*I Mina'Trentai Dos Na Liheslaturan Guahan*

**Bill Log Sheet**

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES |
|---|---|---|---|---|---|---|---|---|
| **119-32 (COR)** | V. Anthony Ada<br>Chris M. Dueñas | AN ADD A NEW ARTICLE 2 TO CHAPTER 37 OF 9GCA RELATIVE TO HOME INVASION. | 5/16/13<br>10:30 A.M. | 5/16/13 | Committee on the Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary | 6/5/13,<br>9:00am | 6/17/13,<br>11:03pm | **Fiscal Note Requested 5/21/13** |
| | **DATE PASSED** | **TITLE** | **TRANSMITTED** | | **DUE DATE** | **DATE SIGNED BY I MAGA'LAHEN GUAHAN** | **PUBLIC LAW NO.** | **NOTES** |
| | 6/24/2013 | AN ACT TO *AMEND* THE TITLE OF CHAPTER 37, AND TO *ADD* A NEW ARTICLE 2 TO CHAPTER 37 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO HOME INVASION. | 6/26/13 | 3:00pm | 7/8/13 | | | As substituted by the Committee on the Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary; and amended on the Floor. |

FILE COPY

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

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

This is to certify that **Substitute Bill No. 119-32 (COR), "AN ACT TO *AMEND* THE TITLE OF CHAPTER 37, AND TO *ADD* A NEW ARTICLE 2 TO CHAPTER 37 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO HOME INVASION",** was on the 24th day of June, 2013, duly and regularly passed.

**Benjamin J.F. Cruz**
**Acting Speaker**

Attested:

**Thomas C. Ada**
**Acting Legislative Secretary**

---

This Act was received by *I Maga'lahen Guåhan* this 26th day of June, 2013, at 3:00 o'clock P.M.

Assistant Staff Officer
*Maga'lahi's* Office

APPROVED:

EDWARD J.B. CALVO
*I Maga'lahen Guåhan*

Date: _____

Public Law No. _____

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

**Bill No. 119-32 (COR)**
As substituted by the Committee on the Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary; and amended on the Floor.

Introduced by: V. Anthony Ada
Chris M. Dueñas
Brant T. McCreadie
Frank B. Aguon, Jr.
T. C. Ada
B. J.F. Cruz
Michael T. Limtiaco
Tommy Morrison
T. R. Muña Barnes
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* THE TITLE OF CHAPTER 37, AND TO *ADD* A NEW ARTICLE 2 TO CHAPTER 37 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO HOME INVASION.**

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

**Section 1.** The title of Chapter 37 of Title 9, Guam Code Annotated, is *amended* to read as follows:

**"CHAPTER 37**

**BURGLARY AND HOME INVASION"**

**Section 2.** A new Article 2 is *added* to Chapter 37 of Title 9, Guam Code Annotated, to read as follows:

"**ARTICLE 2**

**HOME INVASION**

**§ 37.201. Home Invasion.** A person is guilty of home invasion when such person commits a crime of burglary, as defined by this Chapter, in a dwelling, while a person other than a participant in the crime is actually present in such dwelling, with the intent to commit a crime therein, and, in the course of committing the offense:

(a) acting either alone or with one or more persons, such person or another participant in the crime commits or attempts to commit a violent crime against the person of another person other than a participant in the crime who is actually present in such dwelling;

(b) such person is armed with explosives or a deadly weapon or dangerous instrument; or

(c) if any of the acts of a participant at any time during the burglary, or while attempting a burglary, or while fleeing from a burglary/attempted burglary, directly or indirectly, cause mental or emotional trauma, bodily injury, serious bodily injury, or the death of an occupant of the dwelling who is *not* a participant in the burglary.

**§ 37.202. In the Course of Committing Home Invasion.** An act *shall* be deemed "in the course of committing" the offense if it occurs in an attempt to commit the offense, or flight after the attempt or commission.

**§ 37.203. Knowledge of Occupancy is Not a Defense.** It is no defense that the defendant reasonably believed that the dwelling was unoccupied, by a person who was *not* a participant in the crime, at the time the home invasion occurred.

**§ 37.204. Home Invasion Punished.**

(a) Home invasion is a first degree felony, and any person found guilty under this Section *shall* be sentenced to a term of imprisonment of which *at least* ten years *may not* be suspended or reduced by the court.

(b) The sentence imposed for home invasion *shall* run consecutively to any sentence for other crimes committed in conjunction with the home invasion."

# LEGISLATIVE SESSION

## I MINA'TRENTAI DOS NA LIHESLATURAN

## 2013 (FIRST) Regular Session

## Voting Sheet

Speaker Antonio R. Unipingco Legislative Session Hall

**S.Bill No: 119-32 (COR)**

| NAME | Yea | Nay | Not Voting/ Abstained | Out During Roll Call | Absent |
|---|---|---|---|---|---|
| Senator Thomas "Tom" C. ADA | ✓ | | | | |
| Senator V. Anthony "Tony" ADA | ✓ | | | | |
| Senator Frank Blas AGUON Jr. | ✓ | | | | |
| Vice-Speaker Benjamin J.F. CRUZ | ✓ | | | | |
| Senator Christopher M. DUENAS | ✓ | | | | |
| Senator Michael LIMTIACO | ✓ | | | | |
| Senator Brant McCREADIE | ✓ | | | | |
| Senator Thomas "Tommy" MORRISON | ✓ | | | | |
| Senator Tina Rose MUÑA BARNES | ✓ | | | | |
| Senator Vicente (ben) Cabrera PANGELINAN | ✓ | | | | |
| Senator Rory J. RESPICIO | ✓ | | | | |
| Senator Dennis G. RODRIGUEZ, Jr. | ✓ | | | | |
| Senator Michael F. Q.SAN NICOLAS | ✓ | | | | |
| Speaker Judith T. WON PAT, Ed.D. | ✓ | | | | |
| Senator Aline A. YAMASHITA, Ph.D. | ✓ | | | | |

| TOTAL | 15 | | | | |
|---|---|---|---|---|---|
| | Yea | Nay | Not Voting/ Abstained | Out During Roll Call | Absent |

CERTIFIED TRUE AND CORRECT:

I = Pass

Clerk of the Legislature

June 21, 2013

COMMITTEE ON

# GUAM U.S. MILITARY RELOCATION
# VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*


**Senator**
**FRANK B. AGUON,JR.**
Committee Chairperson

**Senator**
**Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker**
**Judith T. Won Pat, Ed.D.**
Committee Member

**Senator**
**Rory J. Respicio**
Committee Member

**Senator**
**Thomas C. Ada**
Committee Member

**Senator**
**Dennis G. Rodriguez, Jr.**
Committee Member

**Senator**
**V. Anthony Ada**
Committee Member

**Senator**
**Michael Limtiaco**
Committee Member

**Senator**
**Thomas Morrison**
Committee Member


**June 14, 2013**

2013 JUN 17 AM 11:03

**The Honorable Judith T. Won Pat, Ed.D.**
Speaker
*I Mina'trentai Dos Na Liheslaturan Guahan*
155 Hesler Place
Hagatna, Guam 96910

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

**RE: Committee Report on Bill No. 119-32 (COR)**, As Substituted

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 119 -32 (COR)

Committee votes are as follows:

5 TO DO PASS

— TO NOT PASS

2 TO REPORT OUT ONLY

— TO ABSTAIN

— TO PLACE IN INACTIVE FILE

Respectfully,

**SENATOR FRANK B. AGUON, JR.**
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
I Mina'Trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature


PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
155 HESLER PLACE HAGATNA,GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM
WWW.FRANKAGUONJR.COM

COMMITTEE ON
GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY
I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE

Senator
FRANK B. AGUON,JR.
Committee Chairperson

Senator
Tina Muna-Barnes
Committee Vice Chairperson

Speaker
Judith T. Won Pat, Ed.D.
Committee Member

Senator
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V. Anthony Ada
Committee Member

