

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

April 19, 2011

31-11-435

Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'trentai Unu Na Liheslaturan Guåhan

155 Hesler Street

Hagåtña, Guam 96910

4/19/11
5:04pm
remit

Dear Madame Speaker:

Transmitted herewith is Bill No. 53-31 (COR) "AN ACT TO AMEND §11.10 OF CHAPTER 11, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING FOR THE EXPUNGEMENT OF CRIME RECORDS FOLLOWING AN EXECUTIVE PARDON OF A CRIME", which I signed into law on April 18, 2011 as **Public Law 31-23**.

I have signed this bill into law because I agree with the rationale of *I Liheslaturan Guåhan* that "the purpose of a pardon is to remove the legal penalties and the effects of a criminal conviction." Also similarly with *I Mina'trentai Unu Na Liheslaturan Guåhan*, I agree that if "an executive pardon does *not* result in an automatic expungement of a crime record, the pardon does *not* realize the full benefit that is intended." Essentially, the logic is thus: what effect does an executive pardon have at all if it fails to expunge the criminal record of the individual pardoned? In that case a pardon would be nothing more than a hollow, ceremonial act since the pardoned individual would continue to experience the full effects of his or her criminal conviction as if nothing had ever happened.

I equally agree with *I Liheslaturan Guåhan* "that the Sex Offender Registry serves a valid purpose, the importance of which should not be overridden by the sincere desire to help sincerely reformed pardon recipients." Unfortunately, the bill as written does not hold true to this statement and does in fact allow expungement by pardon to override the protection and notification of the public otherwise provided by the Sex Offender Registry. Accordingly, I strongly urge *I Liheslaturan Guåhan* to revisit this piece of legislation and correct a regrettable error therein.

Specifically, the error is found in the following provision which does not reconcile with existing Guam law: "Expungement shall not occur for an offense which requires a person to register as a sex offender, as defined in §89.03 of Title 9, Guam Code Annotated, until the defender's [sic] name is removed from the registry." This language appears innocuous enough, until one looks to Guam's Sex Offender Registry statute. Title 9 GCA §89.04(c), entitled "Duration of [Sex Offender] Registration" states that "where the underlying conviction is reversed, vacated or set aside, or if the person is pardoned of the crime which triggered the registration requirement of this Chapter, registration is *no longer* required."

Thus the effect of this new law on a pardoned sex offender is as follows: A registered sex offender is pardoned. This new law prevents the pardoned sex offender from having his record expunged until he or she is no longer registered. According to 9 GCA §89.04(a)-(b), Level One and Level Two offenders are registered for life, and Level Three offenders are registered for fifteen (15) years. However, 9 GCA §89.04(c) holds that, because this registered sex offender has now been pardoned, he or she is no longer required to be registered. Now comes this new legislation which states that, since this sex offender is no longer registered, he or she may now have his or her criminal record expunged. Because this new law did nothing to address the existing language found in 9 GCA §89.04(c), it creates this circularity which defeats its own stated purpose not to expunge the criminal record of a pardoned sex offender until that individual's (presumably) natural obligation to remain registered has expired.

This especially presents problems for another existing Guam statute which this new law also failed to address. Title 4 GCA §4203.3 states: "No person convicted of a sex offense under the provisions of Chapter 25 of Title 9 Guam Code Annotated, or an offense as defined in Article 2 of Chapter 28, Title 9 GCA in Guam, or an offense in any jurisdiction which includes, at a minimum, all of the elements of said offenses, or who is listed on the Sex Offender Registry shall work in any agency or instrumentality of the government of Guam." This statute begs the following question in light of this new legislation: Can a person who was convicted of a sex offense, but was pardoned and/or had his or her criminal record expunged, legally be able to work for the Government of Guam?

Given the foregoing, I must impress upon *I Liheslaturan Guåhan* to quickly revisit this legislation and correct the noted substantive language to reflect the stated intent regarding registered sex offenders, and to adequately either address, or reconcile itself with, the unavoidable language of 9 GCA §89.04(c).

Senseramente,



EDDIE BAZA CALVO

Attachment: copy of Bill

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

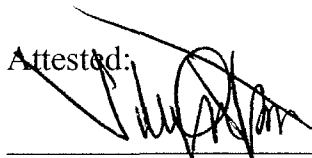
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 53-31 (COR)**, "**AN ACT TO AMEND §11.10 OF CHAPTER 11, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING FOR THE EXPUNGEMENT OF CRIME RECORDS FOLLOWING AN EXECUTIVE PARDON OF A CRIME**", was on the 4th day of April, 2011, duly and regularly passed.



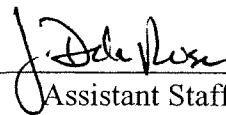
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 7th day of April, 2011, at
09:50 o'clock A.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: **APR 18 2011**

Public Law No. 31-23

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 53-31 (COR)

As amended by the Committee on Public Safety, Law Enforcement
and Judiciary, and further amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.
T .C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Duenas
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
T. R. Muña Barnes
v. c. pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §11.10 OF CHAPTER 11, TITLE 8,
GUAM CODE ANNOTATED, RELATIVE TO
AUTHORIZING FOR THE EXPUNGEMENT OF CRIME
RECORDS FOLLOWING AN EXECUTIVE PARDON OF
A CRIME.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
that Section 1422 of the Organic Act gives *I Maga'lahren Guåhan* (the Governor of
Guam) the authority to “grant pardons and reprieves and remit fines and forfeitures
for offenses against local laws.” Through Executive Order 97-03, *I Maga'lahi* (the

1 Governor) promulgated a pardon review process, where the Pardon Review Board
2 conducts proceedings which mirror the process for granting parole. Executive
3 Order 97-12 further refined the methods and functions of the Pardon Review
4 Board. Under these Executive Orders, a pardon is earned, not given.

5 Public Law 16-68, the law governing expungement of records, was enacted
6 into law on March 11, 1982. There have been no amendments to that law, which
7 narrowly defined when expungement may occur. The only cases which are
8 authorized are when the alleged criminal is acquitted, the prosecutor decides not to
9 prosecute or when the statute of limitations has expired on the alleged crime.

10 *I Liheslaturan Guåhan* further finds that the purpose of a pardon is to
11 remove the legal penalties and the effects of a criminal conviction. Since an
12 executive pardon does *not* result in an automatic expungement of a crime record,
13 the pardon does *not* realize the full benefit that is intended. Two (2) of the
14 recipients of a pardon by Governor Camacho last December attempted to have
15 their crime records expunged, but were told that *no* authority exists by which their
16 records may be expunged by the presentation of a valid pardon.

17 *I Liheslaturan Guåhan* finds that the Sex Offender Registry serves a valid
18 purpose, the importance of which should *not* be overridden by the sincere desire to
19 help sincerely reformed pardon recipients. Sex offenders pose a risk to members
20 of the community, toward which the community must be vigilant so that the
21 potential for recidivism will be minimized.

22 Therefore, it is the intent of *I Liheslaturan Guåhan* to authorize for the
23 expungement of crime records for certain crimes by presentation of a valid pardon
24 to the custodian of record, by amending §11.10 of Chapter 11, Title 8, Guam Code
25 Annotated.

Section 2. §11.10 of Chapter 11, Title 8, Guam Code Annotated, is hereby
ended to read:

1 **“§11.10. Expungement: When.**

2 The official records of the court, the Attorney General, and the police
3 reports in connection therewith dealing with a violation or attempted
4 violation by an adult of territorial law or a regulation having the force and
5 effect of law *shall* be expunged when the subject of the report is acquitted of
6 the offense charged, when the prosecuting attorney decides *not* to prosecute
7 the offense, when the time for commencing the criminal action as prescribed
8 by Chapter 10 of this Title has passed, or on approval of the Pardon Review
9 Board when a pardon is granted pursuant to §1422 of the Organic Act of
10 Guam, *except* for the pardon of a felony offense involving violence.
11 Expungement *shall not* occur for an offense which requires a person to
12 register as a sex offender, as defined in §89.03 of Title 9, Guam Code
13 Annotated, until the defender’s name is removed from the registry.

14 The presentation to the custodian of record of a valid pardon for the
15 recorded offense, *except* for the pardon of a felony offense involving
16 violence *or* of an offense which requires a person to register as a sex
17 offender, as defined in §89.03 of Title 9, Guam Code Annotated, *shall* result
18 in the expungement of the records relative to the offense, for which the
19 pardon is granted pursuant to this Chapter.”

20 **Section 3. Effective Date.** This Act *shall* be effective upon enactment and
21 *shall* apply to all persons who receive or have received a pardon by *I Maga’lahen*
22 *Guåhan* (the Governor of Guam).

