



COMMITTEE ON RULES

I Mina'trentai Tres na Liheslaturan Guåhan • The 33rd Guam Legislature

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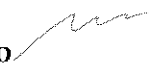
V. Anthony Ada
MINORITY LEADER

Mary C. Torres
MINORITY MEMBER

February 18, 2015

Memorandum

To: Rennae Meno
Clerk of the Legislature

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

Subject: Fiscal Notes

Hafa Adai!

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

FISCAL NOTES:

Bill No. 7-33(COR)
Bill No. 14-33(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'!

2015 FEB 18 PM 2:29

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 14-33 (COR)**

AN ACT TO ADD A NEW §80.39 TO ARTICLE 2, CHAPTER 80, TITLE 9 GUAM CODE ANNOTATED KNOWN AS THE JUSTICE SAFETY VALVE ACT OF 2013 RELATIVE TO EMPOWERING THE COURTS OF GUAM TO DEPART FROM APPLICABLE MANDATORY MINIMUM SENTENCES UNDER SPECIFIC CONDITIONS, AND FOR OTHER PURPOSES.

Department/Agency Appropriation Information	
Dept./Agency Affected: Unified Judiciary of Guam	Dept./Agency Head: Honorable Robert J. Torres, Chief
Department's General Fund (GF) appropriation(s) to date:	32,661,437
Department's Other Fund (Specify) appropriation(s) to date:	145,323
Total Department/Agency Appropriation(s) to date:	\$32,806,760

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 thru 32-204)	\$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

- Does the bill contain "revenue generating" provisions? /x/ Yes // 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: /x/ Yes // No
// Requested agency comments not received by due date // Other:

Analyst: Dina P. Rivera Date: 2-12-15 Director: [Signature] Date: FEB 18 2015
Dina P. Rivera Jose Salvo, Acting Director

Comments:
See attachment.

COMMENTS TO BILL No. 14-33(COR)

AN ACT TO ADD A NEW §80-39 TO ARTICLE 2, CHAPTER 80, TITLE 9
GUAM CODE ANNOTATED KNOWN AS THE JUSTICE SAFETY VALVE
ACT OF 2013 RELATIVE TO EMPOWERING THE COURTS OF GUAM TO
DEPART FROM APPLICABLE MANDATORY MINIMUM SENTENCES
UNDER SPECIFIC CONDITIONS, AND FOR OTHER PURPOSE.

According to the proposed Bill's Legislative Findings and Intent, *I Liheslaturan Guåhan* seeks to allow the Guam Courts the ability to impose sentences below the mandatory minimum sentence under specific conditions. It is anticipated that giving the courts more flexibility in sentencing will help improve our justice system and reserve scarce prison beds for the totally violent offenders. The Bill also provides for the reinvestment of twenty-five percent (25%) of any realized savings as a result of this Act to revert to the General Fund to support advance evidence-based practices to reduce recidivism.

Per written testimony, the Judiciary of Guam supports the intent of the proposed measure, however, is concerned with the provision of the reinvestment as the Judiciary of Guam cannot quantify any potential savings to court operations and suggest it be closely examined given the fiscal challenges being experienced by the Department of Corrections (DOC) and its growing population. Furthermore, the Office of Public Accountability (OPA) on its Audit Report No. 14-06 on DOC's Prison Capacity Planning cites that DOC lacks a prison capacity plan to effectively manage its growing prisoner (inmates/detainees) population and currently has the highest pre-trial detention rate in the world.

In closing, the Bureau would like to note that the proposed Bill does not include language on how the "realized savings" would be monitored between the Judiciary of Guam and the DOC. In addition, since the Bill is proposing that savings be reverted to the General Fund, if enacted, would entail an appropriation from the General Fund for the specific purpose of supporting evidence-based practices to reduce recidivism by the Judiciary of Guam and/or the DOC.