

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
99-36 (LS)	Tina Rose Muña Barnes James C. Moylan Jose “Pedo” Terlaje Joe S. San Agustin Amanda L. Shelton Clynton E. Ridgell Frank Blas Jr. V. Anthony Ada	AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO AQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPREENATATION; CREATING THE <i>INAFÁ'MAOLEK FOR INMATES FUND</i> ; AND TO CITE THIS ACT AS THE <i>INAFÁ'MAOLEK FOR INMATES ACT OF 2021</i> .	3/25/21 3:59 p.m.	3/26/21	Committee on General Government Operations, Appropriations, and Housing	4/21/21 2:00 p.m.	5/19/21 5:14 p.m.	Request: 3/29/21  4/6/21	



# SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING  
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

18 MAY 2021

The Honorable Therese M. Terlaje  
Speaker  
I Mina'trentai Sais Liheslaturan Guåhan  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

VIA: The Honorable Tina Rose Muña Barnes  
Chairperson, Committee on Rules

**RE: Committee Report on Bill No.99-36 (LS) As introduced**

Dear Speaker Terlaje:

Transmitted herewith is the Committee Report on **BILL NO. 99-36 (LS)** As Introduced by Tina Rose Muña Barnes, James C. Moylan, Jose "Pedro" Terlaje, Joe S. San Agustin, Amanda L. Shelton, Clynton E. Ridgell, Frank Blas Jr., and V. Anthony Ada. **AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO ACQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE INAFA'MAOLEK FOR INMATES FUND; AND TO CITE THIS ACT AS THE INAFA'MAOLEK FOR INMATES ACT OF 2021.**

Committee votes are as follows:

6 TO DO PASS  
0 TO NOT PASS  
0 TO REPORT OUT ONLY  
0 TO ABSTAIN  
0 TO PLACE IN INACTIVE FILE

COMMITTEE ON RULES

RECEIVED:

May 18, 2021

2:46 P.M.

*Vicente P. Flores*

Respectfully,

*Joe S. San Agustin*  
Senator Joe S. San Agustin  
Chairperson, Committee on Appropriations



# **SENATOR JOE S. SANAGUSTIN**

*I Mina' trentai Sais na Liheslaturan Guåhan*

**CHAIRMAN, COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS, AND HOUSING**

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## **COMMITTEE REPORT**

### **BILL NO. 99-36 (LS)**

*As Introduced by Senators: - Tina Rose Muña Barnes / James C. Moylan / Jose "Pedro" Terlaje / Joe S. San Agustin / Amanda L. Shelton / Clynton E. Ridgell / Frank Blas Jr. / V. Anthony Ada*

**AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO ACQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE *INAFAMAOLEK FOR INMATES FUND*; AND TO CITE THIS ACT AS THE *INAFAMAOLEK FOR INMATES ACT OF 2021*.**



# SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING  
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

11.8 MAY 2021

## MEMORANDUM

**TO: ALL MEMBERS**

Committee on General Government Operations, Appropriations, and Housing

**From: Senator Joe S. San Agustin**

Committee Chairperson

**Subject: Committee Report on Bill No. 99-36 (LS) As introduced**

Transmitted herewith is the Committee Report on **BILL NO. 99-36 (LS)** As Introduced by Tina Rose Muña Barnes, James C. Moylan, Jose "Pedro" Terlaje, Joe S. San Agustin, Amanda L. Shelton, Clynton E. Ridgell, Frank Blas Jr, and V. Anthony Ada. **"AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO ACQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE INAFA'MAOLEK FOR INMATES FUND; AND TO CITE THIS ACT AS THE INAFA'MAOLEK FOR INMATES ACT OF 2021."**

This report includes the following:

- Copy of COR Referral of Bill No. 99-36 (LS)
- Notices of Public Hearing and Other Correspondence
- Copy of Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Submitted Written Testimony and Supporting Documents
- Committee Report Digest
- Copy of Bill No. 99-36 (LS) As Introduced
- Copy of Fiscal Note from Bureau of Budget and Management Research
- Copy of Funding Availability Note from Office of Finance and Budget
- Committee Vote Sheet

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

*Si Yu'os Ma'åse'.*

**Senator Joe S. San Agustin**

Chairman, Committee on Appropriations



Vice Speaker

**TINA ROSE MUÑA BARNES**

**CHAIRPERSON, COMMITTEE ON RULES**

*I Mina'trentai Sais Na Liheslaturan Guahan*

GUAM CONGRESS BUILDING

163 CHALAN SANTO PAPA

HAGATNA, GUAM 96910

TEL 671-472-2461

COR@GUAMLEGISLATURE.ORG

March 26, 2021

## MEMO

**To:** Rennae Meno  
Clerk of the Legislature

**Attorney Ana Won Pat-Borja**  
Legislative Legal Counsel

**From:** Vice Speaker Tina Rose Muña Barnes  
Chairperson, Committee on Rules

**Re:** Referral of Bill No. 99-36 (LS)

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*Buenas yan Håfa adai,*

As per my authority as Chairperson of the Committee on Rules and subject to §6.01(d)(1), Rule VI of our Standing Rules, I am forwarding the referral of Bill No. 99-36 (LS) – Tina Rose Muña Barnes, James C. Moylan, Jose "Pedro" Terlaje, Joe S. San Agustin, Amanda L. Shelton, Clynton E. Ridgell, Frank Blas Jr., V. Anthony Ada - "AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO ACQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE INAFA'MAOLEK FOR INMATES FUND; AND TO CITE THIS ACT AS THE INAFA'MAOLEK FOR INMATES ACT OF 2021."

Please ensure that the subject bill is referred to the Committee on General Government Operations, Appropriations and Housing, chaired by Senator Joe S. San Agustin.

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

Vice Speaker Tina Rose Muña Barnes  
Chairperson, Committee on Rules





Catherine Leon Guerrero &lt;cathy.senatorsa@gmail.com&gt;

**First Notice of Public Hearing on Wednesday, 21 April 2021 @ 9:00 a.m.**

1 message

Rose Mesa &lt;rose.senatorsa@gmail.com&gt;

Wed, Apr 7, 2021 at 1:47 PM

To: phnotice@guamlegislature.org

Cc: Management Information System &lt;mis@guamlegislature.org&gt;, Tom Unsiog &lt;sgtarms@guamlegislature.org&gt;, Joe San Agustin &lt;protocol@guamlegislature.org&gt;

Bcc: cathy.senatorsa@gmail.com

7 April 2021

**MEMORANDUM****To: ALL HONORABLE Senators, Stakeholders and Media****From: Senator Joe S. San Agustin, Chairman****Subject: First Notice of Public Hearing on Wednesday, 21 April 2021 @ 9:00 a.m.*****Buenas yan Håfa Adai!***

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on General Government Operations, Appropriations and Housing will convene a public hearing on **Wednesday, 21 April 2021, beginning at 9 a.m.** in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña). The Committee will hear and accept testimonies on the:

**9 a.m.**

**Bill No. 85-36 (COR)** - Joe S. San Agustin **AN ACT TO AMEND § 15301 OF ARTICLE 3 AND § 15407 BOTH OF ARTICLE 4, CHAPTER 15, TITLE 4 GUAM CODE ANNOTATED, RELATIVE TO REAFFIRMING THE INDEPENDENCE OF THE GUAM ETHICS COMMISSION.**

**Bill No. 89-36 (COR)** - Joe S. San Agustin **AN ACT TO AMEND §4703 (d)(1)(2) OF CHAPTER 4, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE THRESHOLD OF THE TOTAL COST OF PURCHASE FROM THREE HUNDRED THOUSAND DOLLARS (\$300,000) TO THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000) AND TO EXCLUDE OTHER COST IMPOSED ONTO THE PURCHASE OF A HOME**

**2 p.m.**

**Bill No. 99-36 (LS)** - Tina Rose Muña Barnes / James C. Moylan / Jose "Pedro" Terlaje / Joe S. San Agustin / Amanda L. Shelton / Clynton E. Ridgell / Frank Blas Jr. / V. Anthony Ada **AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO ACQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE *INFA'MAOLEK FOR INMATES FUND*; AND TO CITE THIS ACT AS THE *INFA'MAOLEK FOR INMATES ACT OF 2021***

**Bill No. 102-36 (COR)** - Joanne Brown / Therese M. Terlaje / Telo T. Taitague **AN ACT TO ADD NEW §§ 8103(d), 8103.1, AND 8107(d), ALL OF CHAPTER 8, AND TO AMEND § 43122(a) OF ARTICLE 1, CHAPTER 43, ALL OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO INCREASING**

**PUBLIC ACCESS TO INFORMATION ON GOVERNMENT MEETINGS, DELIBERATIONS, AND DECISION MAKING BY REQUIRING BROADCASTING OF PUBLIC MEETINGS AND NOTICE OF AGENDA ITEMS.**

The Public Hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/112.4 and stream online via [I Liheslaturan Guåhan's live feed](#). A recording of the hearing will be available online via [Guam Legislature Media](#) on YouTube after the hearing.

Written testimonies may also be submitted to the Office of Senator Joe S. San Agustin before the hearing via email at [senatorjoessanagustin@gmail.com](mailto:senatorjoessanagustin@gmail.com).

In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Joe S. San Agustin at [senatorjoessanagustin@gmail.com](mailto:senatorjoessanagustin@gmail.com).

We look forward to your participation!

***UN DANGKOLO NA SI YU'OS MA'ÅSE'!***

***Very Respectfully,***

***RoseMarie T. Mesa***

***Office Manager***

***I Mina'trentai sais Na Liheslaturan Guåhan***

***(Thirty-Sixth Guam Legislature)***

***Senator Joe S. San Agustin***

***Committee on General Government Operations, Appropriations, and Housing***

***Office: 671-989-5445***

***Email: [rose.senatorsa@gmail.com](mailto:rose.senatorsa@gmail.com)***





Joe S. San Agustin &lt;senatorjoessanagustin@gmail.com&gt;

**Second Notice of Public Hearing on Wednesday, 21 April 2021**

1 message

Rose Mesa &lt;rose.senatorsa@gmail.com&gt;

19 April 2021 at 07:55

To: phnotice@guamlegislature.org

Cc: Management Information System &lt;mis@guamlegislature.org&gt;, Joe San Agustin &lt;protocol@guamlegislature.org&gt;, Tom Unsiog &lt;sgtarms@guamlegislature.org&gt;

19 April 2021

**MEMORANDUM****To: ALL HONORABLE Senators, Stakeholders and Media****From: Senator Joe S. San Agustin, Chairman****Subject: Second Notice of Public Hearing on Wednesday, 21 April 2021*****Buenas yan Håfa Adai!***

In accordance with the Open Government Law, relative to notices for public meetings, please be advised that the Committee on General Government Operations, Appropriations and Housing will convene a public hearing on **Wednesday, 21 April 2021, beginning at 9 a.m.** in *I Liheslaturan Guåhan's* Public Hearing Room (Guam Congress Building, Hagåtña). The Committee will hear and accept testimonies on the:

**9 a.m.**

**Bill No. 85-36 (COR)** - Joe S. San Agustin **AN ACT TO AMEND § 15301 OF ARTICLE 3 AND § 15407 BOTH OF ARTICLE 4, CHAPTER 15, TITLE 4 GUAM CODE ANNOTATED, RELATIVE TO REAFFIRMING THE INDEPENDENCE OF THE GUAM ETHICS COMMISSION.**

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**2 p.m.**

**Bill No. 99-36 (LS)** - Tina Rose Muña Barnes / James C. Moylan / Jose "Pedro" Terlaje / Joe S. San Agustin / Amanda L. Shelton / Clynton E. Ridgell / Frank Blas Jr. / V. Anthony Ada **AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO ACQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE *INAFAMAOLEK FOR INMATES FUND*; AND TO CITE THIS ACT AS THE *INAFAMAOLEK FOR INMATES ACT OF 2021***

**Bill No. 102-36 (COR)** - Joanne Brown / Therese M. Terlaje / Telo T. Taitague **AN ACT TO ADD NEW §§ 8103(d), 8103.1, AND 8107(d), ALL OF CHAPTER 8, AND TO AMEND § 43122(a) OF ARTICLE 1, CHAPTER 43, ALL OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO INCREASING PUBLIC ACCESS TO INFORMATION ON GOVERNMENT MEETINGS, DELIBERATIONS, AND**



**DECISION MAKING BY REQUIRING BROADCASTING OF PUBLIC MEETINGS AND NOTICE OF AGENDA ITEMS.**

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In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Joe S. San Agustin at [senatorjoessanagustin@gmail.com](mailto:senatorjoessanagustin@gmail.com).

We look forward to your participation!

***UN DANGKOLO NA SI YU'OS MA'ÅSE'!***

***Very Respectfully,***

***RoseMarie T. Mesa  
Office Manager  
I Mina'trentai sais Na Liheslaturan Guåhan  
(Thirty-Sixth Guam Legislature)  
Senator Joe S. San Agustin  
Committee on General Government Operations, Appropriations, and Housing  
Office: 671-989-5445  
Email: [rose.senatorsa@gmail.com](mailto:rose.senatorsa@gmail.com)***

--  
To unsubscribe from this group and stop receiving emails from it, send an email to [phnotice+unsubscribe@guamlegislature.org](mailto:phnotice+unsubscribe@guamlegislature.org).