* 3 Passes = No vote
EA = Excused Absence



Thirty-First
Guam Legislature

Committee Members:

Senator Thomas C. Ada
Vice Chairman

Speaker Judith T. Won Pat, Ph.D.
Member

Senator Tina R. Muna-Barnes
Member

Senator Judith P. Guthertz, DPA
Member

Senator Rory J. Respicio
Member

Senator Dennis G. Rodriguez, Jr.
Member

Senator V. Anthony Ada
Member

Senator Christopher M. Duenas
Member

Senator Mana Silva-Tajerón
Member

Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
Membership:*

Vice Chairman, Committee on
Utilities, Transportation, Public
Works and Veterans Affairs

Vice Chairman, Committee on
Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform

Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources

Member, Committee on
Education and Public Libraries

Member, Committee on Guam
Military Buildup and Homeland
Security

Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

March 14, 2011

The Honorable Judith T. Won Pat, Ed.D.

Speaker

I Mina'Trentai Unu na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairman, Committee on Rules


RE : Committee Report – Bill No. 53-31 (COR) as Amended.

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **BILL NO. 53-31 (COR) – "AN ACT RELATIVE TO AUTHORIZING FOR THE EXPUNGEMENT OF CRIME RECORDS FOLLOWING AN EXECUTIVE PARDON OF A CRIME BY AMENDING SECTION 11.10 OF CHAPTER 11, TITLE 8, GUAM CODE ANNOTATED,"** hereby reports out with the recommendation **TO PASS**.

Committee Votes are as follows:

<u>9</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>1</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

Sincerely,


ADOLPHO B. PALACIOS, MPA, BS/CJA
Chairman

Attachments

Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

2011 MAR 17 PM 11:05
[Handwritten signature]



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT
ON
BILL NO. 53-31 (COR)
as Amended by the Committee on Public Safety,
Law Enforcement, and Judiciary

**AN ACT RELATIVE TO AUTHORIZING FOR
THE EXPUNGEMENT OF CRIME RECORDS
FOLLOWING AN EXECUTIVE PARDON OF A
CRIME BY AMENDING SECTION 11.10 OF
CHAPTER 11, TITLE 8, GUAM CODE
ANNOTATED.**



Thirty-First
Guam Legislature

Committee Members:

Senator Thomas C. Ada
Vice Chairman

Speaker Judith T. Won Pat, Ph.D.
Member

Senator Tina R. Muña-Barnes
Member

Senator Judith P. Guthertz, DPA
Member

Senator Rory J. Respicio
Member

Senator Dennis G. Rodriguez, Jr.
Member

Senator V. Anthony Ada
Member

Senator Christopher M. Duenas
Member

Senator Mana Silva-Tajeron
Member

Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
Memberships:*

Vice Chairman, Committee on
Utilities, Transportation, Public
Works and Veterans Affairs

Vice Chairman, Committee on
Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform

Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources

Member, Committee on
Education and Public Libraries

Member, Committee on Guam
Military Buildup and Homeland
Security

Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

March 9, 2011

MEMORANDUM

TO: ALL MEMBERS
Committee on Public Safety, Law Enforcement, & Judiciary

FROM: Senator Adolpho B. Palacios, Sr.
Committee Chairman

SUBJECT: Committee Report on Bill No. 53-31 (COR) as Amended.

Transmitted herewith for your consideration is the Committee Report on **Bill No. 53-31 (COR) as Amended** – “AN ACT RELATIVE TO AUTHORIZING FOR THE EXPUNGEMENT OF CRIME RECORDS FOLLOWING AN EXECUTIVE PARDON OF A CRIME BY AMENDING SECTION 11.10 OF CHAPTER 11, TITLE 8, GUAM CODE ANNOTATED,” – sponsored by Senator Adolpho B. Palacios, Sr.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. 53-31 (COR) as Amended
- Copy of Bill No. 53-31 (COR) as Introduced
- Public Hearing Sign-in Sheets
- Copies of testimony submitted and supporting documents
- Copy of COR Referral of Bill No. 53-31 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous related documents

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please contact this office.

Si Yu'os ma'åse!

Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

VOTING SHEET ON:

Bill No. 53-31 (COR) as Amended – AN ACT RELATIVE TO AUTHORIZING FOR THE EXPUNGEMENT OF CRIME RECORDS FOLLOWING AN EXECUTIVE PARDON OF A CRIME BY AMENDING SECTION 11.10 OF CHAPTER 11, TITLE 8, GUAM CODE ANNOTATED.

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		3/9/11 ✓				
Thomas C. Ada Vice Chairman		3/14/11				
Tina R. Muña-Barnes Member		3/8/11				
Judith P. Guthertz, DPA Member		3/9/11				
Rory J. Respicio Member		3/11/11				
Dennis G. Rodriguez, Jr. Member						
Judith T. Won Pat, Ed.D. Member				3/14/11 ✓		
V. Anthony Ada Member		3/10/11				
Christopher M. Duenas Member		3/10/11				
Mana Silva Taijeron Member		3/10/11				
Aline A. Yamashita, Ph.D. Member		3/10/11				



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT DIGEST

Bill No. 53-31 (COR) – “An act relative to authorizing for the expungement of crime records following an executive pardon of a crime by amending Section 11.10 of Chapter 11, Title 8, Guam Code Annotated” – Senator Adolpho B. Palacios, Sr.

I. OVERVIEW

The Committee on Public Safety, Law Enforcement and Judiciary convened the public hearing on February 7, 2010 at 9:03 a.m. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 53-31 (COR) - “An act relative to authorizing for the expungement of crime records following an executive pardon of a crime by amending Section 11.10 of Chapter 11, Title 8, Guam Code Annotated,” sponsored by Senator Adolpho B. Palacios, Sr.

Public Hearing Requirements

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on January 28, 2011 (5-day Notice) and on February 2, 2011 (48-Hour notice), pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature’s website.

Senators Present:

Senator Adolpho B. Palacios, Sr., Chairman
Senator Thomas C. “Tom” Ada, Vice Chairman
Speaker Judith T. Won Pat, Ed.D., Member
Senator Tina R. Muña-Barnes, Member
Senator Rory J. Respicio, Member
Senator Aline A. Yamashita, Ph.D., Member

Individual(s) registered for oral or written testimony:

Phil Tydingco, Deputy Attorney General, Office of the Attorney General, provided oral testimony not in favor of the bill.
Jose San Agustin, Acting Director, Department of Corrections, provided oral testimony not in favor of the bill.
Michelle Taitano, acting Chairwoman, Guam Territorial Parole Board, provided oral testimony not in favor of the Bill.
Dr. Dianne Strong, Ed.D., provided oral and written testimony.

Gary W. "Frank" Gumataotao, Esq., and William B. Pole, Esq., provided written testimony in support of the Bill.

Edward C. Han, Esq. provided written testimony in support of the Bill.

Phillip Cruz provided written testimony in support of the Bill.

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr. convened the public hearing for the Committee on Public Safety, Law Enforcement and Judiciary at 9:03 a.m., read the title of the bill and summarized its contents. Two (2) constituents have found that, after receiving a pardon, they were unable to get their records expunged because the authority is lacking for an expungement based upon a pardon by the Governor of Guam, pursuant to his Organic Act powers. Chairman Palacios called the panel of Deputy Attorney General Phil Tydingco, Attorney, acting Director of Corrections Jose San Agustin, acting Parole Board Chairwoman and Dr. Dianne Strong.

The Chairman read written testimony from Phillip Cruz. Mr. Cruz supports Bill 53. He was recently pardoned by Governor Camacho. He has not been able to get an expungement of his record. It has affected his life, including his prospects for employment. (*See attached written testimony.*)

Deputy Attorney General Phil Tydingco stated that the Office of the Attorney General is not in favor of the bill. He gave legal background regarding expungement and pardon. He stated that it is one thing to have rights restored but another to remove the record. He felt that it is important to present that point of view into the discussion.

Acting Director of Corrections Jose San Agustin is not in favor of the bill. He stated that this bill protects the criminal and not the victims. He stated that the elimination of the record is an injustice. He wants to work with the legislature. He suggested a timeline for recidivism, where if it expires and no crime is committed, the record shall be expunged.

Michelle Taitano is not in favor of the bill. She stated that the bill needs work. She said that employers want to know the status of past offenders. She questioned the effects on public safety by sealing records. She stated that the Pardon Review Board determines based upon records whether a nominee has earned a pardon.

Dr. Dianne Strong stated that she believes the intent of the bill is admirable. She stated that there are people who can benefit from expungement, but she does not have faith in

the executive branch pardon process. She said that she does not want a sex offender to be expunged, even if they are pardoned. She stated that the Pardon Review Board is in violation of Open Government Law. It sometimes changes its scheduled meeting times without adequate notice.

