

I MINA'TRENTA NA LIHESLATURÂN GUÅHAN
2010 (SECOND) Regular Session

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Bill No. 384-30 (CS)

Introduced by:

Adolpho B. Palacios, Sr.



AN ACT TO AMEND §6114 OF CHAPTER 6 OF TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINAL RECORD OF A PERSON SEEKING PUBLIC OFFICE.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §6114 of Chapter 6, Title 3, Guam Code Annotated, is hereby *amended* to read:

“§6114. Convicted Felons and Others Shall Not be Candidates. Notwithstanding any other provision of law, all candidates for any elected public office, board or commission must *not* have been convicted of a felony, and must *not* have been convicted of a misdemeanor involving criminal sexual conduct or crime of moral turpitude.

At the time of filing for candidacy with the Commission, all candidates *shall* ~~submit: (1) obtain and submit~~ a clearance from the Guam Police Department, and shall submit: (1) a fingerprint card, or electronic fingerprint data, if so utilized to the Guam’s State Identification Bureau, as classified by the Federal Bureau of Investigation (FBI) for processing of fingerprints. The fingerprints shall be forwarded to the FBI for a national criminal history record check. The results of the FBI check will be returned to the Guam Police Department, and shall not be further

1 disseminated outside the receiving governmental agency. A certification of the
2 results may be provided to the candidate upon request; which includes a search of a
3 nation-wide database, such as the National Crime Information Center of the Federal
4 Bureau of Investigation for any previous non-expunged or non-pardoned conviction
5 of a felony, or previous non-expunged or non-pardoned conviction of a misdemeanor
6 involving criminal sexual conduct or crime of moral turpitude; and (2) a signed
7 affidavit attesting that the candidate has *not* been convicted for a felony or
8 misdemeanor, as described herein in this Section, in any State or Territory of the
9 United States or foreign country. The cost for the police clearance and FBI
10 background check required by this Section *shall* be borne by the person seeking the
11 public office.”

12 **Section 2.** Effective Date. The effective date of this Act *shall* be retroactive to April 1,
13 2010.