

*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
257-37 (COR)	William A. Parkinson	AN ACT TO <i>ADD</i> A NEW CHAPTER 36 TO DIVISION 3 OF TITLE 5 GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE OFFICE OF THE ELECTED PUBLIC PROSECUTOR, AND TO REPEAL §§ 30104 AND 30104.1, AND TO <i>REPEALED</i> AND <i>RE-ENACTED</i> § 30101 AND <i>AMEND</i> §§ 30102 AND 30109, ALL OF CHAPTER 30 DIVISION 3 OF TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO RESTORING THE APPOINTED OFFICE OF THE ATTORNEY GENERAL.	3/6/24 8:00 a.m.	3/14/24	Committee on Health, Land, Justice, and Culture	Request: 3/14/24  3/19/24			Referred Version 3/13/24



## COMMITTEE ON RULES

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

March 19, 2024

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

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

**Subject:**     **Fiscal Note for Bill No. 257-37 (COR)**

---

*Håfa Adai yan Biba Guåhan!*

Find the attached, Fiscal Note for the following bill:

**Bill No. 257-37 (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. 257-37 (COR)**

**AN ACT TO ADD A NEW CHAPTER 36, RELATIVE TO ESTABLISHING THE OFFICE OF THE ELECTED PUBLIC PROSECUTOR, AND TO REPEAL §§ 30104 AND 30104.1, AND AMEND §§ 30102 AND 30109, ALL OF CHAPTER 30, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO RESTORING THE APPOINTED OFFICE OF THE ATTORNEY GENERAL.**

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: Operations (\$18,870,277); CJIS Cost-Sharing Initiative (\$84,469)	\$18,954,746
Department's Other Fund appropriation(s) to date:	\$0
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$18,954,746</b>

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
<b>Total:</b>	<b>\$0</b>	<b>0</b>	<b>0</b>

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		1/	1/	1/	1/	1/
Other Fund		1/	1/	1/	1/	1/
<b>Total</b>		1/	1/	1/	1/	1/

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

Analyst:  Bernice Torres	Date: 3/12/24	Director:  Lester L. Carlson, Jr., Director	Date: MAR 19 2024
--	---------------	--	-------------------

**Notes:**  
1/ See attached comments.

**Bureau of Budget and Management Research**  
**Comments on Bill No. 257-37 (COR)**

Bill No. 257-37 (COR) is an act to add a new Chapter 36, relative to establishing the Office of the Elected Public Prosecutor, and to Repeal §§ 30104 and 30104.1, and amend §§ 30102 and 30109, all of Chapter 30, Title 5, Guam Code Annotated, relative to restoring the appointed Office of the Attorney General.

The proposed legislation finds that it is of the utmost importance to ensure continuity in the operation of the Executive Branch. The continued provision of critical services and review of important contracts cannot be allowed to be disrupted due to current and future potential conflicts between the Attorney General's dual roles. It is the intent of the proposed legislation to establish the Office of the Public Prosecutor, separate and distinct from the Office of the Attorney General (OAG). To ensure the Public Prosecutor may initiate all public prosecutions, including those involving public officials and Executive branch employees, the Public Prosecutor shall be elected and will not be subject to the Governor's supervision or direction.

Based on the comments received from the OAG, the proposed legislation will have a fiscal impact to bifurcate the OAG. Below is an estimate as detailed by the OAG for the proposed Office of the Public Prosecutor:

Personnel Cost - Legal	> Public Prosecutor, Chief Deputy Public Prosecutor, Private Secretary, and Special Assistant to the Public Prosecutor	\$341,019
Personnel Cost - Administrative Support	> Administrative Service Officer, Accounting, Procurement, Federal Grants, Information Technology and Customer Service	\$1,531,362
Office Space	> 17,458 sf / calculated at \$3.40 sf	\$672,017
Loss of Victims of Act (VOCA) Funding	> As codified in 8 GCA Chapter 160, requires the OAG to provide victim services. The OAG undertakes that this function will no longer be under the auspice of the OAG since there will be no prosecutorial functions as evidenced by the repeal of §§ 30104 and 30104.1. The OAG is the State Administrating Agency for the Victim of Crimes Grant. Under the federal guidelines, the Grant must not be associated with the prosecutorial process. The OAG believes that the Guam will lose all the VOCA funding and the OAG will need to eliminate all Victim of Crimes services	\$1,621,165
Government Corruption Division	> Attorneys, support staff, and overhead	\$1,686,819
	<b>Estimated Cost</b>	<b><u>\$5,852,382</u></b>