Chairman Palacios states that the crime is not erased for law enforcement purpose. He stated that sex offenders should not be expunged. Michelle Taitano stated that the executive branch makes a pardon, but the Pardon Review Board makes a recommendation, based upon the records and documents submitted, the board determines whether a pardon is deserved and depends upon the crime committed. She said that if you get a pardon, you may join the military. Chairman Palacios stated that the pardon, preceded by good conduct indicates their reformed character. Chairman Palacios said that besides a possible commutation, the pardon has little benefit.

Mr. Tydingco states that the pardon allows for the restoration of a number of liberties, which are defined by statute and constitutions. Mr. Tydingco says that it does not effect an expungement. Ms. Taitano reiterated that the Governor has the executive power to override or disregard the finding of the Pardon Review Board.

Senator Aline A. Yamashita asked if there are cases when the Governor pardons in opposition to the Pardon Review Board's recommendation. She stated that it is very difficult to begin again after being in prison. She stated that if this helps rehabilitate, then she wants to look into this further.

Acting Director Jose San Agustin stated that he agrees with what Senator Yamashita said. He seemed to imply that an employer who is aware of the criminal history can be part of the informal rehabilitative process.

Senator Rory J. Respicio reinforces Chairman Palacios' criticism of the pardon when one is haunted by their crime for the rest of their life. Senator Respicio hopes that there should be greater emphasis on restorative justice. He suggests that allowing for expungement reinforces the power of the pardon.

Ms. Taitano stated there are insufficient resources for parole. She said that often a pardon recipient has completed their sentence. She stated that the Governor has the authority to grant a pardon regardless of the findings of the Pardon Review Board.

Speaker Judith T. Won Pat asked whether there is a way that the Pardon Review Board could consider the expungement of record. He recommends that there should be a timeline for expungement upon receiving a pardon.

Chairman Palacios stated there is a significant need for a mark-up. He said that the bill complements the Pardon Review Board's function, but suggests that the language should be narrowed, not apply to certain crimes, etc, or perhaps a timeline for expungement on good behavior.

Speaker Won Pat stated that much of the parole and pardon process is subjective. She said that those who have been rehabilitated should be brought back into the community and made whole. She stated her intention to work closely with the Chairman to make that a reality.

Chairman Adolpho B. Palacios, Sr., declared that Bill No. 53-31(COR) is duly heard. The Chairman concluded the hearing and requested that written testimony be submitted within the next ten (10) days. He adjourned the hearing at 1:23 p.m.

III. WRITTEN TESTIMONIES

Gary W. "Frank" Gumataotao, Esq., and William B. Pole, Esq. Mr. Gumataotao and Mr. Pole support Bill 53. They stated that the Governor of Guam generally grants pardons after extensive review by the Pardon Review Board. They said that if the purpose of an executive pardon is to forgive, then "the process should render the awardee cleansed of the taint." Guam law does not provide for expungement of criminal records in the case of a pardon, but it would allow the act of clemency to have full effect. (*See attached written testimony.*)

Edward C. Han, Esq. Mr. Han supports Bill 53. He stated that having a criminal record may prevent individuals from getting a job, obtaining a place to live or subject them to other prejudicial behavior. He cited the prevalence of racial profiling and bias throughout the criminal justice system, which disadvantages minorities who often face stiffer penalties for equivalent crimes than non-minorities. Mr. Han stated that minorities face greater obstacles to housing and employment, and that offering the hope of expungement can have a positive impact on a former offender's life. (*See attached written testimony.*)

Phillip Cruz. Mr. Cruz supports Bill 53. He is a forty-three (43) year old resident of Agat. He was recently pardoned by Governor Camacho, but has not been able to get an

expungement of his record. He stated that this has negatively impacted his life and, particularly, made it more difficult for him to attain remunerative employment. (*See attached written testimony.*)

Dr. Dianne Strong, Ed.D. Dr. Strong stated that she does not believe a pardoned sex offenders should be eligible for expungement of their criminal records. She emphasized that she does not support expungement for just any crime. She stated that the Governor is not bound by the recommendations of the Pardon Review Board and that the Pardon Review Board has not adopted Rules and Regulations in accordance with the Administrative Adjudication Act. She urged the Committee to refine the bill in a mark-up session and thanked the Committee for their efforts to safeguard the public and civil rights for all. (*See attached written testimony.*)

No further written testimony received within the ten (10) day period after the public hearing.

IV. FINDINGS AND RECOMMENDATIONS

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 53-31 (COR), as amended by the Committee, with the recommendation TO PASS.**

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 53-31 (COR)

As Amended by the Committee on Public Safety,
Law Enforcement and Judiciary

Introduced by:

Adolpho B. Palacios, Sr.



**AN ACT RELATIVE TO AUTHORIZING FOR THE
EXPUNGEMENT OF CRIME RECORDS FOLLOWING AN
EXECUTIVE PARDON OF A CRIME BY AMENDING
SECTION 11.10 OF CHAPTER 11, TITLE 8, GUAM CODE
ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Section 1422 of the Organic Act gives the Governor of Guam the authority to “grant pardons and reprieves and remit fines and forfeitures for offenses against local laws.” Through Executive Order 97-03, the Governor promulgated a pardon review process, where the Pardon Review Board conducts proceedings which mirror the process for granting parole. Executive Order 97-12 further refined the methods and functions of the Pardon Review Board. Under these Executive Orders, a pardon is earned, not given.

Public Law 16-68, the law governing expungement of records, was enacted on March 11, 1983. There have been no amendments to that law, which narrowly defined when expungement may occur. The only cases which are authorized are when the alleged criminal is acquitted, the prosecutor decides not to prosecute or when the statute of limitations has expired on the alleged crime.

I Liheslaturan Guåhan further finds that the purpose of a pardon is to remove the legal penalties and the effects of a criminal conviction. Since an executive pardon does not result in an automatic expungement of a crime record, the pardon does not realize the full benefit that is intended. Two (2) of the recipients of a pardon by Governor Camacho last December attempted to have their crime records expunged, but were told that no authority exists by which their records may be expunged by the presentation of a valid pardon.

1 *I Liheslaturan Guåhan* finds that the Sex Offender Registry serves a valid purpose, the
2 importance of which should not be overridden by the sincere desire to help sincerely reformed
3 pardon recipients. Sex offenders pose a risk to members of the community, toward which the
4 community must be vigilant so that the potential for recidivism will be minimized.

5 Therefore, it is the intent of *I Liheslaturan Guåhan* to authorize for the expungement of
6 crime records for certain crimes by presentation of a valid pardon to the custodian of record, by
7 amending Section 11.10 of Chapter 11, Title 8, Guam Code Annotated.

8 **Section 2. Expungement: When.** Section 11.10 of Chapter 11, Title 8, Guam Code
9 Annotated, is hereby amended, to read:

10 **§11.10. Expungement: When.**

11 The official records of the court, Attorney General and the police reports in connection
12 therewith dealing with a violation or attempted violation by an adult of territorial law or a
13 regulation having the force and effect of law shall be expunged when the subject of the report is
14 acquitted of the offense charged, when the prosecuting attorney decides not to prosecute the
15 offense, ~~or~~ when the time for commencing the criminal action as prescribed by Chapter 10 X of
16 this Title has passed, or when a pardon is granted pursuant to §1422 of the Organic Act of Guam:
17 ~~The presentation to the custodian of record of a valid pardon for a recorded crime shall result in~~
18 ~~the expungement of the records relative to the crime, pursuant to this Chapter., except for the~~
19 ~~pardon of a felony offense or an offense which requires a person to register as a sex offender as~~
20 ~~defined in 9GCA §89.03.~~

21 The presentation to the custodian of record of a valid pardon for the recorded offense,
22 except for the pardon of a felony offense or of an offense which requires a person to register as a
23 sex offender as defined in 9GCA §89.03, shall result in the expungement of the records relative
24 to the offense, for which the pardon is granted pursuant to this Chapter.

25 **Section 3. Effective Date.** This act shall be effective upon enactment and shall apply to
26 all persons who ~~are or have been pardoned~~ receive or have received a pardon by the Governor
27 of Guam.

