



OFFICE OF PUBLIC ACCOUNTABILITY

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February 3, 2022

Honorable Therese M. Terlaje
Speaker, 36th Guam Legislature
Chairperson, Committee on Health, Land, Justice, and Culture
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Bill 127-36, An Act to Amend Chapter 49 of Title 9, Guam Code Annotated, Relative to Modernizing the Statute Associated with Public Corruption, Official Misconduct, Other Unlawful Influence and Related Offenses.

Hafa adai Speaker Terlaje and Committee Members,

Thank you for the invitation to provide testimony on Bill No. 127-36 introduced by Senator James Moylan. In my reading of this bill, the purpose is to increase the degree of penalties for public officials convicted of a crime. Each of the specific types of crimes is itemized in each subsection. The bill also imposes a fine of not less than Ten Thousand Dollars (\$10,000) nor more than Fifty Thousand Dollars (\$50,000) on top of any other penalties imposed by the court of conviction. Lastly, the bill adds a section on bid tampering, disclosure or use of confidential criminal justice information, and restitution and community service. The Guam Office of Public Accountability is in support of this bill.

Let me spare you the extended explanation of how important it is for the public to have trust and confidence in every Government of Guam official, whether they are an entry-level employee, mid-level management, executive, or duly elected official. We understand when we take our oath of office to support and defend the laws of this land that it is an expectation we set the example. What this bill does is it adds teeth to the penalties should a public official violate the people's trust and hits them in the pocket should they become convicted of a crime in their official capacity. Putting my auditor hat on, we have said this several times in our audits, where certain government officials or programs are not complying with the law, but there are no real penalties for the laws that this body creates.

Please consider adding a beneficiary of any fines that are actually collected. In most cases, the direct recipient is the one that has been most aggrieved against. I understand that each case will be different, so I'll leave it to the body to decide where best to put the funds collected.

Senseramente,

Benjamin J.F. Cruz, Public Auditor