

MAR 17 2015

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

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

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

RE: Committee Report on Bill No. 42-33 (COR), as substituted by the Committee

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 42-33 (COR), as substituted by the Committee - An act to repeal and reenact §58.60 of Chapter 58, Title 9, Guam Code Annotated, relative to the crime of promoting prison contraband; which shall be cited as "The Contraband Reform Act of 2015."

Committee votes are as follows:

- 3 TO DO PASS
- \_\_\_\_\_ TO NOT PASS
- 5 TO REPORT OUT ONLY
- \_\_\_\_\_ TO ABSTAIN
- \_\_\_\_\_ TO PLACE IN INACTIVE FILE

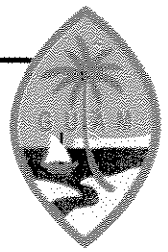
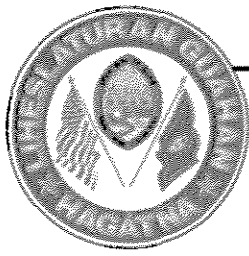
Respectfully,

SENATOR FRANK B. AGUON, JR.

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

2015 MAR 17 PM 1:50 AM

- 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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FRANK B. AGUON, JR.  
Chairman

Senator  
Thomas C. Ada  
Vice Chairman

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Senator  
Rory J. Respicio  
Member

Senator  
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Senator  
V. Anthony Ada  
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Senator  
Frank F. Blas Jr.  
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James V. Espaldon  
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Senator  
Brant T. McCreddie  
Member

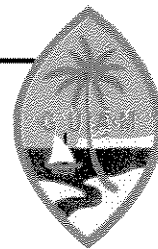
Speaker  
Dr. Judith T. Won Pat, Ed.D  
Ex-Officio

# COMMITTEE REPORT ON

*AS SUBSTITUTED BY THE COMMITTEE ON U.S.  
MILITARY RELOCATION, PUBLIC SAFETY AND  
JUDICIARY*

**BILL NO. 42-33 (COR)**


**"An act to repeal and reenact §58.60 of Chapter 58, Title 9, Guam Code Annotated, relative to the crime of promoting prison contraband; which shall be cited as "The Contraband Reform Act of 2015."**



March 13, 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. 42-33 (COR)

Transmitted herewith for your consideration is the Committee Report on Substitute Bill No. 42-33 (COR) – "An act to repeal and reenact §58.60 of Chapter 58, Title 9, Guam Code Annotated, relative to the crime of promoting prison contraband; which shall be cited as "The Contraband Reform Act of 2015."

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Substituted Bill No. 42-33 (COR)
- Copy of Bill No. 42-33 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Copy of COR Referral of Bill No. 42-33(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'åse'!*

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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Senator  
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Member

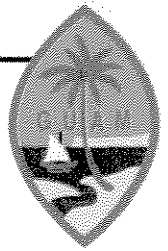
Senator  
V. Anthony Ada  
Member

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



**COMMITTEE VOTING SHEET**

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. McCreadie  
Member

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

Bill No. 42-33 (COR) – As Substituted – “An act to repeal and reenact §58.60 of Chapter 58, Title 9, Guam Code Annotated, relative to the crime of promoting prison contraband; which shall be cited as “The Contraband Reform Act of 2015,” sponsored by Senator Brant T. McCreadie.

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	 3/16/15	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADA, THOMAS C. Committee Vice Chairperson		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VICE-SPEAKER CRUZ, BENJAMIN J.F. Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
UNDERWOOD, NERISSA B. PH.D Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADA, V. ANTHONY Committee Member	 3/16	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BLAS, FRANK F. JR. Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ESPALDON, JAMES V. Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCCREADIE, BRANT T. Committee Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SPEAKER WON PAT, JUDITH T. Ed.D. Ex-Officio		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**COMMITTEE REPORT DIGEST**

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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James V. Espaldon  
Member

Senator  
Brant T. McCreadie  
Member

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

**I. OVERVIEW**

Bill No. 42-33 (COR) was introduced on February 25, 2015, by Senator Frank b. Aguon, Jr., and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Public Safety and Judiciary on February 25, 2015.

The Committee on Guam US Military Relocation, Public Safety and Judiciary convened a public hearing on Bill No. 42-33 (COR) on Wednesday, March 11, 2015 at 5:30PM 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 Wednesday, March 4, 2015 (5-Day Notice), and again on Monday, March 9, 2015 (48-Hour Notice).

**Senators Present**

Senator Frank B. Aguon, Jr., Chairperson  
Vice-Speaker Cruz, Committee Member  
Senator Dennis G. Rodriguez, Jr., Committee Member  
Senator James V. Espaldon, Committee Member  
Senator Brant T. McCreadie, Committee Member  
Senator Michael F. Q. San Nicolas

The public hearing was Called-to-Order at 5:30 PM.

**II. SUMMARY OF TESTIMONY & DISCUSSION**

**Senator Aguon:**

Safety and Judiciary is here by convened. I would like to initially start off by thanking my colleagues to my immediate right and to my left, Senator Mike San Nicolas and Senator Brant McCreadie for joining us this evening. On the agenda we have two legislative proposals. One is bill number four zero (Bill No. 40), which is an act relative to properly classify law enforcement personnel of the Government of Guam by renaming attendance officers as truancy officers to reflect practice throughout the United States and classify such officers of law enforcement under the provisions of public law twenty nine dash one-o-five (29-105), and to provide uniforms and equipment to truancy officers that is bill number four zero dash three-three COR (Bill No. 40-33 COR). The second item on the agenda this evening will be bill number four two dash three -three COR (Bill No. 42-33 COR), which is an act relative to the crime of promoting prison contraband which may be cited as the contraband reform act of 2015.

**Senator Aguon:**

As it applies to the open government law just for the information of the members of the public, notifications were sent out on the fourth of March to all the senators, to the media partners, and to the stakeholders and in subsequent, the forty eight hour notification was released on the ninth of March to likewise the senators, the media as well as the stakeholders.