Senator
Michael Limtiaco
Committee Member

Senator
Thomas Morrison
Committee Member

# COMMITTEE REPORT

# ON

# SUBSTITUTE BILL NO. 119-32 (COR) – An act to add a new Article 2 to Chapter 37 of 9GCA relative to Home Invasion

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COMMITTEE ON

# GUAM U.S. MILITARY RELOCATION
# VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*


**Senator**
**FRANK B. AGUON,JR.**
Committee Chairperson

**Senator**
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Committee Vice Chairperson

**Speaker**
**Judith T. Won Pat, Ed.D.**
Committee Member

**Senator**
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**Senator**
**V. Anthony Ada**
Committee Member

**Senator**
**Michael Limtiaco**
Committee Member

**Senator**
**Thomas Morrison**
Committee Member


June 14, 2013

**MEMORANDUM**

**To:** **All Members**
Committee on Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary

**From:** **Senator Frank B. Aguon, Jr.**
Committee Chairperson

**Subject:** **Committee Report on Substitute Bill No. 119-32 (COR)**

Transmitted herewith for your consideration is the Committee Report on Substitute Bill No. 119-32 (COR) – An act to add a new Article 2 to Chapter 37 of 9GCA relative to Home Invasion.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Substitute Bill/Res No. _ (LS/COR) *(*Note: if applicable)*
- Copy of Bill No. 119-32 (COR)
- Public Hearing Sign-in Sheet
- Copy of COR Referral of Bill No. 119-32 (COR)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Related News Reports

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

*Si Yu'os ma'åse'!*


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COMMITTEE ON

GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*

**Senator**
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Committee Chairperson

**Senator**
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**Senator**
**V. Anthony Ada**
Committee Member

**Senator**
**Michael Limtiaco**
Committee Member

**Senator**
**Thomas Morrison**
Committee Member

# COMMITTEE VOTING SHEET

**Bill No. 119-32 (COR)** – An act to add a new Article 2 to Chapter 37 of 9GCA to Home Invasion.
As Substituted

| COMMITTEE MEMBERS | SIGNATURE | TO DO PASS | TO NOT PASS | TO REPORT OUT ONLY | TO ABSTAIN | TO PLACE IN INACTIVE FILE |
|---|---|---|---|---|---|---|
| AGUON, FRANK B. JR<br>Committee Chairperson | 6/14/13 | ✓ | | | | |
| MUNA BARNES, TINA ROSE<br>Committee Vice Chairperson | | ✓ | | | | |
| SPEAKER WON PAT, JUDITH T. Ed.D.<br>Committee Member | | | | | | |
| RESPICIO, RORY J.<br>Committee Member | | 6.17.13 | | | | |
| ADA, THOMAS C.<br>Committee Member | | | | ✓ 6/14/13 | | |
| RODRIGUEZ, DENNIS G. JR.<br>Committee Member | | | | | | |
| ADA, V. ANTHONY<br>Committee Member | | ✓ 6/19/13 | | | | |
| LIMTIACO, MICHAEL<br>Committee Member | | | | 6/17/13 | | |
| MORRISON, THOMAS<br>Committee Member | | ✓ | | | | |

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Committee Member

Senator
Michael Limtiaco
Committee Member

Senator
Thomas Morrison
Committee Member

## COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 119-32 (COR) was introduced on May 16, 2013 by Senator V. Anthony Ada, and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary on May 16, 2013.

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary convened a public hearing on Bill No. 119-32 (COR) on June 5, 2013 at 9:00AM in I Liheslatura's Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets on May 29, 2013 (5-Day Notice), and again on June 3, 2013 (48-Hour Notice). Notices were also published in the Marianas Variety Newspaper on May 30, 2013 and June 3, 2013.

Senators Present

Senator Frank B. Aguon, Jr., Chairperson
Vice Speaker Benjamin J.F. Cruz
Senator V. Anthony Ada
Senator Christopher M. Duenas
Senator Aline A. Yamashita, Ph.D.
Senator Michael Limtiaco
Senator Thomas Morrison

Appearing Before the Committee

Attorney Phil Tydingco, Deputy Attorney General

The public hearing was Called-to-Order at 9:00 AM.

II. SUMMARY OF TESTIMONY & DISCUSSION

***Senator Frank B. Aguon, Jr.:***

Opens the agenda on Bill 119-32 (COR), "An act to add a new Article 2 to Chapter 37 of 9GCA relative to home invasion".

***Senator V. Anthony Ada:***

Thanks Senator Aguon and states that Senator Duenas is a co-sponsor of the Bill. Senator Ada goes on to state the following:

> Home invasion is described as illegal and is usually a forceful entry into an occupied private dwelling with the violent intent to commit crimes against the

occupants such as robbery, assault, rape, murder, or kidnapping. In some jurisdictions, there is a defined crime of home invasions and in others, there is no defined crime. However, events that accompanied the home invasion are charged as crimes. In areas where home invasion is defined, the definition by punishment varies by jurisdiction.

If Bill No. 119-32 is passed into law, Guam would join twenty-three (23) other states that either defined home invasion as a separate crime or as an enhanced burglary offense.

Bill No. 119-32 is patterned after the Connecticut law which punishes attempted home invasion and fleeing from the home invasion attempt as the same as committing the actual crime. Currently, on Guam, unless a home invader commits multiple offenses, the most they can be prosecuted for is felony burglary and criminal trespass. This Bill -- like the Connecticut law it is patterned after, which is regarded as model legislation for such a crime -- includes the minimum sentencing requirements and does not allow for ignorance of occupancy as a defense. The defendant can't get away by stating they didn't know that anybody was home.

A home invasion occur in the U.S. every fifteen (15) to twenty (20) minutes and here on Guam, one home invasion is one too many.

Senator Ada states he looks forward to hearing the testimonies from those who will be testifying on this legislation and thanks Senator Aguon.

***Senator Frank B. Aguon, Jr.:***
Thanks Senator Ada and invites those interested in providing testimony for Bill No. 119-32 to step forward. Senator Aguon recognizes Deputy Attorney General Phil Tydingco and invites him to begin his testimony.

***Deputy Attorney General Phil Tydingco:***
Identifies himself as Phil Tydingco, Chief Deputy Attorney General who is here on behalf of Attorney General Leonardo Rapadas and the Office of the Attorney General. Mr. Tydingco greets the Chairman and all Senators present and thanks the Committee for allowing testimony. He states that the AG's office welcomes this new bill and believes it is very important to have a home invasion statute. He goes on to testify the following:

The hallmark of a home invasion statute is to address burglaries. Burglaries can result in crimes against a person namely aggravated assault, rape, kidnap, and murder. Right now, there are at least two (2) home invasion cases here on Guam, one is a murder case, and the other attempted murder or aggravated assault and criminal sexual conduct.

We are recommending that within the definition of 'Home Invasion', the AG's office prefers to see attempts to commit a violent crime against the person of another person. Reason is because Guam's statute already has definitions of violent crimes in 9GCA Section 80.70 & 80.72. They are aggravated murder, murder, manslaughter, aggravated assault, kidnapping, first degree criminal sexual conduct, second degree criminal sexual conduct, arson, first degree robbery, and second degree robbery. Senator Brant McCreadie is working on legislation to expand these via other legislations. A listing of these violent crimes are also referenced in 9GCA Section 80.72. So be consistent with Title 9, and clarify the nature of home invasion. Because by simply calling it a felony it looks like a burglary statute that we have on the books already. If the true nature of the

home invasion were identified as in to commit a violent crime, you could say as defined in Section 80.72 if you want to be absolutely clear. You can reference that, and it's one of our major suggestions to this proposed legislation.

