

*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
<b>99-36 (LS)</b> As amended in the Committee of the Whole.	Tina Rose Muña Barnes James C. Moylan Jose "Pedo" Terlaje Joe S. San Agustin Amanda L. Shelton Clynton E. Ridgell Frank Blas Jr. V. Anthony Ada	AN ACT TO ADD § 90.300 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO GRANTING INDIGENT INMATES THE ABILITY TO ACQUIRE THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION; CREATING THE <i>INAFAMAOLEK FOR INMATES FUND</i> ; AND TO CITE THIS ACT AS THE <i>INAFAMAOLEK FOR INMATES ACT OF 2021</i> .	3/25/21 3:59 p.m.	3/26/21	Committee on General Government Operations, Appropriations, and Housing	4/21/21 2:00 p.m.	5/19/21 5:14 p.m.	Request: 3/29/21  4/6/21	6/30/21 10:08 a.m.  Supplement Testimony to the Committee Report on Bill No. 99- 36 (LS).
	<b>SESSION DATE</b>	<b>TITLE</b>	<b>DATE PASSED</b>	<b>TRANSMITTED</b>	<b>DUE DATE</b>	<b>PUBLIC LAW NO.</b>	<b>DATE SIGNED</b>	<b>NOTES</b>	
	6/25/21	AN ACT TO ADD A NEW § 90.50 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING INDIGENT INMATES AND INDIGENT DETAINEES THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION AND CREATING THE <i>INMATE PHONE ACCESS FUND</i> ; AND TO CITING THIS ACT AS THE <i>"INMATE PHONE ACCESS ACT OF 2021."</i>	7/8/21	7/8/21	7/20/21	36-37	7/20/2021	Received: 7/20/21 Mess and Comm. Doc. No. 36GL-21-0836	

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN  
OFFICE OF THE GOVERNOR OF GUAM

July 19, 2021

**HONORABLE THERESE M. TERLAJE**

*Speaker*

*I Mina'trentai Sais Na Liheslaturan Guåhan*

36<sup>th</sup> Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

Doc Type: 36GL-21-0836  
OFFICE OF THE SPEAKER  
THERESE M. TERLAJE

-07- 20 2021

Time: 4:36pm  
Received: [Signature]

**RE: Bill No: 99-36 (LS) "AN ACT TO ADD A NEW § 90.50 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING INDIGENT INMAGES AND INDIGENT DETAINEES THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION AND CREATING THE *INMATE PHONE ACCESS FUND*; AND TO CITING THIS ACT AS THE "*INMATE PHONE ACCESS ACT OF 2021*"**

*Buenas yan Hafa Adai Madame Speaker:*

Dear Madame Speaker:

The right to counsel is a fundamental part of our criminal justice system and it is the government's responsibility to ensure that barriers to such counsel are removed. As the Department of Corrections sought ways to guard against the dangers presented by the COVID-19 global pandemic, access to communications via telephones were adjusted for detainees and inmates. An unfortunate by-product was some increased difficulty in communicating with counsel by indigent detainees and inmates. Bill 99-36 ensures the essential right to counsel is preserved and adequately resourced so that indigent inmates and detainees do not suffer a lack of access to counsel. It is now **Public law No. 36-37**

*Senseremente,*

**LOURDES A. LEON GUERRERO**

*Maga'hāgan Guåhan*

Governor of Guam

COMMITTEE ON RULES

RECEIVED:

July 20, 2021

5:31 P.M.

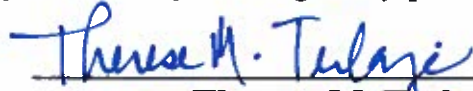
Enclosure(s): Bill No. 99-36 *nka P.L. 36-37*

cc: *Honorable Joshua F. Tenorio, Sigundo Maga'lāhen Guåhan*  
*Compiler of Laws*


***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN***  
**2021 (FIRST) Regular Session**

**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÁGAN GUÁHAN***

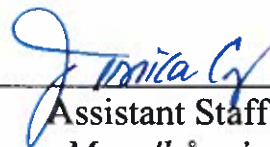
This is to certify that **Bill No. 99-36 (LS)**, “AN ACT TO ADD A NEW § 90.50 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING INDIGENT INMATES AND INDIGENT DETAINEES THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION AND CREATING THE *INMATE PHONE ACCESS FUND*; AND TO CITING THIS ACT AS THE “*INMATE PHONE ACCESS ACT OF 2021*,” was on the 8<sup>th</sup> day of July 2021, duly and regularly passed.

  
\_\_\_\_\_  
**Therese M. Terlaje**  
**Speaker**

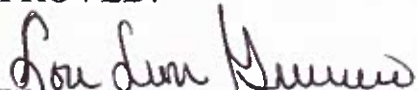
Attested:

  
\_\_\_\_\_  
**Amanda L. Shelton**  
**Legislative Secretary**

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This Act was received by *I Maga'hågan Guåhan* this 8<sup>th</sup> day of July,  
2021, at 5:10 o'clock P.M.

