

I Mina'trentai Sais Na Liheslaturan Guåhan  
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
268-36 (COR)	James C. Moylan	AN ACT TO <i>ADD</i> A NEW § 5107 TO CHAPTER 5 TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING POLITICAL RETALIATION AND ESTABLISHING PENALTIES FOR THOSE WHO FORCE OR THREATEN EMPLOYEES TO ENGAGE IN POLITICAL ACTIVITY AGAINST THEIR WILL.	3/11/22 11:24 a.m.						

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2022 (SECOND) Regular Session**

**Bill No. 268-36 (COR)**

Introduced by:

James C. Moylan

**AN ACT TO ADD A NEW § 5107 TO CHAPTER 5 TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING POLITICAL RETALIATION AND ESTABLISHING PENALTIES FOR THOSE WHO FORCE OR THREATEN EMPLOYEES TO ENGAGE IN POLITICAL ACTIVITY AGAINST THEIR WILL.**

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

**Section 1.** A new § 5107 is hereby *added* to Chapter 5 of Title 4, Guam Code Annotated to read as follows:

**“§ 5107. Political Retaliation.**

Notwithstanding any other provisions of the law rule, or regulation, no individual or Employee, inclusive of those defined pursuant to § 5101(a) of this Chapter, a person holding elective office, a special or Staff Assistant to the Governor, a person appointed by the Governor with the consent of the Legislature, or a member of the Governor’s Cabinet, shall make, adopt, or enforce any rule, regulation, or policy which:

(a) forbids or prevents employees from engaging or participating in political activity or from becoming candidates for public office, as long as

1 those activities remain within the parameters stipulated, pursuant to this  
2 Chapter; or

3 (b) controls or directs, or tends to control, or directs the political activities  
4 or affiliations of employees against their will; or

5 (c) politically retaliates, threatens, or forces an employee with some  
6 punishment if they fail to follow any instructions associated with political  
7 activity.

8 Any individual who violates this subsection *shall* be guilty of a  
9 misdemeanor, and if convicted, *shall* pay a fine of up to Five Thousand Dollars  
10 (\$5,000), and *shall* be required to perform a minimum of one hundred eighty (180)  
11 hours but not to exceed three hundred sixty (360) hours of community service.”

12 **Section 2. Severability.** If any provision of this Act or its application to  
13 any person or circumstance is found to be invalid or contrary to law, such  
14 invalidity *shall not* affect other provisions or applications of this Act that can be  
15 given effect without the invalid provision or application, and to this end the  
16 provisions of this Act are severable.

17 **Section 3. Effective Date.** The Act *shall* be effective immediately upon  
18 enactment.