*Office of*

***SENATOR Joe S. San Agustin***

*I Mina' trentai Sais na Liheslaturan Guåhan Thirty-Sixth Guam Legislature*

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**PUBLIC HEARING**

**Wednesday, April 21, 2021**

**Guam Congress Building Public Hearing Room**

**AGENDA**

**9 a.m.**

**Bill No. 85-36 (COR) - Joe S. San Agustin AN ACT TO AMEND § 15301 OF ARTICLE 3 AND § 15407 BOTH OF ARTICLE 4, CHAPTER 15, TITLE 4 GUAM CODE ANNOTATED, RELATIVE TO REAFFIRMING THE INDEPENDENCE OF THE GUAM ETHICS COMMISSION.**

**Bill No. 89-36 (COR) - Joe S. San Agustin AN ACT TO AMEND §4703 (d)(1)(2) OF CHAPTER 4, TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE THRESHOLD OF THE TOTAL COST OF PURCHASE FROM THREE HUNDRED THOUSAND DOLLARS (\$300,000) TO THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000) AND TO EXCLUDE OTHER COST IMPOSED ONTO THE PURCHASE OF A HOME**

**2 p.m.**

**Bill No. 99-36 (LS) - Tina Rose Muña Barnes / James C. Moylan / Jose "Pedro" Terlaje / Joe S. San Agustin / Amanda L. Shelton / Clynton E. Ridgell / Frank Blas Jr. / V. Anthony Ada AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO ACQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE INAFA'MAOLEK FOR INMATES FUND; AND TO CITE THIS ACT AS THE INAFA'MAOLEK FOR INMATES ACT OF 2021**

**Bill No. 102-36 (COR) - Joanne Brown / Therese M. Terlaje / Telo T. Taitague AN ACT TO ADD NEW §§ 8103(d), 8103.1, AND 8107(d), ALL OF CHAPTER 8, AND TO AMEND § 43122(a) OF ARTICLE 1, CHAPTER 43, ALL OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO INCREASING PUBLIC ACCESS TO INFORMATION ON GOVERNMENT MEETINGS, DELIBERATIONS, AND DECISION MAKING BY REQUIRING BROADCASTING OF PUBLIC MEETINGS AND NOTICE OF AGENDA ITEMS.**

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***Committee Chairman: General Government Operations, Appropriations, & Housing***

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EXECUTIVE DIRECTOR  
Stephen P. Hutton



DEPUTY DIRECTOR  
John P. Morrison  
ADMINISTRATIVE DIRECTOR  
Cathyan C. Gogue

**PUBLIC DEFENDER SERVICE CORPORATION**  
**(Kotperasion Setbision Defensot Pubbleku)**

GOVERNMENT OF GUAM  
779 Route 4  
Sinajaña, Guam 96910  
Tel: (671) 475-3100 ♦ Fax: (671) 477-5844

STAFF ATTORNEYS  
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David J. Highsmith  
Brian E. Kegerreis  
Brian G. Eggleston

April 21, 2021

Senator Joe S. San Agustin  
Chairperson  
Committee on General Governmental Operations,  
Appropriations and Housing  
*I Mina' Trentai Sais na Liheslaturan Guåhan*  
Hagåtña, GU 96910

**Re: Written Testimony on Bill No. 99-36**

*Hafa Adai* Chairperson Joe San Agustin and Members of the Committee on General Governmental Operations, Appropriations and Housing:

The Sixth Amendment of the Constitution as provided in the Organic Act of Guam ensures indigent defendants the right to an attorney. It further provides that such legal representation be effective. If you are deemed indigent, an Attorney is provided at government expense. This right protects communications and requires that such communications be private. This measure, relative to granting indigent inmates the ability to acquire their constitutional right to legal representation; creating the *Inafa'Maolek* for inmates fund; and to cite this act as the *Inafa'Maolek* for Inmates Act of 2021 would certainly ensure that indigent clients are able to speak to their court appointed attorney at no cost to them.

As the Director of the Public Defender Service Corporation, I am testifying in complete support of this proposed legislation. Our office represents indigent constituents in criminal matters. Many of our clients are held at the Department of Corrections. Prior to this pandemic, clients were able to call their court appointed attorneys using the control phone in each cellblock. Due to Covid-19 safety concerns, DepCor has ceased this practice. The cellblock control phone is reserved for use within the facility and mainly for emergency purposes only. Consequently, indigent clients have been required to purchase Pay Tel minutes to pay for the constitutional right to speak to their attorney. Other inmate challenges as a result of Covid-19, was the suspension of family visitation for over 14 months. Again, our clients, and your constituents use their valuable Pay Tel balance to maintain contact with their loved ones. This is an unfortunate circumstance for our island community.

Addressing this issue we had at the start of the year Pay Tel and the Department of Corrections set up a toll free account with PDSC and APD. This enabled indigent clients to speak freely and at no cost to them with their attorneys. This system worked well. Clients could call us using a Pay Tel account and the calls were also not recorded. However, we recognize that this system is not free to the provider as well as the end user. By having this bill in place, there is an

identified funding source to pay for all attorney calls made by indigent defendants. The phone provider deposits 15% of their net revenues into the General Fund. These revenues are generated by toll calls made by the prison population. It is therefore fitting that this revenue be the funding source for the *Inafa' Maolek* for Inmates Fund. If the funding is insufficient, it ensures that the Director and the Governor protect this constitutional right by other reasonable means. The bill also makes it clear that it will include all indigent defendants who are detained.

Lastly, and more appropriately, May is Law Month. The theme this year is the Rule of Law. It is therefore, additionally fitting that this Legislature consider legislation that would protect the Rule of Law and the 6<sup>th</sup> Amendment of the U.S. Constitution.

In closing, we thank you for the opportunity to comment on this proposed legislation. Should you require further information or clarification regarding management's position on Bill No. 99-36, please feel free to contact me at 475-8301/472-8188.

*Senseramente,*



STEPHEN P. HATTORI  
Executive Director



## Guam PayTel Revenue

Cathy Gogue <cgogue@guampdsc.org>

Thu, Mar 25, 2021 at 9:39 AM

To: Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

Cc: Stephen Hattori <sphattori@guampdsc.org>

Hafa Adai Vice Speaker Muña Barnes,

We have been trying to work with DOC and Guam PayTel to provide our clients with toll free services to our office. In working toward this initiative, what we recently learned was that PayTel provides a percentage of their net proceeds to GovGuam. If this is true, do you know where these funds go to and if this money goes back to DOC?

As always, whatever assistance your office can provide to help us provide access to Guam's indigent population will be greatly appreciated.

Si Yu'os Ma'ase,

Cathy Gogue

Administrative Director

Guam Public Defender Service Corporation

779 Route 4

Sinajana, Guam 96910

Tel: (671) 475.8301

Website: [guampdsc.org](http://guampdsc.org)

Public Defender Service Corporation | 779 Route 4, Sinajana, Guam 96910 | (671) 475-3100 | [www.guampdsc.org](http://www.guampdsc.org)

**\*\*\*IMPORTANT NOTICE\*\*\*** This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender. If you are not the named addressee you should not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in relation to this email or its



## NEWS

## Legislation proposes giving prisoners access to legal representation

Tuesday, April 6th 2021, 4:42 PM ChST

By Adriana Cotera



A bipartisan bill recently introduced by the Guam Legislature would create a revolving fund for indigent inmates to have adequate access to legal representation. The Department of Corrections (DOC) supports the bill.

Bill 99 establishes the "Inafa'maolek for Inmates Fund", that would be allow indigent inmates to contact their legal counsel free of charge. During the pandemic visitation privileges were halted and communication was only permitted through telephone.

As a result fees were imposed to add funds to inmate's phone accounts, however many of those incarcerated are indigent and the PayTel system served as a barrier to acquiring legal representation, explained DOC spokesperson Major Antone Aguon (<https://www.youtube.com/watch?v=4khOyS9QEGk>).

"Now, in this system, attorney numbers can be set to do not record so that you have a private conversation. We are not allowed to listen to attorney/client calls," he explained.

"The issue is that some of the inmates don't have money, they don't have family support or a lot of money to put into their phone system so how do you give them access to their attorney? And who pays for it? That's the next cost, who should pay for those inmates who don't have the money to pay for their phone calls."

As stated in the bill's language, the phone service provider deposits 15% of net revenues into the government of guam General Fund as a condition to doing business within the prison.

If made law, this deposit would become an account for indigent inmates to communicate with their respective attorneys.

## MOST POPULAR

**\$200M in 3rd round stimulus payments processed**  
[\\$200M in 3rd round stimulus payments processed](#) / 3695474/

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[Three women bravely speaking out against sexual assault and victim shaming](#) / 43704905/

**Second ethics complaint filed against Fatague**  
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**GPS details autopsy of former Onyiah mayor**  
[GPS details autopsy of former Onyiah mayor](#) / 95473/

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[Matthew Manibusan held responsible for 2016 jail shooting](#) / 430/



**PURCHASE ORDER**  
GENERAL SERVICES AGENCY  
DEPARTMENT OF ADMINISTRATION  
GOVERNMENT OF GUAM

148 Route 1  
Marina Drive  
P.O. Box 96926

**TRAN CODE**

THIS PURCHASE ORDER NUMBER

No. [REDACTED]

MUST APPEAR ON ALL INVOICES  
PACKING SLIPS, PACKAGES, B/L,  
CORRESPONDENCE ETC.

1.1.1.1.

AIR FREIGHT TEL. CONTACT SHIP VIA:

DATE  
6/11/2020

JOB ORDER NO.

ORIG

PREPAID-SHOW SHIPPING CHARGES AS SEPARATE ITEM ON INVOICE

230

**VENDOR**

**TO:**

ISLA PACIFIC  
TELECOMMUNICATIONS, INC.  
PO BOX 10838  
TAMONING, GU 96931  
Telephone: 671 473-4379 Fax: 671 473-4370  
Email: BUNTALAN@PAYTELGUAM.COM

**VENDOR**

**SHIP TO**

CONSIGNEE, DESTINATION & MARKING

DEPARTMENT OF CORRECTION  
A111 MARINER AVENUE  
P.O. BOX 3236  
HAGATNA,, GU 96932-0000

CORRECTIONS REVOLVING FUND

AUTHORITY  
3112

\*\*\* INVIATION NO.

\*\*\* CONTRACTING NO

TIME FOR DELIVERY  
SEE BELOW

EXPIRING

DISCOUNT TERMS

**VENDOR ACKNOWLEDGMENT**

RETURN TO SUPPLY MANAGEMENT DIVISION

DATE OF RECEIPT OF THIS ORDER

6-12-2020

SIGNATURE

**RECEIVING REPORT COPY**

I CERTIFY THE ABOVE ARTICLES AND/OR SERVICES HAVE/HAS BEEN  
RECEIVED AND/OR RENDERED AND THE SAME HAS BEEN INSPECTED  
AND ACCEPTED EXCEPT AS OTHERWISE NOTED HEREIN.

DATE RECEIVED:

SIGNATURE:

**SPECIAL INSTRUCTIONS TO VENDOR:**

- SEND CERTIFIED ORIGINAL AND THREE (3) COPIES OF INVOICE TO DIVISION OF ACCOUNTS, DEPARTMENT OF ADMINISTRATION, GOVERNMENT OF GUAM, P.O. BOX 804, AGANA, GUAM 96910.
- DELIVER WITHIN 14 DAYS UPON RECEIPT OF MERCHANDISE IN GUAM BY AIR AND COMBINATION.
- THIS ORDER IS SUBJECT TO CONFIRMATION BY THE SUPPLY MANAGEMENT DIVISION.
- ON ALL AIR SHIPMENTS HAVE AIR FREIGHT COMPANY CALL THIS NUMBER UPON ARRIVAL OF GOODS IN GUAM.

31

A. DO NOT FILL THIS ORDER  
IF YOUR TOTAL COST  
EXCEEDS THIS TOTAL

**TOTAL**

CONTRACTOR, PLEASE SUPPLY PROMPTLY THE ABOVE ARTICLES OR  
SERVICES. ALL CORRESPONDENCE PERTAINING TO THIS ORDER INCLUDING  
INVOICES, SHIPPING DOCUMENTS AND PACKAGES MUST BEAR THE  
PURCHASE ORDER NUMBER SHOWN ABOVE.  
SEE REVERSE SIDE FOR PURCHASE ORDER TERMS AND CONDITIONS.

ADVANCE PAYMENT  
AUTHORIZATION

PAYMENT  
OR LOAN

PAGE 5 OF 5

ORIGINAL/VENDOR



**PURCHASE ORDER**  
GENERAL SERVICES AGENCY  
DEPARTMENT OF ADMINISTRATION  
GOVERNMENT OF GUAM

148 Route 1  
Marino Drive  
P.O. Box 96925

**TRAN CODE**

THIS PURCHASE ORDER NUMBER

No. [REDACTED]

MUST APPEAR ON ALL INVOICES  
PACKING SLIPS, PACKAGES, B/L,  
CORRESPONDENCE ETC.

