

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
239-37 (COR)	Chris Barnett Jesse A. Lujan Joanne Brown Sabina Flores Perez Dwayne T.D. San Nicolas Telo T. Taitague	AN ACT TO AMEND § 67.401.4 (a) AND (b) AND § 80.39.2(c) OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO SENTENCING AND FINE ENHANCEMENTS BASED ON THE QUANTITIES OF METHAMPHETAMINE OR FENTANYL INVOLVED IN THE TRAFFICKING OR MANUFACTURING OF THESE DRUGS AND TO REMOVE FIRST-TIME OFFENDER CONSIDERATIONS OF THE <i>JUSTICE SAFETY VALVE ACT</i> FOR ILLICIT DRUG TRAFFICKING AND MANUFACTURING CRIMES.	2/6/24 12:38 p.m.	2/9/24	Committee on Health, Land, Justice, and Culture	Request: 2/9/24 2/14/24			



COMMITTEE ON RULES

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

February 14, 2024

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

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

Subject: **Fiscal Note for Bill No. 239-37 (COR)**

Håfa Adai yan Biba Guåhan!

Find the attached, Fiscal Note for the following bill:

Bill No. 239-37 (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. 239-37 (COR)

AN ACT TO AMEND § 67.401.4 (a) AND (b) AND § 80.39.2(e) OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO SENTENCING AND FINE ENHANCEMENTS BASED ON THE QUANTITIES OF METHAMPHETAMINE OR FENTANYL INVOLVED IN THE TRAFFICKING OR MANUFACTURING OF THESE DRUGS AND TO REMOVE FIRST-TIME OFFENDER CONSIDERATIONS OF THE JUSTICE SAFETY VALVE ACT FOR ILLICIT DRUG TRAFFICKING AND MANUFACTURING CRIMES.

Department/Agency Appropriation Information

Dept./Agency Affected: Office of the Attorney General	Dept./Agency Head: Douglas Moylan, Attorney General
Department's General Fund (GF) appropriation(s) to date:	\$18,870,277
Department's Other Fund appropriation(s) to date: CJIS Cost-Sharing Initiative (\$84,469);	\$84,469
Total Department/Agency Appropriation(s) to date:	\$18,954,746

Fund Source Information of Proposed Appropriation

	General Fund:	Other Fund	Total:
FY 2023 Unreserved Fund Balance	\$0	\$0	\$0
FY 2024 Adopted Revenues	\$0	0	0
FY 2024 Appro. (P.L. 37-42)	\$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/	\$0	\$0	\$0	\$0
Other Fund	\$0	1/	\$0	\$0	\$0	\$0
Total	\$0	1/	\$0	\$0	\$0	\$0

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| 1. Does the bill contain "revenue generating" provisions?
If Yes, see attachment | /X/ | Yes | / / | No |
| 2. Is amount appropriated adequate to fund the intent of the appropriation?
If no, what is the additional amount required? \$ _____ | /X/ | N/A | / / | Yes |
| 3. Does the Bill establish a new program/agency?
If yes, will the program duplicate existing programs/agencies?
Is there a federal mandate to establish the program/agency? | /X/ | N/A | / / | Yes |
| 4. Will the enactment of this Bill require new physical facilities? | / / | Yes | /X/ | No |
| 5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:
/ / Requested agency comments not received by due date: / / Other: | /X/ | Yes | / / | No |

Analyst:  Bernice Torres	Date: FEB 09 2024	Director:  Lester L. Carlson, Jr., Director	Date: FEB 14 2024
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Notes:
1/ See attached comments.

Bureau of Budget & Management Research
Comments on Bill No. 239-37 (COR)

An act to amend § 67.401.4 (a) and (b) and § 80.39.2(e) of Title 9 Guam Code Annotated relative to sentencing and fine enhancements based on the quantities of methamphetamine or fentanyl involved in the trafficking or manufacturing of these drugs and to remove first-time offender considerations of the *JUSTICE SAFETY VALVE ACT* for illicit drug trafficking and manufacturing crimes.

According to comments received from the Office of Attorney General (OAG), Bill No. 239-37 (COR) does not ascertain any immediate fiscal impact and that the proposed Bill would help keep our communities safe and any cost associated with implementing this would be absorbed by the agencies affected and the benefit would outweigh the cost of implementation.

The Bureau notes that there will be a potential impact to the Department of Corrections relative to incarceration-specific costs, such as cost for meals, healthcare, clothing, rehabilitative services and other associated costs and services while imprisoned for a longer period of time. If found guilty of an offense pursuant to this Act, the offender shall be sentenced to imprisonment for not less than 25 years nor more than 35 years, and may, in addition, be fined not more than \$5 million or \$25 million if the violator is a business. For larger quantities of the drugs, the offender shall be sentenced to imprisonment for not less than 40 years up to life imprisonment without the possibility of parole, and may, in addition, be fined not more than \$20 million or \$75 million if the violator is a business. The fine imposed in the Bill will generate significant revenues to the “Drug Treatment and Enforcement Fund” administered by the Probation Department of the Superior Court of Guam and shall be used only for drug abuse education, prevention and treatment services.