

I Mina'trentai Singko 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
182-35 (COR)	Jose "Pedro" Terlaje Tina Rose Muña Barnes William M. Castro	AN ACT TO ADD A NEW § 90.41 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO CREATING AN INMATE COMMISSARY AT THE DEPARTMENT OF CORRECTIONS.	7/24/19 4:17 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUAHAN
2019 (FIRST) Regular Session

BILL NO. 182 -35 (COR)

INTRODUCED BY:

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AN ACT TO ADD A NEW § 90.41 TO CHAPTER 90 OF
TITLE 9 GUAM CODE ANNOTATED RELATIVE TO
CREATING AN INMATE COMMISSARY AT THE
DEPARTMENT OF CORRECTIONS.

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

2 **Section 1. 9 GCA 90 § 90.41 is hereby *added* to read:**

3 **§ 90.41 Inmate Commissary.** Notwithstanding any other provision of law, the
4 Department of Corrections (DOC) is authorized to operate or outsource the
5 operation of an inmate commissary within the confines of DOC. This act shall
6 exempt DOC from 21 G.C.A §60112 in order to provide DOC the authority to
7 lease property to an approved vendor to operate the commissary facility without
8 first seeking legislative approval.

9 **Section 2. Inmate Commissary**

10 (a) The Director of DOC may operate, or contract with another person to
11 operate, a commissary for the use of the inmates committed to DOC.

2019 JUL 24 PM 4:17



- 1 (b) The Department of Corrections is authorized to enter into a contract for
2 the lease of up to 300 square feet of its property, in accordance with
3 Guam procurement law, for an inmate commissary.
- 4 (c) Funds directed, as a result of revenue received from the contract under
5 Subsection (b), *shall* be subject to an annual audit by the Office of Public
6 Accountability.
- 7 (d) When entering into a contract under Subsection (a), the Director or the
8 Director's designee shall consider the following:
- 9 (1) Whether the contract should provide for a fixed rate of return
10 combined with a sales growth incentive;
- 11 (2) The menu items offered by the provider and the price of those items;
- 12 (3) The value, as measured by a best value standard, and benefits to
13 inmates and the commissary, as offered by the provider;
- 14 (4) Safety and security procedures to be performed by the provider; and
15 (5) The performance record of the provider, including service
16 availability, reliability, and efficiency.
- 17 (e) The Department of Corrections *shall* establish policy and procedures for
18 the administration of this § 90.41.”

19 **Section 3. Commissary Fund.**

20 (a) There is hereby established a fund to be known as the Corrections
21 Commissary Fund (CCF) which shall be maintained separate and apart from other
22 funds of the government of Guam. All funds collected by the government from the
23 operations of a commissary shall be deposited into the CCF. Interest and
24 investment earnings credited to the assets of the CCF shall become part of the
25 CCF. Any remaining balance at the end of the fiscal year shall be carried over to
26 the next fiscal year.

1 (b) Inmate Improvement. The Director may use up to fifty percent (50%) of
2 net proceeds of the CCF to develop or enhance inmate welfare. The other (50%)
3 may be used at the discretion of the Director.

4 **Section 4. Date of Enactment.** This Act shall become effective upon
5 enactment.

6 **Section 5. Severability.** If any provision of this Act or its application to any
7 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
8 *not* affect other provisions or applications of this Act that can be given effect without
9 the invalid provision or application, and to this end the provisions of this Act are
10 severable.