Ladies and gentleman we will proceed to the second item on the agenda which is, Bill No. four-two-three-three (42-33) An act relative to the crime of promoting prison contraband; which may be cited as the Contraband Reform Act of 2015, and the sponsor of this measure is Senator Brant McCreadie and I will give him the opportunity to be able to provide brief comments on this measure, in the meantime I would like to invite Mr. Joe San Agustin, Mr. Jeff Limo, and Mr. Julius Tano to please join us up front if you would like to provide oral testimony. Senator McCreadie.

**Senator McCreadie:**

Thank you Mr. Chair and thank you Director San Agustin for your testimony today. Bill forty-two-thirty-three was introduced with the goal of providing Department of Corrections much more comprehensive mandate with regards to entering and leaving the correctional facility. Bill forty-two (42) repeals and reenacts section 58.60 (§58.60) of Chapter fifty-eight (58), Title nine (9), Guam Code Annotated to finally update the old prison contraband law. Now Guam's current prison contraband statute is extremely outdated, and hasn't been updated since public law fourteen one forty-six (14-146) and that was in nineteen seventy eight (1978). Now many items that are now considered inappropriate in a correctional facility were either not that common or didn't exist when the law was originally passed. Now this bill, if passed into law, grants the Department of Corrections more legal authority to ban items such as cell phones which are already prohibited as a matter of policy and practice but not a mandate or law. Bill forty-two (42) sets levels of contraband, regular contraband as a misdemeanor, while major contraband a second degree felony, contrabands are defined in section (a). Now both have minimum sentences of imprisonment and impositions of fines as well. It is crucial that we amend and fix the prison contraband law to increase security inside the Department of Corrections and to ensure that victims and the public at large are less susceptible to retribution for inmates and detainees and I thank you Mr. Chairman for allowing me to speak on the bill and I look forward to any kind of input to make it better.

**Senator Aguon:**

Thank very much Senator McCreadie. I would like to recognize presence of Senator Espaldon. Thank you senator for joining us this evening.

Mr. San Agustin if you can please identify yourself for the record and proceed with your testimony.

**Director Joe San Agustin:**

Hafa Adai, good afternoon. Acting Speaker Cruz, Chairman, Senator Brant McCreadie, Senator Espaldon, Senator San Nicolas, Hafa Adai and good afternoon my name is Joe San Agustin and I am the director for the Department of Corrections. At about three (3) PM this afternoon my perimeter officers were driving around the perimeter of DOC. Coincidentally, they identified an individual supposedly in a white shirt walking around the back side of the perimeter with two items in that individual's hand. The officers proceeded to pursue the individual in the back side of DOC which is on the eastern side close to where the dome, which is what we know as the dome and apparently the individual disappeared. SO I couldn't say much with the exception of that I favor this bill so with that I would go ahead and proceed, if you would allow me to read my [t]estimony. *[Written Testimony Attached]*

**Director Joe San Agustin:**

With that said, I am ready to proceed for any questions or concern regarding my testimony.

**Senator Aguon:**

Thank you very much Mr. Director this evening for your testimony on this particular measure. Senator McCreadie?

**Senator McCreadie:**

Not a question but when you eluded to the gentleman in the white shirt at three (3) PM today, were you insinuating that this is a prime suspect for contraband, is that what you're looking for?

**Director Joe San Agustin:**

That is one way of contrabands making their way into the compound. It's become very common that, as I indicated here, air delivery, its very common that they come around at certain hours and throw contraband into the facility. What's common when they do that is chewing tobacco, cigarettes or chewing Gum.

**Senator McCreadie:**

Now when you experience contraband offenses bringing them into the prison, do you have a date who brings what in, do experience language barriers that maybe someone that didn't understand what contraband was, I mean, is it an absolute intent to commit a crime all the time or do you see in some cases a misunderstanding in language barrier?

**Director Joe San Agustin:**

That is a good question senator and I can tell you that they clearly know they are violating the law. If they knew it was allowed, then they could go on and come in through the front door, sign in, and say I'm here to drop it off but when they are wrapping it in such a fashion where to conceal it, and there are times when we do find drugs in those items as well that re thrown over the fence. So that's one of the primary way it is making its way into the facility.

**Senator McCreadie:**

And what would say is your biggest problem in contraband? Is it cell phones or technology? Is it drugs? Is it alcohol? Is it weapons?

**Director Joe San Agustin:**

Weapons is not so much, Cell Phones are very common. Cigarettes and chewing tobaccos are very common and drugs as well. More difficult for us to find drugs simply because of the way it is packaged. Of course they come at a smaller content or baggage. Cigarettes and chewing tobaccos are easy to identify. Cell phones as well. Earlier this week , actually over the weekend they were able to retrieve two cell phones, brand new cell phones on the Westside of the facility closer to where the galley is at so people will do whatever they could to try and sneak these things in. Again, we just need to be very aggressive and attentive to what we do up at DOC.

**Senator McCreadie:**

And one more Mr. Chairman, is there any literature, I know I've been to the prison, but I don't know if I enter through the same entrance as the visitors but is there any type of literature that says what the law states and what the punishment is if they do bring contraband in?

**Director Joe San Agustin:**

No, actually we do have it but it's not clear, it's starting to fade away. We do inform people, visitors, that when they do violate if it's not anything, you know like a weapon, there visitation will be restricted.

**Senator McCreadie:**

The reason why I ask is because if this bill was to go through the vetting process and it passed and signed into law, I think that an amendment that we could consider early on is that if we can consider to put in some type of literature and some kind of educational program to the visitor that if you have contraband and if you think that it is passing that along into the facility, here are the punishments and this will give fair warning before they try to pass it through if the facility.

**Director Joe San Agustin:**

And we do have that, yes.

**Senator McCreadie:**

okay.

**Senator Aguon:**

Any other questions for Mr. San Agustín, senators?

