

Messages & Communications Doc. No. 38GL-26-2686 through 2692.

From 38th Committee On Rules <committeeonrules@guamlegislature.gov>
Date Tue 8/4/2026 4:29 PM
To Guam Legislature Clerks <clerks@guamlegislature.gov>
Cc Frank Blas Jr. <speakerblas@guamlegislature.gov>

5 attachments (24 MB)

8426COMM Doc. No. 38GL-26-2686.pdf; 8426COMM Doc. No. 38GL-26-2688.pdf; 8426COMM Doc. No. 38GL-26-2687.pdf; 8426COMM Doc. No. 38GL-26-2689.pdf; 8426COMM Doc. No. 38GL-26-2690.pdf;

Håfa Adai Clerks Office,

Please see attached, **Messages & Communications Doc. No. 38GL-26-2686 through 2692** for processing:

✓	38GL-26-2686	Contractors License Board	Prior Year Obligations to pay National Office Supply in the total amount of \$288.00; to pay Xerox Corporation in the total amount of \$2,669.85*
✓	38GL-26-2687	Office of Public Accountability - Guam	Guam Preservation Trust FY2025 Financial Statements, Reports on Compliance and Internal Controls, Management Letter and the Auditor's Communication with Those Charged with Governance*
✓	38GL-26-2688	Judiciary of Guam	Guam Criminal Law and Procedure Review Commission 2026 2nd Quarter Report*
✓	38GL-26-2689	Judiciary of Guam	Judicial Council of Guam Regular Meeting Packet for July 16, 2026*
✓	38GL-26-2690	Guam Waterworks Authority	Revenues and Expenditures Report (Unaudited) for the period ending May 2026 and June 2026*
✓	38GL-26-2691	Guam Power Authority	Notification of Temporary Assignment or Detail – Theodore G. Tamashiro, Substation Electrician Leader, 6/28/26; James S.N. Tanguileg, Substation Electrician Leader, 8/15/26*
✓	38GL-26-2692	Office of Public Accountability - Guam	Acting Administrator Designation of Vincent Duenas, for the Office of Public Accountability from August 2, 2026 to August 7, 2026*

Please retrieve Doc. No. 38GL-26-2691 and 2692 from link below:

[Messages & Communications Physical Scanned Copy - Google Drive](#)

Kindly reply to this email.



Si Yu'os ma'åse',

Marie Crisostomo

Committee on Rules Assistant

COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson

I Mina'trentai Ocho Na Liheslaturan Guåhan

38th Guam Legislature

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Messages and Communications 38GL-26-2688*

2 messages

Speaker Frank Blas Jr. <speakerblas@guamlegislature.gov>

Fri, Jul 31, 2026 at 4:14 PM

To: 38th Committee On Rules <committeeonrules@guamlegislature.gov>, Sabrina Salas Matanane <office.senatorbri@guamlegislature.gov>

Håfa adai,

Please see attached M&C Doc. No. 38GL-26-2688

38GL-26-2688	Judiciary of Guam	Guam Criminal Law and Procedure Review Commission 2026 2nd Quarter Report*
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*Si Yu'os Ma'åse'**Bernice Rivera*

Administrative Assistant

**Office of Speaker Frank F. Blas, Jr.**I Mina'trentai Ocho na Liheslaturan Guåhan 38th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagatña

(671)969-6456

speakerblas@guamlegislature.gov

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----- Forwarded message -----

From: **Lisa C. Ibanez** <libanez@guamcourts.gov>

Date: Fri, Jul 31, 2026 at 1:42 PM

Subject: Guam Criminal Law and Procedure Review Commissions (CLRC) 2026 Second Quarter Report.

To: Speaker Frank Blas, Jr. <speakerblas@guamlegislature.gov>Cc: Andrew S. Quenga <aquenga@guamcourts.gov>*Håfa Adai Speaker Blas,*

Attached is a digital copy of the Guam Criminal Law and Procedure Review Commissions 2026 2nd Quarter Report, pursuant to Title 1 GCA § 25.07(a).

We greatly appreciate your prompt attention to this matter and value your feedback. Don't hesitate to contact us with any questions or concerns.

Please confirm that you have received this email.

Senseramente,

Lisa C. Ibanez

Administrative Support

Guam Criminal Law and Procedure Review Commission

T: (671) 475-3278 ext. 252 E: libanez@guamcourts.gov*The Judiciary of Guam is an equal opportunity employer and provider.*

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2 attachments

 **CLRC 2nd Q 2026.pdf**
1839K

 **38GL-26-2688.pdf**
1097K

38th Committee On Rules <committeeonrules@guamlegislature.gov>
To: "Speaker Frank Blas Jr." <speakerblas@guamlegislature.gov>

Tue, Aug 4, 2026 at 8:42 AM

Håfa Adai,

Received, and thank you.