Also, Colorado has language in their home invasion statute that permits or justifies physical force by homeowners or the residents, upon another person, only to defend themselves or the third persons, when they believe the use of imminent force is necessary -- sort of a castle doctrine. It's not uncommon for people to come home, find a burglar, and then be attacked. But they're defending their home and they attack that person first, or the burglar / criminal turns upon them, but that person is trying to defend themselves in their home. The home is the most sacred place so we should consider that. It should not be a defense when someone catches somebody and they ward them off & strike at them so they can leave and that person turns on them and kills them in their own home when all they were doing is trying to chase the invader out by use of lawful force. That is another consideration. Once again, we support the bill.

***Senator Frank B. Aguon, Jr.:***
Thanks Deputy Attorney General Tydingco for his comments, welcomes Senator Michael Limtiaco and thanks him for joining the public hearing. Senator Aguon questions Mr. Tydingco whether or not his oral testimony will be followed by written testimony or comments.

***Deputy Attorney General Phil Tydingco:***
States that he can provide written testimony but will more than likely request for a copy of the transcript from Senator Aguon.

***Senator Frank B. Aguon, Jr.:***
States that Mr. Tydingco's comments will be included in the committee report.

***Deputy Attorney General Phil Tydingco:***
States that the more important and quick fix is to say home invasion is a violent crime rather than a felony. He believes that the intent or what is trying to be achieved is to make clear that we have tough laws to people who are not just burglars, but those who kill, rape, kidnap, and assault the residents at home.

***Senator Frank B. Aguon, Jr.:***
Thanks Mr. Tydingco and allows Senator Ada to comment.

***Senator V. Anthony Ada:***
Thanks Mr. Tydingco for his testimony and states that he wants to make sure those who intend to commit home invasions are justly punished. He thinks that home invasions – in a place considered sacred – should not be tolerated.

***Senator Frank B. Aguon, Jr.:***
Thanks Senator Ada and allows the panel of Senators to ask questions or make comments.

***Senator Christopher M. Duenas:***
Thanks Senator Ada for inviting him to be a co-sponsor for this Bill. He states it is very important legislation and goes on to state the following:

> Unfortunately I have come home to a ransacked house and have endured the feelings of anger & rage. And then after putting my house back together the best I could, and going to bed that night, I cannot find the words to explain it. You don't even feel comfortable in your own most private sanctuary, your home, where you normally would feel completely safe and go to hide away from some of life's difficulties and challenges. Fortunately, I've never had to worry about a home invasion happening while I was home. I could not even imagine what that would feel like and what others felt. For someone to invade your space and even threatened your very existence, I can't emphasize how much.

Senator Duenas thanks Mr. Tydingco for his testimony, for coming out in full support, and for adding additional language to strengthen the bill. He also states that the language added by the AG's office will make the bill clearer so that individuals would be prosecuted - hopefully to the highest extent of the law. Senator Duenas asks Mr. Tydingco about extending the law to include those that would be a 'look-out' in a crime that is being perpetrated. So that in the event the individual is captured or known to have been an assistant in or aiding in that type of crime, they have the same level of culpability.

***Deputy Attorney General Phil Tydingco:***
States that if the felony were broad, it may include those individuals, but that if it is changed to those violent crimes, it would require an actual actor who commits rape, murder, etc. as required. It all depends on the facts & circumstances in each case. In the scenario of a group or a gang deciding to harm someone, all are held culpable especially when charged with complicity, facilitation, or conspiracy. There are different levels of punishments for those different roles. This bill is not as broad to include a look-out, specifically if the charge of the crime is changed. However, there are fact patterns that could fit. There are circumstances where the look-out could be culpable especially if evidence shows they planned to do harm, frequently those cases get resolved properly. Usually when they all get caught, the AGs try to enlist the cooperation of the lease culpable and get then to testify against the others in exchange.

***Senator Christopher M. Duenas:***
Thanks Mr. Tydingco's for his testimony and states that the author might want to work on some follow-ups with the AG prior to session.

***Senator V. Anthony Ada:***
States that the intent of the legislation is also to include those that are look-outs or get away drivers and that if you get evidence that they planned together, there will be charges as if they're the ones committing the crime inside the house.

***Senator Christopher M. Duenas:***
Thanks Senator Ada.

***Senator Frank B. Aguon, Jr.:***
Thanks Senator Duenas and welcomes Vice Speaker Benjamin J.F. Cruz to the public hearing and allows Senator Michael Limtiaco to ask questions.

***Senator Michael Limtiaco:***
Thanks Senator Aguon then addresses Mr. Tydingco and questions what the interpretation of the definition 'felony against the person of another person other than the participant' is on page 1, line 18 of Bill 119-32.

***Deputy Attorney General Phil Tydingco:***
Mr. Tydingco states that 'the person of another person' is a definition of saying 'against the body of a person' and that the phraseology means that it is your body or your physical person.

***Senator Michael Limtiaco:***
Asks Mr. Tydingco if it is the AG's recommendation to keep that language as is.

***Deputy Attorney General Phil Tydingco:***
States that the phraseology is used throughout the statute but that it can be simplified by saying 'against another other than the participant' or 'body of another'. Mr. Tydingco also states that the existing phraseology has legal meaning which is "a physical person or body of a person or of the human".

***Senator Michael Limtiaco:***
Acknowledges Mr. Tydingco's response and questions Mr. Tydingco's previous comment regarding duplicity or duplicative laws. Senator Limtiaco asks about the penalties associated with having to separate the meanings. He points out that Section 37.204 states a sentence imposed for home invasion shall run consecutively to any other sentence. So in the event that they're committed of both burglary and home invasion, what is the AG's take on the duplicative nature of that and whether or not the current penalties for burglary are already imposed. Take the home invasion into consideration.

***Deputy Attorney General Phil Tydingco:***
Mr. Tydingco responds with the following:

> Based on the twenty (20) states that have the home invasion statute, the intent is to address the violent nature of crimes that are committed. Not necessarily with the initial intent upon entering, but a burglar is there and then the homeowner comes home and discovers the person, tries to chase them out, and there's a confrontation. The burglar kills the homeowner, but they never intended it upon entering. The home invasion statute is designed to address the violent nature of crimes that are committed . First timers are subject to zero to three (3) years, or zero to five (5) years sentence. If it's a second burglary conviction, it's mandatory minimum five (5) years up to ten (10) years.
>
> The difference here is that our burglary statute includes when you enter or surreptitiously remain. That phraseology might want to be included. We don't have that in the home invasion statute 'surreptitiously remains'. This covers those who break in or stay there; those who entered legally (ie. a party) and never left, they hid in the closet. Legally first they're invited in and then they surreptitiously hide there and attack later. That's what our burglary statute has, so it covers a broad range of crimes.
>
> Attorney General Rapadas proposed to distinguish home invasion. Our statute in 9GCA 80.70 & 80.72 identifies a list of violent island crimes. For example, the homeowner comes home and discovers the burglar and tries to chase the burglar (who is there to initially steal), but a confrontation occurs and the burglar beats

you to death and runs out, so this home invasion statute would cover that, the burglary would not necessarily (cover) what the home invasion would, which the Attorney General supports. What is also distinguished is this consecutive penalty. So you could be charged with burglary and if you're a first-timer, you will get a zero (0) to three (3) years sentence or up to five (5) years sentence. But if you also happened to commit a violent crime there, you are also convicted of the home invasion statute. Then that penalty will run consecutive to whatever is here.

So it's not duplicative in nature. What would be duplicative is if we would've left it as commit a violent crime or commits a felony again. It's almost the same as a burglary statute which states 'just commit a crime therein' and it's not uncommon for the home invasion statute to make the penalty consecutive. Because they consider murder, rape, or kidnapping committed during a burglary or home invasion as even more evil and therefore should be punished more severely by having consecutive sentences. That's a policy call and you folks could amend that in.

If you don't, it allows the court and lawyers to argue the concurrent sentence but if you mandate this, the judge has no choice but to go consecutive.

***Senator Michael Limtiaco:***
Thanks Mr. Tydingco

***Senator Frank B. Aguon, Jr.:***
Thanks Senator Limtiaco and offers Vice Speaker Cruz to comment (he declines), then thanks Mr. Tydingco for testifying and concludes testimonies for Bill 119-32 and adjourns the public hearing accordingly.