If not, the Chair is going to apply the prerogative as it applies to bill number four zero - three-three (40-33) and bill number four two- three-three (42-33) and prepare the committee at the conclusion of this particular week. So, just for the information of the public I am going to rescind my initial statement with regards to the earlier legislation and work on having both proposals reported out. Right now the good sponsor of Bill forty two- three-three (42-33) requested that it be reported out by the conclusion of this week and there are also requests by individuals in the community who had provided testimony in the previous legislation to see if that could be reported out within that same timeline. So the committee will be reporting it out, so if by any chance the public would like to provide testimony on either of these measures that have been entertained this evening I would like to request that it be transmitted and submitted by ten (10) AM this Friday, the thirteenth (13<sup>th</sup>); ten (10) AM this Friday morning.

So, that being the case, these particular measures have been publicly heard and the committee is hereby concluded. Thank You.

The Public Hearing concluded at 6:22 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, March 11, 2015 at 5:30PM:

1. Mr. Jose San Agustin, Director, Department of Corrections

**IV. FINDINGS & RECOMMENDATIONS**

The Committee on Guam U.S. Military Relocation, Public Safety and Judiciary hereby reports out As *Substituted* Bill No. 42-33 (COR), with the recommendation to: TO REPORT OUT

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

Bill No. 42-33 (over)

Introduced by:

Brant McCreadie 

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**AN ACT TO REPEAL AND REENACT §58.60 OF  
CHAPTER 58, TITLE 9 GUAM CODE ANNOTATED  
RELATIVE TO THE CRIME OF PROMOTING  
PRISON CONTRABAND; WHICH MAY BE CITED  
AS THE CONTRABAND REFORM ACT OF 2015.**

2015 PROPOSED LEGISLATION



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

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3 correctional facilities require more stringent regulations regarding what items can and  
4 cannot be brought into the facility. Unfortunately, current Guam law regarding prison  
5 contraband is quite antiquated, and does not take into account the current needs of the  
6 Department of Corrections to properly secure its facilities. Clarification in the law is  
7 needed to properly define what items are prohibited along with appropriate penalties  
8 for those who introduce, possess and promote contraband in correctional facilities. *I*  
9 *Liheslaturan Guåhan* further finds that repealing and reenacting the prison contraband  
10 statute will provide the Department of Corrections a more enforceable mandate that  
11 can deter inmates, detainees and the general public from possessing contraband in  
12 Guam's correctional facilities.

13       Therefore, it is the intent of *I Liheslaturan Guåhan* to repeal and reenact  
14 §58.60 of Chapter 58, Title 9 Guam Code Annotated relative to the crime of  
15 promoting prison contraband.

16       **Section 2.** §58.60 of Chapter 58, Title 9 Guam Code Annotated is hereby  
17 *repealed and reenacted* to read:

1 “§58.60. Promoting Prison Contraband.

2 (a) As used in this section:

3 (1) "Contraband" means any article or thing that a person in custody who  
4 is confined in a correctional facility is prohibited by statute, rule or policy from  
5 obtaining or possessing and the use of which could endanger the safety or  
6 security of the detention facility, any person therein, or the public.

7 (2) "Major contraband" means:

8 (A) Any controlled substance as defined by any provision of  
9 Guam law;

10 (B) Any firearm or dangerous weapon including explosives or  
11 combustibles or any plans or materials that may be used in the making or  
12 manufacturing of such weapons, explosives or devices;

13 (C) Any telecommunication or digital equipment prohibited by  
14 statute, rule or policy that provides communication, either in written or  
15 verbal messages or through the transmission of electronic data via the  
16 internet. Excluded from this definition is any device having  
17 communication capabilities that has been approved by the facility head  
18 for investigative or institutional security purposes or for conducting other  
19 official business;

20 (D) Any object or instrument intended or reasonably likely to be  
21 used in the planning or aiding in an escape or attempted escape from a  
22 correctional facility.

23 (b) No person, including a person in custody as defined by this  
24 Chapter, except as authorized by law or with permission of the facility head,  
25 shall knowingly:

1                   (A) Introduce, or attempt to introduce, contraband into a detention  
2                   facility or the grounds of a detention facility; or

3                   (B) Convey, or attempt to convey, contraband to a prisoner  
4                   confined in a detention facility; or

5                   (C) Possess, or attempt to possess, contraband within a detention  
6                   facility; or

7                   (D) Receive, obtain or remove, or attempt to receive, obtain or  
8                   remove, contraband from a detention facility.

9                   Any person, including a person in custody, who violates any provision of  
10                  this subsection shall be guilty of a misdemeanor, and on conviction thereof shall  
11                  be punished by a sentence of imprisonment for a period of no less than thirty  
12                  (30) days and or by a fine of no less than five hundred dollars (\$500.00), or by  
13                  both such minimum sentence of imprisonment and fine.

14                  (c) No person, including a person in custody as defined by this  
15                  Chapter, except as authorized by law or with permission of the facility head,  
16                  shall knowingly:

17                   (A) Introduce, or attempt to introduce, major contraband into a  
18                   correctional facility or the grounds of a detention facility; or

19                   (B) Convey, or attempt to convey, major contraband to a prisoner  
20                   confined in a detention facility; or

21                   (C) Possess, or attempt to possess, major contraband within a  
22                   detention facility; or

23                   (D) Receive, obtain or remove, or attempt to receive, obtain or  
24                   remove, major contraband from a detention facility.

25                  Any person, including a person in custody, who violates any provision of  
26                  subsection (c) of this section shall be guilty of a felony in the second degree and

1 on conviction shall be punished by a sentence of imprisonment for a period of  
2 no less than three (3) years or by a fine of no less than five thousand dollars  
3 (\$5,000), or by both such minimum sentence of imprisonment and fine.”

4 **Section 3. Effective Date.** This Act shall be effective immediately upon  
5 enactment.