POB.	OR AIR RECEIPT TEL. CONTRA	SHIP VIA	DATE 6/11/2020	JOHNSON	DUPLICATE
REPAID SHOW SHIPPING CHARGES AS SEPARATE ITEM ON INVOICE					230

**VENDOR**

TO:

ISLA PACIFIC  
TELECOMMUNICATIONS, INC.  
PO BOX 10838  
TAMUNING, GU 96931  
Telephone: 671 473-4379 Fax: 671 473-4370  
Email: MONTALAN@PAYTELGUAM.COM

**VENDOR**

**SHIP TO**

CORSIGNEE, DESTINATION & MARINE

DEPARTMENT OF CORRECTION  
4111 MARINER AVENUE  
P.O. BOX 3236  
HAGATNA,, GU 96932-0000

CORRECTIONS REVOLVING FUND

AUTHORITY 3112	** INVOICING NO.	** CONTRACTING NO.	TIME FOR DELIVERY SEE BELOW	EXPIRING	DISCOUNT PERCENT
-------------------	------------------	--------------------	--------------------------------	----------	------------------

MAINTENANCE OF THE INMATE  
TELEPHONE SYSTEM TO ENSURE  
OPERATIONAL CONTINUITY, AND  
SHALL BE AVAILABLE TO PROVIDE  
SERVICES TO ANY OF THE  
TELEPHONE UNITS WITHIN THE  
RESPONSE TIME AS AGREED UPON.  
VENDOR SHALL MAKE SERVICE  
CALLS WITHIN SIX (6) HOURS FOR  
MAJOR OUTAGES OR WITHIN TWENTY  
FOUR (24) HOURS FOR OTHER  
THAN MAJOR OUTAGES. REPAIR AND  
REPLACEMENT FOR SINGLE INMATE  
OR PUBLIC TELEPHONES REPRESENT-  
ING LESS THAN TWENTY PERCENT  
(20%) OF THE TOTAL TELEPHONES  
LOCATED IN THE FACILITIES WILL  
BE SERVICED WITHIN FORTY EIGHT  
(48) HOURS. HOWEVER, IF THE  
REQUEST IS MADE ON A SATURDAY,  
SUNDAY OR HOLIDAY FOR A NUMBER  
NOTE:

THE GOVERNMENT OF GUAM WILL NOT BE RESPONSIBLE FOR 'UNAUTHORIZED' PURCHASES OR SERVICES.  
NOTE: Amount due this Purchase Order may be off set for monies due the  
of Guam inclusive of but not limited to taxes, fees, and returned checks  
other damages, penalties, and Attorney's fees, after failure to pay  
To be coordinated between the agency and vendor  
DELIVERY IS NO LATER THAN THE DATE INDICATED ABOVE.

**SPECIAL INSTRUCTIONS TO VENDOR**

- SEND CREDITED ORIGINAL AND THREE (3) COPIES OF INVOICE TO DIVISION OF ACCOUNTS, DEPARTMENT OF ADMINISTRATION,  
GOVERNMENT OF GUAM, P.O. BOX 96925, AGANA, GUAM 96920.
- INVOICE DUE WITHIN (30) DAYS UPON RECEIPT OF INVOICE FROM THE DIVISION OF CORRECTION.
- THIS ORDER SUBJECT TO CONDITIONS ON REVERSE SIDE.
- ALL CARRIER SUBJECT TO THE SPECIAL PROVISIONS, AND ALL TERMS AND CONDITIONS SPECIFIED ON THIS BID.
- ON ALL AIR SHIPMENTS HAVE AIR FREIGHT COMPANY CALL THIS NUMBER UPON ARRIVAL OF GOODS.

XXXXXXXXXXXX

A. DO NOT PUT THIS ORDER  
IF YOUR TOTAL CASH  
EXCEEDS THE TOTAL

↑ TOTAL ↑

SIGNATURE:

CONTRACTOR: PLEASE SUPPLY OR EMPLOY THE ABOVE ARTICLES OR  
SERVICES. ALL CORRESPONDENCE IN CONNECTION WITH THIS ORDER INCLUDING  
INVOICES, SHIPPING DOCUMENTS AND PACKAGES MUST BEAR THE  
PURCHASE ORDER NUMBER SHOWN ON THE REVERSE SIDE FOR PURCHASE  
TERMS AND CONDITIONS.

ADVANCE PAYMENT  
AUTHORIZATION  
PAYMENT  
ENCLOSED ☐

Claudia Sane

ORIGINAL/VENDOR'S COPY





A

TRAN CO

No.

V  
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TO:

SHIP TO

AUTHORITY  
3112DATE FOR DELIVERY  
SEE BELOW

EXPIRING

10.000.000.000

## THIS ORDER IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. A knowledge copy of this order must be signed and returned advising approximate or definite shipping date.
2. No variation in any of the terms, conditions, deliveries, prices, quantity, quality, or specification on this order, irrespective of the wording of the seller's acceptance, will be effective without buyer's written consent.
3. Packing list must accompany each shipment, showing our order number, description and part or serial number for each item.
4. Shipments must be identified as "PARTIAL" or "COMPLETE".
5. Material is subject to buyer's inspection and approval within a reasonable time after delivery; if specifications are not met, material shall be returned at seller's expense.
6. In connection with any prompt payment discount offered, time will be computed from date of delivery and acceptance at destination, or from the date the correct invoice or voucher is received in the office specified by the Government of Guam, if the latter is later than date of delivery and acceptance. Payment is deemed to be made, for the purpose of earning discount, on the date of the mailing of the check.
7. Overshipments, unless specifically authorized, will not be accepted.
8. In connection with bid awards and contracts, this purchase order shall be governed by the Special Provisions and Bid General Terms and Conditions as specified.

## SPECIAL INSTRUCTIONS TO VENDOR:

1. VENDOR MUST OBTAIN AND FURNISH TO THE OFFICE OF THE COMPTROLLER OF ACCOUNTS, DEPARTMENT OF ADMINISTRATION, GOVERNMENT OF GUAM, P.O. BOX 984, AGANA, GUAM 96910, A COPY OF THIS ORDER.
2. VENDOR MUST OBTAIN AND FURNISH TO THE OFFICE OF THE COMPTROLLER OF ACCOUNTS, DEPARTMENT OF ADMINISTRATION, GOVERNMENT OF GUAM, P.O. BOX 984, AGANA, GUAM 96910, A COPY OF THIS ORDER.
3. VENDOR MUST OBTAIN AND FURNISH TO THE OFFICE OF THE COMPTROLLER OF ACCOUNTS, DEPARTMENT OF ADMINISTRATION, GOVERNMENT OF GUAM, P.O. BOX 984, AGANA, GUAM 96910, A COPY OF THIS ORDER.
4. VENDOR MUST OBTAIN AND FURNISH TO THE OFFICE OF THE COMPTROLLER OF ACCOUNTS, DEPARTMENT OF ADMINISTRATION, GOVERNMENT OF GUAM, P.O. BOX 984, AGANA, GUAM 96910, A COPY OF THIS ORDER.
5. VENDOR MUST OBTAIN AND FURNISH TO THE OFFICE OF THE COMPTROLLER OF ACCOUNTS, DEPARTMENT OF ADMINISTRATION, GOVERNMENT OF GUAM, P.O. BOX 984, AGANA, GUAM 96910, A COPY OF THIS ORDER.

A. DO

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↑ TOTAL ↑

CONTRACTOR: PLEASE SUPPLY PRICES FOR THE ABOVE ARTICLES  
FOR ALL CORRESPONDENCE RELATIVE TO THIS ORDER  
FURNISH SHIPMENT DOCUMENTS AND INVOICES TO THE  
OFFICE OF THE COMPTROLLER OF ACCOUNTS, DEPARTMENT OF ADMINISTRATION, GOVERNMENT OF GUAM, P.O. BOX 984, AGANA, GUAM 96910

RECEIVED

Said Aguon, "And so we support that, we all want to give access to the inmates with their attorneys on their constitutional rights and we don't want to interfere with that. But again, someone has to pay for it because our phone system is a private company that operates it."

According to Aguon, DOC ran a pilot program with the Public Service Defender Corporation for two months, providing all inmates that called the public defender office free access, and for one month that equated an over \$400 payment.

"Just for that call to the alternate public defender, so it might cost a couple more of course if we are going to do all attorneys," he said. "So we need to figure out is the intent for every inmate and detainee whether they have money or not in their account should be entitled to the free phone calls."

As stated in the measure, the revolving fund is to be established by the Department of Administration.

### Major Antone Aguon breaks down privacy issues in prison



1 Comment    and 1 by 1 Rep.



Alan San Nicolas  
Yanggen ma apriha est  
na la basta salla  
presinatu

Post Comment (0)

Around the Web

Ads by Breenland





## Guam PayTel Revenue

Cathy Gogue <cgogue@guampdsc.org>

To: Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

Cc: Stephen Hattori <sphattori@guampdsc.org>

Thu, Mar 25, 2021 at 9:39 AM

Hafa Adai Vice Speaker Muña Barnes,

We have been trying to work with DOC and Guam PayTel to provide our clients with toll free services to our office. In working toward this initiative, what we recently learned was that PayTel provides a percentage of their net proceeds to GovGuam. If this is true, do you know where these funds go to and if this money goes back to DOC?

As always, whatever assistance your office can provide to help us provide access to Guam's indigent population will be greatly appreciated.

Si Yu'os Ma'ase,

Cathy Gogue

Administrative Director

Guam Public Defender Service Corporation

779 Route 4

Sinajana, Guam 96910

Tel: (671) 475.8301

Website: guampdsc.org

Public Defender Service Corporation | 779 Route 4, Sinajana, Guam 96910 | (671) 475-3100 | [www.guampdsc.org](http://www.guampdsc.org)

**\*\*\*IMPORTANT NOTICE\*\*\***This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender. If you are not the named addressee you should not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete this email from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in relation to this email or its

**Attachment 1****PayTel Inmate and Public Telephone Features:**

- **Pre-Paid, Collect and Debit** PayTel will offer a range of calling plans to meet the needs of the DOC Inmates. PayTel was the first Guam pay telephone service provider to deploy a fully computerized debit-calling pay telephone system. This technology will be integrated with an automated collect call service utilizing computerized, synthesized operator with dialing instructions, error prompts, and initial contact with called party recorded or real time announcement of inmate's name. Inmates are completely blocked from access to any live operator. Debit calling will be allowed for local, interstate and international calls. Collect call service will be limited to off-island interstate calls and countries capable of accepting automated collect call billing.
- **Automated Operators** The synthesized voice leads inmate callers through the steps of interstate collect-call dialing, announcement of their name, error prompts, verification, and acceptance of charges. Neither the inmate nor the recipient can manipulate this process. This is the only way to complete inmate collect calls.
- **Call Announcement** The Inmate Telephone System provided by PayTel will announce a custom message to the called party stating, "you have a call from the (Guam Department of Corrections, Hagatna Lock-Up, etc.) from (inmate name/voice)". The called party will press a predefined key to accept the call. This helps to alert the called party that the call is from an inmate, and avoids undesired acceptance of the call. This feature will also be provided for interstate collect calls.
- **Hardened Coinless Telephones** In the security conscious environment of a correctional facility, the integrity of the inmate telephones is essential. The inmate coinless telephones provided by PayTel have a tough, tamper-resistant exterior, steel lanyard cable and sturdy polycarbonate handset that will withstand abuse.
- **Public Coin Operated Phones** PayTel will provide coin operated phones in public access areas for public (non inmate) use. PayTel

For and in consideration of the mutual covenants hereinafter set forth, the Government and Isla Pacific Telecommunications, Inc. agree as follows:

**SECTION I. PURPOSE.** To install pay telephones at the Adult Correctional Facilities located in Mangilao, at the Hagatna Detention Facility and any other Department facility for inmates, detainees and public use.

**SECTION II. SCOPE OF SERVICES.** Isla Pacific Telecommunications, Inc. agrees to install and maintain pay telephones for the intended customers as described in Exhibit A. Installation of a pay telephone system shall be for an automated system and suitable with giving consideration to safety, tampering, reliability, and accessibility by inmate and detainee customers. The Company shall be available to provide maintenance of the inmate telephone system to ensure operational continuity, and shall be available to provide services to any of the telephone units within the response time as agreed upon herein. The Company shall make service calls within six (6) hours for major outages or within twenty-four (24) hours for other than major outages. A Major outage is defined as a loss of 75 % of the total telephones installed in the Department's facilities. Repair and replacement for single inmate or public telephones representing less than 20% of the total telephones located in the facilities will be serviced within forty-eight (48) hours. However, if the request is made on a Saturday, Sunday or holiday for a number of telephones representing less than 20% of the total telephones, the Company will provide the service within twenty-four (24) hours after the following workday of the reported problem.

**SECTION III.**

**THE COMPANY AGREES TO THE FOLLOWING:**

- A. During the installation of the pay telephones and during periodic maintenance, and other services, the Company agrees to comply with all security policies, rules and regulations of the Department, including all other applicable local and federal laws or statute.
- B. The Company's employees, representatives, or agents shall submit to standard security inspection of their persons, vehicles, tools, boxes, bags, and other carrying containers upon entry in the prison compound. Entry of Company's employee, representative, or agent, will not be permitted without an official picture identification card or a Company issued ID card with the person's picture.
- C. No Company employee, representative, or its agent will have any direct contact or communication with any inmate or detainee without permission and without the presence of an officer while such employee, representative, or agent is performing routine telephone services inside the prison facilities.
- D. Company agrees to provide inmate telephone equipment designed to provide inmate telephone service in correction facilities. This equipment will permit Department staff to control, restrict or suspend a specific inmate's phone privileges by setting different time limits, or day limitations for specific PINs or phone locations. The equipment will enable Department staff to block virtually any number of an 11-digit phone number, to prevent harassing phone calls or unauthorized calls to toll-free lines, information (411), carrier access (950, 10XXX), and talk lines

3  


- E. (700-, 900-, 976-, etc.) Emergency 911 calls will not be blocked. However, they will be forwarded to a Department assigned telephone for screening and action by the Department. The inmate telephone system will allow Department staff to monitor and record the non-privileged phone conversations. The equipment shall maintain Call Detail Records which will log the name of the inmate, time, date, number reached, and duration of each call. Department staff will be able to administer inmate telephone privileges, access recorded inmate conversations, and access inmate Call Detail Records from an authorized access terminal. The Company will provide one access terminal at the facility at a location specified by the Department. Additional access terminals will be installed upon request with installation and equipment costs deducted from commissions. The Company shall assist the Department, local law or federal law enforcement officials in obtaining any telephone records unless such information is prohibited by statute. Company will provide 16 hours of initial system training and 8 hours per year of refresher training on the Inmate Telephone System to Department staff at no charge to the Government.

#### **SECTION IV. COMMISSIONS.**

Company shall remit to the Department a 15% commission on net revenues generated by coinless pay telephones and a 10% commission on net revenues generated by coin operated pay telephones. The net revenue is the local revenue generated less line costs, including GTA pay telephone tariff, with authorized local and federal charges (SLC charge, universal service charges, 911 charge, etc.) The long distance net revenue is

4



calculated as total long distance revenues generated less costs for long distance service and billing costs for collect calls.

