



Judiciary of Guam

Guam Criminal Law and Procedure Review Commission
Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910
Tel: (671) 475-3278 • Fax: (671) 475-3140



HON. JONATHAN R. QUAN
CHAIRMAN

ANDREW SERGE QUENGA
EXECUTIVE DIRECTOR

HON. ROBERT J. TORRES
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA, III
PRESIDING JUDGE

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION (CLRC)

PLENARY MEETING | Thursday, December 07, 2023

In-person: Honorable Joaquin V.E. Manibusan Sr. Memorial Courtroom, Guam Judicial Center
via Videoconference (Zoom) and via Live-streamed on the Judiciary of Guam YouTube Channel

MINUTES

I. CALL TO ORDER

The meeting was called to order by Chairman Quan at 12:00 p.m.

II. PROOF OF DUE NOTICE OF MEETING

Chairman Quan noted that public notices of the meeting were published pursuant to the Open Government Law and are included in the meeting packet.

III. DETERMINATION OF QUORUM/ROLL CALL

Management Officer Valerie Cruz called the roll:

CLRC Members:

Hon. Jonathan R. Quan, Present, Judiciary of Guam

Hon. Maria T. Cenzon, Present on Zoom

Hon. Anita A. Sukola, Present on Zoom

Atty. William Bucky Brennan, Present on Zoom, Law Office in Hagatna

DOC Director Fred Bordallo or Designee Maj. Antone Aguon, (Present via Zoom after Roll Call)

Chief of Police Stephen Ignacio or Designee Maj. Manny Chong, Present via Zoom

Atty. Joseph McDonald, (No response during Roll Call)

Atty. Randall Cunliffe, (later indicated presence via Zoom after Roll Call)

Mr. Monty McDowell, Present via Zoom, Office in Harmon

Atty. Stephen Hattori or Designee Atty. John Morrison, Present, Judiciary of Guam

AG Douglas Moylan or Designee Asst. AG Steven Coaty, Present, Judiciary of Guam

Atty. Michael Phillips, (No response during Roll Call)

Ms. Valerie Reyes, (No response during Roll Call)

Atty. Christine Tenorio, (No response during Roll Call)

Atty. Phillip Tydingco, Present, Judiciary of Guam

The Judiciary of Guam is an equal opportunity provider and employer.

Ex-Officio, Non-Voting Members:

Executive Director Andrew S. Quenga, Present, Judiciary of Guam
Compiler of Laws Geraldine Cepeda, Present, Judiciary of Guam

Chairman Quan acknowledged a quorum present.

IV. DISPOSAL OF MINUTES: Approval of October 05, 2023 Fifth Plenary Meeting Minutes

Chairman Quan indicated that the approval of the minutes of the Plenary Meeting on October 05, 2023 will be tabled until the next Plenary Meeting.

V. OLD BUSINESS

A. Membership Update

Chairman Quan greeted new members: Judge Maria Cenzone, Assistant Attorney General Steven Coaty and GPD Major Manny Chong.

Director Quenga introduced the CLRC's new staffers Rennae Meno and Gloria Cruz who are available to assist subcommissions in the research of statutes and other legal materials.

B. Third Quarter Report

Director Quenga reported that the Third Quarter Report was submitted and is available online and encouraged members to review it as it contains recommended changes from previous plenary meetings.

C. Subcommittee on Criminal Procedure: Continued Discussion of Chapters Presented at the August 31, 2023 Plenary Meeting for Consideration and Approval

Subcommission Chair Judge Sukola introduced Director Quenga to give the presentation.

Director Quenga continued the discussion of chapters presented at the August 31, 2023 Plenary Meeting.

Director Quenga noted that chapters involving corrections and law enforcement were referred to other subcommissions: Chapter 71 was referred to Crimes Against Persons; Chapters 80-82 and 84-88 were referred to DOCO; Chapters 89 and 93 were referred to both DOCO and Crimes Against Persons.

Director Quenga focused on 9 GCA §§ 71.20, 81.10 and 82.20, which were tabled for further discussion at the August 31 Plenary Meeting.

Director Quenga presented updates and outlined proposed revisions in a PowerPoint presentation (Attachment 1 hereto) and the Subcommission's recommendations:

- **9 GCA Chapter 71 (The Guam Gun-Free School Zone Act of 2004)**

- § 71.20 (Definitions). Recommend striking subsection (c) as the term “concealed firearm” is not used in the chapter. Recommend not expanding the definition firearm to include airguns and other weapons after review of the legislative intent in PL 27-116 (which enacted Ch. 71) and DOE Board policies on deadly or dangerous weapons.
- §§ 71.30, 71.40 and 71.61. Recommend amending with non-substantive clarifications.
- § 71.50. Recommend amending to remove redundancy. Discussion and clarification regarding firearms on community college and university campuses, including exceptions for firing ranges and law enforcement.
- § 71.70. Recommend deleting the section as unnecessary. This definition of “loaded” firearm is unnecessary as there is no distinction to unloaded firearm.
- § 71.80. Recommend amending to delete outdated time requirements.
- §§ 71.81, 71.82 and 71.83. Recommend consolidation into one exemption section.
- **9 GCA Chapter 81 (Reduction of Sentences)**
 - § 81.10(a). Recommend amending to clarify that work inside DOC is included in work credit.
 - § 81.10(f). Tabled for further discussion by DOCO.
- **9 GCA Chapter 82 (Loss and Restoration of Rights Incident to Conviction or Imprisonment)**
 - § 82.20(a). Recommend amending to include “and physically incarcerated” to clarify that the disqualification from voting is limited to persons who are physically committed.

Chairman Quan summarized the recommendations as follows:

Chapter 71

§ 71.20 – Amend.