I MINA'TRENTAI UNO NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 53-31 (COR)

Introduced by:

Adolpho B. Palacios, Sr. *abp*

2011 JAN 26 PM 4:08

**AN ACT RELATIVE TO AUTHORIZING FOR THE
EXPUNGEMENT OF CRIME RECORDS FOLLOWING AN
EXECUTIVE PARDON OF A CRIME BY AMENDING
SECTION 11.10 OF CHAPTER 11, TITLE 8, GUAM CODE
ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Section 1422 of the Organic Act gives the Governor of Guam the authority to “grant pardons and reprieves and remit fines and forfeitures for offenses against local laws.” Through Executive Order 97-03, the Governor promulgated a pardon review process, where the Pardon Review Board conducts proceedings which mirror the process for granting parole. Executive Order 97-12 further refined the methods and functions of the Pardon Review Board. Under these Executive Orders, a pardon is earned, not given.

Public Law 16-68, the law governing expungement of records, was enacted on March 11, 1983. There have been no amendments to that law, which narrowly defined when expungement may occur. The only cases which are authorized are when the alleged criminal is acquitted, the prosecutor decides not to prosecute or when the statute of limitations has expired on the alleged crime.

I Liheslaturan Guåhan further finds that the purpose of a pardon is to remove the legal penalties and the effects of a criminal conviction. Since an executive pardon does not result in an automatic expungement of a crime record, the pardon does not realize the full benefit that is intended. Two of the recipients of a pardon by Governor Camacho last December attempted to have their crime records expunged, but were told that no authority exists by which their records may be expunged even by the presentation of a valid pardon.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to authorize for the expungement of
2 crime records by presentation of a valid pardon to the custodian of record, by amending Section
3 11.10 of Chapter 11, Title 8, Guam Code Annotated.

4 **Section 2. Expungement: When.** Section 11.10 of Chapter 11, Title 8, Guam Code
5 Annotated, is hereby amended, to read:

6 **§11.10. Expungement: When.**

7 The official records of the court, Attorney General and the police reports in connection
8 therewith dealing with a violation or attempted violation by an adult of territorial law or a
9 regulation having the force and effect of law shall be expunged when the subject of the report is
10 acquitted of the offense charged, when the prosecuting attorney decides not to prosecute the
11 offense, ~~or~~ when the time for commencing the criminal action as prescribed by Chapter 10 X of
12 this Title has passed, or when a pardon is granted pursuant to §1422 of the Organic Act of Guam.
13 The presentation to the custodian of record of a valid pardon for a recorded crime shall result in
14 the expungement of the records relative to the crime, pursuant to this Chapter.

15 **Section 3. Effective Date.** This act shall be effective upon enactment and shall apply to
16 all persons who are or have been pardoned by the Governor of Guam.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

Monday, February 7, 2011

Bill No. 53-31 (COR) – AN ACT RELATIVE TO AUTHORIZING FOR THE EXPUNGEMENT OF CRIME RECORDS FOLLOWING AN EXECUTIVE PARDON OF A CRIME BY AMENDING SECTION 11.10 OF CHAPTER 11, TITLE 8, GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.

	NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
✓	Phil Tydingco	AG ✓		✓			✓
left	Basil O'Malley	AG 0		✓			✓
✓	San Agustin Joe	Doc	688-5117	✓	✓		✓
✓	Michelle H Taitano	Parole Board	472.1397	✓			✓
left	Phil Cruz	CIV	653-4467	✓			



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
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Monday, February 7, 2011

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NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
✓ Dianne Strong	self	687-3647		✓	✓	



GUMATAOTAO & POLE

Attorneys at Law

*Suite 301 San Ramon Building
115 San Ramon Street
Hagatna, Guam 96910*

*Telephone 671.475.0200
Telefax 671.475.0203
www.yourguamlawyer.com*

February 4, 2011

VIA TELEFAX 472-5022

Senator Adolpho B. Palacios, Sr.
I MINA TRENTA UNO NA LIHESLATURAN GUAHAN
Hagatna, Guam 96910

RE: TESTIMONY IN SUPPORT OF BILL 53-31 (COR)

Honorable Senator Palacios,

This is to serve as our submission of testimony in favor of Bill 53-31 (COR), an Act relative to authorizing Expungement following an Executive Pardon. Over the years, this firm has encountered the issue of expungement in several contexts. Many prospective clients approach us for assistance in expunging their records when they are found guilty. Guam law clearly does not and should not provide for expungement or the sealing of records in this situation.

However, Guam law does permit expungement under certain circumstances. We must recognize the compelling public policy that drives the need for expungement. If a person is arrested on suspicion of committing a crime, the arrest goes on his or her criminal record. Even if the person is never charged with that crime, it stays on the record, available for all to see. Why is that a problem? Besides the embarrassment, a criminal record may prevent a person from getting a job, even if the alleged crime has no connection with the job duties. It may also prevent that person from obtaining a place to live. Landlords and employers on the mainland and in Hawaii routinely do a "records check" prior to renting an apartment or offering a job. Given current technology, conducting a records check is easy and cheap, so that even inertia is not a barrier to finding out all of an applicant's arrests, charges, and convictions.

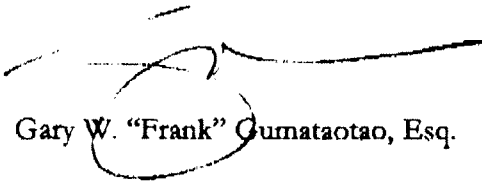
In addition, the evidence of racial profiling and bias throughout the criminal justice system across the nation suggests that communities of color are more likely, all else being equal, to have a criminal record. The effects of bias in the criminal justice system can result not only in minorities facing greater penalties than non-minorities, but also in minorities facing greater obstacles to obtaining housing and employment—beyond any racial discrimination directly related to the application process.

Clearing records off a criminal background check offers hope for some defendants. Each situation is different. For example – a defendant committed a crime when he was a juvenile and his record is keeping him from moving forward in his career. Guam does have ways certain convictions that meet specific requirements can be sealed.

The problem arises in the context of the Executive Pardon. The Governor of Guam has the authority to grant Pardons as an executive prerogative. These are generally given after an extensive review process by the Parole Board. A convicted person who gains an Executive Pardon enjoys the prospect of a new life without the stigma of the conviction – until he realizes that any background check will reveal the arrest and conviction. If the purpose of an Executive Pardon is to forgive, commute or otherwise terminate the conviction, then it follows that the process should render the awardee cleansed of the taint. Guam law does not presently provide for the expungement of criminal records in the case of an Executive Pardon. It is necessary and appropriate that the law be amended to permit this act of clemency to have full effect. For these reasons, we support your legislation.

We trust you will find this to be in order and urge you to contact us should you have any questions or comments regarding the foregoing.

Sincerely,



Gary W. "Frank" Gumataotao, Esq.



William B. Pole, Esq.

GWFG/csb

EDWARD C. HAN
Attorney at Law

*Suite 301 San Ramon Building
115 San Ramon Street
Hagatna, Guam 96910*

*Telephone 671.475.0200
Telefax 671.475.0203
www.yourguamlawyer.com*

February 4, 2011

VIA TELEFAX 472-5022

Senator Adolpho B. Palacios, Sr.
I MINA TRENTA UNO NA LIHESLATURAN GUAHAN
Hagatna, Guam 96910

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However, Guam law does permit expungement under certain circumstances. Legislators must recognize the compelling public policy that drives the need for expungement. If a person is arrested on suspicion of committing a crime, the arrest goes on his or her criminal record. Even if the person is never charged with that crime, it stays on the record, available for all to see. Why is that a problem? Besides the embarrassment, a criminal record may prevent a person from getting a job, even if the alleged crime has no connection with the job duties. It may also prevent that person from obtaining a place to live. Landlords and employers on the mainland and in Hawaii routinely do a "records check" prior to renting an apartment or offering a job. Given current technology, conducting a records check is easy and cheap, so that even inertia is not a barrier to finding out all of an applicant's arrests, charges, and convictions.

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Clearing records off a criminal background check offers hope for some defendants. This is an important aspect of the process. Each situation is different. For example – a defendant committed a crime when he was a juvenile and his record is keeping him from moving forward in his career. Guam does have ways certain convictions that meet specific requirements can be sealed.

The problem arises in the context of the Executive Pardon. The Governor of Guam has the authority to grant Pardons as an executive prerogative. These are generally given after an extensive review process by the Parole Board. A convicted person who gains an Executive Pardon enjoys the prospect of a new life without the stigma of the conviction – until he realizes that any background check will reveal the arrest and conviction. If the purpose of an Executive Pardon is to forgive, commute or otherwise terminate the conviction, then it follows that the process should render the awardee cleansed of the taint. Guam law does not presently provide for the expungement of criminal records in the case of an Executive Pardon. It is necessary and appropriate that the law be amended to permit this act of clemency to have full effect. For these reasons, I support your legislation.

I trust you will find this to be in order and urge you to contact me should you have any questions or comments regarding the foregoing.

