

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

2024 (SECOND) Regular Session

VOTING RECORD

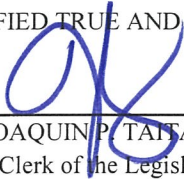
Notwithstanding the objection of <i>I Maga'hågan Guåhan</i> , shall VETOED Bill No. 30-37 (COR) be overridden?	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building February 23, 2024
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NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas		✓				
Senator Thomas J. Fisher		✓				
Senator Jesse A. Lujan		✓				
Vice Speaker Tina Rose Muña Barnes		✓				
Senator William A. Parkinson		✓				
Senator Sabina Flores Perez	✓					
Senator Roy A. B. Quinata		✓				
Senator Joe S. San Agustin		✓				
Senator Dwayne T. D. San Nicolas		✓				
Senator Amanda L. Shelton		✓				
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

TOTAL

6	9			0	0
Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused

CERTIFIED TRUE AND CORRECT:



JOAQUIN P. TAITAGUE
Clerk of the Legislature

I = Pass

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 30-37 (COR)

As amended by the Committee on
General Government Operations
and Appropriations; and further amended
on the Floor.

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Introduced by:

Joanne Brown
Chris Barnett
Frank Blas, Jr.
Thomas J. Fisher
Telo T. Taitague
Christopher M. Dueñas
Jesse A. Lujan

**AN ACT TO *ADD* A NEW § 4101(a)(1)(E) OF ARTICLE 1,
AND A NEW § 4203.4 OF ARTICLE 2, BOTH OF
CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED; AND
TO *AMEND* § 49.90 OF CHAPTER 49, TITLE 9, GUAM
CODE ANNOTATED, RELATIVE TO THE
PROHIBITION OF EMPLOYMENT IN THE
GOVERNMENT OF GUAM FOR INDIVIDUALS
CONVICTED OF OFFICIAL MISCONDUCT.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the people of Guam should be able to reasonably expect that their government
4 employs people on the basis of merit and does not employ criminals, especially
5 criminals convicted of official misconduct, while in government employment.
6 Experience has shown that this expectation has been misplaced. While the sentiment

1 of providing second chances to criminals is admirable in the right context,
2 government service cannot bear the risk of employing convicted criminals.

3 Therefore, *I Liheslatura* intends to prohibit the employment of an individual
4 in any agency or instrumentality of the government of Guam if said individual is
5 convicted under the provisions of Title 9 GCA, Chapter 49, § 49.90, or an offense
6 in any jurisdiction which includes, at a minimum, all of the elements of said offenses.

7 **Section 2.** A new § 4101(a)(1)(E) of Article 1, Chapter 4, Title 4, Guam
8 Code Annotated, is *added* to read as follows:

9 “(E) No person shall be employed nor continued in employment, who was
10 convicted of a violation of Title 9 GCA, Chapter 49, § 49.90. Any attempted or
11 erroneous appointment or continuation of employment in violation of this Section is
12 void *ab initio*. Title 4 GCA, Chapter 4, §§ 4202 and 4406(b) shall not apply to this
13 Section.”

14 **Section 3.** A new § 4203.4 is hereby *added* to Article 2 of Chapter 4, Title
15 4, Guam Code Annotated, to read as follows:

16 **“§ 4203.4. Prohibition: Conviction of Official Misconduct and Absolute**
17 **Bar to Employment.**

18 No person convicted under the provisions of Title 9 GCA, Chapter 49, §
19 49.90, or an offense in any jurisdiction which includes, at a minimum, all of the
20 elements of said offenses, shall work in any agency or instrumentality of the
21 government of Guam.”

22 **Section 4.** § 49.90 of Chapter 49, Title 9, Guam Code Annotated, is hereby
23 *amended* to read as follows:

24 **“§ 49.90. Official Misconduct; Defined & Punished.**

25 A public servant commits a misdemeanor if, with intent to
26 benefit himself or another person or to harm another person or to
27 deprive another person of a benefit:

1 (a) he commits an act relating to his office but
2 constituting an unauthorized exercise of his official functions,
3 knowing that such act is unauthorized; or

4 (b) he knowingly refrains from performing a duty
5 which is imposed upon him by law or is clearly inherent in the
6 nature of his office.

7 (c) a person convicted of official misconduct may be
8 imprisoned for a term of up to one (1) year and, notwithstanding
9 § 80.50(c) of Article 3, Chapter 80, Title 9, Guam Code
10 Annotated, may be ordered to pay a fine of up to Twenty
11 Thousand Dollars (\$20,000.00).”