§ 71.30 – Amend.

§§ 71.40, 71.50 & 71.61 – Amend.

§ 71.70 – Repeal

§ 71.80 – Amend

§ 71.81, 71.82 & 71.83 – Amend (Consolidate)

§ 81.10(a) – Amend

§ 81.10(f) – Table

§ 82.20 – Amend

Chairman Quan called for a vote and without objection the recommendations were moved to the final reading file.

Judge Cenzone abstained from voting on amendments for which she was not present during discussions.

D. Subcommittee on Crimes Relating to Property: Continued Discussion of Chapters Presented at the August 31, 2023 Plenary Meeting for Consideration and Approval

Chairman Quan tabled this presentation to provide more time for review by the Subcommittee.

VI. NEW BUSINESS

A. Subcommittee on Drugs & Other Criminal Offenses: Presentation of Additional Recommendations for Discussion and Approval

Chairman Quan noted that Judge Cenzone will be taking the chair position for this subcommittee, but the presentation will be made by the Acting Chair Compiler of Laws Cepeda.

Acting Chair Cepeda presented a proposed new provision on Correctional Medical Clinics, 9 GCA § 90106, in a PowerPoint presentation (Attachment 2 hereto).

Acting Chair Cepeda noted this new provision was at the suggestion of former Chair Judge Elizabeth Barrett-Anderson based on her work with Atty Kat Fokas and covers health care at DOC. Acting Chair requested members to review the new section for discussion at the next Plenary Meeting.

Chairman Quan stated this section will be tabled to allow Judge Cenzone the opportunity to work with her subcommittee. We will await it being brought forward at the next plenary meeting.

B. Notice of Next Meeting: Thursday, February 08, 2024, Noon (Tentative)

Chairman Quan noted the next plenary meeting will be scheduled for Thursday, February 8, 2024 at 12 noon.

VII. Communications

None.

VIII. Public Comments

None.

IX. Adjournment

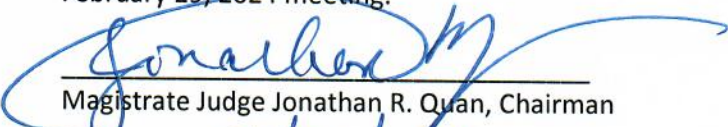
Chairman Quan adjourned the meeting without objection at.

Respectfully submitted this 29th day of February, 2024.



Andrew S. Quenga, Executive Director

As set out above, the minutes of the December 07, 2023 meetings were approved by the CLRC at the February 29, 2024 meeting.



Magistrate Judge Jonathan R. Quan, Chairman

Dated: 3/7/24

**THE GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION PLENARY MEETING
THURSDAY, DECEMBER 7, 2023, AT 12:00 PM**

**GUAM JUDICIAL CENTER, JUDGE JOAQUIN V.E. MANIBUSAN, SR. MEMORIAL COURTROOM,
120 WEST O'BRIEN DRIVE, HAGÁTÑA AND BY VIDEOCONFERENCE**

AGENDA

- I. CALL TO ORDER
- II. PROOF OF DUE NOTICE OF MEETING
- III. DETERMINATION OF QUORUM
- IV. DISPOSAL OF MINUTES October 5, 2023
- V. OLD BUSINESS
 - A. Membership Update
 - B. Third Quarter Report
 - C. Subcommittee on Criminal Procedure: Continued Discussion of Chapters Presented at the August 31, 2023 Plenary Meeting for Consideration and Approval
 - D. Subcommittee on Crimes Relating to Property: Continued Discussion of Chapters Presented at the August 31, 2023 Plenary Meeting for Consideration and Approval
- VI. NEW BUSINESS
 - A. Subcommittee on Drug & Other Criminal Offenses: Presentation of Additional Recommendations for Discussion and approval
 - B. Notice of next meeting: Thursday, February 8, 2023, Noon (Tentative)
- VII. Communications
- VIII. Public Comment
- IX. Adjournment

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KINGS TAMUNING and DEDEDO locations

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 **TOKIO MARINE
PACIFIC**

NOTICE

In accordance with the order of the Banking and Insurance Commissioner, Tokio Marine Pacific Insurance Limited announces its intention to effect a distribution of surplus in December 2023, from its unassigned surplus as of November 30, 2023. Under applicable National Association of Insurance Commissioners (NAIC)'s guidelines for total capital and surplus following the distribution, Tokio Marine Pacific Insurance Limited will have a total capital and surplus base which is more than the minimum required by NAIC to underwrite its risk portfolio and to meet operating requirements.

**GOVERNMENT OF GUAM
GUAM BOARD OF
BARBERING
AND COSMETOLOGY**

194 Hernan Cortez Ave. #213, Hagåtña,
Guam 96910 Telephone: (671) 735-7408

Monday, December 4, 2023 at 9:00 a.m.
(Guam ChST)

Join Zoom Meeting:
<https://us06web.zoom.us/j/81488895975?pwd=2XlkZHS5dU9dUWw3eUeW8u.1>
Meeting ID: 814 8889 5975
Passcode: 425181

AGENDA

I. Call to Order:
II. Roll Call:
III. Proof of Publications:
IV. Approval of Agenda:
V. Approval of Minutes:
VI. HPLO Administrator's Report:
VII. Treasurer Report:
VIII. Old Business:
 (a) Rules and Regulations - *On-Going*
 (b) Application for Reciprocity
IX. New Business:
 (a) Applications for Examination
 (b) Applications for Apprentice
 (c) Applications for Re-Examination
X. Announcement:
XI. Adjournment:

To view the names of the
applicants being considered go to
<https://guamhplp.org/gbbc>
LIVE Streaming link
<http://facebook.com/HPLOGuam>

This advertisement was paid for by DPHSS/Health Professional Licensing Office-Local Funds
For more information, please contact the Board office at 735-7404/10 thru 12. Persons needing telecommunication devise for the Hearing/Speech Impaired (TDD) may contact 475-8339.

