

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
200-32 (COR) - VETOED	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.	09/30/13	Committee on General Governmental Operations and Cultural Affairs	10/07/13 10:00 a.m.	10/29/13 2:06 p.m.	Fiscal Note Requested 10/01/13 Fiscal Note Wauiver Received 10/08/13
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	11/12/2013	AN ACT TO ADD A NEW § 77135 TO ARTICLE 1, CHAPTER 77 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO POLICE CLEARANCES, TO BE KNOWN AS THE "POLICE CLEARANCE CLARITY ACT OF 2013."	11/15/13	11:28 a.m.	11/27/2013			As substituted by the Committee on General Government Operations & Cultural Affairs. 11/27/13 - VETOED

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

NOV 27 2013

Honorable Judith T. Won Pat, Ed.D
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

32-13-1011
Office of the speaker
Judith T. Won Pat, Ed. D.
Date 11.27.13
Time 5:12 PM
Received by: [Signature]

2013 NOV 29 AM 8:29
[Signature]

Dear Madame Speaker:

Although I understand the concern for persons who are legally presumed innocent until proven guilty, information about whether a person was arrested is already in the public domain. The police blotter is regularly published in the newspaper. An arrest record does not disclose any information not already public.

Further, just because a person who is arrested isn't convicted, it doesn't mean there is no longer any need for concern, or that the arrest is never relevant to a person's employment. This legislation wants unconvicted arrestees to have the opportunity to get a job. What about the nursery school owner who wants to make sure that he or she isn't hiring someone with a history of arrests for child molestation, regardless of conviction; or the bank that wants to make sure it isn't hiring someone with a history of arrests for theft and embezzlement?

I'm aware that there was testimony provided to support this bill stating that consideration of an arrest record violates the Civil Rights Act. This testimony, however, shows either a lack of understanding of the law or an intent to deceive. Per federal Equal Employment Opportunity Commission (EEOC) guidelines on the enforcement of the Civil Rights Act:

"An arrest . . . may in some circumstances trigger an inquiry into whether the conduct underlying the arrest justifies an adverse employment action. [The Civil Rights Act] calls for a fact-based analysis to determine if an exclusionary policy or practice is job related and consistent with business necessity. Therefore, an exclusion based on an arrest, in itself, is not job related and consistent with business necessity. Although an arrest record standing alone may not be used to deny an employment opportunity, an employer may make an employment

1011

decision based on the conduct underlying the arrest if the conduct makes the individual unfit for the position in question. The conduct, not the arrest, is relevant for employment purposes.”

Guam law already allows for the expungement of arrests if a person is acquitted or the statute of limitations for prosecution has expired. The sensible thing to do is to leave the current law intact and leave the onus on the person who wants to have his arrest record expunged. If that process has proven to be expensive or administratively onerous, then the legislature should consider ways to make it easier for that person to have his record to expunged—*after* acquittal or the expiration of the statute of limitations—rather than deny employers of potentially critical information in the hiring process.

I understand the burden on wrongfully accused persons, who may be denied employment opportunities, but I cannot in good conscience sign legislation that prevents a store or a bank from knowing that a person it is considering to handle cash receipts has multiple arrests for theft or embezzlement. I cannot agree to a law that prevents the Department of Public Works from knowing that a person it is considering as a school bus driver has been arrested for child molestation, or that denies that same information to a nursery school owner.

It is for these reasons that I am vetoing Bill 200-32.



EDDIE BAZA CALVO
Governor of Guam

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 200-32 (COR)**, "AN ACT TO ADD A NEW § 77135 TO ARTICLE 1, CHAPTER 77 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO POLICE CLEARANCES, TO BE KNOWN AS THE "POLICE CLEARANCE CLARITY ACT OF 2013", was on the 12th day of November 2013, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

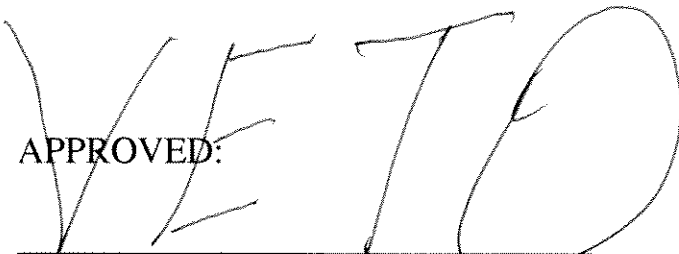
Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 15th day of Nov.,
2013, at 11:28 o'clock A.M.


APPROVED:



EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: NOV 27 2013

Public Law No. _____



Assistant Staff Officer
Maga'lahi's Office

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 200-32 (COR)

As substituted by the Committee on General Government Operations
& Cultural Affairs.

Introduced by:

R. J. Respicio
T. C. Ada
B. J.F. Cruz
V. Anthony Ada
FRANK B. AGUON, JR.
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreddie
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW § 77135 TO ARTICLE 1,
CHAPTER 77 OF TITLE 10, GUAM CODE
ANNOTATED, 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 the
3 principle that all citizens are innocent until proven guilty is the foundation of our
4 system of justice and our democratic form of governance. Therefore, any clearance

1 report issued by a government agency involved in law enforcement, such as the
2 Guam Police Department, *shall* be in accordance with this principle.

3 *I Liheslatura* further finds that a majority of jurisdictions across the country
4 have enacted limits on the use of arrest histories when making employment
5 decisions. Under the United States Civil Rights Act, the Equal Employment
6 Opportunity Commission’s guidelines protect job seekers from discrimination
7 based on arrest histories. Employers are being advised to stop using arrest
8 information, and to comply with the specific rules for their jurisdictions, in order to
9 make it clear to all parties that the law maintains that an individual is innocent until
10 proven guilty.

11 *I Liheslatura* further finds that local police clearance reports are in need of
12 clarification, as evidenced by the Office of the Attorney General’s recent
13 “Information and Guidance” (Ref: GPD13-0361, dated August 23, 2013) submitted
14 to the Chief of Police, Guam Police Department, relative to the content of police
15 clearances.

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

21 It is, therefore, the intent of *I Liheslatura* to add a new §77135 to Title 10,
22 Guam Code Annotated, relative to police clearances, based on the above
23 referenced guidance, in language that has been vetted by the Office of the Attorney
24 General.

25 **Section 2.** A new §77135 is *added* to Article 1, Chapter 77 of Title 10,
26 Guam Code Annotated, to read:

27 “§ 77135. Police Clearances *shall only* include the following

- 1 relative to arrests and police reports:
- 2 (a) Charges for which the arrestee is convicted.
- 3 (b) Charges for which a juvenile is convicted as an adult.
- 4 (c) The restrictions in this §77135 *do not* apply to the use by
- 5 federal and local law enforcement agencies of criminal history
- 6 records.”



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

November 13, 2013

The Honorable Edward J.B. Calvo
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CENTRAL FILES

J. Delo Rosa
RECEIVED BY
TIME 11:28 AM. DATE 11/15/13

Dear Maga'lahi Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 35-32(COR), 74-32(LS), 75-32(LS), 91-32(COR), 94-32(COR), 98-32(LS), 99-32(LS), 108-32(COR), 112-32(COR), 116-32(COR), 133-32(COR), 134-32(COR), 140-32(COR), 141-32(COR), 143-32(COR), 145-32(LS), 150-32(COR), 153-32(COR), 154-32(COR), 156-32(COR), 157-32(COR), 158-32(COR), 160-32(COR), 161-32(COR), 162-32(LS), 165-32(COR), 170-32(LS), 176-32(COR), 189-32(COR), 193-32(COR), 194-32(COR), 195-32(COR), 196-32(COR), 200-32(COR), 205-32(COR), 210-32(COR), 211-32(COR) and 217-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 12, 2013.

