our provider, we will be working with the Bureau of Justice Affairs and in particular, carrying on and taking a look at the opportunities for us to really take a look and and see what we can do to address true rehabilitation and to try and drop the number of folks that are unemployed or underemployed and address this hopelessness that caused some of this recidivism that occurs. It's a big issue and I think its going to take a number of years to move. There will be various elements This is definitely a great first step. This legislation shouldn't have any as much opposition than perhaps it could've had 10 years' ago. If you look at the data, every single family on Guam that has somebody in their family that has a drug conviction that is not being able to be employed and I think its something that should be part of the general discussion and after this bill is said and done, we look forward to working with you in the legislature to continue our evaluation of the situation and really try and identify. I guess I will just leave it with you see all of the failure that criminal justice system or the missed opportunities at the end when people are released from prison and they don't have anything to do or anywhere to go and we take a look at that and we take a look on the front side making sure that the judges and the criminal justice system including the police and the prosecutors have tools that are going to be used to screen individuals, identify risk areas, and I've really pin point what kind of programs, therapy can be done on the front end to try and address some of the risk factor and drop the recidivism. So what you'll see from us is more transparency in the kind of numbers that we will be putting out and commonly using the data to drive the decision making and like I said this is our very first step. This is a big issue I think we need to focus in on. And I want to thank you also for introducing this legislation. I do remember working in the legislature and meeting dozens and dozens of people and I just wanted to point out that even the Presiding Judge himself and talking with people at the governor's office there are a large number of people making request for pardons and the volume is so much that it does require maybe a really look at the policy in providing that opportunity. So thank you.

**Chairman Aguon:**

Thank you very much Mr. Tenorio. Mr. Tydingco.

**Mr. Phil Tydingco:**

Thank you Chairman Senator Aguon and again, good afternoon senators and Happy Holidays. On behalf of Attorney General Barret Anderson and the Office of the Attorney General as you know and I think the Vice-Speaker clearly pointed out, Attorney General Barret Anderson was one of the therapeutic judges with the drug court and fully supports offering this opportunity to those folks that had a drug conviction prior to the 2005 when the law was changed and offered the opportunity for expungement and so Attorney General Barret Anderson has asked that I just note similar to the Presiding Judge Lamorena that there be a minor amendment. I think its on lines 5 and 6 and cannot have been convicted since the drug conviction of the Attorney General proposes of any other felony, misdemeanor, offense involving violence or use of drug or alcohol, or other substances is the minor amendment that she proposes that the legislature consider for this bill. It was also in discussion with some of our drug prosecutors also consideration that maybe there be language that allows for those folks that do obtain expungement that if they commit a subsequent drug manufacturing distribution, that's basically if they get convicted of dealing drugs later that we are allowed to use that consideration for sentencing.

**Mr. Phil Tydingco:**

That's the only amendments I will propose there especially if we're giving people the opportunity to clear their record. Have it expunged. Especially if they have no convictions involving drugs, or violence, or substance abuse. We fully support that. As you know we are also a member of the Reentry Task Force being formed up. It has been alarming if you look at least since the 2000. We receive between 3000 plus police reports a year and we file 14-2000 plus cases a year so and that's due in part that we can't even get to the most of them. So certainly strategies that have been focus like the Lani Cape Task Force trying to focus on the front end. How to address the problem before they get into the criminal justice system and then of course the re entry is in the back end and I'm certain you know that it is hard to rehabilitate if there's minimal rehabilitation going on. I think a focus on providing the commitment in addition to any resources is on the back end as well as the front end because in many ways, the court system itself and the players, the prosecution, the police, and the courts, we're the middle part. The front end is where the schools, where the parents and the community in the back end. What is our correction system doing to, we use the word correct behavior and provide them the opportunity? So certainly this will provide those folks. This in a sense is a second chance bill within itself. It gives a second chance to those people with a prior drug conviction, but for the fact that that law wasn't changed in time would've got it deferred and would've got the expungement. Thank you.

**Chairman Aguon:**

Thank you very much Mr. Tydingco. I'm sure the sponsor of the legislation consistent with the Presiding Judge's suggestions may consider that as a sufficient amendment to the proposal. Attorney Miller.

**Mr. Eric Miller:**

Thank you Senators. Eric Miller, Public Defender's Office. For all the reasons so eloquently stated by all the previous speakers, the Public Defender's Office strongly supports this legislation.

**Chairman Aguon:**

Thank you very much Attorney Miller. Any comments from the Senator. Vice-Speaker. Any questions. Senator Muña Barnes. Any question or comment.

**Senator Tina Muña Barnes:**

Si Yuus Ma'ase Mr. Chair. Before I ask the question I just want to say Happy Birthday to Mr. Tenorio. Many blessings. You're here working on your birthday. It's good. I guess the question I had was based on the Presiding Judge's presentation and wanting to move the dates back from 1998 to 1995 and he noted that there were 1178 cases that would be involved. So would that increase lifting it or giving it back to 1995, Would that be more than 1100 cases? Maybe up to 3000 cases.

**Mr. Joshua Tenorio:**

No the 1178 is the number with 95 and the reason is we have 1178 separate treatment records of individuals that came in through the court that completed the therapy program prior to that administrative order.