The public hearing was adjourned at 9:39 AM.

III. FINDINGS & RECOMMENDATIONS

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary hereby submits these findings and reports out Bill No. 119-32 (COR) as substituted by the Committee on Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary, with a recommendation **TO DO PASS**.

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

Bill No. 119-32 (COR)

Introduced by: V. Anthony Ada
Chris M. Duenas

**AN ADD A NEW ARTICLE 2 TO CHAPTER 37 OF 9GCA RELATIVE TO HOME INVASION.**

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

**Section 1.** The Title of Chapter 37 of 9GCA is *amended* to read as follows:

2013 MAY 16 AM 10:30

**"Chapter 37**

**BURGLARY AND HOME INVASION"**

**Section 2.** A new Article 2 is added to Chapter 37 of 9GCA to read:

**Article 2**

**Home Invasion**

**§37.201. Home Invasion.** A person is guilty of home invasion when such person enters or remains unlawfully in a dwelling, while a person other than a participant in the crime is actually present in such dwelling, with intent to commit a crime therein, and, in the course of committing the offense: (1) Acting either alone or with one or more persons, such person or another participant in the crime commits or attempts to commit a felony against the person of another person other than a participant in the

crime who is actually present in such dwelling, or (2) such person is armed with explosives or a deadly weapon or dangerous instrument.

**§37.202. In the Course of Committing Home Invasion.** An act shall be deemed "in the course of committing" the offense if it occurs in an attempt to commit the offense or flight after the attempt or commission.

**§37.203. Knowledge of occupancy is not a defense.** It is no defense the defendant reasonably believed that the dwelling was unoccupied, by a person who was not a participant in the crime, at the time the home invasion occurred.

**§37.204. Home Invasion Punished.** (a) Home invasion is a first degree felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which at least ten (10) years may not be suspended or reduced by the court.

(b) The sentence imposed for home invasion shall run consecutively to any sentence for other crimes committed in conjunction with the home invasion.

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

Bill No. 119-32 (COR)
As Substituted by the Committee on
Guam US Military Relocation,
Homeland Security, Veteran's Affairs
and Judiciary

Introduced by: V. Anthony Ada
Chris M. Duenas

**AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 37 OF 9GCA RELATIVE TO HOME INVASION.**

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

**Section 1.** The Title of Chapter 37 of 9GCA is *amended* to read as follows:

**"Chapter 37**
**BURGLARY AND HOME INVASION"**

**Section 2.** A new Article 2 is added to Chapter 37 of 9GCA to read:

**Article 2**
**Home Invasion**

**§37.201. Home Invasion.** A person is guilty of home invasion when such person ~~enters or remains unlawfully~~ commits a crime of burglary, as defined by this Chapter, in a dwelling, while a person other than a participant in the crime is actually present in such dwelling, with intent to commit a crime therein, and, in the course of committing

the offense: (1) Acting either alone or with one or more persons, such person or another participant in the crime commits or attempts to commit a ~~felony~~ violent crime against the person of another person other than a participant in the crime who is actually present in such dwelling, ~~or~~ (2) such person is armed with explosives or a deadly weapon or dangerous instrument or (3) if any of the acts of a participant at any time during the burglary, or while attempting a burglary or while fleeing from a burglary/attempted burglary, directly or indirectly, cause the mental or emotional trauma, bodily injury, serious bodily injury or the death of an occupant of the dwelling who is not a participant in the burglary.

**§37.202. In the Course of Committing Home Invasion.** An act shall be deemed "in the course of committing" the offense if it occurs in an attempt to commit the offense or flight after the attempt or commission.

**§37.203. Knowledge of occupancy is not a defense.** It is no defense the defendant reasonably believed that the dwelling was unoccupied, by a person who was not a participant in the crime, at the time the home invasion occurred.

**§37.204. Home Invasion Punished.** (a) Home invasion is a first degree felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which at least ten (10) years may not be suspended or reduced by the court.

(b) The sentence imposed for home invasion shall run consecutively to any sentence for other crimes committed in conjunction with the home invasion.

# COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS' AFFAIRS HOMELAND SECURITY & JUDICIARY

*I Mina'Trentai Dos na Liheslaturan Guahan* I 32nd Guam Legislature

## SENATOR FRANK B. AGUON, JR
## CHAIRMAN
## WEDNESDAY, JUNE 5, 2013 at 9:00AM

**Bill No. 119-32 (COR)– Senator V.A. Ada/C.M. Dueñas**

**An act to add a new Article 2 to Chapter 37 of 9GCA relative to home invasion.**

| NAME ( Please Print ) | Agency/Organization | Contact Number | Oral Testimony | Written Testimony | In Favor | Not In Favor |
|---|---|---|---|---|---|---|
| Phil Tydingco | AG | | ✓ | | ✓ | |
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# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd 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
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Vicente (Ben) C. Pangelinan
Member

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Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member


June 11, 2013

2013 JUN 11 PM 12:03

**Memorandum**

**To:** **Rennae Meno**
*Clerk of the Legislature*

**From:** **Senator Rory J. Respicio**
*Majority Leader & Rules Chair*

**Subject:** **Fiscal Notes**

*Hafa Adai!*

Attached please find the waiver for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

**FISCAL NOTE:**
Bill No. 20-32(COR) as Substituted
Bill No. 119-32(COR)
Bill No. 128-32 (COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

# *BUREAU OF BUDGET & MANAGEMENT RESEARCH*

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**
GOVERNOR

**RAY TENORIO**
LIEUTENANT GOVERNOR

**JOHN A. RIOS**
DIRECTOR

JUN 11 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtna, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **20-32(COR) as Substituted, and 119-32 (COR).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

# Bureau of Budget & Management Research
## Fiscal Note of Bill No. 119-32 (COR)

AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 37 OF 9GCA RELATIVE TO HOME INVASION.

| Department/Agency Appropriation Information | |
|---|---|
| Dept./Agency Affected: Office of the Attorney General | Dept./Agency Head: Leonardo Rapadas |
| Department's General Fund (GF) appropriation(s) to date: | 10,888,363 |
| Department's Other Fund (Specify) appropriation(s) to date: | - |
| Total Department/Agency Appropriation(s) to date: | $10,888,363 |

| Fund Source Information of Proposed Appropriation | General Fund: | (Specify Special Fund): | Total: |
|---|---|---|---|
| FY 2012 Unreserved Fund Balance[1] | | | |
| FY 2013 Adopted Revenues | $0 | $0 | $0 |
| FY 2013 Appro. (P.L. 31-233) | $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 2013 (if applicable) | FY 2014 | FY 2015 | FY 2016 | FY 2017 |
|---|---|---|---|---|---|---|
| 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? $ _____ /x/ 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: _____ Date: 5/28/13 Director: _____ Date: JUN 11 2013
M. Quinata John A. Rios, BBMR Director

Footnotes:

The bill proposes to add a new article to Title 9 GCA to include Home Invasion as an offense. The bill categorizes Home Invasion as a first degree felony and any person guility shall be sentenced to at least ten (10) years which may not be suspended or reduced by the court. Title 9 GCA, Chapter 80 notes "in the case of a felony of the first degree, the court shall impose a sentence of not less than five (5) years and not more than twenty (20) years. The bill require a minimum of 10 years. It costs approximately $84,000 a year to incarcerate one inmate. The minimum sentence requirement will have a fiscal impact. An offender could be sentenced no lesss than (5) years for a first degree felony per Chapter 80, Title 9 GCA. However, Bill 119-32 will require a sentence with a minimum of (10) ten years. The additional sentence requirement will have a fiscal impact of

# COMMITTEE ON RULES

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Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member


May 16, 2013

MEMORANDUM

**To:** **Rennae Meno**
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**
*Majority Leader & Rules Chair*

**Subject:** **Referral of Bill No. 119-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 119-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

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

*Si Yu'os Ma'åse!*

Attachment

*I Mina'Trentai Dos Na Liheslaturan Guahan*

**Bill Log Sheet**

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES |
|---|---|---|---|---|---|---|---|---|
| **119-32 (COR)** | V. Anthony Ada<br>Chris M. Duenas | AN ADD A NEW ARTICLE 2 TO CHAPTER 37 OF 9GCA RELATIVE TO HOME INVASION. | 5/16/13<br>10:30 A.M. | 5/16/13 | Committee on the Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary | | | |

# **Corrected Memo** FIRST NOTICE: Public Hearing at 9:00AM on Wednesday, June 5, 2013

1 message

**Office of Senator Frank Aguon, Jr. Admin** <admin@frankaguonjr.com> Thu, May 30, 2013 at 10:28 AM
To: phnotice@guamlegislature.org

***Hafa Adai!***

Just a clarification - the Public Hearing will be held on **WEDNESDAY, June 5, 2013 at 9:00AM** in the Legislature's Public Hearing Room.