Sincerely,

Tina Rose Muña Barnes
Legislative Secretary

Enclosures (38)

**I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session**

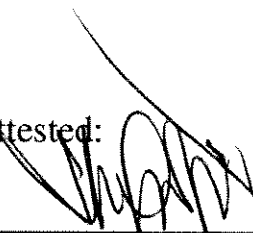
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

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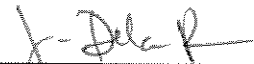
**Judith T. Won Pat, Ed.D.
Speaker**

Attested:



**Tina Rose Muña Barnes
Legislative Secretary**

This Act was received by *I Maga'lahaen Guåhan* this 15th day of Nov., 2013, at 11:28 o'clock A.M.



**Assistant Staff Officer
*Maga'lahi's Office***

APPROVED:

**EDWARD J.B. CALVO
*I Maga'lahaen Guåhan***

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 200-32 (COR)

As substituted by the Committee on General Government Operations
& Cultural Affairs.

Introduced by:

R. J. Respicio
T. C. Ada
B. J.F. Cruz
V. Anthony Ada
FRANK B. AGUON, JR.
Chris M. Dueñas
Michael T. Lintiaco
Brant T. McCreddie
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**AN ACT TO ADD A NEW § 77135 TO ARTICLE 1,
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4 system of justice and our democratic form of governance. Therefore, any clearance

1 report issued by a government agency involved in law enforcement, such as the
2 Guam Police Department, *shall* be in accordance with this principle.

3 *I Liheslatura* further finds that a majority of jurisdictions across the country
4 have enacted limits on the use of arrest histories when making employment
5 decisions. Under the United States Civil Rights Act, the Equal Employment
6 Opportunity Commission’s guidelines protect job seekers from discrimination
7 based on arrest histories. Employers are being advised to stop using arrest
8 information, and to comply with the specific rules for their jurisdictions, in order to
9 make it clear to all parties that the law maintains that an individual is innocent until
10 proven guilty.

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12 clarification, as evidenced by the Office of the Attorney General’s recent
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1 relative to arrests and police reports:

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5 federal and local law enforcement agencies of criminal history
6 records.”

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall
November 12, 2013

Bill No. 200-32 (COR)

As substituted by the Committee on General Government
Operations & Cultural Affairs.

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS		✓			
Senator Michael LIMTIACO		✓			
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

13

2

Yea

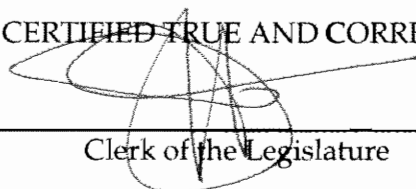
Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

I = Pass



OCT 29 2013

The Honorable Judith T. Won Pat
Speaker
I Mina' Trentai Dos Na Liheslaturan Guåhan
32nd Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J Respicio
Chairperson, Committee on Rules

RE: **Committee Report on Bill No. 200-32 (COR), as Substituted**

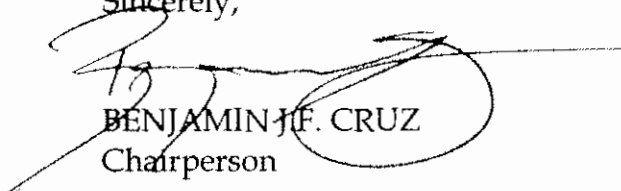
Dear Speaker Won Pat:

Transmitted herewith is the Report of Committee on General Government Operations and Cultural Affairs on Bill No. 200-32 (COR), as Substituted - 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".

Committee votes are as follows:

<u>1</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>1</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Sincerely,


BENJAMIN J.F. CRUZ
Chairperson

2013 OCT 29 PM 2:06



COMMITTEE REPORT

Bill No. 200-32 (COR), as Substituted

**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”.**



October 28, 2013

MEMORANDUM

TO: All Members

**FROM: Vice Speaker Benjamin J.F. Cruz
Committee on General Government Operations and Cultural Affairs**

SUBJECT: Committee Report on Bill No. 200-32 (COR), as substituted

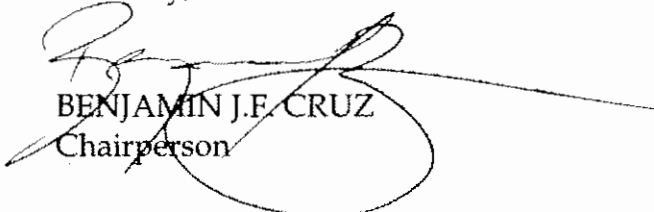
Transmitted herewith for your consideration is the Committee Report on Bill No. 200-32 (COR), as Substituted - R.J. Respicio / T.C. Ada / B.J.F. Cruz - An act to amend Title 10 Guam Code Annotated §77135 relative to police clearances, to be known as the "Police Clearance Clarity Act of 2013".

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 189-32 (COR), as Substituted
- Bill No. 189-32 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- COR Referral of Bill No. 189-32 (COR)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda
- Related News Reports

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,


BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE VOTING SHEET

Bill No. 200-32 (COR), as Substituted - 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".

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		✓ 10/28/13				
MUNA BARNES, TINA ROSE Vice-Chairperson						
WON PAT, JUDITH T. Speaker and Ex-Officio Member		✓ 10/28/13				
ADA, THOMAS C. Member		✓				
PANGELINAN, C. VICENTE Member						
RESPICIO, RORY J. Member		10/28/13 ✓				
RODRIGUEZ, DENNIS G. JR. Member		10/28/13				
SAN NICOLAS, MICHAEL, F.Q. Member						
AGUON, Jr., FRANK H. Member		10/28/13 ✓				
ADA, V. ANTHONY Member		10/28 ✓				
Morrison, Thomas Member		10/29 ✓				
McCreadie, Brant Member						
YAMASHITA, ALINE Member						



COMMITTEE REPORT DIGEST

I. OVERVIEW

The Committee on General Government Operations and Cultural Affairs convened a public hearing on Monday, October 7, 2013 at 10:00 a.m. in the Public Hearing Room of *Liheslatura*. Among the items on the agenda was the consideration was Bill No. 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".

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on September 30, 2013, and October 3, 2013, via email. Copies of the hearing notices are appended to the report.

Senators Present

Vice Speaker Benjamin J.F. Cruz
Senator Dennis Rodriguez, Jr.
Senator Thomas C. Ada
Senator Frank B. Aguon, Jr.
Senator Christopher M. Duenas
Senator V. Anthony Ada
Senator Michael T. Limtiaco
Senator Thomas Morrison
Senator Aline A. Yamashita, PhD

The public hearing for Bill 200-32 (COR) began at 12:27 p.m.

