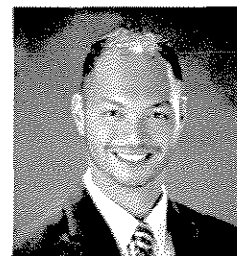





# Senator Michael F.Q. San Nicolas

Chairman - Committee on Finance & Taxation,  
General Government Operations, and Youth Development  
*I Mina'trentai Tres Na Liheslaturan Guåhan* | 33<sup>rd</sup> Guam Legislature



**JUN 15 2015**

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Tres na Liheslaturan Guåhan*  
155 Hesler Place  
Hagatna, Guam 96910

VIA:  The Honorable Rory J. Respicio  
Chairman  
Committee on Rules, Federal, Foreign & Micronesian Affairs,  
Human & Natural Resources, Election Reform, and Capitol District

**RE: Committee Report on Bill No. 95-33 (COR)**

Dear Speaker Won Pat,

*Håfa adai!* Transmitted herewith is the Committee Report on Bill No. 95-33 (COR) – “AN ACT TO AMEND 8 GCA §40.20, ADD A NEW 8 GCA §40.25.5, ADD A NEW 11 GCA CHAPTER 79, ADD A NEW 11 GCA §103104(a)(7), and ADD A NEW 12 GARR CHAPTER 2; RELATIVE TO ADDRESSING OVERCROWDING AT THE DEPARTMENT OF CORRECTIONS DUE TO THE DETAINEE POPULATION BY AUTHORIZING THE USE OF BAIL BONDS FOR COURT-ORDERED BAIL AND AUTHORIZE THE JUDICIARY OF GUAM TO ESTABLISH A UNIFORM BAIL SCHEDULE; THIS ACT *SHALL* BE CITED AS THE "BAIL REFORM ACT OF 2015.””

Committee votes are as follows:

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

Respectfully,  
  
MICHAEL F.Q. SAN NICOLAS

2015 JUN 16 PM 11:40  




## Senator Michael F.Q. San Nicolas

Chairman - Committee on Finance & Taxation,  
General Government Operations, and Youth Development  
*I Mina'trentai Tres Na Liheslaturan Guåhan* | 33<sup>rd</sup> Guam Legislature

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## COMMITTEE REPORT

### **Bill No. 95-33 (COR)**

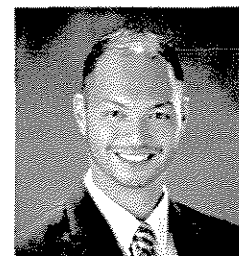
**Introduced by Michael F.Q. San Nicolas,  
Frank B. Aguon, Jr., and Brant T. McCreadie**

**“AN ACT TO *AMEND* 8 GCA §40.20, *ADD A NEW* 8 GCA §40.25.5, *ADD A NEW* 11 GCA CHAPTER 79, *ADD A NEW* 11 GCA §103104(A)(7), *AND ADD A NEW* 12 GARR CHAPTER 2; RELATIVE TO ADDRESSING OVERCROWDING AT THE DEPARTMENT OF CORRECTIONS DUE TO THE DETAINEE POPULATION BY AUTHORIZING THE USE OF BAIL BONDS FOR COURT-ORDERED BAIL AND AUTHORIZE THE JUDICIARY OF GUAM TO ESTABLISH A UNIFORM BAIL SCHEDULE; THIS ACT *SHALL* BE CITED AS THE “BAIL REFORM ACT OF 2015.””**



# Senator Michael F.Q. San Nicolas

Chairman - Committee on Finance & Taxation,  
General Government Operations, and Youth Development  
| *Mina'trentai Tres Na Liheslaturan Guåhan* | 33<sup>rd</sup> Guam Legislature



JUN 15 2015

## MEMORANDUM

**TO:** All Members  
Committee on Finance & Taxation, General  
Government Operations, and Youth Development

**RE:** **Committee Report on Bill No. 95-33 (COR)**

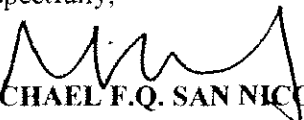
*Håfa adai!* Transmitted herewith is the Committee Report on Bill No. 95-33 (COR) – “AN ACT TO *AMEND* 8 GCA §40.20, *ADD A NEW* 8 GCA §40.25.5, *ADD A NEW* 11 GCA CHAPTER 79, *ADD A NEW* 11 GCA §103104(a)(7), and *ADD A NEW* 12 GARR CHAPTER 2; RELATIVE TO ADDRESSING OVERCROWDING AT THE DEPARTMENT OF CORRECTIONS DUE TO THE DETAINEE POPULATION BY AUTHORIZING THE USE OF BAIL BONDS FOR COURT-ORDERED BAIL AND AUTHORIZE THE JUDICIARY OF GUAM TO ESTABLISH A UNIFORM BAIL SCHEDULE; THIS ACT *SHALL* BE CITED AS THE “BAIL REFORM ACT OF 2015.””

This report includes the following:

- Vote Sheet
- Report Digest
- Copy of Bill No. 95-33 (COR), as Introduced
- Public Hearing Sign-in Sheet
- Fiscal Note Request
- Copy of COR Referral of Bill No. 95-33 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda

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 my office.

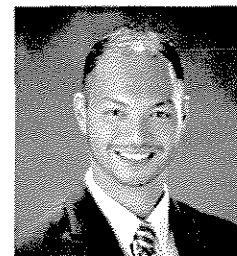
Respectfully,

  
MICHAEL F.Q. SAN NICOLAS



# Senator Michael F.Q. San Nicolas

Chairman - Committee on Finance & Taxation,  
 General Government Operations, and Youth Development  
 | *Mina'trentai Tres Na Liheslaturan Guåhan* | 33<sup>rd</sup> Guam Legislature



## COMMITTEE VOTE SHEET

**Bill No. 95-33 (COR) – “AN ACT TO AMEND 8 GCA §40.20, ADD A NEW 8 GCA §40.25.5, ADD A NEW 11 GCA CHAPTER 79, ADD A NEW 11 GCA §103104(A)(7), AND ADD A NEW 12 GARR CHAPTER 2; RELATIVE TO ADDRESSING OVERCROWDING AT THE DEPARTMENT OF CORRECTIONS DUE TO THE DETAINEE POPULATION BY AUTHORIZING THE USE OF BAIL BONDS FOR COURT-ORDERED BAIL AND AUTHORIZE THE JUDICIARY OF GUAM TO ESTABLISH A UNIFORM BAIL SCHEDULE; THIS ACT SHALL BE CITED AS THE "BAIL REFORM ACT OF 2015."”**

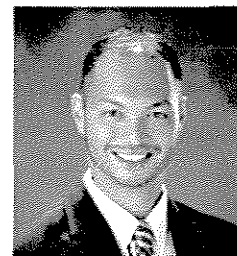
	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Michael F.Q. San Nicolas Chairman		✓				
Senator Mary C. Torres Vice Chairman						
Speaker Judith T. Won Pat, Ed.D. Member		✓				
Vice Speaker Benjamin J.F. Cruz Member				✓		
Senator Tina R. Muña Barnes Member		✓				
Senator Rory J. Respicio Member						
Senator Thomas C. Ada Member		✓				
Senator Dennis G. Rodriguez, Jr. Member						
Senator Frank B. Aguon, Jr. Member	 15 JUN 15	✓				
Senator Nerissa B. Underwood, Ph.D. Member						
Senator James V. Espaldon Member						



# Senator Michael F.Q. San Nicolas

Chairman – Committee on Finance & Taxation,  
General Government Operations, and Youth Development  
*I Mina'trentai Tres Na Liheslaturan Guåhan* | 33<sup>rd</sup> Guam Legislature

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## COMMITTEE REPORT DIGEST

### **I. OVERVIEW**

Bill No. 95-33 (COR) was introduced on May 5, 2015, by Senator Michael San Nicolas. The bill was subsequently referred by the Committee on Rules to the Committee on Finance & Taxation, General Government Operations, and Youth Development on May 6, 2015.

The Committee on Finance & Taxation, General Government Operations, and Youth Development held a public hearing on June 3, 2015, in *I Liheslatura's* Public Hearing Room. Among the items on the hearing agenda was Bill No. 95-33 (COR). The hearing convened at 2:00 p.m. and was adjourned at 2:43 p.m.

### Public Notice Requirements

Public Hearing notices were disseminated via electronic mail to all senators and all main media broadcasting outlets on May 27, 2015, and again on June 1, 2015. Notice was also posted on *I Liheslatura's* website beginning on May 27, 2015.

### Senators Present

Senator Michael F.Q. San Nicolas, Committee Chairman  
Senator Mary C. Torres, Committee Vice Chairwoman  
Speaker Judith T. Won Pat, Ed.D., Committee Member  
Vice Speaker Benjamin J.F. Cruz, Committee Member  
Senator James V. Espaldon, Committee Member  
Senator V. Anthony Ada

### Oral Testimony

None

### Written Testimony

None

### **II. TESTIMONY & DISCUSSION**

**Chairman Michael San Nicolas** read the title of Bill No. 95-33 (COR) and, as the main sponsor of bill, presented his opening statement. He stated that many states have a bail bonds system and explained how a system works. Chairman San Nicolas mentioned that Bill No. 95-33 (COR) would establish a bail bonds program in Guam but would only be applicable in instances involving non-violent crimes. He further explained how bail amounts would be calculated and assessed. He went on to state that the legislation would not allow for

“bounty hunters” but rather, it would authorize companies to assume collateral for a bonded individual. Chairman San Nicolas further explained the penalties to both the individual and company if a violation of bail conditions were to occur. Bill No. 100-33 (COR) would allow the bail company to establish an agreement with the individual to ensure that all provisions of said agreement are adhered to. Chairman San Nicolas stated that the legislation establishes a process by which bail companies are uniformly regulated. He explained that the bill incorporates provisions of laws from other states but only those appropriate to Guam. Chairman San Nicolas stated that the provisions of Bill No. 100-33 (COR) would help reduce the overcrowding in Guam’s prison system because there are approximately 400 pre-trial detainees in the system and a large number of those individuals would be able to avail themselves of bail through a bail bonds program. He further explained that the bill would not only help reduce the population of detainees but reduce the government expense for detainees. Chairman San Nicolas stated that the legislation was reviewed by representatives of the Judiciary of Guam and the Attorney General’s Office. Without any individuals present to testify, he adjourned the hearing on Bill No. 95-33 (COR).

### **III. FINDINGS AND RECOMMENDATIONS**


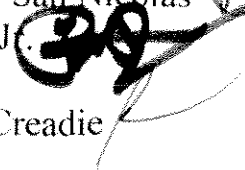
The Committee on Finance & Taxation, General Government Operations, and Youth Development hereby reports out Bill No. 95-33 (COR) with the recommendation

TO REPORT OUT ONLY.

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

Bill No. 95-33 (CON)

Introduced by:

Michael F.Q. San Nicolas   
F.B. Aguon, Jr. 

Brant T. McCreadie 

---

**AN ACT TO AMEND 8 GCA §40.20, ADD A NEW 8 GCA §40.25.5, ADD A NEW 11 GCA CHAPTER 79, ADD A NEW 11 GCA §103104(a)(7), AND ADD A NEW 12 GARR CHAPTER 2; RELATIVE TO ADDRESSING OVERCROWDING AT THE DEPARTMENT OF CORRECTIONS DUE TO THE DETAINEE POPULATION BY AUTHORIZING THE USE OF BAIL BONDS FOR COURT-ORDERED BAIL AND TO AUTHORIZE THE JUDICIARY OF GUAM TO ESTABLISH A UNIFORM BAIL SCHEDULE; THIS ACT *SHALL* BE CITED AS THE “BAIL REFORM ACT OF 2015.”**

2015 JUL 25 09:10:52



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

2 **Section 1. Short Title.** This Act *shall* be cited as the “Bail Reform Act of  
3 2015.”

