I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
182-35 (COR) As amended on the Floor	Jose "Pedo" Terlaje Tina Rose Muña Barnes William M. Castro	AN ACT TO ADD A NEW § 90.41 TO CHAPTER 90 OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO CREATING AN INMATE COMMISSARY AT THE DEPARTMENT OF CORRECTIONS.	7/24/19 4:17 p.m.	10/14/19	Committee on Public Safety, Border Safety, Military and Veteran Affairs, Mayors Council, Infrastructure, and Public Transit	11/8/19 10:00 a.m.	11/25/19 4:40 p.m.	10/25/19	
	SESSION DATE	**TITLE**	**DATE PASSED**	**TRANSMITTED**	**DUE DATE**	**PUBLIC LAW NO.**	**DATE SIGNED**	**NOTES**	
	1/27/20	AN ACT TO *ADD* NEW §§ 90.41, 90.42, AND 90.43 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING AN INMATE COMMISSARY AT THE DEPARTMENT OF CORRECTIONS.	2/4/20	2/4/20	2/15/20	35-63	2/11/20	Received: 2/11/20 Mess and Comm. Doc. No. 35GL-20-1528.	

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

HAND-DELIVERED

February 11, 2020

35GL-20-1528
Speaker Tina Rose Muña Barnes
FEB 11 2020
Time 12:51 ( )AM ( )PM
Received By: alon

2020 FEB 11 PM 2:53 R.T.

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

RE: **Bill No. 182-35 (COR)** – ***An Act to Add New §§ 90.41, 90.42, and 90.43 to Article 1 of Chapter 90, Title 9, Guam Code Annotated, Relative to Creating an Inmate Commissary at the Department of Corrections***

Bill No. 183-35 (COR) – ***An Act to Add a New Article 6 to Chapter 90 of Title 9, Guam Code Annotated, Relative to the Creation of a Civilian Corrections Reserve Program at the Department of Corrections***

Dear Madame Speaker:

I am thankful that the Legislature has taken action on Bills 182-35 and 183-35. Governor Leon Guerrero and I have advocated for the creation of both the Inmate Commissary and a Civilian Corrections Reserve since early last year.

Bill No. 182-35, *An Act to Add New §§ 90.41, 90.42, and 90.43 to Article 1 of Chapter 90, Title 9, Guam Code Annotated, Relative to Creating an Inmate Commissary at the Department of Corrections*, which I have signed into law as **Public Law No. 35-63**, will allow inmates and detainees access to amenities without compromising the safety and security of the prison. Our hard-working corrections officers can now spend more time tending to the needs of the prison inhabitants.

Bill No. 183-35, *An Act to Add a New Article 6 to Chapter 90 of Title 9, Guam Code Annotated, Relative to the Creation of a Civilian Corrections Reserve Program at the Department of Corrections*, which I have signed into law as **Public Law No. 35-64**, provides the Department of

1528

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Corrections with support similar to the other public safety agencies. This Reserve force will help alleviate the resource strains that have historically plagued the department.

This Administration, together with the Legislature, has made great strides towards addressing the issues at the Department of Corrections. Both these laws are sure signs that the department remains a high priority. They demonstrate our commitment to the protection of the public, safety of our staff, and the security of offenders.

Senseremente,

JOSHUA F. TENORIO
Åkto Maga'låhen Guahan
Acting Governor of Guam

Enclosure(s): Bill No. 182-35 (COR) *nka Public Law 35-63*
Bill No. 183-35 (COR) *nka Public Law 35-64*

cc via email: *Maga'hågan Guåhan*
Compiler of Laws

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

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

This is to certify that **Bill No. 182-35 (COR), "AN ACT TO *ADD* NEW §§ 90.41, 90.42, AND 90.43 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING AN INMATE COMMISSARY AT THE DEPARTMENT OF CORRECTIONS,"** was on the 4th day of February 2020, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 4th day of Feb., 2020, at 4:15 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:
FOR
Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 02-11-20

Public Law No. 35-63

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 182-35 (COR)
As amended on the Floor.

Introduced by: Jose "Pedo" Terlaje
Tina Rose Muña Barnes
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *ADD* NEW §§ 90.41, 90.42, AND 90.43 TO ARTICLE 1 OF CHAPTER 90, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CREATING AN INMATE COMMISSARY AT THE DEPARTMENT OF CORRECTIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new § 90.41 is hereby *added* to Article 1 of Chapter 90, Title 9, Guam Code Annotated, to read:

"**§ 90.41. Inmate Commissary.**

Notwithstanding any other provision of law, the Department of Corrections (DOC) is authorized to operate or outsource the operation of an inmate commissary within the confines of DOC. This Section *shall* exempt DOC from the provisions of 21 GCA § 60112 in order to provide DOC the authority to lease property to an approved vendor to operate the commissary facility without first seeking legislative approval."

Section 2. A new § 90.42 is hereby *added* to Article 1 of Chapter 90, Title 9, Guam Code Annotated, to read:

"**§ 90.42. Operation of Inmate Commissary.**

(a) The Director of DOC may operate, or contract with another person or entity to operate, a commissary for the use of the inmates confined at DOC.

(b) In accordance with 5 GCA Chapter 5 (Guam Procurement Law), the Department of Corrections is authorized to enter into a contract for the lease of up to three hundred (300) square feet of its property for an inmate commissary. Procurement of said contract *shall* be done by a DOC staff member who is qualified under 5 GCA § 5141.

(c) Funds directed as a result of revenue received from the contract under Subsection (b) of this Section *shall* be subject to an annual audit by the Office of Public Accountability.

(d) When entering into a contract under Subsection (a) of this Section, the Director or the Director's designee *shall* consider the following:

(1) whether the contract should provide for a fixed rate of return combined with a sales growth incentive;

(2) the menu items offered by the provider and the price of those items;

(3) the value, as measured by a best value standard, and benefits to inmates and the commissary, as offered by the provider;

(4) safety and security procedures to be performed by the provider; and

(5) the performance record of the provider, including service availability, reliability, and efficiency.

(e) The Department of Corrections *shall* establish policy and procedures for the administration of this Section. Such policy and procedures *shall* be transmitted to *I Liheslaturan Guåhan* prior to operation of the inmate commissary.

(f) The Department of Corrections *shall* establish rules and regulations for the administration of this Section prior to operation of the inmate commissary."

Section 3. A new § 90.43 is hereby *added* to Article 1 of Chapter 90, Title 9, Guam Code Annotated, to read:

"**§ 90.43. Corrections Commissary Fund.**

(a) There is hereby established a Fund to be known as the Corrections Commissary Fund (CCF), which *shall* be maintained separate and apart from other funds of the government of Guam. All funds collected by the government of Guam from the operations of a commissary *shall* be deposited in the CCF; and, interest and investment earnings *shall* be credited to the assets of the CCF and *shall* become part of the CCF. Any remaining balance in the CCF at the end of the fiscal year *shall* be carried over to the next fiscal year.

(b) Inmate Improvement. The Director may use up to fifty percent (50%) of the net proceeds of the CCF to develop or enhance inmate welfare; and the other fifty percent (50%) *shall* be used for rehabilitation programs within the Department of Corrections."

Section 4. Effective Date. This Act *shall* be effective upon enactment.

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.