



# Judiciary of Guam

Administrative Office of the Courts  
Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910  
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HON. ROBERT J. TORRES  
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA, III  
PRESIDING JUDGE

DANIELLE T. ROSETE, ESQ.  
ADMINISTRATOR OF THE COURTS

**GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION (CLRC)  
INITIAL PLENARY MEETING  
FRIDAY, JANUARY 13, 2023  
Guam Judicial Center  
via Videoconference (Zoom)**

**MINUTES**

**I. CALL TO ORDER**

The Initial Plenary Meeting of the Guam Criminal Law and Procedure Review Commission (CLRC) on January 13, 2023 was called to order by Chief Justice F. Philip Carbullido at the hour of 12:00 p.m. For the record, Chief Justice Carbullido indicated that this was the first meeting of the Commission. He then introduced Attorney Andrew Serge Quenga, who he appointed as the Executive Director of the Commission, and asked him to call the roll for this meeting.

**ROLL CALL**

Executive Director Quenga began by saying that under Public Law 36-119, this Commission consists of 15 appointed or designated members from: the three branches of government, the Guam Bar Association (GBA), the Office of the Attorney General (OAG), the Public Defender Services Corporation (PDSC), the Guam Police Department (GPD) and the Department of Corrections (DOC).

**CLRC Members Roll Call:**

(CJ Appointee) Magistrate Judge Jonathan R. Quan, (Present, Judiciary of Guam)  
(CJ Appointee) Attorney Randall Cunliffe (No response)  
(CJ Appointee) Mr. Monty McDowell, (Present, Harmon)  
(Speaker Appointee) Attorney Phillip Tydingco (No response)  
(Speaker Appointee) Attorney Christine Tenorio (Present, Tiyan)  
(Speaker Appointee) Attorney Mike Phillips (No response)  
(Governor Appointee) Hon. Elizabeth Barrett-Anderson (Present, Yona)  
(Governor Appointee) Hon. Anita Sukola (Present, Tomhom)  
(Governor Appointee) Ms. Valerie Reyes (No response)  
(GBA President Appointee) Attorney Joseph McDonald (Present, Hagatna)  
(GBA President Appointee) Attorney William Brennan (Present, Hagatna)  
(Attorney General Designee) Assistant Attorney General Marianne Woloschuk (Present, Tamuning)  
(PDSC Designee) Attorney John Morrison (Present, Sinajana)  
(GPD Designee) Lt. David Brantley (no response)  
(DOC) Director Robert Camacho (no response);

Also, Present:

Andrew S. Quenga, Executive Director and Ms. Geraldine Cepeda, Compiler of Laws

Chief Justice F. Philip Cabullido, Supreme Court of Guam  
Associate Justice Robert J. Torres, Supreme Court of Guam  
Senator Frank Blas, Jr., 37<sup>th</sup> Guam Legislature  
Senator Telo Taitague, 37<sup>th</sup> Guam Legislature  
Senator San Nicolas, 37<sup>th</sup> Guam Legislature  
Senator Tom Fisher, 37<sup>th</sup> Guam Legislature  
Ms. B. Ann Keith, Administrative Hearing Officer, Judiciary of Guam  
Mr. Michael P. Quinata, Department of Corrections  
Major Antone Aguon, Department of Corrections  
Mr. John Paul Manuel  
Mr. Chirag Bhojwani  
Mr. Gerald Torres  
Mr. Ray Bonita

**II. PROOF OF DUE NOTICE OF MEETING**

Due publication of the five-day and 48-hour Notices of Meeting of the Guam Criminal and Procedure Review Commission, as required under the Open Government Law, were published in the Guam Pacific Daily News. Acknowledgements are on file.

**III. DETERMINATION OF QUORUM**

The meeting determined a quorum with a majority of Members present. Member Lt. David Brantley (Designee of GPD Chief Stephen Ignacio) joined the meeting at 12:04 pm. Member Phillip Tydingco joined the meeting at 12:07 p.m. Member Robert Camacho joined the meeting at 12:09 p.m. Member Randy Cunliffe joined the meeting at 12:11 p.m.

Chief Justice Carbullido asked that all members turn-on their video for the meeting. He then thanked Executive Director Quenga for the roll call. Due to this being the first meeting, there were no minutes to approve.

Before continuing on with the Agenda, Chief Justice recognized the presence of Senator Frank Blas, Jr., staff from Senator Dwayne San Nicolas' Office, Senator Telo Taitague, Retired Judge Elizabeth Barrett-Anderson, Retired Judge Anita Sukola, and Senator Tom Fisher. Chief Justice Carbullido thanked Senator Frank Blas, Jr. for his foresight in introducing Bill 146 which sought to create this Commission to update Titles 8 & 9 of the Guam Code Annotated. The CLRC will conduct the first complete review of Guam's Criminal Codes and Criminal Procedure Codes in nearly 50 years. Chief Justice Carbullido stated that the work of the Commission will provide the infrastructure for the modernization of Guam's Criminal Code and complement the Judiciary's separate work towards the revision of Guam's Criminal Procedural Rules. Once this Commission completes its work, a report will be prepared and sent to the Speaker of the Legislature, the Governor and Chief Justice. The Commission has a short 24-month timeline to completely review Titles 8 & 9 of the Guam Code Annotated. The Judiciary will provide the Commission all the tools necessary to get their work done on time.



Chief Justice Carbullido stated that he appointed Attorney Serge Quenga, the former Compiler of Laws as the Executive Director and Magistrate Judge Jonathan Quan, a former prosecutor and former practitioner in private practice as the Chair of the Commission, together with the Compiler of Laws, Geri Cepeda. This team from the Judiciary will provide members with the support necessary to complete their review and present recommendations to the Legislature in 24 months, hopefully before the end of the 37<sup>th</sup> Guam Legislature. The Judiciary has also provided an office for the Commission staff at the San Ramon Building.

#### **IV. NEW BUSINESS**

##### **A. Introduction of the Commission Chairman, Executive Director and Staff**

The Chief Justice thanked the Legislature and Senator Frank Blas, Jr. for entrusting the Judiciary with this very important work. He went on to introduce the chairperson of the Commission, Magistrate Judge Jonathan Quan.

Chairperson Quan thanked Chief Justice Carbullido and then addressed the members, judicial officers, senators and all in attendance. He stated that all members were sent electronic copies of the packet for today's meeting. Everything covered at the meeting is contained in the packet. He said he was grateful that all members answered the call to serve on this Commission. Moving forward with Item IV B of the Agenda, he asked the Executive Director to introduce all members and to identify the Subcommission chairpersons.

##### **B. Introduction of Commission Members and Subcommission Chairpersons**

The Executive Director introduced the 15 members of the Guam Criminal Law and Procedure Review Commission and the authorities who appointed them as shown in the presentation materials.

Executive Director Quenga indicated that under Public Law 36-119, the Chair created four Subcommissions to focus on different areas of law (Crimes Against Persons, Crimes Relating to Property, Drugs & Other Criminal Defenses, and Criminal Procedure) and the Chair named the Chairperson and members of each Subcommission as shown in the presentation materials.<sup>1</sup>

Executive Director thanked Chief Justice Carbullido for appointing him as Executive Director of the Commission and for providing facilities at the San Ramon Building. He also thanked the Administrator of the Courts Kristina Baird, Procurement & Facilities Administrator Carl Dominguez, MIS Administrator Robert Rabago and their hard working teams. He then turned the floor back to Chairperson Quan.

Chairperson Quan stated that any member may attend any other Subcommssion meeting but may not vote, only participate. He asked that members coordinate with the chairperson of that

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<sup>1</sup> During the meeting, the Executive Director misspoke on the Chair of the Subcommission on Crimes Relating to Property. The presentation slides named the correct Chair. Corrections were noted to the members concerned after the meeting.



Subcommission. Meeting dates and times will be posted on the forthcoming Commission website being developed. He stated that Chief Justice and himself welcome all members to the Commission. There being no questions thus far, Chairperson Quan moved on to agenda item IV C.

