

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
155-38 (COR) As amended by the Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement.	Telo T. Taitague	AN ACT TO <i>ADD</i> A NEW ARTICLE 3 TO CHAPTER 1, TITLE 19, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING “THE RULES AND REGULATIONS FOR THE ADJUDICATION OF VICTIM CLAIMS” ATTACHED HERETO AS EXHIBIT “A”.	6/20/25 2:44 p.m.	6/24/25	Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement.	Request: 6/24/25 Waiver: 6/30/25	7/9/25 9:00 a.m.	7/15/25 As Amended.	Exhibit A
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
	7/28/25	AN ACT TO <i>ADD</i> A NEW ARTICLE 3 TO CHAPTER 1, TITLE 19, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING “THE RULES AND REGULATIONS FOR THE ADJUDICATION OF VICTIM CLAIMS” ATTACHED HERETO AS EXHIBIT “A”.	7/31/25	8/6/25	8/18/25				



COPY

I MINA'TRENTAI OCHO NA LIHESLATURAN GUAHAN
Thirty-Eighth Guam Legislature

August 5, 2025

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan
Ufisinan I Maga'håga
Hagåtña, Guam 96910

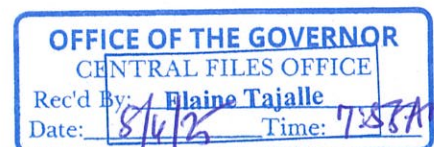
Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are Bill Nos. 5-38 (COR), 16-38 (COR), 17-38 (COR), 24-38 (COR), 45-38 (COR), 56-38 (COR), 68-38 (COR), 76-38 (COR), 81-38 (COR), 84-38 (COR), 92-38 (COR), 97-38 (LS), 100-38 (COR), 103-38 (COR), 106-38 (COR), 110-38 (COR), 123-38 (COR), 124-38 (COR), 125-38 (COR), 139-38 (COR), 149-38 (LS), 153-38 (COR), 154-38 (COR), and 155-38 (COR), and Substitute Bill Nos. 30-38 (COR) and 48-38 (COR) which were passed by *I Mina'trentai Ocho Na Liheslaturan Guahan* on July 31, 2025.

Sincerely,

Senator V. Anthony Ada
Acting Legislative Secretary

Enclosure (26)



COPY

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

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

This is to certify that Bill No. 155-38 (COR), "AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 1, TITLE 19, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ADOPTING 'THE RULES AND REGULATIONS FOR THE ADJUDICATION OF VICTIM CLAIMS' ATTACHED HERETO AS EXHIBIT 'A'," was on the 31st day of July 2025, duly and regularly passed.



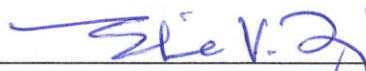
Frank F. Blas, Jr.
Speaker

Attested:



V. Anthony Ada
Acting Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 6th day of August, 2025, at 7:58 o'clock A.M.



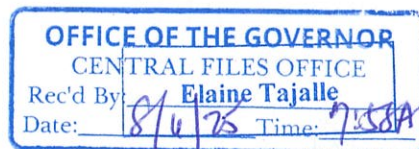
Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: _____

Public Law No. _____



I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 155-38 (COR)

As amended by the Committee on Economic Investment,
Military Buildup, Regional Relations, Technology,
Regulatory Affairs, Justice, Elections, and Retirement.

Introduced by:

Telo T. Taitague
V. Anthony Ada
Chris Barnett
Frank F. Blas, Jr.
Vincent A.V. Borja
Shelly V. Calvo
Christopher M. Dueñas
Eulogio Shawn Gumataotao
Jesse A. Lujan
Tina Rose Muña Barnes
William A. Parkinson
Sabina Flores Perez
Sabrina Salas Matanane
Joe S. San Agustin
Therese M. Terlaje

**AN ACT TO *ADD* A NEW ARTICLE 3 TO CHAPTER 1,
TITLE 19, GUAM ADMINISTRATIVE RULES AND
REGULATIONS, RELATIVE TO ADOPTING “THE
RULES AND REGULATIONS FOR THE ADJUDICATION
OF VICTIM CLAIMS” ATTACHED HERETO AS
EXHIBIT “A”.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
that the *Criminal Injuries Compensation Commission Rules and Regulations for the*
Adjudication of Victim Claims establish the procedural structure for how victims of
violent crime in Guam can apply for financial compensation. These standards ensure

1 that the process aligns with the Criminal Injuries Compensation Act in Chapter 161
2 to Title 8, Guam Code Annotated, and the Administrative Adjudication Law in
3 Chapter 9, Title 9, Guam Code Annotated. *I Liheslaturan Guåhan* further finds that
4 these standards are critical to further protect crime victims, uphold due process, and
5 ensure the responsible management of public funds, by delivering a structured, fair,
6 and supportive system for compensating individuals who have suffered from
7 criminal acts.

