

*I Mina'trentai Siette 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
21-37 (COR)	Dwayne T. D. San Nicolas	AN ACT TO ADD A NEW ARTICLE 8 TO CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO THE CREATION OF PROVISION TO AUTHORIZE JUDICIAL CORPORAL PUNISHMENT AS AN ADDITIONAL FORM OF JUDICIAL SENTENCE.	1/27/23 10:54 a.m.	1/31/23	Committee on Health, Land, Justice, and Culture			Request: 1/31/23  2/8/23	




## COMMITTEE ON RULES

Senator Chris Barnett, Chairperson  
*I Mina'trentai Siette Na Liheslaturan Guåhan*  
37<sup>th</sup> Guam Legislature

February 8, 2023

**To:** RennaeVanessa C. Meno  
Clerk of the Legislature

**From:** Senator Chris Barnett   
Chairperson, Committee on Rules

**Subject:** Fiscal Note for Bill No. 21-37 (COR)

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*Håfa Adai yan Biba Guåhan!*

Find the attached, Fiscal Note for the following bill:

**Bill No. 21-37 (COR).**

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly forward the same to Management Information Services (MIS) for posting on our website.



**Bureau of Budget & Management Research**  
**Fiscal Note of Bill No. 21-37 (COR)**

**AN ACT TO ADD A NEW ARTICLE 8 TO CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO THE CREATION OF PROVISION TO AUTHORIZE JUDICIAL CORPORAL PUNISHMENT AS AN ADDITIONAL FORM OF JUICIAL SENTENCE.**

**Department/Agency Appropriation Information**

<b>Dept./Agency Affected:</b> Unified Judiciary of Guam	<b>Dept./Agency Head:</b> Danielle T. Rosette - Administrator of the Courts
<b>Department's General Fund (GF) appropriation(s) to date:</b>	\$33,695,731
<b>Department's Other Fund appropriation(s) to date:</b> Safe Streets Fund (\$51,418); Electronic Monitoring Program (\$500,000); 2% General Fund Reserve (\$190,000); Pay Adjustment (\$1,655,864); Addtl Superior Court Judge (\$400,000)	\$2,797,282
<b>Total Department/Agency Appropriation(s) to date:</b>	\$36,493,013

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
<b>FY 2022 Unreserved Fund Balance</b>		\$0	\$0
<b>FY 2023 Adopted Revenues</b>	\$0	\$0	\$0
<b>FY 2023 Appro. (P.L. 36-107 thru _____)</b>	\$0	\$0	\$0
<b>Sub-total:</b>	\$0	\$0	\$0
<b>Less appropriation in Bill</b>	\$0	\$0	\$0
<b>Total:</b>	\$0	\$0	\$0

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2022 (if applicable)	FY 2024	FY 2025	FY 2026	FY 2027
<b>General Fund</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Special Funds</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	1/	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes / X / No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? / X / N/A / / Yes / / No  
If no, what is the additional amount required? \$ \_\_\_\_\_ / X / N/A
- Does the Bill establish a new program/agency? / / Yes / X / No  
If yes, will the program duplicate existing programs/agencies? / X / N/A / / Yes / / No  
Is there a federal mandate to establish the program/agency? / / Yes / X / No
- Will the enactment of this Bill require new physical facilities? / / Yes / X / No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / X / Yes / / No  
/ / Requested agency comments not received by due date / / Other:

<b>Analyst:</b> <u>Bernice Torres</u> Bernice Torres, Staff Assistant	<b>Date:</b> <u>2/7/23</u>	<b>Director:</b> <u>Lester L. Carlson, Jr.</u> Lester L. Carlson, Jr., Director	<b>Date:</b> <u>FEB 08 2023</u>
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**Notes:**  
1/ See attached comments.

**Bureau of Budget & Management Research**  
**Comments on Bill No. 21-37 (COR)**

Bill No. 21-37 (COR) IS AN ACT TO ADD A NEW ARTICLE 8 TO CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED RELATIVE TO THE CREATION OF PROVISION TO AUTHORIZE JUDICIAL CORPORAL PUNISHMENT AS AN ADDITIONAL FORM OF JUDICIAL SENTENCE.

The proposed legislation, intends to remedy the increase of crime and the issue of overpopulation in our prison system in the island by creating a provision that will authorize the use of carefully and ethically regulated judicial corporal punishment, specifically caning, as another form of sentencing and deterrent to crime.

According to information received, the Judiciary of Guam stands to incur additional expenses in its requirement to carry out, with no direct funding, the following mandates as outlined in Bill No. 21-37 (COR):

- The certification and training of officers of the Court to administer judicial caning [§80.114]
- Procurement of cane to the specifications required under the bill [0.5 inch in diameter, 4 feet in length, bamboo/rattan material; [§80.116]
- Procurement of protective pads to outfit the sentenced individual [§80.117]
- Providing a space for the private execution of caning, which must accommodate the presence of the sentenced individual, the officer administering the training, a medical officer, and the Chief of Police [§80.115, §80.117]
- Psychological therapy and counseling to individuals who have undergone caning for a period of time as determined by a certified mental health specialist [§80.119]

Absent further information regarding the extent of personnel, training, use of facility, and counseling service requirements, the bill's approximate fiscal impact to the Judiciary of Guam cannot be determined at this time.