

*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
216-32 (LS)	Judith T. Won Pat, Ed.D., T.R. Muña Barnes Aline A. Yamashita, Ph.D.	AN ACT RELATIVE TO ENACTING PRINCIPLES OF BALANCED AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER	10/31/13 9:51 a.m.		Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations	1/15/14 2:30 p.m.		<b>Fiscal Note Received 2/18/14</b>



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

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Member

Senator  
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Member

Senator  
Michael F.Q. San Nicolas  
Member

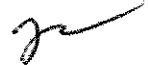
Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

February 17, 2014

### Memorandum

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

**From:** Senator Thomas C. Ada   
*Acting Chairperson of the Committee on Rules*

**Subject:** Fiscal Notes /Waivers

*Hafa Adai!*

Attached please find the fiscal notes and waivers for the bill numbers listed below.

Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

#### FISCAL NOTES:

Bill No. 216-32(LS)  
Bill No. 228-32(LS)  
Bill No. 229-32(COR)  
Bill No. 230-32(COR)  
Bill No. 258-32(COR)  
Bill No. 260-32(COR)

#### WAIVERS:

Bill No. 253-32(COR)  
Bill No. 261-32(COR)

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

*Si Yu'os ma'åse'!*

2014 FEB 18 AM 9:52

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO  
GOVERNORJOHN A. RIOS  
DIRECTORRAY TENORIO  
LIEUTENANT GOVERNORJOSE S. CALVO  
DEPUTY DIRECTOR

FEB 13 2014

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Dos na Liheslaturan Guáhan  
The 31<sup>st</sup> Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 216-32(LS), 228-32(LS), 229-32(COR), 230-32(COR), 258-32(COR), 260-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 253-32(COR), and 261-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

A handwritten signature in black ink, appearing to read "John A. Rios".

JOHN A. RIOS  
Director

Enclosures  
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 216-32 (LS)**

**AN ACT RELATIVE TO ENACTING PRINCIPLES OF BALANCED AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Judiciary of Guam	Dept./Agency Head: F. Phillip Carbullido, Chief Justice
Department's General Fund (GF) appropriation(s) to date:	26,279,638
Department's Other Fund (Specify) appropriation(s) to date: Safe Streets Fund	146,205
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>526,425,843</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (Bill No. 1(4-S))	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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

Analyst: Dina P. Rivera      Date: 1/29/14      Director: John A. Rios, Director      Date: FEB 13 2014

**Footnotes:**  
Per written testimony recently provided by the Director of Policy, Planning and Community Relations of the Judiciary of Guam, the Judiciary is in support of the Bill No. 216-32(LS). The testimony mentions that "Bill No. 216-32(LS) would establish restorative justice for juvenile offenders as a public policy for the entire government and potentially result in a reduction of juvenile cases that are currently in the system. In addition, the legislation adequately maintains the judge's discretion in adjudicating cases." As such, a fiscal impact could be associated from the cost of any required training and/or Consultant services for "mediation and alternative dispute resolutions" as proposed in the subject Bill. However, this impact is undetermined at this time.



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Aline Yamashita  
Member

October 31, 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 No. 216-32(LS)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 216-32(LS)**.

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 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

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

Bill No. 216-32 (LS)

Introduced by:

Judith T. Won Pat, Ed.D. 

Tina R. Muna Barnes 

Aline A. Yamashita, Ph.D. 

**AN ACT RELATIVE TO ENACTING PRINCIPLES  
OF BALANCED AND RESTORATIVE JUSTICE IN  
THE JUVENILE CRIMINAL JUSTICE SYSTEM  
BETWEEN THE VICTIM AND OFFENDER**

2013 OCT 31 AM 9:51  


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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds  
3 that it is the policy of this territory that principles of Balanced and Restorative  
4 Justice be included in shaping how the juvenile criminal justice system responds to  
5 persons charged with or convicted of criminal offenses. The policy goal is a  
6 community response to a juvenile's wrongdoing at its earliest onset, and a type and  
7 intensity of sanction tailored to each instance of wrongdoing.

8 **Section 2. Balanced and Restorative Justice Objectives.**

9 (a) To resolve conflicts and disputes by means of a non-adversarial community  
10 process.

11 (b) To repair damage caused by criminal acts to communities in which they  
12 occur, and to address wrongs inflicted on individuals victims.

1 (c) To reduce the risk of an offender committing a more serious crime in the  
2 future, that would require a more intensive and more costly sanction, such as  
3 incarceration.

4 **Section 3. Implementation.** Judicial and law enforcement officials shall  
5 develop and employ restorative justice approaches whenever feasible and  
6 responsive to specific criminal acts involving juveniles not involving serious  
7 crimes against persons or property, crimes involving criminal sexual conduct or  
8 serious family violence. It is the further intent of the Legislature that restorative  
9 justice programs be designed to encourage participation from the community,  
10 including victims when they so chose, and judicial and law enforcement officials in  
11 holding the offender accountable for damage caused to communities and victims,  
12 and in restoring offenders to the law-abiding community.

13 **Section 4. Victim and Community Involvement in Sentencing.** A court,  
14 when considering the sentence to be imposed against a juvenile for an offense  
15 other than a crime committed under Criminal Homicide, Sexual Offenses or  
16 Family Violence may permit the victim and the offender to submit a sentence for  
17 the court's review based upon a negotiated agreement between the victim and the  
18 offender, or between the offender and the community if there is no victim. The  
19 court may, with the consent of the victim and offender, impose the sentence that  
20 has been determined by the negotiated agreement if the sentence accomplishes the  
21 goals of restoring the victim and the community and rehabilitation of the offender.