



I MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) REGULAR SESSION

Bill No. 219-32 (LB)

Introduced by:

V.C. Pangelinan


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AN ACT TO AMEND §30109 OF ARTICLE 1, CHAPTER
30, 5 GUAM CODE ANNOTATED RELATIVE TO THE
DUTIES OF THE ATTORNEY GENERAL OF GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **SECTION 1. Legislative findings and intent.** The Attorney General (AG), as
2 the designated Chief Legal Officer of the government of Guam pursuant to the Organic
3 Act, is tasked with representing agencies and all branches of the government of Guam
4 in civil litigation. The AG's common law powers further extend to protecting the
5 public interest and defending the laws of Guam. In these roles, there is the potential
6 that government agencies will not be represented by the AG but will instead be
7 defending themselves against allegations by the AG. *I Liheslatura Guåhan* finds that it
8 is important that all parties know the extent of the AG's representation in any case in
9 order that it make alternative arrangements to adequately represent itself when
10 necessary. *I Liheslatura Guåhan* further finds that in order to adequately perform its
11 legislative powers and function, it must be fully apprised of potential impacts of civil
12 cases on the government of Guam, government finances, and the laws of Guam.

1 **SECTION 2. § 30109 of Article 1, Chapter 30, Title 5, Guam Code**

2 **Annotated, is hereby *amended* to read as follows:**

3 **“§30109. Duties.** The Attorney General is the public prosecutor and, by himself, a
4 deputy or assistant, shall:

5 (a) Conduct on behalf of the Government of Guam the prosecution of all
6 offenses against the laws of Guam which are prosecuted in any of the courts of
7 Guam, the District Court of Guam, and any appeals therefrom.

8 (b) Draw all information's, conduct grand jury proceedings, prosecute all
9 recognizances forfeited in the courts and all actions for the recovery of debts,
10 fines, penalties and forfeitures accruing to the government of Guam, except as
11 otherwise provided in this Act;

12 (c) Conduct on behalf of the government of Guam all civil actions in which
13 the government is an interested party; provided that those branches,
14 departments or agencies, which are authorized to employ their own legal
15 counsel, may use them instead of the Attorney General.

16 (d) Deliver receipts of money or property received by him in his official
17 capacity and file duplicates thereof with the Director of Administration;

18 (e) As soon as practical after the receipt of any money in his official
19 capacity, turn the money over to the Director of Revenue and Taxation, and on
20 the first Monday of each month file with the Director of Administration, an
21 account, verified by his oath, of all monies received by him in his official
22 capacity for the government of Guam during the preceding month;

23 (f) Be diligent in protecting the rights and properties of the government of
24 Guam;

1 (g) Institute by any appropriate action proceedings on behalf of himself or
2 any other public officer (not an employee) to have determined by the courts the
3 validity of any law, rule or regulation of the government of Guam; and

4 (h) ~~Perform such other duties as are required by law.~~ On any civil case
5 where the government of Guam or any of its entities, including but not limited to
6 government of Guam line agencies or departments, autonomous and semi-
7 autonomous agencies, and public corporations, is a named or interested party in a
8 civil case the Attorney General of Guam shall provide a monthly status report to I
9 Maga'lahañ Guåhan and the Speaker of I Liheslatura Guåhan. The monthly status
10 report shall include the following:

11 (1) Pleadings filed in the reporting month;

12 (2) A statement by the Attorney General or an Assistant Attorney

13 General in the individual case indicating:

14 i. The names and attorneys of all named parties, parties in
15 interest, or potential parties;

16 ii. The potential impacts of the lawsuit on the government of
17 Guam's existing practices or laws;

18 iii. Whether the Attorney General is or will be advocating that
19 existing law need not be followed for any reason or that an
20 existing law is invalid;

21 iv. Potential financial liability of the government of Guam;

- 1 v. Any settlement terms proposed by any party;
2 vi. A description of which party or government entity the
3 Attorney General will represent in the case or any
4 foreseeable change in the Attorney General's representation
5 of any party in the proceedings; which government agencies
6 or branches the Attorney General will not be representing in
7 the case and that potentially require representation outside
8 the Attorney General's office; and
9 vii. A description of known potential conflicts in the case
10 between and among the government of Guam entities, the
11 separate branches, or the Attorney General's office.

12 (i) Perform such other duties as are required by law.“

13 **SECTION 3. Severability.** If any of the provisions of this Act or the
14 application thereof to any person or circumstance is held invalid, such invalidity
15 *shall* not affect any other provision or application of this Act which can be given
16 effect without the invalid provision or application, and to this end the provisions of
17 this Act are severable.