

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
188-32 (COR)	T.R. MUÑA Barnes, B. J.F. Cruz	AN ACT TO ADD A NEW § 80.50 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.	9/17/13 4:17 p.m.	9/19/13	Committee on the Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary			Fiscal Note Requested 09/24/13



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
Member

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

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

September 24, 2013

VIA E-MAIL
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. 177-32(COR) through 180-32(COR);
184-32(COR) through 186-32(COR); and 188-
32(COR) through 193-32(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, Committee on Rules

Attachments (1)

Cc: Clerk of the Legislature

2013 SEP 24 AM 10:15 AM

Bill Nos.	Sponsor	Title
177-32 (COR)	Vicente (ben) C. Pangelinan, Michael F.Q. SanNicolas, Judith T. Won Pat, Ed.D., T. R. Muña Barnes, Frank B. Aguon, Jr., B.J.F. Cruz, R.J. Respicio	AN ACT MAKING APPROPRIATIONS FOR THE OPERATIONS OF THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCHES OF THE GOVERNMENT OF GUAM FOR FISCAL YEAR ENDING SEPTEMBER 30, 2014; MAKING OTHER APPROPRIATIONS; AND ESTABLISHING MISCELLANEOUS AND ADMINISTRATIVE PROVISIONS.
178-32 (COR)	Judith T. Won Pat, Ed.D. Tina R. Muna Barnes D.G. Rodriguez, Jr., Rory J. Respicio, Michael F.Q. San Nicolas Frank B. Aguon, Jr. Tommy Morrison	AN ACT TO APPROPRIATE THE REMAINING FUNDS ESCHEATED TO THE GENERAL FUND PRIOR TO END OF FISCAL YEAR 2013, PURSUANT TO §21116 OF CHAPTER 21, DIVISION 2, TITLE 5, GUAM CODE ANNOTATED, TO THE DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES AND AUTHORIZED TO USE AS A LOCAL REQUIREMENT FOR THE MEDICAID PROGRAM.
179-32 (COR)	B.J.F. Cruz T.R. Muña-Barnes J.T. Won Pat, Ed.D	AN ACT TO AMEND P.L. 30-83 RELATIVE TO THE COORDINATING COMMITTEE OF THE 12TH FESTIVAL OF PACIFIC ARTS OF 2016.
180-32 (COR)	B.J.F. Cruz T. C. Ada	AN ACT TO AMEND SECTION 30102(a) OF CHAPTER 30, TITLE 5 GUAM CODE ANNOTATED, TO REQUIRE AGENCIES PERMITTED TO RETAIN COUNSEL OTHER THAN THE ATTORNEY GENERAL, TO HIRE UNCLASSIFIED, IN-HOUSE COUNSEL.
184-32 (COR)	Aline A. Yamashita, Ph.D., V. Anthony Ada, Brant T. McCreddie, Tommy Morrison, Michael T. Limtiaco, Chris M. Dueñas	AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) FROM SECTION 30 TAX REVENUES TO THE DEPARTMENT OF EDUCATION FOR THE IMPLEMENTATION OF PROVISIONS OF PUBLIC LAW NO. 31-29.
185-32 (COR)	Michael T. Limtiaco, Brant T. McCreddie, V. Anthony Ada, Chris M. Dueñas, Tommy Morrison, Aline A. Yamashita, Ph.D.,	AN ACT TO APPROPRIATE THE SUM OF FOUR HUNDRED FORTY NINE THOUSAND, ONE HUNDRED NINETEEN DOLLARS (\$449,119) FROM SECTION 30 TAX REVENUES TO PURCHASE VEHICLES FOR THE GUAM POLICE DEPARTMENT.
186-32 (COR)	Tommy Morrison, Brant T. McCreddie, V. Anthony Ada, Chris M. Dueñas, Michael T. Limtiaco, Aline A. Yamashita, Ph.D.,	AN ACT TO APPROPRIATE THE SUM OF THREE MILLION DOLLARS (\$3,000,000) FROM SECTION 30 TAX REVENUES TO THE GUAM POLICE DEPARTMENT, THE GUAM FIRE DEPARTMENT, AND THE DEPARTMENT OF CORRECTIONS.