**C. Discussion of Statutory Mandates, Goals and Objectives of the Commission**

Chairperson Quan informed the attendees of the following:

Duties of the CLRC: Public Law 36-119 mandates that the CLRC review the laws that address the criminal laws and criminal procedures of Guam and recommend enactments, amendments, and repeals to *I Liheslaturan Guahan*. Specifically, the CLRC shall conduct a comprehensive and systematic review of Guam laws, including the Guam Criminal and Correctional Code codified in Title 9 and the Guam Criminal Procedure Code codified in Title 8 of the Guam Code Annotated (GCA), and other provisions in the statutory code and session laws of Guam related to criminal law or procedure. Chairperson Quan stated that in this statutory mandated review, the CLRC shall prioritize work on Title 9 first and at the conclusion of its review, the CLRC shall submit comprehensive criminal code reform recommendations to the Chief Justice, *I Maga'hagan Guahan*, and the Speaker of *I Liheslaturan Guahan*. Thereafter, the CLRC shall, subject to additional appropriations, conduct periodic reviews of Guam's criminal laws, but not less than every five years.

Reporting Requirements: Quarterly progress reports shall be submitted to the Chief Justice, *I Maga'hagan Guahan*, and the Speaker of *I Liheslaturan Guahan*. Reports are to include comprehensive criminal code reform recommendations and proposed legislation for the revision of Title 8 and Title 9 of the GCA.

**D. Presentation of the Draft Workplan**

Executive Director Quenga stated that under the draft workplan, Subcommissions will be expected to meet and timely submit progress reports and recommendations to the Plenary Commission. Subcommissions may hold virtual or in-person meetings. A CLRC website will be developed where information will be posted on updates and schedule of meetings. The packets provided for the meeting today include Public Law 36-119, GCA Title 8 & 9, Commission roster and Subcommission roster, the draft workplan, proposed dates for 2023 and today's Powerpoint slide presentation.

Executive Director Quenga went on further to explain the CLRC Subcommission Assignments with the name of the chairperson, members and title and chapter for review. The forums are included in the draft workplan for a more thorough review. Each Subcommission will focus on an area of crime and will be provided an electronic version of the template for recommended changes, if any, and also the quarterly report template. For the review process, there will be three phases: Phase 1 – First Pass (Initial Review); Phase 2 – Second Pass (Proposed Amendments); Phase 3 – Plenary Commission Review. A Final Report will be submitted by the Plenary Commission after being voted on.

**E. Tentative Meeting Dates for 2023**

Compiler of Laws Geri Cepeda went over the tentative meeting dates scheduled for 2023 which are: February 9, April 6, June 1, August 3, October 5 and December 7.

**V. Notice of Next Meeting (Thursday, February 9, 2023) Communications**

Chairperson Quan asked that the members review the packets and to email or call him, the Executive Director or the Compiler of Laws for any clarification on this discussion. He also said that next week the chairs of the Subcommissions will be contacted and will provide more information on meetings and materials needed for review. The next CLRC Plenary Commission meeting will be on Thursday, February 9, 2023 as 12:00 p.m.

**VI. Public Comment**

Chairperson Quan asked if there were any public comments. There being none, he turned over the floor to the Chief Justice.

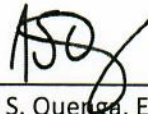
**VII. Adjournment**

In closing, the Chief Justice commented that there is a tremendous amount of work to be done and was extremely pleased with the representatives appointed by the Governor, Speaker and himself in reference to the knowledge, expertise and background. He offered to everyone that this task is possible within two years, although tedious. He asked the Executive Director to come up with statutes recently reviewed by other jurisdictions. He thanked everyone for stepping up to the plate and agreeing to participate in this undertaking which hasn't happened in over 50 years.

Chief Justice Carbullido gave Senator Frank Blas, Jr. the opportunity to give his closing comments. Senator Blas said he looked forward in the Legislature to be able to look at the recommendations to see how to improve the statues in both the procedures and crimes. He thanked everyone and said the subject matter experts are there.

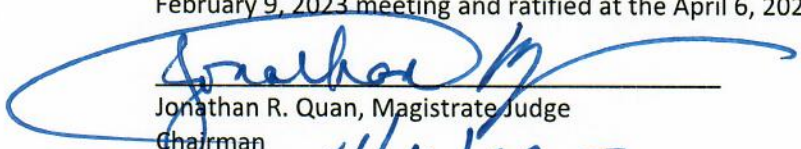
There being no other discussion, the Initial Plenary Commission Meeting of the CLRC was adjourned by Chief Justice Carbullido at 12:45 p.m.

Respectfully submitted this 9<sup>th</sup> day of February, 2023.



\_\_\_\_\_  
Andrew S. Quenga, Executive Director

As set out above, the minutes of the January 13, 2023 meeting were approved by the Commission at the February 9, 2023 meeting and ratified at the April 6, 2023 meeting.



\_\_\_\_\_  
Jonathan R. Quan, Magistrate Judge  
Chairman

Dated: 4/12/23





# JUDICIARY OF GUAM

GUAM JUDICIAL CENTER  
120 WEST O'BRIEN DRIVE, HAGÁTÑA, GUAM 96910-5174



**F. PHILIP CARBULLIDO**  
Chief Justice

**ALBERTO C. LAMORENA III**  
Presiding Judge

**KRISTINA L. BAIRD**  
Administrator of the Courts

**GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION  
INITIAL PLANNING AND ORGANIZATIONAL MEETING  
FRIDAY, JANUARY 13, 2023 | 12:00 PM  
GUAM JUDICIAL CENTER  
AND VIA VIDEOCONFERENCE**

**AGENDA**

**I. CALL TO ORDER**

- II. PROOF OF DUE NOTICE OF MEETING:** January 6, 2023  
January 11, 2023

**III. DETERMINATION OF QUORUM**

**IV. NEW BUSINESS**

- A. Introduction of the Commission Chairman, Executive Director and Staff.
- B. Introduction of Commission Members and Subcommittee Chairpersons.
- C. Discussion of Statutory Mandates, Goals and Objectives of the Commission
- D. Presentation of the Draft Work Plan
- E. Tentative Meeting Dates for 2023
- F. Notice of Next Meeting: Thursday, February 9, 2023, Noon (Tentative)

**V. COMMUNICATIONS**

**VI. PUBLIC COMMENT**

**VII. ADJOURNMENT**

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN  
OFFICE OF THE GOVERNOR OF GUAM

**Transmitted via email to: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)**

November 9, 2022

**HONORABLE THERESE M. TERLAJE**

*Speaker*

*I Mina'trentai Sais Na Liheslaturan Guåhan*

36<sup>th</sup> Guam Legislature  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

**Re: BILL NO. 311-36 (COR) - AN ACT TO ADD A NEW CHAPTER 25 TO TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION FOR THE PURPOSE OF UPDATING TITLE 8 AND TITLE 9 OF THE GUAM CODE ANNOTATED**

*Hafa Adai* Madame Speaker,

A person is not excused from complying with the law simply because they are not aware of the law. This near-universal principle of jurisprudence is captured in the ancient Latin maxim, “ignorantia legis neminem excusat,” translated as “ignorance of law excuses no one.” It imputes knowledge of all laws to all persons within the jurisdiction in which such laws apply. A natural corollary to this principle is that laws must be issued and accessible by ordinary means, that they are effectuated and enforced with a sufficient notice period, and that they are clear, consistent and complete.

In recognition of the government’s obligation to regularly update, modernize, and reconcile its laws, legislatures across the country have engaged in efforts to comprehensively rewrite their criminal code. Last year, the State of Hawaii passed a bill to modernize its criminal justice system, citing concerns such as mass incarcerations and a burgeoning pretrial detained population. In recent months, the District of Columbia began conducting hearings on the proposed revision of its 120-year-old criminal code, a draft that took sixteen (16) years to complete.

Like much of Guam law, our criminal code originated during the Naval Government. In the fifty (50) or so intervening years, specific statutes within the code have been amended or repealed,

To: Speaker Terlaje  
Fr: Governor of Guam  
Date: November 9, 2022  
Re: Bill No. 311-36 (COR)

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resulting in a patchwork of laws that are not always clearly stated or internally consistent. Other laws are simply antiquated, and do not reflect the mores and conventions of modern Guam society.

