

*I Mina'Trentai Dos 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
<b>301-32 (COR)</b>	Brant T. McCreadie	AN ACT TO AMEND § 52.30 OF CHAPTER 52 TITLE 9 GUAM CODE ANNOTATED RELATIVE TO THE CRIME OF UNSWORN FALSIFICATION.	3/31/14 9:48 a.m.	03/31/04	Committee on the Guam U. S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary	4/28/14 9 a.m.		<b>Fiscal Note Request 04/01/14 Fiscal Note Received 4/22/14</b>



# COMMITTEE ON RULES

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

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

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MAJORITY LEADER

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Thomas C. Ada  
VICE CHAIRPERSON  
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Aline Yamashita  
Member

April 22, 2014

## Memorandum

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

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

**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.259-32(COR)
- ✓ Bill No. 279-32(COR)
- ✓ Bill No. 287-32(COR)
- ✓ Bill No. 293-32(COR)
- ✓ Bill No. 294-32(COR)
- ✓ Bill No. 301-32(COR)
- ✓ Bill No. 303-32(COR)

### WAIVER:

- ✓ Bill No. 233-32(COR)
- ✓ Bill No. 295-32(COR)
- ✓ Bill No. 297-32(COR)
- ✓ Bill No. 300-32(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 APR 22 M 9:42

**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

APR 21 2014

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Dos na Liheslaturan Guåhan  
The 32nd Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 259-32(COR), 279-32(COR), 287-32(COR), 293-32(COR), 294-32(COR), 301-32(COR), 303-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 233-32(COR), 295-32(COR), 297-32(COR), and 300-32(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 "J.A. Rios".

JOHN A. RIOS  
Director

Enclosures  
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note for Bill No. 301-32 (COR)**

**AN ACT TO AMEND §52.30 OF CHAPTER 52 TITLE 9 GUAM CODE ANNOTATED RELATIVE TO THE CRIME OF UNSWORN FALSIFICATION.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Attorney General's Office	Dept./Agency Head: Leonardo Rapadas
Department's General Fund (GF) appropriation(s) to date:	11,817,973
Department's Other Fund (Specify) appropriation(s) to date:	-
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$11,817,973</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance <sup>1</sup>			
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
<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 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
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>

- 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? // N/A // Yes /x/ No  
Is there a federal mandate to establish the program/agency? // Yes /x/ No
- Will the enactment of this Bill require new physical facilities? // Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: // Yes /x/ No  
// Requested agency comments not received by due date // Other: \_\_\_\_\_

Analyst: Matt Quinata Date: \_\_\_\_\_ Director: John A. Rios Date: APR 21 2014  
 Matt Quinata John A. Rios, BBMR Director

Footnotes:  
See attachment to fiscal note.A18

*Handwritten initials: TP 4/14/14*

**Bill Number: 301.32 (COR)*****Comments***

The intent of this bill is to provide for individuals with intent to provide verbal false statements to mislead a public servant to be guilty of a misdemeanor. The fiscal impact in the passage of this bill will be possible imprisonment if individual is found guilty of a misdemeanor. Title 9 GCA, Chapter 80, §80.34 notes the courts may set a maximum term not to exceed one (1) year for an individual convicted of a misdemeanor. This new offense and the imprisonment requirement will have an effect on operational costs to all law enforcement departments/agencies. As an example, cost for the Department of Correction for a conviction resulting in a 12 months sentence will result in costs totaling \$36,500 per person. (Average cost of inmate per day is \$100)

### **§ 80.34. Misdemeanor & Petty Misdemeanor Sentences.**

Except as otherwise provided by § 80.36, a person who has been convicted of a misdemeanor or a petty misdemeanor may be sentenced to imprisonment, as follows:

(a) in the case of a misdemeanor, the court shall set a maximum term not to exceed one (1) year;

(b) in the case of a petty misdemeanor, the court shall set a definite term not to exceed sixty (60) days.

