

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
104-38 (COR)	Telo T. Taitague	AN ACT TO AMEND §§ 45.10(C) AND 80.60; AND TO ADD §§ 40.20(H) AND (I), 45.10(D), 100.40 AND 160.96 TO TITLE 8; TO REPEAL AND REENACT §§ 30104.1 AND 30118.1, AND TO ADD §§ 30104.2 AND 30104.3 TO TITLE 5, AND TO ADD § 10107(S) TO TITLE 12, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ENACTING THE "CRIME VICTIM & PEOPLE OF GUAM'S PROTECTION REFORM ACT OF 2025."	4/8/25 12:52 p.m.						

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

Bill No. 104-38 (COR)

Introduced by:

Telo T. Taitague



AN ACT TO AMEND §§ 45.10(C) AND 80.60; AND TO *ADD* §§ 40.20(H) AND (I), 45.10(D), 100.40 AND 160.96 TO TITLE 8; TO *REPEAL* AND *REENACT* §§ 30104.1 AND 30118.1, AND TO *ADD* §§ 30104.2 AND 30104.3 TO TITLE 5, AND TO *ADD* § 10107(S) TO TITLE 12, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ENACTING THE “CRIME VICTIM & PEOPLE OF GUAM’S PROTECTION REFORM ACT OF 2025.”

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings & Intent. *I Liheslaturan* hereby finds that

the Government of Guam’s primary duty is to protect our law-abiding People of Guam and to ensure justice for Crime Victims. Simultaneously, we must ensure that the innocent are not unjustly convicted. Crime victims include We, the People of Guam and suffering comes from violent, non-violent and public official corruption type crimes. The elected Attorney General of Guam represents our People of Guam and is crucial to achieving this all-important goal to protect us. In order to achieve this end, the Attorney General requires the laws, staff and tools necessary to accomplish the important duties required to fight, win and to protect us.

Although certain protections exist for both the prosecution and defense, additional protections are warranted to allow Guam’s criminal justice system to ensure the balance between a criminal defendant’s right to a fair trial, and the People

1 of Guam and crime victim’s right to justice and a safe community. Winning by
2 technical errors caused because of outdated statutes, that many States in our United
3 States have either never adopted, or moved away from, must be avoided to ensure
4 Justice for both sides.

5 **Section 2.** Section 80.60 of Article 2 of Title 8 of the Guam Code Annotated
6 is hereby *amended* as follows:

7 **“§ 80.60. When a Case to be Dismissed, or Not Dismissed for**
8 **Reasons of Time.**

9 (a) Except as otherwise provided in Subsection (b), the court
10 shall dismiss a criminal action if:

11 (1) An information is not filed or an indictment
12 returned within the time prescribed by §§ 45.45, 45.50 and 45.80;

13 (2) ~~The trial of a defendant, who is in custody at the~~
14 ~~time of his arraignment, has not commenced within forty five~~
15 ~~(45) days after his arraignment; or~~

16 (3) The trial of a defendant, ~~who is not in custody at the~~
17 ~~time of his arraignment,~~ has not commenced within ~~sixty (60)~~
18 seventy (70) days after his arraignment.

19 (b) A criminal action shall not be dismissed pursuant to
20 Subsection (a) if:

21 (1) The action is set on a date beyond the prescribed
22 period upon motion of the defendant or with his consent, express
23 or implied, and he is brought to trial on the date so set or within
24 ten (10) days thereafter;

25 (2) The defendant failed to appear for trial and he is
26 brought to trial within thirty (30) days following his next
27 appearance in the trial court; or

1 (3) Good cause is shown for the failure to commence
2 the trial within the prescribed period. The People of Guam may
3 establish good cause by bringing a motion and showing 3
4 criminal trials occurring at the same time, wherein the court shall
5 schedule the pending trial within 5 days of a trial verdict for any
6 of the ongoing trials. A Judge shall not schedule and empanel
7 more than one criminal jury or criminal bench trial at a time, and
8 can only schedule and empanel criminal trials one after the
9 other.”