Bill No. 311-36 authorizes the formation and seed funding of the Guam Criminal Law and Procedure Review Commission, which will be tasked with comprehensive review of Guam's substantive criminal law scheme. Led by the Judiciary of Guam, the Commission will be composed of key stakeholders including the Office of the Attorney General, the Public Defender Service Corporation, law enforcement agencies, and public members, and will ultimately provide substantive recommendations to the Legislature for substantial revisions to the criminal code. The Bill further contemplates periodic reviews moving forward, ensuring more consistent reconciliation of these laws and preventing the need for substantial upheaval.

Without question, this bill is long overdue. I thank Chief Justice F. Philip Carbullido for his leadership in this significant endeavor, and I look forward to the Commission's recommendations. I hereby sign Bill No. 311-36 into law as ***Public Law No. 36-119***.

*Senseremente,*



**LOURDES A. LEON GUERRERO**

*Maga'hågan Guåhan*  
Governor of Guam

Enclosure: Bill No. 311-36 (COR) - nka *P.L. No. 36-119*

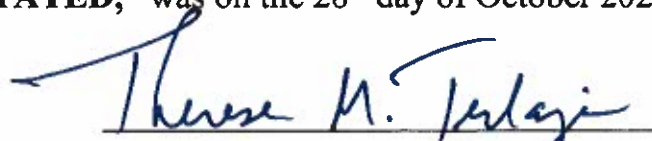
cc via email: *Honorable Lourdes A. Leon Guerrero, Governor of Guam*  
Compiler of Laws




*I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN*  
2022 (SECOND) Regular Session

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

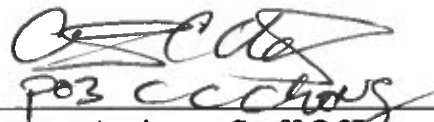
This is to certify that **Bill No. 311-36 (COR)**, “AN ACT TO *ADD A NEW CHAPTER 25 TO TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION FOR THE PURPOSE OF UPDATING TITLE 8 AND TITLE 9 OF THE GUAM CODE ANNOTATED,*” was on the 28<sup>th</sup> day of October 2022, duly and regularly passed.

  
Therese M. Terlaje  
Speaker

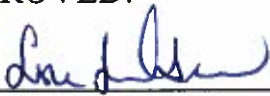
Attested:

  
Amanda L. Shelton  
Legislative Secretary

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This Act was received by *I Maga'hågan Guåhan* this 28<sup>TH</sup> day of Oct.,  
2022, at 6:19 o'clock P.M.

  
Assistant Staff Officer  
*Maga'håga's Office*

APPROVED:

  
Lourdes A. Leon Guerrero  
*I Maga'hågan Guåhan*

Date: 11/09/2022

Public Law No. 36-119

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUAHAN***  
**2022 (SECOND) Regular Session**

**Bill No. 311-36 (COR)**

As amended by the Committee on General  
Government Operations, Appropriations, and Housing;  
and further amended in the Committee of the Whole.

Introduced by:

Frank Blas Jr.  
Joe S. San Agustin  
Therese M. Terlaje  
Joanne Brown  
Telo T. Taitague  
Tina Rose Muna Barnes  
Sabina Flores Perez  
Clynton E. Ridgell  
Mary Camacho Torres  
V. Anthony Ada  
Christopher M. Dueñas  
James C. Moylan  
Telena Cruz Nelson  
Amanda L. Shelton  
Jose "Pedo" Terlaje

**AN ACT TO *ADD* A NEW CHAPTER 25 TO TITLE 1,  
GUAM CODE ANNOTATED, RELATIVE TO  
ESTABLISHING A GUAM CRIMINAL LAW AND  
PROCEDURE REVIEW COMMISSION FOR THE  
PURPOSE OF UPDATING TITLE 8 AND TITLE 9 OF  
THE GUAM CODE ANNOTATED.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that it has been nearly fifty (50) years since the last comprehensive review of Guam's  
4 laws on crimes and criminal procedure through the work of the Guam Law Revision  
5 Commission created by Public Law 12-93 (1974). The work of the Law Revision



1 Commission resulted in the enactment of Public Law 13-185, which established the  
2 Criminal and Correctional Code (1976); Public Law 13-186, which established the  
3 Criminal Procedure Code (1976); and Public Law 13-187, which amended existing  
4 Guam laws to conform with the terminology of the two (2) newly-adopted codes  
5 (1976). In 1980, the Fifteenth (15<sup>th</sup>) Guam Legislature adopted the new Guam Code  
6 Annotated (GCA) as Guam's statutory code, establishing Title 8 of the GCA as the  
7 Criminal Procedure Code, and Title 9 of the GCA as the Criminal and Correctional  
8 Code.

9 *I Liheslaturan Guåhan* further finds that since the comprehensive review of  
10 the Guam Law Revision Commission, the amendments, additions, and repeals of  
11 Guam's criminal laws have been on a piecemeal basis, and as a result, the laws and  
12 procedures used to prosecute criminal behavior may, in some cases, be unnecessary,  
13 unclear, duplicative, overly broad, or otherwise, insufficient to serve the purpose of  
14 the law.

15 Since this review, there have been amendments to 48 U.S.C. § 1421 et seq. of  
16 the Organic Act of Guam to recognize the authority of the Supreme Court of Guam  
17 as a separate and co-equal branch of the government of Guam, and to give the  
18 Supreme Court the authority to “make and promulgate rules governing the  
19 administration of the judiciary and the practice and procedure in the courts of the  
20 judicial branch of Guam[.]” [48 U.S.C.A. § 1424-1(a)(6)].

21 Therefore, it is the intent of this legislation to create a commission composed  
22 of key stakeholders and experts to review the laws that address the criminal  
23 procedures and criminal laws of Guam and to recommend enactments, amendments  
24 and repeals to *I Liheslaturan Guåhan* for action.

25 **Section 2.** A new Chapter 25 is *added* to Title 1, Guam Code Annotated, to  
26 read:

27 **“CHAPTER 25**

1 **GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION**

2 § 25.01. Short Title.

3 § 25.02. Establishment; No Derogation of Organic Act Authority.

4 § 25.03. Duties and Responsibilities.

5 § 25.04. Composition.

6 § 25.05. Executive Director.

7 § 25.06. Meetings.

8 § 25.07. Reporting Requirements.

9 § 25.08. Administrative Support.

10 **§ 25.01. Short Title.**

11 This Act shall be known as the *Guam Criminal Law and Procedure Review*  
12 *Commission Act.*

13 **§ 25.02. Establishment; No Derogation of Organic Act Authority.**

14 (a) There is created the Guam Criminal Law and Procedure Review  
15 Commission (Commission) to review the laws that address the criminal procedures  
16 and criminal laws of Guam; and to recommend enactments, amendments, and  
17 repeals to *I Liheslaturan Guåhan* for action.

18 (b) Neither this Act, nor the duties and responsibilities of the Commission  
19 established here, shall derogate, limit, or circumvent the authority of the Supreme  
20 Court of Guam to make and promulgate rules governing the administration of the  
21 judiciary and the practice and procedure in the courts of the judicial branch of Guam  
22 granted by 48 U.S.C.A. § 1424-1(a)(6).

23 **§ 25.03. Duties and Responsibilities.**

24 (a) The Commission shall conduct a comprehensive and systematic review  
25 of Guam laws, including the Guam Criminal Procedure Code codified in Title 8 of  
26 the Guam Code Annotated (GCA), the Guam Criminal and Correctional Code  
27 codified in Title 9 of the GCA, and other provisions in the statutory code and session



1 laws of Guam relating to criminal law or procedure.

2 (b) In preparing the criminal code reform recommendations required by  
3 Subsection (a) of this Section, the Commission may:

4 (1) review criminal codes and code reform efforts in other  
5 jurisdictions, the American Law Institute Model Penal Code, including  
6 recently proposed amendments, and other criminal law resources;

7 (2) consult with other Guam, federal, and state departments and  
8 agencies, conduct community outreach, and engage in other activities to  
9 advance the Commission's statutory duties; and

10 (3) prioritize the review of Title 9.