Remittance will be made payable to Treasurer of Guam within 45 days after each calendar quarter. Remittance will be accompanied by a revenue summary.

**SECTION V. THE DEPARTMENT AGREES TO THE FOLLOWING:**

- A. The Company, its employees, representatives or agents will be given access into the prison facilities to install telephones and to perform other related and routing services.
- B. The Department will approve where each telephone will be installed in the various areas with consideration to convenient accessibility and security monitoring. The Department will specify locations of inmate coin-less phones, inmate coin operated phones and public coin operated phones (Public coin operated phones will not be monitored or recorded)
- C. The Department will provide electrical power and where necessary adequate lighting to all areas where pay telephones are installed.
- D. The Department will provide one dedicated 20 Amp electrical power outlet in a secure temperature controlled space for housing the inmate telephone system server at each facility.
- E. The Department will provide security escort to Company employees, agents, or representatives during all service tours. If security escort is unavailable, the repair time requirements of the "SCOPE OF SERVICES" shall be extended for the convenience





of the Government

- F. For the safety of all concerned, officers of the Department shall conduct standard frisk and search procedures of Company employees, representatives and agents as they make entry into the facilities. Security inspection shall be conducted on all vehicles driven by employees, representative and agents of the Company. Inspection of handbags, tool, equipment, carrying cases, or other containers brought in will be inspected. At no time will any person be permitted entry who is in possession of any explosive. Tools, equipment, and materials ordinarily used for servicing or installing telephones are permitted.
- G. The Department will not use pay telephones belonging to the Company for receiving incoming calls, nor will it advertise the telephone numbers in the telephone directory or news media
- H. The Department will not connect any apparatus or appliances to the telephone communication system.
- I. The Department will make appropriate reports to Provider about any misuse, destruction, damage, or vandalism as soon as practicable after learning of such event or condition.

**SECTION VI.**

**CONTRACT TERMS.** This contract shall commence upon signature of the Governor and continue for five (5) years. The Government shall have the option to renew for two additional five (5) year terms.

**SECTION VII.**

**SCOPE OF AGREEMENT.** This agreement supersedes any and all other agreements, either oral or in writing. Each party to this agreement acknowledges that no representations, inducements, promises or agreements orally or otherwise have

6  


been made by any party, or anyone acting on behalf of any party, which are not embodied herein, and that no other agreement, statement, or promise not contained in this agreement shall be valid or binding. Any modification of this agreement will be effective only if it is in writing signed by the authorized party charged. For the purpose of this paragraph and of the entire agreement, the signature of the Governor is the only signature that will bind the Government.

**SECTION VIII. ASSIGNMENT OF AGREEMENT.** This Agreement may be assigned with the consent of the Department and provided that the assignee is technologically and administratively competent to carry out the provisions of this contract and without cost to the Department. All assignments require the approval of the Attorney General and the Governor.

**SECTION IX. GENERAL COMPLIANCE WITH LAWS.** The Company is required to comply with all Federal Laws, Guam laws, ordinances, security rules and regulations promulgated and enforced at the Department which are applicable to this contract.

**SECTION X. OWNERSHIP OF TELEPHONE SYSTEM.** All telephones instruments, stalls and other materials (except telephone wiring) installed shall remain the property of the Company. Upon termination or at the end of the term, the Company shall remove all of its property from the facilities within sixty (60) days. Failure to remove any property within 60 days will be deemed an abandonment and ownership will be forfeited, and title to the property will pass to the Government. Company shall have the right to install system hardware and software upgrades at Company expense, as required to maintain or improve system reliability, capability and efficiency.

7  


**SECTION XI.**

**OWNERSHIP OF TELEPHONE WIRING.** The existing wiring installed within the Department premises and any additional wiring installed by Company shall remain the property of the Government. Cost of material and labor required for wiring installation, wiring upgrades and wiring maintenance necessary for the proper operation of the inmate telephone system shall be deducted from the commissions due and payable by Company to the Department. Company shall provide the Department a written estimate of all inside wiring maintenance and installation costs and will obtain the Department's concurrence prior to commencing inside wiring maintenance and installation. Company shall be allowed to use existing telephone wiring installed within the Department's premises for the provision of inmate telephone service if not required for the Department's official telephone service.

**SECTION XII.**

**BREACH OF AGREEMENT.** In the event either party defaults in its obligations hereunder, the other party shall promptly notify such party of the default in writing. If the party in default fails to remedy such default within (thirty) 30 days after receipt of such notice, or if such default is of a character requiring more than thirty (30) days to cure and if the party in default fails to commence remedy to cure default within thirty (30) days of receipt of such notice, the other party may immediately cancel and terminate this Agreement. If the Agreement is terminated due to the Company's defaulting in its obligations, the Company shall not be compensated for termination of Agreement. If the Government defaults in its obligations and fails to remedy such default in accordance with this Agreement, the Company shall be compensated in accordance with Section XIII.

**SECTION XIII.**

**TERMINATION.** If the Department permits other public communications equipment to be installed within the Department's premises or if the Department in some fashion terminates this Agreement, other than by expiration of the term, a breach of agreement by Company, a force majeure condition as set forth in Section XIX C, <sup>7-13-2004</sup> or circumstances whereby the equipment contributes to the disruption of the Department's normal operations at the particular premises, then the Government shall compensate the Company for its losses as set forth in the paragraph below.

The parties acknowledge that removal of service and communication equipment at Department's request will cause substantial harm to the Company, and it will be difficult, if not impossible, to ascertain the exact amount of such losses as the equipment is a customized solution for the Departments needs as a correctional facility and can not be used elsewhere in the event of termination. Therefore, the Government agrees to pay the Company compensation for early termination calculated by multiplying the cost of the installed equipment (estimated to be approximately \$150,000) by the number of full or partial years remaining on contract times 20% plus 25% of the average monthly revenue during the term of this agreement multiplied by the remaining months of the agreement. The Government may purchase the inmate telephone system and equipment by paying the Company an additional \$15,000 per full or partial years remaining on contract. If the contract is renewed, the value of equipment shall be calculated as \$50,000 plus the cost of additional equipment and software installed after the initial term.

**SECTION XIV.**

**SEVERABLE PROVISIONS.** If any provision of this agreement shall be deemed by a court of competent jurisdiction to be invalid, then such provision shall be deemed stricken from the agreement and the agreement shall be enforced according to its valid and subsisting terms and provisions.

**SECTION XV.**

**INDEMNITY.** <sup>af</sup> The Company agrees to save and hold harmless the Government, its officers, agents, representatives, successors and assigns and other governmental agencies from any and all suits or actions of every nature and kind, which may be brought for or on account of any injury, death, or damage arising or growing out of the acts or omissions of the Company, its officers, agents, servants, or employees under this agreement <sup>af</sup>.

<sup>af</sup> 7-13-2004

A handwritten signature in blue ink, consisting of a stylized 'X' or 'B' shape with a horizontal line extending to the right.

**SECTION XVI. GOVERNMENT LAW.** The validity of this agreement and of any of its terms or provisions, as well as the rights and duties of the parties to this agreement, shall be governed by the laws of Guam.

**SECTION XVII. FEDERAL LAW AND REGULATIONS.** This agreement is based upon the Federal laws and regulations in effect on the effective date of the agreement. If new Federal laws and regulations are enacted in the future that will modify the income derived from the local and long distance services obtained through the operation of the inmate system, the Government agrees to amend the agreement to ensure Company receives comparable compensation.

**SECTION XVIII. EFFECTIVE DATE OF AGREEMENT.** This agreement shall take effect upon the date it is signed by the Governor of Guam.

**SECTION XIX. GOVERNMENT NOT LIABLE.**

- A. The Government assumes no liability for any accident or injury that may occur to the Company's employees, agents, representatives, or personal property while enroute to or from the prison compounds or premises.
- B. The Government shall not be liable to the Company for any work performed prior to the execution of this agreement and the Company hereby expressly waives any and all claims for services performed in expectation of this agreement prior to its execution by the Governor.
- C. The Government will not indemnify Provider for any lack or loss of revenue due to the non-use of the telephone system by the customers, nor for loss incurred or sustained arising




from a force majeure condition including damage due to fire, storm, earthquake, or other natural disaster, or form of terroristic destruction, or when all or any part of the facility is vacated due to structural unfitness for occupancy or by any legal order to abandon all or any part of the facilities. The parties affected shall be excused from performance under this agreement to the extent such interference affects their performance provided that the party so affected shall use reasonable efforts to remove the cause of nonperformance. In the event all or any part of the facility is vacated and some or all of the inmates are relocated to a new or replacement facility during any term of this agreement, the Company shall have the right of first refusal to install and operate an inmate phone system within the new or replacement location.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates indicated by the respective names.

ISLA PACIFIC TELECOMMUNICATIONS INC.  
Contracting Officer:

DEPARTMENT OF CORRECTIONS



BARBARA T. LIMTIACO, CEO

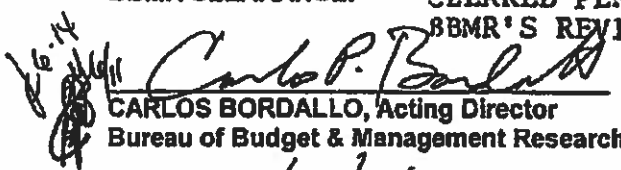
Date: 04-05-2004



ROBERT CAMACHO, Acting Director

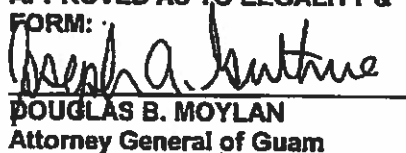
Date: JUN 03 2004

BBMR CLEARANCE: CLEARED PER  
BBMR'S REVIEW

  
CARLOS BORDALLO, Acting Director  
Bureau of Budget & Management Research

Date: 6/23/04

APPROVED AS TO LEGALITY &  
FORM:

  
DOUGLAS B. MOYLAN  
Attorney General of Guam

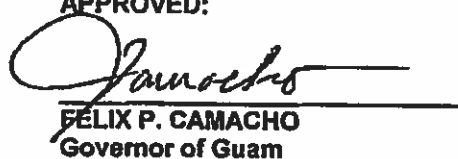
Date: 8/17/04

CHIEF PROCUREMENT OFFICER:

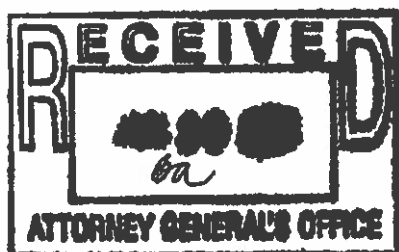
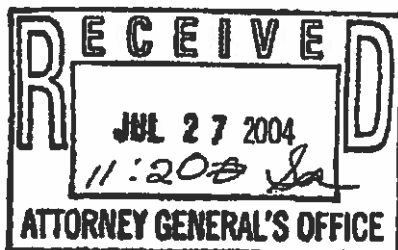
CLAUDIA S. ACFALLE

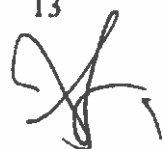
Date: \_\_\_\_\_

APPROVED:

  
FELIX P. CAMACHO  
Governor of Guam

Date: 9/17/04





will not provide monitoring recording or logging of calls for these phones.

- **Coin Operated Inmate Phones** If required by DOC, PayTel will provide coin-operated phones for inmate use. However, this service is not recommended for general inmate use because it will require the use of cash by inmates and the telephones are less resistant to abuse. The increased operating and maintenance costs will result in a lower commission rate for DOC. PayTel understands that Coin Operated Inmate phones may be required in booking and short term confinement facilities operated by DOC.

## **Security and Management Control Features:**

- **PIN Control Features** Each inmate is assigned a Personal Identification Number by your staff. This PIN is used to track individual calls, and minimize fraud. An inmate's PIN can be individually programmed to access only certain numbers on an approved list. This permits DOC to control who is calling and who is being called. Your staff can disable any PIN which will suspend a specific inmate's phone privileges. In addition, time limits can be enforced through the PIN system by setting different time limits, or day limitations for specific PINs or phone locations.
- **Recording/Monitoring** The inmate telephone System will allow your staff to monitor and record the non-privileged phone conversations of inmates at your discretion without an audible "click," or loss of volume.
- **Call Blocking** The PayTel System can block virtually any number of 11-digit phone numbers, barring calls to those numbers from any inmate phone. Restricted numbers can be programmed into the system by DOC staff. Call blocking prevents harassing phone calls such as:
  - Toll-free lines (1-800-, 1-888- etc.)
  - Information (411)
  - Carrier access (950, 10XXX)
  - Talk lines (700-, 900-, 976-, etc.)
  - Emergency 911 calls will not be blocked, however they will be forwarded to a DOC assigned telephone for screening and action by DOC staff.
- **Call Detail Records** The Call Detail Records will log the time, date, number reached, and duration of each call. The information gained through Call Detail Records helps identify significant calling patterns that may lead to further investigations.

- **Call Timing** Call Timing places an automatic time limit on the duration of each call. Call Duration limits are set at the discretion of the facility.
- **Time of Day On/Off** Using Time of Day On/Off, you can deactivate and restore the inmate phone service at your discretion.
- **3-Way Call Prevention** This feature significantly reduces fraud and harassment. The inmate telephone system provides 3-Way Call detection technology, which will automatically detect and disconnect the inmate from any attempt by an outside party to utilize three-way calling. Inmate calls disconnected due to three-way call attempts are recorded critical call data for investigative purposes so the outside accomplice's number may be added to the "restricted" list.

