

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
407-32 (COR)	Brant T. McCreddie	AN ACT TO REPEAL AND REENACT §58.60 OF CHAPTER 58, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO THE CRIME OF PROMOTING PRISON CONTRABAND.	10/09/14 11:00 a.m.	10/10/14	Committee on the Guam U. S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary	10/22/14 2 p.m.		Fiscal Note Request 10/14/14 Fiscal Note Recd 11/18/14



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

November 18, 2014

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Memorandum

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

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

Senator
Dennis G. Rodriguez, Jr.
Member

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

Vice-Speaker
Benjamin J.F. Cruz
Member

Subject: **Fiscal Notes and Waiver**

Legislative Secretary
Tina Rose Muña Barnes
Member

Hafa Adai!

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

Senator
Frank Blas Aguon, Jr.
Member

FISCAL NOTE:
Bill No. 407-32 (COR)
Bill No. 414-32(LS)

Senator
Michael F.Q. San Nicolas
Member

WAIVER:
Bill No. 412-32(COR)

Senator
V. Anthony Ada
Member
MINORITY LEADER

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

Senator
Aline Yamashita
Member

Si Yu'os ma'åse'!

NOV 19 PM 1:23

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 407-32 (COR)**

AN ACT TO REPEAL AND REENACT §58.60 OF CHAPTER 58, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO THE CRIME OF PROMOTING PRISON CONTRABAND; WHICH MAY BE CITED AS THE CONTRABAND REFORM ACT OF 2014

Department/Agency Appropriation Information

Dept./Agency Affected: Department of Corrections	Dept./Agency Head: Jose A. San Agustin, Director
Department's General Fund (GF) appropriation(s) to date:	24,704,502
Department's Other Fund (Specify) appropriation(s) to date: Correction Revolving Fund and Safe Street Fund	1,248,896
Total Department/Agency Appropriation(s) to date:	\$25,953,398

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2014 Unreserved Fund Balance		\$0	\$0
FY 2015 Adopted Revenues	\$0	\$0	\$0
FY 2015 Appro. (P.L. 32-181)	\$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 2015 (if applicable)	FY 2016	FY 2017	FY 2018	FY 2019
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / x / Yes / / 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? / x / N/A / / Yes / / 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
/ x / Requested agency comments not received by due date / / Other:

Analyst: <u>Diana E. Pobre</u> Date: 11/10/14	Director: <u>Anthony C. Blaz</u> Date: <u>NOV 12 2014</u>
Diana E. Pobre, Budget & Mgmt. Analyst III	Anthony C. Blaz, Director

Footnotes:
(see attached)

**Bureau of Budget & Management Research
Attachment to Fiscal Note No. 407-32 (COR)
(for revenue generating provisions)**

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	\$0	\$0	\$0	\$0	\$0
Other Fund:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Total	\$0	\$0	\$0	\$0	\$0

Comments:

1/ The Bill has a potential funding impact, based on §58.60 (b) and (c) which specifies that any person, including a person in custody who introduces or attempts to introduce; conveys or attempts to convey; possesses or attempts to possess; and receive, obtain or remove or attempt to receive, obtain or remove contraband or major contraband from a detention facility will be fined five hundred dollars (\$500.00) and/or no less than thirty (30) days imprisonment or five thousand dollars (\$5,000.00) and/or no less than three (3) years imprisonment (major contraband). Assuming five (5) violations per year, the funding impact would be between \$2,500 and \$25,000 in fines. However, should violators be imprisoned, cost for housing, meals, medical, dental, and etc. would exceed fines collected. Lastly, the bill does not specify where the fees collected will be deposited.



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V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

October 14, 2014

VIA E-MAIL

anthony.blaz@bbmr.guam.gov

Anthony C. Blaz
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 407-32(COR) through 411-32(COR)

Hafa Adai Mr. Blaz:

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

Bill Nos.	Sponsors	Title
407-32 (COR)	Brant T. McCreadie	AN ACT TO REPEAL AND REENACT §58.60 OF CHAPTER 58, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO THE CRIME OF PROMOTING PRISON CONTRABAND.
408-32 (COR)	Dennis G. Rodriguez, Jr., T. C. Ada	AN ACT TO PROVIDE FOR DEVELOPMENT AND IMPLEMENTATION OF COMPARABLE RATE SCHEDULE R CHARGES FOR RESIDENTIAL MULTIFAMILY ACCOMMODATIONS BY THE GUAM POWER AUTHORITY, BY ADDING A NEW ITEM (1) TO §8104(D) OF CHAPTER 8, TITLE 12, GUAM CODE ANNOTATED, AND A NEW ITEM (1) TO §3111 OF ARTICLE 1, CHAPTER 3, TITLE 28, GUAM ADMINISTRATIVE RULES AND REGULATIONS.
409-32 (COR)	Dennis G. Rodriguez, Jr	AN ACT TO PROVIDE FOR A HAZARDOUS PAY DIFFERENTIAL FOR EMPLOYEES OF THE GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER IN UNSAFE OR DANGEROUS HAZARDOUS DUTY WORKING CONDITIONS, BY ADDING A NEW §86112 TO CHAPTER 86, TITLE 10, GUAM CODE ANNOTATED.
410-32 (COR)	T.R. Muña Barnes	AN ACT TO REZONE LOT NO. 88, TRACT NO. 1536, (AGRICULTURAL SUBDIVISION), BARRIGADA, GUAM, ESTATE NO. 56545, FROM AGRICULTURAL ZONE (A) TO MULTIPLE DWELLING ZONE (R-2).
411-32 (COR)	Michael T. Limtiaco	AN ACT TO DE-APPROPRIATE SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) FROM THE SUMS APPROPRIATED TO THE LEGISLATURE AND RE-APPROPRIATE SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00) TO THE GUAM MEMORIAL HOSPITAL AUTHORITY.



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Senator
V. Anthony Ada
Member
MINORITY LEADER


Senator
Aline Yamashita
Member

October 10, 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. 407-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 407-32(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. 407-32 (COR)

Introduced by:

Brant McCreadie

**AN ACT TO REPEAL AND REENACT §58.60 OF
CHAPTER 58, TITLE 9 GUAM CODE ANNOTATED
RELATIVE TO THE CRIME OF PROMOTING
PRISON CONTRABAND; WHICH MAY BE CITED
AS THE CONTRABAND REFORM ACT OF 2014.**

2014 OCT -9 AM 11:00
FAM

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

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

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

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

1 **“§58.60. Promoting Prison Contraband.**

2 (a) As used in this section:

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

7 (2) "Major contraband" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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