GUAM BOARD OF SOCIAL WORK

**The Guam Board of Social Work
Regular Virtual Board Meeting,**

Thursday, December 07, 2023, 11:00 A.M.
JOIN ZOOM MEETING
<https://us06web.zoom.us/j/88037610684?pwd=dMOQoVcUbiaWb2KKAX1TXZOC0h85z.1>
Meeting ID: 880 3761 0684
Passcode: 413695

Meeting Agenda:
I. Call to order
 A. Confirmation of Public Notice
II. Determination of Quorum
III. Adoption of Agenda
IV. Review and Approval of Minutes
 A. October 05, 2023
V. HPLO Administrator's Report
VI. Chairperson's Report
VII. Committee Reports: A. Finance & Budget B. Statutes, Rules and Forms
VIII. Old Business:
 A. Consideration of Applications for Initial Licensure
 B. Consideration of Applications for Renewal of Licensure
IX. New Business:
 A. Consideration of Applications for Initial Licensure
 B. Consideration of Applications for Renewal of Licensure
 C. ASWB Licensing Services
X. Announcement(s):
 A. Elections for Board Officers will take place during the January meeting.
 B. Next Meeting: The Guam Board of Social Work next regularly scheduled board meeting, January 04, 2024 at 11:00AM.
XI. Adjournment:

To view the names of the applicants being
considered go to <https://guamsocialwork.org>
LIVE Streaming link
<http://facebook.com/HPLOGuam>

**This advertisement was paid for by DPHSS/
Health Professional Licensing Office-Local Funds**

For more information, please contact the Board office at 735-7404/10 thru 12. Persons needing telecommunication devise for the Hearing/Speech Impaired (TDD) may contact 475-8339.

Wings Football Club, Inc.
(A Non-Profit Corporation)
For the Year ended December 31, 2022

Statement of Financial Position

Assets:		
Cash	\$	28,150
Liabilities:		
Accounts Payable	\$	-
Net Assets:		
Equity	\$	28,150

Statement of Activities

Revenues & Support		
Sponsorship	\$	500
Grants/Fundraisers	\$	30,000
Team Fees & Uniforms	\$	25,886
Special Events	\$	-
Total Revenues & Support	\$	56,386
Expenditures		
Program Services	\$	21,674
Management and General	\$	4,324
Direct Expenses	\$	27,100
Total Expenditures	\$	53,098
Change in Assets for the Period:	\$	3,288
Net assets beginning balance	\$	24,862
Net assets closing balance	\$	28,150

Certified by: Asako T. Araw, Treasurer

JOB ANNOUNCEMENT

LEVIS/GUESS GUAM JOB OPENINGS:
SALES ASSISTANT, OFFICE ASSISTANT, BOOK-KEEPER,
WAREHOUSE ASSISTANT, HANDYMAN, PLUMBER
CALL 671-646-0510/11

**REGULAR
MONTHLY
BOARD MEETING**

Monday, December 4, 2023 at 10:00 am in
Terminal Conference Rooms 1 & 2 and by
Videoconference and Live Streamed via GAA
website: www.guamairport.com or
<https://www.guamairport.com/corporate/about-our-airport-board-of-directors/airport-board-meeting>

AGENDA

- Call to Order and Attendance
- Approval of Agenda
- Approval of Minutes
 - November 1, 2023 Regular Meeting
- Correspondence - None
- Old Business - None
- New Business
 - Approval of Award for Grounds Maintenance Services - Secured Non-Movement Area - IFB No. GAA-001-FY24
 - Partuse and Delivery of Airport Police Operational Vehicles - PD No. GAA-FY24-70168
 - Contracting Authority of Executive Manager - Typikon Related Projects
 - Approval of Legal Services Invoice No. 81373 and 81374
 - CIP Modification - Design of Roof Replacement/Renewable Energy - Work Order No. EA-2023-001
- Report of Executive Manager
 - Airport Updates
 - Announcements
- Report of Comptroller
- Executive Session
 - Pes and polyfluoroalkyl substances ("PFAS") related matters relating to a ongoing litigation or litigation which has been restored, to which GAA is a Party.
 - DFS Guam L.P. related litigation to which GAA is or may be a party (S-GA 5-8111)(c)).
- Public Comments
- Adjournment

Parking is available in the Public Parking lot.
Call the Board Office at (671) 642-4717/18 for special accommodations, auxiliary aids, or services.
This ad is paid for by GAA.

JUDICIARY OF GUAM

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION
Guam Judicial Center, 120 West O'Brien Drive, Hagåtña, Guam
Tel: (671) 475-3278

NOTICE OF PUBLIC MEETING

The Guam Criminal Law and Procedure Review Commission will conduct a plenary meeting on Thursday, December 7, 2023 at 12:00 pm in the Guam Judicial Center, Judge Joaquin V.E. Manibusan, Sr. Memorial Courtroom, 120 West O'Brien Drive, Hagåtña, and by videoconference. A monitor will be set up for any member of the public who would like to observe and offer comments. The meeting will be streamed live on the Judiciary of Guam YouTube channel:
<https://www.youtube.com/channel/UCfnFCWwllp99fAeh9zi4O4g/featured>