## **Rates, Commissions and Term:**

- **Rates** PayTel understands that an inmate telephone system has operational, fiscal, social and political realities attached to its implementation and execution. As experts in public telephone communications systems, PayTel will provide a balance that meets both your needs, and the social and political needs of the inmates and the island. Paytel will pay DOC a 15% commission on net revenues generated by the inmate coinless telephones and public telephones (10% commission on inmate coin operated telephones) located at the Adult Correction Facility in Mangilao and the Hagatna Lock-up. The rates for telephone service will be as follows:
  - Local calls will be charged rates to equivalent the local rates charged by PayTel public phones in Guam
  - Prepaid interstate and international calls will be charged published rates.
  - Interstate collect calls will be billed to the calling party at \$3.00 for call acceptance and \$.35/ min.
  - International collect calls will be billed based upon individual international agreements and specific rates and charges will be provided to DOC for each applicable country.
- **Commissions** DOC will be paid a commission based upon net revenue. The local revenue generated less line costs including GTA Pay Telephone Tariff, with authorized local and federal charges (SLC Charge, Universal Service charges, 911 charge etc.) The long distance net revenue is calculated as total long distance revenue generated less costs for long distance service and billing costs for collect calls. Commissions will be paid quarterly within 45 days after each calendar quarter. PayTel will include a revenue summary for each DOC inmate and public telephone with commission payment.
- **Operating and Maintenance Costs:** PayTel will furnish, install and maintain all Inmate and Public Telephones including enclosures at its cost. PayTel will install and maintain all associated equipment required for inmate telephone management, security and billing including one server at each facility for the Inmate

Telephone system control and management. PayTel will provide an Uninterruptible Power Supply with power conditioning at each site, however DOC must provide adequate, secure facilities with an adequate power for the inmate system and server. For DOC convenience, the PayTel Inmate Telephone server can support additional workstations with a LAN however they are not included in this proposal.

- **Telephone Location** It is advantageous to properly plan the location and quantity of the inmate and public telephones at DOC in order to obtain maximum utilization as well as availability. While it is important to have sufficient telephones to adequately service DOC, excessive telephones (resulting in underutilized telephones) decrease the net revenues of PayTel and the commissions paid to DOC. PayTel will coordinate with DOC staff to jointly plan the optimum number and locations of telephones.
- **Term** The proposed agreement is for five years with optional renewals. This term is required in order for PayTel to recover the investment and pay the proposed commission to DOC. A term less than five years will require a change in the commission structure and/or services provided to DOC at no charge.





# SENATOR JOE S. SAN AGUSTIN

COMMITTEE ON GENERAL GOVERNMENT OPERATIONS, APPROPRIATIONS & HOUSING  
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

## COMMITTEE REPORT DIGEST

### **I. OVERVIEW**

**Bill No. 99-36 (LS)** was introduced on **March 25, 2021** by Vice Speaker Tina Rose Muña Barnes, James C. Moylan, Jose “Pedro” Terlaje, Joe S. San Agustin, Amanda L. Shelton, Clynton E. Ridgell, Frank Blas Jr., and V. Anthony Ada. The bill was subsequently referred by the **Committee on Rules** to the **Committee on General Government Operations, Appropriations, and Housing** on **March 26, 2021**.

The Committee on General Government Operations, Appropriations, and Housing convened a public hearing on **Bill No. 99-36 (LS)** on **Wednesday, April 21, 2021** in the **Guam Congress Building Public Hearing Room**.

#### **Public Notice Requirements**

Public Hearing notices were disseminated via **e-mail** to all senators and all main media broadcasting outlets on (First Notice), **Wednesday, April 07, 2021**, (5-Day Notice), Then again on (Second Notice) **Monday, April 19, 2021** (48-Hour Notice).

#### **Senators Present:**

Senator Joe S. San Agustin, Chairman  
Speaker Therese M. Terlaje, Member  
Vice-Speaker Tina Rose Muña Barnes, Member  
Senator Jose “Pedro” Terlaje, Member  
Senator Telo T. Taitague  
Senator Christopher M. Duenas  
Senator Joanne M. S. Brown

#### **Appearing before the Committee:**

Stephen P. Hattori, Executive Director, Public Defender Service Corporation  
John P. Morrison, Deputy Director, Public Defender Service Corporation

#### **Written Testimony Submitted:**

Stephen P. Hattori, Executive Director, Public Defender Service Corporation

### **II. SUMMARY OF TESTIMONY & DISCUSSION:**

**This public hearing was Called-to-Order at 2:00PM**

**Chairman Joe S. San Agustin:** Good afternoon, *hafa adai*, The Committee on General Government Operations, Appropriations, and Housing is now called to order, today is Wednesday, April 21st 2021 and the time now is two o'clock. Notices with this public hearing were disseminated via email to all senators and all main media broadcasting outlets. First public notice was issued on April 7, followed by April 19 and today is April 21<sup>st</sup> and it is now two o'clock. The committee will hear and accept testimonies on **Bill 99-36** Is introduced by Vice-Speaker Tina Rose Muña Barnes, co-sponsored by Senator Jim Moylan, Senator Jose "Pedro" Terlaje, myself Senator Amanda Shelton and Senator Clynton Ridgell and Senator Frank Blaz Jr. and Senator Tony Ada. An act to add Section 90 point 300 to Chapter 90 of Title 9 Guam Code Annotated, relative to granting indigent inmates the ability to acquire the Constitutional right to legal representation, creating the *inafa' maolek* for inmates fund; to cite this act as the *inafa' maolek* for inmates act of 2021.

I like to acknowledge my colleagues that have joined us today, we'll begin with the Speaker Therese Terlaje, Vice Speaker Tina Rose Muña Barnes the author of the bill, we have Senator Tony Ada, Senator Joanne Brown, Senator Telo Taitague and Senator Chris Dueñas. The conduct of this public hearing shall be as follows, the rules of engagement with those testifying on behalf of **Bill 99-36** will be recognized by myself. We have currently on the panel Mr. Steven and I'll probably murder your last name but I'm going to leave it alone. I'll let you introduce yourself there and we have John Morrison, all right, written testimony shall be submitted to the committee, please provide my legislative staff for your written testimony for photocopying.

Testimony may be read, and lengthy testimony should be summarized to about five (5) minutes but we will allow you the additional time if needed. Individuals will be allowed to present oral testimony once. Once you're done you may be asked to remain in the room so I'll ask you now to please stay in the room until the committee has asked all the questions they may desire. Question and testimony shall be confined to the substance or nature of the agenda which is **Bill 99-36**. Personal inference as to the character or the motive of any Senator, or individual testifying, is not permitted. Any violations of this general rule of conduct will result in a move from the public hearing room. Proper forum/decorum shall be practiced by all present in this public hearing room for these proceedings. Individuals who fail to maintain proper forum/decorum may be restricted from providing oral testimony and will be removed from the room. When you speak, please make sure the microphone is on and that you speak into the microphone. Please state your name and your title for the record. We will now begin to discuss **Bill 99-36** and I'll ask the author of the bill to please introduce her bill and give her opening statement.

**Vice Speaker Tina Rose Muña Barnes:** *Si Yu'os ma'ase*, Mr. Chair and thank you for giving me an opportunity to speak on this **Bill 99-36 (LS)** Mr. Chair, I introduced **Bill 99-36** at the request of the public defender service corporation both Kathy Gogue and Steve Hattori who's here the Executive Director and the Administrative deck director had informed me that due to the new policy implemented at DOC, all calls now have to be done through the pay tell system, as a result many of the indigent clients cannot afford the exorbitant cost for pay tell are unable to contact their families to load money to their Paytel account so that they can contact their lawyers or their attorneys. The public defenders inform me that a percentage of the revenues collected by pay tell is to be remitted to the Government of Guam, they had asked me to see if we can use those funds to provide free calling services for indigent clients to contact their attorneys. We also had contacted DOC to verify this and I also have with me the agreement between Paytel and the Government of Guam which also shows that a 15 commission on the net revenues generated by the coinless pay phones and a 10 commission on net revenues generated by coin-operated pay phones, be remitted to the Treasurer of Guam within 45 days after each quarter of the calendar year as someone, Mr. Chair, who's worked at the public defender's office and now is a policy maker who took an oath to uphold the constitution. I am the conviction that

we must ensure that the fundamental constitutional rights of those detained and incarcerated are protected and that's why I introduced this bill to make sure that there is a mechanism in this book to ensure inmates can contact their legal counsel, Mr. Chair do not think that DOC was barring inmates from calling their lawyers with the COVID, the restrictions for visitation and the difficulty placed on many families to work with the pay tell systems method of loading money into an inmate's account. This bill as introduced just make sure that we protect the constitutional rights of those accused and protect the integrity of the criminal justice system so nobody can one day say they want to appeal their case because they were not afforded legal counsel.

I know that Major Anton Aguon had won, had done an interview supporting this bill and I would like to read a quote from him to demonstrate why we needed to do this. The issue is that some of the inmates don't have money. They don't have family support or a lot of money to put into their phone system so how do you give them access to their attorney and who pays for it, that's the next cost who should pay for those inmates who don't have money to pay for their phone calls. Mr. Chairman, I would also like to add the agreement between Government of Guam and Paytel along with the article I just quoted in my communications with the public defender's office into the committee report so that my colleagues can better understand the impetus for this legislation and I'd like to thank my co-sponsors, you of course Mr. Chair, and then Senator Moylan, Senator "Pedro" Terlaje, Senator Shelton, Senator Ridgell, Senator Blas and Senator Ada for realizing the importance of this measure, *Si Yu'os ma'āse'* for giving me the opportunity, I do have a copy, Mr. Chair and I understand I think you made copies for our colleagues also so if not, I have copies here also so thank you.

**Chairman Joe S. San Agustin:** Yes, thank you Vice-Speaker, copies have been provided to all my colleagues, I would begin with Mr. Stephen Hattori just noticed the writing for your last name wasn't that clear but I understand you're an attorney so they write you're right like doctors, it's understood Steve thank you.

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** Yes, Chairman, I apologize for my penmanship, *Hafa adai* chairperson, Jose Agustin, members of The Committee on General Governmental Operations, Appropriations, and Housing, good afternoon, madam speaker, madam vice speaker, my name is Stephen Hattori and I am the current Executive Director of the Public Defender Service Corporation (**SEE WRITTEN TESTIMONY**) and I'd also like to thank you for the opportunity to testify in person we've been testifying by zoom so it's nice to see everybody you know face to face so we'd like to thank you for doing that as well so if you have any, no, any questions I'll be free to answer them and Mr. Morrison would also like to address the body.

**Chairman Joe S. San Agustin:** All right thank you sir, Mr. Morrison did you want to say make any statements now before we ask the questions?

**John P. Morrison, Deputy Director, Public Defenders Service Corporation:** Thank you senator, you know it was about January of 2020, I think the first time I testified in this room before this body, many of the sitting senators and it feels like many lifetimes have gone by in that period of time. I think this bill is entirely necessary at this point and the internal management of our office and the attorneys in our office unequivocally support it just by way of background and I think direct oratory laid out when everything was initially put into a shutdown. Doc didn't want any family visitations and they didn't want attorneys even coming to see their clients until they had a chance to put their own safety protocols into effect. We noticed at some point that we weren't getting nearly as many phone calls as we thought. We should be getting and as we researched it came that Doc had implemented a new policy

whereby our clients were no longer able to use a phone privilege, that they previously had and all clients were being directed to this Paytel system. Many of our clients didn't have the funds so they weren't able to contact our office and their individual attorneys. This was a terrible circumstance not only did it deprive them of an important right but I think the number of co-sponsors attached to this bill, shows a certain experience with this, it didn't allow the court system and the normal process of criminal justice to even function obviously if I'm going to speak to a client about taking a plea agreement where they're going to be on parole they're not going to take that plea agreement and they're not going to start parole until we've had a chance to have an in-depth conversation about it and this deprived us of the ability to do that, additionally, if someone's in custody and the judge tells them that they can be released, if third-party custodians are contacted by our office and interviewed by an investigator in our office for instance well, they're going to sit in jail if we don't have any access to them and we're not going to be able to get them out until we have that access restored so, these were the type of circumstances that we were encountering for a period of months as the pandemic continued and things slowly started to open back up and allow for better communication so, we think this bill is right size to prevent that from occurring in the future.

That funds are identified that we would always be able to have that access to our clients, would be able to keep cases moving, we'll be able to get clients out of DOC if they're truly releasable if they have a good plan for being released and they're not going to be a danger to the community that we could get them out because what happened was DOC really did become, there were some public health considerations there as they had their own outbreaks and we obviously had an interest in making sure that clients that didn't truly need to be there were out so those are all things that we encountered over the course of the last 14 months or so and we think this bill would really go a long way in remedying some of the problems that we encountered in that period of time so, I thank the sponsor and co-sponsors for bringing it forward and our office. this internal management and attorneys are in full support of it, thank you.

**Chairman Joe S. San Agustin:** Thank you sir, madame Vice-Speaker, you had something you wanted to do.

**Vice-Speaker Tina Rose Muña Barnes:** Yes, thank you every anybody *Si Yu'os mase'* Mr. Chair, Mr. Chair, something worth noting because we did get the fiscal note from The Bureau of Budget & Management Research and it specifically states, they have a statement and it's worth a consideration and hopefully the committee will be inclined to at least work the efforts the proposed legislation intends to establish the new lick for inmates fund, to provide a no-cost telephonic services for inmates or detainees to contact their legal counsel the **(IIF) Inafa' maolek for Inmates Fund** shall be funded by the revenues collected by the Government of Guam for telephone services within The Department of Corrections. The preamble of the proposed legislation states for the purpose of creating such a fund is to provide inmates who are indigent access to contacting their legal representation through the use of Doc's Paytel system however the language in the IIF's establishment contained in the proposed legislation does not incorporate the language relative to the inmate being indigent per correspondence from DOC. The fund should be utilized for those in minds identified as indigent further DOC recommends that funding be made available to the public department or service corporation to pay for the phones through the Doc's Paytel system additionally, DOC conducted a recent phone survey for the PDSC in which the average cost for phone service per indigent inmate amounted to about four hundred dollars (\$400.00) a month, it also notes Mr. Chair that the bureau is unable to identify a revenue account specific to telephone service within the general fund on the AS400 system, absent information from the Department of Administration.

