



HON. KATHERINE A. MARAMAN
CHIEF JUSTICE
HON. ALBERTO C. LAMORENA, III
PRESIDING JUDGE

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

**GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION
PLENARY MEETING THURSDAY, APRIL 09, 2026, 12:00 PM
MEETING PACKET**

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

**CLRC PLENARY MEETING APRIL 09, 2026
AGENDA**

I. CALL TO ORDER

II. PROOF OF DUE NOTICE OF MEETING

III. DETERMINATION OF QUORUM

IV. DISPOSAL OF MINUTES JANUARY 29, 2026

V. OLD BUSINESS

- A. Subcommission Status Update and Report of Executive Director

VI. NEW BUSINESS

- A. Subcommission on Criminal Procedure: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
- B. Drug & Other Criminal Offenses /Ad Hoc Subcommission: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
- C. Subcommission on Crimes Involving Property: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
- D. Subcommission on Crimes Against Persons: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
- E. Notice of Next Meeting: **TO BE DETERMINED.**

VII. COMMUNICATIONS

VIII. PUBLIC COMMENT

IX. ADJOURNMENT

PUBLIC NOTICES

CLRC PLENARY MEETING OF

APRIL 09, 2026

APPLY NOW!!

50 - CARPENTER WITH 1 YEAR EXPERIENCE \$18.34 PER HOUR*
 Duties: Constructs, erects, installs and repairs structures and fixtures of wood, wallboard and plywood, including framework. Uses carpenter's hand tools and power tools conforming to local building codes. Reads blueprints, sketches, or building plans to determine type of work required and materials needed. Prepares layout, using ruler, framing square, and calipers. Erects framework for structure and lay subfloor board.

30 - CEMENT MASON WITH 1 YEAR EXPERIENCE \$17.51 PER HOUR*
 Duties: Smooths and finishes surfaces of poured concrete floors, walls, sidewalks, or curbs to specified textures using hand tools or power tools including floats, trowels, and screeds. Signals concrete deliverer to position truck to facilitate pouring concrete. Spreads concrete into inaccessible section of forms using rake or shovel. Levels concrete to specified depth and workable consistency using hand screed and floats to bring water to surface and produce soft topping. Lays concrete blocks and mixes cement using shovel or cement mixing machine.

4 - CONSTRUCTION SUPERVISOR WITH 2 YEARS' EXPERIENCE AND ASSOCIATE'S DEGREE IN CIVIL ENGINEERING (MAY BE FOREIGN EQUIVALENT) \$29.61 PER HOUR*
 Duties: Supervises and coordinates activities of construction workers in performing construction works. Reads specifications such as blueprints to determine construction requirements and to plan procedures. Estimate material and worker requirements to complete jobs. Order or requisition materials and supplies. Assigns work to employees, based on material or worker requirements of specific jobs. Locates, measures, and marks site locations or placement of structures or equipment. Inspects work progress, equipment, and construction sites to verify safety and to ensure that specifications are met. Supervises, coordinates, and schedules the activities of the construction workers. Coordinate work activities with other construction project activities. Analyzes worker or production problems and recommend solutions. Arranges for repairs of equipment or machinery. Suggests or initiates personnel actions. Trains workers in construction methods, operation of equipment, safety procedures, and company policies. Provides assistance to workers engaged in construction activities, using hand tools or other equipment. Confers with managerial and technical personnel in order to resolve problems and to coordinate activities. Records information, such as personnel, production, or operational data.

25 - REINFORCING METAL WORKER WITH 1 YEAR EXPERIENCE \$16.98 PER HOUR*
 Duties: Positions and secures steel bars in concrete forms to reinforce concrete. Determines numbers, sizes, shapes, and locations of reinforcing rods from blueprints, sketches, or oral instructions. Selects and places rods in forms and spacing, and fastens them together using wire and pliers. Cuts bars to required lengths using hacksaw, bar cutters, or acetylene torch.

Verification of qualifications required

**Special Wage Rate: Work to be performed on DPRI-funded projects and projects covered by Davis Bacon, Service Contracts Act, and/or Executive Order 14206 will be paid no less than the indicated wage rate but may be paid more where special rates apply and may require paid holidays and/or paid sick leave.*

Benefits: Round trip airfare for off-island hire; Lodging at \$27.69/week; Local transportation to/from jobsite from the employer's designated housing facility; and Employer/Employee-paid medical insurance provided.

Successful applicant must be able to obtain military base access. Employees are required to take and pass a substance abuse test after hire.

The job offer meets all EEO requirements, and initiates a temporary placement. The recruitment associated with this job offer is closely monitored by the Department of Labor. Qualified, available and willing U.S. workers are highly encouraged to apply. Should you qualify for the job and are not hired, you may appeal with the Department of Labor who will independently review matter.

Apply in person at the American Job Center
 414 W. Soledad Avenue, Suite 300 GCIC Building Hagatna, Guam
 Or apply online at www.hireguam.com; Enter Keyword: 2026-059

AVAILABLE JOBS FOR ELIGIBLE U.S. WORKERS

6 - CARPENTER WITH 1 YEAR EXP. \$18.34 PER HR.*
 Construct, erect, install or repair structures & fixtures made of wood for installation of cabinets, doors, windows, frames, floorings, trim, hardware, concrete forms or chutes for pouring concrete using hand or power tools. Study specifications in blueprints, sketches or building plans to prepare project layout & determine dimensions & materials required. Measure & mark cutting lines on materials, using ruler, pencil, chalk & marking gauge. Shape or cut materials to specified measurements using hand tools, machines or power saws. Verifies trueness of structure using plumb bob & level. Uses ladders & scaffolds to perform duties above ground level.

Benefits: Roundtrip airfare for off-island hire; food & lodging @ \$80.00 per week; local transportation from employer's designated lodging facility to/from jobsites; medical insurance provided.

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Successful applicant must be able to obtain military base access. Off-island hires must complete a health screening prior to working on Guam.

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 Or apply online at www.hireguam.com; Enter Keyword : 2026-060

**REQUEST FOR PROPOSAL (RFP)
 FY2027 GROUP HEALTH INSURANCE PROGRAM
 DOA/ID-GHI-RFP-27-002**

The Government of Guam will be announcing the annual RFP for interested Third-Party Administrators (TPA) licensed under the applicable Guam laws, to administer self-funded group health benefit programs to eligible Government of Guam active employees, retirees, survivors, their covered dependents, foster children under the legal custody of the Child Protective Services Division of the Department of Public Health and Social Services and individuals confined under the custody of the Department of Corrections.

Interested companies or potential offerors are advised to monitor the Department of Administration, Insurance Division's website at www.hr.doa.guam.gov/insurance-division for the RFP publication.

All questions regarding this RFP must be submitted to Director, Department of Administration, as instructed in the RFP.

All hard copies and electronic files of the entire proposal must be received by the Director, Department of Administration as indicated in the RFP.

Should you have any questions regarding this RFP, please call the Insurance Division, Department of Administration at (671) 475-1179/1103.

**NOTICE OF
 ROADSIDE WORK**

The IT&E Team will be performing trenching and fiber expansion along listed roads from

April 6th, 2026 - May 30th, 2026

Route 1

Route 10A

Route 16

Route 27

Motorists should expect intermittent lane closures and shifts along these routes. Slow-moving traffic and delays are anticipated due to trenching work and the installation of IT&E communication facilities



Connections that matter

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JUDICIARY OF GUAM

Guam Judicial Center
 120 West O'Brien Drive Hagatna, Guam 96910-5174
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**GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION
 PLENARY MEETING APRIL 09, 2026**

NOTICE OF MEETING

The Guam Criminal Law and Procedure Review Commission will conduct a plenary meeting on APRIL 09, 2026, at 12:00 pm in the Guam Judicial Center Judge Joaquin V.E. Manibusan, Sr. Memorial Courtroom, 120 West O'Brien Drive, Hagatna, and by videoconference. The meeting will be streamed live on the Judiciary of Guam YouTube channel. <https://www.youtube.com/channel/UCfnFCWwllp99fAeh9zi4Q4g>

AGENDA

- I. CALL TO ORDER
- II. PROOF OF DUE NOTICE OF MEETING
- III. DETERMINATION OF QUORUM
- IV. DISPOSAL OF MINUTES - JANUARY 29, 2026
- V. OLD BUSINESS
 - A. Subcommittee Status Update and Report of Executive Director
- VI. NEW BUSINESS
 - A. Subcommittee on Criminal Procedure: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - B. Drug & Other Criminal Offenses /Ad Hoc Subcommittee: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - C. Subcommittee on Crimes Involving Property: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - D. Subcommittee on Crimes Against Persons: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - E. Notice of Next Meeting: TO BE DETERMINED.
- 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

LOURDES A. LEON GUERRERO
Honorable Governor
Maga'hága

JOHN "JQ" QUINATA
Executive Manager

A.B. WON PAT INTERNATIONAL AIRPORT GUAM

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JOSHUA F. TENORIO
Honorable Lt. Governor
Sigundo Maga'láhi

DAFNE MANSAPIT-SHIMIZU
Deputy Executive Manager

REQUEST FOR PROPOSALS

GIAA UNDERGROUND UTILITY INFRASTRUCTURE RELOCATION AND POWER GENERATION - DESIGN

RFP No. RFP-004-FY26

<p>Deadline for Receipt of Written Questions (Single Point of Contact)</p> <p>03/30/2026, 5:00 p.m. (ChST)</p>	<p>Proposal Submission Deadline (GIAA Admin Office - 3rd floor)</p> <p>04/14/2026, 4:00 p.m. (ChST)</p>
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For additional information, contact Ms. Kathrina Bayson, the Single Point of Contact, via email at: ifbrfp@guamairport.net

The complete RFP packet and any addenda are available for public inspection at the GIAA Administration Office and for download from GIAA's website at www.guamairport.com. All Prospective offerors must register by submitting to GIAA the Acknowledgement of Receipt Form included as part of this RFP. GIAA shall not be liable for failure to provide notice(s) or addenda to any prospective offeror who does not submit an Acknowledgement of Receipt Form. GIAA reserves the right to reject any and all proposals or offers and to waive any and all informalities, and such rejection or waiver will be in GIAA's best interest.

AD PAID FOR BY: ATURIDAT PUEYTON BATKON AIREN ENTENASIONAT GUAHAN

AVAILABLE JOBS FOR ELIGIBLE U.S. WORKERS

10-CARPENTER WITH 1 YEAR EXP **\$18.34 PER HR. ***

Construct, erect, install or repair structures & fixtures made of wood such as concrete forms or chutes for pouring concrete. Study specifications in blueprints, sketches or building plans to prepare project layout & determine dimensions & materials required. Measure & mark cutting lines on materials, using ruler, pencil, chalk & marking gauge. Shape or cut materials to specified measurements using hand tools & power tools. Verifies trueness of structure using plumb bob & level. Uses ladders & scaffolds to perform duties above ground level.

Benefits: Roundtrip airfare for off-island hire; board & lodging @ \$101.00 per week; local transportation from employer's designated lodging facility to/from jobsites; employer/employee paid medical insurance provided.

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The job offer meets all EEO requirements, and initiates a temporary placement. The recruitment associated with this job offer is closely monitored by the Department of Labor. Qualified, available and willing U.S. workers are highly encouraged to apply. Should you qualify for the job and are not hired, you may appeal with the Department of Labor who will independently review the matter.

Apply in person at American Job Center
414 W. Soledad Avenue, Suite 300 GCIC Building, Hagatna, Guam
Or apply online at www.hireguam.com; Enter Keyword: 2026-063

AVAILABLE JOBS FOR ELIGIBLE U.S. WORKERS

21 - CARPENTER with min. 1 yr. exp.	\$18.34 PER HOUR*
Performs carpentry duties for residential, commercial and government projects.	
22 - CEMENT MASON with min. 1 yr. exp.	\$17.51 PER HOUR*
Performs cement mason duties for residential, commercial and government projects.	
4 - ELECTRICIAN with min. 2 yrs. exp.	\$21.02 PER HOUR*
Performs electrician duties for residential, commercial and government projects.	
3 - HEAVY EQUIPMENT MECHANIC with min. 2 yrs. exp.	\$21.77 PER HOUR*
Performs heavy equipment mechanic duties for residential, commercial and government projects.	
4 - HEAVY EQUIPMENT OPERATOR with min. 1 yr. exp.	\$18.97 PER HOUR*
Performs heavy equipment operator duties for residential, commercial and government projects.	
7 - PAINTER with min. 1 yr. exp.	\$19.82 PER HOUR*
Performs painter duties for residential, commercial and government projects.	
6 - PLUMBER with min. 2 yrs. exp.	\$19.48 PER HOUR*
Performs plumber duties for residential, commercial and government projects.	
6 - REINFORCING METAL WORKER with min. 1 yr. exp.	\$16.98 PER HOUR*
Performs reinforcing metal worker duties for residential, commercial and government projects.	