11 (c) At the conclusion of its review, the Commission shall submit  
12 comprehensive criminal code reform recommendations to the Chief Justice of the  
13 Supreme Court of Guam, *I Maga'hågan Guåhan*, and the Speaker of *I Liheslaturan*  
14 *Guåhan* within twenty-four (24) months of the initial meeting described in § 25.06  
15 of this Chapter.

16 (d) The Commission may contract for any professional services if such  
17 services cannot be satisfactorily performed by its employees.

18 (e) The Commission shall study and report on any relevant topic which *I*  
19 *Liheslaturan Guåhan*, by resolution, shall refer to the Commission for action.

20 (f) After completion of the review and submission of the recommendations  
21 required in this Section, the Commission shall, subject to additional appropriations  
22 by *I Liheslaturan Guåhan*, conduct periodic reviews, but not less than every five (5)  
23 years, of Guam's criminal laws under the provisions set forth in this Chapter to  
24 recommend amendments or repeals to bring the criminal laws of Guam into harmony  
25 with modern conditions.

26 **§ 25.04. Composition.**

27 (a) The Commission shall be composed as follows:

1           (1) three (3) members appointed by the Chief Justice, of whom one  
2 (1) shall be a member of the general public with experience and interest in the  
3 services provided by community-based and public interest organizations  
4 relating to the criminal justice system;

5           (2) three (3) members appointed by *I Maga'hågan Guåhan*, of whom  
6 one (1) shall be a member of the general public with experience and interest  
7 in the services provided by community-based and public interest  
8 organizations relating to the criminal justice system;

9           (3) three (3) members appointed by the Speaker of *I Liheslaturan*  
10 *Guåhan*, of whom one (1) shall be a member of the general public with  
11 experience and interest in the services provided by community-based and  
12 public interest organizations relating to the criminal justice system, and may  
13 hold a degree in Human Services or a related field, including the Social  
14 Sciences;

15           (4) the Attorney General of Guam, or his or her designee;

16           (5) the Executive Director of the Public Defender Service  
17 Corporation, or his or her designee;

18           (6) the Chief of the Guam Police Department, or his or her designee;

19           (7) the Director of the Department of Corrections, or his or her  
20 designee;

21           (8) the Compiler of Laws, who shall serve as an ex-officio non-  
22 voting member; and

23           (9) the Executive Director of the Commission, who shall serve as an  
24 ex-officio non-voting member.

25           (10) two (2) members of the Guam Bar Association appointed by the  
26 President of the Guam Bar Association.

27 (b) As a result of their participation in the Commission, members shall not



1 be subject to legislative confirmation, and shall not be subject to the public official  
2 reporting requirements in 4 GCA, Chapter 13.

3 (c) Commission members shall be appointed or designated within sixty  
4 (60) days of enactment of this Chapter, and shall serve until the submission of the  
5 report described in § 25.07 of this Chapter, unless replaced by the appointing or  
6 designating authority. Any vacancy in Commission membership shall be filled  
7 expeditiously by the appointing or designating authority, so as to not impede the  
8 work of the Commission.

9 (d) The Chair of the Commission shall be an appointee of the Chief Justice,  
10 and shall be a judicial officer.

11 (e) The Chair of the Commission shall have the authority to create different  
12 subcommittees from among its members to focus on different areas of law and to  
13 report back to the entire Commission on findings and recommendations, and the  
14 Chair of the Commission shall appoint a chairperson for each subcommittee.

15 (f) The appointees in this Section who are employees of any branch of the  
16 government of Guam may participate in the duties and responsibilities of the  
17 Commission if such participation is compatible with the ethical duties of their  
18 respective offices and positions.

19 **§ 25.05. Executive Director.**

20 (a) There is created the position of Executive Director of the Commission,  
21 who shall be responsible for and oversee the operations of the Commission; develop  
22 and institute internal policies, procedures, and processes to ensure efficient  
23 operations; and assume such duties and responsibilities as delegated and assigned by  
24 the Commission.

25 (b) In addition to any other qualifications which may be established, the  
26 Executive Director shall be an attorney licensed to practice in Guam; and shall be in  
27 good standing in every jurisdiction where he or she is licensed to practice law.

1 (c) The Executive Director shall be appointed by the Chief Justice, and  
2 shall be a full-time, unclassified employee of the Judiciary compensated and subject  
3 to removal in accordance with Judiciary of Guam Personnel Rules and Regulations  
4 adopted and promulgated by the Judicial Council, and shall be administratively  
5 supported by the Judiciary.

6 (d) In the exercise of his or her responsibilities under this Chapter, the  
7 Executive Director may:

8 (1) work closely with the Compiler of Laws in all aspects of  
9 searching and researching the GCA and the laws of Guam;

10 (2) request and utilize the services of any bar association, legislative  
11 committee, legislative office, profession, or other organization in any matter  
12 suitable for fulfilling the purposes of this Chapter;

13 (3) have access to any legislative, executive, or judicial reports,  
14 opinions, orders, or documents necessary to carry out the purposes of this  
15 Chapter; and

16 (4) conduct meetings, formal or informal, with attorneys,  
17 representatives from government entities, private sector businesses,  
18 community-based organizations, and others interested in the results and work  
19 of the Commission.

20 **§ 25.06. Meetings.**

21 (a) Initial Meeting. The Commission shall hold an initial planning and  
22 organizational meeting within thirty (30) days of the appointment of the Executive  
23 Director. Thereafter, the Commission shall hold regular meetings as necessary to  
24 fulfill the statutory responsibilities of the Commission.

25 (b) Plenary Meetings. The Commission shall hold a plenary meeting,  
26 consisting of all members of the Commission, at least once every six (6) months.

27 (1) A majority of all Commission members shall constitute a quorum

1 for a plenary meeting.

2 (2) A formal vote on the recommendations in the final report under  
3 § 25.07(b) of this Chapter shall be conducted only during plenary meetings.

4 (3) A recommendation must receive at least eight (8) votes in favor  
5 in a plenary meeting to be included in the final report under § 25.07(b).

6 (4) Plenary meetings shall be subject to the Open Government  
7 Law, codified at 5 GCA Chapter 8.

8 (5) Plenary meetings shall be scheduled by the Chair of the  
9 Commission.

10 (c) Subcommittee Meetings. Members of subcommissions shall meet  
11 regularly to fulfill the statutory duties of the Commission.

12 (1) Subcommittee meetings shall serve as working sessions for  
13 members to conduct discussions to further the Commission's duties and  
14 responsibilities under § 25.03 of this Chapter. A subcommission shall prepare  
15 its findings and recommendations, and present them to the entire Commission  
16 for consideration.

17 (2) Subcommittee meetings shall not be subject to the Open  
18 Government Law, codified at 5 GCA, Chapter 8.

19 (3) There is no quorum requirement for subcommission meetings.

20 (4) Subcommittee meetings may be scheduled by the Chair of the  
21 Commission, the Executive Director, or a subcommission chairperson.

22 (d) Commission meetings may be conducted in-person or virtually, and  
23 members may attend in-person, by videoconference, or by teleconference.

24 **§ 25.07. Reporting Requirements.**

25 (a) Progress Reports. The Commission shall submit progress reports to the  
26 Chief Justice, *I Maga'hāgan Guāhan*, and the Speaker of *I Liheslaturan Guāhan*  
27 each quarter; and these reports shall be a summary of Commission activities during



1 the prior quarter.