The bureau is unable to determine an approximate estimate of revenues currently received and proposed to be deposited into the IIF from telephone services however the bureau notes that the total cost for the program can be estimated by applying DOC's average of four hundred dollars (\$400.00) of service per inmate a month and multiplied by the total amount of inmates identified as indigent so I thought Mr. Chair in all fairness and consideration that BBMR's recommendation was to look at this matter and I wanted to make sure that those appearing in support of also knew that was noted in the fiscal note so thank you very much Mr. Chair for giving me the opportunity to add that into the record *suina masi*.

**Chairman Joe S. San Agustin:** Thank you madame Vice I'll ask now Speaker Therese; do you have any questions to the panel or comments on the bill.

**Speaker Therese M. Terlaje:** Yes, can you first please clarify whether this is accurate that the public defender determined that the average cost for phone service per indigent inmate (\$400.00) a month per inmate, per month.

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** So actually, what happened was that we tried to do. We basically ran a toll-free service for two months and the average cost came out to a total of (\$400.00) a month for the entire period for all clients.

**Speaker Therese M. Terlaje:** For all but isn't that for all clients.

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** For all clients.

**Speaker Therese M. Terlaje:** Right, not per client like it says here, right?

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** That's correct. Okay and then and when they wanted to make it permanent, we obviously didn't have the funding I think they were also going to say would cost about 400 a month for alternate public defender and then there's the issue of the private attorney panel indigent clients so we figured we would just tackle them all together with one.

**Speaker Therese M. Terlaje:** Sure I understand the one fund to tackle everyone but the amounts would be tremendously different no yes?

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** It's not

**Speaker Therese M. Terlaje:** You're talking about (\$1,200.00) a month total 400 times three perhaps and then versus 400 per indigent inmate, anyways yeah so that's one item the other one, was there, were I'm all for you know getting this phone service I guess I'm trying to figure out what they did prior is just completely not able to continue?

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** Well so I think they do, they don't want the clients, our clients to use the control phones for two reasons one is the COVID-19 so, they're encouraging social distancing and the other reason is that's the only contact they have with other posts so, if someone's on the phone and there's an emergency they don't have access to the phone, immediately and they use that to call for backup. My understanding is sometimes they only have one or two correctional officers working at each post so there are times, they do need that phone to call for backup and also those calls occur in the control room with an ear shot of the Correctional Officer so there really isn't that as much privacy as there would be if they call us from the

Paytel phone because a Paytel phone bank that's recorded electronically so there the guards do not supervise those calls other than just observing them from a distance so, we prefer our clients calling us from Paytel because it's not recorded and they have a greater sense of privacy than if they're calling us from their control phone.

**Speaker Therese M. Terlaje:** Okay and but according to these, this other paperwork we've got, they've already got so, the pay, the pay phones right now were only being used to call family and they were using the other phones to call lawyers. Okay, I get it so they want them to use pay phones now for lawyers also and that's the issue okay so what about in public defenders' letter to major Aguon, they had proposed other things such as public defender sets up a telephone line like a hotline that will ring directly into our office so that we can have these individuals speak directly to someone to assist with their needs that sounds like a very minimal cost does that work? What happened to that?

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** Yeah, that's what we thought it would be a minimal cost but apparently, it's you know, I think there's an exclusive contract with the Paytel is an exclusive telephone provider for the facility so, I don't think you know we're able to do that. We had a meeting about it and they quit pretty quickly, wrote that out because we just thought it would be a matter of just splitting up you know one of those Paytel phone lines and then but apparently, it's, we they're not able to do it something about the buildings were so old they would have to retrofit them or.

**Speaker Therese M. Terlaje:** They can't run those phones. What they're telling you that's yeah, it's just potentially a costly solution and kind of seems convoluted. I thought you gave them some very good examples of ways to work this out. The other one was the inmates initiate a contact sheet and then your office checks those contact sheets every day and then you call them and then free.

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** Right well so we were doing that but at some point, they would, we would tell them we need to speak to our client and then they would have our client call us on Paytel so they were not using the clients to talk to us on the control phone.

**Speaker Therese M. Terlaje:** Okay and then the other one was about the broadband internet so that you could set up dedicated computers have you done that as well, were you able?

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** So, we do they do have a couple zoom platforms that are available. They're during the week they're pretty much monopolized by the court so we have to meet with them on Saturdays or Sundays which you know our attorneys are doing but we were proposing, we are actually applying for a grant that would basically set up a few more terminals, there's a burns jack brand that we're working with BSP, I think our deadline is Friday and so we're hoping to set up three or four more of these video platforms to meet with clients and we think it'll be better for DOC because then they're not going to have to supervise the attorney. They're not going to have to search us, there's less chance of a contraband coming in but so we turn that in Friday and we'll hopefully hear some good news and we'll set something up quickly after that but that's definitely something that we want to pursue.

**Speaker Therese M. Terlaje:** Okay, well that's good and it's great that it's not prevented by that exclusive agreement that you described as well so what about this part. The BBMR is saying they can't locate any account within the Government of Guam that matches what is described in the bill as the percentage of this contract that is going to the general fund, I mean all I could find was in their contract it talks about commissions the department with a company shall remit to the department a 15

commission on net revenues by the generated by coinless paid telephones and a 10 commission on net revenues generated by coin operated paid telephones, it's like they get, they've been getting, they put money back if based on commission per phone call.

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** So, it's apparently 15 percent of the general the net revenues but so I never knew about this Major Aguon was the one that informed me that this was going on and we said hey why don't we try to get that funding source but since it doesn't go to the Department of Corrections, they have no idea how much money that is and I think only DOA could probably answer that question at this point.

**Speaker Therese M. Terlaje:** Well according to BBMR they can't locate that amount either in their AS400 and that's why we can't tell and we're trying to deliberate this bill what we're talking about if there's really any money there or not Mr. Chair were you able to determine that.

**Chairman Joe S. San Agustin:** No but I'm not surprised, there's many things that goes to the government that some people can't even figure out where the money's at, that's something this bill would actually fix it, it doesn't.

**Speaker Therese M. Terlaje:** Mr. Chair, it's saying we're going to fund this program out of this money and if this money is not available then we're not solving the issue and I think the issue is really right, can we be bound by this contract to not provide free services to inmates.

I just wonder if the public defender or anyone's ever looked at that because that just doesn't make sense to me. I mean if we want to charge them to call their families and put in a contract for that but if you're saying it's a constitutional right that they have to call their lawyers then why are we bound by this agreement from providing that to them at the most inexpensive way possible in fact.

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** Madam speaker, so the problem really didn't become an issue until September because during the early part of the pandemic, their Paytel system was actually being renovated and was down and so everybody was calling for free probably from February through end of August and then it was September when we started having these problems so it was fortunate because they've had no visitation since I would say February of last year and so there was a six-month window where they were able to stay in touch with their family but and so we you know I mean if a client wants to use their Paytel to call us, we'll accept the call but you know just seemed uncomfortable that they're spending it on us and not you know talking to their children.

**Speaker Therese M. Terlaje:** So, right if we could locate these funds and instead of having them well right now, they're going to be controlled by DOC.

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** Yes.

**Speaker Therese M. Terlaje:** The new fund would be controlled by the Department of Corrections yes so, but you're saying they would have to spend it on this vendor and that they would not be able to use that and go out and get the most efficient system for these purposes for talking to lawyers.

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** Actually, I don't know if the bill requires that, it would be a specific vendor, right?



**Speaker Therese M. Terlaje:** No, I mean that's what I'm guessing that from what you said earlier the reason why they couldn't go with your simple solution put phone lines that direct you know that connect directly to public defender and alternate public defenders' offices you said they could not, they weren't allowed to do that because of this one vendor they can't work around it, they can't use any other phone service. They can't run additional lines and you so I guess there is any other solution well.

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** So, we've been working with them for the last 10 months basically tried I mean, if personally I think all they need to do is set up a giant WI-FI hub put 10 Facebook portals that cost 150 each in their current visitation center and then they can allow at least video visitation with their family members and with their attorneys right and it would, it really once you just once you pay for the internet and you pay for these they're \$180.00 each. These are the ones we use to when we, our clients appear at court from our office and so it's secure enough for court but we're trying to get there so hopefully we'll reach that point.

**Speaker Therese M. Terlaje:** I hope so that sounds very practical, is that confidential enough for your purposes?

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** Yes, it would be. that sounds like a great solution all right but I really would like to determine if BBMR can't find this money if it's really exists, thank you, thank you, Mr. Chair.

**Chairman Joe S. San Agustin:** Thank you to both of you, thank you Senator Ada, do you have any questions? Thank you, Senator Brown.

**Senator Joanne Brown:** Thank you, Mr. Chairman, I certainly understand the reason that the good author, Senator Muña Barnes introduced this bill but I'm confused as to the circumstances of where we're at I mean if we're talking on average 400 a month for the inmates to be able to communicate with their attorneys or their family you know this looks like a long and winding process and even more so it would have been very helpful which is becoming a standard in some cases if we had the representatives from DOC here to answer these questions I mean, I understand perhaps this phone that they were previously using you know this control phone as they refer to it may not have been available because of COVID and distancing and this just seems such a round complicated process to allow these inmates to be able to communicate and it just seems a bit much for me.

I would rather have a simpler process if we need to require it comes out of the DOC budget. We're talking under 5000 a year or we appropriate additional 5,000 a year can that be done? And then why are we entering into these types of agreements if it's a constitutional right that these inmates should be able to communicate with their attorneys. Why are we having to worry whether they have money to pay for a phone call so I don't know if moving forward here maybe if we had more information to clarify why this process is so complicated, you know we all grew up in the day of the dial phone we still remember the dial phone with the party line on Guam, but you know it works so I if DOC was here, I think we could ask them is there a better solution where we could help facilitate the inmates being able to have access to be able to place these respective phone calls without this whole process of having to set up another account to facilitate that's the part that has me a bit lost but I do appreciate both Mr. Hattori, Mr. Morrison for coming here and providing testimony but I don't put this on them. I think these are questions that DOC perhaps can help explain a lot better and can we set up something more effective than this and more direct than this that will simplify. The process to allow inmates to be able to place these calls without this going round about maze here that I'm already lost in so those are my comments with regards to this issue but I certainly commend the author for introducing it

because it's a very legitimate concern but I would want a more clear-cut process and how we can address this issue thank you very much Mr. Chairman.

**Chairman Joe S. San Agustin:** Thank you, Senator Telo.

**Senator Telo T. Taitague:** *Si Yu'os ma'māse'* Mr. Chair and good afternoon gentlemen thank you so much for being here and I see your predicament and what you're doing today. We're working with the author of the legislation to try and find a solution to an issue that's going on but I think you know COVID has pushed everybody back on certain circumstances and situations but you know like the administration or the governor says you know we're looking at opening up things by May and with everybody fully vaccinated at least up to a certain percentage 80 percent. Things will go back to normal and I think you mentioned in your testimony earlier how it used to be done and I think we can get there a lot faster than you know for this legislation to however there is something that is kind of disturbing. The section that you have on your third paragraph of your testimony. I believe it was the third sentence, the system worked well and then it says clients could call using Paytel account and the calls were also not recorded so I have a question. You know I obviously, I don't know very much about that where their inmate has the ability to get on the phone at any time to talk to his attorney versus that same opportunity to talk just family members or check on family. I don't know if there's a differential between the two that allows one or the other legally on a constitutional perspective but I think it's clear you mentioned that so if it's a constitutional right I mean, are you mean to tell me that when inmates before COVID and was able to use the Phone to call their attorney that these were recorded.

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** So, yes but we've, they've never really been used against our clients so what happened was we've placed our office numbers on a do not record list so we have a few lines where we can talk to our clients and none of those calls will be recorded all the other calls though into and out of that facility are recorded like the family members. Those are all recorded, okay but they're not the one with the attorneys none of those ones with the attorneys.

**Senator Telo T. Taitague:** I'm sorry.

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** Not calls to the attorneys as long as the attorney has registered their line with the Paytel.

**Senator Telo T. Taitague:** Okay, so that's I just wanted to clarify that make that clear maybe I read it wrong but it says here clients could call using Paytel account and the calls were not recorded or also not recorded when you say also not recorded that makes me assume that the attorney client was recorded so I'm glad to hear that's not happening.

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** And honestly, I don't know about before the pandemic i assumed our calls were recorded because we would, it would tell us when we call or were on the phone with them that this call will be recorded. you know and so uh we looked into it and we had our numbers registered on a do not record list, that's really only attorneys are eligible to be on that list and so now we're confident that our calls are not being recorded.

**Senator Telo T. Taitague:** Mr. Hattori, have you actually spoke to the Director, Joe Carlito personally to request you know something to reinstate, what used to be for easier for these inmates to talk to the attorney, have you spoke to him directly and asked him if he's going to be able to bring this back to what it used to be so we did speak to him on a couple occasions and that and we also met with the representative of the phone the phone provider as well and that's when we developed the toll-free

process and based on a two-month usage that's where we came up with the approximate four hundred dollars a month so we.

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** Have to be a director,

**Senator Telo T. Taitague:** With the director of the director so, did you ask him why he wasn't able to go back to the old way he used to be.

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** It was basically security and COVID-19 reasons.