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guáhan* finds  
5 that, according to the Office of Public Accountability’s December 2014  
6 Performance Audit, DOC’s ACF currently houses six hundred ninety (690) people,  
7 with pre-trial detainees comprising approximately sixty percent (60%) of the  
8 prison population.

9 *I Liheslatura* further finds that the population of the Department of  
10 Corrections’ Adult Correctional Facility is excessive. Since around sixty percent  
11 (60%) of the incarcerated population is comprised of pre-trial detainees, addressing

1 this approximately four hundred forty-nine (449) detainee population is an  
2 important component in addressing overcrowding.

3 *I Liheslatura* finds that updating Guam’s bail statutes is one step to  
4 alleviating the large number of pre-trial detainees. Allowing the limited use of bail  
5 bonds and the creation of a conditional uniform bail schedule are resourceful ways  
6 to decrease the detainee population, with minimal long term costs to the  
7 Government of Guam.

8 It is therefore the intent of *I Liheslaturan Guåhan* to update Guam’s bail  
9 statutes by allowing the use of bail bonds for court-ordered bail and to authorize  
10 the Unified Judiciary of Guam to establish a Uniform Bail Schedule.

11 **Section 3. Allowing the Use of Bail Bond Agencies.** §40.20 of Chapter 40  
12 Title 8, Guam Code Annotated is hereby *amended* to read:

13 **“§ 40.20. Bail Conditions; Defined, When to be Used.**

14 Where the judge determines that release of the person charged on  
15 his/her own recognizance will not reasonably assure his/her appearance as  
16 required, or will endanger the safety of any other person or the community,  
17 the judge *shall* impose the least onerous of the following conditions which is  
18 reasonably likely to assure the person’s appearance as required and the  
19 safety of any other person and the community, or, if no single condition  
20 gives that assurance, the least onerous combination of the following  
21 conditions:-

22 (a) placement of the person in the custody of a designated person or  
23 organization agreeing to supervise him/her and to assist him/her in appearing  
24 in Court;

25 (b) placement of restrictions on the activities, movements,  
26 associations and residence of the person;



1 (c) execution of a bond in an amount specified by the judge or  
2 pursuant to a Uniform Bail Schedule established by the Judicial Council,  
3 which shall not include crimes under Chapter 16, Chapter 19, Chapter 22,  
4 Chapter 25, Chapter 25A, Chapter 26, Chapter 30, or §§ 34.20, 34.30,  
5 34.40, or 34.50(b)(1) of Chapter 34, Chapter 37, Chapter 40, all of Title 9,  
6 Guam Code Annotated; such bond in the discretion of the judge to be either  
7 unsecured or secured in whole or in part by the deposit of cash or other  
8 property, or by the obligation of qualified sureties to include a Bail Bond  
9 Agency licensed as provided in Chapter 79 of Division 3, Title 11, Guam  
10 Code Annotated. A Bail Bond Agency shall not act as a surety for the  
11 deposit of cash or other property for a bond for crimes under Chapter 16,  
12 Chapter 19, Chapter 22, Chapter 25, Chapter 25A, Chapter 26, Chapter 30,  
13 or §§ 34.20, 34.30, 34.40, or 34.50(b)(1) of Chapter 34, Chapter 37, Chapter  
14 40, all of Title 9, Guam Code Annotated;

15 (d) release of the person during working hours, but with the condition  
16 that he/she return to custody at specified times; or

17 (e) any other condition reasonably necessary to assure appearance as  
18 required and the safety of any other person and the community.”

19 **Section 4. Bail Bond Agency as Surety.** *A new §40.25.5 is hereby added*  
20 *to Chapter 40, Title 8, Guam Code Annotated, to read:*

21 **“§ 40.25.5. Bail Bond Agency as Surety.**

22 (a) Sureties *shall* include but not be limited to bail bond agencies  
23 licensed pursuant to 11 GCA Chapter 79.

24 (b) Monthly Reports on Bail Bonds to the Director of the Department  
25 of Revenue and Taxation. The Unified Judiciary of Guam *shall* provide  
26 monthly reports to the Director of the Department of Revenue and Taxation  
27 on the status of bail bonds provided by Bail Bond Agencies licensed under

1 11 GCA Chapter 79. Such reports *shall* include the name of the Bail Bond  
2 Agency, the Qualified Agents as defined in 11 GCA §79101(l) of such  
3 agencies, the defendants for which such Bail Bond Agencies act as sureties,  
4 the bail amounts for each such defendant, and whether the bonds for such  
5 defendants are posted, exonerated, or forfeited.”

6 **Section 5. Bail Bond Agency.** A *new* Chapter 79 is hereby *added* to  
7 Division 3, Title 11, Guam Code Annotated, to read:

8 **“CHAPTER 79**  
9 **BAIL BOND AGENCY**

10  
11 § 79101. Definitions.

12 § 79102. Discretion of Courts to Accept or Reject a Surety or Bond.

13 § 79103. Bail Bond Agency and Bail Bond Agent Authority and Scope.

14 § 79104. Bail Bond Agency License Requirements.

15 § 79105. Bail Bond Agent License Requirements.

16 § 79106. License Applications.

17 § 79107. License Cards, Certificates; Advertising; Notice of Changes.

18 § 79108. Bail Bond License Fees.

19 § 79109. Notice Concerning Agent’s Status.

20 § 79110. Time Frame to Post Bonded Bail.

21 § 79111. Bail Bond Maximum Rate.

22 § 79112. Collateral for Bail Bond Service.

23 § 79113. Unprofessional Conduct.

24 § 79114. Complaints.

25 § 79115. Statement of Charges; Hearing.

26 § 79116. Statement of Charges; Notice.

27 § 79117. Unlicensed Activity; Criminal Penalties.

1 § 79118. Application of Administrative Law.

2 § 79119. Director's Powers.

3 § 79120. Failure of Criminal Defendant to Uphold Bail Conditions.

4  
5 **§ 79101. Definitions.**

6 Unless the context clearly requires otherwise, the following  
7 definitions apply throughout this Chapter:

8 (a) 'Bail bond agency' *means* a business that sells and issues  
9 corporate surety bail bonds or that provides security in the form of personal  
10 or real property to ensure the appearance of a criminal defendant before the  
11 courts of Guam or the United States.

12 (b) 'Bail bond agent' *means* a person who is employed by a bail bond  
13 agency and engages in the sale or issuance of bail bonds, but does not mean  
14 a clerical, secretarial, or other support person who does not participate in the  
15 sale or issuance of bail bonds.

16 (c) 'Bail bond recovery agent' *means* a person who is under contract  
17 with a bail bond agent to receive compensation, reward, or any other form of  
18 consideration for locating, apprehending, and surrendering a fugitive  
19 criminal defendant for whom a bail bond has been posted. 'Bail bond  
20 recovery agent' does not include a Marshal of the Unified Judiciary of  
21 Guam.

22 (d) 'Board' *means* the Banking and Insurance Board.

23 (e) 'Branch office' *means* any office physically separated from the  
24 principal place of business of the licensee from which the licensee or an  
25 employee or agent of the licensee conducts any activity meeting the criteria  
26 of a bail bond agency.

1 (f) 'Collateral or security' *means* property of any kind given as  
2 security to obtain a bail bond.

3 (g) 'Department' *means* the Department of Revenue and Taxation.

4 (h) 'Director' *means* the Director of the Department of Revenue and  
5 Taxation.

6 (i) 'Disciplinary authority' *means* the Banking and Insurance Board.

7 (j) 'Indemnitor' *means* the person placing security with an  
8 agency/agent, to secure the agency against loss for the release of a  
9 defendant(s) on a bail bond.

10 (k) 'Licensee' *means* a bail bond agency, a bail bond agent, or a  
11 qualified agent.

12 (l) 'Qualified agent' *means* an owner, sole proprietor, partner,  
13 manager, officer, or chief operating officer of a company who meets the  
14 requirements set forth in this Chapter for obtaining a bail bond agency  
15 license.

16 (m) 'Unlicensed practice' *means*:

17 (1) Practicing a profession or operating a business without  
18 holding a valid, unexpired, unrevoked, and unsuspended license to do  
19 so; or

20 (2) Representing to a person, through offerings, advertisements,  
21 or use of a professional title or designation, that the individual or  
22 business is qualified to practice a profession or operate a business  
23 without holding a valid, unexpired, unrevoked, and unsuspended  
24 license to do so.

25 **§ 79102. Discretion of Courts to Accept or Reject a Surety or Bond.**

26 Nothing in this Chapter limits the discretion of the courts of Guam to  
27 accept or reject a particular surety or bond in a particular case.

1           **§ 79103. Bail Bond Agency and Bail Bond Agent Authority and Scope.**

2           (a) Only bail bond agencies licensed under this Chapter are authorized  
3 to charge a premium to post bail for a defendant. Only licensed bail bond  
4 agencies *shall* engage in or employ others to engage in any activity that *may*  
5 be performed by bail bond agents under the provisions of this Chapter.

6           (b) Only bail bond agents employed by a bail bond agency *may*  
7 engage in the business of sale or issuance of bail bonds to secure a  
8 defendant's release from custody. Only bail bond agents *may* represent their  
9 respective bail bond agency of employment when working with law  
10 enforcement to ensure bail conditions are met, or if they are not met, to  
11 assist law enforcement as needed to recover the detainee.

12           **§ 79104. Bail Bond Agency License Requirements.**

13           In addition to meeting the minimum requirements to obtain a license  
14 as a bail bond agent, a qualified agent *must* meet the following additional  
15 requirements to obtain a bail bond agency license:

16           (a) Pay any additional fees as established in law.

17           (b) An agency license issued under this Section *may* not be assigned  
18 or transferred without prior written approval of the Director.

19           (c) Bond. No bail bond agency license *may* be issued under the  
20 provisions of this Chapter unless the qualified agent files with the Director a  
21 bond, executed by a surety company authorized to do business in Guam, in  
22 the sum of ten thousand dollars (\$10,000) conditioned to recover against the  
23 agency and its servants, officers, agents, and employees by reason of its  
24 violation of the provisions of Subsection (d) of this Section. The bond *shall*  
25 be made payable to the Territory of Guam, and anyone so injured by the  
26 agency or its servants, officers, agents, or employees *may* bring suit upon the  
27 bond in Guam courts. The suit *must* be brought not later than two (2) years

1 after the failure to return property in accordance with Subsection (d) of this  
2 Section. If valid claims against the bond exceed the amount of the bond or  
3 deposit, each claimant *shall* be entitled only to a pro rata amount, based on  
4 the amount of the claim as it is valid against the bond, without regard to the  
5 date of filing of any claim or action.

6 (1) Every licensed bail bond agency *must* at all times maintain  
7 on file with the Director the bond required by this Subsection in full  
8 force and effect. Upon failure by a licensee to do so, the Director *shall*  
9 suspend the licensee's license and *shall* not reinstate the license until  
10 this requirement is met.

11 (2) In lieu of posting a bond, a qualified agent *may* deposit in an  
12 interest-bearing account, ten thousand dollars (\$10,000).

13 (d) Records; Finances; Disposition of Security. Every issued agency  
14 *shall* keep adequate records for three (3) years of all collateral and security  
15 received, all trust accounts required by this Section, and all bail bond  
16 transactions handled by the bail bond agency, as specified by rule. The  
17 records *shall* be open to inspection without notice by the Director or  
18 authorized representatives of the Director.

19 (1) Every issued agency who receives collateral or security is a  
20 fiduciary of the property and *shall* keep adequate records for three (3)  
21 years of the receipt, safekeeping, and disposition of the collateral or  
22 security. Every qualified agent *shall* maintain a trust account in a  
23 federally insured financial institution located in Guam. All moneys,  
24 including cash, checks, money orders, wire transfers, and credit card  
25 sales drafts, received as collateral or security or otherwise held for a  
26 bail bond agency's client *shall* be deposited in the trust account not  
27 later than the third banking day following receipt of the funds or

1 money. A qualified agent *shall* not in any way encumber the corpus of  
2 the trust account or commingle any other moneys with moneys  
3 properly maintained in the trust account. Each qualified agent required  
4 to maintain a trust account *shall* report annually under oath to the  
5 Director the account number and balance of the trust account, and the  
6 name and address of the institution that holds the trust account, and  
7 *shall* report to the Director within ten (10) business days whenever the  
8 trust account is changed or relocated or a new trust account is opened.