2 (b) Final Report. The Commission shall submit comprehensive criminal  
3 code reform recommendations as required by § 25.03(c) of this Chapter, which shall  
4 include proposed legislation for the revision of Title 8 and Title 9 of the GCA, and  
5 other provisions in the statutory code relating to criminal law and procedure. The  
6 report and proposed legislation should:

7 (1) use clear and plain language;

8 (2) apply consistent definitions;

9 (3) describe all elements, including mental states, that must be  
10 proven;

11 (4) reduce unnecessary overlap and gaps between criminal offenses;

12 (5) eliminate archaic and unused offenses;

13 (6) adjust penalties, fines, and the gradation of offenses to provide  
14 for proportionate penalties;

15 (7) organize existing criminal statutes in a logical order;

16 (8) identify any crimes defined in common law that should be  
17 codified, and propose recommended language for codification;

18 (9) identify criminal statutes held to be unconstitutional and  
19 recommend their removal or amendment;

20 (10) propose such other amendments as the Commission believes are  
21 necessary; and

22 (11) articulate specific steps for implementing the recommendations.

23 **§ 25.08. Administrative Support.**

24 (a) Administrative support for the Commission shall be provided through  
25 the Judiciary of Guam for any assistance required by the Commission, or hearing to  
26 be held under this Chapter.

27 (b) The Judiciary shall provide technical, clerical, and administrative

1 support to the Commission. In exercising the responsibilities in this Chapter, the  
2 Judiciary may:

- 3 (1) accept grants, contributions, and appropriations;
- 4 (2) employ such professional or clerical staff as necessary for the  
5 operations of the Commission, under the Personnel Rules and Regulations of  
6 the Judicial Branch promulgated by the Judicial Council; and
- 7 (3) enter into contracts as necessary for the operations of the  
8 Commission, under the law and the rules and regulations promulgated by the  
9 Judicial Council.

10 (c) The Office of the Compiler of Laws shall provide technical and other  
11 assistance to the Commission, to the extent such assistance does not conflict with  
12 the duties of the Compiler of Laws as set forth in 1 GCA, Chapter 16 and Judiciary  
13 of Guam Personnel Rules and Regulations. The Compiler of Laws shall ensure that  
14 assistance provided to the Commission does not conflict with his or her duties to the  
15 Guam Code Advisory Commission under 1 GCA, Chapter 16, § 1611.”

16 **Section 3. Funding.** There is appropriated Two Hundred Fifty Thousand  
17 Dollars (\$250,000) from the Audited Fiscal Year 2022 General Fund surplus balance  
18 to carry out the purposes of this Act.

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

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

## Guam Criminal Law and Procedure Review Commission Members

|  | Email  | Phone Number |
|--|--|--------------|
| <b>Chief Justice Appointees</b>                |  |              |
| Magistrate Judge Jonathan Quan                 | jq13.144@gmail.com<br>jrquan@guamcourts.org              |              |
| Attorney F. Randall Cunliffe                   | cclaw3@teleguam.net                                      |              |
| Mr. Monty McDowell                             | monty.mcdowell@amiguam.com                               |              |
| <b>Governor Appointees</b>                     |  |              |
| Judge Elizabeth Barrett-Anderson               | elanderson@aol.com                                       |              |
| Judge Anita A. Sukola                          | rixsukola@gmail.com                                      |              |
| Ms. Valerie Reyes (Lighthouse Recovery Center) | valerie.reyes@usw.salvationarmy.org                      |              |
| <b>Speaker Appointees</b>                      |  |              |
| Attorney Christine Tenorio                     | tenorio.cms@gmail.com<br>cstenorio@gdoe.net              |              |
| Attorney Phillip Tydingco                      | phillitydingco@yahoo.com                                 |              |
| Attorney Michael Phillips                      | kotla671@yahoo.com                                       |              |
| <b>GBA President Appointees</b>                |  |              |
| Attorney Joseph McDonald                       | jbernard@mcdonald.law                                    |              |
| Attorney William Brennan                       | wbrennan@arriolafirm.com                                 |              |
| <b>Attorney General of Guam</b>                |  |              |
| AAG Marianne Woloschuk                         | mwoloschuk@oagguam.org                                   |              |
| <b>Public Defender Service Corp.</b>           |  |              |
| Director Stephen Hattori                       | sphattori@gmail.com<br>sphattori@guampdsc.org            |              |
| <b>Guam Police Department</b>                  |  |              |
| Chief Stephen Ignacio                          | stephen.ignacio@gpd.guam.gov<br>susan.reyes@gpd.guam.gov |              |
| <b>Department of Corrections</b>               |  |              |
| Director Robert Camacho (Primary)              | robert.camacho@doc.guam.gov                              |              |
| Major Antone F. Aguon (Alternate)              | antone.aguon@doc.guam.gov                                |              |
| Mr. Mark T. Perez (2 <sup>nd</sup> Alternate)  | mark.perez@doc.guam.gov                                  |              |
| Chief Michael Quinata (Parole, Alternate)      | michael.quinata@doc.guam.gov                             |              |
| <b>Ex Officio Members</b>                      |  |              |
| Executive Director Andrew Serge Quenga         | aquenga@guamcourts.org                                   | 671.475.3278 |
| Compiler of Laws Geraldine Cepeda              | gcepeda@guamcourts.gov                                   | 671.477.7623 |



**Criminal Law and Procedure Revision Commission**  
**Draft Work Plan**  
**Ver. 1.13.23**

**I. Criminal Law and Procedure Revision Commission (CLRC) Mandate**

A. Duties and Responsibilities of the CLRC

The CLRC is mandated to review the laws that address the criminal procedures and criminal laws of Guam and to recommend enactments, amendments, and repeals to of *I Liheslaturan Guåhan*. More specifically, the CLRC shall conduct a comprehensive and systematic review of Guam laws, including the Guam Criminal Procedure Code codified in Title 8 of the Guam Code Annotated (GCA), the Guam Criminal and Correctional Code codified in Title 9 of the GCA, and other provisions in the statutory code and session laws of Guam relating to criminal law or procedure.

In this statutorily mandated review, the CLRC shall prioritize work on Title 9 GCA.

At the conclusion of its review, the CLRC shall submit comprehensive criminal code reform recommendations to the Chief Justice, *I Maga'hagan Guåhan*, and the Speaker of *I Liheslaturan Guåhan*. Thereafter, the CLRC shall, subject to additional appropriations, conduct periodic reviews of Guam's criminal laws, but not less than every five (5) years.

B. Reporting requirements

1. Quarterly Progress reports submitted to the Chief Justice, *I Maga'hagan Guåhan*, and the Speaker of *I Liheslaturan Guåhan*.

2. Comprehensive criminal code reform recommendations as required by 1 GCA § 25.03(a), which shall include proposed legislation for the revision of Title 8 and Title 9 of the GCA, and other provisions in the statutory code relating to criminal law and procedure.

**II. Draft Work Plan**

A. Subcommissions

The comprehensive review and reform of Guam's criminal laws will be managed through the following subcommissions:

1. Crimes Against Persons
2. Crimes Relating to Property
3. Drug and Other Criminal Crimes
4. Criminal Procedure

Each subcommission will be responsible for reviewing specific chapters of the GCA, as assigned by the Chair. See Attachment A (Subcommission assignments). The entire GCA, in Word and pdf format, will be provided to all members.

A subcommission may hold virtual or in-person meetings, and its work will be guided by the process detailed below in Part B (Review Process). Spreadsheets will be provided to assist in tracking the review of each chapter and provision. See Attachment B (Title 9 list). Each

subcommission is expected to regularly provide progress reports to entire CLRC (hereinafter “Plenary Commission”). See Attachment C (Subcommission report template). These subcommission reports will be used in preparing for quarterly reports mandated by 1 GCA § 25.07(a).

## B. Review Process

### **Phase 1. First Pass**

Subcommission shall conduct an initial review of existing statutes. In this Phase 1, PL 36-119 contemplates that Members will base their review of Guam criminal statutes on the Model Penal Code and U.S. jurisdictions with recently reformed or revised criminal codes such as Hawaii and the District of Columbia where recent revisions have been done. Commission staff will provide members with copies of relevant sections of laws from those authorities. Members may also reach out to local and federal agencies, conduct community outreach and engage in similar activity in considering changes to existing criminal laws.

Specifically, the subcommission should identify provisions that are:

- Archaic or unused.
- Have been found to be unconstitutional or inorganic.
- Address common law offenses.
- Contain outdated language.

