

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
107-32 (LS)	Brant T. McCreadie	AN ACT TO ADD A NEW SECTION TO CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING A "TWO STRIKES" PROVISION FOR HABITUAL OFFENDERS OF SERIOUS CRIMES.	5/3/13 3:45 p.m.	5/6/13	Committee on the Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary	6/13/13, 9:00am		Fiscal Note Requested 5/7/13 Fiscal Note Received 6/19/13



COMMITTEE ON RULES

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

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

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

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
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Speaker
Judith T.P. Won Pat, Ed.D.
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Michael F.Q. San Nicolas
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Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

June 19, 2013

Memorandum

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

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

Subject: **Fiscal Note**

2013 JUN 19 PM 4: 02
RM

Hafa Adai!

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

FISCAL NOTE:
Bill No. 107-32(LS)

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

Si Yu'os ma'åse'!



BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

FACSIMILE INFORMATION PAGE

PLEASE DELIVER TO: Attn: Carla

FACSIMILE NUMBER: 472-3547

FROM: Analyn, BDMR

Total Pages including this page: -3-

If you do not receive legible copies of all the pages, please call (671) 475-9412 or (671) 475-9106 as soon as possible.

RE: Fiscal Note of Bill NO. 10732 (LS)

COMMENTS: _____

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 107-32 (LS)**

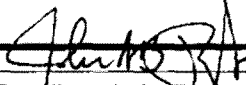

AN ACT TO ADD A NEW SECTION TO CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING A "TWO STRIKES" PROVISION FOR HABITUAL OFFENDERS OF SERIOUS CRIME

Department/Agency Appropriation Information	
Dept./Agency Affected:	Dept./Agency Head:
Department's General Fund (GF) appropriation(s) to date:	20,111,228
Department's Other Fund (Specify) appropriation(s) to date: Safe Street Fund and Correction Inmate Revolving Fund	951,661
Total Department/Agency Appropriation(s) to date:	\$21,062,889

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

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

Analyst: 	Date: 6/19/13	Director: 	Date: 6/19/13
John AB Pangilinan, Acting Deputy Director		John A. Rios, Director	

Footnotes:
See attached comments

Comments on Bill No. 107-32

The proposed legislation is seeking to incarcerate a person who has committed any violent or aggravated felony for life without any mitigation of the prison sentence as the result of a previous conviction of the same or similar violent or aggravated felony crime.

Currently, the prison population is approximately 700 inmates today to include those in the lockup facility in Hagatna. The original inmate capacity of the Mangilao Correction Center was less than 100 and for the Hagatna lockup was 30 inmates. Today, due to piecemeal installations from the main facility, the Mangilao Correction facility is able to expand the inmate population to 600 and the Hagatna lockup facility to 80 inmates. How much more inmates can be incarcerated in both facilities still needs to be determined, but not by much, given the initial capacities of both facilities. Should this Act be passed, a new prison facility would be needed to house the addition influx of new prisoners. The estimated funding requirement for such new facility and land could be as high as \$40 Million.

Additionally, more correctional officers would be needed as the inmate population increases. Currently the Department of Correction has a staff of approximately 156 Correction Officers to monitor the prison inmates at both facilities. However, this staff level is still insufficient to cover the required 24/7 schedule required of such operation, resulting in high overtime cost of approximately \$2.0 Million as of June 2013 of this fiscal year. The FY 2013 Appropriation for the Department of Correction is \$15.7 Million for the General Fund net of de-appropriation and another \$951,661 for Special Funds for a total aggregate amount of approximately \$16.7 Million of this amount \$14.7 Million is for personnel service cost to include salary, retirement and other benefits. This personnel service cost could increase by as much as 20% in next two to three years should this Act be passed.

The passage of this Act would directly influences the number of inmates incarcerated with the Department of Correction, resulting in increased Correction Officers and perhaps a new correctional facility compound in the foreseeable future.