9 (2) Whenever a bail bond is exonerated by the court, the  
10 qualified agent *shall*, within five (5) business days after written  
11 notification of exoneration, return all collateral or security to the  
12 person entitled thereto.

13 (e) Qualified bail bond agent as manager. No agency *may* operate  
14 under a business name other than the name of the principal bail bond agency  
15 and *must* have a qualified bail bond agent as manager of the office. The  
16 qualified agent *shall* comply with the provisions of Subsection (d) of this  
17 Section.

18 (f) License required for branch office. If a licensee maintains a  
19 branch office, the licensee *shall* not operate that branch office until a branch  
20 office license has been received from the Director. A bail bond agency *may*  
21 apply to the Director for authority to establish one (1) or more branch offices  
22 under the same name as the main office upon the payment of a fee as  
23 prescribed by law. The Director *shall* issue a separate license for each  
24 branch office showing the location of each branch which *shall* be  
25 prominently displayed in the office for which it is issued. A corporation,  
26 partnership, or sole proprietorship *shall* not establish more than one (1)  
27 principal office within Guam.

1       **§ 79105. Bail Bond Agent License Requirements.**

2           An applicant *must* meet the following minimum requirements to  
3 obtain a bail bond agent license:

- 4           (a) Be at least eighteen (18) years of age;
- 5           (b) Be a citizen or resident alien of the United States;
- 6           (c) Not have been convicted of a felony or crime of moral turpitude;
- 7           (d) Be employed by a bail bond agency or be a qualified agent of a  
8 bail bond agency; and
- 9           (e) Pay the required fee.

10       **§ 79106. License Applications.**

11           Applications for licenses required under this Chapter *shall* be filed  
12 with the Director on a form provided by the Director. The Director and  
13 Board *may* require any information and documentation that reasonably  
14 relates to the need to determine whether the applicant meets the criteria,  
15 including fingerprints.

16       **§ 79107. License Cards, Certificates; Advertising; Notice of Changes.**

17           (a) The Director *shall* issue a bail bond agent license card to each  
18 licensed bail bond agent. A bail bond agent *shall* carry the license card  
19 whenever he or she is performing the duties of a bail bond agent and *shall*  
20 exhibit the card upon request.

21           (b) The Director *shall* issue a license certificate to each licensed bail  
22 bond agency.

23               (1) Within seventy-two (72) hours after receipt of the license  
24 certificate, the licensee *shall* post and display the certificate in a  
25 conspicuous place in the principal office of the licensee within Guam.

26               (2) It is unlawful for any person holding a license certificate to  
27 knowingly and willfully post the license certificate upon premises



1 other than those described in the license certificate or to materially  
2 alter a license certificate.

3 (3) Every advertisement by a licensee that solicits or advertises  
4 business *shall* contain the name of the licensee, the address of record,  
5 and the license number as they appear in the records of the Director.

6 (4) The licensee *shall* notify the Director within thirty (30) days  
7 of any change in the licensee's officers or directors or any material  
8 change in the information furnished or required to be furnished to the  
9 Director.

10 **§ 79108. Bail Bond License Fees.**

11 (a) The following fees for a one (1) year period *shall* be charged by  
12 the Department:

13 Title of Fee	Fee
14 Bail bond agency/branch office:	
15 Application	\$1,200
16 License renewal	\$1,150
17 Late renewal with penalty	\$1,300
18 Bail bond agent:	
19 Original license	\$550
20 License renewal	\$500
21 Late renewal with penalty	\$600
22 Change of qualified agent	\$250

23 (b) Notwithstanding the provisions of 11 GCA §161101(b), twenty-  
24 five percent (25%) of the amount of fees paid pursuant to this Section, *shall*  
25 be deposited in each of the following funds:

26 (1) the Better Public Service Fund,

27 (2) the Police Services Fund,

- (3) the Department of Corrections Revolving Fund, and
- (4) the Judicial Building Fund.

**§ 79109. Notice Concerning Agent’s Status.**

(a) A bail bond agency *shall* notify the Director within ten (10) days after the death or termination of employment of any employee who is a licensed bail bond agent.

(b) A bail bond agency *shall* notify the Director within seventy-two (72) hours upon receipt of information affecting a licensed bail bond agent’s continuing eligibility to hold a license under the provisions of this Chapter.

**§ 79110. Time Frame to Post Bonded Bail.**

Bonds executed by a Bail Bond Agency *must* be provided to the court authorizing bail within twenty-four (24) hours of receipt of payment by the indemnitor.

**§ 79111. Bail Bond Premium Charge Maximum Rate.**

A bail bond agency *may* require as payment for bail bond services a charge of not more than fifteen percent (15%) of the bail amount set by a judge or magistrate of the Unified Judiciary of Guam.

**§ 79112. Collateral for Bail Bond Service.**

A Bail Bond Agency *may* only accept cash or real property as collateral for the payment of bail bond services.

**§ 79113. Unprofessional conduct.**

The following conduct, acts, or conditions constitute unprofessional conduct:

(a) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person’s profession or operation of the person’s business, whether the act constitutes a crime or not. At the disciplinary hearing a certified copy of a final holding of any court of

1 competent jurisdiction is conclusive evidence of the conduct of the license  
2 holder or applicant upon which a conviction or the final holding is based.  
3 Upon a conviction, however, the judgment and sentence is conclusive  
4 evidence at the ensuing disciplinary hearing of the guilt of the license holder  
5 or applicant of the crime described in the indictment or information, and of  
6 the person's violation of the statute on which it is based. For the purposes of  
7 this Subsection, conviction includes all instances in which a plea of guilty or  
8 nolo contendere is the basis for the conviction and all proceedings in which  
9 the sentence has been deferred or suspended;

10 (b) Misrepresentation or concealment of a material fact in obtaining or  
11 renewing a license or in reinstatement thereof;

12 (c) Advertising that is false, deceptive, or misleading;

13 (d) The suspension, revocation, or restriction of a license to engage in  
14 any business or profession by competent authority in any state, federal, or  
15 foreign jurisdiction. A certified copy of the order, stipulation, or agreement  
16 is conclusive evidence of the revocation, suspension, or restriction;

17 (e) Failure to cooperate with the disciplinary authority in the course of  
18 an investigation, audit, or inspection authorized by law by:

19 (1) Not furnishing any papers or documents requested by the  
20 disciplinary authority;

21 (2) Not furnishing in writing an explanation covering the matter  
22 contained in a complaint when requested by the disciplinary authority;

23 (3) Not responding to a subpoena issued by the disciplinary  
24 authority, whether or not the recipient of the subpoena is the accused  
25 in the proceeding; or

26 (4) Not providing authorized access, during regular business  
27 hours, to representatives of the disciplinary authority conducting an

1 investigation, inspection, or audit at facilities utilized by the license  
2 holder or applicant;

3 (f) Aiding or abetting an unlicensed person to practice or operate a  
4 business or profession when a license is required;

5 (g) Practice or operation of a business or profession beyond the scope  
6 of practice or operation as defined by law or rule;

7 (h) Misrepresentation in any aspect of the conduct of the business or  
8 profession;

9 (i) Failure to adequately supervise or oversee auxiliary staff, whether  
10 employees or contractors, to the extent that consumers *may* be harmed or  
11 damaged;

12 (j) Failure to comply with an order issued by the disciplinary  
13 authority;

14 (k) Conviction of any misdemeanor or felony relating to the practice  
15 of the person's profession or operation of the person's business. For the  
16 purposes of this Subsection, conviction includes all instances in which a plea  
17 of guilty or nolo contendere is the basis for conviction and all proceedings in  
18 which the sentence has been deferred or suspended;

19 (l) Interference with an investigation or disciplinary action by willful  
20 misrepresentation of facts before the disciplinary authority or its authorized  
21 representatives, or by the use of threats or harassment against any consumer  
22 or witness to discourage them from providing evidence in a disciplinary  
23 action or any other legal action, or by the use of financial inducements to  
24 any consumer or witness to prevent or attempt to prevent him or her from  
25 providing evidence in a disciplinary action;

26 (m) Engaging in unlicensed practice;

1 (n) Violating any of the provisions of this Chapter or the rules adopted  
2 under this Chapter;

3 (o) Failing to meet the qualifications set forth in §§ 79104 and 79105  
4 of this Chapter;

5 (p) Knowingly committing, or being a party to, any material fraud,  
6 misrepresentation, concealment, conspiracy, collusion, trick, scheme, or  
7 device whereby any other person lawfully relies upon the word,  
8 representation, or conduct of the licensee;

9 (q) Assigning or transferring any license issued pursuant to the  
10 provisions of this Chapter, except as provided in §79104 of this Chapter;

11 (r) Conversion of any money or contract, deed, note, mortgage, or  
12 other evidence of title, to his or her own use or to the use of his or her  
13 principal or of any other person, when delivered to him or her in trust or on  
14 condition, in violation of the trust or before the happening of the condition;  
15 and failure to return any money or contract, deed, note, mortgage, or other  
16 evidence of title within thirty (30) days after the owner is entitled to  
17 possession, and makes demand for possession, *shall* be prima facie evidence  
18 of conversion;

19 (s) Failing to keep records, maintain a trust account, or return  
20 collateral or security, as required by §79104 (d) of this Chapter;

21 (t) Any conduct in a bail bond transaction which demonstrates bad  
22 faith, dishonesty, or untrustworthiness;

23 (u) Violation of an order to cease and desist that is issued by the  
24 Director under this Chapter;

25 (v) Acting as or using the services of a bail bond recovery agent; or

26 (w) Misrepresenting or knowingly making a material misstatement or  
27 omission in the application for a license.

1           **§ 79114. Complaints.**

2           Any person *may* submit a written complaint to the Department  
3 charging a license holder or applicant with unprofessional conduct and  
4 specifying the grounds for the charge. If the Director determines that the  
5 complaint merits investigation, or if the Director has reason to believe,  
6 without a formal complaint, that a license holder or applicant *may* have  
7 engaged in unprofessional conduct, the Director *shall* investigate to  
8 determine if there has been unprofessional conduct. A person who files a  
9 complaint under this Section in good faith is immune from suit in any civil  
10 action related to the filing or contents of the complaint.

11           **§ 79115. Statement of Charges; Hearing.**

12           (a) If the disciplinary authority determines, upon investigation, that  
13 there is reason to believe that a license holder or applicant for a license has  
14 violated §79113 of this Chapter or has not met a minimum eligibility criteria  
15 for licensure, pursuant to 12 GARR Chapter 2 Article 4, the disciplinary  
16 authority *shall* prepare and serve the license holder or applicant a statement  
17 of charge, charges, or intent to deny or revoke. A notice that the license  
18 holder or applicant *may* request a hearing to contest the charge, charges, or  
19 intent to deny *must* accompany the statement. The license holder or  
20 applicant *must* file a request for a hearing with the disciplinary authority  
21 within twenty (20) days after being served the statement of charges or  
22 statement of intent to deny. The failure to request a hearing constitutes a  
23 default, whereupon the disciplinary authority *may* enter a decision on the  
24 facts available to it.

25           (b) If a license holder or applicant for a license requests a hearing, the  
26 disciplinary authority *must* fix the time of the hearing as soon as convenient,  
27 but not earlier than thirty (30) days after the service of charge, charges, or

1 intent to deny. The disciplinary authority *may* hold a hearing sooner than  
2 thirty (30) days only if the disciplinary authority has issued a summary  
3 suspension or summary restriction.