AGENDA

- Call to Order
- Proof of Due Notice of Meeting
- Determination of Quorum
- Disposal of Minutes: October 5, 2023
- Old Business
 - Membership Update
 - Third Quarter Report
 - Subcommission on Criminal Procedure: Continued Discussion of Chapters Presented at the August 31, 2023 Plenary Meeting for Consideration and Approval
 - Subcommission on Crimes Relating to Property: Continued Discussion of Chapters Presented at the August 31, 2023 Plenary Meeting for Consideration and Approval
- New Business
 - Subcommission on Drug & Other Criminal Offenses: Presentation of Additional Recommendations for Discussion and Approval
 - Notice of Next Meeting: Thursday, February 8, 2024, Noon (Tentative)
- Communications
- Public Comment
- Adjournment

Any person(s) needing special accommodations, auxiliary aids, or services, please contact the Executive Director Andrew Quenga at 671-475-3278.
This ad was paid for with Government of Guam funds.
MAGISTRATE JUDGE JONATHAN R. QUAN
Chairman

JUDICIARY OF GUAM
GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION
 Guam Judicial Center, 120 West O'Brien Drive, Hagåtña, Guam
 Tel: (671) 475-3278

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<https://www.youtube.com/channel/UCfnFCWwllp99fAeh9zi4Q4g/featured>

AGENDA

- I. Call to Order
- II. Proof of Due Notice of Meeting
- III. Determination of Quorum
- IV. Disposal of Minutes: October 5, 2023
- V. Old Business
 - A. Membership Update
 - B. Third Quarter Report
 - C. Subcommittee on Criminal Procedure: Continued Discussion of Chapters Presented at the August 31, 2023 Plenary Meeting for Consideration and Approval
 - D. Subcommittee on Crimes Relating to Property: Continued Discussion of Chapters Presented at the August 31, 2023 Plenary Meeting for Consideration and Approval
- VI. New Business
 - A. Subcommittee on Drug & Other Criminal Offenses: Presentation of Additional Recommendations for Discussion and Approval
 - B. Notice of Next Meeting: Thursday, February 8, 2024, Noon (Tentative)
- VII. Communications
- VIII. Public Comment
- IX. Adjournment

Any person(s) needing special accommodations, auxiliary aids, or services, please contact the Executive Director Andrew Quenga at 671-475-3278. This ad was paid for with Government of Guam funds.
MAGISTRATE JUDGE JONATHAN R. QUAN
 Chairman

GUAM BOARD OF SOCIAL WORK
The Guam Board of Social Work
Regular Virtual Board Meeting,

Thursday, December 07, 2023, 11:00 A.M.
JOIN ZOOM MEETING
<https://us06web.zoom.us/j/88037610684?pwd=dMOQoVcUbiawB2KKAXX1TXZOCQh85z.1>
Meeting ID: 880 3761 0684
Passcode: 413695

Meeting Agenda:

- I. Call to order
 - A. Confirmation of Public Notice
- II. Determination of Quorum
- III. Adoption of Agenda
- IV. Review and Approval of Minutes
 - A. October 05, 2023
- V. HPIO Administrator's Report
- VI. Chairperson's Report
- VII. Committee Reports: A. Finance & Budget B. Statutes, Rules and Forms
- VIII. Old Business:
 - A. Consideration of Applications for Initial Licensure
 - B. Consideration of Applications for Renewal of Licensure
- IX. New Business:
 - A. Consideration of Applications for Initial Licensure
 - B. Consideration of Applications for Renewal of Licensure
 - C. ASWB Licensing Services
- X. Announcement(s):
 - A. Elections for Board Officers will take place during the January meeting.
 - B. Next Meeting: The Guam Board of Social Work next regularly scheduled board meeting, January 04, 2024 at 11:00AM.
- XI. Adjournment:

To view the names of the applicants being considered go to <https://guamsocialwork.org> LIVE Streaming link
<http://facebook.com/HPLoGuam>

This advertisement was paid for by DPHSS/Health Professional Licensing Office-Local Funds

For more information, please contact the Board office at 735-7404/10 thru 12. Persons needing telecommunication device for the Hearing/Speech Impaired (TDD) may contact 475-8339.


Guam Board of Medical Examiners


Regular Virtual Board Meeting
Wednesday, December 13, 2023 at 4:00 PM
 Join Zoom Meeting:
<https://us06web.zoom.us/j/89014070920?pwd=45U1Y0V4XF5lAVGfZzflClD3vGSfc.1>
Meeting ID: 890 1407 0920
Passcode: 193528

MEETING AGENDA:

- I. Call to order:
 - (a) Roll Call
 - (b) Confirmation of Public Notice.
- II. Adoption of Agenda:
- III. Review and Approval of Minutes: Minutes of November 13, 2023
- IV. Treasurer's Report:
- V. HPIO Administrator's Report:
- VI. Chairperson's Report:
- VII. Old Business:
 - (a) Complaint(s):
 - (1) GBME-CO-20-005
 - (2) GBME-CO-2022-002
 - (3) GBME-CO-2022-003
 - (4) GBME-CO-2022-010
 - (5) GBME-CO-2023-004
 - (6) GBME-CO-2023-005
 - (b) Accusation: GBME-001-2023
 - (c) Application(s) for Full Licensure:
- VIII. New Business:
 - (a) Complaint(s): GBME-CO-2023-006
 - (b) Application(s) for Full Licensure:
 - (c) Application(s) for Limited Licensure:
 - (d) Collaborative Practice Agreement:
 - (e) Full Licensure Renewals 2023
 - (f) Arthur Root Jr. Certified Laser Specialist, Non-Ablative Laser Tattoo Removal
 - (g) Samer Shuaib, MD - Letter to the Board
- IX. Announcement
 - (a) Elections for Board Officers will take place during the January meeting.
 - (b) The next Guam Board of Medical Examiners Regular Board Meeting is scheduled for January 10, 2024 at 4:00 pm.
- X. Adjournment:
 - To view the names of the applicants being considered, go to <https://guamhpl.org/gbme> LIVE Streaming link
<http://facebook.com/HPLoGuam>

This advertisement was paid for by DPHSS/Health Professional Licensing Office-Local Funds
 For more information, please contact the Board office at 735-7404/10 thru 12. Persons needing a telecommunication device for the Hearing/Speech Impaired (TDD) may contact 475-8339.