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

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

**Bill No. 42-33 (COR)**

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

Introduced by:

BRANT MCCREADIE

**AN ACT TO REPEAL AND REENACT §58.60 OF  
CHAPTER 58, TITLE 9, GUAM CODE ANNOTATED,  
RELATIVE TO THE CRIME OF PROMOTING PRISON  
CONTRABAND; WHICH SHALL BE CITED AS “THE  
CONTRABAND REFORM ACT OF 2015.”**

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

**Section 1. Short Title.** This Act shall be cited as the “*Contraband Reform Act of 2015.*”

**Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that correctional facilities require more stringent regulations regarding what items can and cannot be brought into the facility. Unfortunately, current Guam law regarding prison contraband is quite antiquated, and does not take into account the current needs of the Department of Corrections to properly secure its facilities. Clarification in the law is needed to properly define what items are prohibited, along with appropriate penalties for those who introduce, possess and promote contraband in correctional facilities. *I Liheslaturan Guåhan* further finds that repealing and reenacting the prison contraband statute will provide the Department of Corrections with a more enforceable mandate that can deter inmates, detainees

1 and the general public from possessing contraband in Guam’s correctional  
2 facilities.

3 Therefore, it is the intent of *I Liheslaturan Guåhan* to repeal and reenact  
4 §58.60 of Chapter 58, Title 9, Guam Code Annotated, relative to the crime of  
5 promoting prison contraband.

6 **Section 3.** §58.60 of Chapter 58, Title 9, Guam Code Annotated, is hereby  
7 *repealed* and *reenacted* to read:

8 **“§ 58.60. Promoting Prison Contraband.**

9 (a) As used in this Section:

10 (1) “*Contraband*” means any article or thing that a person in  
11 custody who is confined in a correctional facility is  
12 prohibited by statute, rule, or policy from obtaining or  
13 possessing, and the use of, which could endanger the  
14 safety or security of the detention facility, any person  
15 therein, or the public, and is not defined as “major  
16 contraband” in §58.60(a)(2).

17 (2) “*Major contraband*” means:

18 (A) any controlled substance as defined by any  
19 provision of Guam law;

20 (B) any firearm or dangerous weapon, including  
21 explosives or combustibles, or any plans or materials that  
22 may be used in the making or manufacturing of such  
23 weapons, explosives or devices;

24 (C) any telecommunication or digital equipment  
25 prohibited by statute, rule, or policy that provides  
26 communication, either in written or verbal messages, or  
27 through the transmission of electronic data via the

1 internet. Excluded from this definition is any device  
2 having communication capabilities that has been  
3 approved by the facility head for investigative or  
4 institutional security purposes, or for conducting other  
5 official business; and

6 (D) any object or instrument intended or reasonably  
7 likely to be used in the planning or aiding in an escape or  
8 attempted escape from a correctional facility.

9 (b) No person, including a person in custody as defined by this  
10 Chapter, except as authorized by law or with permission of the facility  
11 head, *shall* knowingly:

12 (1) introduce, or attempt to introduce, contraband into  
13 a detention facility or the grounds of a detention facility; or

14 (2) convey, or attempt to convey, contraband to a prisoner  
15 confined in a detention facility; or

16 (3) possess, or attempt to possess, contraband within a  
17 detention facility; or

18 (4) receive, obtain, or remove, or attempt to receive, obtain,  
19 or remove, contraband from a detention facility.

20 Any person, including a person in custody, who violates  
21 any provision of this Subsection (b) *shall* be guilty of a misdemeanor,  
22 and upon conviction thereof *shall* be punished by a sentence of  
23 imprisonment for a period of no less than thirty (30) days, or by a  
24 fine of *no less than* Five Hundred Dollars (\$500.00), or by both such  
25 minimum sentence of imprisonment and fine.



1 (c) No person, including a person in custody as defined by this  
2 Chapter, except as authorized by law or with permission of the facility head,  
3 shall knowingly:

4 (1) introduce, or attempt to introduce, major contraband into  
5 correctional facility or the grounds of a detention facility; or

6 (2) convey, or attempt to convey, major contraband to a  
7 prisoner confined in a detention facility; or

8 (3) possess, or attempt to possess, major contraband within a  
9 detention facility; or

10 (4) receive, obtain, or remove, or attempt to receive, obtain,  
11 or remove, major contraband from a detention facility.

12 Any person, including a person in custody, who violates any  
13 provision of this Subsection (c) *shall* be guilty of a felony in the  
14 second degree, and upon conviction *shall* be punished by a sentence  
15 of imprisonment for a period of *no less than* three (3) years, or by a  
16 fine of *no less than* Five Thousand Dollars (\$5,000), or by both such  
17 minimum sentence of imprisonment and fine.”

18 **Section 3. Severability Clause.** If any provision of this Law or its  
19 application to any person or circumstance is found to be invalid or contrary to law,  
20 such invalidity *shall* not affect other provisions or applications of this Law which  
21 can be given effect without the invalid provisions or application, and to this end the  
22 provisions of this Law are severable.

**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. 42-33 (COR)

An act to repeal and reenact §58.60 of Chapter 58, Title 9 Guam Code Annotated relative to the crime of promoting prison contraband; which may be cited as the Contraband Reform Act of 2015.

Name (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In favor	Not In Favor
JOE SAN AGUSTIN	DEC	688-5717	✓	✓	✓	
JEFF LIMO	DOC	483-7471			✓	
JULIUS TANO	D.O.C	777 1715			✓	



EDDIE BAZA CALVO  
GOVERNOR

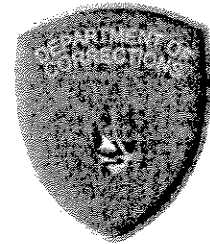
RAY TENORIO  
LIEUTENANT GOVERNOR

---

DEPARTMENT OF CORRECTIONS  
*DEPARTAMENTON MANGNGURIHI*  
GOVERNMENT OF GUAM

---

P.O. Box 3236  
HAGATNA, GUAM 96932  
TEL# 735-5170 / 5176  
FAX# 734-4490



JOSE A. SAN AGUSTIN  
DIRECTOR

CARLEEN G. BORJA  
DEPUTY DIRECTOR

March 11, 2015

Saluda yan Håfa Adai Chairman Frank B. Aguon and members of the Committee on Guam U.S. Military Relocation, Public Safety and Judiciary.

I am Joe A. San Agustin Director of the Department of Corrections and I am here to provide support for Bill 42-33 (COR), an Act to repeal and reenact §58.60 of Chapter 58, Title 9 Guam Code Annotated relative to the crime of promoting prison contraband; which may be cited as the contraband reform act of 2015.