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2013 MAY -7 PM 2: 08

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

May 7, 2013

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

VIA E-MAIL
john.rios@bbmr.guam.gov

Senator
Vicente (Ben) C. Pangelinan
Member

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

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

Senator
Dennis G. Rodriguez, Jr.
Member

RE: Request for Fiscal Note– Bill Nos. 102-32(COR), 103-32(COR),
104-32(COR), 105-32(COR), 106-32(LS),
107-32(LS), and 108-32(COR)

Vice-Speaker
Benjamin J.F. Cruz
Member

Hafa Adai Mr. Rios:

Legislative Secretary
Tina Rose Muña Barnes
Member

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

Senator
Frank Blas Aguon, Jr.
Member

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

Senator
Michael F.Q. San Nicolas
Member

Very Truly Yours,

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator Rory J. Respicio
Chairperson, Committee on Rules

Senator
Aline Yamashita
Member

Attachments (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
102-32 (COR)	B.J.F. Cruz	AN ACT TO AMEND §4402 OF CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE meetings of the CIVIL SERVICE COMMISSION.
103-32 (COR)	B.J.F. Cruz	AN ACT TO AMEND SECTION 14 OF CHAPTER XII, OF PUBLIC LAW 31-233, RELATIVE TO THE STIPENDS of the CIVIL SERVICE COMMISSION.
104-32 (COR)	V.C. Pangelinan	AN ACT RELATIVE TO TRANSFER OF THE TITLE OF OWNERSHIP OF LOT NO. 7 NEW, BLOCK NO. 1, TRACT 1427 LOCATED IN THE MUNICIPALITIES OF TAMUNING, TIYAN FROM THE GUAM INTERNATIONAL AIRPORT AUTHORITY TO THE CHAMORRO LANDTRUST COMMISSION.
105-32 (COR)	Judith T. Won Pat, Ed.D.	AN ACT TO AUTHORIZE SUBSIDY PAYMENTS RECEIVED IN CONNECTION WITH QUALIFIED SCHOOL CONSTRUCTION BONDS ISSUED PURSUANT TO CHAPTER 58B OF TITLE 5, GUAM CODE ANNOTATED.
106-32 (LS)	R.J. Respicio v.c. pangelinan	AN ACT TO MANDATE THAT THE BUREAU OF STATISTICS AND PLANS (BSP) COLLECT DATA ON THE AMOUNT AND TYPE OF ALL PRODUCE IMPORTED TO GUAM, SUCH INFORMATION TO BE LISTED QUARTERLY BY TYPE OF PRODUCE ON BOTH THE BSP AND DEPARTMENT OF AGRICULTURE'S WEBSITES.
107-32 (LS)	Brant T. McCreadie	AN ACT TO ADD A NEW SECTION TO CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING A "TWO STRIKES" PROVISION FOR HABITUAL OFFENDERS OF SERIOUS CRIMES.
108-32 (COR)	T.R. Muna Barnes	AN ACT TO AMEND §§ 44103, 44105, 44108, 44114, and 44115 OF CHAPTER 44, TITLE 10, GUAM CODE ANNOTATED; AND TO REPEAL §§ 44106 and 44109 OF CHAPTER 44, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND § 45105 OF CHAPTER 45, TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND § 51504 OF CHAPTER 51, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM BEVERAGE CONTAINER RECYCLING ACT OF 2010 AND THE POWER OF THE GUAM ENVIRONMENTAL PROTECTION AGENCY TO IMPLEMENT THE SAME.



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Member
MINORITY LEADER

Senator
Aline Yamashita
Member

May 6, 2013

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

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

Subject: Referral of Bill Nos. 106 & 107-32(LS)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill Nos. 106 & 107-32(LS)**.

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

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

Si Yu'os Ma'åse!

Attachment

MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 107-32 ^{LS} (~~44~~) *OK*

Introduced by:

Brant T. McCreadie *[Signature]*
Dennis G. Rodriguez Jr. *[Signature]*
~~Judith T. Won Pat~~
Tina Rose Muna Barnes *[Signature]*
Michael F. Q. San Nicolas *[Signature]*
V. Anthony Ada *[Signature]*
Michael Lintiaco *[Signature]*

**AN ACT TO ADD A NEW SECTION TO CHAPTER
80, TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO CREATING A "TWO STRIKES"
PROVISION FOR HABITUAL OFFENDERS OF
SERIOUS CRIMES.**

2013 MAY - 3 PM 3:45 *OK*

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 there has been a sharp increase in violent and serious crimes. *I Liheslaturan Guåhan*
4 further finds that many of these violent crimes are committed again and again by
5 persons previously convicted of other serious crimes. These habitual offenders have
6 shown that rehabilitation for them is not an option. As such, it is in the people's best
7 interest that habitual offenders be incarcerated for a significant period of time.

