

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
238-36 (COR)	James C. Moylan	AN ACT TO AMEND § 82202 OF CHAPTER 82, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO A PEACE OFFICER'S AUTHORITY AND RESPONSIBILITY WHEN BRINGING AN INDIVIDUAL TO A QUALIFIED MENTAL HEALTH PROFESSIONAL FOR AN EXAMINATION.	1/3/22 2:04 p.m.					1/12/22	



Vice Speaker

**TINA ROSE MUÑA BARNES**

**CHAIRPERSON, COMMITTEE ON RULES**

*I Mina'trentai Sais Na Liheslaturan Guåhan*

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January 12, 2022

# MEMO

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

**From:** Senator Amanda L. Shelton  
Acting Chairperson, Committee on Rules

**Re:** Fiscal Note on Bill No. 238-36 (COR)

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*Håfa adai,*

Attached, please find the fiscal note for the following bill:

**Bill No. 238-36 (COR)**

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. 238-36 (COR)**

**AN ACT TO AMEND § 82202 OF CHAPTER 82, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO A PEACE OFFICER'S AUTHORITY AND RESPONSIBILITY WHEN BRINGING AN INDIVIDUAL TO A QUALIFIED MENTAL HEALTH PROFESSIONAL FOR AN EXAMINATION.**

**Department/Agency Appropriation Information**

<b>Dept./Agency Affected:</b> Guam Behavioral Health & Wellness Center (GBHWC)	<b>Dept./Agency Head:</b> Theresa Arriola, Director
<b>Department's General Fund (GF) appropriation(s) to date:</b>	<b>\$366,919</b>
<b>Department's Other Fund appropriation(s) to date:</b> Healthy Futures Fund (\$19,760,342) and Mental Health & Substance Abuse Services Fund (\$145,551)	<b>\$19,905,893</b>
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$20,272,812</b>

**Fund Source Information of Proposed Appropriation**

	<b>General Fund:</b>	<b>Special Fund:</b>	<b>Total:</b>
<b>FY 2021 Unreserved Fund Balance</b>	\$0	\$0	\$0
<b>FY 2022 Adopted Revenues</b>	\$0	0	0
<b>FY 2022 Appropriations (P.L. 36-54)</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 2022 (if applicable)</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>	<b>FY 2026</b>
<b>General Fund</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Special Fund</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	\$0	\$0	\$0	\$0	\$0	\$0

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|---|---------|-------------------------------|----------------------------|
| 1. Does the bill contain "revenue generating" provisions?<br>If Yes, see attachment   |         | / / Yes                       | /X/ No                     |
| 2. Is amount appropriated adequate to fund the intent of the appropriation?<br>If no, what is the additional amount required? \$ _____  | /X/ N/A | / / Yes                       | / / No                     |
| 3. Does the Bill establish a new program/agency?<br>If yes, will the program duplicate existing programs/agencies?<br>Is there a federal mandate to establish the program/agency? | /X/ N/A | / / Yes<br>/ / Yes<br>/ / Yes | /X/ No<br>/ / No<br>/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:<br>/ / Requested agency comments not received by due date: _____                            | /X/ Yes | /X/ Yes                       | / / No                     |

<b>Analyst:</b> <u>Arthur R. Mariano, B&amp;MA Supervisor</u>	<b>Date:</b> <u>1/11/2022</u>	<b>Director:</b> <u>Lester L. Carlson, Jr., Director</u>	<b>Date:</b> <u>JAN 12 2022</u>
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**Footnotes:**

The subject Bill proposes to amend § 82202 of Chapter 82, Title 10 of the Guam Code Annotated, relative to a peace officer's authority and responsibility when bringing an individual to a qualified mental health professional for an examination. The proposed legislation would relieve the peace officer, under certain circumstances, of having to remain with the individual for the duration the person's examination once a certified "peer support volunteer" is present. While doing so has the potential to reduce peace officer personnel cost including overtime and night differential payments, the GBHWC is concerned with the legislation, as written, as the "liability is very high for the department" and that a planned "peer support warm handoff" program has not yet been implemented.