Sincerely,



Edward C. Han, Esquire

ECH/csb

**Honorable Senator Adolpho B. Palacios Sr.
Chairman of the Committee on Public Safety,
Law Enforcement and Judiciary**

My name is **Phillip C. Cruz**, I am 43 years of age and reside in the beautiful village of Sta. Ana, Agat for about four years now. I'm writing faithfully, in hopes that you and your office would give attention and support to this matter.

I've recently been pardoned by the **Governor Felix Camacho**. The passage I took to receive this clemency had been very lengthy and challenging. To receive this pardon to me means a great accomplishment in leaving my past mistake behind and starting a clean slate in life. **Although I was pardoned, my criminal record still indicates my past case. This truly affects me in every aspect of my life, and even more so for employment, and my future.**

Honorable Chairman, I implore and with great hopes that you and your office would give positive support in making legislation for people to get an expungement of their criminal record after receiving a pardon. I don't know how to honestly express to you my need to have this expunge from my record. I will always be grateful for your participation in giving me this opportunity.

Should you have any question or need more information about this case, please feel free to contact me at 671-688-5197

Sincerely,

Phillip C. Cruz

First of all, I would like to take this time to thank Senator Adolpho B. Palacios, Chairman of the Committee on Public Safety, Law Enforcement and Judicial. I also like to express my gratitude to all Senators in attendance and to Senators that are not present but willing to support Bill 53-31, regarding expungement.

I really don't know how to express my need to brighten my future and career opportunities. I would like to give a written testimony on the difficulties and struggles that a person has in getting a decent career with a criminal record.

I have the opportunity to work for the Department of Defense as a Civil Service employee. Although, I was pardoned, the D.O. D will not accept my pardon as a means of expungement, due to the fact that my court and police abstract still indicate my past case. Therefore, at this time I am unable to receive a security clearance or access to Andersen for employment.

My hardship over the years has given me the will to keep trying to succeed in life. This is why I am here today seeking assistance from this Committee and the Legislature. I am asking heart fully, to give me a second chance to move on steadily in life as a good citizen of our beautiful island of Guam.

Sincerely,

Phillip C. Cruz

Senator Adolpho B. Palacios, Sr.,
Chair, Committee on Public Safety, Law Enforcement & Judiciary
31st Guam Legislature
Hagatna, GU

February 7, 2011

Dear Senator Palacios:

Thank you for the opportunity to provide testimony on **Bill 53-31 (COR)**, authorizing expungement of crime records following executive pardon of a crime.

Generally, expungement can be viewed as the process to "remove from general review" the records pertaining to a case. Therefore such records can be reviewed only by law enforcement agencies or by court order.

8 GCA Ch. 11 provides:

CHAPTER 11 EXPUNGEMENT OF RECORDS

§ 11.10 Expungement: When.

§ 11.11 Same: Defined.

§ 11.10. Expungement: When.

The official records of the court, Attorney General and the police reports in connection therewith dealing with a violation or attempted violation by an adult of territorial law or a regulation having the force and effect of law shall be expunged when the subject of the report is acquitted of the offense charged, when the prosecuting attorney decides not to prosecute the offense or when the time for commencing the criminal action as prescribed by Chapter X of this Title has passed.

SOURCE

: Added by P.L. 16-68.
§ 11.11. Same: Defined.

As used in this Act, *expungement* means the sealing of records to all persons

outside of the law enforcement agencies of Guam and federal agencies entitled thereto and a refusal by such agencies to admit the existence of such records to persons not entitled to examine them.

SOURCE: Added by P.L. 16-68. -----

This basically says "completely erased." In fact, it means the records are to be SEALED.

Otherwise we may not know if a candidate for a law enforcement or judicial position **does** have a record that can be opened under court order.

I don't believe ANY pardoned sex offender should be eligible for record expungement.

The definition of expungement needs to be clarified.

"Sealing" of records needs to be clearly defined.

I support pardon for worthy citizens, but I do NOT support expungement for just ANY person convicted of ANY crime.

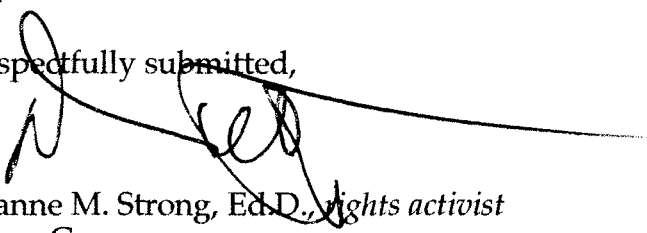
When then Governor Felix Camacho pardoned 12 convicted felons in December 2010, he acted on recommendations of the Guam Pardon Review Board. How does the public know that his brother-in-law whom he pardoned was NOT a sex offender? Crime information is very difficult to obtain.

By the Organic Act Executive Pardon gives our governor a lot of authority. Our governor does NOT have to follow the recommendations of the Guam Pardon Review Board. The Guam Pardon Review Board does not even have lawfully adopted Rules and Regulations as required by the Guam Administrative Adjudication Act Law (GAAL).

Due to the repercussions of pardons, I urge your committee to refine this bill in a mark up session. While I admire the intent, I am deeply concerned about abuses of the pardoning and expungement processes.

Thank you for your efforts to safeguard the public and safeguard civil rights for all.

Respectfully submitted,


Dianne M. Strong, Ed.D., rights activist
Yona, Guam



Adolpho Palacios <senabpalacios@gmail.com>

Testimony for Bill 53-31

1 message

Dianne M. Strong Strong <strongdiver44@gmail.com>

Mon, Feb 7, 2011 at 10:20 AM

To: Adolpho Palacios <senabpalacios@gmail.com>

Cc: Julian Janssen <julian.c.janssen@gmail.com>, Jennifer Louise Dulla <jenniferdulla@gmail.com>

Senator Adolpho B. Palacios, Sr.,

Chair, Committee on Public Safety, Law Enforcement &
Judiciary

31st Guam Legislature

Hagatna, GU

February 7, 2011

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Thank you for your efforts to safeguard the public and safeguard civil rights for all.

Respectfully submitted,

Dianne M. Strong, Ed.D., *rights activist*

Yona, Guam

--

Dianne M. Strong, Ed.D.
130 Chalan Ayuyu
Yona, GU 96915

(671) 789-4500

strongdiver44@gmail.com

 **Bill 53**
92K

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 53-31 (COR)**

AN ACT RELATIVE TO AUTHORIZING FOR THE EXPUNGEMENT OF CRIME RECORDS FOLLOWING AN EXECUTIVE PARDON OF A CRIME BY AMENDING SECTION 11.10 OF CHAPTER 11, TITLE 8, GUAM CODE ANNOTATED

Department/Agency Appropriation Information

Dept./Agency Affected: Attorney General's Office	Dept./Agency Head: Leonardo Rapadas
Department's General Fund (GF) appropriation(s) to date:	10,793,965
Department's Other Fund (Specify) appropriation(s) to date:	-
Total Department/Agency Appropriation(s) to date:	\$10,793,965

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2010 Unreserved Fund Balance		\$0	\$0
FY 2011 Adopted Revenues	\$0	\$0	\$0
FY 2011 Appro. (P.L. 30-196)	\$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 2011 (if applicable)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes /x/ No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? \$ / / N/A
3. Does the Bill establish a new program/agency? / / Yes /x/ No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x/ No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
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: / / Yes /x/ No
/ / Requested agency comments not received by due date / / Other: _____

Analyst: M Quinata Date: _____ Director: Behita A. Manglona Date: 2/24/11
Behita A. Manglona, Acting Director

Footnotes:

The Bill may provide for additional expenditures with the proposed changes to the law. However, in its present form, that impact cannot be determined at this time.



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Aline A. Yamashita
ASST. MINORITY LEADER

Senator
Christopher M. Duenas

January 27, 2011

MEMORANDUM

To: **Pat Santos**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Chairperson, Committee on Rules

Subject: **Referral of Bill No. 53-31 (COR)**

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill No. 51-31 (COR).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina'trentai Unu na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os ma'åse!

(1) Attachments

2011 JAN 27 PM 3:16

I Mina'Trentai Unu Na Liheslaturan Guåhan

Bill Log Sheet

January 26, 2011

Page 1 of 1

Bill No.	Sponsor(s)	Title	Date Introduced	Date Referred	120 Day Deadline	Committee Referred	Public Hearing Date	Date Committee Report Filed	Status (Date) Passed? Failed? Vetoed? Overridden? Public Law?
53-31 (COR)	Adolpho B. Palacios, Sr.	An Act Relative To Authorizing For The Expungement Of Crime Records Following An Executive Pardon Of A Crime By Amending Section 11.10 Of Chapter 11, Title 8, Guam Code Annotated.	1/26/11 4:08 p.m.	1/27/11		Committee on Public Safety, Law Enforcement and Judiciary.			