  
\_\_\_\_\_  
**Assistant Staff Officer**  
***Maga'håga's Office***

APPROVED:

  
\_\_\_\_\_  
**Lourdes A. Leon Guerrero**  
***I Maga'hågan Guåhan***

Date: 7/20/2021

Public Law No. 36-37

RCVD AT CENTRAL FILES  
JUL 8 '21 PM5:10

**Elaine Tajalle**

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 99-36 (LS)**

As amended in the Committee of the Whole.

Introduced by:

Tina Rose Muña Barnes  
James C. Moylan  
Jose "Pedo" Terlaje  
Joe S. San Agustin  
Amanda L. Shelton  
Clynton E. Ridgell  
Mary Camacho Torres  
Frank Blas Jr.  
V. Anthony Ada  
Joanne Brown  
Christopher M. Dueñas  
Telena Cruz Nelson  
Sabina Flores Perez  
Telo T. Taitague  
Therese M. Terlaje

**AN ACT TO *ADD* A NEW § 90.50 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING INDIGENT INMATES AND INDIGENT DETAINEES THEIR CONSTITUTIONAL RIGHT TO LEGAL REPRESENTATION AND CREATING THE *INMATE PHONE ACCESS FUND*; AND TO CITING THIS ACT AS THE "*INMATE PHONE ACCESS ACT OF 2021*."**

1        **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that during the novel coronavirus disease 2019 (COVID-19) pandemic, in an effort  
4 to protect the Guam Department of Corrections (DOC) from exposure to COVID-

1 19, physical visitation privileges were restricted. In the midst of the pandemic, on  
 2 September 8, 2020, Paytel Guam, provider of the telephone service at the prison,  
 3 updated the inmate telephone system (Paytel System) for the detainees and inmates  
 4 of DOC to communicate with their family and friends. As a result, fees were  
 5 imposed, requiring inmates to add funds to their phone accounts. Furthermore, as  
 6 visitation was halted, DOC required that all inmates use the Paytel System to contact  
 7 their attorneys. Many of those incarcerated within the prison are indigent and using  
 8 the Paytel System restricted access to legal representation, a right afforded to all by  
 9 the United States Constitution. The provider for the current prison phone service  
 10 deposits fifteen percent (15%) of net revenues to the General Fund as a condition of  
 11 doing business within DOC.

12 Therefore, it is the intent of *I Liheslatura* to support those incarcerated by  
 13 using the funds that are deposited into the General Fund, or any other funding source  
 14 that *I Maga'hågan Guåhan* so chooses, to allow indigent clients to have access to  
 15 adequate legal representation.

16 **Section 2.** A new § 90.50 is hereby *added* to Article 1 of Chapter 90, Title  
 17 9, Guam Code Annotated, to read as follows:

18 **“§ 90.50. Inmate Phone Access Act of 2021.**

19 (a) Inmate Phone Access Fund.

20 There is hereby created, within the Department of Corrections, a  
 21 revolving fund called the “Inmate Phone Access Fund” (Fund), which shall  
 22 be established by the Department of Administration in accordance with the  
 23 following provisions:

- 24 (1) Notwithstanding any other provision of law, any revenue
- 25 that is collected by the Government of Guam for telephone services
- 26 within the Guam Department of Corrections shall be deposited into said
- 27 Fund.

1           (2) Any revenue that is deposited into said Fund is to be used  
2 to provide no-cost telephonic services for indigent inmates or indigent  
3 detainees to contact their legal counsel.

4           (3) Should revenues deposited into this Fund not be adequate  
5 to provide no-cost telephonic services for indigent inmates to contact  
6 their legal counsel, the Director of the Department of Corrections and *I*  
7 *Maga'hågan Guåhan* shall ensure that any indigent inmate or indigent  
8 detainee be provided with their constitutional right to consult legal  
9 counsel through no-cost telephonic service by any means that the  
10 Director or *I Maga'hågan Guåhan* sees fit.

11           (4) For the purposes of this Section, “indigent inmates” or  
12 “indigent detainees” shall mean those persons charged in a criminal  
13 case before the courts of Guam who are determined indigent consistent  
14 with 12 GCA § 11104.

15           (b) Notwithstanding any other provision of law, within thirty (30)  
16 days of the enactment of this Section, the Director of the Department of  
17 Corrections shall create and implement a policy where indigent inmates shall  
18 be allowed to call the Public Defender Service Corporation, the Alternate  
19 Public Defender, or their Attorney of Record, at no cost to the indigent inmate.  
20 The Director of the Department of Corrections shall submit a report to *I*  
21 *Liheslatura* upon the creation and implementation of said policy.”

22       **Section 3. Severability.** If any provision of this Act or its application to any  
23 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
24 not affect other provisions or applications of this Act that can be given effect without  
25 the invalid provision or application, and to this end the provisions of this Act are  
26 severable.

27       **Section 4. Effective Date.** This Act shall be effective upon enactment.