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I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

November 13, 2013

The Honorable Edward J.B. Calvo
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
***Hagåtña,* Guam 96910**

OFFICE OF THE GOVERNOR
CENTRAL FILES
RECEIVED BY: J. Dela Rosa
TIME: 11:28 a.m. DATE: 11/15/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 35-32(COR), 74-32(LS), 75-32(LS), 91-32(COR), 94-32(COR), 98-32(LS), 99-32(LS), 108-32(COR), 112-32(COR), 116-32(COR), 133-32(COR), 134-32(COR), 140-32(COR), 141-32(COR), 143-32(COR), 145-32(LS), 150-32(COR), 153-32(COR), 154-32(COR), 156-32(COR), 157-32(COR), 158-32(COR), 160-32(COR), 161-32(COR), 162-32(LS), 165-32(COR), 170-32(LS), 176-32(COR), 189-32(COR), 193-32(COR), 194-32(COR), 195-32(COR), 196-32(COR), 200-32(COR), 205-32(COR), 210-32(COR), 211-32(COR) and 217-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 12, 2013.

Sincerely,

Tina Rose Muña Barnes
Legislative Secretary

Enclosures (38)

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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. 200-32 (COR), "AN ACT TO ADD A NEW § 77135 TO ARTICLE 1, CHAPTER 77 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO POLICE CLEARANCES, TO BE KNOWN AS THE "POLICE CLEARANCE CLARITY ACT OF 2013",** was on the 12th day of November 2013, 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 15th day of Nov., 2013, at 11:28 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 DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 200-32 (COR)
As substituted by the Committee on General Government Operations & Cultural Affairs.

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

AN ACT TO *ADD* A NEW § 77135 TO ARTICLE 1, CHAPTER 77 OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO POLICE CLEARANCES, TO BE KNOWN AS THE "POLICE CLEARANCE CLARITY ACT OF 2013."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslatura* finds that the principle that all citizens are innocent until proven guilty is the foundation of our system of justice and our democratic form of governance. Therefore, any clearance

report issued by a government agency involved in law enforcement, such as the Guam Police Department, *shall* be in accordance with this principle.

I Liheslatura further finds that a majority of jurisdictions across the country have enacted limits on the use of arrest histories when making employment decisions. Under the United States Civil Rights Act, the Equal Employment Opportunity Commission's guidelines protect job seekers from discrimination based on arrest histories. Employers are being advised to stop using arrest information, and to comply with the specific rules for their jurisdictions, in order to make it clear to all parties that the law maintains that an individual is innocent until proven guilty.

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

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

It is, therefore, the intent of *I Liheslatura* to add a new §77135 to Title 10, Guam Code Annotated, relative to police clearances, based on the above referenced guidance, in language that has been vetted by the Office of the Attorney General.

Section 2. A new §77135 is *added* to Article 1, Chapter 77 of Title 10, Guam Code Annotated, to read:

"**§ 77135.** Police Clearances *shall only* include the following

relative to arrests and police reports:

(a) Charges for which the arrestee is convicted.

(b) Charges for which a juvenile is convicted as an adult.

(c) The restrictions in this §77135 *do not* apply to the use by federal and local law enforcement agencies of criminal history records."