Verification of qualifications required

**Special wage rate: Work to be performed on DPRI-funded projects and projects covered by Davis Bacon, Service Contracts Act, and/or Executive Order 14206 will be paid no less than the indicated wage rate but may be paid more where special rates apply and may require paid holidays and/or paid sick leave.*

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For the complete job duties, apply in person at the American Job Center
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GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION
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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

TAMUNING-TUMON-HARMON MUNICIPAL PLANNING COUNCIL
REGULAR MONTHLY MEETING
6:30 P.M. Thursday, APRIL 9, 2026
Tamuning Community and Senior Center

AGENDA

- I. Call to Order
- II. Roll Call / Recitation of the Pledge of Allegiance and Infresis
- III. Approval of Minutes of March 5, 2026
- IV. Youth Congress Report
- V. Sister Military Command Report
- VI. GPD Precinct Report
- VII. Mayor's & Vice Mayor's Report
- VIII. Old Business
- IX. New Business
Project proposal: Cosplay 101 Community Creative Skills Workshop
Submitted by: MAD Studio Productions & Press Play Collective
- X. Committee Reports
- XI. Public Comments
- XII. Announcements: Next MPC meeting May 7, 2026
- XIII. Adjournment

For special accommodations, please contact Mayor Louise Rivera at 671-480-4440

Broadcast Live on Tamuning Mayor's Office Facebook Page
This Advertisement is paid for by Government of Guam procurement.

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MINUTES

CLRC PLENARY MEETING OF

JANUARY 29, 2026



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. KATHERINE A. MARAMAN
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA, III
PRESIDING JUDGE

HON. JONATHAN R. QUAN
CHAIRMAN

ANDREW SERGE QUENGA
EXECUTIVE DIRECTOR

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION (CLRC) PLENARY MEETING | THURSDAY, JANUARY 29, 2026 MINUTES

I. CALL TO ORDER

The meeting was called to order by Chair Jonathan R. Quan at 12:04 PM. The meeting was held in person in the Judge Joaquin V. Manibusan Sr. Memorial Courtroom at the Judicial Center and via Zoom. The session was livestreamed on the Judiciary of Guam's YouTube channel.

II. PROOF OF DUE NOTICE OF MEETING

The Chair confirmed due notice of the meeting in compliance with the Open Government Law. Notices were published in local newspapers and included in the meeting packet.

III. DETERMINATION OF QUORUM

Roll call was conducted by Administrative Assistant Lisa Ibanez. Eleven members were confirmed present, establishing a quorum.

- Hon. Jonathan R. Quan – Present, Judiciary of Guam
- Hon. Maria T. Cenzone- No response
- Hon. Anita A. Sukola – Present, California
- Atty. William B. Brennan – Present, Hagåtña
- DOC Designee Maj. Antone Aguon – Present, Mangilao
- Chief of Police Designee Sgt. Michael Elliott – Present, Tiyan
- Atty. Joseph McDonald – Present, Judiciary of Guam
- Atty. Randall Cunliffe – Present, Hagåtña
- Mr. Monty McDowell – Present, Judiciary of Guam
- Public Defender Designee Atty. John Morrison – Present, Sinajaña
- Attorney General Designee Atty. Valerie Nuesa – Present, Hagåtña
- Attorney Michael Phillips- No response
- Miss Valerie Reyes- No response
- Attorney Christine Tenorio- Present, Hagåtña
- Atty. Philip Tydingco – No response

- Ex-Officio (Non-Voting Members):
- Executive Director Serge Quenga – Present, Judiciary of Guam
- Compiler of Laws Geri Cepeda – Present, Judiciary of Guam

Chair Quan acknowledged that a quorum was present and welcomed all attendees and observers.

IV. DISPOSAL OF MINUTES: October 8, 2025

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

The minutes of the October 8, 2025, plenary meeting were approved without objection.

V. OLD BUSINESS

A. Status Update and Report of Executive Director.

- Welcomed new Chief Justice Katherine Maraman and thanked former Chief Justice Robert J. Torres for his support of the commission.
- Announced and welcomed new research attorney, Attorney Yusuke Haffeman-Udagawa.
- Announced that the Director, Compiler of Laws, and Research Attorneys will lead some subcommissions' work moving forward. The Commission has until January 2027 to complete its work, unless we receive an additional appropriation and an extension of time.
- Fourth Quarter 2025 report will be released soon.

B. Interim Report Update and Notice of Errata.

- Director Quenga provided an update on the CLRC Interim Report of recommendations sent to the Legislature June 13, 2025, and presented the Notice of Errata and Revisions for discussion and approval (Attachment 1).
- The CLRC Interim Report, submitted to the Legislature June 13, 2025, led to the introduction of Bill No. 232, an omnibus measure adopting the Commission's recommendations. Following a legislative request for review, the CLRC identified revisions required due to subsequent legislative amendments, and limited clerical errors in the Interim Report.
- CLRC staff drafted a Notice of Errata and Revisions to correct discrepancies, align the report with current law, and facilitate incorporation into Bill 232.
- Summary of revisions: 7 sections updated due to legislative changes, 3 sections reverted to "no change" (Compiler of Laws updates), and 5 clerical corrections.
- Discussion:
 - Director Quenga covered all sections in the Notice of Errata and Revisions and presented a table showing pending bills that could affect Title 9 sections under review.
 - Members noted that ongoing legislative amendments to Title 9 create timing challenges and that continuous real-time review could delay completion of the Commission's mandate.

- It was suggested that ongoing statutory review may be better suited for a permanent law revision commission.
- The Commission agreed to:
 - Include notations identifying sections not reviewed by the CLRC; and
 - Provide regular updates on pending legislation at future meetings.

Chairman Quan called for a motion to approve the Notice of Errata and Revisions. Motion to approve made by Attorney Joseph McDonald and seconded by Attorney Valerie Nuesa. Approved without objection. The Notice of Errata and Revisions will be transmitted to Legislature and incorporated in a revised draft Bill 232. The Commission will continue to monitor legislation affecting Title 9.

VI. NEW BUSINESS

A. Subcommittee on Criminal Procedure: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval.

Research Attorney Gordon Anderson presented on behalf of the Criminal Procedure Subcommittee. His PowerPoint presentation is included as Attachment 2.

- 9 GCA Chapter 7 (Exemptions and Defenses)
 - § 7.86 (Self-Defense Limited). Discussed and tabled at Plenary Meeting of October 25, 2025. Amend as shown in Attachment 2, Slide 5.
 - Discussion: This is a revised proposal to amend 9 GCA § 7.86(b) (deadly force), replacing outdated and undefined terms with defined statutory language. The proposal substitutes “serious bodily harm” with “serious bodily injury,” “rape or sodomy” with “sexual penetration compelled by,” and “force or threat” with “force or coercion.” The intent is to align the statute with existing definitions in Title 9 while avoiding unintended expansion of the defense.

The Subcommittee emphasized that the changes are largely non-substantive and preserve the original scope, focusing on sexual penetration rather than broader criminal sexual conduct.

The Subcommittee previously proposed replacing “rape or sodomy” with “criminal sexual conduct (CSC)”, but concerns were raised that this would overbroaden the statute to include lesser offenses (e.g., 4th degree CSC involving sexual touching)

Discussion centered on whether the proposal adequately accounts for cases involving minors and second-degree CSC. Atty. Christine Tenorio raised

concerns that the language may exclude certain child victims where force or coercion is not present, while other members noted the statute's narrow application to deadly force and the need to avoid overbroad inclusion. Members also clarified that the statute applies to immediate threats rather than past abuse.

Chairman Quan called for a motion to approve the recommendation as presented. Motion was made by Attorney Randy Cunliffe and seconded by Mr. Monty McDowell. Approved without objection.

B. Subcommittee on Crimes Against Persons: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval.

Attorney Joseph McDonald presented. His PowerPoint presentation is included as Attachment 3.

- 9 CGA Chapter 30. Family Violence. No changes recommended to Chapter 30 sections (except § 30.20) as shown in Attachment 3, Slide 3.
 - § 30.20 (Family Violence). Amend subsection (d) as shown in Attachment 3, Slide 4.
 - Discussion: Delete phrase “that due to unusual circumstances” from (d). Reference to “unusual circumstances” is redundant. It is encompassed by the “manifest interest of justice” standard in (d). The revision is intended to eliminate redundancy and preserve judicial discretion.
 - § 30.30. (Powers and Duties of Peace Officers to Arrest for Crimes Involving Family Violence; Determination of Primary Aggressor; Required Report). No change as shown in Attachment 3, Slide 5.
 - Discussion: Statute is difficult to apply and enforce. After review, no recommendation to repeal. Similar provisions remain in use across many jurisdictions but may be underutilized in practice as it requires officers to identify and document the primary aggressor before making an arrest. Other jurisdictions address implementation challenges through law enforcement training requirements.
 - § 30.31. Mandatory Confinement. No change as shown in Attachment 3, Slide 6.
 - Discussion: Noted some due process concerns and difficulty in application. However, confinement decisions are based on probable cause determinations. Mandatory confinement remains effective as a general policy tool, particularly for immediate de-escalation. No change to all the other sections. As shown in Attachment 3, slide 6.
- 9 GCA Chapter 49. Bribery. No changes recommended to Chapter 49 sections as shown in Attachment 3, slide 8.

- Discussion: No changes recommended. However, concerns raised that public official misconduct is classified only as a misdemeanor, despite potentially serious conduct committed under color of law. Noted that certain cases may warrant felony-level treatment, particularly where aggravating factors are present (e.g., high-level officials, significant monetary gain, repeat offenses, or law enforcement involvement). Policy concerns were also raised regarding the limited employment consequences of misdemeanor convictions.

Executive Director noted it would be worthwhile to look at range of penalties. Members agreed that § 49.90 (Official Misconduct) would be tabled for further review.

Executive Director noted § 49.70 was omitted from list of sections in Slide 8. Subcommittee confirmed no change to § 49.70.

- 9 GCA Chapter 64. Gambling. No change recommended to Chapter 64 sections in slide as shown in Attachment 3, Slide 11.
 - Discussion: No changes recommended. Gambling is highly regulated. Repeal or regulation is a policy decision, including cockfighting which is a federal crime.

Executive Director noted inconsistency in § 64.40 where gambling related to cockfighting remains referenced despite the prior CLRC recommendation to remove cockfighting as a lawful activity in alignment with federal law. Members noted the cultural context and lack of recent federal enforcement but acknowledged the need for statutory consistency. The Subcommittee agreed to table § 64.40 was tabled for further review.

Chairman Quan called for a motion to approve the subcommittee's recommendations on § 30.20(d), to table § 49.90 and § 64.40, and no change to all other sections in chapters 30, 49, and 64. Motion made by Mr. Monty McDowell. Seconded by Attorney Joe McDonald. Approved without objection.

C. Subcommittee on Crimes Involving Property: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval.

Tabled by Chairman.

D. Ad Hoc Subcommittee on Corrections-Related Chapters. Discussion of Chapters and Presentation of Recommendations for Discussion and Approval.

Tabled by Chairman.

E. Subcommittee on Drug & Other Criminal Offenses: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval

Tabled by Chairman.

VII. COMMUNICATIONS

None.

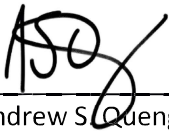
VIII. PUBLIC COMMENT

None

IX. ADJOURNMENT

There being no further business, Chair Quan adjourned the meeting at approximately 1:15 PM. The next meeting date is March 26, 2026, at Noon.

Respectfully submitted this 9th day of April 2026.



Andrew S. Quenga, Executive Director

As set out above, the minutes of the January 29, 2026, plenary meeting were approved by the CLRC at its next plenary meeting.

Magistrate Judge Jonathan R. Quan, Chairman

Date: _____

ATTACHMENT 1

EXECUTIVE DIRECTOR REPORT ON
NOTICE OF ERRATA AND REVISIONS

PRESENTATION

JANUARY 29, 2026



NOTICE OF ERRATA AND REVISIONS BACKGROUND AND PURPOSE

- CLRC submitted Interim Report to I Liheslaturan Guåhan on June 13, 2025, recommending amendments to selected chapters of Title 9, Guam Code Annotated.
- Bill 232-38, introduced Nov. 20, 2025, adopts all recommendations in the Interim Report.
- After submission of the Interim Report, certain amendments to Title 9 sections were enacted. This Notice addresses sections in the Interim Report that are affected by those amendments.
- The CLRC also identified clerical, typographical, and formatting errors.
- This Notice corrects errors and revises recommendations as necessary to reflect intervening legislative amendments.
- Replaces corresponding sections in the Interim Report and Bill 232.



SECTIONS AFFECTED

SECTION	ERRATA/BASIS FOR REVISION
§ 1.18	Correction made by Compiler of Laws
§ 1.19	Correction made by Compiler of Laws
§ 1.20	Correction made by Compiler of Laws
§ 16.50	Clerical
§ 19.82	Subsequent amendment by the Legislature in P.L. 38-070 (Oct. 17, 2025)
§ 25.10	Subsequent amendment by the Legislature in P.L. 38-016 (June 17, 2025)
§ 25.15	Subsequent amendment by the Legislature in P.L. 38-016 (June 17, 2025)
§ 25.20	Subsequent amendment by the Legislature in P.L. 38-016 (June 17, 2025)
§ 25.25	Subsequent amendment by the Legislature in P.L. 38-083 (Dec. 20, 2025)
§ 25.50	Subsequent amendment by the Legislature in P.L. 38-070 (Oct. 17, 2025)
§ 31.30	Clerical
§ 34.50	Clerical
§ 34.60	Clerical
§ 34.70	Subsequent amendment by the Legislature in P.L. 38-078 (Dec. 16, 2025)
§ 70.65	Clerical



§ 1.18. CLASSES OF CRIMES.