INVITATION FOR BID:




624 North Marine Corps Drive,
Tamuning, GU 96913

BID NO:	GTA-IFB-2023-001
FOR:	15-year Term Indefeasible Right to Use (IRU) Capital Lease of 100 Cbps of an Asia Pacific cable system between a Guam Cable Landing Station and Peering Location in Tokyo, Japan
SUBMISSION DEADLINE:	Friday, December 29, 2023 at 4:00 P.M.
LOCATION TO SUBMIT:	Legal and Regulatory Office, 1st Floor, GTA Finance Building 624 North Marine Corps Dr. Tamuning, GU, 96913
BID OPENING LOCATION:	GTA Conference Headquarters Main, 1st Floor, GTA Headquarters 624 North Marine Corps Dr. Tamuning, GU, 96913

GTA is re-issuing an invitation for Bid for a 15-year Term Indefeasible Right to Use (IRU) Capital Lease of 100 Cbps of an Asia Pacific cable system between a Guam Cable Landing Station and Peering Location in Tokyo, Japan. Bidders must register their contact information with GTA to ensure they receive notices regarding changes or updates to the IFB. GTA will not be liable for failure to provide notice to any party who did not register current contact information. Bidders may register at www.gta.net and the GTA Legal and Regulatory Office located on the 1st floor of the GTA Finance Building from 8:00 am. to 5:00 pm., Monday to Friday with the exceptions of holidays beginning Monday, December 4, 2023 until Friday, December 29, 2023. Upon registration, the bid package will be emailed or a hard copy will be provided.

GTA reserves the right, in its sole and absolute discretion, to reject any and all bids, cancel in its entirety, or waive informalities and minor irregularities in the bids in its sole and absolute good judgement. This project is funded by National Institute of Standards and Technology (NIST), servicing for the National Telecommunications and Information Administration (NTIA) Broadband Infrastructure Program, Federal Award number 86-06-2200, authorized by the Consolidated Appropriations Act, 2023, Division N, Title II, Section 905, Public Law 116-260, (34 Stat. 1162) (December 27, 2020) (Act).

Any questions regarding the project or requirements must be submitted in writing or via email to Arlie Berto, Grants Administrator, at arberto@gta.net no later than Wednesday, December 20, 2023. Bid closing date and time is Friday, December 29, 2023 at 4 pm.



SCAN ME

Kumision I Tano' Saina-ta'
Guam Ancestral Lands Commission

The Guam Ancestral Lands Commission Regular Board Meeting will be held on Wednesday, December 13, 2023 at 2:00 pm. This meeting is open to the public via ZOOM and can be viewed live stream on YouTube.

JOIN ZOOM MEETING
<https://us02web.zoom.us/j/8706936269?pwd=dVU2MzNWMDgyVVk4RVcy1Jld0RoUT09>
Meeting ID: 870 693 6269 **Passcode: 2022**

AGENDA

Call to Order; Roll Call; Approval of Minutes: (A) November 29, 2023 Regular Meeting; **Executive Director's Report; GEDA Progress Report; Old Business:** (A) Northern Market – Counter Proposal Continuance (B) AT&T Lease Renewal Request; **New Business** (A) GALC FY2024 Budget Appropriation; **Public Comments; Announcements; Adjournment**

TO VIEW LIVE STREAMING
https://www.youtube.com/channel/UCvimm3dhTHiG4_wnsSVH03g

Details and links to this meeting are also available on the GovGuam Public Notices Portal at <https://notices.guam.gov>. Individuals requiring special accommodations, auxiliary aids or services, may call the GALC Administration Office at 671-473-5263 or email admin@galc.guam.gov for more information.

This ad is paid for by GALC Survey, Infrastructure & Development Funds.

JOB OPENINGS

Mechanic/Mechanic Helper
Welder/Welder Helper
Operations Manager
General Helper
Driver

LAGU, LLC
admin@lagugam.com
(671) 649-5681



GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION

Plenary Meeting
December 7, 2023
12:00 p.m.



Agenda

- I. CALL TO ORDER
- II. PROOF OF DUE NOTICE OF MEETING
- III. DETERMINATION OF QUORUM
- IV. DISPOSAL OF MINUTES October 5, 2023
- V. OLD BUSINESS
 - A. Membership Update
 - B. Third Quarter Report
 - C. Subcommittee on Criminal Procedure: Continued Discussion of Chapters Presented at the August 31, 2023 Plenary Meeting for Consideration and Approval
 - D. Subcommittee on Crimes Relating to Property: Continued Discussion of Chapters Presented at the August 31, 2023 Plenary Meeting for Consideration and Approval
- VI. NEW BUSINESS
 - A. Subcommittee on Drug & Other Criminal Offenses: Presentation of Additional Recommendations for Discussion and approval
 - B. Notice of next meeting: Thursday, February 8, 2024, Noon (Tentative)
- VII. Communications
- VIII. Public Comment
- IX. Adjournment



Minutes (Tabled)



