

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
313-36 (COR)	Mary Camacho Torres Tina Rose Muña Barnes Christopher M. Dueñas Jose "Pedro" Terlaje Telena Cruz Nelson James C. Moylan Y. Anthony Ada Frank Blas Jr. Joe S. San Agustin Amanda L. Shelton	AN ACT TO <i>ADD</i> A NEW CHAPTER 40A TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PROTECTION ORDER FOR A PERSON WHO IS A VICTIM OF NONCONSENSUAL SEXUAL CONTACT OR NONCONSENSUAL SEXUAL PENETRATION.	6/7/22 4:24 p.m.	6/13/22	Committee on Health, Land, Justice, and Culture			Request: 6/13/22  6/21/22	



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 21, 2022

# MEMO

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

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

**Re:** **Fiscal Notes on Bill Nos. 313-36 (COR) and 314-36 (COR)**

---

*Håfa adai,*

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

**Bill No. 313-36 (COR)**

**Bill No. 314-36 (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. 313-36 (COR)**

**AN ACT TO ADD A NEW CHAPTER 40A TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A PROTECTION ORDER FOR A PERSON WHO IS A VICTIM OF NONCONSENSUAL SEXUAL CONTACT OR NONCONSENSUAL SEXUAL PENETRATION.**

**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 / / No  
If no, what is the additional amount required? \$ / X / N/A
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 / / 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:

Analyst:  Date: <u>06/20/2022</u>	Director:  Date: <u>JUN 20 2022</u>
Tyler Bautista, BMA I	Lester L. Carlson, Jr., Director

Notes:  
1/ See attached comments.

**BUREAU OF BUDGET AND MANAGEMENT RESEARCH**  
**COMMENTS ON BILL NO. 313-36 (COR)**

The proposed legislation intends to *add* a new Chapter 40A to Title 7 of the Guam Code Annotated (GCA), which establishes a protection order for victims of nonconsensual sexual contact or penetration. The proposed legislation defines the steps for alleged victims to file a report. A petition may be filed at the court (at no cost), with a hearing to be conducted within ten (10) days of the date of the order. This bill defines three types of remedies: a sexual offense restraining order through petition, an *ex parte* temporary order for protection based upon evidence provided, or court-initiated protection orders issued in conjunction with criminal charges – this shall be terminated should the respondent be acquitted or the charges are dismissed. These remedies will assist in ensuring that the victims are protected through not having contact with the respondent; this also includes surrendering firearms or other weapons if the court deems it appropriate.

Although this bill seems administrative in nature, correspondence with the Judiciary of Guam (Judiciary) indicates that a miniscule fiscal impact may be felt on operations. The Judiciary assumes that an additional clerk may be needed upon adoption and implementation of this bill. Based on the information provided by the Judiciary, the total estimated fiscal impact of the proposed legislation, combined with another legislative proposed Bill No. 314-36 (COR), is **\$55,564**. Of this amount, **\$28,595** will be from Personnel Services, **\$21,969** from Benefits, and **\$5,000** for Equipment and Supplies. (See **Exhibit A**).

EXHIBIT A

**JUDICIARY OF GUAM**  
**Estimated Fiscal Impact of**  
**Bill Nos. 313-36 (COR) and 314-36 (COR)**  
**Prepared on 16 June 2022**

**Summary of Amount**

Item	Amount
Personnel Services	28,595
Benefits	21,969
Operational Cost	5,000
<b>Total</b>	<b>55,564</b>

**Personnel Services and Benefits \*\***

Position	Gross Pay	Benefits	Supplemental (HZ/ND)	Total**
Deputy Clerk I	28,595	21,969	-00	50,564
<b>Total</b>	<b>28,595</b>	<b>21,969</b>	<b>-00</b>	<b>50,564</b>

**Operational Cost**

Item Description	Amount
Equipment and Supplies	5,000
<b>Total</b>	<b>5,000</b>

*\*\* Personnel cost estimated is for a full fiscal year calculated with FY 2022 rates. Gross pays are calculated at step 1 for each of the respective pay grades of the listed positions. Benefits include retirement contribution of 28.32%, Medicare tax of 1.45%, life insurance at \$183, Death & Disability Insurance at \$494, and health insurance family subscription employer cost of \$12,780.*