4 **§ 79116. Statement of Charges; Notice.**

5 When a statement of charges is issued against a license holder or  
6 applicant under §79115 of this Chapter, notice of this action *must* be given  
7 to the owner or qualified agent of the employing bail bond agency.

8 **§ 79117. Unlicensed Activity; Criminal Penalties.**

9 (a) Any person who performs the functions and duties of a bail bond  
10 agent in Guam without being licensed in accordance with the provisions of  
11 this Chapter, or any person presenting or attempting to use as his or her own  
12 the license of another, or any person who gives false or forged evidence of  
13 any kind to the Director in obtaining a license, or any person who falsely  
14 impersonates any other licensee, or any person who attempts to use an  
15 expired or revoked license, or any person who violates any of the provisions  
16 of this Chapter is guilty of a misdemeanor.

17 (b) A person is guilty of a misdemeanor if the person owns or operates  
18 a bail bond agency in Guam without first obtaining a bail bond agency  
19 license.

20 (c) The owner or qualified agent of a bail bond agency is guilty of a  
21 misdemeanor if the owner or qualified agent employs any person to perform  
22 the duties of a bail bond agent without the employee having in the  
23 employee's possession a bail bond agent license issued by the Department.

24 **§ 79118. Application of Administrative Law.**

25 The Board, in making rules and regulations relative to the provisions  
26 of this Chapter, *shall* act in accordance with the Administrative Adjudication  
27 Law.

1           **§ 79119. Director’s Powers.**

2           In addition to those powers set forth in §79104 of this Chapter, the  
3 Director or the Director’s designee has the authority to order restitution to  
4 the person harmed by the licensee.

5           **§79120. Failure of Criminal Defendant to Uphold Bail Conditions.**

6           If a criminal defendant who has entered into a contract for a bail bond  
7 with a bail bond agency fails to uphold the conditions of his or her release:

8           (a) The contracted bail bond agency will forfeit the bail bond  
9 premium regulated under §79111 of this Chapter, to the Unified  
10 Judiciary of Guam to defray the cost incurred for the recovery of the  
11 criminal defendant. The Unified Judiciary of Guam *may* impose  
12 additional charges to the bail bond agency not to exceed an aggregate  
13 of fifteen percent (15%) of the bail amount inclusive of fees  
14 surrendered;

15           (b) The bond posted by the contracted bail bond agency will  
16 only be exonerated by the Unified Judiciary of Guam if within ninety  
17 (90) days of the criminal defendant failing to uphold his or her bail  
18 conditions, the criminal defendant is apprehended and in the legal  
19 jurisdiction and custody of the Territory of Guam;

20           (c) If a bail bond agency has more than four (4) occurrences of  
21 criminal defendants contracted with that bail bond agency failing to  
22 uphold bail conditions within a rolling twelve (12) month period, the  
23 Director *shall* revoke that bail bond agency’s license subject to appeal  
24 pursuant to §79115 of this Chapter, and such agency and their  
25 principals *shall* be ineligible for future bail bond agency licenses in  
26 whole or in part.



1 (d) Fifty percent (50%) of the amount of bail bond premiums  
2 forfeited under Subsection (a) of this Section *shall* be deposited to the  
3 Judicial Building Fund. The remaining fifty percent (50%) of such  
4 premiums *shall* be deposited in the Police Services Fund.”

5 **Section 6. Uniform Bail Schedule.** The Judicial Council *may* promulgate a  
6 Uniform Bail Schedule pursuant to §40.20(c) of Chapter 40, Title 9, Guam Code  
7 Annotated, as amended by §2 of this Act. Such schedule *shall* be formulated as a  
8 fixed amount for each individual crime, subject to additional conditions as set forth  
9 by the Judicial Council including but not limited to offender criminal history and  
10 crimes involving multiple parties. Bail established by a bail schedule as set forth in  
11 this Section *shall* be effective immediately charged and *may* be posted prior to a  
12 magistrate hearing.

13 **Section 7. Contractual Arrangments for Payment of Bail or**  
14 **Presentation of Proof of Bonding.** Within ninety (90) days of the enactment of  
15 this Act, the Guam Police Department, the Guam Department of Corrections, the  
16 Treasurer of Guam, and the Unified Judiciary of Guam *shall* enter into contractual  
17 arrangements as necessary to allow for the payment of bail or presentation of proof  
18 of bonding by a bail bond agency licensed under 11 GCA Chapter 79 at facilities  
19 with detainees.

20 **Section 8. Rules and Regulations.** A *new* Item (7) is hereby *added* to  
21 §103104(a) of Chapter 103, Title 11, Guam Code Annotated, to read:

22 “(7) In consultation with the Unified Judiciary of Guam, amend such rules  
23 and regulations adopted in 12 GAR Chapter 2, pursuant to this Act, in accordance  
24 with the Administrative Adjudication Law as *may* be necessary for the operation  
25 and management of Bail Bond Agencies.”

26 **Section 9. Bail Bond Agencies and Bail Bond Agents.** A *new* Chapter 2  
27 is hereby *added* to Title 12, Guam Administrative Rules and Regulations, to read:

1 "CHAPTER 2

2 BAIL BOND AGENCIES AND BAIL BOND AGENTS

3  
4 Article 1. General.

5 Article 2. Licensing Application and Fees.

6 Article 3. Office Requirements and Licensee's Responsibilities.

7 Article 4. Adjudicative Proceedings.

8  
9 ARTICLE 1

10 GENERAL

11  
12 § 2101. Organization.

13 § 2102. Definitions.

14  
15 **§ 2101. Organization.**

16 The Department administers the Guam bail bond license law, 11 GCA  
17 Chapter 79. Submissions and requests for information regarding bail bond  
18 agency licenses and bail bond agent *may* be sent in writing to the  
19 Department.

20 **§ 2102. Definitions.**

21 Words and terms used in these rules *shall* have the same meaning as  
22 each has under 11 GCA Chapter 79 unless otherwise provided in these rules,  
23 or the context in which they are used in these rules clearly indicates that they  
24 be given some other meaning. Unless the context clearly requires otherwise,  
25 the definitions in this Section apply throughout this chapter.

26 (a) 'Affidavit' *means* a written statement made under oath.

1 (b) 'Bail bond' *means* the contract between the defendant, the surety  
2 and/or the court to insure the appearance of the accused before the court(s) at  
3 such time as the court *may* direct. These bonds *may* require annual renewal.

4 (c) 'Clients' *means* defendants and indemnitors.

5 (d) 'Collateral receipt' *means* an accurate description of the security  
6 given to an indemnitor by the receiving agency's agent, in its fiduciary  
7 capacity, listing all collateral given as security for a bail bond and held by  
8 the agency/agent until the bail bond is exonerated by the court or a forfeiture  
9 occurs. The receipt *shall* name the owner of the collateral, the defendant, and  
10 the bond number, and specify the terms for redemption of the collateral  
11 including any fees charged for storage.

12 (e) 'Corporate surety bail bonds' *means* a bail bond contract that is  
13 guaranteed by a domestic, foreign, or alien insurance company which has  
14 been qualified to transact surety insurance business in Guam by the Board.

15 (f) 'Escrow fund' *means* that percentage of money obtained from  
16 collected premiums paid by the agent to the corporate surety company for  
17 the purpose of indemnifying the corporate surety from loss caused by the  
18 agent.

19 (g) 'Exonerate' *means* the discharging of the bail bond by the court.

20 (h) 'Indemnity agreement' *means* the contract signed by the  
21 indemnitor that states the obligations the indemnitor(s) is/are assuming.

22 (i) 'Letter of demand' *means* any form of notice to the  
23 indemnitor/defendant that the collateral placed in trust has come under  
24 jeopardy because of a failure to appear or violation of bail.

25 (j) 'Letter of forfeiture' *means* a notice in varied forms, sent to a bail  
26 bond agency/branch office, advising the agency/branch office that a  
27 defendant who has secured a bail bond with that agency has failed to appear

1 on a given date in a given court. The court has made a demand for the  
2 payment of the face amount of the bond by a given date.

3 (k) 'Principal/defendant' *means* the accused criminal defendant, for  
4 whom a bail bond *may* be obtained.

5 (l) 'Principal partner' *means* the partner who is the qualified agent of a  
6 bail bond agency and who exercises operational control over the agency.

7 (m) 'Property bond agent' *means* a surety that posts security in the  
8 form of personal or real estate for compensation to assure the appearance of  
9 a defendant.

10 (n) 'Surety' as it relates to bail bonds, *means* the depositor/owner of  
11 cash if a cash bail bond, the property owner(s) if a property bond, the  
12 insurance company if a corporate surety bond, that guarantees performance  
13 of the bail bond contract for compensation.

14 (o) 'Surrender form' *means* the form used to return to custody a  
15 defendant for violation of bond conditions or a letter of forfeiture from a  
16 court in accordance to the bail contract.

17  
18 **ARTICLE 2**

19 **LICENSING APPLICATION AND FEES**

20  
21 §2201. Applying for a Bail Bond Agent License.

22 §2202. Submitting Fingerprint Cards for a Criminal History Background  
23 Check.

24 §2203. Applying for a Bail Bond Agency License.

25 §2204. Responsibilities of the Qualified Agent.

26 §2205. Applying for a Bail Bond Agency Branch Office License.

1 §2206. Bail Bond Agency, Branch Office, and Agent License  
2 Applications—Conditions.

3 §2207. Renewal and Expiration of Licenses.

4 §2208. Cancellation of Employment.

5 §2209. Inactive Licenses.

6  
7 **§ 2201. Applying for a Bail Bond Agent License.**

8 After the applicant meets the requirements of 11 GCA §79105 he/she  
9 *shall*:

10 (a) Complete an application for a license on a form provided by the  
11 Department.

12 (b) Inform the Department if he/she has an insurance surety license  
13 and with what company he/she is affiliated.

14 (c) Pay the applicable fee(s) as listed in 11 GCA §79108.

15 **§ 2202. Submitting Fingerprint Cards for a Criminal History**  
16 **Background Check.**

17 (a) Every applicant for a bail bond agent license *shall* have a  
18 fingerprint criminal history background check conducted.

19 (b) Applicants *shall* be fingerprinted by Guam Police Department on a  
20 fingerprint card provided by the Department and pay any fees required by  
21 the Guam Police Department for fingerprinting services.

22 **§ 2203. Applying for a Bail Bond Agency License.**

23 To qualify for a bail bond agency license the applicant *shall*:  
24 Complete the requirements of the bail bond agent license and;

25 (a) Submit to the Department proof of work experience as required  
26 under 11 GCA §79104. Work related experience *shall* include: Bail bonds,

1 insurance, trust accounts, receiving collateral in a fiduciary capacity, and  
2 forms of underwriting.

3 (b) Complete an application for an agency license on a form provided  
4 by the Department.

5 (c) Pay the applicable fee(s) as required by 11 GCA §79108.

6 (d) Obtain a bond for the main office as required by 11 GCA  
7 §79104(c).

8 (e) The applicant *shall* disclose the surety(s) name, address, the  
9 attorney in fact, and whose name the escrow fund is in. If the applicant  
10 changes their corporate surety, the applicant *shall* immediately advise the  
11 Department.

12 (f) If the applicant provides security in the form of real property, the  
13 applicant *shall* advise the Department of the names of the court(s) that have  
14 given approval for the placing of property bonds.

15 (g) Sole proprietorships *shall* act as the qualified agent of the agency  
16 without the payment of additional license fees.

17 (h) Partnerships or limited partnership applicants *shall* each apply,  
18 qualify, and furnish their addresses to the Director. When a license is issued  
19 to a partnership, the principal partner *shall* act as the qualified agent of the  
20 agency without the payment of additional license fees.

21 (i) Applicants representing a corporation *shall* furnish a copy of the  
22 articles of incorporation, and a list of officers and departments and their  
23 addresses to the Director. When an agency license is issued to a corporation,  
24 the manager, officer, or chief operating officer *shall* act as the qualified  
25 agent of the agency without the payment of additional license fees.