§ 1.19. FELONIES DEFINED AND CLASSIFIED.

**§ 1.20. RELATIONSHIP OF CODE TO OTHER LAWS;
CONTEMPTS, PENALTIES AND REMEDIES**

ERRATA. Non-substantive amendments removing “territory” for consistency with 1 GCA § 420 have already been made by the Compiler of Laws.

REVISION. Replace with current version and change CLRC Comment to “No change.”



§ 16.50. MANSLAUGHTER DEFINED AND CLASSIFIED.

ERRATA: Clerical errors.

(a)(2) a homicide which would otherwise be murder is committed under the influence of extreme mental or emotional disturbance for which there is reasonable explanation or excuse. ~~{~~The reasonableness of such explanation or excuse shall be determined from the viewpoint of a reasonable person in the defendant's situation under the circumstances as he believes them to be. The defendant must prove the reasonableness of such explanation or excuse by a preponderance of the evidence~~};~~ or

REVISION: Replace with correct section.



§ 19.82. INTERFERING WITH THE REPORTING OF CRIMINAL SEXUAL CONDUCT; DEFINED AND PUNISHED.

ERRATA. New section added by P.L.38-70 (10/17/25) *after* the Interim Report was submitted to the Legislature on June 13, 2025.

REVISION. Add this new section to the Interim Report with non-substantive spelling and punctuation corrections (*e.g.* abbet, abbeting).



§ 25.10(a). DEFINITIONS.

ERRATA. Amended by PL 38-016 (6/17/25) after Interim Report.

REVISION. Revise (a) as amended by PL 38-016.
Punctuation corrections.

Interim Report adds (a)(12)–(14)	P.L. 38-016 adds subsections (a)(12)-(15) Shown with recommended CLRC amendments
<p>(12) "Affinity" means family members related by marriage. The method of computing degrees of affinity is the same method as computing degrees of consanguinity.</p> <p>(13) "Consanguinity or relationship by blood (related by blood)" as used in this Chapter, means relationship between persons arising by descent from a common ancestor or a relationship by birth rather than by marriage. The degree of consanguinity is determined by counting upward from one of the persons in question to the nearest common ancestor, and then down to the other person, calling it one degree for each generation in the ascending as well as the descending line.</p> <p>(14) "Cunnilingus" is the touching of the urethral opening, vaginal opening, or labia with the actor's mouth.</p>	<p>(12) "Consanguinity or Relationship by blood" means a relationship between persons arising by descent from a common ancestor or a relationship by birth rather than by marriage. The degree of consanguinity is determined by counting upward from one of the persons in question to the nearest common ancestor, and then down to the other person, calling it one degree for each generation in the ascending as well as the descending line.</p> <p>(13) "Affinity" is the relation existing in consequence of marriage between each of the married persons and the blood relatives of the other. The method of computing degrees of affinity is the same method as computing degrees of consanguinity.</p> <p>(14) "Dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:</p> <ul style="list-style-type: none"> (A) the length of the relationship; (B) the nature of the relationship; and (C) the frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship." <p>(15) Adoption refers to the act where an adult formally becomes the guardian of a child and incurs the rights and obligations of a parent.</p> <p>(16) "Cunnilingus" is the touching of the urethral opening, vaginal opening, or labia with the actor's mouth.</p>



§ 25.15. FIRST DEGREE CRIMINAL SEXUAL CONDUCT
§ 25.20. SECOND DEGREE CRIMINAL SEXUAL CONDUCT

ERRATA. Sections amended by P.L. 38-016 (6/17/25) after Interim Report submission.

REVISION. Although no changes in Interim Report, need to replace the sections as amended.



§ 25.25. THIRD DEGREE CRIMINAL SEXUAL CONDUCT.

ERRATA. Sections amended by P.L. 38-083 (12/20/25) after Interim Report submission.

REVISION. Although no changes in Interim Report, need to replace the sections as amended.



§ 25.50. INTERFERING WITH THE REPORTING OF CRIMINAL SEXUAL CONDUCT.

ERRATA. New section added by P.L. 38-070 (10/17/25) *after* Interim Report submission.

REVISION. Add this new section to Interim Report with non-substantive spelling and punctuation corrections (*e.g.* abbet, abbeting).



§ 31.30. CHILD ABUSE.

ERRATA. Clerical errors.

- (a)(2) inflicts upon a child unjustifiable physical pain or mental suffering; or ~~willfully causes or permits any child to suffer;~~
- (d)(1) intentionally ~~willfully~~ failing to provide proper and sufficient food ...

REVISION. Replace with correct section.



§ 34.50. CRIMINAL MISCHIEF; DEFINED.

ERRATA. Clerical error.

- (e) he intentionally damages the property of **another** or forest land;
of

REVISION. Replace with correct section.



§ 34.60. CRIMINAL MISCHIEF; PUNISHED.

ERRATA. Clerical error.

~~(a)~~ A violation of ~~subsection (a) of § 34.50~~ is a second degree felony if the defendant's conduct results in pecuniary loss of Five Thousand Dollars (\$5,000.00) or more, a third degree felony if the defendant's conduct causes or is intended to cause results in pecuniary loss of Two Thousand Five Hundred Dollars (\$2,500.00) or more, but less than Five Thousand Dollars (\$5,000.00) in excess of Five Hundred Dollars (\$500.00), a misdemeanor if the defendant's conduct causes or is intended to cause results in pecuniary loss of Five Hundred Dollars (\$500) or more but less than Two Thousand Five Hundred Dollars (\$500.00) in excess of Fifty Dollars (\$50.00), and a petty misdemeanor if the defendant's conduct causes or is intended to cause results in pecuniary loss of less than Five Hundred Dollars (\$500.00) in excess of Twenty four Dollars (\$24.00). Otherwise, criminal mischief is a violation.

REVISION. Replace with correct section.



§ 34.70. GRAFFITI PROHIBITED.

ERRATA. Section amended by P.L. 38-078 (12/16/25) after Interim Report submission.

REVISION. Withdraw Interim Report recommendations inconsistent with P.L. 38-078. Keep amendment to (a)(3)

Owner means any and all persons with legal and/or equitable title to real property in Guam as their names and addresses are shown upon the records of the Department of Revenue of Taxation or the Department of Land Management.



§ 70.65. DEFENSES AND EXCEPTIONS.

ERRATA. Clerical errors in renumbering subsection (g). Subsection (g)(2) regarding cockfighting was deleted. Renumbered accordingly.

REVISION. Correct subsection numbers.



SUMMARY

- Revisions correct errata and reflect subsequent legislative amendments to sections in the Interim Report.
- Changes are non-substantive unless expressly noted.
- Revised sections supersede sections in the Interim Report and Bill 232.
- Notice of Errata and Revisions submitted for CLRC approval.
- Will be transmitted to the Legislature and other stakeholders.

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PENDING BILLS THAT MAY AFFECT TITLE 9 SECTIONS UNDER REVIEW OR IN THE INTERIM REPORT

Bill No.	Title 9 Section(s) Affected	Interim Report Recommendation
Bill 162-38*	Amends § 19.50 (Terroristic Conduct; Defined & Punished)	Non-substantive amendment in Interim Report
Bill 138-38*	Amends § 7.58 (Intoxication)	Not covered in Interim Report
Bill 191-38	Adds a new § 70.460 (Operation of Unmanned Aircraft Over Correctional or Detention Facility)	New section not in Interim Report
Bill 171-38	Adds a new chapter 28A (Nonconsensual Intimate Depictions Act of 2025)	New chapter not in Interim Report
Bill 140-38	Adds a new § 90.16.2 to article 1 of chapter 90 (Fair Compensation and Retention for Correctional Officers Act of 2025)	New section not in Interim Report
Bill 105-38	Amend subsection (a) of § 80.70, chapter 80	Not covered in Interim Report

*Bills 162 and 138 are in the Legislature's Jan. 26, 2026 Session Agenda

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ATTACHMENT 2

SUBCOMMISSION ON
CRIMINAL PROCEDURE

PRESENTATION
JANUARY 29, 2026



**REPORT OF THE SUBCOMMISSION ON
CRIMINAL PROCEDURE**

January 29, 2026

**Continuing Discussion of 9 GCA § 7.86(b)
By
Gordon Anderson, CLRC Research Attorney**

**Members: Hon. Anita A. Sukola (Chair); AAG Valerie Nuesa; Executive
Director Serge Quenga (ex-officio)**

1



**New Proposal for
9 GCA § 7.86(b)**

**CLRC Plenary Meeting
1/29/2026**

2



Current Statute

(b) The use of deadly force is not justifiable under § 7.84 unless the defendant believes that such force is necessary to protect himself against death, serious bodily harm, kidnapping or **rape or sodomy compelled by force or threat**

At the October meeting, the Crim Pro Subcommittee proposed changing “rape or sodomy” to “criminal sexual conduct”



Crim Pro’s Proposal (Oct. 2025)

(b) The use of deadly force is not justifiable under § 7.84 unless the defendant believes that such force is necessary to protect himself against death, serious bodily harm, kidnapping or ~~rape or sodomy~~ **criminal sexual conduct compelled by force or threat**

CLRC members argued this proposal would expand the scope of the defense by allowing deadly force in the context of Fourth Degree CSC, a comparatively lesser offense.



New Proposal for 9 GCA § 7.86(b)

(b) The use of deadly force is not justifiable under § 7.84 unless the defendant believes that such force is necessary to protect himself against death, **serious bodily injury, kidnapping, or **sexual penetration** compelled by **force or coercion** . . .**

Three changes:

- “**serious bodily injury**” replaces former phrase “serious bodily harm”
- “**sexual penetration**” replaces former phrase “rape or sodomy”
- “**force or coercion**” replaces former phrase “force or threat”

5



“Serious Bodily Injury”

“Serious bodily injury” is defined by 9 GCA § 16.10(c):

Serious Bodily Injury means bodily injury which creates: serious permanent disfigurement; a substantial risk of death or serious, permanent disfigurement; severe or intense physical pain; or protracted loss or impairment of consciousness or of the function of any bodily member or organ[.]

“Serious bodily injury” is the phrase used in the statute defining “deadly force,” 9 GCA § 7.76

“Serious bodily injury” is also used in many violent crime statutes:

- Definition of Deadly Weapon: 9 GCA § 16.10(d)
- Aggravated Assault: 9 GCA § 19.20(a)(1)
- Child Abuse: 9 GCA § 31.30(b)
- Home Invasion: 9 GCA § 37.210(c)
- First Degree Robbery: 9 GCA § 40.20(a)

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“Sexual Penetration”

- Sexual penetration is defined by 9 GCA § 25.10(a)(10):

“Sexual Penetration” means **sexual intercourse**, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body, but emission of semen is not required[.]
- Sexual penetration is the primary act of First Degree CSC under 9 GCA § 25.15(a), and Third Degree CSC under 9 GCA § 25.25(a)
- I submit that “rape or sodomy” contemplates acts of sexual penetration, so this amendment does not significantly change the meaning of the statute

7



“Force or Coercion”

- “Force or coercion” is defined by 9 GCA § 25.10(a)(3):

(3) “Force” or “Coercion” includes, but is not limited to, any of the following circumstances:

 - (A) when the actor overcomes the victim through the actual application of physical **force** or physical violence;
 - (B) when the actor coerces the victim to submit by **threatening to use force or violence** on the victim and the victim believes that the actor has the present ability to execute these threats;
 - (C) when the actor coerces the victim to submit by **threatening to retaliate in the future** against the victim or any other person and the victim believes that the actor has the ability to execute this threat. As used in this Subsection, to retaliate includes threats of physical punishment, kidnapping, or extortion; . . .
 - (D) when the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable; or
 - (E) when the actor, through concealment or by the element of surprise, is able to overcome the victim.
- The “force or coercion” formulation is used throughout 9 GCA Ch. 25

8



Purposes of This Proposal

- **Uses Well-Defined Terms**
 - Each of the three proposed changes substitutes a phrase more commonly used in Title 9 GCA
 - Each of the three proposed changes substitutes a term with an explicit statutory definition
- **Does Not Significantly Broaden Scope of Defense**
 - “Serious bodily injury” appears to mean the same as “serious bodily harm”
 - “Sexual penetration” appears to mean the same as “rape or sodomy”
 - “Force or coercion” is arguably broader than “force or threats,” but only adds circumstances of penetration by medical battery, or by surprise

9



What About Second Degree CSC?

- At the prior meeting, some members suggested that the statute should apply to Second Degree CSC (sexual touching + aggravating factor)
- My proposal does not *inherently* include Second Degree CSC because that offense does not involve “sexual penetration”
- Counterpoints:
 - Second Degree CSC is not *inherently* included in the statute at the moment, since it is not an instance of “rape or sodomy”
 - Deadly force would still be available if the Second Degree CSC involves or threatens “serious bodily injury”
 - *Cf.* 9 GCA 25.20(a)(5) – armed with deadly weapon
 - *Cf.* 9 GCA 25.20(a)(6)-(7) – “causes personal injury”
 - This statute only applies to *deadly force*—nothing in this statute precludes a Second Degree CSC victim, or their defender, from using *non-deadly* force

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In Conclusion

(b) The use of deadly force is not justifiable under § 7.84 unless the defendant believes that such force is necessary to protect himself against death, **serious bodily injury**, kidnapping, or **sexual penetration** compelled by **force or coercion** . . .