**Mr. Joshua Tenorio:**

So originally, that 1998 date, upon further review of the cases and the times it was taking to adjudicate, you know we feel strongly that in order to capture the true population that date needs to go to 1995.

**Senator Tina Muña Barnes:**

1995. So it's the 1178. So those cases started that far back.

**Mr. Joshua Tenorio:**

That's the starting point and we expect the number that is eligible to be less than that, but that's the number of people that actually went through, that we have the documented rehabilitation program at the court.

**Senator Tina Muña Barnes:**

Ok. I just wanted the clarification to make sure. Thank you and Happy Birthday.

**Chairman Aguon:**

Thank you very much Senator Muña Barnes and again Happy Birthday to Mr. Tenorio, but to everyone Merry Christmas and a Happy New Year. Thank you for your testimony. The Committee will continue to accept written testimony on any pieces of legislation that have been entertained this afternoon until close of business Monday the 5<sup>th</sup> of January. Thank you again. Thank you Senators for joining us.

The public hearing adjourned at 3:26 PM.

### 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 Wednesday, December 30<sup>th</sup> 2015 at 2:00PM in *I Liheslatura's* Public Hearing Room.

1. **Alberto C. Lamorena III, Superior Court of Guam, Presiding Judge**

### IV. FINDINGS & RECOMMENDATIONS

The Committee on Guam U.S Military Relocation, Public Safety, and Judiciary hereby reports out Bill No. 215-33(COR) with the recommendation **TO DO PASS**.

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

Bill No. 215-33 (COR)

Introduced by:

B.J.F. Cruz  
R. J. Respicio

2015 FEB - 2 PM 2:23  
J. Cruz  
R. Respicio

**AN ACT TO ADD A NEW ITEM (c) TO §67.412 OF TITLE 9  
OF THE GUAM CODE ANNOTATED RELATIVE TO  
RECOGNIZING THE SUCCESSFUL REHABILITATION AND  
TREATMENT OF INDIVIDUALS CONVICTED OF FIRST  
OFFENDER DRUG CASES BETWEEN 1998 AND 2005**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the Supreme Court of Guam promulgated Administrative Rule 05-03, “*Regarding the Creation of Collaborative Therapeutic Drugs Courts as Courts of Record for the Superior Court of Guam;*” on December 29, 2005, and by doing so, adopted the policy that those criminal defendants who were charged with possession of user-quantity substances would be treated as persons in need of drug rehabilitation treatment.

The Guam Adult and Juvenile Drug Courts began practices as early as 1998 but were not made official courts of record until 2005. In January 2003, the Superior Court of Guam received a federal grant to implement a “Drug Court,” with cooperation from the Office of Attorney General, the Public Defender Services Corporation and members of the Guam Bar Association, drug court defendants were

1 offered the choice of counseling and drug treatment in order to resolve their offense  
2 under 9 GCA Chapter 67, and have his or her case end in expungement pursuant to the  
3 expungement laws of Guam. Prior to Administrative Rule 05-03, all drug possession  
4 cases were assigned to a single judge.

5 The Superior Court of Guam has estimated that nearly 500 individuals  
6 completed the counseling and drug treatment components of the Therapeutic Drug  
7 Courts prior to the establishment as courts of record of the Judiciary of Guam. Many  
8 of these individuals have become productive members of our community but have  
9 experienced employment challenges resulting from the drug conviction as far back as  
10 17 years ago. Many who completed the same Drug Treatment currently required of  
11 Drug Court defendants wish similar treatment, and there is no other way to cleanse  
12 their records except under the expungement statute, which does not contain legal  
13 guidance for expungement in such situations.

14 It is the intent of *I Liheslaturan Guåhan* to authorize persons who completed  
15 the drug treatment prior to the 2005 Administrative Order creating the Drug Treatment  
16 Courts and not convicted of any other drug offense, violent misdemeanor, or felony, to  
17 request expungement of this case. This would allow such individuals to be treated  
18 equitably with those who were committed the exact same offenses after the December  
19 29, 2005, Order Creating Drug Courts and to recognize and reward individuals for  
20 successful rehabilitation into the community.

21 **Section 2. A new item (c) is added to §67.412 of Title 9 of the Guam Code**  
22 **Annotated as follows:**

23 “(c) A person may seek expungement if he or she has successfully completed  
24 drug treatment consistent with the treatment in the drug court program set forth  
25 in 9 GCA §67.412 and §67.413 and sustained a conviction under this Chapter

1 from the Superior Court between January 1, 1998 and December 31, 2005.  
2 Such persons must not have been previously convicted of an offense under Title  
3 9 GCA, and otherwise meet all criteria for participation in the current drug  
4 court program as set forth in 9 GCA §67.412 and §67.413, and cannot have  
5 been convicted since the drug conviction of a felony or a misdemeanor  
6 involving violence. Any application for expungement pursuant to the  
7 participation in the drug treatment options between January 1, 1998 and  
8 December 31, 2005 shall be filed in the original criminal case file number in the  
9 same way as adjudications pursuant to subsection (b) of this section are  
10 currently handled, and all such requests for expungement shall be assigned to  
11 the Presiding Judge of the Superior Court of Guam.”

