

*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
56-36 (COR)	James C. Moylan	AN ACT TO ADD § 6110(d), TO CHAPTER 6, TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THE SUBMITTAL OF A DRUG TEST BY THOSE SEEKING AN ELECTED PUBLIC OFFICE.	2/5/21 8:00 a.m.						

***I MINA 'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 56-36 (COR)**

Introduced by:

James C. Moylan 

**AN ACT TO ADD § 6110(d), TO CHAPTER 6, TITLE 3,  
GUAM CODE ANNOTATED, RELATIVE TO  
REQUIRING THE SUBMITTAL OF A DRUG TEST BY  
THOSE SEEKING AN ELECTED PUBLIC OFFICE.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds  
3 that holding an elected position is one that requires the earning of the public's trust.  
4 Presently there are requirements in place which necessitates that any individual  
5 seeking an elected seat submit clearances from the Guam Police Department and  
6 the Judiciary of Guam certifying their history with legal matters. These applicants  
7 must also sign an affidavit attesting that they have not been convicted of a felony  
8 or a crime involving moral turpitude or criminal sexual conduct.

9 With the rising number of drug related cases on island, it is also important  
10 for the electorate to also get the assurance that those seeking their trust at the  
11 voting booths also abide towards a drug free lifestyle. Because those in elected  
12 positions play a major role in the war against illegal substances, it is vital that those  
13 seeking such positions are not conflicted with drugs and instead be entrusted with  
14 making the tough decisions for the island to reduce the presence of such  
15 substances.

1 The Rapid 5 Panel Drug Test is a standard drug testing process which  
2 screens for Cocaine, Amphetamines, Methamphetamines, Opiates and THC. With  
3 the passage of the legalization of recreational cannabis in 2019 (Public Law 35-5),  
4 it is only reasonable not to include it in the requirements of the testing.

5 **Section 2.** § 6110(d) is hereby added to Chapter 6, Title 3, Guam Code  
6 Annotated to read as follows:

7 **§ 6110. Convicted Felons and Others Shall Not be Candidates.**

8 Notwithstanding any other provision of law, all candidates for any elected  
9 public office, board or commission shall not have been convicted of a felony, and  
10 shall not have been convicted of a misdemeanor involving criminal sexual conduct  
11 or crime of moral turpitude. At the time of filing for candidacy with the  
12 Commission, a candidate shall submit:

13 (a) a clearance from the Guam Police Department;

14 (b) a clearance from the Judiciary of Guam; ~~and~~

15 (c) a signed affidavit attesting that the candidate has not been  
16 convicted of a felony or misdemeanor, as described in this Section, in any  
17 state or territory of the United States, or foreign country. The cost for any  
18 clearance required by this Section shall be borne by the person seeking the  
19 public office.; and

20 (d) the submittal of the results of a Rapid 5 Panel Drug Test, which  
21 shall not require the results of any substance legalized pursuant to Public  
22 Law 5-35. The results shall be submitted to the Guam Election Commission  
23 no more than three (3) days from the day the test was completed.

24 **Section 3. Severability.** If any provision of this Act or its application to  
25 any person or circumstance is found to be invalid or contrary to law, such  
26 invalidity *shall not* affect other provisions or applications of this Act that can be

1 given effect without the invalid provision or application, and to this end the  
2 provisions of this Act are severable.

3 **Section 4. Effective Date.** The Act *shall* be effective upon enactment.