1 (j) If the applicant represents a foreign corporation, he/she *shall*  
2 furnish a copy of its articles of incorporation, and a list of its officers and  
3 departments and their addresses to the Department.

4 **§ 2204. Responsibilities of the Qualified Agent.**

5 (a) The qualified agent *shall* be responsible for all transactions,  
6 recordkeeping, and the employees of each office he or she is licensed as the  
7 qualified agent.

8 (b) Under 11 GCA §79101, a qualified agent is ‘an owner, sole  
9 proprietor, partner, manager, officer, or chief operating officer of a  
10 corporation who meets the requirements set forth in this Chapter for  
11 obtaining a bail bond agency license.’ The qualified agent essentially serves  
12 as ‘manager’ of the bail bond agency, and is responsible for all bail bond  
13 transactions conducted by the bail bond agents employed by the agency;

14 (c) Each branch office *must* be managed by a qualified agent. A  
15 qualified agent *may* serve as a qualified agent of multiple offices. Although  
16 the qualified agent remains ultimately responsible for bail bond, a qualified  
17 agent is permitted to delegate managerial functions to licensed bail bond  
18 agents. However, a qualified agent *shall* not delegate managerial or  
19 supervisory functions to unlicensed staff because such functions necessarily  
20 involve participation in the sale or issuance of bail bonds.

21 (d) Allowing unlicensed staff to participate in the sale or issuance of  
22 bail bonds could lead to charges of aiding or abetting unlicensed activity in  
23 violation of 11 GCA §79113.

24 (e) Any agency going out of business in Guam *shall* continue to be  
25 obligated on all outstanding bonds until the Director receives notification  
26 that all bonds have been exonerated and the Department has received no  
27 complaints from indemnitor about the return of collateral. The Director *may*

1 require an audit of the closing agency at any time upon notification of the  
2 closing of the agency.

3 **§ 2205. Applying for a Bail Bond Agency Branch Office License.**

4 A licensed bail bond agency *may* establish a branch office by meeting  
5 the following requirements:

- 6 (a) Each branch office *shall* have a licensed qualified agent;
- 7 (b) Complete an application form provided by the Department; and
- 8 (c) Pay the applicable fee(s) as required under 11 GCA §79108.

9 **§ 2206. Bail Bond Agency, Branch Office, and Agent License**  
10 **Applications—Conditions.**

11 Any person desiring to obtain a bail bond agency, bail bond branch  
12 office, or bail bond agent license *shall* make application on a form  
13 prescribed by the Director and pay a fee as prescribed by 11 GCA §79108.

14 **§ 2207 Renewal and expiration of licenses.**

15 (a) Licenses issued to bail bond agents, bail bond agencies, or branch  
16 offices, expire one year from the date of issue.

17 (b) Licenses *must* be renewed each year on or before the date of  
18 expiration and a renewal fee as prescribed by 11 GCA §79108 *must* be paid.

19 (c) If the application for a license renewal is not received by the  
20 Director on or before the renewal date, a penalty fee as prescribed by 11  
21 GCA §79108 *shall* be paid. Acceptance by the Director of an application for  
22 renewal after the renewal date *shall* not be a waiver of the delinquency.

23 (d) A license *shall* be canceled if an application for a renewal of that  
24 license is not received by the Director within one year from the date of  
25 expiration. A person *may* obtain a new license by satisfying the procedures  
26 and qualifications for licensing.



1 (e) No bail bond agent or bail bond agency *shall* engage in the sale or  
2 issuance of bail bonds if their license has expired.

3 (f) When the Director receives verification that a bail bond agent  
4 license has expired or has been revoked or suspended, the Director *shall*  
5 advise the Unified Judiciary of Guam.

6 **§ 2208. Cancellation of Employment.**

7 (a) A person licensed as a bail bond agent *shall* perform duties and  
8 activities as licensed only under the direction and supervision of a licensed  
9 qualified agent and as a representative of a bail bond agency.

10 (b) Either the agency or agent *may* cancel this relationship. The  
11 agency's qualified agent *must* send a written notice of the cancellation to the  
12 Department immediately and include the agent's license held by the agency.  
13 Notice of cancellation *shall* be provided by signature of the agency's  
14 qualified agent on the surrendered license. The cancellation date *shall* be the  
15 postmark date or date the license is hand delivered to the Department. If the  
16 license held by the agency cannot be surrendered to the Department because  
17 the license has been lost, the qualified agent *shall* complete and submit an  
18 affidavit of lost license on a form approved by the Department explaining  
19 why the license has been lost and for how long the license has not been on  
20 display.

21 **§ 2209. Inactive licenses.**

22 (a) Any license issued under 11 GCA Chapter 79, and not otherwise  
23 revoked or suspended *shall* be deemed 'inactive' at any time it is delivered  
24 to the Director. Until reissued, the holder of an inactive license *shall* be  
25 deemed to be unlicensed.

1 (b) An inactive license *may* be placed in an active status upon  
2 completion of an application as provided by the Director and upon  
3 compliance with 11 GCA Chapter 79.

4 (c) An inactive license *may* not be renewed. The inactive license will  
5 be canceled if not activated by the expiration date. To obtain a new license  
6 the person *must* satisfy the procedures and qualifications for initial licensing,  
7 including the successful completion of any examination and education  
8 requirements.

9 (d) The provisions of 11 GCA Chapter 79 relating to the denial,  
10 suspension, and revocation of a license *shall* be applicable to an inactive  
11 license as well as an active license, except that when proceedings to suspend  
12 or revoke an inactive license have been initiated, the license *shall* remain  
13 inactive until the proceedings have been completed.

### 14 15 **ARTICLE 3**

#### 16 **OFFICE REQUIREMENTS AND LICENSEE'S RESPONSIBILITIES.**

17  
18 §2301. Location of License Documents.

19 §2302. Change of Address.

20 §2303. Responsibilities as a Licensee in Addition to the Other Obligations  
21 and Responsibilities Outlined in 11 GCA Chapter 79 and 12 GARR Chapter  
22 2.

23 §2304. Criminal Complaint or Action.

24 §2305. Bail Bond Agency and Branch Office Required Records.

25 §2306. Bail Bond Agency Audits and Inspections.

26  
27 **§ 2301. Location of License Documents.**

1 Licenses of all bail bond agency and bail bond agents *shall* be kept in  
2 the office located at the address appearing on the license.

3 **§ 2302. Change of Address.**

4 The qualified agent of a bail bond agency *shall* notify the Department  
5 of any change of location and mailing address of the agency office within  
6 ten (10) working days by filing a completed change of address form  
7 provided by the Department.

8 **§ 2303. Responsibilities as a Licensee in Addition to the Other**  
9 **Obligations and Responsibilities Outlined in 11 GCA Chapter 79 and 12**  
10 **GARR Chapter 2.**

11 It is the responsibility of each and every licensee to obtain a copy of  
12 and be knowledgeable of and keep current with the rules implementing 11  
13 GCA Chapter 79.

14 **§ 2304. Criminal Complaint or Action.**

15 Every licensee *shall* notify in writing, within ten (10) days after  
16 service or knowledge thereof, the Department of any criminal complaint,  
17 information, indictment, or conviction (including a plea of guilty or nolo  
18 contendere) in which the licensee is named as a defendant.

19 **§ 2305. Bail Bond Agency and Branch Office Required Records.**

20 The following requirements and prohibitions apply to all records and  
21 documents required to be maintained by 11 GCA Chapter 79, or in these  
22 rules:

23 (a) They *shall* be maintained in accordance with generally accepted  
24 accounting practices.

25 (b) No person *shall* make any false or misleading statement, or make  
26 false or misleading entry, or willfully fail to make any entry required to be  
27 maintained or made, in any such record or document.

1 (c) No person *shall* willfully fail to produce any such record or  
2 document for inspection by the Department.

3 (d) The minimum records the qualified agent or principal partner of a  
4 bail bond agency *shall* be required to keep are:

5 (1) Bank trust account records;

6 (2) Duplicate receipt book or receipt journal;

7 (3) Prenumbered checks;

8 (4) Check register or cash disbursement journal;

9 (5) Validated bank deposit slips;

10 (6) Reconciled bank monthly statement (client liability vs bank  
11 statement);

12 (7) All canceled checks;

13 (8) All voided checks;

14 (9) 'Client information' which includes defendant's name,  
15 application, dates of transactions, amount received, amount disbursed,  
16 current balance, check number, item(s) covered, indemnitor's  
17 agreement, and indemnity agreements, premium receipts, collateral  
18 receipt(s), letter(s) of forfeiture, letter(s) of demand and affidavit(s),  
19 as applicable, and any written information or communication that *may*  
20 have influence on the bail bond or collateral placed for the bail bond;

21 (10) A transaction folder or file containing a copy of all  
22 agreements, invoices, billings, and related correspondence for each  
23 transaction;

24 (11) Records or description of all collaterals, securities, or  
25 monetary instruments received or held in the bail bond business  
26 transactions;

1 (12) Records of exoneration of all bail bond transactions which  
2 include:

3 (i) Court, citation or case number

4 (ii) Date of issuance of the bail

5 (iii) The defendant's name, address and telephone  
6 number

7 (iv) Amount of the bond

8 (v) Name of the court

9 (vi) Date of exoneration of the bond.

10 (e) The above records *shall* be maintained for a minimum period of  
11 three (3) years.

12 (f) All funds and monetary instruments received by the agency from  
13 customers or clients in business transactions *shall* be deposited into the trust  
14 account within three (3) working days of receipt.

15 (g) All money spent on behalf of a client *must* be deposited in and  
16 disbursed from the agent's collateral trust account, including advances, loans  
17 or money from the agency's business account to the collateral trust account  
18 to pay expenses.

19 (h) Bail bond agents *must* secure an affidavit from any party who  
20 purchases or takes possession of collateral being liquidated. The affidavit  
21 *must* state the name, address and telephone number of the party(ies)  
22 acquiring the property along with a complete description of the property,  
23 serial number or other unique identifying number, and the dollar value of the  
24 collateral being liquidated with an explanation of how the dollar value was  
25 estimated.

26 (i) If the bail bond agency provides other services to the indemnitor or  
27 client, the firm *must* provide full disclosure in writing of the relationship

1 with any persons providing such services, and prior disclosure of fees  
2 charged. The written disclosure *must* be maintained in the client's  
3 transaction file for a minimum period of three years. For purposes of this  
4 Section, 'other services' *shall* mean services unrelated to the issuance and  
5 posting of bail.

6 (j) The bail bond agent *must* provide each indemnitor or client a  
7 receipt for all personal property. The bail bond agent *shall* keep a duplicate  
8 of all receipts. The receipt will include:

9 (1) Date of receipt;

10 (2) Complete description of the property to include serial  
11 numbers or other unique identifying numbers;

12 (3) Signature of the bail bond agent; and

13 (4) A file or case number the receipt relates to.

14 (k) The bail bond agent *shall* maintain an individual ledger card to  
15 post all bank charges of any nature, including credit card charges. Accrued  
16 interest *shall* be posted to the individual ledger card. If bank charges exceed  
17 the interest earned, causing the trust account to be lower than client liability,  
18 the bail bond agent *shall* immediately deposit funds into the trust account to  
19 bring the trust account into balance. For purposes of this Subsection,  
20 'immediately' *shall* mean within one (1) banking day after the bail bond  
21 agent receives notice that the trust account is lower than client liability. All  
22 interest accruing on the trust bank account *must* be withdrawn at least once  
23 monthly.

24 **§ 2306. Bail Bond Agency Audits and Inspections.**

25 (a) All records required to be maintained by a qualified agent of a bail  
26 bond agency by 11 GCA Chapter 79, or these rules, together with any other  
27 business or other types of records of a licensee which *may* be related to the

1 bail bond activity, together with any personal property which *may* be the  
2 subject of, or related to, a bail bond business transaction *shall* be subject to  
3 inspection and audit at any reasonable time, with or without notice upon  
4 demand by the Department, for the purposes of determining compliance or  
5 noncompliance with the provisions of 11 GCA Chapter 79, and these rules.