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

**Bill No. 215-33 (COR)**

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

Introduced by:

B.J.F. Cruz

R.J. Respicio

**AN ACT TO ADD A NEW ITEM (c) TO §67.412 OF TITLE 9  
OF THE GUAM CODE ANNOTATED RELATIVE TO  
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23 drug treatment consistent with the treatment in the drug court program set forth  
24 in 9 GCA §67.412 and §67.413 and sustained a conviction under this Chapter  
25 from the Superior Court between January 1, 1995 and December 31, 2005.

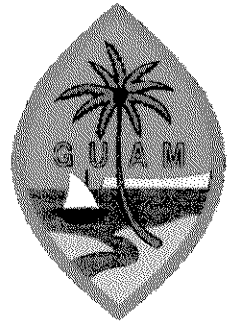
1        Such persons must not have been previously convicted of an offense under Title  
2        9 GCA, and must otherwise meet all criteria for participation in the current drug  
3        court program as set forth in 9 GCA §67.412 and §67.413, and cannot have  
4        been convicted since the drug conviction of any other drug offense, violent  
5        misdemeanor, or felony. Any application for expungement pursuant to the  
6        participation in the drug treatment options between January 1, 1995 and  
7        December 31, 2005 shall be filed in the original criminal case file number in the  
8        same way as adjudications pursuant to subsection (b) of this section are  
9        currently handled, and all such requests for expungement shall be assigned to  
10       the Presiding Judge of the Superior Court of Guam.”

# COMMITTEE ON GUAM U.S. MILITARY RELOCATION, PUBLIC SAFETY & JUDICIARY

*I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature*



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



**Bill No. 215-33 (COR):** - An act to add a new item (c) to §67.412 of title 9 of the Guam Code Annotated relative to recognizing the successful rehabilitation and treatment of individuals convicted of first offender drug cases between 1998 and 2005.

Sponsored by: B. J.F. Cruz/ R. J. Respicio

Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
<i>Legislator by</i>	<i>Rel Mayor</i>	<i>477-1848</i>	✓	✓	✓	
<i>Eric Mitter</i>	<i>PDSC</i>		✓		✓	
<i>Phil Tydings</i>	<i>OAG</i>		✓		✓	
<i>Alberto C. Lamorena III</i>			✓	✓	✓	
<i>Josh Tenorio</i>	<i>JUG</i>		✓		✓	
<i>Danielle Rosete</i>	<i>"</i>		✓		✓	
<i>Dana Gutierrez</i>	<i>JOG</i>				✓	



## Superior Court of Guam

Judicial Center

120 West O'Brien Drive

Hagåtña, Guam 96910

Telephone: (671) 475-3410/3500

Fax: (671) 477-1852



Hon. Alberto C. Lamorena III

Presiding Judge

December 30, 2015

The Honorable Frank B. Aguon, Jr.  
Chairman  
Committee on Guam U.S. Military Relocation,  
Public Safety and Judiciary  
Suite 503, DNA Bldg.  
238 Archbishop Flores Street  
Hagatna, Guam 96910

**Re: Testimony on Bill No. 215-33 (COR)**

Dear Chairman Aguon:

Thank you for providing me with the opportunity to testify and to submit written testimony on Bill No. 215-33 (COR), *An Act to Add a New Item (c) to §67.412 of Title 9 of the Guam Code Annotated Relative to Recognizing the Successful Rehabilitation and Treatment of Individuals Convicted of First Offender Drug Cases Between 1995 and 2005*, which was sponsored by Vice-Speaker Benjamin J.F. Cruz and Senator Rory J. Respicio. As Bill No. 215-33 furthers the purposes of the Superior Court of Guam's therapeutic drug courts, I support Bill No. 215-33 with two minor amendments.

First, the eligibility range date to allow the expungement of records should be changed from "January 1, 1998 to December 31, 2005," to "January 1, 1995 to December 31, 2005." Upon further review by the Judiciary of Guam of the list of 1,178 cases that may be eligible for expungement, it is possible that convictions in some cases may have been sustained prior to the January 1, 1998 date provided in Bill No. 215-33. As a result, this amendment would ensure that those individuals who completed necessary counseling and drug treatment, and sustained a conviction prior to January 1, 1998, also have the opportunity to apply to have their records expunged. Therefore, amending the eligibility date range would merely capture any cases already identified as eligible for possible expungement.

The second minor amendment I propose is to merely provide consistency in the language used in Section 1 and Section 2 of Bill No. 215-33 regarding the type of cases that would disqualify an applicant from filing for expungement. Specifically, in Section 1, Legislative Findings and Intent, the language states that it is the intent of *I Liheslaturan Guahan* to authorize persons who completed drug treatment prior to the 2005 Administrative Order creating the Drug Treatment Courts to apply for expungement of their records provided, the applicants were "not convicted of



Hon. Alberto C. Zamorena III  
Presiding Judge

any other drug offense, violent misdemeanor, or felony." For this reason, I propose a minor amendment to the second sentence of Section 2 as follows:

Such persons must not have been previously convicted of an offense under Title 9 GCA, and must otherwise meet all criteria for participation in the current drug court program as set forth in 9 GCA §67.412 and §67.413, and cannot have been convicted since the drug conviction of any other drug offense, violent misdemeanor, or felony.