***Si Yu'os Ma'ase'!***

*Corrected Memorandum Attached*

--

**Thanks!**
**Office of Senator Frank B. Aguon, Jr.**
Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary
155 Hesler PL Suite 104, Hagåtña, Guam 96910
Tel: (671) 475-GUM1/2 (4861/2)
Fax: (671) GUM3 (4863)
aguon4guam@gmail.com | www.frankaguonjr.com

On Wed, May 29, 2013 at 5:04 PM, Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com> wrote:

> May 29, 2013
>
> MEMORANDUM
>
> **TO:** All Senators
>
> **FROM:** Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary
>
> **SUBJECT:** FIRST NOTICE of **Public Hearing** on Wednesday, June 5, 2013 at 9:00AM
>
> *Buenas yan Hafa Adai*!

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary has scheduled a public hearing starting at 9:00AM, Wednesday, June 5, 2013, at *I Liheslaturan Guåhans* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 116-32 (COR) -** An act to amend §§ 65102 and 65103 of Chapter 65, Title 10, Guam Code Annotated and to add a new § 65103.1 to the same Chapter; relative to the establishment of operational continuity plans for each agency of the government of Guam.

- **Bill No. 119-32 (COR) -** An act to add a new Article 2 to Chapter 37 of 9GCA relative to home invasion.

- **Bill No. 128-32 (COR) -** Proposed Customs User Fee Adjustment from $6.36 to $8.29 per passenger

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 Frank B. Aguon, Jr., or via fax to 475-GUM3 (4863), or via email to aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhans* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Yvette Cruz at 475-GUM1/2 (4861/2) or via email to admin@frankaguonjr.com.

*Si Yuos Maase!*

*Cc:* Clerks

MIS

Sgt-at-Arms

--

**Thanks!**
**Office of Senator Frank B. Aguon, Jr.**
Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary
155 Hesler PL Suite 104, Hagåtña, Guam 96910
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**AllSenMemo_Corrected.pdf**
413K

COMMITTEE ON

# GUAM U.S. MILITARY RELOCATION
# VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*


**Senator**
**FRANK B. AGUON,JR.**
Committee Chairperson

**Senator**
**Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker**
**Judith T. Won Pat, Ed.D.**
Committee Member

**Senator**
**Rory J. Respicio**
Committee Member

**Senator**
**Thomas C. Ada**
Committee Member

**Senator**
**Dennis G. Rodriguez, Jr.**
Committee Member

**Senator**
**V. Anthony Ada**
Committee Member

**Senator**
**Michael Limtiaco**
Committee Member

**Senator**
**Thomas Morrison**
Committee Member


May 30, 2013

MEMORANDUM

**TO:** All Senators

**FROM:** Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

**SUBJECT:** FIRST NOTICE of **Public Hearing** on Wednesday, June 5, 2013 at 9:00AM

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*Si Yu'os Ma'ase!*

*Cc:* Clerks
MIS
Sgt-at-Arms


PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
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**As of April 23, 2013**

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| will@senatorada.org |
| xiosormd@gmail.com |
| xiosormd@yahoo.com |
| ylee2@guam.gannett.com |
| zita@mvguam.com |

Gmail by Google

Comm. on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary <committee@frankaguonjr.com>

# SECOND NOTICE: Public Hearing at 9:00AM on Wednesday, June 5, 2013

1 message

**Office of Senator Frank Aguon, Jr. Admin** <admin@frankaguonjr.com> Mon, Jun 3, 2013 at 3:13 PM
To: phnotice@guamlegislature.org

June 03, 2013

MEMORANDUM

**TO:** All Senators

**FROM:** Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

**SUBJECT:** SECOND NOTICE of **Public Hearing** on Wednesday, June 5, 2013 at 9:00AM

*Buenas yan Hafa Adai*!

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary has scheduled a public hearing starting at 9:00AM, Wednesday, June 5, 2013, at *I Liheslaturan Guåhans* Public Hearing Room in Hagåtña, on the following:

- ~~**Bill No. 116-32 (COR)** – *POSTPONED AT THE REQUEST OF THE SPONSOR*~~

  ~~An act to amend §§ 65102 and 65103 of Chapter 65, Title 10, Guam Code Annotated and to add a new § 65103.1 to the same Chapter, relative to the establishment of operational continuity plans for each agency of the government of Guam.~~

- **Bill No. 119-32 (COR)** - An act to add a new Article 2 to Chapter 37 of 9GCA relative to home invasion.

- **Bill No. 128-32 (COR)** - Proposed Customs User Fee Adjustment from $6.36 to $8.29 per passenger

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 Frank B. Aguon, Jr., or via fax to 475-GUM3 (4863), or via email to aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhans* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Yvette Cruz at 475-GUM1/2 (4861/2) or via email to admin@frankaguonjr.com.

*Si Yuos Maase!*

*Cc:* Clerks

MIS

Sgt-at-Arms

--

**Thanks!**
**Office of Senator Frank B. Aguon, Jr.**
Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary
155 Hesler PL Suite 104, Hagåtña, Guam 96910
Tel: (671) 475-GUM1/2 (4861/2)
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aguon4guam@gmail.com | www.frankaguonjr.com

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**2ndNotice_AllSenMemo.pdf**
425K

COMMITTEE ON

# GUAM U.S. MILITARY RELOCATION
# VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*


**Senator**
**FRANK B. AGUON,JR.**
Committee Chairperson

**Senator**
**Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker**
**Judith T. Won Pat, Ed.D.**
Committee Member

**Senator**
**Rory J. Respicio**
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**Senator**
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Committee Member

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**Michael Limtiaco**
Committee Member

**Senator**
**Thomas Morrison**
Committee Member


June 03, 2013

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**TO:** All Senators

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*Si Yu'os Ma'ase!*

*Cc:* Clerks
MIS
Sgt-at-Arms


PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
155 HESLER PLACE HAGATNA,GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM

**Listserv:** phnotice@guamlegislature.org
**As of April 23, 2013**

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COMMITTEE ON

# GUAM U.S. MILITARY RELOCATION
# VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*


**Senator**
**FRANK B. AGUON,JR.**
Committee Chairperson

**Senator**
**Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker**
**Judith T. Won Pat, Ed.D.**
Committee Member

**Senator**
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Committee Member

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**Senator**
**Michael Limtiaco**
Committee Member

**Senator**
**Thomas Morrison**
Committee Member


May 30, 2013

**The Honorable Eddie J.B. Calvo**
**Governor of Guam**
513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagåtñå, Guam 96910
*Sent via email to governor@guam.gov*

**RE: Public Hearing Scheduled for Wednesday, June 5, 2013 at 9:00AM**

Dear Governor Calvo,

*Buenas yan Hafa Adai!*

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing Wednesday, June 5, 2013 beginning at 9:00AM. Included on the agenda are the following:

- **Bill No. 116-32 (COR)** - An act to amend §§ 65102 and 65103 of Chapter 65, Title 10, Guam Code Annotated and to add a new § 65103.1 to the same Chapter; relative to the establishment of operational continuity plans for each agency of the government of Guam.