6 (b) If records requested by the Department or auditing agency are not  
7 immediately available because they are not physically present upon the  
8 premises at the time the demand is made, they *shall* be procured and  
9 produced to the Department or auditing as soon as possible, but in any event  
10 within twenty-four (24) hours, by the licensee.

11 (c) A reasonable time for the conduct of such inspection and audit  
12 *shall* be:

13 (1) If the records or items to be inspected or audited are located  
14 anywhere upon a premise any portion of which is open for business or  
15 to the public (or members and guests), then at any time the premises  
16 are so open, or at which they are usually open; or

17 (2) If the records or items to be inspected or audited are not  
18 located upon a premise set out in Subsection (a) of this Section, then  
19 any time between the hours of 8:00 a.m. and 5:00 p.m. Monday  
20 through Friday.

## 21 22 **ARTICLE 4**

### 23 **ADJUDICATIVE PROCEEDINGS**

24  
25 § 2401. Adjudicative Proceeding.

26 § 2402. Records Used in an Adjudicative Proceeding.

27 § 2403. Conducting an Adjudicative Proceeding.

1 § 2404. False or Misleading Advertising.

2 § 2405. Standards of Professional Conduct.

3  
4 **§ 2401. Adjudicative Proceeding.**

5 Administrative Adjudicative Law *shall* govern the administration of  
6 adjudicative proceedings conducted by request, and/or at the discretion of  
7 the Director or Board pursuant to Administrative Adjudicative Law, for the  
8 categories of matters set forth below. Adjudicative proceedings will be  
9 limited to a determination of one or more of the following issues:

10 (a) Whether an applicant for a license meets the minimum criteria for  
11 a license to practice as a, bail bond agency, qualified agent, branch office, or  
12 bail bond agent in Guam and the Department proposes to deny the  
13 application;

14 (b) Whether a person is in compliance with the terms and conditions  
15 of a final order or agreement previously issued by the Department;

16 (c) Whether a license holder requesting renewal has submitted all  
17 required information and whether a license holder meets minimum criteria  
18 for renewal; and

19 (d) Whether a license holder has been certified by a lending agency  
20 and reported to the Department for nonpayment or default on a federally or  
21 Guam guaranteed educational loan or service-conditional scholarship.

22 (e) Whether a bail bond agency has more than four (4) occurrences of  
23 defendants contracted with that bail bond agency failing to uphold bail  
24 conditions within a rolling a twelve (12) month period.

25 **§ 2402. Records Used in an Adjudicative Proceeding.**

26 (a) The preliminary record with respect to an application for an  
27 original or renewal license *shall* consist of:



1 (1) The application for the license, renewal, or approval and all  
2 associated documents;

3 (2) All documents relied upon by the Department in proposing  
4 to deny the license, renewal, or approval; and

5 (3) All correspondence between the applicant for license,  
6 renewal, or approval and the Department regarding the application.

7 (b) The preliminary record with respect to determination of  
8 compliance with a previously issued final order or agreement *shall* consist  
9 of:

10 (1) The previously issued final order or agreement;

11 (2) All reports or other documents submitted by, or at the  
12 direction of, the license holder, in full or partial fulfillment of the  
13 terms of the final order or agreement;

14 (3) All correspondence between the license holder and the  
15 Department regarding compliance with the final order or agreement;  
16 and

17 (4) All documents relied upon by the Department showing that  
18 the license holder has failed to comply with the previously issued final  
19 order or agreement.

20 (c) The preliminary record with respect to the determination of  
21 nonpayment or default by the license holder on a federally or state-  
22 guaranteed educational loan or service-conditional scholarship *shall* consist  
23 of:

24 (1) Certification and report by the lending agency that the  
25 identified person is in default or nonpayment on a federally or Guam  
26 guaranteed educational loan or service-conditional scholarship; or

1 (2) A written release, if any, issued by the lending agency  
2 stating that the identified person is making payment on the loan in  
3 accordance with a repayment agreement approved by the lending  
4 agency.

5 **§ 2403. Conducting an Adjudicative Proceeding.**

6 (a) Adjudicative proceedings *shall* be conducted by a presiding officer  
7 for adjudicative proceedings designated by the Director or Board. The  
8 presiding officer for the adjudicative proceedings *shall* not have personally  
9 participated in the decision, which resulted in the request for an adjudicative  
10 proceeding.

11 (b) The parties or their representatives *may* present written  
12 documentation. The presiding officer for the adjudicative proceedings *shall*  
13 designate the date by which written documents *must* be submitted by the  
14 parties.

15 (c) The presiding officer for adjudicative proceedings *may*, in his or  
16 her discretion, entertain oral argument from the parties or their  
17 representatives.

18 (d) No witnesses *may* appear to testify.

19 (e) In addition to the record, the presiding officer for the adjudicative  
20 proceedings *may* employ Department expertise as a basis for the decision.

21 (f) The presiding officer for the adjudicative proceedings *shall* not  
22 issue an oral order. Within ten (10) days of the final date for submission of  
23 materials or oral argument, if any, the presiding officer for adjudicative  
24 proceedings *shall* enter an initial order.

25 **§ 2404. False or Misleading Advertising.**

26 (a) Every advertisement by a licensee that solicits or advertises  
27 business *shall* contain the name of the business exactly as stated on the bail

1 bond agency license, and the physical address of the business as stated on  
2 the bail bond agency license, and the bail bond agency license number. A  
3 licensed bail bond agency *may* advertise under a registered trade name of the  
4 licensee provided that the registered trade name is stated exactly as  
5 documented with the Department. Licensees under this Chapter *must* notify  
6 the Department in writing, of any registered trade names intended for use in  
7 future advertising.

8 (b) Telephone directory listings that are for the purpose of providing  
9 the business name, address, and telephone number only, are not required to  
10 include the license number.

11 (c) The Department has authority to discipline bail bond agents for  
12 advertising that is false, fraudulent or misleading pursuant to 11 GCA  
13 §79113.

14 **§ 2405. Standards of Professional Conduct.**

15 (a) A bail bond agent *shall* maintain a detailed record of any collateral  
16 taken as security on any bond to the principal, indemnitor, or depositor of  
17 such collateral.

18 (b) A bail bond agent *shall* preserve or retain separately any collateral  
19 or to retain any collateral taken as security on any bond.

20 (c) A bail bond agent *shall* not have an outstanding judgment on a bail  
21 forfeiture, which judgment is or has been subject to execution on demand.

22 (d) A bail bond agent *shall* not use a relationship with any person  
23 employed by a jail facility to obtain referrals, or pay a fee or rebate or give  
24 or promise anything of value to any person having the power of arrest or  
25 having control of federal or local prisoners, trustees or prisoners incarcerated  
26 in any jail, prison or any other place used for the incarceration of persons.

1 (e) A bail bond agent *shall* not require as a condition of his/her  
2 posting a bail bond that the principal or defendant agree to engage the  
3 services of a specific attorney.

4 (f) A bail bond agent *shall* not prepare or issue forged bonds or a  
5 forged power of attorney.

6 (g) A bail bond agent *shall* not arrest or make a threat of arrest to a  
7 defendant when the defendant or the indemnitor fails to fulfill a promise to  
8 repay credit extended by the bail bond agent.

9 (h) A bail bond agent *shall* not pay a fee or rebate or give or promise  
10 anything of value to the principal or anyone on his or her behalf.

11 (i) A bail bond agent *shall* not pay a fee or rebate or give anything of  
12 value to an attorney in bail bond matters, except for legal services actually  
13 rendered on behalf of the bail bond agent.

14 (j) A bail bond agent *shall* not pay a fee or rebate or pay for a referral  
15 except from another bonding company, or promise anything of value to a  
16 person in order to secure a settlement, compromise, remission or reduction  
17 of the amount of any bail bond.”

18 **Section 10. Enactment.** This Act *shall* be effective upon enactment.

19 **Section 11. Severability.** If any provision of this Law or its application to  
20 any person or circumstance is found to be invalid, or contrary to law, such  
21 invalidity *shall* not affect other provisions or applications of this Law which can be  
22 given effect without the invalid provision or application, and to this end the  
23 provisions of this Act are severable.



*I Mina'Trentai Tres na Liheslaturan Guåhan*  
**SENATOR MICHAEL F.Q. SAN NICOLAS**

Committee on Finance & Taxation,  
General Government Operations, and Youth Development

**June 3, 2015**

Bill No. 95-33 (COR), introduced by M.F.Q. San Nicolas, F.B. Aguon, Jr., and B.T. McCreadie: AN ACT TO AMEND 8 GCA §40.20, ADD A NEW 8 GCA §40.25.5, ADD A NEW 11 GCA CHAPTER 79, ADD A NEW 11 GCA §103104(a)(7), and ADD A NEW 12 GARR CHAPTER 2; RELATIVE TO ADDRESSING OVERCROWDING AT THE DEPARTMENT OF CORRECTIONS DUE TO HE DETAINEE POPULATION BY AUTHORIZING THE USE OF BAIL BONDS FOR COURT-ORDERED BAIL AND AUTHORIZE THE JUDICIARY OF GUAM TO ESTABLISH A UNIFORM BAIL SCHEDULE; THIS ACT *SHALL* BE CITED AS THE "BAIL REFORM ACT OF 2015."

NAME (Please print)	AGENCY/ ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
<b>NONE</b>						



# 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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Senator

Rory J. Respicio

CHAIRPERSON

MAJORITY LEADER

Senator

Thomas C. Ada

VICE CHAIRPERSON

ASSISTANT MAJORITY LEADER

Speaker

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

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Senator

Michael F.Q. San Nicolas

Member

Senator

Nerissa Bretania Underwood

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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. 95-33 (COR) –Michael F.Q. San Nicolas, FRANK B. AGUON, JR., Brant T. McCreadie, "AN ACT TO AMEND 8 GCA §40.20, ADD A NEW 8 GCA §40.25.5, ADD A NEW 11 GCA CHAPTER 79, ADD A NEW 11 GCA §103104(a)(7), AND ADD A NEW 12 GARR CHAPTER 2; RELATIVE TO ADDRESSING OVERCROWDING AT THE DEPARTMENT OF CORRECTIONS DUE TO THE DETAINEE POPULATION BY AUTHORIZING THE USE OF BAIL BONDS FOR COURT-ORDERED BAIL AND TO AUTHORIZE THE JUDICIARY OF GUAM TO ESTABLISH A UNIFORM BAIL SCHEDULE; THIS ACT SHALL BE CITED AS THE "BAIL REFORM ACT OF 2015."– on May 6, 2015. COR hereby certifies that BBMR confirmed receipt of this request May 7, 2015 at 10:00 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 95-33 (COR) to be included in the committee report on said bill, is hereby waived.