In the 1990s to early 2000, I presided over 99% of all drug cases filed at the Superior Court of Guam. I saw firsthand the negative effects drugs had not only on the accused, but also on our community. In response to the drug crisis facing our island, the Judiciary recognized that drug courts are an effective system in the rehabilitation and recovery of drug offenders through close court monitoring, regular random drug testing and holistic drug and alcohol treatment. Although the initial, therapeutic drug court process began even prior to 1998, the ability of those who successfully completed drug treatment to dismiss and expunge their records was not available until after 2003, when the Adult Drug Court was implemented. As a result, many successful participants who completed drug treatment and have become productive members of our community are unable to dismiss and expunge their records, hindering their ability to obtain gainful employment.

Bill 215-33, with the minor amendments recommended above, will provide fairness by allowing those who successfully rehabilitated prior to December 31, 2005, the same opportunity to have records related to their drug conviction dismissed and expunged. After expungement, these individuals will be able to fairly compete when obtaining employment. Further, allowing these individuals the chance to expunge their records will not only change their lives, but will serve as evidence that through treatment, these individuals are able to continue to remain drug-free.

Additionally, I request that no further substantive amendments be made to Bill No. 215-33 beyond my two recommendations stated above. I make this request because a similar bill was introduced about 10 years ago. However, the bill was amended to the extent that it allowed almost every criminal conviction to be dismissed and expunged. For this reason, the bill was later vetoed by the Governor. These actions chilled further attempts to introduce this bill until now. Please do not allow this to happen again and sacrifice the opportunity these individuals have to better themselves by expunging their records, and, thereby, improving their lives and their family.



Hon. Alberto C. Lamorena III  
Presiding Judge

In conclusion, I support Bill No. 215-33 with the two minor amendments noted above and ask that no further substantive amendments be made to the Bill. Thank you for the opportunity to provide testimony in support of Bill No. 215-33.

*Senseramente,*

ALBERTO C. LAMORENA III  
Presiding Judge, Superior Court of Guam



## COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd 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  
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Michael F.Q. San Nicolas  
Member

Senator  
Nerissa Bretania Underwood  
Member

V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

December 24, 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 and fiscal note waivers are issued on the bills as introduced.

### FISCAL NOTES:

Bill No. 213-33(COR)

Bill No. 214-33(COR)

Bill No. 215-33(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'!*

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 215-33 (COR)**

**AN ACT TO ADD A NEW ITEM (c) TO §67.412 OF TITLE 9 OF THE GUAM CODE ANNOTATED RELATIVE TO RECOGNIZING THE SUCCESSFUL REHABILITATION AND TREATMENT OF INDIVIDUALS CONVICTED OF FIRST OFFENDER DRUG CASES BETWEEN 1995 AND 2005.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Unified Judiciary of Guam	Dept./Agency Head: Robert J. Torres, Chief Justice
Department's General Fund (GF) appropriation(s) to date:	33,043,444
Department's Other Fund (Specify) appropriation(s) to date:	145,468
Total Department/Agency Appropriation(s) to date:	33,188,912

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2015 Unreserved Fund Balance		\$0	\$0
FY 2016 Adopted Revenues	\$0	\$0	\$0
FY 2016 Appro. (P.L. 33-66 thru )	\$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 2016 (if applicable)	FY 2017	FY 2018	FY 2019	FY 2020
General Fund	1/	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes /x/ No  
If Yes, see attachment
2. 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
3. Does the Bill establish a new program/agency? / / Yes /x/ No  
If yes, will the program duplicate existing programs/agencies? /x/ N/A / / Yes / / No  
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
5. 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: 12/18/15 Director: Jose S. Calvo Date: DEC 21 2015  
Dina P. Rivera Jose S. Calvo, Director

**Footnotes:**

1/ Per information received from a Judiciary of Guam staff, only a limited amount of applicants are expected to file a petition of expungement and if the applicant meets all the requirements for expungement, the Judge may make a ruling without a court hearing. As such, associated cost, probably to be absorbed under the Judiciary's operational budget, such as administrative and supply requirements for the printing and processing of applications, is estimated to be minimal.





## COMMITTEE ON RULES

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MINORITY LEADER


Mary C. Torres  
MINORITY MEMBER

December 4, 2015

### MEMORANDUM

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

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

From: **Vice Speaker Benjamin J.F. Cruz**   
*Acting Chairperson of the Committee on Rules*

Subject: **Referral of Bill No. 215-33(COR)**

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 215-33(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	FISCAL NOTES
215-33 (COR)	B. J.F. Cruz R. J. Respicio	AN ACT TO ADD A NEW ITEM (c) TO §67.412 OF TITLE 9 OF THE GUAM CODE ANNOTATED RELATIVE TO RECOGNIZING THE SUCCESSFUL REHABILITATION AND TREATMENT OF INDIVIDUALS CONVICTED OF FIRST OFFENDER DRUG CASES BETWEEN 1998 AND 2005.	12/03/15 2:23 p.m.	12/04/15	Committee on the Guam U.S. Military Relocation, Public Safety and Judiciary			<b>Fiscal Note Request</b> 12/04/15