Sign-in Sheet

Phillip J. Tydingco, Chief Deputy Attorney General, Attorney General's Office

II. TESTIMONY & DISCUSSION

Vice Speaker Benjamin J.F. Cruz announced Bill No. 200-32 (COR) then read a sponsor statement on behalf of Senator Rory J. Respicio:



“Thank you for scheduling Bill No. 200 for a public hearing. This legislation will provide more clarity in Police Clearance Forms and would reform the police clearance process so that charges that do not result in convictions would not be included in the report. Bill No. 200-32 (COR) provides for a fairer and less confusing clearance process and would abide by the principle of ‘Innocent until proven guilty’. This legislation provides that issued Police Clearances shall only include ‘charges for which the arrestee is convicted’ and ‘charges for which a juvenile is convicted as an adult.’

“This measure is [sic] line with concerns both nationally and locally about the use of arrest information, particularly when the charges resulted in no conviction. A majority of states across the country have enacted limits on the use of arrest histories when making employment decisions. Also, under the United States Civil Rights Act, the Equal Employment Opportunity Commission’s guidelines protect job seekers from discrimination based on arrest histories. Locally, the Attorney General’s Office recently sent the Chief of Police “Information and Guidance” (Ref: GPD13-0361, dated August 23, 2013) also recommending reforms for police clearance reports.

“Thank you, again, for this opportunity to comment. I respectfully request that this statement be included with your committee’s report on Bill 200-32 (COR). Signed, Rory J. Respicio.”

Senator Cruz stated Phillip J. Tydingco, Chief Deputy Attorney General, Attorney General’s Office, signed up to testify but was no longer present, and that the Chief of Police, also not present, has been invited and is expected to provide written testimony.

The public hearing for Bill No. 200-32 (COR) ended at 12:30 p.m.

Vice Speaker Cruz received written testimony from Chief Deputy Attorney General Phillip J. Tydingco, Attorney General’s Office.



III. FINDINGS AND RECOMMENDATIONS

The Committee hereby recommends approval of Bill No. 200 as substituted by the Committee on General Government Operations and Cultural Affairs. The Substitute version of the measure incorporates recommendations by the Attorney General's office that fulfills the intent of the legislation while preserving the full access and utilization by law enforcement agencies of criminal histories.

The Committee on General Government Operations and Cultural Affairs to which was referred "Bill No. 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" hereby submits these findings to *I Mina' Trentai Unu na Liheslaturan Guåhan* and reports out Bill No. 200-32 (COR), as Substituted with a recommendation TO DO P A S S

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
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4 it clear to all parties that the law maintains that an individual is
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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.

-0-

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 200 -32 (COR)

*As Substituted by the Committee
on General Government Operations & Cultural Affairs

Introduced by:

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, AND TO
PROVIDE REVISED LANGUAGE FOR SECTION
2 RELATIVE TO THE USE OF CRIMINAL
HISTORY RECORDS."

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

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1 making employment decisions. Under the United States Civil Rights
2 Act, the Equal Employment Opportunity Commission's guidelines
3 protect job seekers from discrimination based on arrest histories.
4 Employers are being advised to stop using arrest information, and to
5 comply with the specific rules for their jurisdictions, in order to make
6 it clear to all parties that the law maintains that an individual is
7 innocent until proven guilty.

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

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

1 It is therefore the intent of *I Liheslatura* to *add* a *new* Title 10
2 Guam Code Annotated §77135 relative to police clearances, based on
3 the above referenced guidance, in language that has been vetted by
4 the Office of the Attorney General.

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

7 “§ 77135. ~~The Establishment of Procedures regarding~~ Police
8 Clearances **SHALL ONLY** include the following relative to
9 arrests and police reports:

- 10 1. Charges for which the arrestee is convicted.
- 11 2. Charges for which a juvenile is convicted as an adult.
- 12 3. The restrictions in this § 77135 do not apply to the use
13 by federal and local law enforcement agencies of criminal
14 history records.”

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

October 7, 2013

VIA EMAIL

senator@senatorbjcruz.com

The Honorable Benjamin J.F. Cruz
Chairman, Committee on General Government Operations and Cultural Affairs
I Mina' Trentai Dos Na Liheslaturan Guåhan
155 Hesler Place
Hagatna, Guam 96910

Re: Sponsor Statement on Bill No. 200-32 (COR)

Dear Vice-Speaker Cruz:

Thank you for scheduling **Bill No. 200-32 (COR)- "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,"** for a public hearing. This legislation will provide more clarity in Police Clearance Forms and would reform the police clearance process so that charges that do not result in convictions would not be included in the report. Bill No. 200-32 (COR) provides for a fairer and less confusing clearance process and would abide by the principle of "Innocent until proven guilty". This legislation provides that issued Police Clearances shall only include "charges for which the arrestee is convicted" and "charges for which a juvenile is convicted as an adult."

This measure is line with concerns both nationally and locally about the use of arrest information, particularly when the charges resulted in no conviction. A majority of states across the country have enacted limits on the use of arrest histories when making employment decisions. Also, under the United States Civil Rights Act, the Equal Employment Opportunity Commission's guidelines protect job seekers from discrimination based on arrest histories. Locally, the Attorney General's Office recently sent the Chief of Police "Information and Guidance" (Ref: GPD13-0361, dated August 23, 2013) also recommending reforms for police clearance reports.

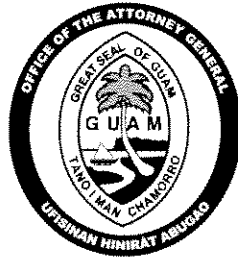
Thank you, again, for this opportunity to comment. I respectfully request that this statement be included with your committee's report on Bill No. 200-32 (COR).

Very truly yours,

A handwritten signature in cursive script that reads "Rory J. Respicio".

Rory J. Respicio

LEONARDO M. RAPADAS
Attorney General



PHILLIP J. TYDINGCO
Chief Deputy Attorney General

OFFICE OF THE ATTORNEY GENERAL

October 8, 2013

Honorable Benjamin J.F. Cruz
Vice-Speaker
I Mina' Trentai Dos Na Liheslaturan Guåhan
Chairperson
Committee on General Operations and Cultural Affairs
155 Hesler Place
Hagåtña, Guam 96910

CONFIRMATION

SUBJECT: Legislative Bill No. 200-32 (COR), 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"

Dear Vice-Speaker Cruz,

Thank you for the opportunity to submit written testimony on Bill No. 200-32. I apologize for not being able to stay and present verbal testimony on Bill No 200-32 as I had to attend another scheduled noon commitment that day.

As written the bill sets forth the establishment of procedures for police clearances to contain only charges for which the arrestee is convicted and charges for which a juvenile is convicted as an adult. Delegations of lawmaking power to the executive branch or administrative agencies are impermissible if they were unduly broad. The Supreme Court of the United States held that delegations of legislative power contain "intelligible standards". *Panama Refining Co., v. Ryan*, 293 U.S. 388 (1935), *Schechter Poultry Co. v. United States*, 291 U.S. 495 (1935), *Yakus v. United States*, 321 U.S. 414 (1944).

In this instance, the bill can easily avoid the potential unlawful delegation of legislative authority and accomplish the bill's intent without establishing procedures by eliminating the "establishment of Procedures regarding" to read as follows:

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

RECEIVED
10/10/2013
3:23 PM

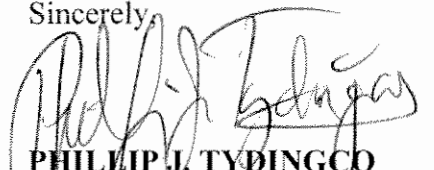
“§ 77135. (a) ~~The Establishment of Procedures regarding~~ Police Clearances SHALL ONLY include the following relative to arrests and police reports:

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

(b) The restrictions in subsection (a) of a Police Clearance do not apply to federal and local law enforcement criminal history records.”