Certified by:

Senator Thomas C. Ada

*Acting Chairperson of the Committee on Rules*

June 16, 2015

Date



## COMMITTEE ON RULES

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MINORITY MEMBER

May 6, 2015

VIA E-MAIL

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

Jose S. Calvo

Director

Bureau of Budget & Management Research

P.O. Box 2950

Hagåtña, Guam 96910

**RE: Request for Fiscal Notes – Bill Nos. 91-33(LS) through 95-33(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
91-33 (LS)	M.C. Torres	AN ACT TO AMEND §70115, §70116 AND §70117 OF CHAPTER 70 TITLE 11 GUAM CODE ANNOTATED RELATIVE TO THE ISSUANCE OF BUSINESS LICENSES.
92-33 (LS)	T. C. Ada	AN ACT TO AMEND SECTION 2 OF P.L. 32-176 RELATIVE TO THE TRANSFER OF GUAM DEPARTMENT OF AGRICULTURE PROPERTY TO THE OFFICE OF VETERANS AFFAIRS WITH RESPECT TO THE BOUNDARIES OF THE GUAM VETERANS CEMETERY.
93-33 (LS)	T. C. Ada FRANK B. AGUON, JR. R. J. Respicio	AN ACT TO RESERVE IN PERPETUITY THE CROWN LANDS PORTION OF "LOT APRA HARBOR RESERVATION B-5" (RETURNED FEDERAL EXCESS LANDS) FOR THE FUTURE EXPANSION OF THE GUAM U.S. VETERANS' MEMORIAL CEMETERY.
94-33 (COR)	Frank F. Blas, Jr.	AN ACT TO ADD §1037 TO CHAPTER 10 OF TITLE 1 GUAM CODE ANNOTATED TO DECLARE AN ANNUAL WAR SURVIVOR DAY FOR GUAM.
95-33 (COR)	Michael F.Q. San Nicolas FRANK B. AGUON, JR. Brant T. McCreddie	AN ACT TO AMEND 8 GCA §40.20, ADD A NEW 8 GCA §40.25.5, ADD A NEW 11 GCA CHAPTER 79, ADD A NEW 11 GCA §103104(a)(7), AND ADD A NEW 12 GARR CHAPTER 2; RELATIVE TO ADDRESSING OVERCROWDING AT THE DEPARTMENT OF CORRECTIONS DUE TO THE DETAINEE POPULATION BY AUTHORIZING THE USE OF BAIL BONDS FOR COURT-ORDERED BAIL AND TO AUTHORIZE THE JUDICIARY OF GUAM TO ESTABLISH A UNIFORM BAIL SCHEDULE; THIS ACT SHALL BE CITED AS THE "BAIL REFORM ACT OF 2015."





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MINORITY MEMBER

May 6, 2015

### MEMORANDUM

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

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

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

**Subject:** **Referral of Bill No. 95-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 95-33(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
95-33 (COR)	Michael F.Q. San Nicolas FRANK B. AGUON, JR. Brant T. McCreadie	AN ACT TO AMEND 8 GCA §40.20, ADD A NEW 8 GCA §40.25.5, ADD A NEW 11 GCA CHAPTER 79, ADD A NEW 11 GCA §103104(a)(7), AND ADD A NEW 12 GARR CHAPTER 2; RELATIVE TO ADDRESSING OVERCROWDING AT THE DEPARTMENT OF CORRECTIONS DUE TO THE DETAINEE POPULATION BY AUTHORIZING THE USE OF BAIL BONDS FOR COURT-ORDERED BAIL AND TO AUTHORIZE THE JUDICIARY OF GUAM TO ESTABLISH A UNIFORM BAIL SCHEDULE; THIS ACT SHALL BE CITED AS THE "BAIL REFORM ACT OF 2015."	05/05/15 4:52 p.m.	05/06/15	Committee on Finance and Taxation, General Government Operations and Youth Development			



Senator Michael San Nicolas <senatorsannicolas@gmail.com>

## First Notice - June 03, 2015 Legislative Hearings

Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Wed, May 27, 2015 at 4:30 PM

Bcc: mvariety <mvariety@pticom.com>, Sabrina Salas Matanane <hottips@kuam.com>, Sorensen <news@spbgum.com>, aperez@gpagwa.com, Duane George <dmgeorge@guampdn.com>, Frank Whitman <editor@mvguam.com>, Gerry Partido <gerry@mvguam.com>, gmmsinc@guam.net, Jason Salas <jason@kuam.com>, Kelly Cho <kcn.kelly@gmail.com>, Korean News <koreannews@guam.net>, KPRG <kprg@guam.net>, PDN Lifestyle <life@guampdn.com>, mabuhaynews@yahoo.com, Masako Watanabe <mwatanabe@guampdn.com>, K57 <news@k57.com>, Patti Arroyo <parroyo@k57.com>, Ray Gibson <rgibson@k57.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Steve Limtiaco <slimtiaco@guampdn.com>, sports@mvguam.com, tcoffman@k57.com, dcrisost@guam.gannett.com, weavert@pstripes.osd.mil, Pacific Daily News <news@guampdn.com>, Bruce Hill <hill.bruce@abc.net.au>, Bruce Hill <pacificjournalist@gmail.com>, parroyo@spbgum.com, Clynt Ridgell <clynt@spbgum.com>, mcpherson.kathryn@abc.net.au, communications@guam.gov, phnotice@guamlegislature.org, jalerta1 <alerta.jermaine@gmail.com>, Matthew Baza <baza.matthew@gmail.com>, Delisa Kloppenburg <delisakloppenburg@gmail.com>, Louella Losinio <louella@mvguam.com>, david@mvguam.com, John Paul Manuel <jpmanuel@gmail.com>, Speaker Judi Won Pat <speaker@judiwonpat.com>, Vice Speaker Benjamin Cruz <senadotbjcruz@aol.com>, Senator Tina Muña Barnes <senator@tinamunabarnes.com>, Senator Rory Respicio <rorryforguam@gmail.com>, "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, Senator Tom Ada <office@senatorada.org>, Senator Tony Ada <tony@tonyada.com>, Brant McCreddie <brantforguam@gmail.com>, Senator Brant McCreddie <senatorbrantmccreddie@gmail.com>, "Senator Frank Aguon, Jr." <aguon4guam@gmail.com>, Senator Tommy Morrison <tommy@senatormorrison.com>, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, agatmayorsoffice@hotmail.com, asanmainamayorsoffice@yahoo.com, bmomayor@teleguam.net, bmovmayor@teleguam.net, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter\_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, nblas\_mangilaomayor@yahoo.com, vicemayor\_allan.ungacta@yahoo.com, mayoremestc@yahoo.com, mtm\_mayors\_office@yahoo.com, pitimayor@yahoo.com, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, talofofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, koner.r@gmail.com, arleen81@gmail.com, kenjoeada@yahoo.com, anghet@hotmail.com, Ken Q <kenq@kuam.com>, Dale Alvarez <dalealvarez@gmail.com>, Responsible Guam <responsibleguam@gmail.com>, Regine Biscoe Lee <regineb.lee@gmail.com>, Chuck Ada <chuck.ada@guamairport.net>, peteroy@guamairport.net, lorilee.crisostomo@bsp.guam.gov, doagridir@yahoo.com, eduardo.ordonez@clb.guam.gov, cgarcia@investguam.com, Eric Palacios <eric.palacios@epa.guam.gov>, kpangelinan@visitguam.org, ndenight@visitguam.org, jbrown@portguam.com, david.camacho@dml.guam.gov, Michael Duenas <mjduenas@ghura.org>, martin.benavente@ghc.guam.gov, alfredo.antolin@dol.guam.gov, joseph.cameron@hrra.guam.gov, adonis.mendiola@dya.guam.gov, jose.sanagustin@doc.guam.gov, pedro.leonguerrero@cqa.guam.gov, joey.sannicolas@gfd.guam.gov, fred.bordallo@gpd.guam.gov, chief@gpd.guam.gov, jim.mcdonald@ghs.guam.gov, benito.servino@disid.guam.gov, james.gillan@dphss.guam.gov, Leo Casil <leo.casil@dphss.guam.gov>, joseph.verga@gmha.org, john.rios@bbmr.guam.gov, benita.manglona@doa.guam.gov, anthony.blaz@doa.guam.gov, "John P. Camacho" <john.camacho@revtax.guam.gov>, "Marie M. Benito" <marie.benito@revtax.guam.gov>, john.unpingco@gvao.guam.gov, jonfernandez@gdoe.net, Mary Okada <mary.okada@guamcc.edu>, raunderwood@uguam.uog.edu, AG Law <law@guamag.org>, rey.vega@mail.dmhsa.guam.gov, Julian Janssen <julian.c.janssen@gmail.com>, Gerry Partido <gerrypartido@gmail.com>, eddiecalvo@yahoo.com, Ray Tenorio <ray.tenorio@guam.gov>, mstajeron <mstajeron@investguam.com>, tsantos <tsantos@investguam.com>, frank <frank@mvguam.com>, T'Nelita Mori <tmori2222@gmail.com>, Joshua Tenorio <jtenorio@guamcourts.org>, Valerie Cruz <vcruz@guamcourts.org>, josh.tyquiengco@visitguam.org, Barrigada MayorsOffice <bmoadmin@teleguam.net>, Cheryl Chargualaf <cherylchargualaf1993@gmail.com>, Rikki Orsini <orsini.rikki@gmail.com>, ambrosio.constantino@ghs.guam.gov, Diana Sojo <yigomayorsoffice@gmail.com>, editor@saipantribune.com, jpsablan@guampdn.com, "Sablan, Jerick P" <jpsablan@guam.gannett.com>, isa <isa@kuam.com>, "Raymundo, Shawn" <sraymundo@guam.gannett.com>, Senator Mary Camacho Torres <marycamachotorres@gmail.com>, Senator Jim Espaldon <jespaldonesq@gmail.com>, "Senator Frank Blas, Jr." <frank.blasjr@gmail.com>, Senator Nerissa Bretania Underwood <senatorunderwood@guamlegislature.org>, Vejohnn Torres <vejohntorres@gmail.com>, Oyaol Ngirairiki <oyaol@guam.gov>, Julius Santos <julius.santos@guam.gov>,"

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## FIRST PUBLIC NOTICE

### FOR IMMEDIATE RELEASE

May 27, 2015

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that Senator Michael F.Q. San Nicolas, Chairman of the Committee on Finance & Taxation, General Government Operations, and Youth Development, will be convening a public hearing on **Wednesday, June 03, 2015, 2:00 p.m.**, in *I Liheslaturan Guåhan's* Public Hearing Room on the following items:

#### **Nomination of JOHN RUPLEY**

**Position:** Member, Department of Parks and Recreation Board of Commissioners

**Length of Term:** Four (4) Years

**Bill No. 91-33 (COR), introduced by M.C. TORRES:** AN ACT TO AMEND §70115, §70116, AND §70117 OF CHAPTER 70 TITLE 11 GUAM CODE ANNOTATED RELATIVE TO THE ISSUANCE OF GUAM BUSINESS LICENSES.

**Bill No. 95-33 (COR), introduced by M.F.Q. San Nicolas, F.B. Aguon, Jr., and B.T. McCreadie:** AN ACT TO AMEND 8 GCA §40.20, ADD A NEW 8 GCA §40.25.5, ADD A NEW 11 GCA CHAPTER 79, ADD A NEW 11 GCA §103104(a)(7), and ADD A NEW 12 GARR CHAPTER 2; RELATIVE TO ADDRESSING OVERCROWDING AT THE DEPARTMENT OF CORRECTIONS DUE TO HE DETAINEE POPULATION BY AUTHORIZING THE USE OF BAIL BONDS FOR COURT-ORDERED BAIL AND AUTHORIZE THE JUDICIARY OF GUAM TO ESTABLISH A UNIFORM BAIL SCHEDULE; THIS ACT SHALL BE CITED AS THE "BAIL REFORM ACT OF 2015."

**Bill No. 96-33 (COR), introduced by M.F.Q. San Nicolas:** AN ACT TO PROVIDE AN EXTENDED PERIODS FOR THE FILING OF APPEALS FOR THE REAL PROPERTY TAX ASSESSMENT FOR TAX YEARS 2014 AND 2015 AND PUBLISH AND POST NOTICES OF SUCH EXTENSION PERIODS .

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**Bill No. 100-33 (COR), introduced by J.T. Won Pat, Ed.D:** AN ACT TO AMEND §1515(i)(2) (G) OF ARTICLE 5, CHAPTER 1 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO EXTENDING THE DEADLINE FROM JULY 31, 2015 TO DECEMBER 31, 2015, FOR THE GUAM FISHERMEN'S COOPERATIVE ASSOCIATION TO EXPEND OR ENCUMBER THE PROCEEDS OF THE GRANT FOR THE CONSTRUCTION, REPAIR, AND IMPROVEMENTS OF THE GUAM FISHERMEN'S COOPERATIVE ASSOCIATION







## FACILITY.

If written testimonies are to be presented for the items listed above, copies should be delivered prior to the hearing date. Testimonies should be addressed to Senator Michael F.Q. San Nicolas and will be accepted via hand delivery to our office at the DNA Building, Suite 407, 238 Archbishop Flores Street, Hagatna, Guam; at the mail room at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or via email to [senatorsannicolas@gmail.com](mailto:senatorsannicolas@gmail.com). In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Michael F.Q. San Nicolas at (671) 472-6453 or by sending an email to [senatorsannicolas@gmail.com](mailto:senatorsannicolas@gmail.com).