8 **Section 2. Adoption.** *I Liheslaturan Guåhan* hereby adopts the Rules and
9 Regulations attached hereto as Exhibit A entitled: “*Rules and Regulations for the*
10 *Adjudication of Victim Claims*” pursuant to the Criminal Injuries Compensation Act,
11 § 161.120, Chapter 161.120 of Title 8, Guam Code Annotated, and the
12 Administrative Adjudication Law in Chapter 9, Title 9, Guam Code Annotated.

13 **Section 3. Severability.** If any provision of this Act or its application to any
14 person or circumstance is found to be invalid or inorganic, such invalidity shall not
15 affect other provisions or applications of this Act that can be given effect without
16 the invalid provision or application, and to this end the provisions of this Act are
17 severable.

18 **Section 4. Effective Date.** This Act shall become effective upon enactment.

“EXHIBIT A”

1 The Criminal Injuries Compensation Commission

2 Rules and Regulations for the

3 Adjudication of Victim Claims

4 [These Administrative Rules & Regulations are promulgated under the authority of
5 Criminal Injuries Compensation Act, title 8 GCA, Chapter 161.120, and the
6 Administrative Law 5 GCA Chapter 9, Article 3. Adopted by the Criminal Injuries
7 Compensation Commission on March 1, 2024]

PART I

8
9
10 **SECTION 101. Purpose.** These Rules and Regulations are adopted

11 pursuant to the Compensation for Damages from Criminal Activities Act [8 GCA
12 161.120] (Act) for the purpose of conducting the administrative business of the
13 Criminal Injuries Compensation Commission ("Commission"), and the procedures
14 for victims of violent crime who suffered injury or death to apply for compensation
15 under the Criminal Injuries Compensation Program (CICP). It is the intent of the
16 Commission to provide for prompt and expeditious review of all applications made
17 under the CICP.

1 **SECTION 102. Definitions.** In addition to those terms defined under 8 GCA
2 161.10 the following terms are defined and made applicable:

- 3 a. "Adjudicate" means to consider evidence supporting an application for
4 compensation, and to vote to approve or disapprove an award of
5 compensation in whole or in part.
- 6 b. "Applicant" means a victim as defined in 8 GCA 161.10(i) a spouse, a child
7 of a victim, a dependent of a deceased victim, or a private citizen as defined
8 in 8 GCA 161.10.
- 9 c. "Collateral source" means amounts or benefits received or to be received
10 from any source, whether from the offender or from any person on behalf of
11 the offender, or from public or private funds, and which amounts or benefits
12 result from or are in any manner, directly or indirectly, attributable to the
13 injury or death which gave rise to the award. 8 GCA 161.100(a) It also
14 includes the personal guarantee of a person for the medical expenses of a
15 deceased victim.
- 16 d. "Funeral expenses" or "burial expenses" means expenses directly related to
17 burial or cremation of the victim; burial plot or crypt; casket, flowers,
18 candles, rental of a funeral home church or location; tents, chairs, food and
19 beverages, funeral booklets, musical services, transportation of the deceased
20 victim to or from Guam. It does not include air or ground transportation of a
21 person to escort or accompany a deceased victim, or for any person to attend
22 the burial.
- 23 e. "Maintenance of the victim" means the actual providing of direct physical
24 care to a victim such as hospice, food, personal needs and may include
25 reasonable temporary lodging and relocation for the safety of the victim not
26 to exceed 30 days but does not include indirect costs such as power or
27 utilities (unless part of lodging), mortgage, or personal financial debts.