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

Bill No. 215-33 (CRR)

Introduced by:

B.J.F. Cruz  
R. J. Respicio

2015 FEB 23 PM 2:23  
J. M. Cruz

**AN ACT TO ADD A NEW ITEM (c) TO §67.412 OF TITLE 9  
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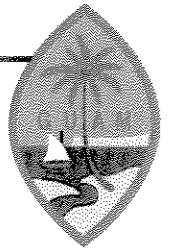
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15 the drug treatment prior to the 2005 Administrative Order creating the Drug Treatment  
16 Courts and not convicted of any other drug offense, violent misdemeanor, or felony, to  
17 request expungement of this case. This would allow such individuals to be treated  
18 equitably with those who were committed the exact same offenses after the December  
19 29, 2005, Order Creating Drug Courts and to recognize and reward individuals for  
20 successful rehabilitation into the community.

21 **Section 2. A new item (c) is added to §67.412 of Title 9 of the Guam Code**  
22 **Annotated as follows:**

23 “(c) A person may seek expungement if he or she has successfully completed  
24 drug treatment consistent with the treatment in the drug court program set forth  
25 in 9 GCA §67.412 and §67.413 and sustained a conviction under this Chapter

1 from the Superior Court between January 1, 1998 and December 31, 2005.  
2 Such persons must not have been previously convicted of an offense under Title  
3 9 GCA, and otherwise meet all criteria for participation in the current drug  
4 court program as set forth in 9 GCA §67.412 and §67.413, and cannot have  
5 been convicted since the drug conviction of a felony or a misdemeanor  
6 involving violence. Any application for expungement pursuant to the  
7 participation in the drug treatment options between January 1, 1998 and  
8 December 31, 2005 shall be filed in the original criminal case file number in the  
9 same way as adjudications pursuant to subsection (b) of this section are  
10 currently handled, and all such requests for expungement shall be assigned to  
11 the Presiding Judge of the Superior Court of Guam.”



December 22, 2015

## MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: **1<sup>st</sup> Notice** – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

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The Hearing will broadcast on local television, *GTA Channel 21 and Docomo Channel 117* or streamed online at: [www.guamlegislature.com](http://www.guamlegislature.com). The Committee requests that, if written testimonies are to be presented at the Public Hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr. at Suite 503 DNA Bldg. 238 Archbishop Flores St. Hagatna, Guam, 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 Guahan*'s website at: [www.guamlegislature.com](http://www.guamlegislature.com). 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.

*Un Dangkol Na Si Yu'os Ma'ase!*  
SENATOR FRANK B. AGUON, JR.

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

*I Mina' Trentai Tres Na Liheslaturan Guahan* | 33rd Guam Legislature

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910

PHONE: (671) 475-GUM1/2 (4861/2) | FAX: (671) 475-GUM3 (4863) | EMAIL: [AGUON4GUAM@GMAIL.COM](mailto:AGUON4GUAM@GMAIL.COM)[WWW.FRANKAGUONJR.COM](http://WWW.FRANKAGUONJR.COM)Senator  
FRANK B. AGUON, JR.  
ChairmanSenator  
Thomas C. Ada  
Vice ChairmanVice-Speaker  
Benjamin J.F. Cruz  
MemberSenator  
Rory J. Respicio  
MemberSenator  
Dennis G. Rodriguez, Jr.  
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Dr. Nerissa B. Underwood, Ph.D.  
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MemberSenator  
James V. Espaldon  
MemberSenator  
Brant T. McCreddie  
MemberSpeaker  
Dr. Judith T. Won Pat, Ed.D.  
Ex-Officio



Office of Senator Frank B. Aguon, Jr. &lt;admin@frankaguonjr.com&gt;

## 1st Notice – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

Office of Senator Frank Aguon, Jr. Admin &lt;admin@frankaguonjr.com&gt;

Tue, Dec 22, 2015 at 10:28 AM

To: "Office of Senator Frank B. Aguon, Jr." &lt;admin@frankaguonjr.com&gt;

Cc: "Senator Frank B. Aguon Jr." &lt;aguon4guam@gmail.com&gt;, Committee &lt;committee@frankaguonjr.com&gt;, Ivan Palacios &lt;communications@frankaguonjr.com&gt;, Lourdes Eclavea &lt;staff@frankaguonjr.com&gt;, Senator Aguon's Assistant &lt;officeassistant@frankaguonjr.com&gt;, Tricia Benavente &lt;media@frankaguonjr.com&gt;