- **Bill No. 119-32 (COR)** - An act to add a new Article 2 to Chapter 37 of 9GCA relative to home invasion.

- **Bill No. 128-32 (COR)** - Proposed Customs User Fee Adjustment from $6.36 to $8.29 per passenger

If you feel the above mentioned items impact your agency or organization, we encourage you to participate in this upcoming Public Hearing. Also, if you have any concerns in regards to this invitation, please contact me or my office via phone 475-GUM1/2 (4861/2) or email to aguon4guam@gmail.com.

Respectfully,

**SENATOR FRANK B. AGUON, JR.**
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
Mina'Trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature

CC: Lieutenant Governor Raymond S. Tenorio
Joy Unpingco
Elaine Gogue
Rose Ramsey


PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
155 HESLER PLACE HAGATNA,GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM

COMMITTEE ON

# GUAM U.S. MILITARY RELOCATION
# VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

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**Senator**
**Michael Limtiaco**
Committee Member

**Senator**
**Thomas Morrison**
Committee Member


May 30, 2013

**The Honorable Leonardo G. Rapadas**
**Attorney General of Guam**
287 W. O'Brien Drive
Hagåtñå, Guam 96910
*Sent via email to law@guamag.org*

**RE: Public Hearing Scheduled for Wednesday, June 5, 2013 at 9:00AM**

Dear Attorney General Rapadas,

*Buenas yan Hafa Adai!*

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Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
Mina'Trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature


PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
155 HESLER PLACE HAGATNA,GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM

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COMMITTEE ON

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Committee Member

**Senator**
**Michael Limtiaco**
Committee Member

**Senator**
**Thomas Morrison**
Committee Member


May 30, 2013

**The Honorable F. Philip Carbullido**
**Chief Justice, Judiciary of Guam**
Suite 300, Guam Judicial Center
120 West O' Brien Drive
Hagåtña, GU 96910
*Sent via email to fpcarbullido@guamsupremecourt.com*

**RE: Public Hearing Scheduled for Wednesday, June 5, 2013 at 9:00AM**

Dear Chief Justice Carbullido,

*Buenas yan Hafa Adai!*

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Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
Mina'Trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature

CC: Joshua Tenorio


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COMMITTEE ON

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**V. Anthony Ada**
Committee Member

**Senator**
**Michael Limtiaco**
Committee Member

**Senator**
**Thomas Morrison**
Committee Member


May 30, 2013

**James T. McDonald**
**Administrator, Office of Civil Defense**
221B Chalan Palasyo
Agana Heights, Guam 96910
Sent via email to jim.mcdonald@ghs.guam.gov

**RE: Public Hearing Scheduled for Wednesday, June 5, 2013 at 9:00AM**

Dear Mr. McDonald,

*Buenas yan Hafa Adai!*

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Respectfully,

**SENATOR FRANK B. AGUON, JR.**
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
Mina'Trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature


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COMMITTEE ON

# GUAM U.S. MILITARY RELOCATION
# VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

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Committee Member

**Senator**
**Michael Limtiaco**
Committee Member

**Senator**
**Thomas Morrison**
Committee Member


May 30, 2013

**The Honorable John Unpingco, Esq.**
**Administrator, Office of Veterans Affairs**
172 S.Marine Corp Drive, Asan
P.O. Box 5178
Hagåtña, GU 96932
*Sent via email to john.unpingco@gvao.guam.gov*

**RE: Public Hearing Scheduled for Wednesday, June 5, 2013 at 9:00AM**

Dear Judge Unpingco,

*Buenas yan Hafa Adai!*

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing Wednesday, June 5, 2013 beginning at 9:00AM. Included on the agenda are the following:

- **Bill No. 116-32 (COR)** - An act to amend §§ 65102 and 65103 of Chapter 65, Title 10, Guam Code Annotated and to add a new § 65103.1 to the same Chapter; relative to the establishment of operational continuity plans for each agency of the government of Guam.

- **Bill No. 119-32 (COR)** - An act to add a new Article 2 to Chapter 37 of 9GCA relative to home invasion.

- **Bill No. 128-32 (COR)** - Proposed Customs User Fee Adjustment from $6.36 to $8.29 per passenger

If you feel the above mentioned items impact your agency or organization, we encourage you to participate in this upcoming Public Hearing. Also, if you have any concerns in regards to this invitation, please contact me or my office via phone 475-GUM1/2 (4861/2) or email to aguon4guam@gmail.com.

Respectfully,

**SENATOR FRANK B. AGUON, JR.**
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary
Mina'Trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature


PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
155 HESLER PLACE HAGATNA,GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM

COMMITTEE ON

# GUAM U.S. MILITARY RELOCATION
# VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

*I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE*


**Senator**
**FRANK B. AGUON,JR.**
Committee Chairperson

**Senator**
**Tina Muna-Barnes**
Committee Vice Chairperson

**Speaker**
**Judith T. Won Pat, Ed.D.**
Committee Member

**Senator**
**Rory J. Respicio**
Committee Member

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Committee Member

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**V. Anthony Ada**
Committee Member

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Committee Member

**Senator**
**Thomas Morrison**
Committee Member


May 30, 2013

**Mark Calvo**
**Special Assistant to the Governor on Military Buildup & Infrastructure**
513 West Marine Corps Drive
Ricardo J. Bordallo Complex
Hagåtñå, Guam 96910
*Sent via email to mark.calvo@guam.gov*

**RE: Public Hearing Scheduled for Wednesday, June 5, 2013 at 9:00AM**

Dear Mr. Calvo,

*Buenas yan Hafa Adai!*

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing Wednesday, June 5, 2013 beginning at 9:00AM. Included on the agenda are the following:

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COMMITTEE ON

GUAM U.S. MILITARY RELOCATION
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

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**Thomas Morrison**
Committee Member


# PUBLIC HEARING

June 5, 2013, Wednesday at 9:00AM

*I Liheslaturan Guahan's Public Hearing Room, Hagatna*

## AGENDA

I. **Call to Order**

II. **Opening remarks/Announcements**

III. **Items for discussion:**

~~a. **Bill No. 116-32 (COR)-** Michael F.Q. San Nicolas~~ POSTPONED
~~i. An act to amend §§65102 and 65103 of Chapter 65, Title 10, Guam Code Annotated and to add a new §65103.1 to the same new Chapter relative the establishment of operational continuity plans for each agency of the government of Guam.~~

b. **Bill No.119-32 (COR)-** Senator V. A. Ada / C. Dueñas
   i. An Act to add a new Article 2 to Chapter 37 of 9GCA relative to home invasion.

c. **Bill No.128-32 (COR)-** Committee on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and Judiciary
   i. Proposed Customs User Fee Adjustment from $6.36 to $8.29 per passenger.