- 1 f. "Medical expense" means monetary costs involved in seeking treatment
2 from a licensed medical provider for injury or death caused to a victim of a
3 violent crime as stated in 8 GCA §161.55. It includes emergency hospital
4 services, medical clinic services, mental health counseling and care,
5 psychiatric care, therapy, medication management, counseling, dental
6 services, dental devices, eyeglasses, corrective lenses, and for services
7 rendered in accordance with & additional methods of healing recognized in
8 Guam.
- 9 g. "Pain and suffering" mean expenses incurred by a victim related to severe or
10 serious physical injury or temporary mental suffering which require
11 counseling to cope with the trauma of victimization.
- 12 h. "Pecuniary loss" means damages measured in financial terms, in monetary
13 amounts to include loss of wages or employment, loss of financial support,
14 out of pocket losses associated with maintenance of the victim, repair costs
15 to property necessary for the safety of the victim, or loss to the private
16 citizen directly resulting from property damage under §161.80 (d).
- 17 i. "Residency" means the place where a person lives for a period of thirty (30)
18 consecutive days in a calendar year, maintains that person's home and to
19 which, whenever that person is absent, that person has the bona fide
20 intention to return. Indicia of residence on Guam shall include but not be
21 limited to, payment of Guam personal income taxes, maintaining a home or
22 other living accommodations in Guam, having temporarily departed from
23 Guam with the intention of returning, and not being registered to vote in any
24 other State, territory, or county since departing Guam pursuant to Title 3
25 GCA § 9123.
26

27 **PART II**

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7

SECTION 201. Membership. The Commission shall be made up of five (5) members appointed by the Governor of Guam with the advice and consent of *I Liheslaturan Guåhan*.

SECTION 202. Chairperson/ Term Limit. The Commission shall elect a Chair from among the membership who shall serve for a period of two (2) years. A commissioner may be reelected to one consecutive term as Chair for a total of four (4) years, unless no other member expresses interest in serving as Chair, in which case an outgoing Chair may continue to serve for successive terms without limit. The Chair may be removed without cause by a majority vote of the remaining members, and a new Chair shall be elected immediately.

SECTION 203. Hearings/ Working Sessions.

a. Hearings. A hearing shall be called by the Chair at such times, dates and places as shall be set by the Chair. Additional hearings can be called by a majority of the members in writing requesting the Chair to convene a hearing with a proposed agenda. In the event a Chair refuses to convene a hearing as requested, the Attorney General may convene a meeting *sua sponte*. The Attorney General's Office (OAG) shall provide all administrative support and assistance to the Commission for the purposes of calling hearings including all costs of publication. At a hearing, the Commission shall adjudicate applications, take testimony and consider evidence from applicants and supporting witnesses, issue subpoenas, adopt and amend rules and regulations, legislation, review the financial stability of the CACP Fund (Fund), consider such matters as will improve and benefit the general community in relation to victim compensation.

b. Working Sessions. The Chair may call a working session for the purposes of discussing administrative or executive matters, including a

1 general review of pending applications. No application can be decided
2 upon, and no action taken with reference to an application at a working
3 session. Administrative matters may include budget preparation, sub-
4 committee reports, communications, program improvement and outreach
5 efforts, as well as legal assistance from the OAG. Working sessions may
6 be conducted via video Zoom or teleconferencing, do not require a
7 quorum, are limited to be informal, and not subject to record keeping.

8 **SECTION 204. Quorum.**

- 9 a. A validly convened hearing requires a quorum present. A quorum of the
10 Commission for purposes of a hearing shall consist of three (3) members.
11 No decision or action of the Commission shall be valid without a quorum.
12 No hearing can be convened without a valid quorum. Any decision made in
13 the absence of a valid quorum is void *ab initio*.
14 b. A quorum is not required for working sessions.
15 c. A quorum failure resulting from a lack of Commissioners serving in office
16 due to unfilled vacancies shall be resolved in accordance with 8 GCA §
17 161.15(a), requiring the Attorney General to convene a hearing. Upon
18 resolution of the quorum failure, Section 161.15(a) shall no longer be
19 applicable.
20 d. A Commissioner may be considered in attendance for the purpose of
21 establishing a quorum via any video or teleconferencing that permits
22 questions and answers to be properly recorded.

23 **SECTION 205. Vacancy.** A vacancy in the membership of the Commission
24 shall be filled only in accordance with statute. 8 GCA § 161.20. The Commission
25 shall notify the Governor and *I Liheslaturan Guåhan* of a vacancy with a request to
26 have such vacancy filled expeditiously for the benefit of victims of crime.

SECTION 206. Voting. Decisions of the Commission require a vote of three (3) members participating in a validly called hearing. No decision is valid without a quorum vote of three members. A Commissioner who is participating in a hearing via video or teleconferencing shall be permitted to exercise his/her vote.

