


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
212-35 (LS)	James C. Moylan	AN ACT TO ADD § 6110(d) TO CHAPTER 6, TITLE 3, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THE SUBMITTAL OF A DRUG TEST BY THOSE SEEKING AN ELECTED PUBLIC OFFICE.	10/1/19 10:02 a.m.						

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

Bill No. *22*-35 (LS)

Introduced by:

James C. Moylan 

**AN ACT TO ADD § 6110(d) TO CHAPTER 6, TITLE 3,
GUAM CODE ANNOTATED, RELATIVE TO
REQUIRING THE SUBMITTAL OF A DRUG TEST BY
THOSE SEEKING AN ELECTED PUBLIC OFFICE.**

2019 OCT -1 AM 10: 02 *pc*

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
3 that holding an elected position is one that requires the earning of the public's trust.
4 Presently there are requirements in place which necessitates that any individual
5 seeking an elected seat submit clearances from both the Guam Police Department
6 and the Judiciary of Guam attesting their history with legal matters. These
7 applicants must also sign an affidavit attesting that they have not been convicted of
8 a felony or a crime involving moral turpitude or criminal sexual conduct.

9 With the rising number of drug related cases on island, it is also important
10 for the electorate to also get the assurance that those seeking their trust at the
11 voting booths also abide towards a drug free lifestyle. Because elected positions
12 ~~have some association with the war against drugs, it is vital that those seeking~~
13 ~~those positions not be conflicted with drugs and rather be entrusted with making~~
14 ~~the right decisions for the island to be victorious in this war.~~

15 ~~With the passage of the legalization of recreational cannabis during the first~~
16 ~~quarter of the year, it is only logical not to include it in the requirements of the~~

1 testing's, which represents a checklist of illicit drugs as outlined by the Substance
2 Abuse and Mental Health Services Administration. Further, just as the cost of
3 attaining clearances is borne by the applicant, the costs of the drug testing shall
4 also be the responsibility of the individual seeking an elected seat.

5 **Section 2.** § 6110(d) is hereby *added* to Chapter 6, Title 3, Guam Code
6 Annotated, to read as follows:

7 **§ 6110. Convicted Felons and Others Shall Not be Candidates.**

8 Notwithstanding any other provision of law, all candidates for any elected
9 public office, board or commission shall not have been convicted of a felony, and
10 shall not have been convicted of a misdemeanor involving criminal sexual conduct
11 or crime of moral turpitude.

12 At the time of filing for candidacy with the Commission, a candidate
13 shall submit:

14 (a) a clearance from the Guam Police Department;

15 (b) a clearance from the Judiciary of Guam; and

16 (c) a signed affidavit attesting that the candidate has not been
17 convicted of a felony or misdemeanor, as described in this Section, in any
18 state or territory of the United States, or foreign country. The cost for any
19 clearance required by this Section shall be borne by the person seeking the
20 public office.

21 (d) the submittal of a drug test containing the Substance Abuse and
22 Mental Health Services Administration's (SMHSA) guideline checklist of
23 illicit drugs, which shall include but is not limited to Amphetamines,
24 Cocaine, Opiates, Methamphetamines, Phencyclidines, and Hallucinogens.
25 The testing shall not require the results of cannabis, and the costs of this test
26 shall be borne by the person seeking the public office. The results shall be

1 submitted to the Guam Election Commission no more than three (3) days
2 from the day the test was completed.

3 **Section 4. Severability.** If any provision of this Act or its application to
4 any person or circumstance is found to be invalid or contrary to law, such
5 invalidity *shall not* affect other provisions or applications of this Act that can be
6 given effect without the invalid provision or application, and to this end the
7 provisions of this Act are severable.

8 **Section 5. Effective Date.** The Act *shall* become effective upon enactment.