

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
311-36 (COR)	Frank Blas Jr. Joe S. San Agustin	AN ACT TO CREATE A NEW CHAPTER 25 OF TITLE 1 GUAM CODE ANNOTATED TO ESTABLISH A GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION FOR THE PURPOSE OF UPDATING TITLE 8 AND TITLE 9 OF THE GUAM CODE ANNOTATED.	6/3/22 2:35 p.m.	6/6/22	Committee on General Government Operations, Appropriations, and Housing			Request: 6/9/22 6/15/22	



Vice Speaker

TINA ROSE MUÑA BARNES

CHAIRPERSON, COMMITTEE ON RULES

I Mina'trentai Sais Na Liheslaturan Guåhan

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

June 15, 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. 311-36 (COR)

Håfa adai,

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

Bill No. 311-36 (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. 311-36 (COR)

AN ACT TO CREATE A NEW CHAPTER 25 OF TITLE 1 GUAM CODE ANNOTATED TO ESTABLISH A GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION FOR THE PURPOSE OF UPDATING TITLE 8 AND TITLE 9 OF THE GUAM CODE ANNOTATED.

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	\$623,577,126	\$0	\$623,577,126
FY 2022 Appro. (P.L. 36-54 thru 36-56)	(\$648,577,126)	\$0	(\$648,577,126)
Sub-total:	(\$25,000,000)	\$0	(\$25,000,000)
Less appropriation in Bill	(\$250,000)	\$0	(\$250,000)
Total:	(\$25,250,000)	\$0	(\$25,250,000)

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	1/	\$0	\$0	\$0	\$0	\$0
Special Funds	\$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? / / N/A / X / Yes / / No
If no, what is the additional amount required? \$ / / N/A
- 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
- 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
/ / Requested agency comments not received by due date / / Other:

Analyst: Tyler Bautista, BMA I Date: 06/14/2022 Director: Lester L. Carlson, Jr., Director Date: JUN 14 2022

Notes:
1/ See attached comments.

BUREAU OF BUDGET AND MANAGEMENT RESEARCH
COMMENTS ON BILL NO. 311-36 (COR)

The proposed legislation intends to create a new Chapter 25 of Title 1, Guam Code Annotated (GCA) which will establish a commission for Guam criminal law and procedure review. The Commission will be composed of 15 members: three (3) members appointed by the Chief Justice, three (3) members appointed by *I Maga'hagan Guahan*, three (3) members appointed by the Speaker of *I Liheslaturan Guahan*, the Attorney General of Guam or designee, the Executive Director of the Public Defender Service Corp or designee, Guam Police Department chief or designee, Director of the Department of Corrections or designee, as voting members; the Compiler of Laws and Executive Director of the Commission will serve as the ex-officios and non-voting members. The Chair of the Committee will be an appointee of the Chief Justice, as a judicial officer. Meetings are to be held least once every six (6) months, with the initial meeting held within 30 days of the appointment of the Executive Director. Additionally, this bill appropriates \$250,000 from the General Fund to carry out the purposes of this Act.

Per the April 2022 Consolidated Revenue & Expenditure report (CRER), the General Fund has collected approximately \$86M above the adopted level contained in P.L. 36-54 (FY 2022 Budget Act). The Bureau notes that a separate legislation, P.L. 36-65, appropriated \$25M from the FY 2022 General Fund revenues. Assuming that the proposed legislation is passed into law, an additional \$250,000 will be appropriated from the FY 2022 General Fund revenues. As such, the total appropriated (in relation to passage of this bill) will be **\$25,250,200** – roughly 29% of the reported revenues collected above the adopted level.

In correspondence with the Judiciary of Guam (Judiciary), the Judiciary fully supports this proposed legislation and accepts the responsibility of managing the Commission. As stated in the Judiciary's response, the additional \$250,000 appropriation from the General Fund will be sufficient to cover the necessary staffing costs – should the proposed legislation become law. The Judiciary will provide necessary operational needs, such as, office space, supplies, and administrative support. (See Exhibit A).



JUDICIARY OF GUAM

Administrative Office of the Courts
Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910
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HON. F. PHILIP CARBULLIDO
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA III
PRESIDING JUDGE
KRISTINA L. BAIRD
ADMINISTRATOR OF THE COURTS

Via Email: lester.carlson@bbmr.guam.gov

June 10, 2022

LESTER L. CARLSON, JR., *Director*
Bureau of Budget and Management Research
Office of the Governor
Ricardo J. Bordallo Governor's Complex
Adelup, Guam 96910

Re: BILL NO. 311-36 (COR) - An Act to Create a New Chapter 25 of Title 1 Guam Code Annotated to Establish a Guam Criminal Law and Procedure Review Commission for the Purpose of Updating Title 8 and Title 9 of the Guam Code Annotated

Hafa Adai Mr. Carlson,

Thank you for the opportunity to offer comment relative to the potential fiscal impacts of the adoption and implementation of Bill 311-36 (COR) on the Judiciary of Guam. We understand that the statutory purpose of a fiscal note is to estimate the fiscal impacts of enactment and implementation of a proposed piece of legislation, but would like to clarify our support of Bill 311's passage as a crucial element in assisting the Judiciary in the delivery of effective and efficient criminal justice services.

It is clear from the legislative intent of Bill 311 that Guam laws on criminal offenses and procedures seriously need review and revision. As written, Bill 311 places significant mandates on the Judiciary to lead a comprehensive review of Guam's criminal code through the administration of a Guam Criminal Law and Procedure Review Commission (the "Commission"). The Judiciary will gladly accept this responsibility and is prepared to take the lead in this important endeavor. The financial support, welcomed by the Judiciary, in the form of a \$250,000 appropriation from the general fund is sufficient to cover necessary staffing, including an Executive Director, for the Commission. The Judiciary is committed to providing any other needs of the Commission within the parameters of its regular resources to include office space, supplies and administrative support. The work of the Commission will provide a framework for the modernization of Guam's criminal code and complement the Judiciary's separate work toward the revision of Guam's criminal procedural rules. The Judiciary looks forward to an additional opportunity at the Bill's public hearing to offer support for its passage.

Senseremente,

SOPHIA SANTOS DIAZ

Director of Policy, Planning, and Community Relations

cc: Tyler Bautista, *Analyst I*, Bureau of Budget and Management Research
Honorable Frank F. Blas, Jr., *Senator*, 36th Guam Legislature