After the initial review, the subcommission may make the following recommendations for each provision:

- No change. These provisions do not require any amendment.
- Repeal. These should be removed from the GCA. Examples for recommending repeal may include: a statute being found unconstitutional or inorganic, contradictory or duplicative of other statutes, common law, and other reasons.
- Amend. These provisions should remain in the GCA, but requires amending language. Recommendations for amendment would proceed to Phase 2, Second Pass.

The subcommission should provide reasons for its recommendation, which would be memorialized in a Subcommission Report submitted to the Plenary Commission.

### **Phase 2. Second Pass**

Provisions that a subcommission recommends for amendments would proceed to the Phase 2, which calls for close and critical scrutiny.

First, the subcommission would consider the factors set forth in 1 GCA § 25.07(b). That is, the subcommission should examine existing provisions to determine whether they:

- Use clear and plain language
- Apply consistent definitions
- Describe all elements, including mental states, that must be proven

- Provide for proportionate penalties

Second, the subcommission would progress intensive review and craft amendatory language. Changes should be recorded in the corresponding Excel spreadsheet. Each subcommission should maintain records of its discussions and work product. The subcommission will be provided with the Word versions of the GCA, in order to indicate the proposed changes (redline or “track changes” format) for inclusion in the Subcommission Report. When making proposed changes, the subcommission should use the naming guidance provided. See Attachment D (Document Naming Guide).

At the conclusion of Phase 2 review, the Subcommission would recommend proposed language to:

- Amend, with changes reflected in redline; or
- Reorganize, within Title 9 or another GCA Title, Chapter, or Article.

Recommendations should be memorialized in a Subcommission Report submitted to the Plenary Commission.

### **Phase 3. Plenary Commission Approval**

Subcommissions present their recommendations at Plenary Commission meetings for discussion and comment. The voting members of the Plenary Commission will determine whether to accept the recommendations as-is, or continue to work on the recommendation, for example, to respond to comments and suggestions raised by other members. Recommendations that have been accepted will move into a “voting file” that would be acted upon at the conclusion of all the subcommission’s work or at the end of the 24-month period.

## **III. Tentative Meetings for 2023**

Tentative meetings dates for 2023:

- Plenary Meeting 1                      February 9
- Plenary Meeting 2                      April 6
- Plenary Meeting 3                      June 1
- Plenary Meeting 4                      August 3
- Plenary Meeting 5                      October 5
- Plenary Meeting 6                      December 7

The Plenary Commission meets every 1st Thursday, every other month, to hear recommendations from subcommissions.

## **IV. Committee Roster and Contact Information**

The names, titles, contact information (including email, office phone, mobile phone, etc.) will be provided. Members are requested to provide information for any other person who should be copied in communications.



Attachment A

Criminal Law and Procedure Revision Commission  
Subcommission Assignments

1. Crimes Against Persons

Chair: Attorney Joseph McDonald

Members: GPD Chief Steve Ignacio, Attorney Stephen Hattori, Compiler Geri Cepeda

Review: Title 9, Chapters 16, 19, 25 and others

2. Crimes Relating to Property

Chair: Attorney Phil Tydingco

Members: Attorney Randy Cunliffe, Mr. Monty McDowell, Attorney William (Bucky) Brennan

Review: Title 9, Chapters 34, 43, 37, and others

3. Drug and Other Criminal Offenses

Chair: Hon. Elizabeth Barrett-Anderson

Members: Attorney Mike Phillips, Attorney Christine Tenorio, DOC Director Robert Camacho, Ms. Valerie Reyes

Review: Title 9, Chapter 67 and others

4. Criminal Procedure

Chair: Hon. Anita A. Sukola

Members: Asst. Attorney General Marianne Woloschuk, Executive Director Serge Quenga

Review: Title 8

## Attachment B

### Criminal Law and Procedure Revision Commission

#### Title 9 list

| Chapter number | Chapter and Article name                         | Section numbers     |
|----------------|--|---------------------|
| 1              | Preliminary Provisions. Definitions.             |                     |
|                | Article 1. Preliminary Provisions; Construction. | §§ 1.10-1.50        |
|                | Article 2. Definitions.                          | §§ 1.60-1.80        |
| 2              | n/a  |                     |
| 3              | n/a  |                     |
| 4              | General Principles of Liability.                 | §§ 4.10-4.80        |
| 5              | n/a  |                     |
| 6              | n/a  |                     |
| 7              | Exemptions and Defenses.                         |                     |
|                | Article 1. Exemptions.                           | § 7.10              |
|                | Article 2. Mental Responsibility.                | §§ 7.16-7.52        |
|                | Article 3. Defenses.                             | §§ 7.55-7.73        |
|                | Article 4. Justification.                        | §§ 7.76-7.98        |
|                | Article 5. Castle Doctrine Act.                  | §§ 7.111-7.113      |
| 8              | n/a  |                     |
| 9              | n/a  |                     |
| 10             | n/a  |                     |
| 11             | n/a  |                     |
| 12             | n/a  |                     |
| 13             | Attempt, Solicitation, Conspiracy.               | §§ 13.10-13.60      |
| 14             | n/a  |                     |
| 15             | n/a  |                     |
| 16             | Criminal Homicide.                               | §§ 16.10-16.60      |
| 17             | Unborn Victims of Violence Act.                  | §§ 17.01- 17.10     |
| 18             | n/a  |                     |
| 19             | Assault, Reckless Endangering, Terrorizing.      | §§ 19.10-19.70      |
| 20             | n/a  |                     |
| 21             | n/a  |                     |
| 22             | Kidnapping and Related Offenses.                 | §§ 22.10-22.60      |
| 23             | n/a  |                     |
| 24             | n/a  |                     |
| 25             | Sexual Offenses.                                 | §§ 25.10-25.45      |
| 25A            | Solicitation of Children and Child Pornography.  |                     |
|                | Article 1. Electronic Display and Enticement.    | §§ 25A101 – 25A0105 |
|                | Article 2. Child Pornography.                    | §§ 25A201 - 25A204  |
| 26             | Human Trafficking and Criminal Exploitation.     |                     |
|                | Article 1. Prosecution.                          | §§ 26.01 - 26.09    |
|                | Article 2. Prevention of Trafficking.            | §§ 26.20 - 26.24    |
|                | Article 3. Protection of Victims.                | §§ 26.30 - 26.41    |
| 27             | n/a  |                     |
| 28             | Public Indecency.                                |                     |
|                | Article 1. Prostitution.                         | §§ 28.10-28.35      |
|                | Article 2. Obscenity and Related Offenses.       | §§ 28.40-28.102     |
| 29             | n/a  |                     |
| 30             | Family Violence.                                 | §§ 30.10-30.300     |
| 31             | Offenses Against the Family.                     | §§ 31.10-31.70      |