IV. **Closing Remarks**

V. **Adjournment**


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# COMMITTEE ON RULES

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
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Member

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V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member


June 11, 2013

2013 JUN 11 PM 12:03

**Memorandum**

**To:** **Rennae Meno**
*Clerk of the Legislature*

**From:** **Senator Rory J. Respicio**
*Majority Leader & Rules Chair*

**Subject:** **Fiscal Notes**

*Hafa Adai!*

Attached please find the waiver for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

**FISCAL NOTE:**
Bill No. 20-32(COR) as Substituted
Bill No. 119-32(COR)
Bill No. 128-32 (COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

# *BUREAU OF BUDGET & MANAGEMENT RESEARCH*

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**
GOVERNOR

**JOHN A. RIOS**
DIRECTOR

**RAY TENORIO**
LIEUTENANT GOVERNOR


JUN 11 2013

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Unu na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtna, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **20-32(COR) as Substituted, and 119-32 (COR).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

JOHN A. RIOS
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

# Bureau of Budget & Management Research
## Fiscal Note of Bill No. 20-32 (COR), as Substituted

AN ACT TO ESTABLISH A HEALTHCARE TRUST AND DEVELOPMENT FUND, BY ADDING A NEW CHAPTER 97 TO TITLE 10, GUAM CODE ANNOTATED, AND AUTHORIZING THE EXPENDITURE OF MONIES IN THE FUND FOR THE SPECIFIC PURPOSE OF PAYING THE OUTSTANDING DEBT PAYABLES OF THE GUAM MEMORIAL HOSPITAL AUTHORITY, AND ESTABLISH AND FUNDING A GMHA URGENT HEALTHCARE CENTER ON THE HOSPITAL PREMISES FOR NON-EMERGENT PATIENTS; THIS ACT TO BE CITED AS "THE GMHA HEALTHCARE TRUST AND DEVELOPMENT ACT OF 2013.

| Department/Agency Appropriation Information | | |
|---|---|---|
| Dept./Agency Affected: Guam Memorial Hospital Authority (GMHA) | Dept./Agency Head: Joseph P. Verga | |
| Department's General Fund (GF) appropriation(s) to date: | | 2,225,415 |
| Department's Other Fund (Specify) appropriation(s) to date: Healthy Futures Fund & GMHA Pharmaceuticals Fund | | 11,607,693 |
| Total Department/Agency Appropriation(s) to date: | | $13,833,108 |

| Fund Source Information of Proposed Appropriation | General Fund: | (Specify Special Fund): | Total: |
|---|---|---|---|
| FY 2012 Unreserved Fund Balance[1] | | $0 | $0 |
| FY 2013 Adopted Revenues | $0 | $0 | $0 |
| FY 2013 Appro. (P.L. 31-233) | $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 2013 (if applicable) | FY 2014 | FY 2015 | FY 2016 | FY 2017 |
|---|---|---|---|---|---|---|
| General Fund | $4,000,000 | $0 | $0 | $0 | $0 | $0 |
| (Specify Special Fund) | $0 | $0 | $0 | $0 | $0 | $0 |
| Total | $4,000,000 | $0 | $0 | $0 | $0 | $0 |

1. Does the bill contain "revenue generating" provisions? /x/ Yes / / No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? / / N/A / / Yes /x/ No
If no, what is the additional amount required? Appropriations shall continue to be deemed appropriated, annually until revoked or am pursuant to law.
3. Does the Bill establish a new program/agency? Either a Primary Care Ctr or Urgent Care Ctr /x/ Yes / / 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 as of the due date / x / Other: Insufficient time

Analyst: Nancy L. Mesa Date: 5/24/13 Director: John A. Rios, Director Date: JUN 11 2013

Footnotes:
See attached comments.

Comments on Bill No. 20-32 (COR), as Substituted

Bill No. 20-32, as Substituted, also known as "The GMHA Healthcare Trust and Development Act of 2013, adds a new Chapter 97 to Title 10 of the Guam Code Annotated. If enacted into law, said Bill creates the GMHA Healthcare Trust and Development Fund ('Fund') and proposes that licensing fees, GRT, and income tax collected from the companies involved in gaming as provided by 3 GAR §7001 et seq, be deposited into the Fund. Specifically, this includes those electronic gaming devices referred to in §7114(a)(5) and licensed per 11 GCA, Chapter 22, Article 2. These devices shall be known as the Liberty, Symbolix, and Match Play electronic gaming devices and only those registered with the Department of Taxation prior to August 1, 2001, pursuant to 3 GAR §7114(a)(5). In addition, the Bill proposes the collection of a special four percent (%) assessment fee on income on all gaming devices authorized to be licensed pursuant to 11 GCA §22202 (f) and 3 GAR §7114(a)(5), to be known as the "GMHA Trust Fund Fee". This bill has the potential to annually generate approximately $4,000,000 in revenues for the GMHA Healthcare Trust and Development Fund. Section 97103 of the new Chapter 97 stipulates that funds deposited into the GMHA Healthcare Trust and Development Fund shall be allocated and expended as follows:

1. Subsection (a) of Section 97103 - Not less than seventy-five percent (75%) or approximately $3,000,000 of the funds deposited into the GMHA Healthcare Trust and Development Fund shall first be utilized by the Guam Memorial Hospital Authority (GMHA) to obtain a line of credit, a revolving loan fund, and/or a direct loan agreement to retire outstanding prior years debt as per Exhibit "A" append to this Act. It should be noted that the fees collected pursuant to this Article shall continue to be APPROPRIATED, AND SHALL CONTINUE TO BE DEEMED APPROPRIATED, ANNUALLY to GMHA for the sole and specific purpose noted and shall continue and shall remain in full force and effect until specifically revoked or amended pursuant to law.
2. Subsection (c) of Section 97103 - Up to twenty-percent (20%) of the funds or approximately $800,000 in the GMHA Healthcare Trust and Development Fund, shall be allocated to GMHA for the purpose of subsidizing the establishment and operation, in whole or part, including as seed or start-up money, of an Urgent Healthcare Medical Center within GMHA facility and grounds. The fees collected pursuant to this Article shall be annually allocated and are hereby APPROPRIATED, AND SHALL CONTINUE TO BE DEEMED APPROPRIATED, ANNUALLY, to GMHA for the sole and specific purpose noted and shall continue and shall remain in full force and effect until specifically revoked or amended pursuant to law.

After the final payment is made and GMHA retires its outstanding prior years debt of approximately $18,000,000, all fees received pursuant to §97102 (b)(i)(ii) of this Act shall continue in full force and effect and be used for the operations of the GMHA pursuant to §97103(c).

Bill No. 20-32, as Substituted, if enacted into law, will provide GMHA with additional revenues to pay off its outstanding prior years debt and assist the Hospital in providing medical care services for the people of Guam, regardless of a patient's ability to pay or availability of medical insurance coverage.

# Bureau of Budget & Management Research
## Fiscal Note of Bill No. 119-32 (COR)

AN ACT TO ADD A NEW ARTICLE 2 TO CHAPTER 37 OF 9GCA RELATIVE TO HOME INVASION.

| Department/Agency Appropriation Information | | |
|---|---|---|
| Dept./Agency Affected: Office of the Attorney General | Dept./Agency Head: Leonardo Rapadas | |
| Department's General Fund (GF) appropriation(s) to date: | | 10,888,363 |
| Department's Other Fund (Specify) appropriation(s) to date: | | - |
| Total Department/Agency Appropriation(s) to date: | | $10,888,363 |

| Fund Source Information of Proposed Appropriation | General Fund: | (Specify Special Fund): | Total: |
|---|---|---|---|
| FY 2012 Unreserved Fund Balance[1] | | | |
| FY 2013 Adopted Revenues | $0 | $0 | $0 |
| FY 2013 Appro. (P.L. 31-233) | $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 2013 (if applicable) | FY 2014 | FY 2015 | FY 2016 | FY 2017 |
|---|---|---|---|---|---|---|
| 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? $ _____ /x/ 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: _____ Date: 5/28/13 Director: _____ Date: JUN 11 2013
M. Quinata John A. Rios, BBMR Director

Footnotes:

The bill proposes to add a new article to Title 9 GCA to include Home Invasion as an offense. The bill categorizes Home Invasion as a first degree felony and any person guility shall be sentenced to at least ten (10) years which may not be suspended or reduced by the court. Title 9 GCA, Chapter 80 notes "in the case of a felony of the first degree, the court shall impose a sentence of not less than five (5) years and not more than twenty (20) years. The bill require a minimum of 10 years. It costs approximately $84,000 a year to incarcerate one inmate. The minimum sentence requirement will have a fiscal impact. An offender could be sentenced no lesss than (5) years for a first degree felony per Chapter 80, Title 9 GCA. However, Bill 119-32 will require a sentence with a minimum of (10) ten years. The additional sentence requirement will have a fiscal impact of

