

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
148-35 (LS)	James. C. Moylan	AN ACT TO AMEND § 81.10 OF CHAPTER 81, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO WORK CREDIT FOR THOSE INCARCERTATED AT THE DEPARTMENT OF CORRECTIONS.	5/30/19 9:54 a.m.						

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

Bill No. ~~148~~35 (LS)

Introduced by:


James. C. Moylan 

**AN ACT TO AMEND § 81.10 OF CHAPTER 81, TITLE 9,
GUAM CODE ANNOTATED, RELATIVE TO WORK
CREDIT FOR THOSE INCARCERTATED AT THE
DEPARTMENT OF CORRECTIONS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Work Credit program for inmates of the Department of Corrections has
4 been in existence since 1980, when Public Law 15-116 was enacted into law. The
5 program has been slightly modified over the years, including in 2000 when §
6 81.10(f) was added. The program was designed to help qualified inmates earn
7 some semblance of freedom by working on community projects with the intent of
8 shortening their sentence by one day for each 40 hours worked.

9 In a recent discussion with the Department of Corrections, there are
10 currently just 10 individuals who qualify for the program. With the large number
11 of prisoners residing in the Department of Corrections, it is critical to try and
12 increase the participation pool to not only allow certain inmates the opportunity to
13 truly give back to the community through labor intensive beautification projects,
14 but allow some of them some acclimation back into the community, since their
15 freedom may be restored in the near future.

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1 While it is important to assure that those convicted of certain felonies such
2 as first or second degree criminal sexual conduct, remain locked up, modernizing
3 the law by allowing more of those on a pre-parole classification and/or those
4 convicted of lesser severe crimes to participate in the Work Credit program could
5 be beneficial for all parties. A pre-parole classified inmate is one who has served
6 no less than two thirds of their sentence and may be preparing to go in front of a
7 parole board for a full time release. It is also vital to assure that a multi agency-
8 support program is in place, thus any agency seeking the manpower for their
9 project(s) be responsible to provide the supplies and equipment needed, and not
10 rely on the Department of Corrections to handle all necessities.

11 **Section 2.** § 81.10 of Chapter 81, Title 9, Guam Code Annotated is hereby
12 *amended* to read as follows:

13 **§ 81.10. Work Credit.**

14 (a) Any inmate of the Department of Corrections ~~person in custody~~
15 who is on a pre parole or minimum out classification may work at cleaning
16 up littered areas or maintenance work at, public parks, and beaches, village
17 and school sports facilities, beautification projects including those
18 coordinated by the Guam Visitor's Bureau or the Island Wide Beautification
19 Task Force, Guam Liberation Day Activities, or other types of work details
20 beneficial to the island of Guam, provided that the Director of Corrections:

21 (1) determines that the person meets the following eligibility
22 requirements that he:

23 (A) has not been convicted of a second-degree felony or
24 higher which is homicide, criminal sexual conduct, robbery or
25 escape as set forth in Chapters 16, 25, 40 and 58 of this Title,
26 respectively; and

1 (B) is physically and psychologically able to do such
2 work.

3 (b) The Director *shall* provide supervision of the work detail.

4 (c) The person's sentence shall be reduced by one (1) day for each
5 forty hours of work done.

6 (d) ~~The Directors of the Departments of Public Works, and Parks and~~
7 ~~Recreation shall cooperate with the Director of the Department of~~
8 ~~Corrections in choosing sites for work~~ shall be the contact person for any
9 government entity, committee or task force seeking prisoners for
10 beautification or maintenance projects, and who qualify for the Work Credit
11 program pursuant to this Chapter for projects identified in § 81.10(a). The
12 Director shall establish schedules and approve projects or work sites.

13 (e) Inmates who were eligible to work in previous work detail
14 programs *shall* only participate in work governed by this Section if they
15 qualify.

16 (f) This section *shall* apply to any person who is convicted *for the first*
17 *time* of Driving Under the Influence, as defined by 9 GCA §92101(a), *et seq.*

18 (g) A Memorandum of Understanding shall be established between
19 the Department of Corrections and any other government entity, committee
20 or task force which desires to participate in the Work Credit program
21 pursuant to this Chapter.

22 (h) Agencies seeking prisoners who qualify for the Work Credit
23 program pursuant to this Chapter shall be responsible to provide the supplies
24 and equipment for their project(s).

25 **Section 3. Severability.** If any provision of this Act or its application to
26 any person or circumstance is found to be invalid or contrary to law, such
27 invalidity *shall not* affect other provisions or applications of this Act that can be

1 given effect without the invalid provision or application, and to this end the
2 provisions of this Act are severable.

3 **Section 4. Effective Date.** The Act shall become effective upon enactment.