Bcc: antoniot@guamairport.net, arthur.paulino@gpd.guam.gov, bobcamacho@guamairport.net, chuck.ada@guamairport.net, cemiculka@guam.gannett.com, cme.guam@gmail.com, communications@guam.gov, dcaguero@portguam.com, ebanderson@guamag.org, elaine.gogue@guam.gov, euntalan@fhhb.com, faguon@portguam.com, gerry@postguam.com, gerrypartido.mvguam18@gmail.com, governor@guam.gov, guamwarden2k@yahoo.com, janela@spbgum.com, madeleine.bordallo@mail.house.gov, michael.cura@dpr.guam.gov, michael.uncangco@gfd.guam.gov, philip.taijeron@cqa.guam.gov, phnotice@guamlegislature.org, "Raffaele.sgambelluri@cqa.guam.gov" <raffaele.sgambelluri@cqa.guam.gov>, " <raymond.blas@dpr.guam.gov>" <raymond.blas@dpr.guam.gov>, Carla Borja <carla.borja@doc.guam.gov>, Cathy Gogue <cgogue@guampdsc.net>, "Chief J. I. Cruz" <joseph.i.cruz@gpd.guam.gov>, "chris.duenas" <chris.duenas@guam.gov>, Christopher Budasi <cbudasi@guamcourts.org>, "clynt@spbgum.com" <clynt@spbgum.com>, Colonel Maurice Sayama <maurice.sayama@gpd.guam.gov>, Cynthia Ige <cynthia.ige@gpd.guam.gov>, Eric Miller <emiller@guampdsc.net>, Gerry Partido <gerrypartido@gmail.com>, "Honorable Robert J. Torres" <guamjustice@hotmail.com>, "hottips@kuam.com" <hottips@kuam.com>, Joey San Nicolas <joeysannicolas@gfd.guam.gov>, John O'Connor <john@mvguam.com>, Jon Calvo <jon.calvo@mail.house.gov>, "jose.sanagustin" <jose.sanagustin@doc.guam.gov>, "Joseph I. Cruz" <joseph.i.cruz66@gmail.com>, "joseph.duenas" <joseph.duenas@guam.gov>, Joshua Tenorio <jtenorio@guamcourts.org>, Joy Unpingco <joy.unpingco@guam.gov>, Ken Quintanilla <kenq@kuam.com>, kim santos <kim.santos@gpd.guam.gov>, "Lt. Andrew Quitugua" <andrew.quitugua@gpd.guam.gov>, "Lt. Paul Sayama" <paul.sayama@gpd.guam.gov>, "manuel.babauta" <manuel.babauta@gpd.guam.gov>, Marianas Variety-Guam <editor@mvguam.com>, Mark Calvo <mark.calvo@guam.gov>, Matt Sablan <matt.sablan12@yahoo.com>, "monica.salas" <monica.salas@gpd.guam.gov>, "news@guampdn.com" <news@guampdn.com>, "Pedro A. Leon Guerrero, Jr." <pedro.leonguerrero@cqa.guam.gov>, Ray Tenorio <ray.tenorio@guam.gov>, Robert Tupaz <robert@mvguam.com>, "ronald.taitano" <ronald.taitano@gpd.guam.gov>, Rose Ramsey <rose.ramsey@guam.gov>, Shaina Santos <reporter4@glimpsesofiguam.com>, Shawn Raymundo <sraymundo@guam.gannett.com>, "susan.reyes" <susan.reyes@gpd.guam.gov>, Valerie Cruz <vcruz@guamcourts.org>, agatmayorsoffice@hotmail.com, bmomayor@teleguam.net, hagatnamayor@hotmail.com, kenjoeada@yahoo.com, mcogadmin@teleguam.net, mtm\_mayors\_office@yahoo.com, nblas\_mangilaomayor@yahoo.com, peter\_daigo@hotmail.com, pitimayor@yahoo.com, talofofomayor@gmail.com, vicemayor\_allan.ungacta@yahoo.com, Anthony Sanchez <yigovice@gmail.com>, Barrigada MayorsOffice <broadmin@teleguam.net>, Dale Alvarez <daleealvarez@gmail.com>, Diana Sojo <yigomayorsoffice@gmail.com>, Doris Lujan <mayordorisfloreslujan@gmail.com>, Ernest Chargualaf - Merizo <mayoremestc@yahoo.com>, inarajan municipality <inarajanmayorsoffice@gmail.com>, Jessy Gogue <ocp.mayor@gmail.com>, Joana Margaret Blas <mayorjmcblas@gmail.com>, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, "melissa.savares@gmail.com" <melissa.savares@gmail.com>, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, dfsannicolas@gmail.com

December 22, 2015

## MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: **1<sup>st</sup> Notice** – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

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*Un Dangkolo Na Si Yu'os Ma'ase!*

—  
Thanks!

Office of Senator Frank B. Aguon, Jr.

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

SUITE 503, DNA BLDG, 238 ARCHBISHOP FLORES STREET HAGÁTÑA, GUAM 96910

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12/22/2015

Office of Senator Frank B. Aguon, Jr. Mail - 1st Notice -- Public Hearing on Wednesday, December 30, 2015 at 2:00 PM



**1st NOTICE public hearing HEARING.pdf**

473K



December 28, 2015

## MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: **2nd Notice** – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

In accordance with the *Open Government Law of Guam*, relative to notice for public meetings, please be advised that the *Committee on Guam U.S. Military Relocation, Public Safety & Judiciary*, will convene an **Public Hearing on Wednesday, December 30, 2015 at 2:00 PM.** Included on the agenda are the following bill(s):

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*Un Dangko! Na Si Yu'os Ma'ase!*

SENATOR FRANK B. AGUON, JR.