<p>188-32 (COR)</p>	<p>T.R. MUÑA Barnes, B. J.F. Cruz</p>	<p>AN ACT TO ADD A NEW § 80.50 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.</p>
<p>189-32 (COR)</p>	<p>Dennis G. Rodriguez, Jr.</p>	<p>AN ACT TO FACILITATE THE RECRUITMENT OF HARD-TO-FILL ALLIED HEALTH PROFESSIONAL POSITIONS, BY AMENDING §6229.14 OF CHAPTER 6, 4 GCA, AND SUBSECTION (a) OF § 12805, ARTICLE 8, CHAPTER 12, PART 1, 10 GCA.</p>
<p>190-32 (COR)</p>	<p>B J.F. Cruz, Judith T. Won Pat, Ed.D., Aline A. Yamashita, Ph.D.</p>	<p>AN ACT TO ADD A NEW CHAPTER 28 TO DIVISION 2 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE RESEARCH CORPORATION, UNIVERSITY OF GUAM (RCUOG).</p>
<p>191-32 (COR)</p>	<p>Frank B. Aguon, Jr.</p>	<p>AN ACT TO AMEND PUBLIC LAW 31-235, RELATIVE TO THE WOMEN'S REPRODUCTIVE HEALTH INFORMATION ACT OF 2012.</p>
<p>192-32 (COR)</p>	<p>B J.F. Cruz</p>	<p>AN ACT TO ADD A NEW § 64.15, § 64.16, AND § 64.17 TO CHAPTER 64 OF TITLE 9 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE PROHIBITION AND FORFEITURE OF ELECTRONIC MACHINES OR DEVICES TO CONDUCT SWEEPSTAKES GAMBLING.</p>
<p>193-32 (COR)</p>	<p>Dennis G. Rodriguez, Jr.</p>	<p>AN ACT TO AMEND SECTION 4 OF PUBLIC LAW 31-235 TO DELETE THE PROVISION REQUIRING THE "PRINTED MATERIALS" AND THE "CHECKLIST CERTIFICATION" TO UNDERGO THE RULE MAKING PROCESS PURSUANT TO THE ADMINISTRATIVE ADJUDICATION LAW.</p>



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
Member

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

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

September 19, 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. 188 & 189-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill Nos. 188 & 189-32(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

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN

2013 () Regular Session

Bill No. 188-32 (col)

Introduced by:

T.R. Muña Barnes
B.J.F. Cruz

2013 SEP 17 PM 4:17

AN ACT TO ADD A NEW § 80.50 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.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. **Legislative Findings and Intent.** Taking a cue from recent congressional efforts to
3 save taxpayer dollars by reserving scarce prison beds for the most dangerous offenders—efforts
4 culminating in the introduction in both houses of the U.S. Congress of the “The Justice Safety Valve
5 Act of 2013,” (S. 619; HR 1695)—*I Liheslaturan Guáhan* seeks a similar “safety valve” at the
6 territorial level, thereby allowing Guam courts to likewise impose sentences below the mandatory
7 minimum sentence under specific conditions. The federal Act marks a national embrace of similar
8 sentencing safety valves that have been enacted by legislatures in some eight states and counting. Like
9 its state counterparts, the federal legislation is a sound way to reduce prison populations and save
10 money, while at the same time protecting public safety. The federal Act seeks only to codify what has
11 been described as an “common-sense” understanding that while mandatory minimum sentences may be
12 appropriate in *many* cases, they are certainly not so in *every* case, especially those cases involving
13 nonviolent offenders.