The recommendation to insert a new subsection (b) to Section 77135 is to ensure the restriction of information to be permitted in a police clearance does not apply to criminal history records used by federal and local law enforcement.

Sincerely,



PHILIP J. TYBINGCO
Chief Deputy Attorney General

cc: The Honorable Rory J. Respicio
Senator, 32nd Guam Legislature

Chief Fred Bordallo
GPD Chief of Police

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

October 22, 2013

VIA EMAIL

ptydingco@guamag.org

Phillip J. Tydingco
Chief Deputy Attorney General
Office of the Attorney General of Guam
590 S. Marine Corps Drive
ITC Bldg., Suite 706
Tamuning, Guam 96913

Subject: Requesting Clarification on Bill No. 200-32 (COR) Testimony

Dear Deputy Attorney General Tydingco:

Hafa adai. At the outset, allow me to express my gratitude for the prompt response by your office to the request for written testimony on Bill No. 200-32 (COR) "AN ACT TO AMEND TITLE 10 GUAM CODE ANNOTATED SEC 77135 RELATIVE TO POLICE CLEARANCES, TO BE KNOWN AS THE 'POLICE CLEARANCE CLARITY ACT OF 2013.'"

If I may, I would like to request further clarification with respect to your submission. As I understand it, Bill No. 200-32, if enacted with your amendment, would restrict Police Clearance forms only to charges for which the arrestee was convicted as an adult and no further information regarding other charges would be publicly released through the Police Clearance process. The phrasing of your amendment to add a new subsection (b) does raise the question as to whether this language would completely reverse the restrictions in subsection (a) since the only records in question are criminal histories that I assume would include arrests without conviction and the context of the bill deals directly with Police Clearances. In reading your correspondence, you indicate your intent to allow access and use of full crime histories by law enforcement officials. Would it perhaps be more clear if your subsection (b) read:

"(b) the restrictions in subsection (a) do not apply to the use by federal and local law enforcement agencies of criminal history records."

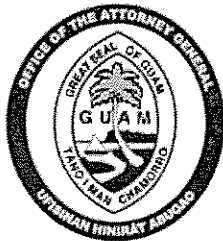
Once again, I appreciate your submission and I look forward to your response to my inquiry. *Si Yu'os Ma'åse.*

Very truly yours,

Handwritten signature of Rory J. Respicio.
Rory J. Respicio

"Rape Sheet" - critical investigative aspect
of law enforcement.
all arrest on fo - crime averted

LEONARDO M. RAPADAS
Attorney General



PHILLIP J. TYDINGCO
Chief Deputy Attorney General

RECEIVED
10/25/13

OFFICE OF THE ATTORNEY GENERAL

October 23, 2013

Honorable Rory J. Respicio
Senator
I Mina'trentai Dos na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

CONFIRMATION

Re: Legislative Bill No. 200-32 (COR), 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"

Dear Senator Respicio,

Thank you for your letter of October 22, 2013 requesting clarification on Bill No. 200-32.

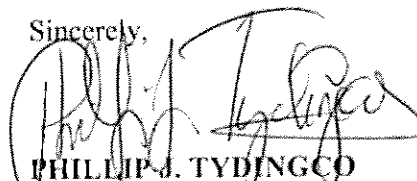
Based on the original draft of Bill No. 200-32, our office recommended the elimination of the phrase "establishment of Procedures regarding" from the Bill in order to avoid a potential unlawful delegation of legislative authority challenge and to accomplish the Bill's intent.

Our office also proposed language to ensure that the restrictions to the police clearance do not apply to law enforcement criminal records. "Rap Sheets" are critical to law enforcement investigations as they provide law enforcement officers with all arrest information.

Police clearances are provided to the general public for many needs such as employment, licensing, or rentals whereas "rap sheets" are arrest records kept by law enforcement authorities and used for internal investigatory purposes. Although the Bill would apply to police clearances, we want the Bill to be clear that the proposed restrictions to a police clearance do not apply to a "rap sheet".

Therefore, the language proposed by your office would help to ensure it.

Sincerely,



PHILLIP J. TYDINGCO
Chief Deputy Attorney General

NOTA FINIS

F RANDALL CUNLIFFE
JEFFREY A. COOK

LAW OFFICES

Cunliffe & Cook

Suite 200
210 Archbishop Flores Street
Hagåtña, Guam 96910

TELEPHONE (671) 472-1824
TELEFAX (671) 472-2422
E-MAIL cclaw@teleguam.net

JEFFREY A. MOOTS

October 23, 2013

Honorable Rory J. Respicio, Majority Leader
Chairman, Committee on Rules, Federal, Foreign & Micronesian Affairs,
Human & Natural Resources, and Election Reform
155 Hesler Street
Hagåtña, Guam 96910

Office of Senator Rory J. Respicio	
Name:	<i>Glenn</i>
Date/Time:	OCT 25 2013

RE: **Bill No. 200-32(COR)**
RE: TESTIMONY

Dear Senator Respicio:

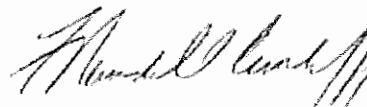
I wanted to offer some comments on the above-referenced bill. First, let me thank you for introducing this bill. I have been practicing law in Guam since 1977, and have first hand experience with difficulties that the police clearances cause in our community. I, like many attorneys in this community, had never heard of a police clearance in any jurisdiction where I had been before Guam that were obtained for employment purposes. The Civil Rights Act of 1964 is a federal statute aimed at insuring that people are not discriminated against for numerous reasons. One of the matters that is addressed in that act is that an employer cannot ask a prospective employee if they have ever been arrested. There are certain exceptions to that, for instance, law enforcement, military, etc., but they are based upon need. The reason behind that is, of course, because people can get arrested and never get convicted and they should not have to bear the heavy burden of that arrest in an attempt to find employment.

The Guam Police Department has had a habit of placing anything that is in a person's record on a police clearance. I presume they issue police clearances so they can make additional income. But, by allowing the police to put matters on a police clearance requested by an employer which is not a question the employer could ask the employee personally, circumvents the 1964 Civil Rights Act.

At a time when it is difficult enough for people to gain employment, allowing employers to circumvent the 1964 Civil Rights Act by asking for a police clearance which the Guam Police Department will include everything that has ever transpired is clearly inappropriate. I endorse your Bill to limit the information on police clearances, and oppose the convoluted amendments sought by the Attorney General. They obviously do not understand the need for our people to try to gain employment, and they should not be circumventing federal statutes by allowing employers to gain information which the employer cannot obtain directly from the prospective employee.

Should you have any questions, please do not hesitate to contact me.

Sincerely,
CUNLIFFE & COOK



F. RANDALL CUNLIFFE



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

October 8, 2013

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Memorandum

Senator
Vicente (Ben) C. Pangelinan
Member

To: Rennae Meno
Clerk of the Legislature

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

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

Senator
Dennis G. Rodriguez, Jr.
Member

Subject: Fiscal Notes

Vice-Speaker
Benjamin J.F. Cruz
Member

Hafa Adai!