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

I Mina' Trentai Tres Na Liheslaturan Guahan | 33rd Guam Legislature

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910

PHONE: (671) 475-GUM1/2 (4861/2) | FAX: (671) 475-GUM3 (4863) | EMAIL: [AGUON4GUAM@GMAIL.COM](mailto:AGUON4GUAM@GMAIL.COM)[WWW.FRANKAGUONJR.COM](http://WWW.FRANKAGUONJR.COM)Senator  
FRANK B. AGUON, JR.  
ChairmanSenator  
Thomas C. Ada  
Vice ChairmanVice-Speaker  
Benjamin J.F. Cruz  
MemberSenator  
Rory J. Respicio  
MemberSenator  
Dennis G. Rodriguez, Jr.  
MemberSenator  
Dr. Nerissa B. Underwood, Ph.D.  
MemberSenator  
V. Anthony Ada  
MemberSenator  
Frank F. Blas Jr.  
MemberSenator  
James V. Espaldon  
MemberSenator  
Brant T. McCreadie  
MemberSpeaker  
Dr. Judith T. Won Pat, Ed.D.  
Ex-Officio



Committee Director &lt;committee@frankaguonjr.com&gt;

**2nd Notice – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM**

1 message

Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com> Mon, Dec 28, 2015 at 2:19 PM  
To: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>  
Cc: "Senator Frank B. Aguon Jr." <aguon4guam@gmail.com>, Ivan Palacios <communications@frankaguonjr.com>, Lourdes Eclavea <staff@frankaguonjr.com>, Senator Aguon's Assistant <officeassistant@frankaguonjr.com>, Tricia Benavente <media@frankaguonjr.com>, Committee <committee@frankaguonjr.com>

December 28, 2015

**MEMORANDUM**

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B. AGUON, JR.

Subject: **2nd Notice** – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

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Guahån 's website at: [www.guamlegislature.com](http://www.guamlegislature.com). 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.

*Un Dangkoló Na Si Yu'os Ma'ase!*

—  
**Thanks!**

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

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

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATÑA, GUAM 96910

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

Fax: (671) GUM3 (4863)

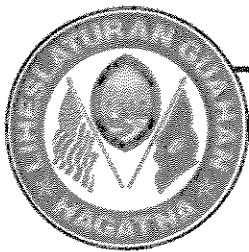
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**2nd NOTICE public hearing HEARING.pdf**

476K



COMMITTEE ON

Guam U.S Military Relocation | Public Safety | Judiciary

I MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN | 33<sup>RD</sup> GUAM LEGISLATURE



December 22, 2015

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.  
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Dr. Nerissa B. Underwood, Ph.D.  
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Senator  
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Frank F. Blas Jr.  
Member

Senator  
James V. Espaldon  
Member

Senator  
Brant T. McCreadie  
Member

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

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)

Subject: **INVITATION** – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

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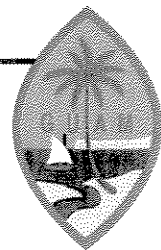
*Un Dangkolo Na Si Yu'os Ma'ase!*

  
SENATOR FRANK B. AGUON, JR.

Committee Chairman on Guam U.S. Military Relocation | Public Safety | Judiciary  
*I Mina' Trentai Tres Na Liheslaturan Guahan* | 33rd Guam Legislature

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



December 22, 2015

Senator  
FRANK B. AGUON, JR.  
Chairman

Senator  
Thomas C. Ada  
Vice Chairman

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Senator  
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Senator  
James V. Espaldon  
Member

Senator  
Brant T. McCreadie  
Member

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

The Honorable Ray Tenorio  
Lieutenant Governor of Guam  
513 West Marine Corps Drive  
Ricardo J. Bordallo Complex  
Hagåtña, Guam 96910  
Sent via email to: [ray.tenorio@guam.gov](mailto:ray.tenorio@guam.gov)

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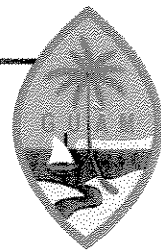
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Committee Chairman of Guam U.S. Military Relocation | Public Safety | Judiciary  
*I Mina' Trentai Tres Na Liheslaturan Guahan* | 33rd Guam Legislature

SUITE 503, DNA BLDG. 238 ARCHBISHOP FLORES STREET HAGATNA, GUAM 96910  
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December 22, 2015

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Ex-Officio

The Honorable Elizabeth Barrett Anderson  
Attorney General of Guam  
Office of the Attorney General  
590 S. Marine Corps Drive  
ITC Bldg., Suite 706  
Tamuning, Guam 96913  
Sent via email to: [ebanderson@guamag.org](mailto:ebanderson@guamag.org)

Subject: **INVITATION** – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

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The Honorable Robert J. Torres, Jr.  
Chief Justice of Guam  
Judiciary of Guam

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Hagåtña, Guam 96910  
Sent via email to: [rjtorres@guamsupremecourt.com](mailto:rjtorres@guamsupremecourt.com)

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Ex-Officio

Mr. Joshua Tenorio

Administrator of Courts

Judiciary of Guam

Suite 300, Guam Judicial Center 120 West O'Brien Drive

Hagåtña, Guam 96910

Sent via email to: [jtenorio@guamcourts.org](mailto:jtenorio@guamcourts.org)

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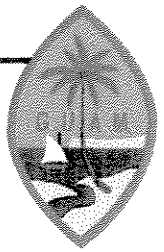
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COMMITTEE ON

Guam U.S Military Relocation | Public Safety | Judiciary

I MINA' TRENTAI TRES NA LIHESLATURAN GUAHAN | 33<sup>RD</sup> GUAM LEGISLATURE



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Ex-Officio

Chief Joseph I. Cruz

Chief of Police

Guam Police Department

Bldg 13-16A Mariner Ave.