Update of CLRC Members

Crimes Against Persons

Atty Joseph McDonald, Chair

Major Manny Chong

Atty John Morrison

Atty Christine Tenorio

Crimes Relating to Property

Atty Phil Tydingco, Chair

Mr. Monty McDowell

Atty Randy Cunliffe

Atty William Bucky Brennan

Drugs and Other Criminal Offenses

Hon. Maria T. Cenzone, Chair

Attorney Michael Phillips

Ms. Valerie Reyes

DOC Director Fred Bordallo

Compiler of Laws Geri Cepeda

Criminal Procedure

Hon. Anita A. Sukola, Chair

AAG Steven Coaty

Executive Director Serge Quenga



Subcommission Ex-Officio Members

Hon. Elizabeth Barrett-Anderson, Kat Siguenza, Esq. (Drugs &
Other Criminal Offenses)

Sean Brown, Esq. (Persons)

Brian Eggleston, Esq., Lenny Rapadas, Esq. (Criminal
Procedure)



Third Quarter Report
Submitted October 30, 2023
Covering July 1 – Sept 30, 2023



Report of the Subcommittee on Criminal Procedure

Continued Discussion of Chapters Presented at the August 31, 2023 Plenary Meeting for Consideration and Approval

Members: Hon. Anita A. Sukola (Chair), Atty Steven Coaty, Atty Brian Eggleston (ex-officio), Atty Lenny Rapadas (ex-officio), Executive Director Serge Quenga (ex-officio)



Recap. To expedite review of Title 9, the Criminal & Correctional Code, the Commission Chairman assigned our Subcommittee these Title 9 chapters to review:

Chapter	Title of Chapter
71	The Guam Gun-Free School Zone Act of 2004
80	Disposition of Offenders
81	Reduction of Sentences
82	Loss and Restoration of Rights Incident to Conviction or Imprisonment
84	Rehabilitative and Development Program
85	Territorial Parole Board
86	Compensation for Damages from Criminal Activities
87	Victim Notification
88	Criminal Justice Substance Abuse Act
89	Crimes Against Minors and Sex Offender Registry
93	Criminal Sexual Conduct Assessment and Rehabilitation Act



REFERRALS TO OTHER SUBCOMMISSIONS

Chapter	Title of Chapter	Referred to
71	The Guam Gun-Free School Zone Act of 2004	PERSONS
80	Disposition of Offenders	DOCO
81	Reduction of Sentences	DOCO
82	Loss and Restoration of Rights Incident to Conviction or Imprisonment	DOCO
84	Rehabilitative and Development Program	DOCO
85	Territorial Parole Board	DOCO
86	Compensation for Damages from Criminal Activities	DOCO
88	Criminal Justice Substance Abuse Act	DOCO
89	Crimes Against Minors and Sex Offender Registry	DOCO, PERSONS
93	Criminal Sexual Conduct Assessment and Rehabilitation Act	DOCO, PERSONS



Our Subcommittee presented our initial review of these Title 9 chapters at the August 31 Plenary Meeting. Our recommendations were voted on or tabled for further discussion. Today, we will update the Commission on the sections that were tabled:

9 GCA §§ 71.20, 81.10 and 82.20



9 GCA CHAPTER 71 – THE GUAM GUN-FREE SCHOOL ZONE ACT OF 2004. 9 GCA § 71.20. Definitions.

- The discussion at the August 31 meeting was on expanding the definition of firearm to include air rifles and bb guns, and possibly to include other deadly or dangerous weapons.
- However, in reviewing the Guam Legislature's intent in Section 1 of Public Law 27-116, which enacted the Guam Gun-Free School Zone Act, only firearms were intended to be covered. Section 1 states:

Legislative Findings. I *Liheslaturan Guahan* finds that in order to safeguard our school children, and our school communities, it is essential that firearms are not permitted in our schools without a justifiable reason. Recent incidents in our schools indicate that firearms are finding their way onto our school campuses and this practice must stop. Anyone carrying a firearm onto or near a school campus should have a legitimate reason and must obtain the appropriate clearance. This Act will insure [sic] that anyone found inappropriately carrying a firearm onto or near a school will be punished. Further, this Act will serve as a deterrent to carrying weapons into or near our schools.

- We are not convinced that the definition of firearm should be expanded.



DOE Policies on Deadly or Dangerous Weapons

- DOE Board Policy 425
- DOE Student Conduct Procedural Manual (SOP # 1200-018)
- “Any student, while at a school site or riding on a school bus is found possessing an instrument which the Principal or his designee determines to be a deadly weapon shall be suspended immediately and a complete investigation shall be conducted.”
- Provided to Persons Subcommittee.



Other Revisions to Chapter 71

§ 71.20. Definitions.

As used in this Chapter, the following definitions shall apply:

(a) "School zone" means an area in, or on the grounds of, a public or private school providing instruction in early childhood, kindergarten or grades 1 to 12, inclusive.

(b) "Firearm" shall mean as defined in 10 GCA § 60100.

~~(c) "Concealed firearm" shall mean as defined in 9 GCA § 60108(e).~~

[Comment. Recommend striking "Concealed Firearm" as this term is not used this chapter.]



§ 71.30. Person Not Allowed to Possess Firearms.

Any person who possesses a firearm in a place that the person knows, or reasonably should know, is a school zone, as defined in ~~paragraph (a) of Subdivision~~ § 71.20 (a) of this Chapter, shall be punished as specified in ~~Subdivision~~ § 71.60

[Comment. Non-substantive clarifications.]



§ 71.40. Prohibition on Discharge of Firearm.

It shall be unlawful for any person to discharge, or attempt to discharge, a firearm in a school zone, as defined in ~~paragraph (a) of Subdivision~~ § 71.20 (a) of this Chapter. The prohibition contained in this ~~Subdivision~~ Section does not apply to the discharge of a firearm if the firearm is discharged in an area that is designated as a shooting range at a University or College.

