I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

2018 (SECOND) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 187-34 (COR) As amended on the Floor.	**Speaker Antonio R. Unpingco Legislative Session Hall** **January 26, 2018**					
NAME	**Aye**	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**
Senator Thomas C. **ADA**	√					
Senator FRANK B. **AGUON, JR.**	√					
Senator William M. **CASTRO**	√					
Speaker Benjamin J.F. **CRUZ**	√					
Senator James V. **ESPALDON**	√					
Senator Fernando Barcinas **ESTEVES**	√					
Senator Régine Biscoe **LEE**	√					
Senator Tommy **MORRISON**	√					
Senator Louise B. **MUÑA**	√					
Senator Telena Cruz **NELSON**	√					
Senator Dennis G. **RODRIGUEZ, JR.**	√					
Senator Joe S. **SAN AGUSTIN**	√					
Senator Michael F.Q. **SAN NICOLAS**	√					
Vice Speaker Therese M. **TERLAJE**	√					
Senator Mary Camacho **TORRES**	√					

TOTAL:

Aye	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**
15					

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 187-34 (COR)
As amended on the Floor.

*

Introduced by: Therese M. Terlaje
Telena Cruz Nelson
James V. Espaldon

AN ACT TO *ADD* A NEW § 2101(d) TO CHAPTER 2 OF TITLE 7, AND TO *ADD* NEW §§ 80.70(f) AND 80.82(c) TO ARTICLE 5 OF CHAPTER 80, TITLE 9, ALL OF GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE GUAM ADULT REENTRY COURT PROGRAM AT THE JUDICIARY OF GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. The efforts of the members of the Guam Adult Reentry Court Task Force reflect a concerted and collaborative initiative to create an Adult Reentry Court Program that is aimed at reducing recidivism, decreasing prison overcrowding on Guam, and improving public safety. Through the implementation of evidence-based practices, including the Ohio Risk Assessment System and assessment-driven case plans, which address individualized supervision, treatment and services, the outcome indicators for the participants in the Guam Adult Reentry Court Program include job stability, permanent housing, completion of treatment, high school or GED completion, family reunification, and lowered recidivism.

The membership of the Guam Adult Reentry Court Task Force is comprised of private, public, and non-profit entities, including: the Judiciary of Guam, the Department of Corrections, Parole Services Division, the Guam Behavioral Health and Wellness Center, the Guam Department of Labor, WestCare Pacific Islands, the Salvation Army Lighthouse Recovery Center, Oasis Empowerment Center, the Office of the Attorney General of Guam, the Public Defender Services Corporation, the Alternate Public Defender, the Guam Bar Association, the University of Cincinnati Corrections Institute, the Department of Public Health and Social Services, the Guam Housing and Urban Renewal Authority, the Department of Revenue and Taxation, the GCA Trades Academy, the Guam Community College, and Catholic Social Service. The Task Force has already completed a Guam Adult Reentry Court Program Strategic Plan, and a Planning and Implementation Guide, which sets forth the eligibility and screening of participants, the structure of the reentry court, details regarding data collection, performance measurement, evaluation, and sustainability of the Program.

A critical component of the Guam Adult Reentry Court Program is the intense supervision of participants, who must appear at regular court hearings before the Reentry Court Judge, with the frequency of hearings determined by the risk and needs level of the participant, and his or her behavior. Accordingly, it is the intent of *I Liheslaturan Guåhan* to establish the Guam Adult Reentry Court Program, and to clarify the jurisdiction of the Guam Adult Reentry Court and its role in the parole process.

Section 2. A new Subsection (d) is *added* to § 2101 of Chapter 2, Title 7, Guam Code Annotated, to read as follows:

"(d) Establishment of the Guam Adult Reentry Court Program. The Judicial Council of the Judiciary of Guam may establish through a duly adopted resolution, a Guam Adult Reentry Court Program for eligible

individuals who are sentenced to a term of imprisonment pursuant to Article 5 of Chapter 80, Title 9, Guam Code Annotated. The Judiciary of Guam, the Department of Corrections, and the Parole Board may enter into a memorandum of understanding for the purpose of implementing the Guam Adult Reentry Court Program, as set forth in the Guam Adult Reentry Court (GARC) Program 2016 Strategic Plan and the Planning and Implementation Guide. The GARC Program is intended to reduce recidivism, implement evidence-based practices, reduce prison overcrowding, and promote public safety. The Guam Adult Reentry Court may conduct hearings to determine eligibility and to oversee the participation of eligible parolees admitted into the Program. Participation in GARC Program *shall* be limited to those defendants who meet the requirements as promulgated by the Supreme Court of Guam. The Judiciary received a three-year federal grant for FY 2015 through FY 2018 to establish a Guam Adult Reentry Court Program (GARC). Nothing herein requires the Judiciary to implement GARC if it would result in a need for an increase in local funding for the program or impede the ability of judges to address current caseloads under current time restrictions or increase the need for additional judges at the court. The Judicial Council *shall* report annually to *I Liheslatura* regarding the performance measurement and program evaluation of this program, as set forth in the Guam Adult Reentry Court (GARC) Program 2016 Strategic Plan."

Section 3. A new Subsection (f) is *added* to § 80.70 of Article 5, Chapter 80, Title 9, Guam Code Annotated, to read as follows:

"(f) Upon entry into the Guam Adult Reentry Court Program, the Guam Adult Reentry Court may order rehabilitation and treatment services to be provided, determine appropriate incentives, order appropriate sanctions,

and hear and determine appropriate responses to alleged violations, unless and until the Court terminates the parolee's enrollment in the Program."

Section 4. A new Subsection (c) is *added* to § 80.82 of Article 5, Chapter 80, Title 9, Guam Code Annotated, to read as follows:

"(c) If a parolee is a participant in the Guam Adult Reentry Court Program, the violation of a condition of parole *shall* be addressed in the Guam Adult Reentry Court. If a parolee fails to complete or is terminated from the Guam Adult Reentry Court Program, the parolee *shall* be referred to the Parole Office or the Parole Board for disposition."

Section 5. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid, or contrary to law, such invalidity *shall not* affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.