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

January 28, 2011

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:00 am, Monday, February 7, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 33-31 (COR) – AN ACT TO REPEAL THE STATUTES OF LIMITATION FOR THE PROSECUTION OF A SEX CRIME INVOLVING A VICTIM WHO IS UNDER THE AGE OF THE MAJORITY BY ADDING A NEW §10.16 TO CHAPTER 10 OF TITLE 8, GUAM CODE ANNOTATED. – by Vice Speaker B. J. F. Cruz**
- **Bill No. 34-31 (COR) – AN ACT TO AMEND §11306 OF ARTICLE 3, CHAPTER 11, TITLE 7 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE STATUTES OF LIMITATIONS FOR CIVIL ACTIONS INVOLVING CHILD SEXUAL ABUSE. – by Vice Speaker B. J. F. Cruz**
- **Bill No. 41-31 (COR) – AN ACT TO AMEND §§19.69, 19.70, AND 61.20 OF TITLE 9, GUAM CODE ANNOTATED; TO ADD NEW §§61.20.1, 28.90, 29.100, AND 28.101 TO TITLE 17, GUAM CODE ANNOTATED; RELATIVE TO BULLYING, CYBERBULLYING, AND SEXTING. – by Vice Speaker B. J. F. Cruz**
- **Bill No. 53-31 (COR) – AN ACT RELATIVE TO AUTHORIZING FOR THE EXPUNGEMENT OF CRIME RECORDS FOLLOWING AN EXECUTIVE PARDON OF A CRIME BY AMENDING SECTION 11.10 OF CHAPTER 11, TITLE 8, GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Priscilla Cruz at 472-5047/5048.

Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



Adolpho Palacios <senabpalacios@gmail.com>

First Notice of Public Hearing scheduled for Feb. 7, 20111 message

Adolpho Palacios <senabpalacios@gmail.com>**Fri, Jan 28, 2011 at 10:05 AM**

To: speaker@judiwonpat.com, senator@senatorbjcruz.com, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, office@senatorada.org, "Senator Ben C. Pangelinan" <senbenp@guam.net>, senatordrodriguez@gmail.com, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Aline4families@gmail.com, senatortonyada@guamlegislature.org, duenasenator@gmail.com, senatormabini@gmail.com

January 28, 2011

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

PUBLIC HEARING NOTICE

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Adolpho Palacios <senabpalacios@gmail.com>

First Notice of Public Hearing scheduled for Feb. 7, 2011

2 messages

Adolpho Palacios <senabpalacios@gmail.com>

Fri, Jan 28, 2011 at 9:58 AM

To: sabrina@kuam.com, jason@kuam.com, mindy@kuam.com, news@guampdn.com, Catriona Melyan <cmelyan@guampdn.com>, news@spbgum.com, amier@mvguam.com, marvic@mvguam.com, ads@mvguam.com, clynt@spbgum.com, kstone@ite.net

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postmaster@ad.gannett.com <postmaster@ad.gannett.com>
To: senabpalacios@gmail.com

Fri, Jan 28, 2011 at 9:59 AM

Delivery has failed to these recipients or distribution lists:

bmkelman@guam.gannett.com

The recipient's mailbox is full and can't accept messages now. Microsoft Exchange will not try to redeliver this message for you. Please try resending this message later, or contact the recipient directly.

Sent by Microsoft Exchange Server 2007

Diagnostic information for administrators:Generating server: us.ad.gannett.combmkelman@guam.gannett.com

#550 5.2.2 STOREDRV.Deliver: mailbox full. The following information should help identify the cause: "

MapiExceptionShutoffQuotaExceeded:16.18969:86000000, 17.27161:00000000A40000000000000000F000000000000000, 255.23226:00000000, 255.27962:FE000000, 255.17082:DD040000, 0.26937:0E000000, 4.21921:DD040000, 255.27962:FA000000, 255.1494:00000000, 255.26426:FE000000, 2.22787:00000000, 4.13032:0F010480, 4.7588:0F010480, 4.6564:0F010480, 4.4740:05000780, 4.6276:05000780, 4.5721:DD040000, 4.6489:DD040000, 4.2199:DD040000, 4.17097:DD040000, 4.8620:DD040000, 255.1750:00000000, 0.26849:00000000, 255.21817:DD040000, 0.26297:2D000000, 4.16585:DD040000, 0.32441:6C3B0000, 4.1706:DD040000, 0.24761:00000000, 4.20665:DD040000, 0.25785:00000000, 4.29881:DD040000". ##

Original message headers:

Received: from ENT-MOEXHC02.us.ad.gannett.com (172.20.1.48) by ENT-GUAFXMB10.us.ad.gannett.com (10.1.200.61) with Microsoft SMTP Server (TLS) id 8.2.254.0; Fri, 28 Jan 2011 09:59:31 +1000
 Received: from ent-mocinrl04.gannett.com (159.54.39.18) by ENT-MOEXHC02.us.ad.gannett.com (172.20.1.48) with Microsoft SMTP Server (TLS) id 8.2.254.0; Thu, 27 Jan 2011 18:59:28 -0500
 Received: from psmtf.com (exprod7mx254.postini.com [64.18.2.109]) by ent-mocinrl04.gannett.com (Postfix) with SMTP id CC8591B4E74; Thu, 27 Jan 2011 18:59:24 -0500 (EST)
 Received: from source ([67.98.163.23]) by exprod7mx254.postini.com ([64.18.6.14]) with SMTP; Thu, 27 Jan 2011 17:59:27 CST
 Received: by mail.pdnews.com (GuamPDN.com) id 7D2EA47BB2; Fri, 28 Jan 2011 09:59:23 +1000 (ChST)
 Delivered-To: news@quampdn.com
 Received: from psmtf.com (exprod7mx186.postini.com [64.18.2.199]) by mail.pdnews.com (GuamPDN.com) with ESMTP id D35BC47BAA; Fri, 28 Jan 2011 09:59:01 +1000 (ChST)
 Received: from source ([209.85.161.42]) (using TLSv1) by exprod7mx186.postini.com ([64.18.6.14]) with SMTP; Thu, 27 Jan 2011 17:59:22 CST
 Received: by fxm11 with SMTP id 11so3674013fxm.15 for <multiple recipients>; Thu, 27 Jan 2011 15:58:59 -0800 (PST)
 DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed; d=gmail.com; s=gamma; h=domainkey-signature:mime-version:date:message-id:subject:from:to:content-type; bh=vz++djh5WxYztriDXm2eAOCs00i6oEw88Htltw7bVcM4=; b=bdLyL90+41+KQUJ09iqwYHR6Y0xXPHECxxlMmgqImPycN6eCCrv3B/829cX0PUAF+uAV2j/k9BgIzE0ctRQhSlashUtOtFTbEYRI03o6Se7l3PlCElIlnM#W19F6Hs095gUkWE096WjUHEGRO/iwwH50sSSuEftT4P2gXAC78s=
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 Received: by 10.223.120.147 with HTTP; Thu, 27 Jan 2011 15:58:57 -0800 (EST)
 Date: Fri, 28 Jan 2011 09:58:57 +1000
 Message-ID: <AANLkTikkDt6pc==ELYJa0-XsOq5ZuwYMnevMX7zRiq5f@mail.gmail.com>
 Subject: First Notice of Public Hearing scheduled for Feb. 7, 2011
 From: Adolpho Palacios <senabpalacios@gmail.com>
 To: <sabrina@kuam.com>, <jason@kuam.com>, <mindy@kuam.com>, <news@quampdn.com>, Catriona Melyan <cmelyan@quampdn.com>, <news@spbquam.com>, <amier@mvquam.com>, <marvic@mvquam.com>, <ads@mvquam.com>, <clvnt@spbquam.com>, <kstonews@ite.net>
 Content-Type: multipart/alternative; boundary="20cf3054a5b3927fd6049adcb46"
 X-pstn-neptune: 0/0/0.00/0
 X-pstn-levels: (S:26.58227/99.90000 CV:99.9000 FC:95.5390 LC:95.5390 R:95.9108 P:94.4238 M:97.0262 C:98.6951)
 X-pstn-settings: 2 (0.5000:0.0750) s cv GT3 gt2 gtl p m c
 X-pstn-addresses: from <senabpalacios@gmail.com> [199/8]
 X-pstn-levels: (S:26.58227/99.90000 CV:99.9000 FC:95.5390 LC:95.5390 R:95.9108 P:94.4238 M:97.0262 C:98.6951)
 Return-Path: senabpalacios@gmail.com

Final-Recipient: rfc822:bmkelman@guam.gannett.com

Action: failed

Status: 5.2.2

Diagnostic-Code: smtp;550 5.2.2 STOREDRV.Deliver: mailbox full. The following information should help identify the cause: "

MapiExceptionShutoffQuotaExceeded:16.18969:86000000, 17.27161:00000000A40000000000000000F000000000000000, 255.23226:00000000, 255.27962:FE000000, 255.17082:DD040000, 0.26937:0E000000, 4.21921:DD040000, 255.27962:FA000000, 255.1494:00000000, 255.26426:FE000000, 2.22787:00000000, 4.13032:0F010480, 4.7588:0F010480, 4.6564:0F010480, 4.4740:05000780, 4.6276:05000780, 4.5721:DD040000, 4.6489:DD040000, 4.2199:DD040000, 4.17097:DD040000, 4.8620:DD040000,

255.1750:00000000, 0.26849:00000000, 255.21817:DD040000, 0.26297:2D000000, 4.16585:DD040000, 0.32441:6C3B0000, 4.1706:DD040000, 0.24761:00000000, 4.20665:DD040000, 0.25785:00000000, 4.29881:DD040000".