**SOURCE:** G.P.C. § 19; \*M.P.C. § 6.08; Cal. § 320 (1971); Mass. ch. 264, § 10; N.J. § 2C:43-8.

**CROSS-REFERENCES:** § 680.1(b), Code Civ. Proc. (Amended by Section 28, P.L. 13-187) - Rights to jury trial.

**COMMENT:** § 80.34 provides the basic terms of imprisonment which may be imposed upon a conviction for a misdemeanor or petty misdemeanor. Under Subsection (a) only a maximum term is provided. The Parole Board will determine the actual release date. Under Subsection (b), the sentencing judge sets a definite term and the Parole Board is neither required nor permitted to change the release date so established.



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April 1, 2014

VIA E-MAIL

[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

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

**RE: Request for Fiscal Notes– Bill Nos. 301-32 (COR) and 302-32(COR)**

*Hafa Adai* Mr. Rios:

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.

*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

<b>Bill Nos.</b>	<b>Sponsors</b>	<b>Title</b>
<b>301-32 (COR)</b>	Brant T. McCreadie	AN ACT TO AMEND § 52.30 OF CHAPTER 52 TITLE 9 GUAM CODE ANNOTATED RELATIVE TO THE CRIME OF UNSWORN FALSIFICATION.
<b>302-32 (COR)</b>	Brant T. McCreadie	AN ACT TO REPEAL § 73127 AND TO REPEAL AND REENACT § 73130 OF CHAPTER 73 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING FINES AND PENALTIES FOR INDIVIDUALS WHO MAKE FALSE STATEMENTS TO A GUAM CUSTOMS OFFICER.





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Aline Yamashita  
Member

March 31, 2014

### MEMORANDUM

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

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

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

**Subject: Referral of Bill No. 301-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 301-32(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 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***  
**2014 (SECOND) Regular Session**

**Bill No.** 301-32(012)

Introduced by:

Brant T. McCreadie 

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**AN ACT TO AMEND § 52.30 OF CHAPTER 52 TITLE  
9 GUAM CODE ANNOTATED RELATIVE TO THE  
CRIME OF UNSWORN FALSIFICATION.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3 Police officers, Customs officers and a whole range of other public servants rely on  
4 interviews and verbal questioning to obtain needed information in the performance of  
5 their official duties. However, it is an inevitable reality that government officials  
6 discover that persons knowingly mislead public servants in the course of an interview  
7 or interrogation. As it stands under current Guam law however, the crime of Unsworn  
8 Falsification does not include a provision for a person who verbally misleads a public  
9 servant while performing official duties. By adding a provision that sets a punishment  
10 for verbal Unsworn Falsifications, Guam peace officers will have the ability to arrest  
11 those who verbally mislead them with the intent of committing an action against the  
12 welfare of the people of Guam.

13 Therefore, it is the intent of *I Liheslaturan Guåhan* to add a provision to  
14 establish a penalty for individuals who make verbal Unsworn Falsifications by  
15 amending § 52.30 of Chapter 52, Title 9 Guam Code Annotated.

16 **Section 2.** § 52.30 of Chapter 52, Title 9 Guam Code Annotated is hereby  
17 *amended* to read:

1                   **“§ 52.30. Unsworn Falsifications; Defined & Punished.**

2                   A person is guilty of a misdemeanor if, with intent to mislead a public  
3 servant in performing his official function, he makes, submits or uses:

4                   (a) any written false statement of his own which he does not then believe  
5 to be true; ~~or~~

6                   **(b) any verbally provided false statement of his own which he does not**  
7 **then believe to be true; or**

8                   ~~(b)~~ (c) any physical object, exhibit, writing or drawing which he knows to  
9 be either false or not what it purports to be in the circumstances in which it is  
10 made, submitted or used.”

11                  **Section 3. Effective Date.** This act shall be effective immediately upon  
12 enactment.

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