

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
292-37 (LS)	Joe S. San Agustin Tina Rose Muña Barnes Frank Blas, Jr. Dwayne T.D. San Nicolas Christopher M. Dueñas Roy A. B. Quinata Amanda L. Shelton William A. Parkinson	AN ACT TO ADD A NEW CHAPTER 9.7 TO DIVISION 1 OF TITLE 7 GUAM CODE ANNOTATED, RELATIVE TO PROTECTING THE INDEPENDENT STATUS OF THE THIRD BRANCH OF GOVERNMENT THROUGH A CONTINUOUS APPROPRIATION TO THE UNIFIED JUDICIARY OF GUAM AS RECOMMENDED BY THE PUBLIC AUDITOR OF GUAM.	4/30/24 4:36 p.m.						

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

Bill No. 292-37 (LS)

Introduced by:

Joe S. San Agustin
Tina Rose Muña Barnes
Frank F. Blas, Jr.
Dwayne T.D. San Nicolas
Christopher M. Dueñas
Roy A.B. Quinata
Amanda L. Shelton
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**AN ACT TO *ADD* A NEW CHAPTER 9.7 TO DIVISION 1
OF TITLE 7 GUAM CODE ANNOTATED, RELATIVE TO
PROTECTING THE INDEPENDENT STATUS OF THE
THIRD BRANCH OF GOVERNMENT THROUGH A
CONTINUOUS APPROPRIATION TO THE UNIFIED
JUDICIARY OF GUAM AS RECOMMENDED BY THE
PUBLIC AUDITOR OF GUAM.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
that an independent judiciary is central to a functioning democracy and critical to
ensure fairness and impartiality. Independent courts serve as a vital check to
executive and legislative powers, ensuring the protection of individual rights and the
maintenance of an established rule of law. Independent courts further ensure that
judgments are made impartially, free from external influence, political pressure, or
personal interests.

1 *I Liheslaturan Guåhan* finds that the American Bar Association (ABA) has
2 highlighted a growing global crisis: the undermining of judicial independence
3 through political attacks on judges. The ABA warned of the threat to independent
4 judges from “politicians who would turn impartial judges into partisan political
5 actors” (ABA, “Assault on judicial independence is worldwide problem,” September
6 2020). The ABA’s Committee on the American Judicial System emphasized the
7 importance of safeguarding judges’ independence and the judiciary at large,
8 asserting this as “mission crucial” for the ABA both in the United States and
9 internationally, and underscored that the very foundation of democracy relies on this
10 principle.

11 *I Liheslaturan Guåhan* further finds that a stable and sustainably funded
12 judicial system is foundational to a free and safe society. Financial limitations pose
13 a serious threat to the rule of law and the public’s access to justice, underscoring the
14 necessity for the Judiciary to be endowed with sufficient resources to operate
15 efficiently and effectively. Consequently, it is essential to recognize and support the
16 Judiciary as a third branch of the government of Guam, rather than as another
17 government agency or department.

18 *I Liheslaturan Guåhan* further finds that since its establishment, the
19 Judiciary’s responsibilities and the demands on its services have expanded
20 significantly. Modern courts, as detailed in a joint report by the U.S. Department of
21 Justice Bureau of Justice Assistance and the National Center for State Courts, now
22 perform a broader range of functions than ever before. In addition to resolving
23 disputes, the Judiciary of Guam administers an increasing variety of specialized
24 services aimed at addressing specific community issues through nontraditional
25 adjudicatory forums, such as drug courts, family recovery, mental health services,
26 and veterans’ treatment.

I Liheslaturan Guåhan further finds that, despite challenges, including budget reductions following the *Tax Cuts and Jobs Act of 2017* which impacted the Judiciary's operations, efforts have been made to restore the Judiciary's appropriation levels in recent fiscal budgets. Historically the Judiciary's allocation from the General Fund has ranged from over 5% for the last four fiscal years. Further, the Judiciary of Guam has recently had to adjust Law Enforcement, the General Pay Plan, and the Attorney Pay Plan to mirror adjustments at the executive branch and prevent an exodus of valued employees and institutional knowledge.

I Liheslaturan Guåhan further finds that the legislative Committee on Appropriations held a public hearing on April 3, 2024 to provide the Office of Public Accountability with a continuous appropriation and enhance the agency's independent status (Bill No. 227-37). At the public hearing, Public Auditor Benjamin J.F. Cruz recommended to the legislative budget chairman that the Judiciary of Guam also be provided with a continuous appropriation. Public Auditor Cruz testified that a designated percentage of the government of Guam's budget should be earmarked for the branch to ensure the Judiciary is not subjected to political pressures, remains insulated from shifts in political orientation, and continues to dispense justice impartially.

In light of these findings and the Public Auditor's recommendation, it is the intent of *ILiheslatura* to provide a stable funding source of 5.25% of the government of Guam General Fund to the Unified Judiciary of Guam.

Section 2. A new Chapter 9.7 is hereby *added* to Division 1 of Title 7 Guam Code Annotated:

“CHAPTER 9.7

CONTINUOUS APPROPRIATION TO THE UNIFIED JUDICIARY

The total appropriation of the Unified Judiciary of Guam shall be not less than
Five and One quarter percent (5.25%) of the government of Guam total General

1 Fund Available for Appropriation revenue projections set for the same fiscal year,
2 as enacted into law in the government of Guam General Appropriations Act for that
3 fiscal year. Such amount calculated herein is hereby continuously appropriated to
4 the Unified Judiciary of Guam for each fiscal year. The Unified Judiciary is
5 authorized to fund any operational shortfall from any fund sources under its control,
6 excluding funds held in trust. Transfers from the Judicial Building Fund must be
7 consistent with the covenants and provisions of the loan documents between the
8 Unified Judiciary and its lender.”

9 **Section 3. Effective Date.** This Act shall be effective on October 1, 2024.