

I Mina'trentai Siette Na Lihelaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
235-37 (COR)	William A. Parkinson	AN ACT TO <i>AMEND</i> § 45.10(c) OF CHAPTER 45, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO AFFORDING TO THE PEOPLE OF GUAM AND THE SUPERIOR COURT OF GUAM SUFFICIENT TIME TO REVIEW AND POTENTIALLY CHARGE A DETAINEE WITH A CRIME TO ADEQUATELY PROTECT THE COMMUNITY.	1/31/24 8:01 a.m.	2/2/24	Committee on Health, Land, Justice, and Culture	Request: 2/2/24 2/9/24			




COMMITTEE ON RULES

Senator Chris Barnett, Chairperson
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature

February 9, 2024

To: **Joaquin P. Taitague**
Clerk of the Legislature

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

Subject: **Fiscal Note for Bill No. 235-37 (COR)**

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 235-37 (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. 235-37 (COR)

AN ACT TO AMEND § 45.10(c) OF CHAPTER 45, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO AFFORDING TO THE PEOPLE OF GUAM AND THE SUPERIOR COURT OF GUAM SUFFICIENT TIME TO REVIEW AND POTENTIALLY CHARGE A DETAINEE WITH A CRIME TO ADEQUATELY PROTECT THE COMMUNITY.

Department/Agency Appropriation Information	
Dept./Agency Affected: Unified Judiciary of Guam	Dept./Agency Head: Danielle T. Rosette - Administrator of the Courts
Department's General Fund (GF) appropriation(s) to date:	\$40,392,729
Department's Other Fund appropriation(s) to date: Safe Streets Fund (\$37,594); Electronic Monitoring Program (\$690,000); Guam Criminal Law and Procedure Review Commission (\$378,845);	<u>\$1,106,439</u>
Total Department/Agency Appropriation(s) to date:	\$41,499,168

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2023 Unreserved Fund Balance		\$0	\$0
FY 2024 Adopted Revenues	\$0	\$0	\$0
FY 2024 Appro. (P.L. 37-42 thru _____)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2024 (if applicable)	FY 2025	FY 2026	FY 2027	FY 2028
General Fund	\$0	1/	1/	1/	1/	1/
Special Funds	\$0	1/	1/	1/	1/	1/
Total	\$0	1/	1/	1/	1/	1/

- 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
/ xx / Requested agency comments not received by due date / / Other:

Analyst: <u>Bernice Torres</u> Date: <u>2/7/24</u>	Director: <u>Lester L. Carlson, Jr.</u> Date: <u>FEB 09 2024</u>
Bernice Torres, Staff Assistant	Lester L. Carlson, Jr., Director

Notes:
 1/ See attached comments.

Bureau of Budget & Management Research
Comments on Bill No. 235-37 (COR)

Bill No. 235-37 (COR) is an Act to Amend § 45.10(c) of Chapter 45, Title 8, Guam Code Annotated, relative to affording to the People of Guam and the Superior Court of Guam sufficient time to review and potentially charge a detainee with a crime to adequately protect the community. According to the Legislative findings and intent, the Guam Police Department and Attorney General's Office prosecutors are being rushed to prepare a police report and charge a person within forty-eight (48) hours. Moreover, the Superior Court of Guam needs to conduct daily morning and afternoon hearings in order to ensure that the current forty-eight (48) hour period before an arrestee is to be charged is met. *I Liheslaturan Guåhan* further finds that it is in the interest of justice that the forty-eight (48) hour period to determine whether a detainee should be criminally charged should be extended to seventy-two (72) hours.

The Bureau had sought input on February 5, 2024 and a follow-up on February 7, 2024, on the financial impact of the proposed Bill 235-37 (COR) from Judiciary of Guam and has not received any official comments as of the date of this fiscal note. However, in a February 6, 2024 article on *The Guam Daily Post*, when asked about Bill 235-37 (COR), the Judiciary's spokesperson informed *The Guam Daily Post* that, "the Judiciary was evaluating and will provide comment via testimony if and when the measure proceeds to public hearings."

The Bureau notes that there will be a potential impact to the Department of Corrections relative to detainees being held longer, such as cost for manpower/security, meals, and other associated costs and services while detained up to seventy-two (72) hours.