

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
127-36 (LS)	James C. Moylan	AN ACT TO <i>AMEND</i> CHAPTER 49 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO MODERNIZING THE STATUTE ASSOCIATED WITH PUBLIC CORRUPTION, OFFICIAL MISCONDUCT, OTHER UNLAWFUL INFLUENCE AND RELATED OFFENSES.	4/27/21 8:45 a.m.	5/3/21	Committee on Health, Land, Justice, and Culture			Request: 5/4/21 5/11/21	



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

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May 11, 2021

MEMO

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

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

Re: **Fiscal Notes**

Buenas yan Håfa adai.

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

Bill No. 127-36 (LS)

Bill No. 128-36 (LS)

Bill No. 130-36 (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. 127-36 (LS)

AN ACT TO AMEND CHAPTER 49 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO MODERNIZING THE STATUTE ASSOCIATED WITH PUBLIC CORRUPTION, OFFICIAL MISCONDUCT, OTHER UNLAWFUL INFLUENCE AND RELATED OFFENSES.

Department/Agency Appropriation Information

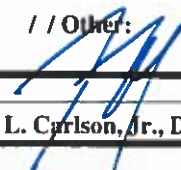
Dept./Agency Affected: Office of the Attorney General (OAG)	Dept./Agency Head: Leevin Camacho, Attorney General
Department's General Fund (GF) appropriation(s) to date:	\$14,253,761
Department's Other Fund appropriation(s) to date: N/A	\$0
Total Department/Agency Appropriation(s) to date:	\$14,253,761

Fund Source Information of Proposed Appropriation

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

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2021 (if applicable)	FY 2022	FY 2023	FY 2024	FY 2025
General Fund	1/	\$0	\$0	\$0	\$0	\$0
Special Fund	\$0	\$0	\$0	\$0	\$0	\$0
Total	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No
If Yes, see attachment
- 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
- Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
/X/ Requested agency comments not received by due date: OAG / / Other: 

Analyst:  Date: 5/7/2021 Director:  Date: MAY 07 2021
Raymond Rieta, BMA II Lester L. Carlson, Jr., Director

Notes:

1/: See Additional Comments.

Bureau of Budget & Management Research
Comments on Bill No. 127-36 (LS)

Bill No. 127-36 seeks to update the current laws on Guam relative to government bribery, other unlawful influence, official misconduct, and related offenses by amending Chapter 49 of Title 9, Guam Code Annotated (GCA). The amendments consist of the inclusion of monetary fines as additional penalties to those found guilty of the following crimes listed below as defined in Chapter 49:

Section	Criminal Act	Category	Monetary Fine
49.20	Giving Bribes	2nd degree felony	Not less than \$10,000 nor more than \$50,000
49.30	Receiving and Giving Bribes; Building Inspectors	2nd degree felony	Not less than \$10,000 nor more than \$50,000
49.40	Unlawful Influence	3rd degree felony	Not less than \$10,000 nor more than \$50,000
49.50	Unlawful Influence by Extortion	3rd degree felony	Not less than \$10,000 nor more than \$50,000
49.60	Giving Gratuities for Past Services	Misdemeanor	Not less than \$1,000 nor more than \$10,000
49.70	Accepting Gratuities for Past Services	Misdemeanor	Not less than \$1,000 nor more than \$10,000
49.80	Use of Information for Private Gain	3rd degree felony	Not less than \$10,000 nor more than \$50,000
49.90	Official Misconduct	3rd degree felony	Not less than \$10,000 nor more than \$50,000

The Bill further adds the following new sections to Chapter 49:

Section	Criminal Act	Category	Fine / Penalty
49.100	Bid Tampering	3rd degree felony	Not less than \$10,000 nor more than \$50,000
49.110	Disclosure or Use of Confidential Criminal Justice Information	3rd degree felony	Not less than \$10,000 nor more than \$50,000
49.120	Conviction of any offense in Chapter 49		Restitution to the victim of the offense and the performance of no less than 250 hours of community service work

Should Bill No. 127-36 become enacted, the fiscal impact may result in the potential increase in fines collected for crimes of a similar nature. However, absent additional information specific to the number of successful convictions of these types of crimes, a more detailed fiscal impact cannot be determined at this time. Furthermore, the effect of the passage of the Bill to the Office of the Attorney General may be dependent on the extent to which the proposed legislation translates into increased caseloads and responsibilities (i.e., reviewing violations, charging of individuals, and prosecution). Additional personnel may be required to take on the added caseloads, however, due to the unknown variable regarding the number of new cases that may arise, the Bureau is unable to determine the amount of personnel needed to handle such caseloads.