Three changes:

- “**serious bodily injury**” replaces former phrase “serious bodily harm”
- “**sexual penetration**” replaces former phrase “rape or sodomy”
- “**force or coercion**” replaces former phrase “force or threat”

ATTACHMENT 3

SUBCOMMISSION ON
CRIMES RELATING TO PERSONS

PRESENTATION
JANUARY 29, 2026

Crimes Against Persons Subcommittee
Criminal Law & Procedure Review Commission

Members and ex officio members

GPD Sgt. Mike Elliot

Dep. Public Defender John Morrison

Assistant Attorney General Christine Tenorio

Magistrate Sean E. Brown

Attorney Joseph B. McDonald

**REVIEW AND RECOMMENDATIONS FOR
9 GCA CHAPTERS 30 FAMILY VIOLENCE, 49 BRIBERY, 64 GAMBLING**

PRESENTATION BY J. MCDONALD

PLENARY MEETING

JAN. 29, 2026

1



CHAPTER 30

FAMILY VIOLENCE

2



NO CHANGES RECOMMENDED TO THE FOLLOWING FV SECTIONS

§§ 30.10 Definitions; 30.21 Conditions of Release, 30.30 Powers and Duties of Police Officers to Arrest; Primary Aggressor; Required Report; 30.31 Mandatory Confinement; 30.32 Duties of Peace Officers to Victim; Required Notice; 30.33 Limitations of Liability; 30.40 Violation of Court Order; 30.50 Authority of Police Officer to Seize Weapons; 30.60 Disclosure of Family Violence Shelter; 30.70 Spousal Privileges; 30.80 Deferred Guilty Plea; 30.80.1 Deferred Guilty Plea Eligibility; 30.80.2 Deferred Guilty Plea Hearing; 30.80.3, Enforcement of Deferred Plea Proceedings; 30.80.4 Use of Arrest Record after Deferred Plea Agreement; 30.80.5 Counseling and Education Programs; 30.90 Establishment and Requirement of Domestic Assault Response Team (DART); 30.100 Maintenance of Systematic Records; 30.200 Family Violence Registry; 30.300 Interfering with Reporting; 30.400 Release of Victims from Shared Wireless Plans

3



Recommended amendment: §30.20(d)

(d) If the court, after a hearing, finds substantial evidence that a victim suffered serious bodily injury, as defined in Subsection (c) of § 16.10, Chapter 16 of this Title, no felony charged filed under this § 30.20 shall be reduced to a misdemeanor unless the court finds ~~that due to unusual circumstances~~ a reduction of the charge is manifestly in the interest of justice.

Reasoning:

“Unusual circumstances” too indefinite/vague and redundant.

Standard for manifest in the interest of justice is sufficient. State courts consistently interpret the "manifest interest of justice" or "manifest injustice" standard as requiring clear, obvious circumstances that would result in fundamental unfairness if relief were not granted. The standard is consistently applied as an extraordinary remedy rather than a routine procedural tool. Courts emphasize that this discretion should be exercised only in exceptional circumstances where ordinary legal remedies would produce manifest unfairness.

4



Discussed repeal; no recommendation to report out

§ 30.30. Powers and Duties of Peace Officers to Arrest for Crimes Involving Family Violence; Determination of Primary Aggressor; Required Report. (a) If a peace officer has reasonable cause to believe that a person has committed a felony or misdemeanor involving family violence, the peace officer shall presume that arresting and charging the person is the appropriate response. (b) If a peace officer receives complaints of family violence from two (2) or more opposing persons, the officer shall evaluate each complaint separately to determine who was the primary aggressor. If the officer determines that one (1) person was the primary aggressor, the officer need not arrest the other person believed to have committed family violence but the peace officer shall document to the best of his or her ability the evidence concerning the actions of each participant in the incident. (c) In determining whether a person is the primary aggressor the officer shall consider: (1) Prior complaints of family violence; (2) The relative severity of the injuries inflicted on each person; (3) The likelihood of future injury to each person; (4) Whether one of the persons acted in self-defense; (5) The use or threatened use of a weapon; and (6) The use or threatened use of physical force. (d) A peace officer shall not: (1) Threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage requests for intervention by peace officers by any party; or, (2) Base the decision to arrest or not to arrest on: (A) The specific consent or request of the victim; or, (B) The officer's perception of the willingness of a victim or witness to the family violence to testify or otherwise participate in a judicial proceeding. (e) In addition to any other report required, a peace officer who does not make an arrest after investigating a complaint of family violence or who arrests two (2) or more persons for a crime involving family violence must submit a written report setting forth the grounds for not arresting or for arresting both parties.

Comment:

Discussion centered on difficulty of applying/enforcing the statute. Members discussed striking/repealing. Research showed primary aggressor statutes remain on the books of several states without repeal. Texas put a provision into its public safety laws to provide training.

5



Discussed repeal; no recommendations to report out

§ 30.31. Mandatory Confinement. When a peace officer makes an arrest for family violence the arrestee shall be confined until the magistrate's hearing, unless released earlier by the Office of the Attorney General.

Comment:

Discussion centered on due process concerns. Members discussed striking/repealing. Research showed mandatory confinement laws remain on the books of several states without repeal.

6



CHAPTER 49

BRIBERY

7



NO CHANGES RECOMMENDED TO THE FOLLOWING FV SECTIONS

§§ 49.10 Definitions; 49.20 Giving of Bribes; Defined and Punished; 49.30 Receiving Bribes; Defined and Punished; 49.40 Unlawful Influence; Defined and Punished; 49.50 Unlawful Influence by Extortion; Defined and Punished; 49.60 Giving Gratuities for Past Services; Defined and Punished; 49.80 Use of Information for Private Gain; Defined and Punished; 49.90 Official Misconduct; Defined and Punished.

Comment:

Research showed no repeals or major amendments to MPC bribery laws.

8



Comment: Policy Consideration; Offense Grades for Public Official Misconduct

Jurisdiction	Classification	Maximum Imprisonment	Fine	Additional Penalties
Guam	Misdemeanor	1 year	\$1,000	None specified
New York	Class A misdemeanor	1 year	Varies	None specified
Alaska	Class A misdemeanor	1 year	\$25,000 + 3x gain/loss	None specified
Oregon	Class A misdemeanor	1 year	\$6,250	None specified
Colorado	Class 1 misdemeanor	364 days	\$1,000	Possible termination
Washington	Gross misdemeanor	364 days	\$5,000	None specified
Nebraska	Class II misdemeanor	6 months	\$1,000	Career end likely
New Jersey	2nd degree crime	5-10 years (mandatory minimum 5 years)	\$150,000	Mandatory imprisonment
New Jersey	3rd degree crime (≤\$200)	3-5 years (mandatory minimum 2 years)	\$15,000	Mandatory imprisonment
Indiana	Level 6 felony	0.5-2.5 years	\$10,000	No expungement; office bar
Illinois	Class 3 felony	2-5 years	\$25,000	Forfeiture of employment; 10-year bar
Hawaii	Class C felony	0-5 years	\$10,000	None specified
Tennessee	Class E felony	1-6 years	\$3,000	Permanent office disqualification
Florida	3rd degree felony	0-5 years	\$5,000 or 2x gain	Pension forfeiture possible
Kansas	Varies by conduct	Severity level 7: 11-34 months	Varies	Forfeiture of office

9



CHAPTER 64

GAMBLING



No recommendations to report out

§ 64.10 Gambling; Defined & Punished; § 64.15 Use of Electronic Machine or Device to Conduct Sweepstakes Illegal; § 64.16 Forfeiture of Electronic Machine or Device Used to Conduct Sweepstakes; § 64.17 Penalties; § 64.20 Importation of Gambling Devices to Guam Illegal: Defined and Punished; § 64.21 Poker Machines and Video Lottery Terminals; § 64.22. Possession of Gambling Devices Prohibited; Penalty; § 64.23. Slot Machines; § 64.30. Social Gambling Defined & Permitted; § 64.40. Legal Cockfight Gambling Permitted; § 64.62. Rules and Regulations to Permit Games of Chance at the Guam Island Fair and Liberation Day Carnival; § 64.65. Amusement Devices; § 64.70. Organizations Authorized to Conduct Gambling: Permit Procedure;

Comment:

Each state has its own distinct gambling laws. Gambling where legal is highly regulated. Repeal/relaxation of gambling laws is a policy decision, including repeal of cockfighting, which is a federal crime.

POWERPOINT PRESENTATION

CLRC PLENARY MEETING OF

APRIL 09, 2026



GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION

PLENARY MEETING
APRIL 9, 2026
12:00 NOON



Guam Criminal Law and Procedure Review Commission Plenary Meeting April 9, 2026 Agenda

- I. **CALL TO ORDER**
- II. **PROOF OF DUE NOTICE OF MEETING**
- III. **DETERMINATION OF QUORUM**
- IV. **DISPOSAL OF MINUTES JANUARY 29, 2026**
- V. **OLD BUSINESS**
 - A. Subcommission Status Update and Report of Executive Director
- VI. **NEW BUSINESS**
 - A. Subcommission on Criminal Procedure: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - B. Drug & Other Criminal Offenses /Ad Hoc Subcommission: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - C. Subcommission on Crimes Involving Property: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - D. Subcommission on Crimes Against Persons: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - E. Notice of Next Meeting: **TO BE DETERMINED.**
- VII. **COMMUNICATIONS**
- VIII. **PUBLIC COMMENT**
- IX. **ADJOURNMENT**



Status Update and Report of Executive Director



Recently Enacted Laws Affecting Criminal Statutes

Bill No.	Introduced	Status as of 4/9/26	Title 9 Section(s) Affected	Interim Report Recommendation
Bill 137-38	5/8/25	Enacted 10/17/2025 PL 38-070	Add a new §§ 25.50, 19.82 (interfering with reporting of CSC)	Chap 25 covered in IR. New sections covered in Notice of Errata and in revised Bill 232.
Bill 138-38	5/8/25	Enacted 2/11/26. PL 38-094	Amends § 7.58 (intoxication)	Chap 7 not covered in Interim Report. Amended section added to pending reviewed.
Bill 157-38	6/26/25	Enacted 12/20/2025 PL 38-083	Amends § 25.25 (penalties for 3rd degree CSC)	Chap 25 covered in IR with no changes to this section. However, P.L. 38-083 subsequently amended this section. This amendment was covered in Notice of Errata and in revised Bill 232.
Bill 162-38	6/26/25	Enacted 2/11/26 PL 38-096	Amends § 19.50 (terroristic conduct)	Chap 19 was covered in IR with this section amended. Amendment by PL 38-096 (2/11/26) is post Notice of Errata. This section must be added to Bill 232 on the floor.
Bill 167-38	7/3/25	Enacted 12/16/2025 PL 38-078	Amends § 34.70 (penalties for graffiti)	Chap 34 covered in IR with no change to this section. However, PL 38-078 subsequently amended this section. This amendment was covered in the Notice of Errata and in revised Bill 232.



Pending Bills Potentially Affecting Criminal Statutes

Bill No.	Introduced	Status as of 4/9/26	Title 9 Section(s) Affected	Interim Report Recommendation
Bill 105-38	4/10/25	Pending	Amends § 80.70(a) (parole for violent crimes)	Chap 80 not covered in IR. Amended section subject to review if bill is passed.
Bill 140-38	5/9/25	Pending	Adds a new § 90.16.2 to article 1 of chapter 90 (compensation for corrections officers)	Chap 90 not covered in IR. New sections subject to review if bill is passed.
Bill 171-38	7/10/25	Pending	Adds a new chapter 28A (nonconsensual intimate depictions). Amends Ch. 25, adding new § 25.10(a)(12) and new section § 25.50	New Chapter 28A subject to review if bill is passed. Ch. 25 in NOE and IR. If bill passed, Ch. 25 amendments must be added to Bill 232 on the floor
Bill 191-38	9/18/25	Pending	Adds a new § 70.460 (drones over corrections facilities)	Chap 70 covered in IR and NOE. If bill is passed, this new section must be added to Bill 232 on the floor.
Bill 236-38	11/26/25	Pending	Adds a new Article 6 to 9 GCA Chapter 7 (no consent if serious harm or death in sexual activity)	Chap 7 not covered in IR. New Article 6 subject to review if bill is passed.
Bill 271-38	2/9/26	Pending	Add § 55.75 (tampering with Guam Customs seals)	Chap 55 covered in IR. If bill is passed, this section must be added to Bill 232 on the floor.
Bill 280-38	2/23/26	Pending	Amend § 52.10 and add §§ 52.70, 55.70 (interfering with judicial and peace officers)	Chap 52 covered in IR with § 52.10 amended. If bill is passed, these sections must be added to Bill 232 on the floor.



Report of the DOCO/ Ad Hoc Subcommittee

April 9, 2026

Discussion of Chapters and Presentation of Recommendations for Discussion and Approval

Members: COL Geraldine Cepeda, Atty Valerie Nuesa, Atty Kristine Borja, Atty Kristina Baird; Atty Mary Hill; Chief Parole Officer Michael P. Quinata; Chief Probation Officer Rossanna Villagomez-Aguon; Probation Officer Supervisor Jeremiah J.A. Cruz; Marshal Kennedy G. Robinson; Marshal Dodd Siegfred V. Mortera, Jr.