10 **Section 3.** § 45.10(c) is hereby *amended* and Section 45.10(d) is hereby *added*
11 to Chapter 45 of Title 8 of the Guam Code Annotated to read as follows:

12 **“§ 45.10. Duty to Delivery Arrestee to Judge, or to Peace Officer.**

13 (a) An officer making an arrest under a warrant or any person
14 making an arrest without a warrant shall take the arrested person
15 without unnecessary delay before a judge of the Superior Court.

16 (b) Notwithstanding Subsection (a), a private person who has
17 arrested another for the commission of an offense, may deliver him to
18 a peace officer who shall take the person arrested before the judge.

19 (c) The person arrested *shall* in all cases be taken before the
20 judge within forty-eight (48) hours after the arrest, except that when the
21 forty-eight (48) hour period expires, it is the burden of the government
22 to demonstrate that a bona fide emergency or an extraordinary
23 circumstance existed. Weekends and holidays shall not used to calculate
24 the forty-eight (48) hour period.

25 (d) In order to protect crime victims and our People, the court
26 shall be available to conduct hearings for law enforcement officers and
27 the Office of the Attorney General in conducting hearings as requested

1 by the Attorney General, including on ex parte basis at all hours in order
2 to timely meet the above time limitations.”

3 **Section 4.** Section 100.40 is hereby *added* to Chapter 100 of Title 8 of the
4 Guam Code Annotated to read as follows:

5 **“§ 100.40 Judgments of Acquittal Appealable by People of Guam.**

6 A judgment of acquittal by the court shall be appealable by the
7 People of Guam as any criminal decision by a court.”

8 **Section 5.** Section 160.96 is hereby *added* to Chapter 160 of Title 8 of the
9 Guam Code Annotated to read as follows:

10 **“§ 160.96 Deportation Plea Agreements Mandatory.**

11 Upon stipulation by the People of Guam and a pretrial or post-
12 trial criminal defendant, the court shall have jurisdiction and shall
13 accept a plea agreement that sets forth the defendant departing Guam
14 never to return. The court shall likewise have jurisdiction and shall
15 accept a stipulation allowing a post judgment criminal defendant to be
16 released from prison for deportation from Guam, along with other terms
17 the parties may agree to, such as preserving the balance of the prison
18 term to be served if the defendant returns to Guam. The plea agreement
19 or post judgment stipulation may include at a minimum provisions to
20 enforce the defendant’s permanent removal from Guam, including the
21 court issuing a bench warrant that would bring the defendant back
22 before the court if the defendant attempts to return. The court may then
23 enforce the plea agreement or post judgment stipulation’s terms
24 requiring prison, or again cause the defendant’s deportation, or both, all
25 at the discretion of the People’s Attorney General.”

26 **Section 6.** Section 40.20(h) and (i) are hereby *added* to Chapter 40 of Title 8
27 of the Guam Code Annotated to read as follows:

1 “(h) In all cases that a person charged with a crime including
2 methamphetamine delivery or use, or has a prior conviction for
3 methamphetamine delivery or use, the Court shall not release the person
4 unless that release at a minimum requires the person released to report
5 to a qualified professional that treats persons addicted to
6 methamphetamine within 1 working day for evaluation. Nothing
7 disclosed by the defendant to the treatment professional shall be
8 admissible in Court. If that person fails to appear, an automatic arrest
9 warrant shall issue without further hearing requiring the defendant to
10 again appear before the court. That person shall not be released, if at
11 all, again unless a third party custodian is acceptable to the Court or a
12 cash bail of no less than \$2,000.00 is set in order to protect the People
13 of Guam. If that person again violates the Court’s release conditions,
14 the Court shall not release the defendant again until that person’s
15 criminal case is resolved by dismissal or judgment.”