----- Forwarded message -----

From: Adolpho Palacios <senabpalacios@gmail.com>

To: <sabrina@kuam.com>, <jason@kuam.com>, <mindy@kuam.com>, <news@guampdn.com>, Catriona Melyan <cmelyan@guampdn.com>, <news@spbgum.com>, <amier@mvguam.com>, <marvic@mvguam.com>, <ads@mvguam.com>, <clynt@spbgum.com>, <kstonews@ite.net>

Date: Fri, 28 Jan 2011 09:58:57 +1000

Subject: First Notice of Public Hearing scheduled for Feb. 7, 2011

January 28, 2011

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

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Adolpho Palacios <senabpalacios@gmail.com>

First Notice of Public Hearing scheduled for Feb. 7, 2011

3 messages

Adolpho Palacios <senabpalacios@gmail.com>

Fri, Jan 28, 2011 at 10:05 AM

To: speaker@judiwonpat.com, senator@senatorbjcruz.com, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, office@senatorada.org, "Senator Ben C. Pangelinan" <senbenp@guam.net>, senatordrodriguez@gmail.com, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Aline4families@gmail.com, senatortonyada@guamlegislature.org, duenasenator@gmail.com, senatormabini@gmail.com

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Adolpho Palacios <senabpalacios@gmail.com>

Fri, Jan 28, 2011 at 4:10 PM

To: garrett.duenas@senatorbjcruz.com, "Sen. BJ Cruz" <senadotbjcruz@gmail.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, Stephanie Mendiola <sem@guamlegislature.org>, Mary Fejeran <maryfejeran@gmail.com>, jamespcastro@gmail.com, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, evelyn4families@gmail.com, duenasenator@gmail.com, leonguerrero.angela@gmail.com, senatormana@gmail.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, cipo@guamlegislature.org, cyrus@senatorada.org, Senator Tom Ada <tom@senatorada.org>

Please see attached. Thank you for your kind attention.



02072011PHrg 1st.pdf
175K

noreply@boxbe.com <noreply@boxbe.com>

Fri, Jan 28, 2011 at 4:10 PM

Reply-To: maryfejeran@gmail.com

To: Adolpho Palacios <senabpalacios@gmail.com>

Hello Adolpho Palacios,

Thanks for the message about "First Notice of Public Hearing scheduled for Feb. 7, 2011". This is a one-time automatic confirmation to let you know you're on my [Boxbe Guest List](#).

Email from you will be delivered right to my Inbox.

Thank you,
Mary Fejeran

boxbe

Powered by Boxbe -- "End Email Overload"

Final-Recipient: rfc822; maryfejeran@gmail.com

Diagnostic-Code: X-Boxbe-Notice; Sender not pre-approved. Follow instructions in above notice

Status: 4.7.0


----- Forwarded message -----

From: Adolpho Palacios <senabpalacios@gmail.com>

To: garrett.duenas@senatorbjcruz.com, "Sen. BJ Cruz" <senadotbjcruz@gmail.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, Stephanie Mendiola <sem@guamlegislature.org>, Mary Fejeran <maryfejeran@gmail.com>, jamespcastro@gmail.com, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, evelyn4families@gmail.com, duenasenator@gmail.com, leonguerrero.angela@gmail.com, senatormana@gmail.com, "Senator Ben C. Pangelinan" <senbenp@guam.net>, cipo@guamlegislature.org, cyrus@senatorada.org, Senator Tom Ada <tom@senatorada.org>

Date: Fri, 28 Jan 2011 16:10:24 +1000

Subject: First Notice of Public Hearing scheduled for Feb. 7, 2011

 noname
OK



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

FACSIMILE TRANSMITTAL SHEET

DATE: January 28, 2011

TO:

Pacific Daily News	477-3079 (Attention: Government Meetings)
Marianas Variety	648-2007 (Attention: Community Page)
KUAM/Isla 630	637-9865/9870
Pacific News Center	477-0793
Marianas Media	477-2240
K-57/Power 98	477-3982
Hit Radio 100	472-7663
KStereo/KISH	477-6411
Glimpses	649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *FIRST Notice of Public Hearing scheduled for February 7, 2011*

PAGES: 2 (including this sheet)

PLEASE SEE ATTACHMENT. THANK YOU.

BROADCAST REPORT

TIME : 01/28/2011 11:31
 NAME : SEN. PALACIOS
 FAX : 671-472-5022
 TEL :
 SER.# : G9N282825

PAGE(S)

02

DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
01/28	11:19	4773079	38	02	OK	ECM
01/28	11:20	6482007	37	02	OK	ECM
01/28	11:22	6379865	37	02	OK	ECM
01/28	11:23	4770793	37	02	OK	ECM
01/28	11:24	4772240	01:46	02	OK	ECM
01/28	11:26	4773982	37	02	OK	ECM
01/28	11:27	4727663	37	02	OK	ECM
01/28	11:29	4776411	37	02	OK	ECM
01/28	11:30	6498883	37	02	OK	ECM

BUSY : BUSY/NO RESPONSE
 NG : POOR LINE CONDITION
 CV : COVERPAGE
 PC : PC-FAX



Adolpho Palacios <senabpalacios@gmail.com>

First Notice of Public Hearing scheduled for Feb. 7, 2011

2 messages

Adolpho Palacios <senabpalacios@gmail.com>

Fri, Jan 28, 2011 at 10:13 AM

To: clerks@guamlegislature.com, Pat Santos <psantos@guamlegislature.org>, rtaitague@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, "Atty. Therese Terlaje" <tterlaje@guam.net>, yong@guamlegislature.org, sgtrams@guamlegislature.org

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11.10 OF CHAPTER 11, TITLE 8, GUAM CODE ANNOTATED. – by Senator Adolpho B. Palacios, Sr.

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Mail Delivery Subsystem <mailer-daemon@googlemail.com>**Fri, Jan 28, 2011 at 10:13 AM**To: senabpalacios@gmail.com

Delivery to the following recipient failed permanently:

clerks@guamlegislature.com *org*

Technical details of permanent failure:

Google tried to deliver your message, but it was rejected by the recipient domain. We recommend contacting the other email provider for further information about the cause of this error. The error that the other server returned was: 550 550 5.1.1 <clerks@guamlegislature.com>: Recipient address rejected: User unknown in local recipient table (state 14).