[Comment. Non-substantive clarifications.]



§ 71.50. Firearms Prohibited on University or College Property.

(a) It shall be unlawful for any person to bring or possess a ~~loaded~~ firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority. Notwithstanding § 71.80, a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this Section.

~~(b) It shall be unlawful for any person to bring or possess a firearm upon the grounds of a campus of, or buildings owned or operated for student housing, teaching, research, or administration by, a public or private university or college, that are contiguous or are clearly marked university property, unless it is with the written permission of the university or college president, his or her designee, or equivalent university or college authority. Notwithstanding Section § 71.80, a university or college shall post a prominent notice at primary entrances on noncontiguous property stating that firearms are prohibited on that property pursuant to this Section.~~

[Comment. Subsections (a) and (b) are the same except for the word “loaded” in (a). Recommend deletion of “loaded” in (a) and deletion of (b) in its entirety.]



§ 71.61. Information for Sentencing.

Except as otherwise provided in 9 GCA Chapter 80 ~~of Title 9 of the Guam Code Annotated~~, no limitation shall be placed on the information concerning the background, character and conduct of a person convicted of an offense which the Superior Court of Guam may receive and consider for the purpose of imposing an appropriate sentence under this Chapter.

[Comment. Non-substantive clarifications.]



~~§ 71.70. What Constitutes a Loaded Firearm.~~

~~For purposes of this Chapter, a firearm shall be deemed to be loaded when there is an unexpended cartridge or shell, consisting of a case that holds a charge of powder and a bullet or shot, in, or attached in any manner to, the firearm, including, but not limited to, in the firing chamber, magazine, or clip thereof attached to the firearm. A muzzle loader firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinder.~~

[Comment. Recommend deletion of this section. Section 71.30 provides the central prohibition against bringing or possessing a firearm in a school zone and does not distinguish between “loaded” or “unloaded” firearms. Also, with the recommended changes to § 71.50 above, this § 71.70 is not necessary.]



§ 71.80. Notice.

~~(a)~~ The Department of Education and other entities covered by this Chapter shall post permanent signs with large visible lettering stating at a minimum, "Warning this is a Gun-Free Zone" at the main entrances of the covered facilities within their control ~~on or before January 1, 2005~~. This Section does not require that notice be posted regarding the proscribed conduct for the purposes of prosecution of any violation of this Act.

~~(b) The Guam Police Department within sixty (60) days of the effective date of this Act shall implement a public relations campaign to inform the general public of its provisions.~~

[Comment. Recommend deletion of (b) as it is outdated.]



§ 71.81. Chapter Not Applicable ~~to Peace Officers and Military.~~

(a) This Chapter does not apply to a duly appointed peace officer as defined in 8 GCA § 5.55, Article 2, Chapter 5, Title 8, Guam Code Annotated, a full-time paid peace officer of another state or the Federal government who is carrying out official duties while in Guam, any person summoned by any of these officers to assist in making arrests or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of Guam or of the United States who is engaged in the performance of his or her duties, or an armored vehicle guard engaged in the performance of his or her duties.

~~§ 71.82. Not Applicable to Security Guards.~~

(b) This Chapter does not apply to an on-duty security guard authorized to carry a loaded firearm, provided the security guard is an employee of an entity contracted by the school for security purposes.

~~§ 71.83. Not Applicable to Existing Shooting Ranges.~~

(c) This Chapter does not apply to an existing shooting range at a public or private school or university or college campus.

[Comment. Recommend consolidating these three sections into one exemption section.]



Chapter 71 recommendations submitted for approval, or if further discussion is desired, will defer further action to the Subcommittee on Crimes Against Persons.



9 GCA CHAPTER 81 – REDUCTION OF SENTENCES

9 GCA § 81.10. Work Credit.

- This section provides the opportunity for a person in custody to reduce his or her sentence by work credit. Our Subcommittee has referred this Chapter 81 to the Subcommittee on Drugs and Other Criminal Offenses, which has the Department of Corrections as a member.
- At the August 31 Plenary Meeting Director Bordallo requested a change to make it clear that work inside the Department of Corrections would be included for Work Credit.
- We recommend the following change to § 81.10 (a):
 - (a) Any person in custody may work at cleaning up littered areas, parks and beaches or other types of work details beneficial to the island of Guam, including work details within the Department of Corrections, and including participation in a pre-apprenticeship program authorized through the Guam Registered Apprenticeship Program as provided in Article 1, Chapter 10, Title 22, Guam Code Annotated;



9 GCA § 81.10 (Continued)

- Also at the August 31 Plenary Meeting, Attorney Bucky Brennan raised the issue that work credit under this Section is essentially not available to first time DWI offenders who generally serve 48 hours by plea agreement. He suggested the following change to § 81.10(f) to open it up to first time offenders:

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

- Presented for information only. Recommend to defer to DOCO for further discussion.



9 GCA CHAPTER 82 – LOSS AND RESTORATION OF RIGHTS INCIDENT TO CONVICTION OR IMPRISONMENT

§ 82.20. JURY OR VOTING DISQUALIFICATION FOR DURATION OF SENTENCE ONLY

- At the August 31 Plenary Meeting, Attorney John Morrison raised the possibility that under 9 GCA § 82.20, a convicted person might be absolutely prohibited from voting in an election. However, § 82.20 provides that a convicted person “committed under a sentence of imprisonment” is disqualified from voting. Although this language might be enough to limit the prohibition to persons actually imprisoned, we recommend adding the language here to avoid conflicts:

§ 82.20. Jury or Voting Disqualification for Duration of Sentence Only.

