

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 200-32 (COR)

Introduced by:

R.J. RESPICIO
T.C. ADA
B.J.F. CRUZ

2013 SEP 20 AM 10:38

AN ACT TO AMEND TITLE 10 GUAM CODE
ANNOTATED §77135 RELATIVE TO POLICE
CLEARANCES, TO BE KNOWN AS THE "POLICE
CLEARANCE CLARITY ACT OF 2013."

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 SECTION 1. Legislative Findings and Intent. *I Liheslatura* finds that
3 the principle that all citizens are innocent until proven guilty, is the
4 foundation of our system of justice and our democratic form of
5 governance. Therefore, any clearance report issued by a government
6 agency involved in law enforcement, such as the Guam Police
7 Department, shall be in accordance with this principle.

8 *I Liheslatura* further finds that a majority of jurisdictions across
9 the country have enacted limits on the use of arrest histories when
10 making employment decisions. Under the United States Civil Rights
11 Act, the Equal Employment Opportunity Commission's guidelines

1 protect job seekers from discrimination based on arrest histories.
2 Employers are being advised to stop using arrest information, and to
3 comply with the specific rules for their jurisdictions, in order to make
4 it clear to all parties that the law maintains that an individual is
5 innocent until proven guilty.

6 *I Liheslatura* further finds that local police clearance reports are
7 in need of clarification as evidenced by the Office of the Attorney
8 General's recent "Information and Guidance" (Ref: GPD13-0361,
9 dated August 23, 2013) submitted to the Chief of Police, Guam Police
10 Department, relative to the content of police clearances.

11 According to such updated guidance and clarity on the subject
12 of police clearances relative to "arrest records and not to police
13 reports that deal with traffic accidents and other matters," Assistant
14 Attorney General David J. Highsmith notes that "Such police reports
15 are confidential pursuant to Title 10 GCA § 77129 and can be released
16 only according to its terms."

17 It is therefore the intent of *I Liheslatura* to *add* a *new* Title 10
18 Guam Code Annotated §77135 relative to police clearances, based on
19 the above referenced guidance.

1 **SECTION 2.** A *NEW* Title 10 Guam Code Annotated §77135 is
2 *added* to read:

3 “§ 77135. The Establishment of Procedures regarding Police
4 Clearances **SHALL ONLY** include the following relative to
5 **arrests and police reports:**

- 6 1. Charges for which the arrestee is convicted.
- 7 2. Charges for which a juvenile is convicted as an adult.

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