16 “(i) In all cases that a person charged with a crime has a prior
17 criminal conviction by a local or federal court, the court shall not
18 release the person without bail, or on unsecured personal recognizance
19 bond, if at all. The court may only release the defendant on posting of
20 cash bail. If the defendant violates the court’s release order, that person
21 shall not be released, if at all, again unless a third party custodian is
22 acceptable to the Court or a cash bail of no less than \$2,000.00 is set in
23 order to protect the People of Guam”

24 **Section 7.** Section 30104.1 of Chapter 30 of Title 5 of the Guam Code
25 Annotated is hereby *repealed* and *reenacted* to read as follows:

26 “~~§ 30104.1. Special Pay for Prosecutors.~~”

1 ~~Notwithstanding any other provision of law, attorneys serving as~~
2 ~~prosecutors shall be entitled to special pay, calculated at the rate of their~~
3 ~~regular wage plus fifteen percent (15%). The Office of the Attorney~~
4 ~~General shall provide special pay to all attorneys serving as prosecutors~~
5 ~~in the Office of the Attorney General.~~

6 **§ 30104.1. Mandatory Reporting by Government Employees.**

7 Government employees, including from any autonomous agency,
8 the utilities or any other instrumentality of the government of Guam,
9 shall have an affirmative and mandatory duty to report to the Attorney
10 General of Guam a reasonable suspicion or actual knowledge that a
11 crime or violation of civil law has been committed. The government
12 employee shall *not* have a right to assert any attorney-client privilege,
13 or other privilege, to prevent this duty, or for any person to avoid
14 criminal or civil prosecution based upon any assertion of an attorney-
15 client relationship or privilege.”

16 **Section 8.** Section 30104.2 is hereby *added* to Chapter 30 of Title 5 of the
17 Guam Code Annotated to read as follows:

18 **“§ 30104.2. Use of Government Funds Prohibited to Defend**
19 **Against Criminal Charges.**

20 No government funds, including from any autonomous agency,
21 the utilities, land grant institution or any other instrumentality of the
22 government of Guam, shall be used to fund or reimburse or pay any
23 government employee, commissioner, regent, board member or any other
24 person whatsoever, for any attorneys fees, cost or other expense, incurred in
25 defense of any criminal charge brought against that employee.”

26 **Section 9.** Section 30118.1 of Chapter 30 of Title 5 of the Guam Code
27 Annotated is hereby *repealed* and *reenacted* to read as follows:

1 **“§ 30118.1. Fiscal Authority Accounting; Expenditures.**

2 ~~(a) The Office of the Attorney General shall be responsible for~~
3 ~~the conduct of operational matters addressing its financial activities, in~~
4 ~~accordance with and consistent with the provisions contained herein.~~

5 ~~(b) The Department of Administration shall establish, for the~~
6 ~~benefit of the Office of the Attorney General, a fund to be known as the~~
7 ~~“Office of the Attorney General Operations Fund”, hereafter referred to~~
8 ~~as the “Fund”, which shall be maintained by the general administrative~~
9 ~~services of the Department of Administration separate and apart from~~
10 ~~other funds of the government of Guam, and independent records and~~
11 ~~accounts shall be maintained in connection therewith. Financial~~
12 ~~statements detailing the revenues generated and expenses incurred of~~
13 ~~the Fund shall be submitted to the Speaker of *I Liheslaturan Guåhan*~~
14 ~~quarterly, or as otherwise required by law.~~

15 ~~(c) All monies, except for monies required by law to be deposited~~
16 ~~in a special fund, received by the Office of the Attorney General, from~~
17 ~~whatever source derived, shall be deposited in the Fund bank account~~
18 ~~of an eligible bank, as defined in 5GCA § 21112, which is procured by~~
19 ~~the Department of Administration.~~

20 ~~(d) All expenditures from the Fund shall be made by the~~
21 ~~Department of Administration, at the direction of the Office of the~~
22 ~~Attorney General.~~

23 ~~(e) The Department of Administration shall adopt a uniform~~
24 ~~system of accounting, consistent with other government of Guam~~
25 ~~requirements, for the Fund and special funds of the Office of Attorney~~
26 ~~General.~~

27 (a) Notwithstanding any other provision of law, the Attorney
28 General may assume from the Department of Administration full
29 operational control over the Office of the Attorney General budget and
30 procurements, to include, but not be limited to issuing Office payroll,
31 paying bills and obligations and directly maintaining accounts and
32 managing the budget issued to the Office of the Attorney General by the

1 Guam Legislature. All unexpended fund balances, to include all
2 carryover appropriations, shall be transferred to the fund established in
3 5 GCA Chapter 30 §30118.1(b).

