

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
95-35 (COR)	Tina Rose Muña Barnes	AN ACT TO ADD A NEW CHAPTER 53 OF TITLE 7 GUAM CODE ANNOTATED CREATING THE CRIMINAL JUSTICE AUTOMATION COMMISSION.	4/18/19 4:50 p.m.						

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

Bill No. 95-35 (COR/LS)

Introduced by:

Tina Rose Muña Barnes 

**AN ACT TO *ADD* A NEW CHAPTER 53 OF TITLE 7
GUAM CODE ANNOTATED CREATING THE
CRIMINAL JUSTICE AUTOMATION COMMISSION.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. First established in 1993, the Criminal Justice Automation Commission has worked to develop an automated infrastructure that has improved accessibility to accurate records contained within the criminal justice information system. While the Commission has operated effectively for many years with the Chief Justice of Guam as its Chairperson and contributing members from the Guam Police Department, the Office of the Attorney General, the Department of Corrections and the Judiciary of Guam, it is the intent of *I Liheslaturan Guåhan* to establish the Commission as an entity in statute, which shall solidify the Commission's existence and provide stability to it as a going concern.

Section 2. Criminal Justice Automation Commission. A new Chapter 53 is hereby *added* to the Guam Code Annotated as follows:

§5301. Commission Structure and Membership.

(a) There is established the Guam Integrated Criminal Justice Information System, which shall be operated by the Judiciary of Guam with support from the

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1 Office of the Attorney General, the Guam Police Department and the Department
2 of Corrections.

3 (b) The System shall be enhanced by the Criminal Justice Automation
4 Commission (the “Commission”). The Commission shall be chaired by the Chief
5 Justice of Guam or his or her designee and vice-chaired by the Chief Technology
6 Officer of the executive branch of the government of Guam or his or her designee.
7 Additional membership of the Commission shall be comprised of designees from
8 the criminal justice agencies, specifically, the Office of the Attorney General, the
9 Guam Police Department, the Department of Corrections, the Department of
10 Customs and Quarantine, the Port Authority of Guam, the Department of Youth
11 Affairs, the Department of Agriculture, Conservation Office, the Maria Regional
12 Fusion Center, the Public Defender Services Corporation, the Guam International
13 Airport Authority, the Department of Public Health and Social Services, the Guam
14 Behavioral Health and Wellness Center, the Department of Revenue and Taxation,
15 and Guam Homeland Security – Office of Civil Defense, the Guam Legislature,
16 and the Bureau of Statistics and Plans.

17 **§5302. System Responsibilities.**

18 (a) The Guam Integrated Criminal Justice Information System shall be
19 responsible and accountable for recording data and establishing and maintaining a
20 database for the Integrated Criminal Justice Commission. The System shall
21 include mechanisms to enable the criminal justice agencies to share data stored in
22 other agencies’ information systems and serve as the record creation point for
23 criminal history information maintained by the government of Guam:

24 (1) that provides law enforcement officer and criminal justice
25 agencies with an accurate criminal history record;

26 (2) from which accurate criminal justice system modeling can be
27 conducted;

1 (3) that improves the quality of data used to conduct impact
2 analysis of proposed legislative changes in the criminal justice system; and

3 (4) that improves the ability of interested parties to analyzed the
4 functioning of the System. The System shall maximize the use of existing
5 databases through the use of a virtual database created by a network linking
6 existing databases and platforms among the various criminal justice
7 agencies.

8 (b) Administrative Support. The Judiciary of Guam shall provide
9 technical, clerical, and administrative support to the Commission. In the exercise
10 of these responsibilities, the Judiciary of Guam may:

11 (1) Employ such professional or clerical staff as necessary for the
12 operations of the Commission; and

13 (2) Make such necessary purchases and enter into such necessary
14 contracts for the operations of the Commission, in accordance with law and
15 the applicable rules and regulations governing procurement by the Judiciary
16 of Guam.

17 (c) The Commission may establish a fee schedule for non-government of
18 Guam users. The Judiciary shall collect the fees and deposit them in a revolving
19 fund to be expended for hardware, software or maintenance. The expenditure shall
20 be made in accordance with a resolution adopted by a majority of the Commission
21 members.

22 **§5303. Commission Duties.**

23 The Commission shall also develop plans for interoperable system platforms
24 when existing platforms become obsolete. The Commission shall develop and
25 maintain a process, utilizing change management, or other commonly accepted
26 method of managing information technology infrastructure upgrades, changes and
27 maintenance, and determine if and how changes to existing criminal justice

1 applications impact the System. Changes to criminal justice applications,
2 databases, platforms or business processes that have an impact on the integrated
3 network must be coordinated through and approved by the Commission.

4 At least once during each five-year period, the Commission shall coordinate
5 an examination of the records and operations of the System to ensure the accuracy
6 and completeness of information from the System and to ensure the promptness of
7 information reporting. The examining entity shall submit to the legislature a report
8 that summarizes the findings of each examination and contains recommendations
9 for improving the System.

10 Any expenditures by a criminal justice agency for computer platforms,
11 databases, networks, or applications in support of criminal justice applications
12 shall be reviewed and approved by the Commission.

13 The Commission shall also be responsible for developing appropriate
14 policies to address privacy and civil liberty concerns related to the sharing of data,
15 data management and retention of the same, establishing framework agreements
16 for the Management Information Technology service, developing a funding model
17 to support the technical support and human resource needs of the System.

18 The Commission shall also review, on an annual basis, the policies of
19 Mariana Regional Fusion Center (“Center”) with regard to the privacy of
20 information and intelligence in possession of the Center. The review shall ensure
21 that the privacy policy protects the political and civil rights of the residents of
22 Guam consistent with applicable local and federal law, including, but not limited
23 to, laws and regulations to privacy and public access to government information.
24 The review shall also seek to preserve the integrity and effectiveness of law
25 enforcement responsibilities and functions, while also assuring that residents of
26 Guam remain protected from the inappropriate use of release of private
27 information.

1 The Commission shall have the authority to develop and adopt rules and
2 procedures to govern its conduct and operations.

3 **Section 3. Severability:** If any provision of this Act or its application to
4 any person or circumstance is held invalid, the invalidity *shall not* affect other
5 provisions or applications of this Act that can be given effect without the invalid
6 provision or application and to this end the provisions of this Act are severable.