Presented Today

9 GCA Chapter 80. Disposition of Offenders

- Article 1. General Provisions - § 80.10
- Article 2. Imprisonment. §§ 80.31, 80.37, 80.37.1, 80.37.2, 80.37.3, 80.39, 80.39.1, 80.39.2, 80.39.3, 80.46, 80.48, 80.49
- Article 3. Fines and Restitution
- Antiquated Laws

Note: all other sections in Articles 1 and 2 not covered here have already been presented.



Article 1 - General Provisions 9 GCA § 80.10. Types of Sentences Allowed

(a) Unless otherwise provided by law, the court may suspend the imposition of sentence of a person who has been convicted of a crime in accordance with § 80.60, may order him to be civilly committed in lieu of sentence in accordance with § 80.20, or may sentence him as follows:

- (1) to imprisonment for a term required by law;
- (2) to imprisonment and to an additional parole;
- (3) to pay a fine or make restitution as authorized by law;
- (4) to alternative community service or to self-improvement and rehabilitative programs;
- (5) to be placed on probation as authorized by law; ~~or~~
- (6) to pay a fine, to make restitution and to be placed on probation; ~~or~~
- (7) to make restitution and imprisonment; ~~or~~
- (8) to pay a fine and imprisonment.

(b) Where the judgment of conviction included ~~s~~ more than one crime, the sentences imposed may run concurrently or consecutively ~~except that if such sentences run consecutively, the provisions of §§ 80.38, 80.40 and 80.42 shall not be applicable.~~

(c) The court may suspend the imposition of sentence on a person who has been convicted of a violation or may sentence him to pay a fine or make restitution as authorized by § 80.50.

(d) Nothing in this Code deprives the court of any authority otherwise conferred by law to decree ~~{a}~~ forfeiture of property, suspend or cancel the license, remove a person from office or impose any other civil penalty, such a judgment or order may be included in the sentence.

DOCO/Ad Hoc Recommendation: Subsection (a) "civilly" added to reflect § 80.20 (Civil Commitments in Lieu of Prosecution in Certain Cases), Oxford comma added for clarity. Subsection (a)(6) separated for clarity. Subsection (b) grammatical correction, and references to §§ 80.38, 80.40 and 80.42 deleted. These sections have been recommended for repeal based on the Guam Supreme Court decision in *People v. Muritok*, 2003 Guam 21, which struck down § 80.38 (and by implication §§ 80.40 and 80.42) as unconstitutional, concluding that it impermissibly authorizes the court to sentence a defendant to an extended term of imprisonment, in violation of the rule announced in *Apprendi v. New Jersey*, 530 U.S. 466 (2000). Subsection (d) deletion of unnecessary brackets.



Article 2 - Imprisonment

§ 80.31. Prison Terms for First Offenders.

In the cases to which § 80.30 is applicable as to the sentencing of the person, a person who has not previously been convicted of a criminal offense and has been convicted of a felony for the first time may be sentenced to imprisonment as follows:

- (a) In the case of a felony of the first degree, the court shall impose a sentence of not less than three (3) years and not more than fifteen (15) years;
- (b) In the case of a felony of the second degree, the court shall impose a sentence of not less than one (1) year and not more than eight (8) years; and
- (c) In the case of a felony of the third degree, the court may impose a sentence of not more than three (3) years.

DOCO/Ad Hoc Recommendation: No change. In *People v. Walliby*, the Supreme Court acknowledged ambiguity from the statute's use of "may" and "shall," but held the provision is mandatory, thereby resolving the ambiguity and upholding its enforceability. The Court did not state or imply that the statute should be amended. Subcommittee was unable to conclude that the Legislature did not intend the existing language. Will request the Compiler of Laws to annotate the statute per *Walliby*.



§ 80.37. Deadly Weapons Used in Felonies; Sentence.

(a) Whoever unlawfully possesses or uses a deadly weapon in the commission of a felony punishable under the laws of Guam shall,

(1) in addition to the punishment imposed for the commission of such felony, be imprisoned for a term of not less than five (5) years nor more than twenty-five (25) years; ~~and provided that~~ whoever unlawfully possesses or uses a firearm, as that term is defined in Title 10 Guam Code Annotated § 60100(a), or an explosive device as defined in 10 GCA § 61100, or an improvised explosive device (defined as those devices that are placed or fabricated in an improvised manner incorporating destructive, lethal, noxious, pyrotechnic, or incendiary chemicals and designed to destroy, incapacitate, harass, or distract, which may incorporate military weapons, but are normally devised from non-military components) in the commission of a felony punishable under the laws of Guam shall, in addition to the punishment imposed for the commission of such felony, be imprisoned for a term of not less than ten (10) years nor more than twenty-five (25) years; and

(2) ~~shall~~ be fined not less than one thousand dollars (\$1,000), but not more than five-thousand (\$5,000), which fine shall be payable to the Criminal Injuries Compensation Fund.

(b) The sentence under this section shall include a special parole term of not less than three (3) years in addition to such term of imprisonment.

(c) No person convicted and sentenced ~~hereunder~~under this section shall be eligible for parole or probation until he shall have served at least five (5) years in prison.

(d) No person convicted or sentenced ~~hereunder~~under this section shall be eligible to participate in any work release program until he shall have served at least five (5) years.

(e) The term of imprisonment required to be imposed ~~by~~under this Section shall ~~not run concurrently consecutively to with~~ any term of imprisonment imposed for the commission of any other felony.

~~(f) Whoever possesses or uses an explosive device as defined in 10 GCA, Chapter 61, § 61100, or an improvised explosive device (defined as those devices that are placed or fabricated in an improvised manner incorporating destructive, lethal, noxious, pyrotechnic, or incendiary chemicals and designed to destroy, incapacitate, harass, or distract, which may incorporate military weapons, but are normally devised from non-military components) in the commission of a felony punishable under the laws of Guam shall, in addition to the punishment imposed for the commission of such felony, be imprisoned for a term of not less than ten (10) years nor more than twenty-five (25) years.~~

DOCO/Ad Hoc Recommendation: Non-substantive amendments moving language from (f) into (a)(1) for improved clarity. Other non-substantive amendments for added clarity. Non-substantive amendment to (e) for added clarity and for consistency with the similar consecutive requirement in § 80.37.1(c).



§ 80.37.1. Felony Committed on Release.

(a) Whoever commits a felony punishable under the laws of Guam while on release on a felony charge pursuant to [8 GCA Chapter 40](#) (~~Criminal Procedure Release~~) of ~~Title 8, Guam Code Annotated~~, shall, in addition to the sentence imposed for the crime committed while on release, be imprisoned for a term of not less than five (5) years nor more than twenty-five (25) years.

~~(b)~~ ~~[No text]~~

~~(1b)~~ A sentence imposed under ~~s~~Subsection (a) of this section shall include a special parole term of not less than three (3) years nor more than five (5) years in addition to the term of imprisonment.

~~(2c)~~ No person convicted and sentenced under this section shall be eligible for parole or probation until he serves at least five (5) years in prison.

~~(ed)~~ The term of imprisonment required to be imposed under this section shall run consecutivelyly to any term of imprisonment imposed for the commission of any other felony.

DOCO/Ad Hoc Recommendation: Correction of erroneous chapter title in (a). Non-substantive renumbering of (b) for added clarity. Non-substantive amendments to (c) for added clarity and consistency with § 80.37(e). Subcommittee discussed whether consecutive or concurrent imprisonment terms in (c) should be left to the discretion of the court. Consecutive requirement here is consistent with consecutive prison terms required in § 80.37.



§ 80.37.2 Habitual Offenders.

(a) Notwithstanding any provision that establishes a shorter term of imprisonment, a person who has been convicted of committing or attempting or conspiring to commit any violent or aggravated felonies and who has previously been convicted of two violent or aggravated felonies not committed on the same occasion and separated by intervening arrest shall be sentenced to imprisonment for life and is not eligible for suspension of the sentence, probation, parole, or release.

(b) In order for the penalty under this Section to apply, judgment for the aggravated or violent felonies that comprise the prior conviction shall have been entered within fifteen years of the conviction for the current offense; however, time spent in custody or on probation for an offense or while the person is an absconder shall not be excluded from the calculation of the fifteen years.

(c) For the purposes of this Section:

(1) "violent or aggravated felony" means any of the following offenses if committed in Guam or any offense committed outside Guam that if committed in Guam would constitute one of the following offenses:

(A) aggravated murder, murder and manslaughter (~~Title 9 Guam Code Annotated 9 GCA~~ §§ 16.30, 16.40 and 16.50)

(B) aggravated assault (~~Title 9 Guam Code Annotated 9 GCA~~ § 19.20)

(C) kidnapping (~~Title 9 Guam Code Annotated 9 GCA~~ § 22.20)

(D) criminal sexual conduct in the 1st and 2nd degree (~~Title 9 Guam Code Annotated 9 GCA~~ §§ 25.15 and 25.20)

(E) compelling prostitution (~~Title 9 Guam Code Annotated 9 GCA~~ § 28.30, as defined involving a child)

(F) indecent electronic display to a child (~~Title 9 Guam Code Annotated 9 GCA~~ § 25A102)

(G) electronic enticement of a child as a 1st and 2nd degree felony (~~Title 9 Guam Code Annotated 9 GCA~~ §§ 25A105, 25A104)

(H) crimes involving obscenity and related offenses involving children (~~Title 9 Guam Code Annotated 9 GCA~~ §§ 28.51 and 28.52)

(I) photography of minors' sexual acts (~~Title 9 Guam Code Annotated 9 GCA~~ § 28.80)

(J) possession of child pornography (~~Title 9 Guam Code Annotated 9 GCA~~ § 25A202)

(K) dissemination of child pornography (~~Title 9 Guam Code Annotated 9 GCA~~ § 25A203)

(L) aggravated arson (~~Title 9 Guam Code Annotated 9 GCA~~ § 34.20)

(M) robbery in the 1st and 2nd degree (~~Title 9 Guam Code Annotated 9 GCA~~ §§ 40.10 and 40.20).

DOCO/Ad Hoc Recommendation: Non-substantive amendments in (c)(1) for consistency and clarity.



§ 80.37.2 Habitual Offenders. [Continued]

(d) Under the terms of the Compacts of Free Association (COFA), citizens of the Freely Associated States [the sovereign states of the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Belau], may enter the U.S. under a special status, and are treated as foreign nationals while in the U.S., such status allowing the U.S. to deport a citizen of any COFA state if such citizen is found guilty of breaking or disregarding the laws of a U.S. jurisdiction.

(1) A COFA citizen shall be considered deportable if convicted of a felony or a crime of moral turpitude; or if sentenced to one (1) year or more for any crime(s) committed; or if the COFA citizen becomes a repeat offender for driving-under-the-influence of alcohol.

(2) Such COFA citizen in violation of the COFA will be treated as any other foreign national and shall be deported if convicted of a deportable crime under the terms of the Compact of Free Association.

(3) Upon conviction of a deportable crime, the Attorney General of Guam (AG) shall immediately notify the U.S. Immigration and Customs Enforcement (ICE) Division of the U.S. Department of Homeland Security (DHS) of Guam's desire to have the COFA citizen deported. The AG shall work closely with the U.S. ICE Division of DHS to ensure all documents related to the conviction and required for deportation are immediately provided to the proper authorities. Citizens of the U.S. cannot be deported under the terms of the COFA. The AG shall transmit a quarterly report to *Liheslatura* indicating how many cases were forwarded to the U.S. ICE Division of DHS for deportation and the status of those cases. The AG shall also publish this report on its website on a quarterly basis.

DOCO/Ad Hoc Comment: For discussion - subsection (d) regards the deportability of COFA citizens who have been convicted of certain crimes. It requires the AG to report only convicted COFA citizens to ICE for possible deportation. Guam has no deportation authority. Consider necessity and enforceability of (d). Consider if (d) unfairly targets COFA citizens.

Resembles 80 U.S.C. § 1227 (Deportable Aliens). Amendments were considered: require conviction of "violent" felony, remove "crime of moral turpitude," require a five-year sentence for any crime, and require at least four DUI convictions for deportability. But for deportability of repeat DUI offenders, (d) bears little relation to the habitual offender nature of this § 80.37.2



§ 80.37.2 Habitual Offenders. [Continued]

(e) If the court certifies that a defendant has a mental ~~health~~ illness, disease or defect, the provisions of Subsection (a) do not apply.

DOCO/Ad Hoc Recommendation: Amendment in (e) for consistency with 9 GCA § 7.16 (Defense: Mental Disease or Defect).



§ 80.37.3. Vulnerable Victim Sentencing Enhancement.

(a) Whoever commits or attempts to commit upon a vulnerable victim:

(1) a violent ~~felony crime~~ as defined in 9 GCA, § 80.70(a)(2), or

(2) theft as a second degree or third degree felony under 9 GCA, §§ 43.15, § 43.20, § 43.30, § 43.35, § 43.40, § 43.45, § 43.50, § 43.55, ~~or~~ § 43.60, or

(3) crimes of forgery or fraudulent practices under 9 GCA, §§ 46.10, § 46.15, § 46.20, § 46.25, § 46.35, § 46.50, § 46.75, ~~or~~ § 46.80, shall, in addition to the sentence imposed for the commission of such felony, be imprisoned for a term of not less than five (5) years nor more than twenty-five (25) years, or shall, in addition to the sentence imposed for the commission of a misdemeanor or petty misdemeanor, be imprisoned for a term of not less than sixty (60) days nor more than one year

(b) A sentence imposed under Subsection (a) of this Section for a felony shall include a special parole term of not less than three (3) years nor more than five (5) years, in addition to the term of imprisonment. No person convicted and sentenced under this Section for a felony shall be eligible for parole or probation until he serves at least five (5) years in prison, or no person convicted and sentenced under this Section for a misdemeanor or petty misdemeanor shall be eligible for probation until he serves at least sixty (60) days in jail or prison.