If enacted, the OAG is expecting the total estimated cost impact of Bill No. 257-37 (COR) to be \$5,852,382. The comments on Bill 257-37 (COR) from the OAG is attached to the fiscal note for reference.



March 11, 2024

**Memorandum**

**REF: BBMR 24-0126**

**To:** Director, Bureau of Budget and Management Research  
**From:** Joseph A. Guthrie, Chief Deputy Attorney General of Guam  
**Subject:** **Fiscal Impact of Bill No. 257-37 (COR)**

*Hafa Adai.*

We have received Bill 257-37 (COR). We have projected that the cost to bifurcate the Office of the Attorney General would cost a total of \$5,852,381.92.

The Bill establishes the Office of the Public Prosecutor. It would cost \$341,019 to establish the Public Prosecutor, Chief Deputy Public Prosecutor, Private Secretary, and Special Assistant to the Public Prosecutor. In addition, an estimated \$672,017 would be needed for the leasing of office space. This is calculated at the 17,458 square feet needed for the current general crimes division, process server unit, Investigators unit, and administrative space at the current \$3.40 rate. We have estimated the Public Prosecutor office that would need an additional \$1,430,965 to staff the activities of the Public Prosecutor office including accounting, procurement, federal grants, information technology and customer service. The new Office would also need an Administrative Service Officer at a cost of \$100,397. The total cost to establish the new Office is \$2,544,398. It should be noted that we have not accounted for the Human Resource section since this function would be transferred in its entirety to the Office of the Public Prosecutor.

We have also factored in the loss of VOCA funding of \$1,621,165. The Crime Victim's Rights Act of 2004, as codified in 8 GCA Chapter 160, requires the OAG to provide victim services. We assume that this function will no longer be under the auspice of the OAG since there will be no prosecutorial functions as evidenced by the repeal of §§30104 and 30104.1. The OAG is the State Administrating Agency for the Victim of

**Office of the Attorney General**  
**Douglas B. Moylan · Attorney General of Guam**

590 S. Marine Corps. Drive, ITC Bldg. Ste. 902 · Tamuning, Guam, 96913 · USA  
Phone 671-475-3324 · Fax 671-477-4703 · [publicservice@oagguam.org](mailto:publicservice@oagguam.org) · [www.oagguam.org](http://www.oagguam.org)  
"Guam's Toughest Law Enforcers"

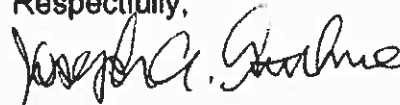
Crimes Grant. Under the federal guidelines, the Grant must not be associated with the prosecutorial process. We believe that Guam will lose all the VOCA funding and the OAG will need to eliminate all Victim of Crimes services.

It is a known fact that hiring government attorneys is more cost effective than hiring outside counsel. Most attorneys have an hourly rate above \$250. Section 8 of the bill would appoint a Special Prosecutor to "take over all civil and criminal investigations into the activities of the government of Guam agencies currently pending in the Office of the Attorney General." The currently cost of the Government Corruption division is \$562,273 (which includes two Attorneys, two Investigators, and two staff). We have estimated that the cost factor would be, at the most conservative estimate, at least three times the current cost. The factor of three is to account for the private company's billable rates of attorneys, their staff, and overhead. Our projected cost is \$1,686,819.

In summation, we expect the total cost of implementing Bill 257-37 (COR) to be \$5,852,318.92.

You may contact me at (671) 475-3324 ext. 5004 should you have any questions or concerns.

Respectfully,



**Joseph A. Guthrie**

Chief Deputy Attorney General