Tiyan, Barrigada, Guam 96913

Sent via email to: [joseph.i.cruz@gpd.guam.gov](mailto:joseph.i.cruz@gpd.guam.gov)

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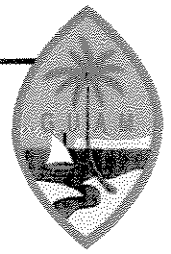
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**COMMUNITY ASSISTED POLICING EFFORT (CAPE) VOLUNTEERS**

C/O: Debbie San Nicolas

Guam Police Department

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Sent via email to: [dfsannicolas@gmail.com](mailto:dfsannicolas@gmail.com)Subject: **INVITATION** – Public Hearing on Wednesday, December 30, 2015 at 2:00 PM

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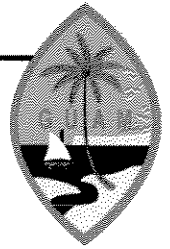
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Updated: October 1, 2015

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Senator  
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Member

Senator  
Brant T. McCreadie  
Member

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

## PUBLIC HEARING AGENDA

Wednesday, December 30, 2015 at 2:00 PM

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

### AGENDA

I. Call to Order at 2:00PM

II. Opening remarks/Announcements

- **Bill No. 197-33 (LS)** - An act to amend §77302 of Article 3, Chapter 77 of Title 10, Guam Code Annotated, relative to extending the duties of the Guam Police Department Community Assisted Policing Effort (CAPE) volunteers to include event supervision of the 12th Festival of Pacific Arts (FESTPAC). (Sponsors: Judith T. Won Pat, Ed.D./T. C. Ada/T. R. Muña Barnes)
- **Bill No. 198-33 (LS)** - An act to add a new Chapter 16 to Title 19 of the Guam Code Annotated, relative to creating the Uniform Interstate Enforcement of Domestic-Violence Protection Orders Act. (Sponsor: B.T. McCreadie)
- **Bill No. 215-33 (COR)** - An act to add a new item (c) to §67.412 of title 9 of the Guam Code Annotated relative to recognizing the successful rehabilitation and treatment of individuals convicted of first offender drug cases between 1998 and 2005. (Sponsor: B. J.F. Cruz/ R. J. Respicio)

III. Closing Remarks

IV. Adjournment

# New beginnings being considered for convicted drug felons

TUESDAY, 08 DEC 2015 03:00AM

BY ROBERT Q. TUPAZ | POST NEWS STAFF



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Former chief justice of Guam turned lawmaker, Vice Speaker Benjamin Cruz has introduced legislation intended to provide balance for convicted drug offenders. He said he wants to provide an opportunity for them to wipe their slate of criminal activity clean through expungement.

According Cruz, Bill 215-33 seeks to provide parity for drug offenders convicted between 1998 and 2005 with drug felons convicted more recently.

Cruz said the establishment of the Guam Juvenile and Adult Drug Courts in 2005 provides current first-time drug offenders with the opportunity to remove the conviction from their record.

The Drug Court administers justice through a strict rehabilitation and monitoring program versus automatic incarceration. Cruz said that if successfully rehabilitated, existing law allows first-time offenders convicted after 2005 to apply for the expungement of their cases through completion of counseling and drug treatment. First-time offenders could apply for expungement provided that they have successfully completed treatment and have not committed "any other drug offense, violent misdemeanor or felony."

"Those who were convicted since practices in drug courts began in 1998 were not afforded the same opportunity," Cruz said in a media release as he introduced Bill 215. "This community established drug courts in Guam because those who suffered the illness of addiction, got treatment and stayed clean should not also suffer an economic death sentence.

"Over the past few years, I have been working with the courts to help them recognize that too many people on Guam have worked to conquer their addictions only to be told that they can't get a job for which they are qualified because of a minor drug conviction from nearly 20 years ago," Cruz said. "That's wrong and it sends the message that they should have no hope of a better life."

The bill outlines the process for defendants requesting expungement and stipulates that all applications for expungement are reviewed by the presiding judge of the Superior Court of Guam.

"Successful rehabilitation requires the participation of the entire community; we want to recognize



Vice Speaker Benjamin Cruz says too many people on Guam have worked to conquer their addictions only to be told that they can't get a job for which they are qualified because of a minor drug conviction from nearly 20 years ago. Post file photo

the earnest efforts of every defendant who has gone on to make personal improvements, striving toward the betterment of our island,” said Cruz. “If you want people to stay clean and contribute to this community, help them find a job – not a jail cell.”