8 GCA § 161.25.

SECTION 207. Public Notice. All hearings of the Commission shall comply with the notice requirements of the Open Government Law. Working sessions do not require compliance with the Open Government Law. [5 GCA Chapter 8] The Commission is authorized to conduct closed hearings to adjudicate applications for compensation. 8 GCA § 161.30 (b), as amended by P.L. 37-40, July 31, 2023.

SECTION 208. Disclosure of Record. Confidential records of victims or eligible applicants are protected from public disclosure, inspection, reporting or discovery without the prior written consent of the victim/eligible applicant, or as compelled by court order, federal or local law. 8 GCA § 161.30 (e), as amended by P.L. 37-40, July 31, 2023.

PART III

ELIGIBILITY

SECTION 301. Eligibility. An applicant is eligible to apply for compensation in the following circumstances:

- a. The act of omission resulted in the death or injury to the applicant.
- b. Death or injury occurred within Guam, or if it occurred outside of Guam, the victim or eligible applicant must prove victim was a resident at the time death or injury occurred and prove that the territory, state of country in which the crime occurred does not have a crime victim's compensation statute. 8 GCA § 161.75.

1 **SECTION 302. Burden to Demonstrate Eligibility.** The burden of proving
2 eligibility rests wholly with the person who seeks compensation as a victim or
3 eligible applicant.

4 a. A copy of the police report containing the criminal history and
5 investigation of the crime is presumptive proof the crime occurred.
6 Invoices for services performed, payment receipts, and other financial
7 documents are required as proof of incurred expenses. Failure to provide
8 such documentation is grounds for disapproval of an application.

9 b. Operation of a motor vehicle, boat, or aircraft while impaired or under
10 the influence of alcohol or drugs in violation of 9 GCA § 92101 et. Seq.
11 with a blood alcohol level or drug impairment over legal limits is
12 sufficient to prove intent that a crime has been committed for purposes of
13 this Act. 8 GCA § 161.55 (b).

14 **SECTION 303. Statutory Limitations.** An application must be filed within
15 eighteen (18) months of the date of injury, death of the victim, or property damage.
16 8 GCA § 161.90(a).

17
18 **PART IV**
19 **APPLICATION**

20 **SECTION 401. Application Form.** Application for compensation under
21 these Rules shall be made using the official administrative form approved by the
22 Commission. No other application form shall be acceptable. An applicant is
23 required to make a sworn declaration attesting to the truthfulness of all information
24 contained in the application.

25 **SECTION 402. Review for Eligibility and Completeness- Referral to**
26 **Commission.**

- 1 a. The administrative staff of the Commission is responsible for reviewing
2 all filed applications promptly to determine whether the applicant is
3 eligible and the completeness of the application. An incomplete
4 application shall not be processed for further consideration. An applicant
5 shall be notified twenty (20) business days of filing whether the applicant
6 meets eligibility requirements and whether the application is complete or
7 incomplete.
- 8 b. An applicant must provide all supporting documentation including
9 original or certified copies of medical or funeral expenses.
- 10 c. A victim applicant must provide all supporting documentation to prove
11 loss of income, loss of employment or any other pecuniary loss resulting
12 from the injury, including pain and suffering.
- 13 d. An applicant responsible for the care and maintenance of the victim must
14 provide all supporting documentation to prove pecuniary losses.
- 15 e. An applicant, whether at the time of application or after an award is
16 made, must provide evidence or collateral compensation from any source
17 whether from the offender as restitution, or from any person on behalf of
18 the offender, or from public or private funds, and which amounts or
19 benefits result from or are in any manner directly or indirectly
20 attributable to the injury or death which gave rise to the requested
21 compensation or award, but does not include life insurance benefit to a
22 surviving spouse or dependents of a deceased victim. 8 GCA § 161.100.
- 23 f. Completed applications shall be submitted to the Commission for review,
24 consideration, and adjudication.

