

*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
<b>200-32 (COR)</b>	R.J. Respicio, T.C. Ada, B J.F. Cruz	AN ACT TO AMEND TITLE 10 GUAM CODE ANNOTATED §77135 RELATIVE TO POLICE CLEARANCES, TO BE KNOWN AS THE "POLICE CLEARANCE CLARITY ACT OF 2013."	9/30/13 10:38 a.m.	9/30/13	Committee on General Governmental Operations and Cultural Affairs			<b>Fiscal Note Request 10/1/13</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)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

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Thomas C. Ada  
VICE CHAIRPERSON  
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Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

October 1, 2013

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. 194-32(COR) through 201-32(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 OCT - 1 PM 4: 26

Bill Nos.	Sponsor	Title
194-32 (COR)	Michael F.Q. San Nicolas	AN ACT TO ADD A NEW CHAPTER 55 TO DIVISION 2, TITLE 12, GUAM CODE ANNOTATED AND A NEW SUBSECTION (i) TO §103104 OF CHAPTER 10, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF A GUAM INTRASTATE SECURITIES EXCHANGE UNDER THE INTRASTATE OFFERING EXEMPTION OF THE SECURITIES ACT OF 1933.
195-32 (COR)	Frank B. Aguon, Jr.	AN ACT RELATIVE TO PROTECTING INFANTS WHO ARE BORN ALIVE AS A RESULT OF AN ABORTION, THROUGH THE ESTABLISHMENT OF THE "INFANT CHILD'S RIGHT TO LIFE ACT"; THROUGH ADDING A NEW CHAPTER 91 TO TITLE 9, GUAM CODE ANNOTATED.
196-32 (COR)	T.C. Ada R.J. Respicio	AN ACT TO AMEND SECTIONS 51301(c) AND 53105 OF CHAPTER 53, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ENSURING THE ADEQUATE REPAIR AND RESTORATION OF GUAM'S PUBLIC ROADWAYS BY CONTRACTORS WHO OPEN AND EXCAVATE THESE ROADS.
197-32 (COR)	Judith T. Won Pat, Ed.D., T. R. Muña Barnes	AN ACT TO ADD A NEW §3223 TO CHAPTER 3 OF TITLE 17 GUAM CODE ANNOTATED, RELATIVE TO HONORARY HIGH SCHOOL DIPLOMAS FOR CERTAIN SENIOR CITIZENS.
198-32 (COR)	Judith T. Won Pat, Ed.D., T. R. Muña Barnes	AN ACT TO ADD A NEW §5013 TO TITLE 5, CHAPTER 5 OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO GOVERNMENT PROCUREMENT POLICY IN FAVOR OF WOMEN OWNED BUSINESSES.
199-32 (COR)	Judith T. Won Pat, Ed.D., T.C. Ada	AN ACT TO AMEND §22425(q)(4) AND (q)(5) OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO FUNDING THE FACILITIES AND MAINTENANCE DIVISION OF THE GUAM DEPARTMENT OF EDUCATION.
200-32 (COR)	R.J. Respicio, T.C. Ada, B.J.F. Cruz	AN ACT TO AMEND TITLE 10 GUAM CODE ANNOTATED §77135 RELATIVE TO POLICE CLEARANCES, TO BE KNOWN AS THE "POLICE CLEARANCE CLARITY ACT OF 2013."
201-32 (COR)	B.J.F. Cruz	AN ACT TO ADD A NEW §5141 TO CHAPTER 5 OF TITLE 5 OF THE GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING SYSTEM OF TRAINING, CONTINUING EDUCATION, AND CERTIFICATION FOR GOVERNMENT OF GUAM PROCUREMENT PERSONNEL.



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September 30, 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. 200-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 200-32(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 GUÅHAN  
2013 (FIRST) Regular Session

Bill No. ~~200~~-32 (COR)

Introduced by:

R.J. RESPICIO  
T.C. ADA  
B.J.F. CRUZ

2013 SEP 20 AM 10:38

AN ACT TO AMEND TITLE 10 GUAM CODE  
ANNOTATED §77135 RELATIVE TO POLICE  
CLEARANCES, TO BE KNOWN AS THE "POLICE  
CLEARANCE CLARITY ACT OF 2013."

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 SECTION 1. **Legislative Findings and Intent.** *I Liheslatura* finds that  
3 the principle that all citizens are innocent until proven guilty, is the  
4 foundation of our system of justice and our democratic form of  
5 governance. Therefore, any clearance report issued by a government  
6 agency involved in law enforcement, such as the Guam Police  
7 Department, shall be in accordance with this principle.

8 *I Liheslatura* further finds that a majority of jurisdictions across  
9 the country have enacted limits on the use of arrest histories when  
10 making employment decisions. Under the United States Civil Rights  
11 Act, the Equal Employment Opportunity Commission's guidelines

1 protect job seekers from discrimination based on arrest histories.  
2 Employers are being advised to stop using arrest information, and to  
3 comply with the specific rules for their jurisdictions, in order to make  
4 it clear to all parties that the law maintains that an individual is  
5 innocent until proven guilty.

6 *I Liheslatura* further finds that local police clearance reports are  
7 in need of clarification as evidenced by the Office of the Attorney  
8 General's recent "Information and Guidance" (Ref: GPD13-0361,  
9 dated August 23, 2013) submitted to the Chief of Police, Guam Police  
10 Department, relative to the content of police clearances.

11 According to such updated guidance and clarity on the subject  
12 of police clearances relative to "arrest records and not to police  
13 reports that deal with traffic accidents and other matters," Assistant  
14 Attorney General David J. Highsmith notes that "Such police reports  
15 are confidential pursuant to Title 10 GCA § 77129 and can be released  
16 only according to its terms."

17 It is therefore the intent of *I Liheslatura* to *add a new* Title 10  
18 Guam Code Annotated §77135 relative to police clearances, based on  
19 the above referenced guidance.

1           **SECTION 2.** A *NEW* Title 10 Guam Code Annotated §77135 is  
2 *added* to read:

3           “§ 77135. The Establishment of Procedures regarding Police  
4 Clearances **SHALL ONLY** include the following relative to  
5 arrests and police reports:

- 6                   1. Charges for which the arrestee is convicted.
- 7                   2. Charges for which a juvenile is convicted as an adult.

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