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**6 attachments**

-  **Appt John M. Rupley.pdf**  
1026K
-  **Bill No. B091-33 (LS).pdf**  
98K
-  **Bill No. B096-33 (COR).pdf**  
88K
-  **Bill No. B098-33 (COR).pdf**  
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-  **Bill No. B100-33 (COR).pdf**  
54K
-  **Bill No. B095-33 (COR).pdf**  
1119K



Senator Michael San Nicolas <senatorsannicolas@gmail.com>

## Second Public Notice - June 03, 2015 Legislative Hearings

Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Mon, Jun 1, 2015 at 9:42 AM

Bcc: mvariety <mvariety@opticom.com>, Sabrina Salas Matanane <hottips@kuam.com>, Sorensen <news@spbgum.com>, aperez@gpagwa.com, Duane George <dmgeorge@guampdn.com>, Frank Whitman <editor@mvguam.com>, Gerry Partido <gerry@mvguam.com>, gmmsinc@guam.net, Jason Salas <jason@kuam.com>, Kelly Cho <kcn.kelly@gmail.com>, Korean News <koreannews@guam.net>, KPRG <kprg@guam.net>, PDN Lifestyle <life@guampdn.com>, mabuhaynews@yahoo.com, Masako Watanabe <mwatanabe@guampdn.com>, K57 <news@k57.com>, Patti Arroyo <parroyo@k57.com>, Ray Gibson <rgibson@k57.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Steve Limtiaco <slimtiaco@guampdn.com>, tcoffman@k57.com, dcrisost@guam.gannett.com, weavert@pstripes.osd.mil, Pacific Daily News <news@guampdn.com>, Bruce Hill <hill.bruce@abc.net.au>, Bruce Hill <pacificjournalist@gmail.com>, parroyo@spbgum.com, Clynt Ridgell <clynt@spbgum.com>, mcpherson.kathryn@abc.net.au, communications@guam.gov, phnotice@guamlegislature.org, jalerta1 <alerta.jermaine@gmail.com>, Delisa Kloppenburg <delisakloppenbourg@gmail.com>, Louella Losinio <louella@mvguam.com>, david@mvguam.com, John Paul Manuel <jpmanuel@gmail.com>, Speaker Judi Won Pat <speaker@judiwonpat.com>, Vice Speaker Benjamin Cruz <senadotbjcruz@aol.com>, Senator Tina Muña Barnes <senator@tinamunabarnes.com>, Senator Rory Respicio <rorryforguam@gmail.com>, "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, Senator Tom Ada <office@senadorada.org>, Senator Tony Ada <tony@tonyada.com>, Brant McCreadie <brantforguam@gmail.com>, Senator Brant McCreadie <senatorbrantmccreadie@gmail.com>, "Senator Frank Aguon, Jr." <aguon4guam@gmail.com>, Senator Tommy Morrison <tommy@senatormorrison.com>, "Mayor Paul M. McDonald" <mayor.mcdonald671@gmail.com>, agatmayorsoffice@hotmail.com, asanmainamayorsoffice@yahoo.com, bmomayor@teleguam.net, bmovmayor@teleguam.net, Jessy Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter\_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, nblas\_mangilaomayor@yahoo.com, vicemayor\_allan.ungacta@yahoo.com, mayorernestc@yahoo.com, mtm\_mayors\_office@yahoo.com, pitimayor@yahoo.com, Robert Hofmann <guammayor@gmail.com>, rudy iriarte <rudyiriarte@gmail.com>, talofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, koner.r@gmail.com, arleen81@gmail.com, kenjoeada@yahoo.com, anghet@hotmail.com, Ken Quintanilla <kenq@kuam.com>, Dale Alvarez <daleealvarez@gmail.com>, Responsible Guam <responsibleguam@gmail.com>, Regine Biscoe Lee <regineb.lee@gmail.com>, Chuck Ada <chuck.ada@guamairport.net>, peterroy@guamairport.net, lorilee.crisostomo@bsp.guam.gov, doagridir@yahoo.com, eduardo.ordonez@clb.guam.gov, cgarcia@investguam.com, Eric Palacios <eric.palacios@epa.guam.gov>, ndenight@visitguam.org, jbrown@portguam.com, david.camacho@dml.guam.gov, Michael Duenas <mjduenas@ghura.org>, martin.benavente@ghc.guam.gov, alfredo.antolin@dol.guam.gov, joseph.cameron@hrra.guam.gov, adonis.mendiola@dya.guam.gov, jose.sanagustin@doc.guam.gov, pedro.leonguerrero@cqa.guam.gov, joey.sannicolas@gfd.guam.gov, fred.bordallo@gpd.guam.gov, chief@gpd.guam.gov, jim.mcdonald@ghs.guam.gov, benito.servino@disid.guam.gov, james.gillan@dphss.guam.gov, Leo Casil <leo.casil@dphss.guam.gov>, anthony.blaz@doa.guam.gov, "John P. Camacho" <john.camacho@revtax.guam.gov>, "Marie M. Benito" <marie.benito@revtax.guam.gov>, john.unpingco@gvao.guam.gov, jonfernandez@gdoe.net, Mary Okada <mary.okada@guamcc.edu>, raunderwood@uguam.uog.edu, AG Law <law@guamag.org>, rey.vega@mail.dmhsa.guam.gov, Julian Janssen <julian.c.janssen@gmail.com>, Gerry Partido <gerrypartido@gmail.com>, eddiecalvo@yahoo.com, Ray Tenorio <ray.tenorio@guam.gov>, mstaijeron <mstaijeron@investguam.com>, tsantos <tsantos@investguam.com>, frank <frank@mvguam.com>, T'Nelta Mori <tmori2222@gmail.com>, Joshua Tenorio <jtenorio@guamcourts.org>, Valerie Cruz <vcruz@guamcourts.org>, josh.tyquiengco@visitguam.org, Barrigada MayorsOffice <broadmin@teleguam.net>, ambrosio.constantino@ghs.guam.gov, Diana Sojo <yigomayorsoffice@gmail.com>, editor@saipantribune.com, jpsablan@guampdn.com, "Sablan, Jerick P" <jpsablan@guam.gannett.com>, isa <isa@kuam.com>, "Raymundo, Shawn" <rraymundo@guam.gannett.com>, Senator Mary Camacho Torres <marycamachotorres@gmail.com>, Senator Jim Espaldon <jespaldonesq@gmail.com>, "Senator Frank Blas, Jr." <frank.blasjr@gmail.com>, Senator Nerissa Bretania Underwood <senatorunderwood@guamlegislature.org>, Oyaol Ngirairiki <oya@guam.gov>, Julius Santos <julius.santos@guam.gov>, franklin.arriola@guam.gov, Adam Bearce <adam@guamlegislature.org>, tmtaitano@gdoe.com

## SECOND PUBLIC NOTICE

### FOR IMMEDIATE RELEASE

June 01, 2015

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that Senator Michael F.Q. San Nicolas, Chairman of the Committee on Finance & Taxation, General Government Operations, and Youth Development, will be convening a public hearing on **Wednesday, June 03, 2015, 2:00 p.m.**, in / *Liheslaturan Guáhan's* Public Hearing Room on the following items:

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If written testimonies are to be presented for the items listed above, copies should be delivered prior to the hearing date. Testimonies should be addressed to Senator Michael F.Q. San Nicolas and will be accepted via hand delivery to our office at the DNA Building, Suite 407, 238 Archbishop Flores Street, Hagatna, Guam; at the mail room at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or via email to [senatorsannicolas@gmail.com](mailto:senatorsannicolas@gmail.com). In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Michael F.Q. San Nicolas at (671) 472-6453 or by sending an email to [senatorsannicolas@gmail.com](mailto:senatorsannicolas@gmail.com).

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Updated as of May 21, 2015

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Updated as of May 21, 2015

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Updated as of May 21, 2015

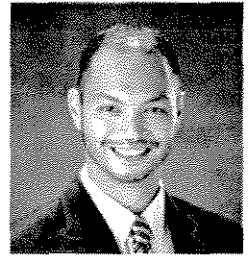
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# Senator Michael F.Q. San Nicolas

Chairman - Committee on Finance & Taxation,  
General Government Operations, and Youth Development  
*I Mina'trentai Tres Na Liheslaturan Guåhan* | 33<sup>rd</sup> Guam Legislature



**Legislative Hearing**  
**Wednesday, June 3, 2015**  
**2:00 p.m.**  
Public Hearing Room  
*I Liheslaturan Guåhan*

## AGENDA

### I. Call to Order

### II. Opening Remarks/Announcements

### III. Items for Public Consideration

Bill No. 91-33 (<sup>LS</sup>~~COR~~), introduced by M.C. Torres: AN ACT TO *AMEND* §70115, §70116, AND §70117 OF CHAPTER 70, TITLE 11, GUAM CODE ANNOTATED RELATIVE TO THE ISSUANCE OF GUAM BUSINESS LICENSES.

Bill No. 95-33 (COR), introduced by M.F.Q. San Nicolas, F.B. Aguon, Jr., and B.T. McCreadie: AN ACT TO *AMEND* 8 GCA §40.20, *ADD A NEW* 8 GCA §40.25.5, *ADD A NEW* 11 GCA CHAPTER 79, *ADD A NEW* 11 GCA §103104(a)(7), and *ADD A NEW* 12 GARR CHAPTER 2; RELATIVE TO ADDRESSING OVERCROWDING AT THE DEPARTMENT OF CORRECTIONS DUE TO HE DETAINEE POPULATION BY AUTHORIZING THE USE OF BAIL BONDS FOR COURT-ORDERED BAIL AND AUTHORIZE THE JUDICIARY OF GUAM TO ESTABLISH A UNIFORM BAIL SCHEDULE; THIS ACT *SHALL* BE CITED AS THE "BAIL REFORM ACT OF 2015."

Bill No. 96-33 (COR), introduced by M.F.Q. San Nicolas: AN ACT TO PROVIDE AN EXTENDED PERIODS FOR THE FILING OF APPEALS FOR THE REAL PROPERTY TAX ASSESSMENT FOR TAX YEARS 2014 AND 2015 AND PUBLISH AND POST NOTICES OF SUCH EXTENSION PERIODS .

Bill No. 98-33 (COR), introduced by F.B. Aguon, Jr.: AN ACT TO *AMEND* §4104 OF ARTICLE 1, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED; RELATIVE TO PROVIDING PREFERENTIAL CREDIT FOR CIVILIAN VOLUNTEER POLICE RESERVE MEMBERS WHO APPLY FOR UNIFORMED POLICE OFFICER POSITIONS WITHIN THE GUAM POLICE DEPARTMENT.

Bill No. 100-33 (COR), introduced by J.T. Won Pat, Ed.D: AN ACT TO *AMEND* §1515(i)(2)(G) OF ARTICLE 5, CHAPTER 1 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO EXTENDING THE DEADLINE FROM JULY 31, 2015 TO DECEMBER 31, 2015, FOR THE GUAM FISHERMEN'S COOPERATIVE ASSOCIATION TO EXPEND OR ENCUMBER THE PROCEEDS OF THE GRANT FOR THE CONSTRUCTION, REPAIR, AND IMPROVEMENTS OF THE GUAM FISHERMEN'S COOPERATIVE ASSOCIATION FACILITY.

### Nomination of JOHN RUPLEY

**Position:** Member, Department of Parks and Recreation Board of Commissioners

**Length of Term:** Four (4) Years

### IV. Closing Remarks

### V. Adjournment