(c) A vulnerable victim is defined as the following:

(1) an elderly person or senior citizen who is fifty-five (55) years old or older at the time of the crime committed upon him or her;

(2) a child who is thirteen (13) years old or younger at the time of the crime committed upon him or her;

(3) a tourist or visitor:

(A) who is a citizen and resident of a country other than the United States, or its territories, and visiting Guam with a round-trip airline ticket for a duration of no more than forty-five (45) days, or

(B) who is a citizen, ~~or~~ national, or permanent resident of the United States, but is not a resident of Guam, and is visiting Guam with a round-trip airline ticket for a duration of no more than forty-five (45) days;

(4) an individual who at the time of the crime committed upon him or her has a physical or mental disability or disabilities, as defined in a provision of local or federal law, or as certified by a physician or mental health professional; or

(5) any person who is a victim of a crime, as identified in this ~~Act-Section~~, committed by two (2) or more individuals.

DOCO/Ad Hoc Recommendation: Non-substantive numbering amendments in (a) for added clarity and consistency with actual language in § 80.70. Other non-substantive amendments for clarification.



§ 80.39. Title.

This Section shall be known and may be cited as “the Justice Safety Valve Act of 2013.”

DOCO/Ad Hoc Recommendation: No change.

§ 80.39.1. Sentencing.

(a) Notwithstanding any other provision of law, the court may depart from the applicable mandatory minimum sentence if the court finds substantial and compelling reasons on the record, that, in giving due regard to the nature of the crime, the history and character of the defendant, and his or her chances of successful rehabilitation, ~~that:~~

(~~a~~1) ~~the~~ imposition of the mandatory minimum sentence would result in substantial injustice to the defendant; and

(~~b~~2) the mandatory minimum sentence is not necessary for the protection of the public.

DOCO/Ad Hoc Recommendation: Non-substantive amendments for clarification.

§ 80.39.2. Exceptions.

Section 80.39.1 of this Article shall not apply if the court finds that:

(a) the individual ~~has a conviction for was convicted of~~ the same offense during the ten (10)-year period prior to the commission of the offense;

(b) the individual intentionally ~~uses~~used a firearm in a manner that causes physical injury during the commission of the offense; ~~or~~

(c) the individual was the leader, manager, or supervisor of others in a continuing criminal enterprise;

(d) the individual was convicted of criminal sexual conduct in the first or second degree pursuant to 9 GCA §§ 25.15 or 25.20;

~~or~~

(e) the individual was convicted of any crime involving 9 GCA § 67.401.1(a). ~~of Article 4, Chapter 67 of this Title.~~

DOCO/Ad Hoc Recommendation: Non-substantive amendments for clarification.



§ 80.39.3. Reporting.

Upon departing from mandatory minimum sentences, judges shall report to the Judicial Council which shall, one (1) year following the enactment of this statute and annually thereafter, make available in electronic form ~~and on the world-wide web on the website of the Judiciary of Guam~~, a report as to the number of departures from mandatory minimum sentences made by each judge of the Superior Court of Guam.

DOCO/Ad Hoc Recommendation: Non-substantive amendment to modernize language.

§ 80.46. Credit for Prior Detention.

(a) When an offender who is sentenced to imprisonment has previously been detained in any territorial, state or local correctional or other institution, for the conduct for which such sentence is imposed, such period of detention shall be deducted from the maximum and minimum term of such sentence. The officer having custody of the offender shall furnish a certificate to the court at the time of sentence, showing the length of such detention of the offender prior to sentence in any territorial, state or local correctional or other institution, and the certificate shall be attached to the official records of the offender's commitment.

(b) When a judgment of conviction is vacated, or a sentence is revised or reviewed and a new sentence is thereafter imposed upon the offender for the same crime, the period of detention and imprisonment previously served therefor shall be deducted from the maximum and minimum term of the new sentence. The officer having custody of the offender shall furnish a certificate to the court at the time of sentence, showing the period of imprisonment served under the original sentence, and the certificate shall be attached to the official records of the offender's new commitment.

DOCO/Ad Hoc Recommendation: No change.



§ 80.48. Extension of Limits of Confinement: Failure to Adhere to Conditions Punished: Failure to Return is Escape.

(a) Except as otherwise provided by law, either the court at the time of sentencing or the Director of Corrections after the offender has been placed in custody, may extend the limits of ~~his~~ the offender's confinement to permit ~~the offender~~ him to continue in his regular employment or educational program, ~~or~~ if the ~~prisoner~~ offender does not have regular employment or a regular educational program, to secure employment or education. ...

(b) The earnings of the offender may be collected by the Director of Corrections. From such earnings, the Director may deduct such costs incident to the offender's confinement as the Director deems appropriate and reasonable. The Director may also deduct payments for the support of the offender's dependents and forward such payments to them. The remaining balance of earnings by an inmate from participating in a Work Release Program shall be deposited into the Criminal Injuries Compensation Fund.

~~(e) Except for inmates participating in the Work and Educational Programs, all inmates sentenced to the custody of the Department of Corrections and in the Adult Correctional Facility shall be issued uniforms which they shall wear at all times they are outside the facility. The uniform shall be prominently marked to indicate that the person wearing it is an inmate. The uniforms shall at the least have the letter "P" permanently marked on the front and back of the shirt or top portion of the uniform. All inmates including those in the Work and Educational Programs shall have as many haircuts as necessary to maintain a short style so that hair does not extend over the ear or over the shirt collar of the uniform. No beards shall be worn by inmates.~~

~~(f) The remaining balance of earnings by an inmate from participating in a Work Release Program shall be deposited into the Criminal Injuries Compensation Fund (the "Fund"). After complying with subsection (b) of this Section, associated with support of dependents and debts, the remaining balance shall be deposited in the Fund.~~

(g) Termination of Eligibility; Work and Education Programs.

(1) Notwithstanding Subsection (c) of this Section, any inmate who has been placed under the ~~W~~work and ~~E~~educational ~~P~~programs must comply with the conditions laid down for the inmate's conduct while enjoying the benefits of the program. Any violations of the conditions, such as failure of the offender to return to the place of confinement within the time pursuant to the terms and conditions of the programs, shall suspend the offender's eligibility ~~to~~ for the ~~P~~programs ~~as outlined below~~.

DOCO/Ad Hoc Recommendation: Non-substantive amendments in (a) for clarification and consistency. Amendment to (b) consolidates related language in (f). Repeal in (e) entirely as inmate uniforms should be at Director's discretion, haircut and shaving requirements raise constitutional-religious issues (See *Holt v. Hobbs*, 574 U.S. 352 (2015) (prison's grooming policy prohibiting a Muslim inmate from growing a short beard violated his religious rights)). Non-substantive amendments in (g) for clarity.



§ 80.49. Extension of Limits of Confinement for Humanitarian Reasons.

(a) The Director of Corrections may extend the limits of the place of confinement of an ~~prisoner~~ inmate entrusted to the Director's custody, when there is reasonable cause to believe the ~~prisoner~~ inmate will honor the Director's trust, by authorizing the ~~prisoner~~ inmate, under prescribed conditions, which shall include close supervision at all times by one (1) or more armed escorts, and twenty-four (24)-hour written notice to the Attorney General of Guam or the Chief Prosecutor, the Superior Court of Guam and the Guam Police Department, to visit a specifically designated place or places for a period not to exceed twenty-four (24) hours and return to the institution. An extension of limits may be granted only to permit a visit to a dying relative, attendance at the funeral of a relative, the obtaining of necessary medical services not otherwise available, or for any other equally compelling reason consistent with the public interest and safety.

(b) An escape from supervision during an extension of limits period is punishable as a felony escape under Chapter 58 of Title 9 of the Guam Code Annotated.

DOC/Ad Hoc Recommendation: Change "prisoner" to "inmate" for consistency.



ARTICLE 3 FINES AND RESTITUTION

§ 80.50. Fines and Restitution as Sentence Allowed: Limited.

A person who has been convicted of an offense may be sentenced to pay a fine or to make restitution not exceeding:

- (a) Ten Thousand Dollars (\$10,000.00), when the conviction is of a felony of the first or second degree;
- (b) Five Thousand Dollars (\$5,000.00), when the conviction is of a felony of the third degree;
- (c) One Thousand Dollars (\$1,000.00), when the conviction is of a misdemeanor;
- (d) Five Hundred Dollars (\$500.00), when the conviction is of a petty misdemeanor or violation;
- (e) Any higher amount equal to double the pecuniary gain to the offender or loss to the victim caused by the conduct constituting the offense by the offender. In such case the court shall make a finding as to the amount of the gain or loss, and if the record does not contain sufficient evidence to support such a finding the court may conduct a hearing upon the issue. For purposes of this Section, the term "gain" means the amount of money or the value of the property derived by the offender and the term "loss" means the amount of value separated from the victim;
- (f) Any amount specifically authorized by statute. The restitution ordered paid to the victim shall not exceed his loss.

DOC/Ad Hoc Recommendation: No change. Amounts have not changed since 1977. Comparisons made with other states and territories. Also reviewed the present fine adjusted for inflation. Guam's fines remain within reasonable range compared to other jurisdictions and we are not dramatically out of line with comparable jurisdictions. Adjusting these amounts for inflation results in 5x increase, which does not seem reasonable. Members were unable to find compelling reasons to recommend changes.



Guam vs. High Fine Jurisdictions

Offense Level	Guam	New Jersey	Federal Courts
1st Degree Felony	\$10,000	\$250,000	\$250,000
2nd Degree Felony	\$10,000	\$150,000	\$250,000
3rd Degree Felony	\$5,000	\$15,000	\$250,000
Misdemeanor	\$1,000	\$10,000	\$5,000 - \$100,000
Petty Misdemeanor	\$500	\$500 - \$1,000	\$5,000



Guam vs Medium Fine Jurisdictions

Offense Level	Guam	Hawaii	Washington State
1st Degree Felony	\$10,000	\$50,000	\$50,000
2nd Degree Felony	\$10,000	\$25,000	\$20,000
3rd Degree Felony	\$5,000	\$10,000	\$10,000
Misdemeanor	\$1,000	\$2,000	\$5,000
Petty Misdemeanor	\$500	\$1,000	\$1,000



Guam vs. Lower Fine Jurisdictions

Offense Level	Guam	CNMI	California
1st Degree Felony	\$10,000	\$10,000	\$10,000
2nd Degree Felony	\$10,000	\$5,000	\$10,000
3rd Degree Felony	\$5,000	\$5,000	\$10,000
Misdemeanor	\$1,000	\$1,000	\$1,000
Petty Misdemeanor	\$500	\$50	N/A



Should fines be adjusted for inflation?

Per the inflation calculator available at the website of the Federal Reserve Bank of Minneapolis:

A \$10,000 fine in 1977 is approximately equivalent to **\$53,118** today.



§ 80.52. Standards for Imposing Fines and/or Restitution.

(a) The court shall not sentence an offender only to pay a fine or to make restitution, when any other disposition is authorized by law, unless, having regard to the nature and circumstances of the offense and to the history and character of the offender, ~~it~~ the court is of the opinion that the fine or restitution alone is appropriate and suffices for the protection of the public.

(b) The court shall not sentence an offender to pay a fine or make restitution in addition to a sentence of imprisonment or probation, unless:

- (1) the offender has derived a pecuniary gain from the offense; or
- (2) the court believes that a fine or restitution is specially adapted to deterrence of the type of offense involved or to the correction of the offender.

(c) The court shall not sentence an offender to pay a fine or make restitution unless the offender is able, or, given a fair opportunity to do so, will be able to pay the fine or restitution. The court shall not sentence an offender to pay a fine unless the fine will not prevent the offender from making restitution to the victim of the offense.

(d) In determining the amount and method of payment of a fine or restitution, the court shall take into account the financial resources of the offender and the nature of the burden that its payment will impose.

(e) When an offender is sentenced to pay a fine or to make restitution, the court shall not impose at the same time an alternative sentence to be served in the event that the fine is not paid. The response of the court to non-payment shall be determined only after the fine has not been paid and as provided in § 80.56.

DOC/Ad Hoc Recommendation: Non-substantive amendment in (a) for added clarity. Non-substantive amendment in (c) for added clarity consistent with source statute N.J. § 2C:44-2(a)(2).



§ 80.53. When Restitution Required.

The court shall require restitution in all cases wherein the offender has been convicted of a crime involving damage to property of the victim and when the offender is able, or, given a fair opportunity to do so, will be able to pay the restitution.

DOC/Ad Hoc Recommendation: Non-substantive amendments for added clarity and consistency with recommended amendment to § 80.52.

§ 80.54. Time and Method of Payment.

(a) When an offender is sentenced to pay a fine or to make restitution, the court may grant permission for the payment to be made within a specified period of time or in specified installments. If no such permission is embodied in the sentence, the fine or restitution shall be payable forthwith.

(b) When an offender sentenced to pay a fine or make restitution is also sentenced to probation, the court may make the payment a condition of probation.