The current law Promoting Prison Contraband per §58.60 of Chapter 58, Title 9 Guam Code Annotated describes A person who commits the offense of promoting prison contraband if:

(A) (1) He or she intentionally conveys a dangerous instrument or a controlled substance to any person confined in a detention facility or in custody; or

(2) Being a person confined in a detention facility or in custody, he intentionally makes, obtain or possess a dangerous instrument or controlled substance.

(B) A controlled substance may be possessed by or conveyed to a person confined in a detention facility or in the custody with the facility administrator's expressed approval and under medical supervision.

(C) Promoting prison contraband is a second degree felony.

Throughout the years items such as tobacco products were considered restricted in government facilities through public law 30-63. These products are now considered contraband in a corrections or detention institution. Additionally violations of promoting prison contraband either through air delivery (Items tossed over the fence), or contraband brought in by visiting family members has been an ongoing challenge.

As it is the Department of Corrections mission to protect the public from the destructive actions of law offenders through rehabilitation and education, it becomes difficult to rehabilitate if there are no laws in place to hold violators accountable. The great Men and Women of the Department of Corrections welcome these enforceable mandates that can deter inmates, detainees and the general public from promoting or possessing contrabands in such a dangerous environment.

The initiative of bill 42-33 will provide for a more stringent punishment or penalties to individuals who continue to violate or undermine the law.

Si Yu'os Ma'ase'



JOE A. SAN AGUSTIN  
Director



## 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)

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CHAIRPERSON  
MAJORITY LEADER

Senator

Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

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Dennis G. Rodriguez, Jr.  
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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

# Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 42-33 (COR) – B.T. McCreadie, "AN ACT TO REPEAL AND REENACT §58.60 OF CHAPTER 58, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO THE CRIME OF PROMOTING PRISON CONTRABAND; WHICH MAY BE CITED AS THE CONTRABAND REFORM ACT OF 2015."**– on February 26, 2015. COR hereby certifies that BBMR confirmed receipt of this request February 26, 2015 at 11:13 A.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 42-33 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

**Senator Rory J. Respicio**

*Chairperson, Committee on Rules*

March 17, 2015

**Date**



## COMMITTEE ON RULES

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

Senator  
Nerissa Bretania Underwood  
Member

V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

February 26, 2015

VIA E-MAIL

[joey.calvo@bbmr.guam.gov](mailto:joey.calvo@bbmr.guam.gov)

Jose S. Calvo  
Acting Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Notes-- Bill Nos. 42-33(COR) through 44-33(COR)

*Hafa Adai* Mr. Calvo:

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.

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

Very Truly Yours,

**Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
42-33 (COR)	Brant T. McCreadie	AN ACT TO REPEAL AND REENACT §58.60 OF CHAPTER 58, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO THE CRIME OF PROMOTING PRISON CONTRABAND; WHICH MAY BE CITED AS THE CONTRABAND REFORM ACT OF 2015.
43-33 (COR)	N.B. Underwood, Ph.D.	AN ACT TO AMEND § 3107 OF ARTICLE 1, CHAPTER 3, TITLE 5 GUAM CODE ANNOTATED.
44-33 (COR)	James V. Espaldon	AN ACT TO ADD A NEW (h) to § 5201 of 22 GCA RELATIVE TO THE USE OF AN INDIVIDUAL'S CREDIT HISTORY IN THE EMPLOYMENT PROCESS.



## COMMITTEE ON RULES

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

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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

February 25, 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. 42-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 42-33(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!*

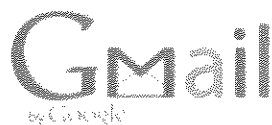
Attachment



*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
42-33 (COR)	Brant T. McCreadie	AN ACT TO REPEAL AND REENACT §58.60 OF CHAPTER 58, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO THE CRIME OF PROMOTING PRISON CONTRABAND; WHICH MAY BE CITED AS THE CONTRABAND REFORM ACT OF 2015.	02/25/15 11:12 a.m.	02/25/15	Committee on the Guam U.S. Military Relocation, Public Safety, and Judiciary			



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

## 1st Notice – Public Hearing on Wednesday, March 11, 2015 at 5:30 PM

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

Wed, Mar 4, 2015 at 9:01 AM

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

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

Bcc: antoniot@guamairport.net, arthur.paulino@gpd.guam.gov, bobcamacho@guamairport.net, chuck.ada@guamairport.net, cme.guam@gmail.com, communications@guam.gov, dcaguero@portguam.com, ebanderson@guamag.org, elaine.gogue@guam.gov, emiller@guampdsc.net, eric.fisher@gpd.guam.gov, euntalan@fhh.com, faguon@portguam.com, fred.bordallo@gpd.guam.gov, governor@guam.gov, guamwardeny2k@yahoo.com, joey.sannicolas@gfd.guam.gov, madeleine.bordallo@mail.house.gov, matt.sablan12@yahoo.com, maurice.sayama@gpd.guam.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, Carla Borja <carla.borja@doc.guam.gov>, Christopher Budasi <cbudasi@guamcourts.org>, "clynt@spbgum.com" <clynt@spbgum.com>, "Daleno, Gaynor D" <gdumat-ol@guam.gannett.com>, "Honorable Robert J. Torres" <guamjustice@hotmail.com>, "hottips@kuam.com" <hottips@kuam.com>, Jon Calvo <jon.calvo@mail.house.gov>, "jose.sanagustin" <jose.sanagustin@doc.guam.gov>, Joshua Tenorio <jtenorio@guamcourts.org>, Joy Unpingco <joy.unpingco@guam.gov>, Ken Quintanilla <kenq@kuam.com>, "louella@mvguam.com" <louella@mvguam.com>, Mark Calvo <mark.calvo@guam.gov>, "mvariety@pticom.com" <mvariety@pticom.com>, "news@guampdn.com" <news@guampdn.com>, "Pedro A. Leon Guerrero, Jr." <pedro.leonguerrero@cqa.guam.gov>, Ray Tenorio <ray.tenorio@guam.gov>, Rose Ramsey <rose.ramsey@guam.gov>, rgibson@k57.com

March 4, 2015

### MEMORANDUM

To: All Senators, Media, and Stakeholders

Fr: SENATOR FRANK B, AGUON, JR.