4 ~~(b)(a)~~ The Office of the Attorney General shall be responsible for the
5 conduct of operational matters addressing its financial activities, in
6 accordance with and consistent with the provisions contained herein.

7 ~~(c)(b)~~ The Department of Administration shall establish, for the benefit
8 of the Office of the Attorney General, a fund to be known as the “Office
9 of the Attorney General Operations Fund”, hereafter referred to as the
10 “Fund”, ~~which shall be maintained by the general administrative~~
11 ~~services of the Department of Administration separate and apart from~~
12 ~~other funds of the government of Guam, and independent records and~~
13 ~~accounts shall be maintained in connection therewith.~~ Financial
14 statements detailing the revenues generated and expenses incurred of
15 the Fund shall be submitted to the Speaker of *I Liheslaturan Guåhan*
16 quarterly, or as otherwise required by law.

17 ~~(d)(e)~~ All monies, except for monies required by law to be deposited in
18 a special fund, received by the Office of the Attorney General, from
19 whatever source derived, shall be deposited in the Fund bank account
20 of an eligible bank, as defined in 5 GCA § 21112, which is procured by
21 the Department of Administration. The Treasurer of Guam shall
22 transition this account to the Office of the Attorney General. These
23 funds shall not be transferred or used without the written approval of
24 the Attorney General of Guam.

25 ~~(e)(d)~~ All expenditures from the Fund shall be made ~~by the~~
26 ~~Department of Administration,~~ at the direction of the ~~Office of the~~
27 Attorney General.

1 ~~(f)(e)~~ The Attorney General Department of Administration shall adopt
2 a uniform system of accounting, consistent with other government of
3 Guam requirements, for the Fund and special funds of the Office of
4 Attorney General.

5 (g) The Attorney General may create and hire a Comptroller Position.”

6 **Section 10.** Section 30104.3 is hereby *added* to Chapter 30 of Title 5 of the
7 Guam Code Annotated to read as follows:

8 **“§ 30104.3. AG’s Staff Subject to Drug Testing Terminable.**

9 Notwithstanding any other provision of law, any employee,
10 including classified and unclassified employees, of the Office of the
11 Attorney General shall be subject to immediate termination by the
12 Attorney General of Guam in the event that an employee tests positive
13 for an illegal drug, as defined in the Guam Uniform Controlled
14 Substances Act, Chapter 67 of Title 9, Guam Code Annotated.”

15 **Section 11.** Section 10107(s) is hereby *added* to Chapter 10 of Title 12 of the
16 Guam Code Annotated to read as follows:

17 **“(s) Mandatory Cargo Inspections.**

18 Cause to be inspect all cargo (100% inspections) leaving the
19 Port Authority of Guam in coordination with Guam Customs and
20 Quarantine Agency with all detection means available, to include at a
21 minimum x-ray, canine detection and other means ordinarily utilized in
22 major port authorities for drugs and other cargo violating the criminal
23 and civil laws of Guam, including but not limited to methamphetamines
24 and illegal drugs, as defined in the Guam Uniform Controlled
25 Substances Act, Chapter 67 of Title 9, Guam Code Annotated.

26 A fixed x-ray machine for cargo inspections, including containers
27 and vehicles, shall be procured and operational within 6 months of

1 enactment of this Act, and shall be paid for with Port Authority of Guam
2 revenues. The Attorney General of Guam shall oversee directly, or
3 appoint an official, to oversee the implementation of the 100% cargo
4 inspections, direct operations as the AG deems necessary, and to
5 monitor the compliance with this 100% cargo inspection provision.”

6 **Section 12. Severability.** If any provision of this Act or its application to any
7 person or circumstance is found to be invalid or inorganic, such invalidity shall not
8 affect other provisions or applications of this Act that can be given effect without the
9 invalid provision or application, and to this end the provisions of this Act are
10 severable.