(c) The offender shall pay a fine, restitution or any installment thereof to the court. In the event of default in payment, the Attorney General shall take appropriate action for its collection.

(d) Unless otherwise provided by law, all fines collected shall be paid over to the Treasurer of Guam and shall become part of the general funds of Guam and shall be subject to general appropriation.

DOC/Ad Hoc Recommendation: No change.



§ 80.56. Consequences of Non-Payment.

(a) When an offender sentenced to pay a fine or make restitution defaults in the payment thereof or of any installment, the court, upon the motion of the Attorney General or upon its own motion, may require him to show cause why his default should not be treated as **contumacious** and may issue a summons or a warrant of arrest for his appearance. Unless the offender shows that his default was excusable, the court shall find that his default was **contumacious** and may order him committed until the fine or restitution or a specified part thereof is paid. The term of imprisonment for such **contumacious** non-payment of the fine or restitution shall be specified in the order of commitment and shall not exceed one day for each Ten Dollars (\$10.00) of the fine or restitution, thirty (30) days if the fine or restitution was imposed upon conviction of a violation or a petty misdemeanor or one (1) year in any other case, whichever is the shorter period. When a fine or restitution is imposed on a corporation or an unincorporated association it is the duty of the person or persons authorized to make disbursements from the assets of the corporation or association to pay it from such assets and their failure so to do may be held contumacious under this Subsection. A person committed for non-payment of a fine or restitution shall be given credit towards its payment for each day of imprisonment, at the rate specified in the order of commitment.



§ 80.56. Consequences of Non-Payment. [Continued]

(b) If it appears that the offender's default in the payment of a fine or restitution is not **contumacious**, the court may make an order allowing the offender additional time for payment, reducing the amount thereof or of each installment, or revoking the fine or restitution or the unpaid portion thereof in whole or in part.

(c) Upon any default in the payment of a fine or restitution or any installment thereof, execution may be levied and such other measures may be taken for the collection of the fine or restitution or the unpaid balance thereof as are authorized for the collection of an unpaid civil judgment entered against the offender in an action on a debt. The levy of execution for the collection of a fine or restitution shall not discharge an offender committed to imprisonment for non-payment until the amount of the fine or restitution has actually been collected.

DOCO/Ad Hoc Recommendation: No change. Blacks Law Dictionary 6th Edition defines contumacious conduct as "willful stubborn and disobedient conduct, commonly punishable as contempt of court." Discussion but no agreement on whether to amend language.



§ 80.58. Petition for Revocation of Fine: Conditions.

An offender who has been sentenced to pay a fine and who is not in **contumacious** default in the payment thereof may at any time petition the court which sentenced him for a revocation of the fine or of any unpaid portion thereof. If it appears to the satisfaction of the court that the circumstances which warranted the imposition of the fine have changed, or that it would otherwise be unjust to require payment, the court may revoke the fine or the unpaid portion thereof in whole or in part.

DOC/Ad Hoc Recommendation: No change.



Review of Antiquated Laws

- Karate and Judo Experts
- Dueling
- Injuries to Animals
- Smoking Opium Shipping



10 GCA CHAPTER 62 KARATE AND JUDO EXPERTS; DUELING LAWS; INJURIES TO ANIMALS; OPIUM SHIPPING



Overview

Question: Should 10 GCA Chapter 62 be repealed as an outdated and unenforceable— or does it serve a legitimate public safety purpose that warrants its retention?

Background:

- 1 What the Law Does:** 10 GCA §§ 62100–62106 require any person trained in karate, judo, or similar art in which hands/feet are used as deadly weapons to register with the Dept. of Revenue & Taxation. Failure to register is a misdemeanor.
- 2 Scope:** Covers any belt holder — even first-level — in any hand-to-hand fighting art, including taekwondo, jiu-jitsu, and MMA. Military and law enforcement are exempt.
- 3 Origin:** Enacted by the 9th Guam Legislature (c. 1967) amid post-WWII martial arts proliferation. No digitized legislative record identifies a specific triggering incident.



The Current Law

10 GCA §§ 62100-62106

Key Provisions

- § 62100 Registration required for any expert in karate, judo, or similar art where hands/feet serve as deadly weapons
- § 62103 \$5 registration fee; military and law enforcement exempt; no renewal required
- § 62104 "Expert" = any person who has completed at least one level of training and holds a belt or other proficiency symbol
- § 62105 Failure to register = misdemeanor criminal offense
- § 62106 Assault by a registered expert treated as aggravated assault (elevated charge)

10 GCA § 62100. Registration of Experts in the Arts of Karate or Judo.

Any person who is an expert in the art of karate or judo, or any similar physical art in which the hands and feet are used as deadly weapons, is required to register with the Department of Revenue and Taxation.

§ 62104: "A 'karate or judo expert' is any person trained in the arts of karate, judo, or other hand-to-hand fighting technique whereby the hands, feet, or other parts of the body are used as weapons, who has completed at least one level of training and has been issued a belt or other symbol showing proficiency in such art."

§ 62106: "Any registered karate or judo expert who thereafter is charged with having used his art in a physical assault on some other person, shall upon conviction thereof, be deemed guilty of aggravated assault."



Guam in Context

Guam: Unique in the U.S.

Comprehensive research across all 50 states, D.C., Puerto Rico, USVI, CNMI, and American Samoa found **no other jurisdiction** requiring martial artists to register as a class.

Other Jurisdictions*

Texas

Hands treated as deadly weapons case-by-case for trained fighters; elevated charges possible

New York

Hands/feet not deadly weapons per se

California

Only objects "extrinsic to the body" can be deadly weapons; but "shod feet" can count?

Federal

Body parts are not "dangerous weapons" under federal assault statute regardless of resulting injury.

*For comprehensive discussion of Guam's approach compared with other jurisdictions, see Michael R. Romeo, [A Puncher's Chance: Assessing the Classification of Martial Artists' Hands As Deadly Weapons](#), 24 Jeffrey S. Moorad Sports L.J. 23 (2017).



Overview of Guam Assault Laws

Note:
Establishing level of assault considers *both* extent of injury *and* use of deadly weapon

9 GCA § 19.20 Aggravated Assault

(a) A person is guilty of aggravated assault if he either recklessly causes or attempts to cause:

- (1) serious bodily injury to another in circumstances manifesting extreme indifference to the value of human life;
- (2) serious bodily injury to another;
- (3) bodily injury to another with a deadly weapon.

(b) Aggravated assault under Paragraph (1) of Subsection (a) is a felony of the second degree; aggravated assault under Paragraphs (2) or (3) or Subsection (a) is a felony of the third degree; provided that any person convicted of aggravated assault shall not be eligible for work release or educational programs outside the confines of prison

Relevant Definitions

9 GCA § 16.10

Bodily Injury means physical pain, illness, unconsciousness or any impairment of physical condition.

Serious Bodily Injury means bodily injury which creates: serious permanent disfigurement; a substantial risk of death or serious, permanent disfigurement; severe or intense physical pain; or protracted loss or impairment of consciousness or of the function of any bodily member or organ;

Deadly Weapon means any firearm, or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or is intended to be used is known to the defendant to be capable of producing death or serious bodily injury.

Simple Assault Key Provisions §19.30

(a) A person is guilty of assault if he:

- (1) either recklessly causes or attempts to cause **bodily injury** to another;
- (2) **recklessly uses a deadly weapon** in such a manner as to place another in danger of bodily injury; or
- (3) by physical menace intentionally puts or attempts to put another in fear of imminent bodily injury. . .

(d) An assault committed in a fight or scuffle entered into by **mutual consent** is a **petty misdemeanor**.

(e) Any other assault is a **misdemeanor**.



Arguments for Repeal

Practical Unenforceability and Impossibly Broad Scope.

There is no evidence of successful prosecution under Chapter 62 in its nearly 60-year existence on either the non-registration or the Agg. Ass. enhancement. DRT has a registration form dated from 2022, but reports 10 registrations since 2020, and lack enforcement capability. Further, any person who earns even a first-level belt — including children — technically must register.

Enhanced Penalty Without Chapter

The definition of “deadly weapon” is sufficiently vague as to allow Prosecution to charge under § 19.20(a)(3) – the Texas approach. Alternatively, “serious bodily injury is sufficiently vague to charge under § 19.20(a)(2) for a range of injuries. In *People v. Castro*, 2013 Guam 20, the Court upheld admission of the defendant’s participation in MMA even when not charged under a Ch. 62 enhancement because the evidence is relevant to *mens rea*.

Perverse Incentives

Because failure to register is a misdemeanor and registering causes a misdemeanor assault to be automatically upgraded to at least a 3rd degree felony, a martial arts expert planning on an assault would shave 3 years off their maximum sentence by choosing to instead fail to register.

Vague Application

Several laws have use of “deadly weapons” clauses allowing for enhanced penalties. However, the Ch. 62 does not automatically mean registered expert is in possession of a deadly weapon – they must “use the art” in a “physical assault” – and even when used as such, it is NOT clear the law intends this as a “use of a deadly weapon” aggravated assault or in effect creates a new class of aggravated assault.



Arguments for Retention

Legitimate Public Safety Rationale

Trained martial artists can inflict severe injury with unarmed strikes. Their additional skills pose greater danger, and thus impose upon them a higher standard of accountability. Requiring registration and imposing aggravated assault liability for certified fighters provides meaningful deterrence and ensures accountability that ordinary assault law does not.

Prosecutorial Convenience

Avoid needing to prove a martial arts expert's hands or feet were used as a deadly weapon. Avoid litigation on whether body part can be considered deadly weapons on Guam. Can charge/prove as 3rd Degree Felony Agg. Assault even if just "bodily injury" and not "serious bodily injury".

Reform Rather Than Repeal

Rather than full repeal, the Legislature could narrow the law: limiting registration to professional fighters or black belt holders, modernizing the fee, and updating the enhanced assault provision — preserving the policy goal while eliminating overbreadth.

Guam Criminal Law Revision Commission | 10 GCA Chapter 62



Recommendation

Primary Recommendation

Repeal 10 GCA Chapter 62 in its entirety — to eliminate a law that is practically unenforceable, impossibly overbroad, and has been largely unenforced in its nearly 60-year existence.

The Commission may also consider the following alternatives:

- 1 Narrow the Scope:** Limit registration to professional fighters and black belt holders only, removing the overbroad inclusion of beginner belt holders.
- 2 Modernize Enforcement:** Transfer registration to the Guam Police Department, increase the fee to a meaningful amount, and require periodic renewal to maintain an accurate registry.
- 3 Retain modified § 62106 Penalty Only:** Repeal the registration requirement but preserve the enhanced assault provision — a trained fighter who commits assault would still face aggravated charges without the burdensome registry. Remove "registered" from § 62016, so that it reads: "Any ~~registered~~ karate or judo expert who thereafter is charged with having used his art in a physical assault on some other person, shall upon conviction thereof, be deemed guilty of aggravated assault". Keep § 62104 Definition of expert, remove "required to register by the provision of this Chapter" and keep § 62101 exempting LEO/Peace officers.

Guam Criminal Law Revision Commission | 10 GCA Chapter 62



DUELING LAWS

20 GCA §§ 2254 & 2255



The Current Law

Provisions: 20 GCA §§ 2254 & 2255

§ 2254 Injures Suffered in a Duel.

If a person slays or permanently disables another person in a duel in Guam, the slayer must provide for the maintenance of the **widow or wife** of the person slain or permanently disabled and for the minor children, in such manner and at such cost, either by aggregate compensation in damages to each, or by a monthly, quarterly, or annual allowance to be determined by the court.

§ 2255 Victorious Duelist to Pay all Debts.

If any person slays or permanently disables another person in a duel in **Guam**, the slayer is liable for and must pay all debts of the person slain or permanently disabled.

Discussion

History: The Compiler note states §§ 2254 & 2255 comes from the previous Guam Civil Code, CC §§ 3347, 3348. These citations translate directly to the California Code CC §§ 3347, 3348, enacted in 1872 as part of a series of laws aimed at discouraging dueling. The laws were a part of the wholesale adoption of California Code by the Naval Governor in 1933, and appear in the 1933 Civil Code of Guam.

Source: The language of the source California laws are largely identical, save the substitution of “widow or wife” in § 3347 with “surviving spouse or spouse” in 1972.

California Repeal: The California Legislature repealed their version of the laws in a 1994 law referred to as J.U.N.K. (Jurassic, Unproductive, Negligible, and Knuckleheaded). JUNK repealed 10 other dueling laws, as well as laws governing frog-jumping contests, dead or alive posters, and a study on the feasibility of employing women in the California Highway Patrol.



Arguments for Repeal

Outdated and Irrelevant

Guam has no use for an 1872 law discouraging a practice that was arguably antiquated at the time. Murder and assault laws adequately criminalize and disincentivize any potentially deadly mutual combat. Removing these laws follows a broader national trend and could be considered routine modernization. These laws were a part of the adoption of large parts of the California Code by the Naval Governor, and thus do not reflect a democratically elected legislative process.

Civil Remedies

In addition to any restitution in a criminal case, a victim could seek civil remedies adequately parallel to the provisions of § 2254. On the other hand, § 2255 making the victorious duelist liable for the other's debts, does not have an alternative civil remedy. However, no California case on Westlaw cites its use in the 100+ year existence, suggesting a largely deterrence function.