## Bureau of Budget & Management Research
## Fiscal Note of Bill No. 128-32 (COR)

THE CUSTOMS AND QUARANTINE AGENCY ENACTS THE FOLLOWING RULES AND REGULATIONS TO AMEND TITLE 4, GOVERNMENT ADMINISTRATIVE RULES AND REGULATIONS, CHAPTER 2, ARTICLE 5 §2505(a)(2) OF THE CUSTOMS, AGRICULTURE, AND QUARANTINE INSPECTION SERVICE CHARGE PURSUANT TO 5GCA73, §73151.

| Department/Agency Appropriation Information | | |
|---|---|---|
| Dept./Agency Affected: Customs and Quarantine Agency | Dept./Agency Head: Pedro A. Leon Guerrero, Jr., Director | |
| Department's General Fund (GF) appropriation(s) to date: | | - |
| Department's Other Fund (Specify) appropriation(s) to date: Healthy Futures Fund & Environmental Health Fund | | 5,891,803 |
| Total Department/Agency Appropriation(s) to date: | | $5,891,803 |

| Fund Source Information of Proposed Appropriation | | | |
|---|---|---|---|
| | General Fund: | (Specify Special Fund): | Total: |
| FY 2012 Unreserved Fund Balance[1] | | $0 | $0 |
| FY 2013 Adopted Revenues | $0 | $0 | $0 |
| FY 2013 Appro. (P.L. 31-233) | $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 2013 (if applicable) | FY 2014 | FY 2015 | FY 2016 | FY 2017 |
| General Fund | $0 | $0 | $0 | $0 | $0 | $0 |
| Special Fund - CAQISC | 1/ | $0 | 1/ | 1/ | 1/ | 1/ |
| Total | 1/ | $0 | 1/ | 1/ | 1/ | 1/ |

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

Analyst: Diana C. Tabe Date: 6/10/13 Director: _____ Date: JUN 11 2013
John A. Rios, Director

Footnotes: 1/ See attachment.

# Bureau of Budget & Management Research
## Attachment to Fiscal Note No. 128-32 (COR)
## (for revenue generating provisions)

| Projected Multi-Year Revenues | | | | | |
|---|---|---|---|---|---|
| | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 |
| General Fund | $0 | $0 | $0 | $0 | $0 |
| Other Fund: CAQISC | $2,447,277 | $2,447,277 | $2,447,277 | $2,447,277 | $2,447,277 |
| Total | $2,447,277 | $2,447,277 | $2,447,277 | $2,447,277 | $2,447,277 |

Comments:

Footnotes: 1/

The bill has a potential for additional funding impact based on the adjusted Customs, Agriculture, and Quarantine Inspection Service Charges (CAQISC) passengers fee from $6.36 to $8.29, an increase of $1.93. Based on the average number of arriving passengers anticipated for this fiscal year is approximately 1,268,019 passengers, estimated funding increase is $2,447,276.67. For FY2013 CQA estimates that the anticipated costs for providing, maintaining, and operating the service charge facilities as they relate to air carrier operations is approximately $9.1 million. Over the last three (3) years, the passenger inspection fees recovered an average of approximately $8.1 million annually and this equates to a potential under-collection of the fee by approximately $1 million for the period of October 1, 2012 through September 30, 2013. This increase is needed in order to achieve program objectives and demand. It is expected to result in positive financial outcomes and provides CQA a vehicle to effectively recover the costs of its operations in providing air passenger clearance services and will have the ability to effectively plan for undertaking capital improvement programs and projects.

# COMMITTEE ON RULES

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MINORITY LEADER

Senator
Aline Yamashita
Member


**May 21, 2013**

2013 MAY 21 PM 2:02

**VIA E-MAIL**
***john.rios@bbmr.guam.gov***

**John A. Rios**
**Director**
**Bureau of Budget & Management Research**
**P.O. Box 2950**
**Hagåtña, Guam 96910**

**RE: Request for Fiscal Note– Bill Nos. 117- 119 (COR)**

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

Rory J. Respicio

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

Attachments (1)

Cc: Clerk of the Legislature

| Bill Nos. | Sponsor | Title |
|---|---|---|
| **117-32 (COR)** | T.R. Muña Barnes, J.T. Won Pat, Ed.D., Brant T. McCreadie | AN ACT TO AMEND §§3705 AND 3707 OF ARTICLE 7, CHAPTER 3, TITLE 16 GCA, RELATIVE TO EXPANDING THE DUTIES OF THE GUAM POLICE DEPARTMENT COMMUNITY ASSISTED POLICING EFFORT (CAPE) VOLUNTEERS TO INCLUDE ENFORCEMENT OF THE HANDBILLING ACT, AND FOR OTHER PURPOSES |
| **118-32 (COR)** | D.G. Rodriguez,Jr.<br>B.J.F. Cruz<br>V. Anthony Ada<br>Michael F.Q. San Nicolas<br>J.T. Won Pat, Ed.D<br>Rory J. Respicio<br>Brant McCredie<br>Thomas Morrison<br>Tina Muna-Barnes | AN ACT RELATIVE TO ALCOHOL BEVERAGE CONTROL, TO BE KNOWN AS "THE RESPONSIBLE ALCOHOL SALES AND SERVICE ACT", BY ADDING NEW §§ 3123, 3124 AND 3125 TO ARTICLE 1, CHAPTER 3, 11 GCA; TO AMEND § 3207, AND ADD §§ 3212.1, 3230, 3231, AND 3232 TO ARTICLE 2, CHAPTER 3, 11 GCA; TO AMEND 11 GCA §3613; AND, ADD A NEW (h) TO §2105, ADD A NEW (c) TO § 2106, ADD A NEW (c) TO §2107, AND ADD A NEW §2111, ALL OF 3 GAR CHAPTER 2 [ALCOHOLIC BEVERAGE CONTROL BOARD]. |
| **119-32 (COR)** | V. Anthony Ada<br>Chris M.Duenas | AN ADD A NEW ARTICLE 2 TO CHAPTER 37 OF 9 GCA RELATIVE TO HOME INVASION. |

# COMMITTEE ON RULES

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Member


May 16, 2013

**MEMORANDUM**

**To:** **Rennae Meno**
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**
*Majority Leader & Rules Chair*

**Subject:** **Referral of Bill No. 119-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 119-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

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

*Si Yu'os Ma'åse!*

Attachment

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

Bill No. 119-32 (COR)

Introduced by: V. Anthony Ada
Chris M. Duenas

**AN ADD A NEW ARTICLE 2 TO CHAPTER 37 OF 9GCA RELATIVE TO HOME INVASION.**

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

**Section 1.** The Title of Chapter 37 of 9GCA is *amended* to read as follows:

2013 MAY 16 AM 10:30

**"Chapter 37**

**BURGLARY AND HOME INVASION"**

**Section 2.** A new Article 2 is added to Chapter 37 of 9GCA to read:

**Article 2**

**Home Invasion**

**§37.201. Home Invasion.** A person is guilty of home invasion when such person enters or remains unlawfully in a dwelling, while a person other than a participant in the crime is actually present in such dwelling, with intent to commit a crime therein, and, in the course of committing the offense: (1) Acting either alone or with one or more persons, such person or another participant in the crime commits or attempts to commit a felony against the person of another person other than a participant in the

crime who is actually present in such dwelling, or (2) such person is armed with explosives or a deadly weapon or dangerous instrument.

**§37.202. In the Course of Committing Home Invasion.** An act shall be deemed "in the course of committing" the offense if it occurs in an attempt to commit the offense or flight after the attempt or commission.

**§37.203. Knowledge of occupancy is not a defense.** It is no defense the defendant reasonably believed that the dwelling was unoccupied, by a person who was not a participant in the crime, at the time the home invasion occurred.

**§37.204. Home Invasion Punished.** (a) Home invasion is a first degree felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which at least ten (10) years may not be suspended or reduced by the court.

(b) The sentence imposed for home invasion shall run consecutively to any sentence for other crimes committed in conjunction with the home invasion.