Legislative Secretary
Tina Rose Muña Barnes
Member

Attached please find the waiver 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. 185-32(COR)

Bill No. 186-32(COR)

Senator
Frank Blas Aguon, Jr.
Member

WAIVER:

Bill No. 200-32(COR)

Senator
Michael F.Q. San Nicolas
Member

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

Senator
V. Anthony Ada
Member
MINORITY LEADER

Si Yu'os ma'åse'!

Senator
Aline Yamashita
Member

2013 OCT 7 PM 3:10



BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

OCT 04 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 185-32(COR), 186-32(COR),
and Fiscal Note Waiver on the following Bill Nos.: 200-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


JOHN A. RIOS
Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

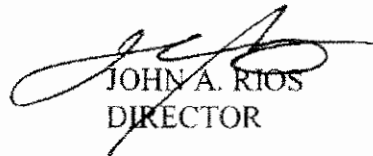
JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

OCT 04 2013

The Bureau requests that Bill No. 200-32(COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The above referenced Bill is administrative in nature and do not have any potential impact upon the revenues or the expenditure of any funds of the Government of Guam.


JOHN A. RIOS
DIRECTOR



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 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 Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
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."	9/30/13 10:38 a.m.	9/30/13	Committee on General Governmental Operations and Cultural Affairs			



Tessa Weidenbacher <tessa@senatorbjcruz.com>

REVISED - First Notice of Public Hearing – Five Day Notice – October 7, 2013

Mike Lidia <mike.lidia@senatorbjcruz.com>

Mon, Sep 30, 2013 at 2:24 PM

To: phnotice@guamlegislature.org, "Irapadas@guamag.org" <Irapadas@guamag.org>, Phil Tydingco <ptydingco@guamag.org>, ptydingco@guamattomeygeneral.com, "law@guamattomeygeneral.com" <law@guamattomeygeneral.com>, Zerlyn Palomo <zpalomo@guamag.org>, James Gillan <james.gillan@dphss.guam.gov>, roselle zabala <roselle.zabala@dphss.guam.gov>, Joseph Cameron <joseph.cameron@dca.guam.gov>, info@ghra.org, Gerald Perez <geap43@yahoo.com>, "John Thos. Brown" <jngo@ozemail.com.au>, dleddy@guamchamber.com.gu, General Benny Paulino <benny.m.paulino@us.army.mil>, governor@guam.gov, afcmst24@yahoo.com, "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>, Carlo Branch <carlo.branch@gmail.com>, Carlo Branch <carlo.branch@senatorbjcruz.com>, Charissa Tenorio <charissatenorio@gmail.com>, Charissa Tenorio <charissa.tenorio@senatorbjcruz.com>, Matthew Santos <matthew.santos@senatorbjcruz.com>, Tessa Mae Borja Weidenbacher <tessa.borja@gmail.com>, Tessa Weidenbacher <tessa@senatorbjcruz.com>, Yong Pak <yong@guamlegislature.org>, Adam Bearce <adam@guamlegislature.org>, Chief Fred Bordallo <fred.bordallo@gpd.guam.gov>

September 30, 2013

MEMORANDUM

To: All Members/All Senators

From: Chairman, Committee on General Government Operations and Cultural Affairs

Re: First Notice of Public Hearing – Five Day Notice – October 7, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on Monday, October 7, 2013, beginning at 10:00AM in I Liheslatura's Public Hearing Room with the following agenda:

Bill No. 175-32 (COR) - M.F.Q. San Nicolas / F.B. Aguon, Jr. / B.J.F. Cruz / T.A. Morrison - An act to allow non-commissioned officers to have their service recognized for management positions of the government of Guam, by adding a new §4129 to Article 1, Chapter 4, Title 4, Guam Code Annotated.

Bill No. 179-32 (COR) - B.J.F. Cruz / T.R. Muña Bames / 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.

Bill No. 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.

Bill No. 189-32 (COR) - D.G. Rodriguez, Jr. - 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.

Bill No. 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."

Please provide written testimonies at least one day prior to the hearing to the Office of Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagåtña Guam 96910. They may be sent via facsimile to 477-2522, or via email to carlo.branch@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Carlo Branch at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at carlo.branch@senatorbjcruz.com.

Senseramente,

Mike Lidia
Committee Director
Office of Vice Speaker Cruz
477-2520



Tessa Weidenbacher <tessa@senatorbjcruz.com>

Second Notice of Public Hearing – Two Day Notice – October 7, 2013

Mike Lidia <mike.lidia@senatorbjcruz.com>

Thu, Oct 3, 2013 at 8:22 AM

To: phnotice@guamlegislature.org, "Irapadas@guamag.org" <Irapadas@guamag.org>, Phil Tydingco <ptydingco@guamag.org>, ptydingco@guamattorneygeneral.com, "law@guamattorneygeneral.com" <law@guamattorneygeneral.com>, Zerlyn Palomo <zpalomo@guamag.org>, James Gillan <james.gillan@dphss.guam.gov>, roselie zabala <roselie.zabala@dphss.guam.gov>, Joseph Cameron <joseph.cameron@dca.guam.gov>, info@ghra.org, Gerald Perez <geap43@yahoo.com>, "John Thos. Brown" <jngo@ozemail.com.au>, dleddy@guamchamber.com.gu, General Benny Paulino <benny.m.paulino@us.army.mil>, governor@guam.gov, afcmstg24@yahoo.com, Chief Fred Bordallo <fred.bordallo@gpd.guam.gov>, Yong Pak <yong@guamlegislature.org>, Adam Bearce <adam@guamlegislature.org>, "Benjamin J.F. Cruz" <senator@senatorbjcruz.com>, Carlo Branch <carlo.branch@gmail.com>, Carlo Branch <carlo.branch@senatorbjcruz.com>, Charissa Tenorio <charissatenorio@gmail.com>, Charissa Tenorio <charissa.tenorio@senatorbjcruz.com>, Matthew Santos <matthew.santos@senatorbjcruz.com>, Tessa Mae Borja Weidenbacher <tessa.borja@gmail.com>, Tessa Weidenbacher <tessa@senatorbjcruz.com>

October 3, 2013

MEMORANDUM

To: All Members/All Senators

From: Chairman, Committee on General Government Operations and Cultural Affairs

Re: Second Notice of Public Hearing – Two Day Notice – October 7, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on Monday, October 7, 2013, beginning at 10:00AM in I Liheslatura's Public Hearing Room with the following agenda:

Bill No. 175-32 (COR) - M.F.Q. San Nicolas / F.B. Aguon, Jr. / B.J.F. Cruz / T.A. Morrison - An act to allow non-commissioned officers to have their service recognized for management positions of the government of Guam, by adding a new §4129 to Article 1, Chapter 4, Title 4, Guam Code Annotated.

Bill No. 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.

Bill No. 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.

Bill No. 189-32 (COR) - D.G. Rodriguez, Jr. - 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.

Bill No. 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."

Please provide written testimonies at least one day prior to the hearing to the Office of Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagåtña Guam 96910. They may be sent via facsimile to 477-2522, or via email to carlo.branch@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special

accommodations, please contact Carlo Branch at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at carlo.branch@senatorbjcruz.com.

