

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
269-36 (COR)	James C. Moylan	AN ACT TO <i>AMEND</i> §89.13(a) AND §89.13(b) OF CHAPTER 89, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO MANDATING ELECTRONIC MONITORING OF SEX OFFENDERS ON PROBATION OR PAROLE.	3/14/22 8:20 a.m.	3/21/22	Committee on Health, Land, Justice, and Culture			Request: 3/21/22 3/24/22	



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

GUAM CONGRESS BUILDING
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March 24, 2022

MEMO

To: Rennae Meno
Clerk of the Legislature

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

Re: Fiscal Note on Bill No. 269-36 (COR)

Håfa adai,

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

Bill No. 269-36 (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. 269-36 (COR)

AN ACT TO AMEND §89.13(a) AND §89.13(b) OF CHAPTER 89, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO MANDATING ELECTRONIC MONITORING OF SEX OFFENDERS ON PROBATION OR PAROLE.

Department/Agency Appropriation Information

Dept./Agency Affected: Unified Judiciary of Guam	Dept./Agency Head: Kristina L. Baird - Administrator of the Courts
Department's General Fund (GF) appropriation(s) to date:	\$32,687,295
Department's Other Fund appropriation(s) to date: Safe Streets Fund (\$79,816.00)	\$79,816
Total Department/Agency Appropriation(s) to date:	\$32,767,111

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2021 Unreserved Fund Balance		\$0	\$0
FY 2022 Adopted Revenues	\$0	\$0	\$0
FY 2022 Appro. (P.L. 36-54 thru)	\$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 2022 (if applicable)	FY 2023	FY 2024	FY 2025	FY 2026
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Special Funds	\$0	\$0	\$0	\$0	\$0	\$0
Total	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 |
| If no, what is the additional amount required? \$ _____ | / X / N/A | / / No |
| 3. Does the Bill establish a new program/agency? | / / Yes | / X / No |
| If yes, will the program duplicate existing programs/agencies? | / X / N/A | / / Yes |
| 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: | |

Analyst: 	Date: 02/23/2022	Director: 	Date: MAR 24 2022
Tyler Bautista, BMA I		Lester L. Carlson, Jr., Director	

Notes:
 1/ See attached comments.

**BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 269-36 (COR)**

The proposed legislation intends to amend §89.13(a) and §89.13(b) of Chapter 89, Title 9, Guam Code Annotated, which mandates electronic monitoring of sex offenders on probation or parole. The amendment will alter the bill's existing language by changing the word "may" to "*shall*" and warrants the offender to buy/lease such electronic monitoring device. The bill also removes any language in these sections that state "*any portion of or...*" in relation to the duration of the probation/parole of the client.

Although this bill seems administrative in nature, correspondence with the Judiciary of Guam indicates that a significant fiscal impact may be felt on operations. The daily rate for self-monitoring is \$8.00 per client. Since the piloting of the EM program for pretrial release, there have not been any defendants placed on self-pay status. The Judiciary further states that the EM program currently has 16 defendants, however, only 10 are currently on the program. In addition to those in the EM program, there are 82 additional active pre-trial release cases for Criminal Sexual Conduct (CSC) and 22 cases serving a term of probation for CSC. Based on the information provided, the Judiciary estimates minimum fiscal impact of 100 clients at \$756,395 - \$334,642 for Salaries, \$122,253 for Benefits, and \$299,500 for Operational Costs. (See Exhibit A).

EXHIBIT A

**Judiciary of Guam
Estimated Fiscal Impact of Bill 269-36
Prepared on 3/22/2022**

Summary of Amount

Item	Amount
Personnel Services	334,642
Benefits	122,253
Operational Cost	299,500
Total	756,395

Personnel Services and Benefits ¹

Position	Regular Pay	Benefits	Supplemental (OT/HZ/ND)	Total**
Probation Officer Supervisor	41,448	25,301	11,458	78,207
Sr. Probation Officer	36,302	23,770	10,036	70,108
Probation Officer I	47,945	22,297	19,218	89,460
Probation Officer I	59,888	25,258	24,704	109,849
Probation Officer I	41,930	15,030	16,335	73,295
Probation Services Assistant	25,379	10,597	-00	35,976
Total	252,892	122,253	81,750	456,895

Operational Cost

Item Description	Amount
Contractual services ²	292,000
Utilities (communication services)	7,500
Total	299,500

¹ Personnel cost estimated is for a full fiscal year calculated with FY 2022 hourly rates. Cost includes probation personnel that provide monitoring services and assessments to all applicants in the program. Personnel includes one Probation Officer Supervisor and one Senior Probation Officer that allocate 50% of their work hours towards the program. Cost also includes estimates for three Probation Officer I and one Probation Services Assistant that are assigned to the program full time. Benefits include retirement contributions of 28.32%, Medicare tax of 1.45%, life insurance at \$183, Death & Disability Insurance at \$494, and FY 2022 medical and dental subscriptions plan for each of the respective employees in the program. Lastly, estimates herein also include compensation for overtime/compensation time earned, hazardous pay, and night differential pay.

² Contractual services amount provided herein estimates cost for electronic monitoring services and GPS monitoring at \$8.00 per day for 100 clients.