|    |   |                  |
|----|---|------------------|
| 32 | Financial Exploitation of the Ederly and Individuals with Disabilities.         | §§ 32.10-32.50.  |
| 33 | n/a   |                  |
| 34 | Arson, Negligent Burning, Criminal Mischief.                                    | §§ 34.10-34.90   |
| 35 | n/a   |                  |
| 36 | n/a   |                  |
| 37 | Burglary and Home Invasion.   |                  |
|    | Article 1. Burglary.  | §§37.10-37.40    |
|    | Article 2. Home Invasion.   | §§ 37.80-37-110  |
|    | Article 3. Carjacking.  | §§ 37.310-37.360 |
| 38 | n/a   |                  |
| 39 | n/a   |                  |
| 40 | Robbery.  | §§ 40.10-40.50   |
| 41 | n/a   |                  |
| 42 | n/a   |                  |
| 43 | Theft and Related Offenses.   |                  |
|    | Article 1. Definitions.   | §§ 43.10-43.74   |
|    | Article 2. Retail Theft.  | §§ 43.80-43.95   |
|    | Article 3. Anti-Skimming Act.   | §§ 43.96 - 43.99 |
| 44 | n/a   |                  |
| 45 | n/a   |                  |
| 46 | Forgery, Fraudulent Practices and Telephone Records.                            |                  |
|    | Article 1. Forgery and Fraudulent Practices.                                    | §§ 46.10-46.80   |
|    | Article 2. Telephone Records; Obtaining, Selling, or Receiving Without Consent. | §§ 46.90-46-94   |
|    | Article 3. Mortgage Fraud.  | §§ 46.100-46.104 |
|    | Article 4. Anti-Phishing Act.   | §§ 46.400-46.407 |
|    | Article 5. Computer Protection Act.   | §§ 46.500-46.507 |
|    | Article 6. Computer Spyware Protection Act.                                     | §§ 46.601-46.608 |
| 47 | Trademark Counterfeiting Act.   | §§ 47.10-47.80   |
| 48 | Notification of Breaches of Personal Information.                               | §§ 48.10-48.80   |
| 49 | Governmental Bribery, Other Unlawful Influence and Related Offenses.            | §§ 49.10-49.90   |
| 50 | n/a   |                  |
| 51 | n/a   |                  |
| 52 | Perjury and Offense Against the Integrity of Official Proceedings.              | §§ 52.10-52.65   |
| 53 | n/a   |                  |
| 54 | n/a   |                  |
| 55 | Interference With Government Operations and Law Enforcement.                    | §§ 55.10-55.65   |
| 56 | n/a   |                  |
| 57 | n/a   |                  |
| 58 | Escape and Related Offenses.  | §§ 58.10-58.60   |
| 59 | n/a   |                  |
| 60 | n/a   |                  |
| 61 | Riot, Disorderly Conduct and Related Offenses.                                  | §§ 61.10-61.70   |

|    |  |                       |
|----|--|-----------------------|
| 62 | n/a  |                       |
| 63 | n/a  |                       |
| 64 | Gambling.  |                       |
|    | Article 1. Gambling Generally.   | §§ 64.10-64.22        |
|    | Article 2. Authorized Activities.  | §§ 64.30-64.70        |
| 65 | n/a  |                       |
| 66 | n/a  |                       |
| 67 | Guam Uniform Controlled Substances Act.  |                       |
|    | Article 1. Definitions.  | §§ 67.101             |
|    | Article 2. Standards and Schedules.  | §§ 67.201-67.214      |
|    | Article 3. Regulation of Manufacture, Distributions and Dispensing of Controlled Substances. | §§ 67.301-67.309      |
|    | Article 4. Offenses and Penalties.   | §§ 67.401.1- 67.414.1 |
|    | Article 4A. Use of a Minor in a Drug Operation.  | §§ 67.4A01-67.4A07    |
|    | Article 5. Enforcement and Administrative Provisions.  | §§ 67.501-67.508      |
|    | Article 6. Importation and Exportation.  | §§ 67.600-67.608      |
|    | Article 7. Miscellaneous.  | §§ 67.701-67.708      |
|    | Article 8. Salvia Divinorum.   | § 67.801 [Repealed]   |
| 68 | n/a  |                       |
| 69 | Antitrust Law.   | §§ 69.10-69.70        |
| 70 | Miscellaneous Crimes.  |                       |
|    | Article 1. Protecting Animal Welfare and Safety (PAWS) Act (Pugua's Law).                    | §§ 70.10-70.85        |
|    | Article 2. Discrimination in Housing Accommodations.   | §§ 70.210-70.270      |
|    | Article 3. The Guam Social Host Act.   | §§ 70.310-70.330      |
|    | Article 4. Miscellaneous Criminal Offenses.  | § 70.410-70.450       |
| 71 | The Guam Gun-Free School Zone Act of 2004.   | §§ 71.10-71.90        |
| 72 | n/a  |                       |
| 73 | n/a  |                       |
| 74 | n/a  |                       |
| 75 | n/a  |                       |
| 76 | n/a  |                       |
| 77 | n/a  |                       |
| 78 | n/a  |                       |
| 78 | n/a  |                       |
| 80 | Disposition of Offenders.  |                       |
|    | Article 1. General Provisions.   | §§ 80.00-80.22        |
|    | Article 2. Imprisonment.   | §§ 80.30-80.50        |
|    | Article 3. Fines and Restitution.  | §§ 80.50-80.58        |
|    | Article 4. Probation.  | §§ 80.60-80.68        |
|    | Article 5. Parole.   | §§ 80.70-80.88        |
|    | Article 6. Alternative Community Service.  | §§ 80.90-80.94        |
|    | Article 7. Hormone or Anti-Androgen Pilot Treatment Program for Convicted Sex Offenders.     | §§ 80.101-80.106      |



|    |  |                  |
|----|--|------------------|
| 81 | Reduction of Sentences.  | § 81.10          |
| 82 | Loss and Restoration of Rights Incident to Conviction or Imprisonment.                     | §§ 82.10-82.25   |
| 83 | Youth Correction Act.  | §§ 83.10-83.95   |
| 84 | Rehabilitative and Developmental Program.  | §§ 84.10-84.49   |
| 85 | Guam Parole Board.   | §§ 85.10-85.72   |
| 86 | Compensation for Damages From Criminal Activities.   | {Omitted}        |
| 87 | Victim Notification.   | {Omitted}        |
| 88 | Criminal Justice Substance Abuse Act.  | §§ 88.10-88.60   |
| 89 | Crimes Against Minors and Sex Offender Registry.   | §§ 89.01-89.16   |
| 90 | Corrections.   |                  |
|    | Article 1. Department of Corrections.  | §§ 90.10-90.49   |
|    | Article 2. Western Interstate Corrections Compact.   | §§ 90.50-90.66   |
|    | Article 3. Interstate Compact on Juveniles.  | §§ 90.80-90.84   |
|    | Article 4. Prison Industries.  | §§ 90.90-90.91   |
|    | Article 5. Transfer Pursuant to Treaty.  | § 90.100         |
|    | Article 6. Civilian Corrections Reserve Program.   | §§ 90.200-90.206 |
|    | Article 7. The Department of Corrections Modernization Act of 2021                         | §§ 90.301-90.314 |
| 91 | Infant Child's Right to Life Act.  | §§ 91.01 - 91.06 |
| 92 | Safe Streets Act of 2018.  |                  |
|    | Article 1. Offenses Involving Alcohol and Controlled Substances.                           | §§ 92101-92126   |
|    | Article 2. Implied Consent and Suspension or Revocation of Driving Privileges and License. | §§ 92201-92206   |
|    | Article 3. Ignition Interlock Devices.   | §§ 92301-92302   |
| 93 | Criminal Sexual Conduct Assessment and Rehabilitation Act.                                 | §§ 93.10-93.50   |

## Attachment C

### Criminal Law and Procedure Revision Commission Subcommission Quarterly Report Template

Subcommission Name:

Chair:

Members:

Dates of subcommission meetings:

Past activity:

1. List of Chapter (and Article, if applicable) reviewed.
2. Brief summary of subcommission's findings/conclusions for each Chapter/Article, using the Excel spreadsheet for guidance.
3. Brief recommendation for each Chapter/Article already reviewed.

Current and future activity:

1. List of Chapters/Articles currently under review and to be reviewed in future subcommission meetings.
2. List of future subcommission meeting dates.