Senseramente,

Mike Lidia
Committee Director
Office of Vice Speaker Cruz
477-2520

Listserv: phnotice@guamlegislature.org
 As of October 1, 2013

aalladi@guampdn.com
action@weareguahan.com
admin@frankaguonjr.com
admin@guamrealtors.com
admin@leapguam.com
admin@weareguahan.com
agnes@judiwonpat.com
aguon4guam@gmail.com
ahernandez@guamlegislature.org
ajuan@kijifm104.com
alerta.jermaine@gmail.com
aline4families@gmail.com
am800guam@gmail.com
amanda@toduguam.com
amanda@judiwonpat.com
amier@mvguam.com
ang.duenas@gmail.com
aokada@guamlegislature.org
ataligba@gmail.com
av@guamlegislature.org
avillaverde@guamlegislature.org
avon.guam@gmail.com
baza.matthew@gmail.com
bbautista@spbgua.com
bdydasco@yahoo.com
berthaduenas@guamlegislature.org
betsy@spbgua.com
bmkelman@guampdn.com
brantforguam@gmail.com
breanna.lai@mail.house.gov
bruce.lloyd.media@gmail.com
carlos.pangelinan@senatorbjcruz.com
carlsonc@pstripes.osd.mil
ccastro@guamchamber.com.gu
ccharfauros@guamag.org
ccruz.duenas@gmail.com
charissa.tenorio@senatorbjcruz.com
chechsantos@gmail.com
cheerfulcatunao@yahoo.com
cherbert.senatordrodriguez@gmail.com
chris.budasi@guamlegislature.org
cipo@guamlegislature.org
clerks@guamlegislature.org
clifton@toduguam.com
clynt@spbgua.com
colleenw@guamlegislature.org
committee@frankaguonjr.com
communications@guam.gov
conedera@mikelimtiaco.com
cor@guamlegislature.org
coy@senatorada.org
cyrus@senatorada.org
dcrisost@guam.gannett.com
desori623@hotmail.com

dledy@guamchamber.com.gu
dmgeorge@guampdn.com
dtamondong@guampdn.com
duenasenator@gmail.com
ed@tonyada.com
edelynn1130@hotmail.com
editor@mvguam.com
editor@saipantribune.com
edpocaigne@judiwonpat.com
elaine@tinamunabarnes.com
emqcho@gmail.com
ewinstoni@yahoo.com
eo@guamrealtors.com
etajalle@guamlegislature.org
evelyn4families@gmail.com
fbtorres@judiwonpat.com
floterlaje@gmail.com
frank@judiwonpat.com
frank@mvguam.com
gdumat-ol@guampdn.com
gerry@mvguam.com
gerrypartido@gmail.com
gina@mvguam.com
gktv23@hotmail.com
guam@pstripes.osd.mil
guamnativesun@yahoo.com
gusaflague@senatormorrison.com
hana@guam-shinbun.com
hill.bruce@abc.net.au
hottips@kuam.com
info@chinesetimesguam.com
janela@mvguam.com
jason@judiwonpat.com
jason@kuam.com
jean@tinamunabarnes.com
jennifer.lj.dulla@gmail.com
jennifer@mvguam.com
jimespaldon@yahoo.com
jmesngon.senatordrodriguez@gmail.com
joan@kuam.com
joe@toduguam.com
john.calvo@noaa.gov
john@kuam.com
jpmanuel@gmail.com
jtenorio@guamcourts.org
jtyquiengco@spbgua.com
julian.c.janssen@gmail.com
juliette@senatorada.org
kai@spbgua.com
karenc@guamlegislature.org
kcn.kelly@gmail.com
kelly.toves@mail.house.gov
kenq@kuam.com
kevin@spbgua.com

**Listserv: phnotice@guamlegislature.org
As of October 1, 2013**

khmg@hbcguam.net
koreannews@guam.net
koreatv@kuentos.guam.net
kstokish@gmail.com
kstone@ite.net
law@guamag.org
life@guampdn.com
llmatthews@guampdn.com
lou4families@gmail.com
louella@mvguam.com
louise@tonyada.com
m.salaila@yahoo.com
mabuhaynews@yahoo.com
mahoquinene@guam.net
malainse@gmail.com
maria.pangelinan@gec.guam.gov
maryfejeran@gmail.com
mary@roryforguam.com
mbordallo.duenas@gmail.com
mcarlson@guamlegislature.org
mcpherson.kathryn@abc.net.au
media@frankaguonjr.com
menchu@toduguam.com
mike.lidia@senatorbjcruz.com
mike@mikelimtiaco.com
mindy@kuam.com
mis@guamlegislature.org
miseke@mcvguam.com
mlwheeler2000@yahoo.com
mmafnas@guamlegislature.org
monty.mcdowell@amiguam.com
mspeps4873@gmail.com
mvariety@pticom.com
mwatanabe@guampdn.com
news@guampdn.com
news@spbgvam.com
nick@kuam.com
norman.aguilar@guamcc.edu
nsantos@guamlegislature.org
odngirairikl@guampdn.com
office@senatorada.org
oliviampalacios@gmail.com
onlyonguam@acubedink.com
pacificjournalist@gmail.com
parroyo@k57.com
pdkprg@gmail.com
pete@tonyada.com
phillipsguam@gmail.com
publisher@glimpsesofofguam.com
qduenas_8@yahoo.com
rennae@guamlegislature.org
responsibleguam@gmail.com

rfteehan@yahoo.com
rgibson@k57.com
richdevera@gmail.com
ricknauta@hitradio100.com
rlimtiaco@guampdn.com
rob@judiwonpat.com
rolly@ktkb.com
roryforguam@gmail.com
ryanjames@senatormorrison.com
santos.duenas@gmail.com
smendiola@guamlegislature.org
senator@senatorbjcruz.com
senatorbrantmccreadie@gmail.com
senator@tinamunabarnes.com
senatordrodriguez@gmail.com
senatorsannicolas@gmail.com
senatortonyada@guamlegislature.org
senbenp@guam.net
sgflores@tinamunabarnes.com
sgtarms@guamlegislature.org
sitarose2@yahoo.com
slimtiaco@guampdn.com
sonedera-salas@guamlegislature.org
speaker@judiwonpat.com
tanya4families@gmail.com
tasigirl@gmail.com
tcastro@guam.net
telo.taitague@guam.gov
tezza@senatorbjcruz.com
thebigshow@guamcell.net
thebigshow@k57.com
therese.hart.writer@gmail.com
therese@judiwonpat.com
tinamunabarnes@gmail.com
tjtaitano@cs.com
tom@senatorada.org
tommy@senatormorrison.com
tony@tonyada.com
tritent@pstripes.osd.mil
tterlaje@guam.net
val@tonyada.com
vincent@tinamunabarnes.com
wil@judiwonpat.com
will@senatorada.org
xiosormd@gmail.com
xiosormd@yahoo.com
ylee2@guam.gannett.com
zita@mvguam.com
zpalomo@guamag.org



Public Hearing
AGENDA
Monday, October 7, 2013 – 10:00AM

Bill No. 175-32 (COR) - M.F.Q. San Nicolas / F.B. Aguon, Jr. / B.J.F. Cruz / T.A. Morrison - An act to allow non-commissioned officers to have their service recognized for management positions of the government of Guam, by adding a new §4129 to Article 1, Chapter 4, Title 4, Guam Code Annotated.

Bill No. 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.

Bill No. 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.

Bill No. 189-32 (COR) - D.G. Rodriguez, Jr. - 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.