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MIME-Version: 1.0

Received: by 10.223.83.197 with SMTP id g5mr1662171fal.5.1296173582392; Thu, 27 Jan 2011 16:13:02 -0800 (PST)

Received: by 10.223.120.147 with HTTP; Thu, 27 Jan 2011 16:13:02 -0800 (PST)

Date: Fri, 28 Jan 2011 10:13:02 +1000

Message-ID: <AANLkTi=0Z7qco94AL3Y8A7ypsAkxY=AYfx_hjh+ji8o5@mail.gmail.com>

Subject: First Notice of Public Hearing scheduled for Feb. 7, 2011

From: Adolpho Palacios <senabpalacios@gmail.com>To: clerks@guamlegislature.com, Pat Santos <psantos@guamlegislature.org>, rtaitague@guamlegislature.org, Rennae Perez <rennae@guamlegislature.org>, "Atty. Therese Terlaje" <tterlaje@guam.net>, yong@guamlegislature.org, sgtarms@guamlegislature.org

Content-Type: multipart/alternative; boundary=20cf3054a4a1f21ee2049adced66

January 28, 2011

[Quoted text hidden]



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

February 2, 2011

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

PUBLIC HEARING NOTICE

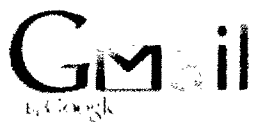
The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:00 am, Monday, February 7, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 33-31 (COR) – AN ACT TO REPEAL THE STATUTES OF LIMITATION FOR THE PROSECUTION OF A SEX CRIME INVOLVING A VICTIM WHO IS UNDER THE AGE OF THE MAJORITY BY ADDING A NEW §10.16 TO CHAPTER 10 OF TITLE 8, GUAM CODE ANNOTATED. – by Vice Speaker B. J. F. Cruz**
- **Bill No. 34-31 (COR) – AN ACT TO AMEND §11306 OF ARTICLE 3, CHAPTER 11, TITLE 7 OF THE GUAM CODE ANNOTATED; RELATIVE TO THE STATUTES OF LIMITATIONS FOR CIVIL ACTIONS INVOLVING CHILD SEXUAL ABUSE. – by Vice Speaker B. J. F. Cruz**
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Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



Adolpho Palacios <senabpalacios@gmail.com>

Second Notice of Public Hearing scheduled for Feb. 7, 2011

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Wed, Feb 2, 2011 at 10:36 AM

To: speaker@judiwonpat.com, "Sen. BJ Cruz" <senadotbjcruz@gmail.com>, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, judiguthertz@gmail.com, senatordrodriguez@gmail.com, office@senatorada.org, "Senator Ben C. Pangelinan" <senbenp@guam.net>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Aline4families@gmail.com, senatortonyada@guamlegislature.org, senatormana@gmail.com, duenasenator@gmail.com, senatorsam@senatormabini.com

February 2, 2011

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

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Adolpho Palacios <senabpalacios@gmail.com>

Second Notice of Public Hearing scheduled for Feb. 7, 2011

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Wed, Feb 2, 2011 at 10:39 AM

To: clerks@guamlegislature.org, "Atty. Therese Terlaje" <tterlaje@guam.net>, yong@guamlegislature.org, sgtarms@guamlegislature.org, garrett.duenas@senatorbjcruz.com, cmunabrecht@guamlegislature.org, Stephanie Mendiola <sem@guamlegislature.org>, nsantos@senatorada.org, cyrus@senatorada.org, cipo@guamlegislature.org, Mary Fejeran <maryfejeran@gmail.com>, jamespcastro@gmail.com, evelyn4families@gmail.com, louise_atalig@yahoo.com, leslie.g@senatormabini.com, alerta.jermaine@gmail.com

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Adolpho Palacios <senabpalacios@gmail.com>

Second Notice of Public Hearing scheduled for Feb. 7, 2011

2 messages

Adolpho Palacios <senabpalacios@gmail.com>

Wed, Feb 2, 2011 at 10:45 AM

To: sabrina@kuam.com, jason@kuam.com, mindy@kuam.com, parroyo@spbgum.com, thebigshow@spbgum.com, rgibson@k57.com, dmgeorge@guampdn.com, Catriona Melyan <cmelyan@guampdn.com>, mpieper@guampdn.com, dmgeorge@guam.gannett.com, amier@mvgum.com, admin@mvgum.com, marvic@mvgum.com, therese@mvgum.com, zytaitano@gmail.com, ads@mvgum.com, Kevin@spbgum.com, dmacaluso@spbgum.com, jtyquiengco@spbgum.com, clynt@spbgum.com, kstone@ite.net, news@guampdn.com, news@spbgum.com, kstokish@gmail.com

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MAILER-DAEMON@mail.networksolutionsemail.com <MAILER-DAEMON@mail.networksolutionsemail.com>
To: senabpalacios@gmail.com

Wed, Feb 2, 2011 at 10:46 AM

Your message did not reach some or all of the intended recipients.

<agla76@aol.com>:

205.188.146.193 does not like recipient.

Remote host said: 550 5.1.1 <agla76@aol.com>: Recipient address rejected: aol.com

Giving up on 205.188.146.193.

--- Below this line is a copy of the message.

Return-Path: <senabpalacios@gmail.com>

Received: (gmail 21743 invoked by uid 78); 2 Feb 2011 00:45:50 -0000

Delivered-To: mvquam.com-therese@mvquam.com

Received: (gmail 21710 invoked by uid 78); 2 Feb 2011 00:45:49 -0000

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by 0 with SMTP; 2 Feb 2011 00:45:49 -0000

Return-Path: <senabpalacios@gmail.com>

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by cm-mr23 (envelope-from <senabpalacios@gmail.com>)

(ecelerity 2.2.2.41 r(31179/31189)) with ESMTP

id 81/7A-10738-C39A84D4; Tue, 01 Feb 2011 19:45:49 -0500

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for <multiple recipients>; Tue, 01 Feb 2011 16:45:48 -0800 (PST)

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01 Feb 2011 16:45:46 -0800 (PST)

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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

FACSIMILE TRANSMITTAL SHEET

DATE: February 2, 2011

TO: Pacific Daily News 477-3079 (Attention: Government Meetings)
Marianas Variety 648-2007 (Attention: Community Page)
KUAM/Isla 630 637-9865/9870
Pacific News Center 477-0793
Marianas Media 477-2240
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Hit Radio 100 472-7663
KStereo/KISH 477-6411
Glimpses 649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: **SECOND Notice of Public Hearing scheduled for February 7, 2011**

PAGES: 1 (including this sheet)

February 2, 2011

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

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Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

BROADCAST REPORT

TIME : 02/02/2011 11:40
 NAME : SEN. PALACIOS
 FAX : 671-472-5022
 TEL :
 SER.# : G9N282826

PAGE(S)

01

DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
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 NG : POOR LINE CONDITION
 CV : COVERPAGE
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

PUBLIC HEARING

9:00 am, Monday, February 7, 2011

I Liheslaturan Guåhan's Public Hearing Room, Hagatña

AGENDA

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Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

I MINA'TRENTAI UNO NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 53-31 (COR)

Introduced by:

Adolpho B. Palacios, Sr. 

2011 JAN 26 PM 4:08

**AN ACT RELATIVE TO AUTHORIZING FOR THE
EXPUNGEMENT OF CRIME RECORDS FOLLOWING AN
EXECUTIVE PARDON OF A CRIME BY AMENDING
SECTION 11.10 OF CHAPTER 11, TITLE 8, GUAM CODE
ANNOTATED.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that Section 1422 of the Organic Act gives the Governor of Guam the authority to “grant pardons and reprieves and remit fines and forfeitures for offenses against local laws.” Through Executive Order 97-03, the Governor promulgated a pardon review process, where the Pardon Review Board conducts proceedings which mirror the process for granting parole. Executive Order 97-12 further refined the methods and functions of the Pardon Review Board. Under these Executive Orders, a pardon is earned, not given.

Public Law 16-68, the law governing expungement of records, was enacted on March 11, 1983. There have been no amendments to that law, which narrowly defined when expungement may occur. The only cases which are authorized are when the alleged criminal is acquitted, the prosecutor decides not to prosecute or when the statute of limitations has expired on the alleged crime.

I Liheslaturan Guåhan further finds that the purpose of a pardon is to remove the legal penalties and the effects of a criminal conviction. Since an executive pardon does not result in an automatic expungement of a crime record, the pardon does not realize the full benefit that is intended. Two of the recipients of a pardon by Governor Camacho last December attempted to have their crime records expunged, but were told that no authority exists by which their records may be expunged even by the presentation of a valid pardon.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to authorize for the expungement of
2 crime records by presentation of a valid pardon to the custodian of record, by amending Section
3 11.10 of Chapter 11, Title 8, Guam Code Annotated.

4 **Section 2. Expungement: When.** Section 11.10 of Chapter 11, Title 8, Guam Code
5 Annotated, is hereby amended, to read:

6 **§11.10. Expungement: When.**

7 The official records of the court, Attorney General and the police reports in connection
8 therewith dealing with a violation or attempted violation by an adult of territorial law or a
9 regulation having the force and effect of law shall be expunged when the subject of the report is
10 acquitted of the offense charged, when the prosecuting attorney decides not to prosecute the
11 offense, ~~or~~ when the time for commencing the criminal action as prescribed by Chapter 10 ~~X~~ of
12 this Title has passed, or when a pardon is granted pursuant to §1422 of the Organic Act of Guam.
13 The presentation to the custodian of record of a valid pardon for a recorded crime shall result in
14 the expungement of the records relative to the crime, pursuant to this Chapter.

15 **Section 3. Effective Date.** This act shall be effective upon enactment and shall apply to
16 all persons who are or have been pardoned by the Governor of Guam.