Subject: 1st Notice – Public Hearing on Wednesday, March 11, 2015 at 5:30 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, March 11, 2015 at 5:30 PM**. Included on the agenda are the following bill(s):

- **Bill No. 40-33 (COR)**- An act to amend §§ 8107 and 8108 of Chapter 8, Title 7 GCA, §5103(d) of Chapter 5, Title 17 GCA, and § 6403 of Article 4, Chapter 6, Title 17 GCA, and by adding a new §55102(h) of Chapter 55, Title 10 GCA, relative to properly classify law enforcement personnel of the government of Guam by renaming "Attendance Officers" as "Truancy Officers" to reflect practice throughout the United States and classify such officers as law enforcement under the provisions of Public Law 29-105;

and to provide uniforms and equipment to truancy officers. (Sponsor: F.B. Aguon, Jr.)

- **Bill No. 42-33 (COR)** – An act to repeal and reenact §58.60 of Chapter 58, Title 9 Guam Code Annotated relative to the crime of promoting prison contraband; which may be cited as the Contraband Reform Act of 2015. (Sponsor: B.T. McCreadie)

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 501 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 Guahân*'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 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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 **1st notice.pdf**  
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Office of Senator Frank B. Aguon, Jr. &lt;admin@frankaguonjr.com&gt;

## 2nd Notice – Public Hearing on Wednesday, March 11, 2015 at 5:30 PM

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

Mon, Mar 9, 2015 at 9:52 AM

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

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

Bcc: antoniot@guamairport.net, arthur.paulino@gpd.guam.gov, bobcamacho@guamairport.net, chuck.ada@guamairport.net, cme.guam@gmail.com, communications@guam.gov, cynthia.ige@gpd.guam.gov, dcaguero@portguam.com, ebanderson@guamag.org, elaine.gogue@guam.gov, emiller@guampdsc.net, eric.fisher@gpd.guam.gov, euntalan@fhb.com, faguon@portguam.com, fred.bordallo@gpd.guam.gov, governor@guam.gov, guamwardeny2k@yahoo.com, joey.sannicolas@gfd.guam.gov, madeleine.bordallo@mail.house.gov, matt.sablan12@yahoo.com, maurice.sayama@gpd.guam.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, Carla Borja <carla.borja@doc.guam.gov>, Christopher Budasi <cbudasi@guamcourts.org>, "clynt@spbguam.com" <clynt@spbguam.com>, "Daleno, Gaynor D" <gdumatol@guam.gannett.com>, "Honorable Robert J. Torres" <guamjustice@hotmail.com>, "hottips@kuam.com" <hottips@kuam.com>, Jon Calvo <jon.calvo@mail.house.gov>, "jose.sanagustin" <jose.sanagustin@doc.guam.gov>, Joshua Tenorio <jtenorio@guamcourts.org>, Joy Unpingco <joy.unpingco@guam.gov>, Ken Quintanilla <kenq@kuam.com>, "louella@mvguam.com" <louella@mvguam.com>, Mark Calvo <mark.calvo@guam.gov>, "mvariety@pticom.com" <mvariety@pticom.com>, "news@guampdn.com" <news@guampdn.com>, "Pedro A. Leon Guerrero, Jr." <pedro.leonguerrero@cqa.guam.gov>, Ray Tenorio <ray.tenorio@guam.gov>, Rose Ramsey <rose.ramsey@guam.gov>, "susan.reyes" <susan.reyes@gpd.guam.gov>, Valerie Cruz <vcruz@guamcourts.org>

March 9, 2015

### MEMORANDUM

**To: All Senators, Media, and Stakeholders**

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

**Subject: 2nd Notice – Public Hearing on Wednesday, March 11, 2015 at 5:30 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, March 11, 2015 at 5:30 PM. Included on the agenda are the following bill(s):

- **Bill No. 40-33 (COR)** - An act to amend §§ 8107 and 8108 of Chapter 8, Title 7 GCA, §5103(d) of Chapter 5, Title 17 GCA, and § 6403 of Article 4, Chapter 6, Title 17 GCA, and by adding a new §55102(h) of Chapter 55, Title 10 GCA, relative to properly classify law enforcement personnel of the government of Guam by renaming "Attendance Officers" as "Truancy Officers" to reflect practice throughout the United States and classify such officers as law enforcement under the provisions of Public Law 29-105; and to provide uniforms and equipment to truancy officers. (Sponsor: F.B. Aguon, Jr.)
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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 501 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 / *Liheslaturan Guahán* '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 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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**Updated as of February 4, 2015**

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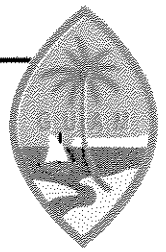
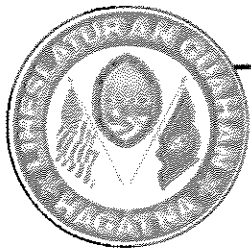
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**Updated as of February 4, 2015**

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Senator  
Thomas C. Ada  
Vice Chairman

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Senator  
Roy J. Respicio  
Member

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Dennis G. Rodriguez, Jr.  
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Senator  
James V. Espaldon  
Member

Senator  
Brant T. McCreadie  
Member

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

- **All Senators / Stakeholders / Media**
- **Governor Eddie B. Calvo**
- **Lieutenant Governor Ray Tenorio**
- **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 Tajeron, Assistant Chief
- **Guam Police Department**
  - Fred Bordallo, Chief
  - Maurice Sayama, Colonel
- **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
  - Carla Borja
- **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
- **Department of Education**
  - Jon Fernandez, Superintendent