Notwithstanding any other provision of law, a person who is convicted of a crime shall be disqualified:

(a) from voting in a primary or general election if and only so long as he is committed under a sentence of imprisonment and physically incarcerated; and

- Submitted for approval. If further discussion, defer to DOCO for further action.



Chapter number, name	Section	<u>No-Change</u>	<u>AMEND</u>	<u>REPEAL</u>	<u>REPEAL & RE-ENACT</u>	<u>OTHER</u>
Crim Pro Subcommittee		-	-	-	-	-
71 - Gun Free School Zone						
	§71.20		Amend			
	§71.30		Amend			
	§71.40		Amend			
	§71.50		Amend			
	§71.61		Amend			
	§71.70			Repeal		
	§71.80		Amend			
	§71.81		Amend			Consolidate
	§71.82					Consolidate
	§71.83					Consolidate
81 - Reduction of Sentences						
	§81.10(a)		Amend			
	§81.10(f)					Table
82 - Loss and Restoration of Rights						
	§82.20		Amend			



Report of the Subcommittee on Crimes Relating to Property

Continued Discussion of Chapters Presented at the August 31,
2023 Plenary Meeting for Consideration and Approval

(Tabled)

Members: Atty Phil Tydingco (Chair), Mr. Monty McDowell, Atty
Randy Cunliffe, Atty William Bucky Brennan, Atty Sean Brown



Report of the Subcommittee on Drugs and Other Criminal Offenses

Presentation of Additional Recommendations for Discussion and
Approval

Members: Hon. Maria T. Cenzone (Chair), Hon. Elizabeth Barrett-Anderson, Compiler of Laws Geri Cepeda, DOC Director Fred Bordallo, Atty Mike Phillips, Ms. Valerie Reyes, Atty Kat Siguenza



Suggested new provision

§ 90106. Correctional Medical Clinics.

There are hereby established facilities within the Department of Corrections (DOC) designated as the “Correctional Medical and Dental Clinic” and the “Correctional Behavioral Health Clinic” to address and respond to the medical, dental and mental health needs of all inmates and detainees within the prison population based on standards and procedures recognized by the National Commission on Correctional Health Care and consistent with community standards of care to further ensure the constitutional rights of inmates and detainees to proper health care.

(a) All outpatient medical and dental clinical operations at the DOC Correctional Medical Clinic shall be under the general cognizance and authority of the Guam Memorial Hospital Authority (GMHA) to ensure delivery of services including, but not limited to providing a medical director; physician and nurse practitioner services; nursing services; clinic staff; pharmaceutical services; medical records services; medical supplies; and training, to the extent necessary to satisfy this section those services set forth in a cooperative agreement between GMHA and DOC.



Suggested new provision

(b) All outpatient mental health services operations at the DOC Correctional Behavioral Health Clinic shall be under the general cognizance and authority of Guam Behavioral Health & Wellness Center (GBHWC) to ensure delivery of services including, but not limited to providing a mental health director, psychiatric physician and clinical psychology services, nursing services; clinic staff; records services; supplies; and training, to the extent necessary to satisfy this section those services set forth in a cooperative agreement between GBHWC and DOC.

(c) The DOC, GMHA, and GBHWC shall annually submit sufficient budgetary justification and appropriation requests to fund all operations pursuant to the continuing cooperative agreements between the DOC and GMHA.

(d) DOC and GBHWC. GMHA and GBHWC shall deliver health care services at the Correctional Medical Clinic and Correctional Behavioral Health Clinic, respectively, at the most economical costs, implement best practices, and promote financial accountability to DOC.



Suggested new provision

(1) GMHA and GBHWC shall provide written reports to DOC one month after each fiscal quarter detailing services rendered and supplies used during the previous quarter, including applicable costs and administrative fees. The system for payment by DOC to GMHA and GBHWC shall be established with the Governor's Office, the Bureau of Budget Management & Research (BBMR), and the Department of Administration (DOA) to ensure GMHA and GBHWC has a regular commitment of funding secured solely and exclusively for paying GMHA and GBHWC on time for health care services, medical supplies, and for the timely payment to pharmaceutical vendors to prevent any future risks of credit hold.

(2) Allotments shall be made to GMHA and GBHWC in advance of services rendered and medical and pharmaceutical supplies, based on the previous fiscal year budget, and adjusted for any under-utilization or over-utilization from the previous fiscal year. Quarterly allotments shall be released on October 1, January 1, April 1, and July 1, of each fiscal year.

(3) GMHA and GBHWC shall submit to DOC expenditures statements post fiscal year that certify funds were spent in accordance with actual allocations.



Notice of Next Meeting
Thursday, February 8, 2024, Noon
(Tentative)



Agenda

- I. CALL TO ORDER
- II. PROOF OF DUE NOTICE OF MEETING
- III. DETERMINATION OF QUORUM
- IV. DISPOSAL OF MINUTES October 5, 2023
- V. OLD BUSINESS
 - A. Membership Update
 - B. Third Quarter Report
 - C. Subcommittee on Criminal Procedure: Continued Discussion of Chapters Presented at the August 31, 2023 Plenary Meeting for Consideration and Approval
 - D. Subcommittee on Crimes Relating to Property: Continued Discussion of Chapters Presented at the August 31, 2023 Plenary Meeting for Consideration and Approval
- VI. NEW BUSINESS
 - A. Subcommittee on Drug & Other Criminal Offenses: Presentation of Additional Recommendations for Discussion and approval
 - B. Notice of next meeting: Thursday, February 8, 2024, Noon (Tentative)
- VII. Communications
- VIII. Public Comment
- IX. Adjournment



Thank you!