25
26 **PART V**
27 **HEARING**

1 **SECTION 501. Hearing.**

- 2 a. Hearings of the Commission must comply with the Open Government
3 Law, except as authorized under 8 GCA § 161.30 (b) and these Rules.
- 4 b. Hearings pertaining to the administrative business of the Commission are
5 open to the public.
- 6 c. Adjudicative hearings pertaining to the taking of testimony and evidence
7 in support of an application for compensation are closed to the public.
- 8 d. The Commission is authorized to hire an Administrative Law Judge
9 (ALJ) to conduct adjudicative hearings on behalf of the Commission and
10 to make dispositive recommendations to approve or disapprove an
11 application for compensation in whole or in part to the Commission.
- 12 e. The hearing shall be informal. Rules of Evidence shall not apply.
- 13 f. The applicant and all witnesses shall testify under oath.
- 14 g. The applicant is entitled to call witnesses and may request the
15 Commission to subpoena the attendance of witnesses. If a subpoena is
16 required for the attendance of a witness, the applicant shall pay civil fees
17 for a witness" attendance equivalent to the same fee allowable by the
18 Superior Court of Guam for attendance of a witness under subpoena.
- 19 h. An applicant is entitled to be represented by counsel at his/her own
20 expense.
- 21 i. The applicant and all witnesses are subject to examination by the
22 Commission, Counsel for the applicant is permitted to examine the
23 witness. An applicant who is not represented by counsel (pro se) may
24 present questions to the Commission for consideration of the witness. A
25 pre se applicant shall not be permitted to examine witnesses directly.
- 26 j. The burden of proof standard is clear and convincing evidence.

- 1 k. A hearing may be recessed or continued at the discretion of the
2 Commission.
3 l. All hearings shall be recorded. No written transcript shall be required. In
4 the case of an appeal on the record a digital transcript shall be provided to
5 the applicant and payment of \$25 reproduction fee payable to the
6 Treasurer of Guam.

7 **SECTION 502. Medical Examination.**

- 8 a. The Commission may order the applicant to be examined by a licensed
9 practitioner appointed by the Chair, specifically requesting a
10 determination that is relevant to a determination of whether the injury
11 was reasonably and likely a result of the acts of the offender as alleged by
12 the applicant. Such examination shall be paid from the administrative
13 funds of the Commission. A report shall be made to the Commission by
14 the appointed practitioner expressing his/her opinion on the issue. The
15 applicant shall be entitled to a copy of the report.
16 b. The applicant may rebut the findings of the report at hearing by filing a
17 separate report for the Commission's consideration at the applicant's own
18 expense.

19
20 **PART VI**

21 **DECISION AND APPEAL**

22 **SECTION 601. Decision.**

- 23 a. The Commission shall render a decision no later than one hundred and
24 twenty days (120) from the date of the final hearing, including any
25 continuances. The Commission may extend rendering its decision for
26 good cause stated in writing to the applicant, and in no event shall the
27 extension exceed thirty (3) more days.

b. Where the hearing is conducted by an ALJ, the ALJ shall render a recommendation to the Commission within 20 calendar days of the hearing. The Commission may accept or reject the recommended findings and conclusions of the ALJ. The Commission may review the record *de novo* in deciding whether to accept or reject the ALJ's recommendation. The Commission shall notify the applicant in writing of its final decision.

SECTION 602. Reconsideration. The Commission is permitted to reconsider any decision rendered, either *sua sponte* or on petition of an aggrieved applicant. A reconsideration motion must be filed no later than ten (10) working days after issuance of the Commission's decision. Reconsideration is permitted based on an error or mistake of fact. Reconsideration is not permitted to challenge the Commission's discretionary authority. Reconsideration is limited to the record. No new evidence shall be permitted as the basis for a motion for reconsideration. 8 GCA § 161.45(a).

SECTION 603. Appeal. An aggrieved applicant may appeal the decision of the Commission to the Superior Court of Guam on the sole grounds that the decision exceeded the Commission’s authority or jurisdiction, within thirty (30) calendar days after service upon the applicant an original or certified copy of such decision. Except as provided herein, there is no further basis for appeal. 8 GCA § 161.45(b).

PART VII

AWARD AND ATTORNEY FEES

SECTION 701. Maximum Award. Compensation for medical expenses may be awarded up to the amount of Twenty Thousand Dollars (\$20,000.00); and compensation for all other purposes allowed under this Chapter shall not exceed Ten Thousand Dollars (\$10,000.00). 8 GCA § 161.90(b).

1 **SECTION 702. Attorney Fees.** The Commission may order reasonable
2 attorney fees based on an award granted to an applicant as provided in 8 GCA §
3 161.40. The Commission shall require the attorney to submit an Affidavit of
4 Reasonable Attorney Fees to the Commission within thirty (30) days of the
5 issuance of a final decision of the Commission. An order for reasonable attorney
6 fees is not subject to reconsideration or appeal.