8 Therefore, it is the intent of *I Liheslaturan Guåhan* to implement a habitual
9 offender statute by adding a new Section to Chapter 80, Title 9, Guam Code
10 Annotated.

11 **Section 2.** The new Section to be added shall read as follows:

1 Habitual Offenders

2 A. Notwithstanding any provision that establishes a shorter term of
3 imprisonment, a person who has been convicted of committing or attempting or
4 conspiring to commit any violent or aggravated felony and who has previously
5 been convicted of a violent or aggravated felony not committed on the same
6 occasion and separated by intervening arrest shall be sentenced to imprisonment
7 for life and is not eligible for suspension of sentence, probation, or parole or
8 release .

9 B. In order for this penalty under this section to apply, both of the
10 following must occur:

11 1. Judgment for the aggravated or violent felony that comprises the
12 prior conviction shall have been entered within fifteen (15) years of the
13 conviction for the current offense, however time spent in custody or on
14 probation for an offense or while the person is an absconder shall not be
15 excluded from the calculation of the fifteen (15) years.

16 C. For the purposes of this section:

17 1. "Violent or Aggravated Felony" means any of the following
18 offenses if committed in this territory or any offense committed outside
19 this Territory that if committed in this Territory would constitute one of
20 the following offenses:

21 (a) Criminal Homicide, 9 G.C.A. §16.

22 (b) Aggravated Assault and Assault, 9 G.C.A. §§19.20 & 19.30.

23 (c) Terroristic Conduct, 9 G.C.A. §19.50

24 (d) Kidnapping, 9 G.C.A. § 22.20

25 (e) Felonious Restraint, 9 G.C.A. §22.30

26 (f) Child Stealing, 9 G.C.A. §22.40

1 (g) Criminal Sexual Conduct in the 1st, 2nd, & 3rd Degrees, 9
2 G.C.A. §§25.15, 25.20, & 25.25.

3 (h) Criminal Sexual Conduct in the 4th Degree as it defined in 9
4 G.C.A. §25.30 as a Felony in the 3rd Degree.

5 (i) Assault with Intent to Commit Criminal Sexual Conduct, 9
6 G.C.A. §25.35

7 (j) Compelling Prostitution, 9 G.C.A. §28.30 as defined involving a
8 child.

9 (k) Indecent Electronic Display to a Child, 9 G.C.A. §25.01.10

10 (l) Electronic Enticement of a Child as a 1st, 2nd, & 3rd Degree
11 Felony, 9 G.C.A. §§25.01.40, 25.01.30, & 25.01.20

12 (m) Crimes Involving Obscenity & Related Offenses Involving
13 Children, 9 G.C.A. §§1628.51 & 28.52.

14 (n) Photography of Minors' Sexual Acts, 9 G.C.A. §28.80

15 (o) Possession of Child Pornography, 9 G.C.A. §25.01.60.

16 (p) Dissemination of Child Pornography, 9 G.C.A. §25.01.70

17 (q) Family Violence, as a Felony, 9 G.C.A. §30.20

18 (r) Child Abuse, 9 G.C.A. §31.30

19 (s) Aggravated Arson, 9 G.C.A. §34.20

20 (t) Negligent Burning, 9 G.C.A. §34.40

21 (u) Burglary, 9 G.C.A. §37.20.

22 (v) Robbery in the 1st, 2nd, & 3rd, 9 G.C.A. §1640.10, 40.20, &
23 40.30.

24 (w) Felony Escape, 9 G.C.A. §58.20.

25 (x) Riot, Failure to Disperse, 9 G.C.A. §61.10.

1 (y)Violation of the Guam Gun Free School Zone Act of 2004, 9
2 G.C.A. §71

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

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