14 *I Liheslaturan Guáhan* finds that giving courts more flexibility in sentencing will only improve
15 upon our justice system, as scarce prison beds will be reserved first and foremost to keep the public
16 safe from truly violent offenders. *I Liheslaturan Guáhan* further finds that legislative bodies across the
17 United States have too often moved in the mistaken policy direction of imposing new mandatory
18 minimum sentences, unsupported by evidence, while failing to re-authorize and adequately fund crucial
19 alternative programs designed to, among other things, rehabilitate prisoners so that they may be
20 released to rejoin their communities as contributing members thereof. As Senator Patrick Leahy said

1 upon the introduction of the federal “Justice Safety Valve Act of 2013,” “[o]ur reliance on mandatory
2 minimums has been a great mistake. It is time for us to let judges go back to acting as judges and
3 making decisions based on the individual facts before them. A one-size-fits-all approach to sentencing
4 does not make us safer.” In other words, *I Liheslaturan Guåhan* intends not to require Guam judges to
5 impose shorter sentences, but rather only to authorize them to depart below a statutory mandatory
6 minimum sentence after finding, among other things, that providing a particular defendant a shorter
7 sentence will not jeopardize public safety. Put plainly, in cases where the mandatory minimum does
8 not account for the offender’s limited role in a crime, or other relevant factors, judges would be
9 allowed to consider those factors and narrowly tailor more appropriate sentences in such cases.

10 **Section 2. A new Section 80.50, Article 2, Chapter 80, 9 Guam Code Annotated is hereby**
11 **added to read as follows:**

12 “§80.50. **Title.** This Section shall be known and may be cited as Justice Safety Valve Act of
13 2013.

14 **§80.50.1. Sentencing.**

15 (A) Notwithstanding any other provision of law, when sentencing a person convicted of a
16 violation for which there is a mandatory minimum sentence, but which did not:

17 (1) Include the use, attempted use or threatened use of serious physical force by the
18 defendant against another person or result in the serious physical injury of another
19 person by the defendant; or

20 (2) Involve any sexual contact offense by the defendant against a minor (other than an
21 offense involving sexual conduct where the victim was at least 13 years old and the
22 offender was not more than four years older than the victim and the sexual conduct was
23 consensual);

24 (B) The court may depart from the applicable mandatory minimum sentence if the court finds
25 substantial and compelling reasons on the record that, in giving due regard to the nature of the crime,
26 history and character of the defendant and his or her chances of successful rehabilitation that:

27 (1) Imposition of the mandatory minimum would result in substantial injustice to the
28 defendant;

29 (2) The mandatory minimum sentence is not necessary for the protection of the public.

30 **§80.50.2. Exceptions.** Section 80.50.1 of this Article shall not apply if the court finds that:

31 (1) The individual has a conviction for the same offense during the ten-year period prior
32 to the commission of the offense;

33 (2) The individual intentionally uses a firearm in a manner that causes physical injury

1 during the commission of the offense; or

2 (3) The individual was the leader, manager, or supervisor of others in a continuing
3 criminal enterprise.

4 **§80.50.3. Reporting.** Upon departing from mandatory minimum sentences, judges shall report
5 to Judicial Council which shall, one year following the enactment of this statute and annually
6 thereafter, make available in electronic form and on the World Wide Web, a report as to the number of
7 departures from mandatory minimum sentences made by each judge of the Superior Court of Guam.

8 **§80.50.4. Reinvestment.** Twenty-five (25) percent of the savings realized as a result of this act
9 shall revert to the general fund to advance evidence-based practices shown to reduce recidivism.”

10 **Section 3. Severability.** The provisions outlined in this Act are declared to be separate and
11 severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this Act,
12 or the invalidity of the application thereof to any person or circumstance shall not affect the validity of
13 the remainder of this Act, or the validity of its application to other persons or circumstances.

14 **Section 4. Effective Date.** The provisions outlined in this Act shall become effective
15 immediately upon passage.