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EMAIL: AGUON4GUAM@GMAIL.COM



March 4, 2015

**The Honorable Edward J. Calvo**  
**Governor of Guam**

513 West Marine Corps Drive  
Ricardo J. Bordallo Complex  
Hagåtña, Guam 96910

Sent via email to: [governor@guam.gov](mailto:governor@guam.gov)

**RE: Public Hearing on Wednesday, March 11, 2015 at 5:30 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, March 11, 2015 at 5:30 PM**. Included on the agenda are the following bill(s):

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

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

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

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Vice-Speaker  
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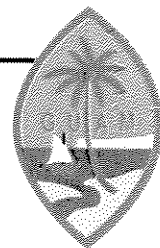
Senator  
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James V. Espaldon  
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Senator  
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Member

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



March 04, 2015

Senator  
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Chairman

Senator  
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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  
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Sent via email to: [ray.tenorio@guam.gov](mailto:ray.tenorio@guam.gov)

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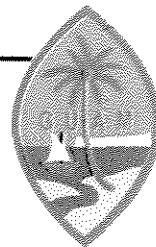
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*Un Dangkolo Na Si Yapas Ma'ase!*

**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



March 4, 2015

The Honorable Robert J. Torres, Jr.

Chief Justice of Guam

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

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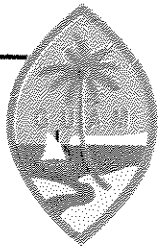
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Speaker  
Dr. Judith T. Won Pat, Ed.D  
Ex-Officio



March 4, 2015

**Mr. Joshua Tenorio**  
**Administrator of Courts**  
**Judiciary of Guam**

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*Un Pangkolo Na Siyudad! Ma'ase!*

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

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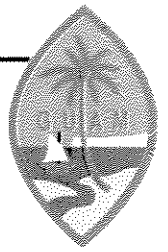
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Ex-Officio



March 4, 2015

**Mr. Jon Fernandez**  
**Superintendent, Guam Department of Education**

Sent via email to: [jonfernandez@gdoe.net](mailto:jonfernandez@gdoe.net)

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*Un Pangkolo Na... 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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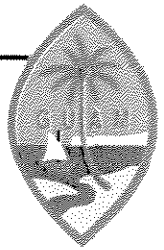
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Guam U.S Military Relocation | Public Safety | Judiciary



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

March 4, 2015

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Ex-Officio

Mrs. Carla Borja  
Deputy Director,  
Department of Corrections  
P.O. Box 3236  
Hagatna, GU 96932  
Sent via email to: [carla.borja@doc.guam.gov](mailto:carla.borja@doc.guam.gov)

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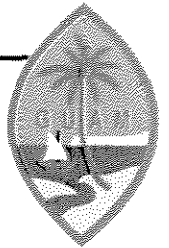
*Un Dangko! Na' i' i' u'ns Ma'ase!*

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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  
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March 4, 2015

Mr. Jose San Agustin  
Director,  
Department of Corrections  
P.O. Box 3236  
Hagatna, GU 96932  
Sent via email to: [jose.sanagustin@doc.guam.gov](mailto:jose.sanagustin@doc.guam.gov)

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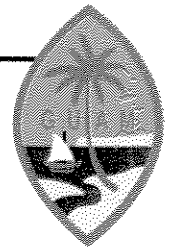
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**PUBLIC HEARING AGENDA**

**Wednesday, March 11, 2015 at 5:30PM**

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

**AGENDA**

**I. Call to Order at 5:30PM**

**II. Opening remarks/Announcements**

- **Bill No. 40-33(COR)**- An act to amend §§ 8107 and 8108 of Chapter 8, Title 7 GCA, §5103(d) of Chapter 5, Title 17 GCA, and § 6403 of Article 4, Chapter 6, Title 17 GCA, and by adding a new §55102(h) of Chapter 55, Title 10 GCA, relative to properly classify law enforcement personnel of the government of Guam by renaming "Attendance Officers" as "Truancy Officers" to reflect practice throughout the United States and classify such officers as law enforcement under the provisions of Public Law 29-105; and to provide uniforms and equipment to truancy officers. (Sponsor: F.B. Aguon, Jr.)
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**III. Closing Remarks**

**IV. Adjournment**

# Senator aims to reduce prison contraband

By Shawn Raymundo

Pacific Sunday News  
[sraymundo@guampdn.com](mailto:sraymundo@guampdn.com)

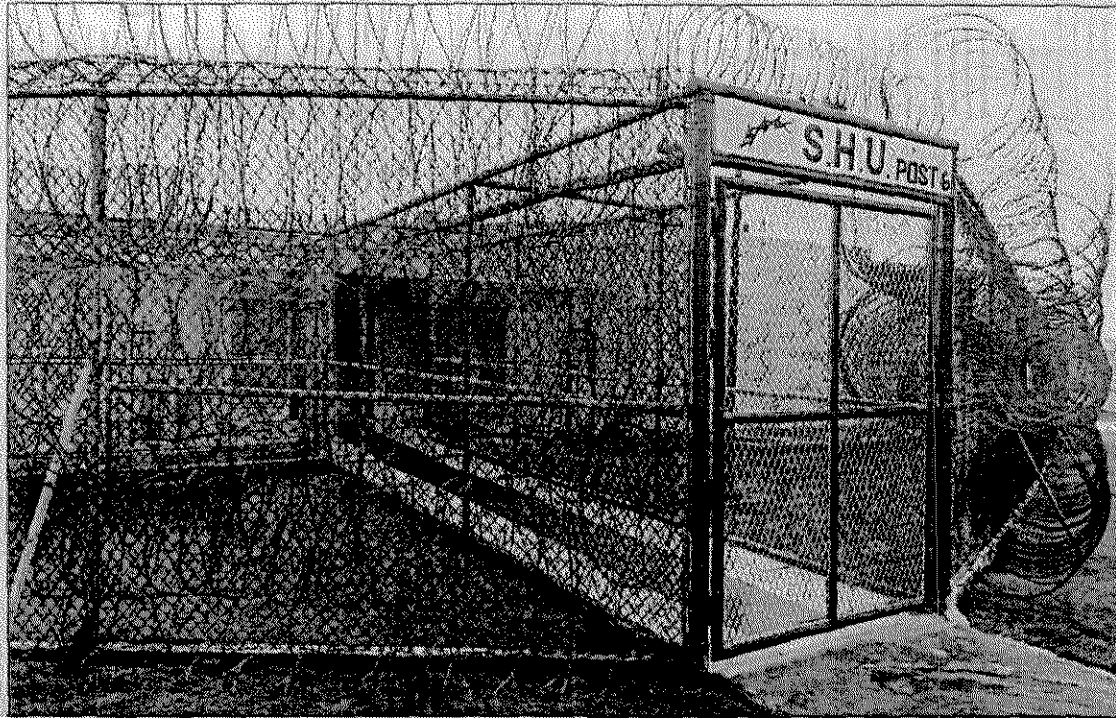
Sen. Brant McCreadie, R-Agana Heights, is continuing his efforts to crack down on crime with legislation that intends to reduce contraband possession at the island's prison.