Bill No. 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."

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

October 8, 2013

The Honorable Madeleine Z. Bordallo
Member of Congress
120 Father Dueñas Avenue, Suite 107
Hagåtña, Guam 96910

Subject: Invitation to Round Table Discussion on Deportation

Dear Congresswoman Bordallo:

Hafa Adai!

On **Monday, October 14, 2013 at 10:00 a.m.** at the Guam Legislature's Public Hearing Room, the Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources & Election Reform will be holding a Round Table discussion on the provision under Public Law 32-049 which requires the deportation of certain convicted criminals who enter Guam under the Compacts of Free Association.

Public Law 32-049, "AN ACT TO ADD A NEW §80.50 TO ARTICLE 2 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING A 'THREE STRIKES' PROVISION FOR HABITUAL OFFENDERS OF SERIOUS CRIMES" was signed into law on July 5, 2013 and includes a provision I authored to help alleviate crowding at our island's prison. The provision I authored contained in the new Public Law requires "Upon conviction of a deportable crime, the Attorney General of Guam (AG) shall immediately notify the U.S. Immigration and Customs Enforcement (ICE) Division of the U.S. Department of Homeland Security (DHS) of Guam's desire to have the COFA citizen deported. The AG shall work closely with the U.S. ICE Division of DHS to ensure all documents related to the conviction and required for deportation are immediately provided to the proper authorities."

Currently, under the terms of the Compacts of Free Association, citizens of the Freely Associated States, the Republic of the Marshall Islands and the Republic of Belau who have entered Guam via the Compact are subject to deportation if convicted of a felony or a crime of moral turpitude. They also are subject to deportation if they are sentenced to one year or more for any crime committed or if they are repeat offenders for Driving Under the Influence of Alcohol statutes.

The round table will be held in order to help facilitate the implementation of this provision on Guam. Your attendance and participation is greatly appreciated. For your information, attached is a list of questions the committee plans to ask the panel.

Should you have any questions, please feel free to contact my office at 472-7679. *Si Yu'os Ma'åse'!*

Very truly yours,

A handwritten signature in black ink that reads "Rory J. Respicio".

Rory J. Respicio

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

October 8, 2013

Fred Bordallo
Chief of Police
Guam Police Department
#13-16A Mariner Avenue
Tiyan, Guam 96913

Subject: Invitation to Round Table Discussion on Deportation

Dear Chief Bordallo:

Hafa Adai!

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Rory J. Respicio

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

October 8, 2013

VIA EMAIL

jose.sanagustin@doc.guam.gov

Jose A. San Agustin
Director
Department of Corrections
3 Mashburn Lane Dairy Rd.
Mangilao, Guam 96913

Subject: Invitation to Round Table Discussion on Deportation

Dear Mr. San Agustin:

Hafa Adai!

On **Monday, October 14, 2013 at 10:00 a.m.** at the Guam Legislature's Public Hearing Room, the Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources & Election Reform will be holding a Round Table discussion on the provision under Public Law 32-049 which requires the deportation of certain convicted criminals who enter Guam under the Compacts of Free Association.

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Rory J. Respicio

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

October 8, 2013

VIA EMAIL

adonis.mendiola@dya.guam.gov

Adonis Mendiola
Director
Department of Youth Affairs
169 San Isidro St.
Mangilao, Guam 96913

Subject: Invitation to Round Table Discussion on Deportation

Dear Mr. Mendiola:

Hafa Adai!

On **Monday, October 14, 2013 at 10:00 a.m.** at the Guam Legislature's Public Hearing Room, the Committee on Rules, Federal, Foreign & Micronesia Affairs and Human & Natural Resources & Election Reform will be holding a Round Table discussion on the provision under Public Law 32-049 which requires the deportation of certain convicted criminals who enter Guam under the Compacts of Free Association.

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Rory J. Respicio

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

October 8, 2013

VIA EMAIL

alicia.limtiaco@usdoj.gov

Alicia A.G. Limtiaco
U.S. Attorney
District Court of Guam
Sirena Plaza Ste 500
108 Herman Cortez Ave.
Hågatña, Guam 96910

Subject: Invitation to Round Table Discussion on Deportation

Dear U.S. Attorney Limtiaco:

Hafa Adai!

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Rory J. Respicio

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MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

October 8, 2013

VIA EMAIL

palauconsulate@gmail.com

Honorable Jeff Kenty

Consul General
Consulate of Palau
590 South Marine Corps Drive
ITC Building Suite 615
Tamuning, Guam 96931

Subject: Invitation to Round Table Discussion on Deportation

Dear Consul General Kenty:

Hafa Adai!

On **Monday, October 14, 2013 at 10:00 a.m.** at the Guam Legislature's Public Hearing Room, the Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources & Election Reform will be holding a Round Table discussion on the provision under Public Law 32-049 which requires the deportation of certain convicted criminals who enter Guam under the Compacts of Free Association.

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CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåban
THIRTY-SECOND GUAM LEGISLATURE

October 9, 2013

VIA EMAIL

mcogadmin@teleguam.net

Angel Sablan
Executive Director
Mayors Council of Guam
P.O. Box 786
Hågatña, Guam 96932

Subject: Invitation to Round Table Discussion on Deportation

Dear Mr. Sablan:

Hafa Adai!

On **Monday, October 14, 2013 at 10:00 a.m.** at the Guam Legislature's Public Hearing Room, the Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources & Election Reform will be holding a Round Table discussion on the provision under Public Law 32-049 which requires the deportation of certain convicted criminals who enter Guam under the Compacts of Free Association.

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MAJORITY LEADER

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COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåban
THIRTY-SECOND GUAM LEGISLATURE

October 9, 2013

VIA EMAIL

rowena.l.macaraig@ice.dhs.gov

Rowena Macaraig

Auditor

Department of Homeland Security

400 Route 8, Suite 401

Maite, Guam 96921

Subject: Invitation to Round Table Discussion on Deportation

Dear Ms. Macaraig:

Hafa Adai!

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The round table will be held in order to help facilitate the implementation of this provision on Guam. Your attendance and participation is greatly appreciated. For your information, attached is a list of questions the committee plans to ask the panel.

Should you have any questions, please feel free to contact my office at 472-7679. *Si Yu'os Ma'åse'!*

Very truly yours,

Rory J. Respicio

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

October 9, 2013

VIA EMAIL

mayormcdonald@hotmail.com

Honorable Paul M. McDonald

President

Mayors Council of Guam

P.O. Box 786

Hågatña, Guam 96932

Subject: Invitation to Round Table Discussion on Deportation

Dear Mayor McDonald:

Hafa Adai!

On **Monday, October 14, 2013 at 10:00 a.m.** at the Guam Legislature's Public Hearing Room, the Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources & Election Reform will be holding a Round Table discussion on the provision under Public Law 32-049 which requires the deportation of certain convicted criminals who enter Guam under the Compacts of Free Association.

Public Law 32-049, "AN ACT TO ADD A NEW §80.50 TO ARTICLE 2 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING A 'THREE STRIKES' PROVISION FOR HABITUAL OFFENDERS OF SERIOUS CRIMES" was signed into law on July 5, 2013 and includes a provision I authored to help alleviate crowding at our island's prison. The provision I authored contained in the new Public Law requires "Upon conviction of a deportable crime, the Attorney General of Guam (AG) shall immediately notify the U.S. Immigration and Customs Enforcement (ICE) Division of the U.S. Department of Homeland Security (DHS) of Guam's desire to have the COFA citizen deported. The AG shall work closely with the U.S. ICE Division of DHS to ensure all documents related to the conviction and required for deportation are immediately provided to the proper authorities."