Attachment D

Criminal Law and Procedure Revision Commission  
Document Naming Guide

| Type of document  | Document name information  | Example   |
|---|--|---|
| Original GCA  | GCA identifier (Title gc chapter)  | 9gc004  |
| Internal subcommission working drafts                   | GCA identifier (Title gc chapter)<br>Date/time of edit<br>Initials of subcommission member                   | 9gc030_02-09-2023_eba<br>9gc030_02-09-2023_3pm_ct |
| First draft submitted to Plenary Commission             | GCA identifier (Title gc chapter)<br>Mtg when first draft submitted  | 9gc030_03-15-2023                                 |
| Second/subsequent draft submitted to Plenary Commission | GCA identifier (Title gc chapter)<br>Mtg when draft submitted for reconsideration<br>Draft number (v02, v03) | 9gc030_04-14-2023_v02                             |
| Draft approved by Plenary commission                    | GCA identifier (Title gc chapter)<br>Mtg when draft approved   | 9gc030_05-15-2023_approved                        |

Notes:

Dates must be in (MM-DD-YYYY)

Subcommission internal drafts – use date/time of edit

Drafts submitted to Plenary Commission – use date of meeting and draft number

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# **GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION**

Initial Plenary Meeting  
January 13, 2023, 12:00 p.m.  
By Videoconference



# Agenda

- I. Call to Order
- II. Proof of Due Notice of Meeting
- III. Determination of Quorum
- IV. New Business
  - A. Introduction of the Commission Chairman, Executive Director and Staff
  - B. Introduction of Commission Members and Subcommission Chairpersons
  - C. Discussion of Statutory Mandates, Goals and Objectives of the Commission
  - D. Presentation of the Draft Workplan
  - E. Tentative Meeting Dates for 2023
- V. Notice of Next Meeting (Thursday, February 9, 2023) Communications
- VI. Public Comment
- VII. Adjournment





|    | Appointing Authority | Appointee/Designee                             |
|----|----------------------|--|
| 1  | Chief Justice        | Magistrate Judge Jonathan Quan                 |
| 2  | Chief Justice        | Attorney Randy Cunliffe                        |
| 3  | Chief Justice        | Mr. Monty McDowell (Advance Management, Inc.)  |
| 4  | Speaker              | Attorney Phil Tydingco                         |
| 5  | Speaker              | Attorney Christine Tenorio                     |
| 6  | Speaker              | Attorney Mike Phillips                         |
| 7  | Governor             | Honorable Elizabeth Barrett-Anderson           |
| 8  | Governor             | Honorable Anita A. Sukola                      |
| 9  | Governor             | Ms. Valerie Reyes (Lighthouse Recovery Center) |
| 10 | GBA President        | Attorney Joseph McDonald                       |
| 11 | GBA President        | Attorney William Brennan                       |
| 12 | AG Designee          | AAG Marianne Woloschuk                         |
| 13 | Director PDSC        | Attorney Stephen Hattori                       |
| 14 | GPD Chief of Police  | Stephen Ignacio                                |
| 15 | DOC Director         | Robert Camacho                                 |



# Subcommissions

## Crimes Against Persons

**Attorney Joseph McDonald, Chair**

**GPD Chief Steve Ignacio**

**Attorney Stephen Hattori**

**Compiler of Laws Geri Cepeda**

## Crimes Relating to Property

**Attorney Phil Tydingco, Chair**

**Mr. Monty McDowell**

**Attorney Randy Cunliffe**

**Attorney William (Bucky) Brennan**

## Drug & Other Criminal Offenses

**Hon. Elizabeth Barrett-Anderson, Chair**

**Attorney Mike Phillips**

**Attorney Christine Tenorio**

**DOC Director Robert Camacho**

**Ms. Valerie Reyes**

## Criminal Procedure

**Hon. Anita A. Sukola, Chair**

**AAG Marianne Woloschuk**

**Executive Director Serge Quenga**



# Public Law 36-119

- Added new Chapter 25 to Title 1 GCA

**§ 25.02. Establishment; No Derogation of Organic Act Authority.**

(a) There is created the Guam Criminal Law and Procedure Review Commission (Commission) to review the laws that address the criminal procedures and criminal laws of Guam; and to recommend enactments, amendments, and repeals to *I Liheslaturan Guåhan* for action.

**§ 25.03. Duties and Responsibilities.**

(a) The Commission shall conduct a comprehensive and systematic review of Guam laws, including the Guam Criminal Procedure Code codified in Title 8 of the Guam Code Annotated (GCA), the Guam Criminal and Correctional Code codified in Title 9 of the GCA, and other provisions in the statutory code and session



# Statutory Mandates

- Quarterly reports to be submitted to the Chief Justice, *I Maga'hagan Guåhan*, and the Speaker of *I Liheslaturan Guåhan*
- Comprehensive criminal code reform recommendations as required by 1 GCA § 25.03(a), which shall include **proposed legislation** for the revision of Title 8 and Title 9 of the GCA



# Draft Work Plan

- Subcommission expectations:
  - Hold virtual or in-person meetings
  - Provide progress reports to Plenary Commission
  - Present recommendations to Plenary Commission
- Subcommission packet
  - Public Law 36-119
  - GCA Title 8 and 9 – Word and pdf
  - Commission roster and subcommission roster
  - Draft Work Plan
  - Proposed Dates for 2023





# Sample: Chapter Assignments

## Criminal Law and Procedure Revision Commission Subcommission Assignments

### 1. Crimes Against Persons

Chair: Attorney Joseph McDonald

Members: GPD Chief Steve Ignacio, Attorney Stephen Hattori, Compiler Geri Cepeda

Review: Title 9, Chapters 16, 19, 25 and others

### 2. Crimes Relating to Property

Chair: Attorney Phil Tydingco

Members: Attorney Randy Cunliffe, Mr. Monty McDowell, Attorney William Bucky Brennan

Review: Title 9, Chapters 34, 43, 37, and others



# Sample: Table of Recommended Changes

| Chapter number | Section number                              | Title                                      | Recommend:<br>(No change/<br>Repeal/Amend) | Suggested changes (if any) |
|----------------|---|--|--|----------------------------|
| 16             | Criminal Homicide.                          | §§ 16.10-16.60                             |  |                            |
|                | § 16.10.                                    | Definitions Applicable to Chapter.         |  |                            |
|                | § 16.20.                                    | Criminal Homicide Defined.                 |  |                            |
|                | § 16.30.                                    | Aggravated Murder Defined.                 |  |                            |
|                | § 16.40.                                    | Murder Defined.                            |  |                            |
|                | § 16.50.                                    | Manslaughter Defined and Classified.       |  |                            |
|                | § 16.60.                                    | Negligent Homicide Defined and Classified. |  |                            |
| 19             | Assault, Reckless Endangering, Terrorizing. | §§ 19.10-19.70                             |  |                            |
|                | § 19.10.                                    | General Definitions.                       |  |                            |
|                | § 19.20.                                    | Aggravated Assault; Defined and Punished.  |  |                            |
|                | § 19.30.                                    | Assault; Defined and Punished.             |  |                            |
|                | § 19.40.                                    | Reckless Conduct; Defined and Punished.    |  |                            |
|                | § 19.50.                                    | Terroristic Conduct; Defined and Punished. |  |                            |
|                | § 19.60.                                    | Terrorizing; Defined and Punished.         |  |                            |



# Sample: Quarterly Report Template

## Criminal Law and Procedure Revision Commission Subcommission Quarterly Report Template

Subcommission Name:

Chair:

Members:

Dates of subcommission meetings:

Past activity:

1. List of Chapter (and Article, if applicable) reviewed.
2. Brief summary of subcommission's findings/conclusions for each Chapter/Article, using the Excel spreadsheet for guidance.
3. Brief recommendation for each Chapter/Article already reviewed.

Current and future activity:

1. List of Chapters/Articles currently under review and to be reviewed in future subcommission meetings.
2. List of future subcommission meeting dates.



# Review Process

- Phase 1: First Pass
  - Initial review of existing statutes, compare to MPC and other jurisdictions with recent criminal code reforms, community involvement
  - Recommend: (1) No change; (2) Repeal or (3) Amend
- Phase 2: Second Pass
  - Close and critical scrutiny for amendments
  - Recommend: Proposed amended language
- Phase 3: Plenary Commission Review
  - Subcommissions present recommendations to Plenary Commission
  - Plenary Commission may accept or request continued review



# Final vote

- Review of all Subcommittee recommendations approved Plenary Commission
- 1 GCA § 25.07(b)

**(b) Final Report.** The Commission shall submit comprehensive criminal code reform recommendations as required by § 25.03(c) of this Chapter, which shall include proposed legislation for the revision of Title 8 and Title 9 of the GCA, and other provisions in the statutory code relating to criminal law and procedure. The





# Tentative Meetings 2023

- Plenary Meeting 1      February 9
- Plenary Meeting 2      April 6
- Plenary Meeting 3      June 1
- Plenary Meeting 4      August 3
- Plenary Meeting 5      October 5
- Plenary Meeting 6      December 7

*\*1<sup>st</sup> Thursday, every other month*



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*Thank you!*