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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

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

This is to certify that Substitute Bill No. 455-31 (COR), "AN ACT TO AMEND §2111 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS", was on the 26th day of November 2012, 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'lahen Guåhan* this 28th day of Nov., 2012, at 11:10 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 455-31 (COR)
As substituted by the Committee on Public Safety, Law Enforcement and Judiciary; and amended on the Floor.

Introduced by: V. C. Pangelinan
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Dueñas
Judith P. Guthertz, DPA
Sam A. Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
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 §2111 OF CHAPTER 2, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING THE JUDICIARY OF GUAM TO SUBMIT REQUESTS FOR CRIMINAL HISTORY CHECKS TO THE FEDERAL BUREAU OF INVESTIGATION FOR ALL GUAM AMERICORPS VOLUNTEERS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the ServeGuam Commission, created by Executive Order 2005-22, serves as Guam's vehicle to apply for and manage national service programs to include AmeriCorps

programs. Guam AmeriCorps administers six (6) program sites, employs over twenty-five (25) program and commission staff, and has recruited over two hundred (200) volunteers this past year, alone.

I Liheslaturan Guåhan further finds that pursuant to Section 1614 of the Serve America Act, all volunteers and staff employed by the ServeGuam Commission/Guam AmeriCorps are now required to submit to a federal criminal history check, including a fingerprint-based federal criminal history check. These requirements apply to all individuals serving in or working for programs and services whereby there is recurring access to a vulnerable population.

So that the ServeGuam Commission *shall* comply with the federal mandates pursuant to the Serve America Act, it is the intent of *I Liheslaturan Guåhan* to expand the duties of the Judiciary of Guam, as the administrator of the State Identification Bureau, by designating the ServeGuam Commission as an agency authorized by the Territory of Guam to request for federal criminal history checks, including fingerprint-based federal criminal history checks, from the Federal Bureau of Investigation established under the National Criminal History Check rules.

Section 2. §2111 of Chapter 2, Title 4, Guam Code Annotated, is hereby *amended* to read:

"**§ 2111. Screening of Volunteers in Government of Guam Agencies.**

(a) **Volunteers Exempt from Certain Screening Costs.** All volunteers working uncompensated in any agency of the government of Guam, including volunteers with the ServeGuam Commission, or its authorized successor, or volunteer applicants of a youth recreational organization as evidenced by a form or letter issued by such youth recreational organizations *shall* be exempt from clearance and screening fees charged by government of Guam agencies, including police and court clearances and skin test for tuberculosis administered by a government of Guam

agency. This exemption *does not* apply to chest x-rays required of positive skin test readers or drug testing; however, nothing herein shall prevent any appointing agency from paying for such examinations for its volunteers.

(b) **Judiciary of Guam is Authorized to Submit Requests for Criminal History Checks to the Federal Bureau of Investigation for all Guam AmeriCorps Volunteers.**

The Judiciary of Guam, as the central repository of all criminal information, *shall* obtain federal-level criminal history clearances through the Federal Bureau of Investigation for all Guam AmeriCorps volunteer and employee applicants, or existing volunteers and employees, at the request of the ServeGuam Commission.

An applicant for a federal-level criminal history clearance *shall* apply therefore on a form supplied by the Judiciary of Guam, and *shall* provide such information as may be necessary to afford the Judiciary of Guam reasonable opportunity to ascertain information required for such clearance. The applicant *shall* further submit to the Judiciary of Guam his or her fingerprint through a fingerprint card, or electronic fingerprint data, if so utilized.

(c) **Waiver of Local Processing Fee(s) for Federal Bureau of Investigation Clearances.**

Individuals applying to serve as volunteers with the ServeGuam Commission or Guam AmeriCorps programs are hereby exempted from paying any application or processing fee required by the Judiciary of Guam for clearance required herein, *except* those fees which are required by the Federal Bureau of Investigation. The Judiciary of Guam and the ServeGuam Commission, or its authorized successor, *shall* adopt a Memorandum of Agreement relative to the payment of Federal Bureau of Investigation fees."

Section 3. 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 which can be given effect without the invalid provisions or applications, and to this end the provisions of the Act are severable.