**Senator Telo T. Taitague:** Okay, Mr. Morrison, I think you have to Attorney Morrison, you want to say something?

**John P. Morrison, Deputy Director, Public Defenders Service Corporation:** Senator, I just wanted to say, the old system, it wasn't an elegant and well thought out process, the old system was essentially the attorney calls up DOC, knows the number of a particular cell block and the DOC officer answers and if the client is walking around, close enough he just hands him the phone. I mean that was essentially the system that we had so this is the same phone that the DOC officer would need to communicate with other DOC officers, to receive phone calls etc., and those phone calls typically were not long you didn't talk about the ins and outs of your client's case because it's not private. He's just standing there right next to a DOC officer who was really kind enough to hand him the phone so the client could say would you please come see me. I will accept the plea. I want to go to trial you know, those sorts of things just very quick conversations so this what this wasn't a process that I think we necessarily want to go back to and I'm not sure DOC is anticipating going back to it. necessarily I think they really want to use the Paytel system in the future but the funding is an issue.

**Senator Telo T. Taitague:** So, I thank you for that, I appreciate kind of giving me a picture of what transpires during something like that when a call comes are you having any issues visiting your clients over at DOC because of COVID?

**John P. Morrison, Deputy Director, Public Defenders Service Corporation:** Currently now because of COVID so currently I mean I was just there today and saw two clients and we are back to able to see clients at DOC but there are a lot of clients that are still calling on the telephone and need to communicate that way given everybody's schedule and availability for court. Not everybody's able to go up the DOC every day and accomplish court coverage as well.

**Senator Telo T. Taitague:** Okay so you're having no problem going to person face-to-face then.

**John P. Morrison, Deputy Director, Public Defenders Service Corporation:** Well, I'm comfortable enough going up there myself at this point and I've been doing that for some weeks now okay.

**Senator Telo T. Taitague:** Okay well thank you so much.

**Stephen P. Hattori, Executive Director, Public Defenders Service Corporation:** I think the problem happens when we have an interpreter and the interpreter will appear by zoom or by a cell phone right, I think so you know and that's the issue so visitations have been open now but it's not

completely open and so we still need another way to you know use interpreters but it's definitely a lot better than during the height of the pandemic.

**Senator Telo T. Taitague:** And hopefully it'll get better too you know, thank you so much for all your hard work and having to endure this right now. I appreciate your time as well Mr. Chair you know it would be to feel that DOC should be here as well and to provide some information maybe hopefully, we'll get a testimony from them, to provide it to us, Senators on their perspective of what's going on thank you, Mr. Chair.

**Chairman Joe S. San Agustin:** Thank you Senator Duenas, do you have any none Senator madam Speaker do you want to follow?

**Speaker Therese M. Terlaje:** I think if I'm calculating maybe you can check with the Department of Corrections, Mr. Hattori that the contract is for a term of five years plus two five-year options and it was some signature of the governor in 2004 so if you had 15 years that would be 2019 so maybe they can if when they renegotiate put a contract that's you know free for calls to your number just like they're not recorded to your number maybe they can also be free to your number, right? That's right and then we just have to worry about the in the private defense bar and how to take care of that thank you.

**Chairman Joe S. San Agustin:** Thank you, madam speaker, you know just for the record when we get into the budget, we'll do see we're going to find out where the moneys at they're going to answer madam vice do you have any questions or comments you want to make?

**Vice-Speaker Tina Rose Muña Barnes:** Thank you Mr. Chair, I just want to thank the public defender service corporation for being here and sharing their concerns with us and more importantly why this bill was necessary also heeding the recommendations from BBMR and I appreciate my colleagues' issues of concern and I want to point out for the record again that the documentation for the agreement and statements from DOC and others have been submitted for our colleagues notes and I'm hoping that we could get this bill reported out maybe not this I know we're late for this session month but at least for next session and hopefully that can be done sooner than later so thank you Mr. Chair for having this bill publicly heard and I'm hoping that we can get this bill out again sooner than later *Sina ma'āse'*

**Chairman Joe S. San Agustin:** Thank you very much, there being no one else to testify and all questions have been asked of the public defender, the committee will continue to receive testimonies and please address your written testimony to the Committee on General Government Operations, Appropriations, and Housing and submit it via email to [senator joessanagustin@gmail.com](mailto:senator joessanagustin@gmail.com) or to my office located at ran care building, 2nd floor suite 3, 761 S. Marine Corps Dr., Tamuning, Guam *Si Yu'os Ma'āse'* for your attendance and participation in today's hearing. And for those at home, thank you for watching. Mr. Hattori and Mr. Morrison thank you for your attendance and participation in today's hearing, and for those at home thank you for watching this public hearing on Bill 99-36 Is is now adjourned it is now 2:43. Thank you and have a nice day, gentlemen, be safe we will now take a few minutes recess so they can sanitize the area and then we'll begin with the next bill.

**This Public Hearing is adjourned at 2:43PM.**


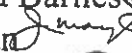



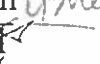


### **III. Findings and Recommendations**

The **Committee on General Government Operations, Appropriations, and Housing** hereby reports out on **Bill No. 99-36 (LS)** As introduced by Vice Speaker Tina Rose Muña Barnes, James C. Moylan, Jose “Pedro” Terlaje, Joe S. San Agustin, Amanda L. Shelton, Clynton E. Ridgell, Frank Blas Jr., and V. Anthony Ada. **“AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO ACQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE *INAFAMAOLEK FOR INMATES FUND*; AND TO CITE THIS ACT AS THE *INAFAMAOLEK FOR INMATES ACT OF 2021*”** with the recommendation **TO DO PASS**.

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

**Bill No. 99-36 (LS)**

Introduced by:

Tina Rose Muña Barnes   
James C. Moylan   
Jose "PEDO" Terlaje   
Joe S. San Agustin   
Amanda L. Shelton   
Clynton E. Ridgell   
Frank F. Blas Jr.   
V. Anthony Ada 

**AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9  
GUAM CODE ANNOTATED RELATIVE TO GRANTING  
INDIGENT INMATES THE ABILITY TO AQUIRE  
THEIR CONSTITUTIONAL RIGHT TO LEGAL  
REPREENATATION; CREATING THE  
*INAFAMAOLEK FOR INMATES FUND*; AND TO CITE  
THIS ACT AS THE *INAFAMAOLEK FOR INMATES ACT*  
*OF 2021*.**

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

**Section 1. Legislative Findings and Intent.** During the COVID-19 Pandemic, in an effort to protect the Guam Department of Corrections from exposure to COVID-19, visitation privileges were eliminated. In the midst of the Pandemic, on September 08, 2020, Paytel Guam, the provider of the telephone service at the prison, has updated the Inmate Telephone System for the detainees and inmates of the Guam Department of Corrections to communicate with their family and friends. As a result, fees were imposed to add funds to an inmate's phone account. Furthermore, as visitation was halted, the Guam Department of Corrections had required that all inmates use the Paytel system to contact their attorney's. Many of those incarcerated within the prison are indigent and using the Paytel system has served as a barrier to acquiring legal representation, a right afforded to all by the United States Constitution. The Provider for the current prison phone service does deposit 15% of

1 net revenues to the General Fund as a condition to doing business within the prison.  
2 It is the intent of *I Liheslatura* to make good to those incarcerated by using the funds  
3 that are deposited into the General Fund, or any other funding source that  
4 *I'Magahagan Guahan* so chooses, to allow indigent clients to have access to  
5 adequate legal representation.

6  
7 **Section 2.** A new § 90.300 is hereby *added* to Chapter 90 of Title 9 Guam Code  
8 Annotated, to read as follows:

9 **§ 90.300 *Inafa'maolek for Inmates Act of 2021.***

10  
11 **(a) *Inafa'maolek for Inmates Fund.***

12  
13 There is hereby created, within the Department of Corrections, a revolving  
14 fund called the '*Inafa'maolek for Inmates Fund*', which shall be established  
15 by the Department of Administration in accordance with the following  
16 provisions:

17  
18 (1) Notwithstanding any provision of Law, any revenue that is collected by  
19 the Government of Guam for Telephone Services within the Guam  
20 Department of Corrections, shall be deposited into said fund.

21  
22 (2) Any revenue that is deposited into said fund is to be used to provide no-  
23 cost telephonic services for inmates or detainees to contact their legal  
24 counsel.

25  
26 (3) Should revenues deposited into this fund not be adequate to provide no-  
27 cost telephonic services for inmates to contact their legal counsel, the  
28 Director of the Department of Corrections, and *I Maga'hagan Guahan*  
29 *shall* ensure that any inmate or detainee be provided their constitutional  
30 right to consul legal counsel through no-cost telephonic service by any  
31 means that the Director or *I Maga'hagan Guahan* sees fit.

32  
33 (b) Notwithstanding any other provision of Law, the Director of the Department  
34 of Corrections *shall* within 30 days of the passage of this measure create and  
35 implement a policy where inmates shall be allowed to call the Public Defender



1        Service Corporation, or the Alternate Public Defender, or their Attorney of  
2        Record, at no cost to the inmate. The Director of the Department of  
3        Corrections shall report to I Liheslatura upon the creation and enactment of  
4        said policy.  
5

6        **Section 3. Severability.** If any provision of this Act or its application to any  
7        person or circumstance is found to be invalid or contrary to law, such invalidity shall  
8        not affect other provisions or applications of this Act that can be given effect without  
9        the invalid provision or application, and to this end the provisions of this Act are  
10       severable.

11  
12       **Section 4. Effective Date.** This Act shall become effective upon enactment.  
13  
14  
15



Vice Speaker

**TINA ROSE MUÑA BARNES**

**CHAIRPERSON, COMMITTEE ON RULES**

*I Mina'trentai Sais Na Liheslaturan Guåhan*

GUAM CONGRESS BUILDING  
163 CHALAN SANTO PAPA  
HAGÁTÑA, GUAM 96910  
TEL 671-472-2461  
COR@GUAMLEGISLATURE.ORG

April 6, 2021

# MEMO

**To:** Rennae Meno  
Clerk of the Legislature

**From:** Vice Speaker Tina Rose Muña Barnes  
Chairperson, Committee on Rules

**Re:** Fiscal Notes for Bill Nos. 96-36 (LS) and 99-36 (LS)

---

*Buenas yan Håfa adai.*

Attached, please find the fiscal notes for the following bills:

**Bill No. 96-36 (LS)**

**Bill No. 99-36 (LS)**

Please forward the same to Management Information Services (MIS) for posting on our website.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.



**Bureau of Budget & Management Research**

**Fiscal Note of Bill No. 99-36 (LS)**

**AN ACT TO ADD \$90,300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO ACQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE INAFA'MAOLEK FOR INMATES FUND; AND TO CITE THIS ACT AS THE INAFA'MAOLEK FOR INMATES ACT OF 2021.**

**Department/Agency Appropriation Information**

<b>Dept./Agency Affected:</b> Department of Corrections	<b>Dept./Agency Head:</b> Joseph Carbullido, Director
<b>Department's General Fund (GF) appropriation(s) to date:</b>	<b>\$25,980,623</b>
<b>Department's Other Fund (Specify) appropriation(s) to date:</b> DOC Inmates Revolving Fund & Safe Streets Fund	<b>\$971,341</b>
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$26,951,964</b>

**Fund Source Information of Proposed Appropriation**

	<b>General Fund:</b>	<b>(Specify Special Fund):</b>	<b>Total:</b>
<b>FY 2020 Unreserved Fund Balance</b>		\$0	\$0
<b>FY 2021 Adopted Revenues</b>	\$0	\$0	\$0
<b>FY 2021 Appro. (P.L. 35-99 thru )</b>	\$0	\$0	\$0
<b>Sub-total:</b>	\$0	\$0	\$0
<b>Less appropriation in Bill</b>	\$0	\$0	\$0
<b>Total:</b>	\$0	\$0	\$0

**Estimated Fiscal Impact of Bill**

	<b>One Full Fiscal Year</b>	<b>For Remainder of FY 2021 (if applicable)</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
<b>General Fund</b>	1/	\$0	\$0	\$0	\$0	\$0
<b>Inafa'Maolek for Inmates Fund</b>	1/	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	1/	\$0	\$0	\$0	\$0	\$0

- |   |            |                  |
|---|------------|------------------|
| 1. Does the bill contain "revenue generating" provisions?                             | / / Yes    | / X / No         |
| If Yes, see attachment  |            |                  |
| 2. Is amount appropriated adequate to fund the intent of the appropriation?           | / X / N/A  | / / Yes / / No   |
| If no, what is the additional amount required? \$                                     | / X / N/A  |                  |
| 3. Does the Bill establish a new program/agency?                                      | / X / Yes  | / / No           |
| If yes, will the program duplicate existing programs/agencies?                        | / / N/A    | / / Yes / X / No |
| Is there a federal mandate to establish the program/agency?                           | / / Yes    | / X / No         |
| 4. Will the enactment of this Bill require new physical facilities?                   | / / Yes    | / X / No         |
| 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: | / X / Yes  | / / No           |
| / / Requested agency comments not received by due date                                | / / Other: |                  |

<b>Analyst:</b> <u>Jason Baza</u>	<b>Date:</b> <u>4/6/21</u>	<b>Director:</b> <u>Lester L. Carlson, Jr.</u>	<b>Date:</b> <u>APR 06 2021</u>
Jason Baza, BMA Supervisor		Lester L. Carlson, Jr., Director	

**Notes:**  
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH  
COMMENTS ON BILL NO. 99-36 (LS)

The proposed legislation intends to establish a new Inafa'maolek for Inmates Fund (IIF) to provide no-cost telephonic services for inmates or detainees to contact their legal counsel. The IIF shall be funded by revenues collected by the Government of Guam for telephone services within the Department of Corrections (DOC). The preamble of the proposed legislation states the purpose of creating such fund is to provide inmates who are indigent access to contacting their legal representation through the use of DOC's Paytel system. However, the language in the IIF's establishment contained in the proposed legislation does not incorporate language relative to the inmate being indigent.

