

RECEIVED
OCT 22 1998
GUAM LAW LIBRARY



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Office of the Speaker
ANTONIO R. UNPINGCO
Date: Oct 16, 1998
Time: 11:20am
Rec'd by: [Signature]
Print Name: F. Roberts

OCT 16 1998

The Honorable Antonio R. Unpingco
Speaker
Mina'Bente Kuáttro na Liheslaturan Guåhan
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Hagåtña, Guam 96910

| | |
|-------------------------------------|--------------------|
| OFFICE OF THE LEGISLATIVE SECRETARY | |
| ACKNOWLEDGMENT RECEIPT | |
| Received By | <u>[Signature]</u> |
| Time | <u>1:58pm</u> |
| Date | <u>10-16-98</u> |

Dear Speaker Unpingco:

Enclosed please find Substitute Bill No. 699 (COR), "AN ACT TO ADD §120.15 TO TITLE 8 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A SPECIAL ASSESSMENT IN THE SUPERIOR COURT ON ALL DEFENDANTS UPON A JUDGEMENT OF GUILTY", which I have signed into law today as **Public Law No. 24-285**.

This legislation imposes a special assessment of \$100 on all persons convicted of a misdemeanor, and a special assessment of \$250 on all persons convicted of a felony. Seventy-five Percent of the money obtained from this special assessment is to be used by the Guam Police Department for training and for purchase or repair of equipment. The remaining Twenty-five Percent of the money obtained is to be used by the Superior Court of Guam for Drug Court or Drug-related projects.

Very truly yours,

[Signature]
Carl T. C. Gutierrez
I Maga'lahaen Guåhan
Governor of Guam

Attachment: copy attached for signed bill
 original attached for vetoed bill

01062

cc: The Honorable Joanne M. S. Brown
 Legislative Secretary

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session

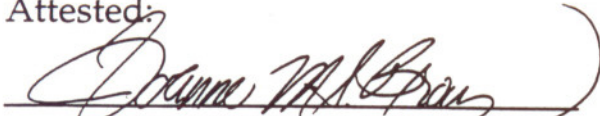
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

This is to certify that Substitute Bill No. 699 (COR), "AN ACT TO ADD §120.15 TO TITLE 8 OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A SPECIAL ASSESSMENT IN THE SUPERIOR COURT ON ALL DEFENDANTS UPON A JUDGEMENT OF GUILTY," was on the 2nd day of October, 1998, duly and regularly passed.



ANTONIO R. UNPINGCO
Speaker

Attested:



JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahaen Guahan* this 6th day of October, 1998,
at 2:30 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



CARL T. C. GUTIERREZ
I Maga'lahaen Guahan

Date: 10-16-98

Public Law No. 24-285

**MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN
1998 (SECOND) Regular Session**

Bill No. 699 (COR)

As substituted on the Floor
and amended.

Introduced by:

C. A. Leon Guerrero
J. C. Salas
E. J. Cruz
F. E. Santos
T. C. Ada
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
L. A. Leon Guerrero
V. C. Pangelinan
A. L.G. Santos
A. R. Unpingco
J. T. Won Pat

**AN ACT TO ADD §120.15 TO TITLE 8 OF THE GUAM
CODE ANNOTATED, RELATIVE TO
ESTABLISHING A SPECIAL ASSESSMENT IN THE
SUPERIOR COURT ON ALL DEFENDANTS UPON A
JUDGEMENT OF GUILTY.**

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

2 **Section 1. Legislative Findings.** *I Liheslaturan Guahan* finds that the

1 Guam Police Department ("GPD") is continuously in need of new equipment and
2 additional training for its employees in order to better carry out its mission to
3 serve and protect. A lack of sufficient funds often prevents GPD from purchasing
4 or repairing equipment and providing necessary training. *I Liheslaturan Guahan*
5 further finds that it is appropriate to require persons convicted of crimes to help
6 pay for GPD's purchase or repair of equipment, training of its employees and
7 capital improvement projects.

8 **Section 2.** Section 120.15 is hereby *added* to Chapter 120 of Title 8 of the
9 Guam Code Annotated to read as follows:

10 **"Section 120.15. Judgment of Guilty: Special Assessment.**

11 (a) After a plea, finding or verdict of guilty, the Court shall impose
12 against the defendant a special assessment of One Hundred Dollars
13 (\$100.00) for any misdemeanor and Two Hundred Fifty Dollars (\$250.00)
14 for any felony offense.

15 (b) No person may have his sentence suspended, be placed on
16 probation, enter a deferred plea, be released on parole, be placed in a work
17 release or educational program at the Department of Corrections, or be
18 permitted to operate a motor vehicle if convicted of Driving under the
19 Influence of Drug(s) or Alcohol, until the special assessment is paid. The
20 Court may give the offender reasonable time to make the payment.

21 (c) All assessments shall be paid at the Superior Court of Guam.
22 The Superior Court shall transfer seventy-five percent (75%) of the
23 collected funds from this Act to a GPD Special Assessments Fund.

24 (d) All assessment funds shall be deposited into the GPD Special
25 Assessments Fund. The account shall require the signatures of both the

1 Chief of Police, and the Deputy Chief of Police, or the Acting Chief or
2 Acting Deputy, but in no case shall checks be written with less than two (2)
3 signatures.

4 (e) All Funds in the GPD Special Assessments Fund are
5 appropriated to the Guam Police Department and shall be expended for the
6 purchase or repair of equipment, training of GPD personnel and capital
7 improvement projects.

8 (f) GPD shall submit an audit of the assessment funds at the end
9 of each fiscal year with the Public Auditor and *I Liheslaturan Guahan*. All
10 checks, invoices and contracts related to the assessment funds shall, at all
11 times, be available for public inspection and photocopying. Assessment
12 funds may *not* be borrowed against or used to secure any transaction.

13 (g) All other funds collected by the Court under this Act shall be
14 used by the Superior Court of Guam for the purpose of the establishment
15 of programs such as the Drug Court or Drug-related projects. After the end
16 of three (3) years of enactment, the Superior Court of Guam shall submit to
17 *I Liheslaturan Guahan* for re-appropriation of the funds."

18 **Section 3. Creation of Guam Police Department Special Assessments**

19 **Fund.** There is hereby created, separate and apart from all other funds of the
20 government of Guam, the "*Guam Police Department Special Assessments Fund*"
21 ("*GPD Special Assessments Fund*"). This Fund shall *not* be commingled with the
22 General Fund and shall be kept in a separate bank account. The GPD Special
23 Assessments Fund shall be used exclusively for the training of GPD personnel,
24 or the purchase or repair of equipment for use by GPD. The funds in the GPD
25 Special Assessments Fund shall not be subject to *I Maga'lahaen Guahan's* transfer

1 authority.

2 **Section 4.** The Superior Court Administrator shall transfer, on the first
3 day of each month, all funds contained in the GPD Special Assessments Fund to
4 the Treasurer of Guam.