Arguments for Retention

Preservation of Cultural, Historical Record; Symbolic Deterrence

Arguably, these laws better reflect California than Guam history.

No Harm from Retention

The statutes impose no burden and generate no compliance cost.

Recommendation

Repeal 20 GCA §§ 2254, 2255

Guam Criminal Law Revision Commission | Dueling Laws



GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION

INJURIES TO ANIMALS: LIABILITY TO OWNER

20 GCA § 2233



Origin & Background

Question: Should 20 GCA § 2233 be repealed as outdated and inadequate, amended to modernize and expand its scope, or left alone as a functioning civil remedy?

The Statute:

- 1 **What the Law Does:** Imposes strict civil liability on any owner, possessor, or harbinger of a dog or other animal that kills, worries, or wounds sheep, angora or cashmere goats, or poultry. No knowledge of prior dangerous behavior required. Also grants a defensive right to kill an attacking animal in the act.
- 2 **Origin:** California Civil Code § 3341, first enacted in 1883, then amended in 1903. Guam adopted the California Civil Code wholesale in 1933 under Naval Governor's executive decree, receiving the 1903-amended version of § 3341 as Guam Civil Code § 3341.
- 3 **Scope:** Protected species: sheep, angora/cashmere goats, and poultry only. Cross-referenced to 10 GCA Ch. 34 (Animal Control Laws) and 9 GCA § 70 et seq. (Pugua's Law).



The Current Law v. CA § 3341

§ 2233

Injures to Animals: Liability to Owner

The owner, possessor, or harbinger of any dog, or other animal that shall kill, worry, or wound any sheep, angora goat, or cashmere goat, or poultry, shall be liable to the owner of the same for the damages and costs of suit, to be recovered in any court of competent jurisdiction:

- (a) In the prosecution of actions under the provisions of this Article, it shall not be necessary for the plaintiff to show that the owner, possessor, or harbinger of such dog or other animal, had knowledge of the fact that such dog or other animal would kill, wound, or worry sheep, goats, or poultry.
- (b) Any person on finding any dog or dogs, or other animal, worrying, wounding, or killing any sheep, angora or cashmere goats, may, at the time of finding such dog or dogs, or other animal, kill the same and the owner or owners thereof shall sustain no action for against any person so killing such dog or dogs, or other animal.

Strict Liability

Broad?

Animal (self-defense). No de-escalation, no location, no verification?

Location restriction

Herding dog exemption

Liability of owner, possessor, or harbinger of animal killing or injuring other animals; scienter; right to kill animal found committing injury; accidental killing or injury

The owner, possessor, or harbinger of any dog or other animal, that shall, on the premises of any person other than the owner, possessor, or harbinger of such dog or other animal, kill, worry, or wound any bovine animal, swine, horse, mule, burro, sheep, angora goat, or cashmere goat, or poultry, shall be liable to the owner of the same for the damages and costs of suit, to be recovered in any court of competent jurisdiction:

1. In the prosecution of actions under the provisions of this chapter, it shall not be necessary for the plaintiff to show that the owner, possessor, or harbinger of such dog or other animal, had knowledge of the fact that such dog or other animal would kill, wound or worry bovine animals, swine, horses, mules, burros, sheep, goats, or poultry

2. Any person on finding any dog or dogs, or other animal, not on the premises of the owner or possessor of such dog or dogs, or other animal, worrying, wounding, or killing any bovine animals, swine, horses, mules, burros, sheep, angora or cashmere goats, may, at the time of finding such dog or dogs, or other animal, kill the same, and the owner or owners thereof shall sustain no action for damages against any person so killing such dog or dogs, or other animal.

Nothing in this section shall render an owner, possessor, or harbinger of a dog liable for the accidental or unavoidable killing or injury of any bovine animal, swine, horse, mule, burro, sheep, angora goat, cashmere goat, or poultry which occurs in connection with or as an incident to the driving or herding the same from the premises of the owner, possessor, or harbinger of the dog, whether such killing or injury occurs upon such premises or off of such premises



Interactions with Other Laws

Pugua’s Law: 9 GCA § 70.65. Defenses; Exceptions

Defenses; Exceptions

- (a) It is an affirmative defense in a prosecution for violation of animal abuse under § 70.25 (a) of this Article if:
- ...
- (2) the animal posed a present and immediate danger to the safety of people, and the defendant took reasonable measures necessary to protect against serious bodily harm, or death, to themselves or other people, livestock, or domestic animals.
- (d) Trespass by an animal shall not be a defense...

Title 10 Ch. 34 Keeping Animals. 10 GCA § 34111.

Persons Attacked by Animal.

Any person who is attacked by a pet or animal, or any person witnessing any such attack, may kill such pet or animal in self-defense or defense of others; provided, that it is done in accordance with the provisions in §§ 70.10 through 70.10.15 of Article 1, Chapter 70, Title 9, Guam Code Annotated. Such person shall notify the Department immediately of such killing and remain with the carcass until an officer takes possession of the carcass. The carcass shall be immediately delivered to the Department for examination.

Dated: 70.10.15
doesn't exist, COL
renumbering

20 GCA § 2235

Recovery of Damages for Injuries by Animals

Property owners may recover just and adequate civil indemnity, or other redress, for damages to crops, livestock, or other property, caused by other persons, livestock, poultry, dogs, or other domestic animals.

Discussion

§ 70.65: Affirmative defense to injure animal, but “reasonable measures” and threat of “serious bodily harm” to protect other humans or animals

§ 2235: Civil Redress does not have strict liability nor clause for immunity from suit after a killing

§ 34111: Only provides for defense of people, not animals

Guam Criminal Law Revision Commission | 20 GCA § 2233



Outside CLRC
Scope?

Arguments for Repeal of 20 GCA § 2233

No Published Case Law or Demonstrated Enforcement.

No published digitally available Guam Supreme Court or Superior Court opinion has ever cited 20 GCA § 2233 directly. The statute appears to have sat largely dormant since 1933.

Outdated and Irrelevant?

This law was a part of the adoption of large parts of the California Code by the Naval Governor, and thus is not an outcome of Guam’s democratically elected legislative process. The law originated in 1883 in California, and is perhaps better suited to the large scale and widespread animal husbandry that occurs there.

Narrowly Protected Species, No Location Qualifier

Guam farms raise these animals that are not protected by § 2233. Without a “premises of any person other than the owner” qualifier, § 2233 could impose liability when a dog attacks livestock that wandered onto the dog owner’s own land—a result California recognized as unfair and corrected in 1945.

20 GCA § 2235 Provides a Backstop General Remedy

Section 2235 already provides property owners a general civil remedy for animal-caused damage. If § 2233 were repealed, farmers could still sue under § 2235—though they would lose the strict liability advantage and the specific defensive kill right.

Potential Harsh Outcome

Killing a dog for “worrying” a chicken appears harsh – especially when that dog could be on its own property, and the chicken does not need to be owned by the shooter. The law could be used to shield bad behavior in an escalating conflict between neighbors.

Guam Criminal Law Revision Commission | 20 GCA § 2233



Recommendation:

Primary Recommendation

Repeal 20 GCA § 2233 — The law has limited use, has the potential for misuse, and the injury addressed is largely covered by other laws. This is an antiquated law never voted on by democratically elected representatives that does not reflect Guam's needs or agricultural landscape.

Alternative Recommendation

Amend 20 GCA § 2233 — to adopt the 1945 California improvements (save the herding exemption) Guam never adopted and add attorney's fees recovery for small-scale farmers. Farmers can protect against large stray population without concern about whether dog is owned.

The following amendments are recommended:

- 1 Expand the Protected Livestock List:** Add bovine animals, swine, horses, mules, and donkeys.
- 2 Add Location Qualifier & Premises Restriction:** Limit civil liability to attacks on premises other than the dog owner's. Limit the defensive kill right to dogs found off their owner's land. Both changes track California's 1945 amendment and eliminate ambiguity.
- 3 Add Attorney's Fees:** Add recovery of reasonable attorney's fees to make the statute accessible to small-scale farmers whose individual livestock losses are too low to justify litigation costs without fee-shifting.

Guam Criminal Law Revision Commission | 20 GCA § 2233



GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION

OPIUM SHIPPING

5 GCA § 73134



5 GCA § 73134. Penalty: Opium.

If any of such merchandise so found consists of smoking opium or opium prepared for smoking, the master of such vessel or the owner of such vessel shall be liable to a penalty of twenty-five dollars (\$25.00) for each ounce thereof so found. Such penalty shall constitute a lien upon such vessel; except that the master or owner of a vessel used by any person as a common carrier in the transaction of business as such common carrier shall not be liable to such penalty and the vessel shall not be held subject to the lien, if it appears that neither the master nor any of the officers (including licensed and unlicensed officers and petty officers) nor the owner of the vessel knew, and could not, by the exercise of the highest degree of care and diligence, have known that such smoking opium or opium prepared for smoking was on board. Clearance of any such vessel may be withheld until such penalty is paid or until a bond, satisfactory to the Collector, is given for the payment thereof.



Origin & Background

Question: Should 5 GCA § 73134 be repealed as functionally superseded, amended, or retained?

The Statute:

- 1 What the Law Does:** Imposes a customs penalty for the importation of opium into Guam. Codified as part of Chapter 73 (Customs & Quarantine Agency), Article 1 (Operations & Duties). Source note: GC § 47134, previously 14232 in 1952 Government Code. No public law has ever amended it.
- 2 Origin:** Traces directly to U.S. Naval Government regulations (ca. 1898–1950). The First Guam Legislature codified the Naval Government's customs rules into Government Code § 14232 (later renumbered to GC § 47134 by P.L. 7-48) without change.
- 3 Functional Status:** 9 GCA Chapter 67, Article 6 (Importation & Exportation Penalties), enacted via P.L. 14-141 (1978) and comprehensively reenacted via P.L. 24-149 (1998), now governs all controlled substance importation — including opium (Schedule II) and heroin (Schedule I) — with felony-grade sanctions.



Recommendation:

Primary Recommendation

Repeal 5 GCA § 73134 — The provision has been functionally superseded by the Guam Uniform Controlled Substances Act (9 GCA Chapter 67) since 1978. No enforcement gap results from repeal. Consistent with the Legislature's established practice of removing customs provisions rendered superfluous by later drug law.

Key Rationale:

Precedent in Ch. 73

The Legislature already did this in 1978: § 73101(c) was repealed when Chapter 67 superseded it. Section 73134 is the unfinished business from that same cleanup.

No Enforcement Gap

9 GCA § 67.401.9 imposes felony-grade penalties for opium importation. CQA officers already enforce this under § 73102, not under § 73134.



Option Analysis

REPEAL ✓ (Recommended)

Eliminates a dormant provision creating potential enforcement confusion. 9 GCA § 67.401.9 fully governs opium importation with felony-grade sanctions. CQA enforcement authority under § 73102 is unaffected. A simple one-section bill is sufficient. This law should have been repealed alongside § 73101(c) in 1978 as part of the implementation of what became Chapter 67.

AMEND

Not warranted. There is no unique substantive function § 73134 could serve that is not already covered by Chapter 67. Amending it to serve as a cross-reference duplicates functionality already provided by Compiler's notes and § 73102, consuming legislative resources without legal benefit.

RETAIN

Perpetuates ambiguity. A practitioner or officer without access to cross-reference notes might treat § 73134 as the operative charging authority for opium importation. A dormant provision with a \$25/ounce penalty alongside felony sanctions in Chapter 67 creates an inconsistent statutory landscape.



Thank you!



DOCO/Ad Hoc Recommendations

Title and Chapter	Section/Article	No-Change	AMEND	REPEAL	REPEAL & RE-ENACT	ADD	TABLE
Title 9 Chapter 80. Disposition of Offenders.							
	80.10		Amend				
	80.31	No-Change					
	80.37		Amend				
	80.37.1		Amend				
	80.37.2(c),(e)		Amend				
	80.37.2(d)						
	80.37.3		Amend				
	80.39	No-Change					
	80.39.1		Amend				
	80.39.2		Amend				
	80.39.3		Amend				
	80.46	No-Change					
	80.48		Amend				
	80.49		Amend				
	80.50	No-Change					
	80.52		Amend				
	80.53		Amend				
	80.54	No Change					
	80.56	No Change					
	80.58	No Change					
Title 10 Chapter 62. Karate and Judo Experts.	All sections			REPEAL			
Title 20 Chapter 22. Remedies.	2233			REPEAL			
	2254			REPEAL			
	2255			REPEAL			



Guam Criminal Law and Procedure Review Commission Plenary Meeting April 9, 2026 Agenda

- I. **CALL TO ORDER**
- II. **PROOF OF DUE NOTICE OF MEETING**
- III. **DETERMINATION OF QUORUM**
- IV. **DISPOSAL OF MINUTES JANUARY 29, 2026**
- V. **OLD BUSINESS**
 - A. Subcommission Status Update and Report of Executive Director
- VI. **NEW BUSINESS**
 - A. Subcommission on Criminal Procedure: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - B. Drug & Other Criminal Offenses /Ad Hoc Subcommission: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - C. Subcommission on Crimes Involving Property: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - D. Subcommission on Crimes Against Persons: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - E. Notice of Next Meeting: **TO BE DETERMINED.**
- VII. **COMMUNICATIONS**
- VIII. **PUBLIC COMMENT**
- IX. **ADJOURNMENT**