Per correspondence with DOC, the fund should be utilized for those inmates identified as indigent. Further, DOC recommends that funding be made available to the Public Defender Services Corporation (PDSC) to pay for phone services through DOC's Paytel system. Additionally, DOC conducted a recent phone service for the PDSC, in which the average cost for phone service per indigent inmate amounted to \$400 a month.

The Bureau is unable to identify a revenue account specific to telephone services within the General Fund on the AS400 financial system. Absent information from the Department of Administration, the Bureau is unable to determine an approximate estimate of revenues currently received, and proposed to be deposited into the IIF, from telephone services. However, the Bureau notes that the total cost of the program can be estimated by applying DOC's average of \$400 of services per inmate a month and multiplied by the total amount of inmates identified as indigent.

**OFFICE OF FINANCE AND BUDGET**

**STEPHEN J. GUERRERO, DIRECTOR**

Tel: (671) 646-4416 / Fax: (671) 969-6737

Email: [ofbguamlegislature@gmail.com](mailto:ofbguamlegislature@gmail.com)

Address: Ran Care Bldg, Suite 2, 2<sup>nd</sup> Floor,  
721 Marine Corps. Dr., Tamuning Guam 96913



**COMMITTEE ON GENERAL GOVERNMENT OPERATIONS,**

**APPROPRIATIONS AND HOUSING**

*I Mina'trentai Sais Na Liheslaturan Guahan*

**SENATOR JOE S. SAN AGUSTIN**

Tel: (671) 989-5445 / Fax: (671) 969-6737

Email: [senatorjoessanagustin@gmail.com](mailto:senatorjoessanagustin@gmail.com)

**MEMORANDUM**

**To:** Senator Joe S. San Agustin  
*Chairman, Committee on General Government Operations, Appropriations, and Housing*

**From:** Stephen J. Guerrero  
*Director, Office of Finance and Budget*

**Re:** Funding Availability Note: Bill No. 99-36 (LS)

Hafa Adai Senator San Agustin,

Pursuant to the Standing Rules of the 36th Guam Legislature, the Committee on Appropriations and/or the Office of Finance and Budget (OFB) shall determine in writing if the funding source cited in Appropriation or Authorization for Appropriations bills are sufficient.

The Office has received Bill No. 99-36 (LS), AN ACT TO ADD \$ 90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO ACQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE INAFA'MAOLEK FOR INMATES FUND; AND TO CITE THIS ACT AS THE INAFA'MAOLEK FOR INMATES ACT OF 2021.

Bill No. 99-36 (LS) intends to establish a revolving fund entitled the "Inafa'maolek for Inmates Fund" within the Department of Corrections (DOC) to provide no-cost telephonic services for inmates or detainees to contact their legal counsel. Revenues collected by the Government of Guam for Telephone Services within DOC shall be deposited into said fund.

Revenues from telephone services within the General Fund could not be identified in the AS400, without additional information, the potential revenues cannot be determined at this time. Based on information obtained by BBMR, the average cost for phone service with the Public Defender Services Corporation per indigent inmate amounted to \$400/month. Per Bill 99-36 (LS), in the event revenues are not adequate to provide the no-cost telephonic services for inmates to contact their legal counsel, the DOC Director or the Governor of Guam shall ensure through any means possible that any inmate or detainee be provided no-cost telephonic service.

Respectfully,

Stephen J. Guerrero

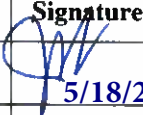


Office of  
**SENATOR Joe S. San Agustin**

*I Mina' trentai Sais na Liheslaturan Guåhan Thirty-Sixth Guam Legislature*

**COMMITTEE VOTE SHEET**

**BILL NO. 99-36 (LS)** As Introduced by Tina Rose Muña Barnes, James C. Moylan, Jose "Pedro" Terlaje, Joe S. San Agustin, Amanda L. Shelton, Clynton E. Ridgell, Frank Blas Jr., and V. Anthony Ada. **"AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO ACQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE INAFA'MAOLEK FOR INMATES FUND; AND TO CITE THIS ACT AS THE INAFA'MAOLEK FOR INMATES ACT OF 2021."**

Committee Members	Signature	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
<b>Senator Joe S. San Agustin</b> <i>Chairman</i>	 5/18/21	✓				
<b>Senator Amanda L. Shelton</b> <i>Vice Chairperson (Gen Govt Operations, Appr &amp; Housing)</i>						
<b>Senator Clynton E. Ridgell</b> <i>Vice Chairman (Appropriations) Member</i>	E-vote 05/18/21	✓				
<b>Speaker Therese M. Terlaje</b> <i>Member</i>						
<b>Vice-Speaker Tina Rose Muña Barnes</b> <i>Member</i>	E-vote 05/18/21	✓				
<b>Senator V. Anthony Ada</b> <i>Member</i>	E-vote 05/18/21	✓				
<b>Senator Frank F. Blas Jr.</b> <i>Member</i>	E-vote 05/18/21	✓				
<b>Senator Jose "Pedro" Terlaje</b> <i>Member</i>	E-vote 05/18/21	✓				
<b>Senator Mary Camacho Torres</b> <i>Member</i>						

**Committee Chairman:** General Government Operations, Appropriations, and Housing

**Ran - Care Commercial Building, CBU #230, 761 South Marine Corps Dr., Tamuning, Guam 96913**

**Tel: (671) 989-5445 \* Fax: (671) 969-6737 \* email: senatorjoessanagustin@gmail.com**



Michaela Celorio &lt;msacelorio.senatorsa@gmail.com&gt;

**Request for E-vote: Committee Report Bill 99-36 (LS)**

11 messages

Michaela Celorio &lt;msacelorio.senatorsa@gmail.com&gt;

Tue, May 18, 2021 at 11:00 AM

To: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, Senator Tony Ada <senatorvanthonyada@gmail.com>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>  
Cc: "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>, Catherine Leon Guerrero <cathy.senatorsa@gmail.com>

**Hafa Adai Committee Members**

Please see attached Committee Report for Bill 99-36 (LS) "AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO AQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE *INAFAMAOLEK FOR INMATES FUND*; AND TO CITE THIS ACT AS THE *INAFAMAOLEK FOR INMATES ACT OF 2021*." As Introduced by Tina Rose Muña Barnes / James C. Moylan / Jose "Pedro" Terlaje / Joe S. San Agustin / Amanda L. Shelton / Clynton E. Ridgell / Frank Blas Jr. / V. Anthony Ada

Please indicate your preferred action, based on the following options.

- ☐ To Do Pass;
- ☐ To Not Pass;
- ☐ To Report Out Only;
- ☐ To Abstain; or
- ☐ To Place in Inactive File.

Please submit your vote on Bill 99-36 (LS), which will be filed with the Committee on Rules.

Si Yu'os Ma'ase!

Best,

**Michaela Celorio**

Research Policy Analyst

**Office of Senator Joe S. San Agustin**

**I Mina'Trentai Sais Na Liheslaturan Guahan**

**36th Guam Legislature**

**Chairman, Committee on General Government Operations, Appropriations & Housing**

**Office of Finance and Budget**

**Email:** msacelorio.senatorsa@gmail.com

**Tel:** (671) 989-5445

**Committee Report Bill 99-36 (LS).pdf**

1956K

**Senator Pedro Terlaje** <senatorpedo@senatorjpterlaje.com>

Tue, May 18, 2021 at 11:21 AM

To: Michaela Celorio &lt;msacelorio.senatorsa@gmail.com&gt;

**To Do Pass**

[Quoted text hidden]

**The Office of Senator Jose "Pedo" Terlaje**

Committee on Public Safety, Emergency Response,  
Military and Veterans Affairs, Mayors' Council, and Public Transit

36th Guam Legislature

*I Mina'trentai Sais na Liheslaturan Guåhan*

777 Route 4, MVP Center - Units 101/ 102, Sinajana, GU 96910

Tel: (671) 989-5301/ 3218

Email: senatorpedo@senatorjpterlaje.com

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**Clynt Ridgell** <clyntridgell@guamlegislature.org>  
To: Michaela Celorio <msacelorio.senatorsa@gmail.com>

Tue, May 18, 2021 at 12:02 PM

To do pass

On Tue, May 18, 2021 at 11:01 AM Michaela Celorio <msacelorio.senatorsa@gmail.com> wrote:

[Quoted text hidden]

---

**Senator Tony Ada** <senatorvanthonyada@gmail.com>  
To: Michaela Celorio <msacelorio.senatorsa@gmail.com>

Tue, May 18, 2021 at 1:01 PM

Cc: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>, Catherine Leon Guerrero <cathy.senatorsa@gmail.com>

To do pass

Tony

On May 18, 2021, at 11:01 AM, Michaela Celorio <msacelorio.senatorsa@gmail.com> wrote:

[Quoted text hidden]

<Committee Report Bill 99-36 (LS).pdf>

---

**Vice Speaker Tina Rose Muña Barnes** <senatormunabarnes@guamlegislature.org>  
To: Michaela Celorio <msacelorio.senatorsa@gmail.com>

Tue, May 18, 2021 at 1:11 PM

Cc: Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Tony Ada <senatorvanthonyada@gmail.com>, "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>, Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>, Catherine Leon Guerrero <cathy.senatorsa@gmail.com>

to do pass.

On Tue, May 18, 2021 at 11:01 AM Michaela Celorio <msacelorio.senatorsa@gmail.com> wrote:



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**Michaella Celorio** <msacelorio.senatorsa@gmail.com>  
To: Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>

Tue, May 18, 2021 at 1:16 PM

Hafa Adai, Sen Terlaje

Your vote has been received. Thank you.

Best,

**Michaella Celorio**

Research Policy Analyst

**Office of Senator Joe S. San Agustin**

**I Mina'Trentai Sais Na Liheslaturan Guahan**

**36th Guam Legislature**

**Chairman, Committee on General Government Operations, Appropriations & Housing**

**Office of Finance and Budget**

**Email:** msacelorio.senatorsa@gmail.com

**Tel:** (671) 989-5445

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**Michaella Celorio** <msacelorio.senatorsa@gmail.com>  
To: Clynt Ridgell <clyntridgell@guamlegislature.org>

Tue, May 18, 2021 at 1:16 PM

Hafa Adai Sen Ridgell

Your vote has been received. Thank you.

Best,

**Michaella Celorio**

Research Policy Analyst

**Office of Senator Joe S. San Agustin**

**I Mina'Trentai Sais Na Liheslaturan Guahan**

**36th Guam Legislature**

**Chairman, Committee on General Government Operations, Appropriations & Housing**

**Office of Finance and Budget**

**Email:** msacelorio.senatorsa@gmail.com

**Tel:** (671) 989-5445

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**Michaella Celorio** <msacelorio.senatorsa@gmail.com>  
To: Senator Tony Ada <senatorvanthonyada@gmail.com>

Tue, May 18, 2021 at 1:17 PM

Hafa Adai, Sen Ada

Your vote has been received. Thank you.

Best,

**Michaella Celorio**

Research Policy Analyst

**Office of Senator Joe S. San Agustin**

**I Mina'Trentai Sais Na Liheslaturan Guahan**

**36th Guam Legislature**

**Chairman, Committee on General Government Operations, Appropriations & Housing**

**Office of Finance and Budget**

**Email:** msacelorio.senatorsa@gmail.com

**Tel:** (671) 989-5445

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**Michaela Celorio** <msacelorio.senatorsa@gmail.com>

Tue, May 18, 2021 at 1:17 PM

To: Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

Hafa Adai Vice Speaker Muna Barnes

Your vote has been received. Thank you.

Best,

**Michaela Celorio**

Research Policy Analyst

**Office of Senator Joe S. San Agustin**

**I Mina'Trentai Sais Na Liheslaturan Guahan**

**36th Guam Legislature**

**Chairman, Committee on General Government Operations, Appropriations & Housing**

**Office of Finance and Budget**

**Email:** msacelorio.senatorsa@gmail.com

**Tel:** (671) 989-5445

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**Office of Senator Frank Blas, Jr.** <office@senatorfrankblas.com>

Tue, May 18, 2021 at 1:18 PM

To: Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org>

Cc: Michaela Celorio <msacelorio.senatorsa@gmail.com>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Therese Terlaje <senatorterlajegum@gmail.com>, Senator Tony Ada <senatorvanthonyada@gmail.com>, Senator Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, "Senator Mary C. Torres" <senatormary@guamlegislature.org>, "Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Joseph Mesngon <joe.senatorsa@gmail.com>, Rose Mesa <rose.senatorsa@gmail.com>, Catherine Leon Guerrero <cathy.senatorsa@gmail.com>

To Do Pass

On Tue, May 18, 2021 at 1:11 PM Vice Speaker Tina Rose Muña Barnes <senatormunabarnes@guamlegislature.org> wrote:

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—

Very respectfully,

Office of Senator Frank F. Blas, Jr.

**Minority Whip**

**I Mina'trentai Sais na Liheslaturan Guahan**

**36th Guam Legislature**

**Suite 502, DNA Building Hagatna GU 96932**

**(671)969-6456**

**office@senatorfrankblas.com**



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**Michaella Celorio** <msacelorio.sensorsa@gmail.com>  
To: "Office of Senator Frank Blas, Jr." <office@senatorfrankblas.com>

Tue, May 18, 2021 at 1:19 PM

Hafa Adai, Sen Blas

Your vote has been received. Thank you.

Best,

**Michaella Celorio**

Research Policy Analyst

**Office of Senator Joe S. San Agustin**

**I Mina'Trentai Sais Na Liheslaturan Guahan**

**36th Guam Legislature**

**Chairman, Committee on General Government Operations, Appropriations & Housing**

**Office of Finance and Budget**

**Email:** msacelorio.sensorsa@gmail.com

**Tel:** (671) 989-5445

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