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The round table will be held in order to help facilitate the implementation of this provision on Guam. Your attendance and participation is greatly appreciated. For your information, attached is a list of questions the committee plans to ask the panel.

Should you have any questions, please feel free to contact my office at 472-7679. *Si Yu'os Ma'åse'!*

Very truly yours,

A handwritten signature in black ink that reads "Rory J. Respicio".

Rory J. Respicio

Cc: *Honorable Robert R.D.C. Hoffman, Vice-President, Mayors Council of Guam*

155 Hesler Place • Hagåtña, Guam 96910 • (671)472-7679 • Fax: (671)472-3547 • roryforguam@gmail.com

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES, FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES, AND ELECTION REFORM



I Mina'trentai Dos na Liheslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

October 10, 2013

VIA EMAIL

brantforguam@gmail.com

Honorable Brant McCreadie

Assistant Minority Whip

I Mina'trentai Dos na Liheslaturan Guåhan

167 E. Marine Corps Drive

De La Corte Building, Suite 102

Hågatiña, Guam 96932

Subject: Invitation to Round Table Discussion on Deportation

Dear Senator McCreadie:

Hafa Adai!

Please join me on Monday, October 14, 2013 at 10:00 a.m. at the Guam Legislature's Public Hearing Room where we will discuss a portion of your Public Law 32-049 which deals with the deportation of certain convicted criminals that fall under the Compacts of Free Association.

The Committee has requested the attendance of the Office of Congresswoman Madeleine Z. Bordallo, Office of the U.S. Attorney of Guam, U.S. Immigration and Customs Enforcement, the U.S. Department of Justice, the Unified Judiciary of Guam, the Attorney General of Guam, the Consul General of the Federated States of Micronesia, the Consul General of Pajau, the Mayors Council of Guam, the Department of Corrections, the Guam Police Department, the Department of Youth Affairs, Victims Advocates Reaching Out and related stakeholders.

Meanwhile, participants have been given a listing of potential questions and topics for discussion including the cost to house the criminals on Guam, how to better coordinate the deportation and whether the current laws are being followed. I am attaching a copy for your review.

Should you have any questions, please feel free to contact my office at 472-7679. *Si Yu'os Ma'åse'!*

Very truly yours,

Handwritten signature of Rory J. Respicio in cursive.

Rory J. Respicio

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåban
THIRTY-SECOND GUAM LEGISLATURE

October 8, 2013

VIA EMAIL

fpcarbullido@guamsupremecourt.com

Honorable F. Philip Carbullido

Chief Justice of Guam

Judiciary of Guam

Suite 300, Guam Judicial Center

120 West O'Brien Drive

Hagåtña, Guam 96910

Subject: Invitation to Round Table Discussion on Deportation

Dear Chief Justice Carbullido:

Hafa Adai!

On **Monday, October 14, 2013 at 10:00 a.m.** at the Guam Legislature's Public Hearing Room, the Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources & Election Reform will be holding a Round Table discussion on the provision under Public Law 32-049 which requires the deportation of certain convicted criminals who enter Guam under the Compacts of Free Association.

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The round table will be held in order to help facilitate the implementation of this provision on Guam. Your attendance and participation is greatly appreciated. For your information, attached is a list of questions the committee plans to ask the panel.

Should you have any questions, please feel free to contact my office at 472-7679. *Si Yu'os Ma'åse'!*

Very truly yours,

Rory J. Respicio

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Liheslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

October 8, 2013

Honorable Leonardo M. Rapadas

Attorney General of Guam
590 S. Marine Corps Drive
ITC Bldg., Suite 706
Tamuning, Guam 96913

Subject: Invitation to Round Table Discussion on Deportation

Dear General Rapadas:

Hafa Adai!

On **Monday, October 14, 2013 at 10:00 a.m.** at the Guam Legislature's Public Hearing Room, the Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources & Election Reform will be holding a Round Table discussion on the provision under Public Law 32-049 which requires the deportation of certain convicted criminals who enter Guam under the Compacts of Free Association.

Public Law 32-049, "AN ACT TO ADD A NEW §80.50 TO ARTICLE 2 OF CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING A 'THREE STRIKES' PROVISION FOR HABITUAL OFFENDERS OF SERIOUS CRIMES" was signed into law on July 5, 2013 and includes a provision I authored to help alleviate crowding at our island's prison. The provision I authored contained in the new Public Law requires "Upon conviction of a deportable crime, the Attorney General of Guam (AG) shall immediately notify the U.S. Immigration and Customs Enforcement (ICE) Division of the U.S. Department of Homeland Security (DHS) of Guam's desire to have the COFA citizen deported. The AG shall work closely with the U.S. ICE Division of DHS to ensure all documents related to the conviction and required for deportation are immediately provided to the proper authorities."

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Should you have any questions, please feel free to contact my office at 472-7679. *Si Yu'os Ma'åse'!*

Very truly yours,

Handwritten signature of Rory J. Respicio in cursive.

Rory J. Respicio

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

October 9, 2013

VIA EMAIL

varoguam1@yahoo.com

Latisha Taitague

Crisis Services Supervisor

Victim Advocates Reaching Out

P.O. Box 2045

Hågatña, Guam 96932

Subject: Invitation to Round Table Discussion on Deportation

Dear Ms. Taitague:

Hafa Adai!

On **Monday, October 14, 2013 at 10:00 a.m.** at the Guam Legislature's Public Hearing Room, the Committee on Rules, Federal, Foreign & Micronesian Affairs and Human & Natural Resources & Election Reform will be holding a Round Table discussion on the provision under Public Law 32-049 which requires the deportation of certain convicted criminals who enter Guam under the Compacts of Free Association.

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Should you have any questions, please feel free to contact my office at 472-7679. *Si Yu'os Ma'åse'!*

Very truly yours,

Rory J. Respicio



COMMITTEE ON RULES

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

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

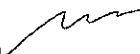
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

October 8, 2013

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 waiver 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. 185-32(COR)

Bill No. 186-32(COR)

WAIVER:

Bill No. 200-32(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'!

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
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Legislative Secretary
Tina Rose Muña Barnes
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Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

2013 OCT -8 PM 3: 11 

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

OCT 04 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 185-32(COR), 186-32(COR),
and Fiscal Note Waiver on the following Bill Nos.: 200-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


JOHN A. RIOS
Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

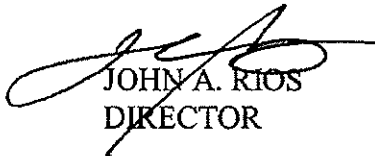
JOHN A. RIOS
DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

OCT 04 2013

The Bureau requests that Bill No. 200-32(COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

The above referenced Bill is administrative in nature and do not have any potential impact upon the revenues or the expenditure of any funds of the Government of Guam.


JOHN A. RIOS
DIRECTOR



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
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CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
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Vice-Speaker
Benjamin J.F. Cruz
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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

October 1, 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. 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.



COMMITTEE ON RULES

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Senator
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Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

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.

-0-