



**BEFORE THE 2014 JUDICIAL COUNCIL OF GUAM**

**RESOLUTION NO. JC14-015**

**RELATIVE TO AMENDING THE TRAFFIC VIOLATIONS BUREAU FINE  
SCHEDULE**

- WHEREAS**, under the current traffic court rules, when a defendant fails to appear on the appearance date a 1<sup>st</sup> Notice of Failure to Appear is issued by the Traffic Violations Bureau (TVB) and a fee of \$30.00 is assessed for the issuance of the notice;
- WHEREAS**, under the current traffic court rules, when a defendant fails to appear on the date indicated in the 1<sup>st</sup> Notice of Failure to Appear, a 2<sup>nd</sup> Notice of Failure to Appear is issued by the TVB and a fee of \$50.00 is assessed;
- WHEREAS**, on May 10, 2013 Public Law 32-027 was passed repealing and re-enacting 16 GCA § 9108, to change the penalty for violation of the traffic code from a petty misdemeanor to a civil violation punishable by a fine;
- WHEREAS**, in light of the amendment of section 9108, a subcommittee was formed to review the existing traffic court rules and to provide recommended rules for adoption;
- WHEREAS**, at a regularly scheduled Judicial Council meeting on June 5, 2014, the Superior Court Clerk of Court presented proposed interim Traffic Court rules and requested that Judicial Council recommend that the Supreme Court of Guam under its rule making authority approve the proposed interim rules;
- WHEREAS**, under the proposed interim rules, the procedure for issuing a 1<sup>st</sup> and 2<sup>nd</sup> Notice of Failure to Appear will be amended. An Order to Appear will replace the issuance of the 1<sup>st</sup> Notice and an Order to Show Cause will replace the issuance of the 2<sup>nd</sup> Notice; and
- WHEREAS**, the Superior Court Clerk of Court requested that upon the approval of the interim rules by the Supreme Court, the 1<sup>st</sup> and 2<sup>nd</sup> Notices of Failure to Appear be amended to Order to Appear and Order to Show Cause.

**NOW THEREFORE BE IT RESOLVED** that the TVB Fine Schedule adopted by the Judicial Council on December 30, 2013 pursuant to Resolution 13-024 be amended to change the 1<sup>st</sup> and 2<sup>nd</sup> Notices to Appear to Order to Appear and Order to Show Cause, respectively.

**BE IT FURTHER RESOLVED** that this amendment will be effective upon approval of the proposed interim rules by the Supreme Court.

**DULY ADOPTED** this 5<sup>th</sup> day of June, 2014 at a duly noticed meeting of the Judicial Council of Guam.



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**ROBERT J. TORRES**, Chairman

Dated: 6/9/14

ATTEST:



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**JOANNA S. McDONALD**, Assistant Secretary

Dated: 6/9/14