Bill 42-33 would reform Guam's 37-year-old contraband law for the Department of Corrections. It would impose stringent penalties on those who are caught with possessing or bringing in prohibited items as well as update the types of items that are considered "contraband."

"There is an obvious problem, with trying to sneak contraband into the Department of Corrections," McCreadie said. "When I looked at the older law, it was antiquated."

The bill is a reintroduction of legislation he authored last term, but that never made it to the session floor. Last term, McCreadie introduced several bills meant to make punishment more severe for criminals, including his series of measures to reduce scrap metal and copper wire thefts.

Although his previous contraband bill was reported out of committee, no public safety official provided testimony on the measure during the legislation's public hearing last October. McCreadie said he hopes DOC Director Jose San Agustin provides testimony in



**Maximum security:** Rolls of razor wire surround the special housing unit at the Department of Corrections in January 2014. The unit serves at the maximum security unit for inmates at the facility. Pacific Sunday News file photo

support of his current bill.

"We always look toward any department director when introducing a bill," McCreadie said, adding, "When talking to the director, he acknowledges there's a contraband problem, ... he believes this bill accomplishes his goal of reducing contraband."

Under the current law, contraband is considered a dangerous in-

strument or controlled substance. A person who makes, obtains or possesses contraband faces a second-degree felony charge.

Bill 42 would expand the law, specifying that firearms and explosives as well as cellphones and items meant to aid in an escape are considered "major" contraband. Bringing in or possessing major contraband would be considered a

second-degree felony that, if an inmate is found guilty, carries a minimum three-year prison sentence or \$5,000 fine.

"Ultimately the mandate that we're trying to establish is stiffer punishments, and we're just going on current law and what contraband statutes are now," McCreadie said.

He added that possessing a cell-

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phone doesn't necessarily pose a threat to others when compared to having firearms and explosives, but he acknowledged that possessing a phone would be a privilege that shouldn't be afforded to someone who has committed a crime.

The senator also said he plans to reintroduce all of his bills from last term that never made it to the floor. After recent incidents of contraband possession at DOC were reported last month, this bill jumped to the top of the list.

Last week, a federal complaint was filed in court alleging that corrections officer Eugene J. Sunega tried to bring nearly five grams of methamphetamine, cigarettes and Tabasco sauce into DOC, according to a Pacific Sunday News report. The issue came to light after the complaint was filed by an FBI special agent on Tuesday.

And in a separate incident reported this month, Ninton Hauk, a DOC detainee, was charged with promoting prison contraband. On Feb. 15, officers allegedly found a shank inside Hauk's cell after an altercation between Hauk and another detainee. Hauk also was charged with assault and disorderly conduct.

McCreadie's bill is scheduled for a public hearing on March 25.

# Pedestrian hit by vehicle remains on life support at GMH

# McCreadie reintroduces bill to update prison contraband law

By Louella Losinio  
louella@myguam.com  
Variety News Staff

IN LIGHT of the recent instances of contraband being smuggled into the Department of Corrections facilities, Sen. Brant McCreadie has introduced Bill No. 42-33 in hopes of eliminating prison contraband offenses. The intent of the bill is to update the prison contraband statute as well as require DOC to adopt more stringent regulations regarding contraband.

According to McCreadie, the measure also addresses 'stiff

penalties when dealing with contraband. Under the bill, major contraband offenses will be considered a second-degree felony carrying a three-year prison term and a \$5,000 fine.

"Guam's current prison contraband law is outdated. This legislation can deter inmates, detainees and the general public from possessing contraband, or bringing in or taking out contraband at our correctional facilities," McCreadie said.

The senator hopes his legislation will send a strong message to anyone wanting to bring contra-

band into the Department of Corrections.

During the 32nd Guam Legislature, McCreadie introduced Bill No. 407-32, titled the Contraband Reform Act of 2014. However, the bill did not reach session floor.

If passed, McCreadie said Bill 407 would have updated current Guam law which defines and sets the penalties for promoting contraband at Guam's correctional facilities.

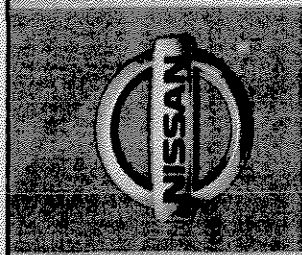
According to McCreadie, Guam's prison contraband law has not been updated since 1978 and there is a need to update

the prison contraband statute to ensure the safety of the employees of the Department of Corrections and the residents of Guam.

"Guam's current prison contraband law does not meet the needs of the Department of Corrections or the people of Guam. We must have a deterrent to all those who would attempt to bring in or take out of our correctional facility prohibited items," McCreadie said. "Today's corrections environment requires that we re-examine our current contraband laws, especially as many items we consider unallowable today were

not around when the original law was passed. DOC must have a much stronger mandate aimed at deterring contraband from entering or leaving our correctional facilities."

McCreadie has been an advocate of prison reform, introducing various measures calling for improvements at the prison facility. The senator, in particular, is pushing for the construction of a new Department of Corrections facility and has sought the assistance of Guam Delegate Madeleine Bordallo to lobby the federal government for funding.



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