Si Yu'os ma'åse',

Marie Crisostomo

Committee on Rules Assistant

COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson

I Mina'trentai Ocho Na Liheslaturan Guåhan

38th Guam Legislature

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[Quoted text hidden]



Speaker Frank Blas Jr. <speakerblas@guamlegislature.gov>

Guam Criminal Law and Procedure Review Commissions (CLRC) 2026 Second Quarter Report.

3 messages

Lisa C. Ibanez <libanez@guamcourts.gov>
To: "Speaker Frank Blas, Jr." <speakerblas@guamlegislature.gov>
Cc: "Andrew S. Quenga" <aquenga@guamcourts.gov>

Fri, Jul 31, 2026 at 1:42 PM

Håfa Adai Speaker Blas,

Attached is a digital copy of the Guam Criminal Law and Procedure Review Commissions 2026 2nd Quarter Report, pursuant to Title 1 GCA § 25.07(a).

We greatly appreciate your prompt attention to this matter and value your feedback. Don't hesitate to contact us with any questions or concerns.

Please confirm that you have received this email.

Doc Type: 38GL-26-2688
OFFICE OF THE SPEAKER
FRANK F. BLAS, JR.

Senseramente,

Lisa C. Ibanez
Administrative Support
Guam Criminal Law and Procedure Review Commission
T: (671) 475-3278 ext. 252 E: libanez@guamcourts.gov

July 31, 2026
Time: 1:42 PM
Received:

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CLRC 2nd Q 2026.pdf
1839K

Speaker Frank Blas Jr. <speakerblas@guamlegislature.gov>
To: "Lisa C. Ibanez" <libanez@guamcourts.gov>
Cc: "Andrew S. Quenga" <aquenga@guamcourts.gov>

Fri, Jul 31, 2026 at 3:06 PM

Håfa Adai,

Confirming receipt of your email.

Si Yu'os Ma'åse'

Bernice Rivera

Administrative Assistant

**Office of Speaker Frank F. Blas, Jr.****I Mina'trentai Ocho na Liheslaturan Guåhan 38th Guam Legislature****Guam Congress Building, 163 Chalan Santo Papa, Hagatña****(671)969-6456****speakerblas@guamlegislature.gov**

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[Quoted text hidden]

speakerblas@guamlegislature.gov <speakerblas@guamlegislature.gov>

Fri, Jul 31, 2026 at 3:06 PM

To: libanez@guamcourts.gov, libanez@guamcourts.gov

Your message

To: libanez@guamcourts.gov

Subject: Guam Criminal Law and Procedure Review Commissions (CLRC) 2026 Second Quarter Report.

Sent: 7/31/26, 1:42:50 PM GMT+10

was read on 7/31/26, 3:06:40 PM GMT+10



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 2026 SECOND QUARTER REPORT

SUBMITTED TO THE
GOVERNOR OF GUAM,
SPEAKER OF THE GUAM LEGISLATURE, AND
CHIEF JUSTICE OF GUAM

JULY 30, 2026

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION
JUDICIARY OF GUAM
GUAM JUDICIAL CENTER
120 WEST O'BRIEN DRIVE
HAGÁTÑA, GUAM 96910



38GL-26-2688
Messages and Communications

RECEIVED
COMMITTEE ON RULES
July 31, 2026

4:14 p.m.
Marie Crisostomo

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PREFACE

The Guam Criminal Law and Procedure Review Commission (CLRC or Commission) submits its second quarter report for 2026 summarizing its activities as required by 1 GCA § 25.07(a). Because the CLRC began operations in January of 2023, quarterly reports align with the calendar year instead of the fiscal year. This second quarter report summarizes activities from April 1, 2026 through June 30, 2026.

CLRC STATUTORY AUTHORITY

The CLRC was created by *I Liheslaturan Guåhan* in Public Law 36-119 (enacted Nov. 9, 2022) to conduct the first complete review of Guam's Criminal and Correctional Code and Criminal Procedure Code since their creation by the 13th Guam Legislature in 1976. The CLRC exists as a division of the Supreme Court of Guam and receives administrative support from the Judiciary of Guam under P.L. 36-119.

Under P.L. 36-119, the Commission is composed of 15 members representing the three branches of government, the Guam Bar Association (to include attorneys with prosecutorial and criminal defense experience), full-time and retired judicial officers, directors of government criminal justice and public safety agencies, and private individuals from community-based and public interest organizations relating to the criminal justice system. It is chaired by Superior Court Magistrate Judge Jonathan R. Quan and administered by a full-time Executive Director, one administrative assistant, one research attorney, and two part-time research attorneys

CLRC STAFF AND MEMBERS

During the second quarter of 2026, the Commission consisted of the following members and staff.

Governor's Appointees	Hon. Maria T. Cenzone, Hon. Anita A. Sukola, Ms. Valerie Reyes
Speaker's Appointees	Attorney Phillip Tydingco, Attorney Michael Phillips, Attorney Christine Tenorio
Chief Justice's Appointees	Hon. Jonathan R. Quan, Attorney F. Randall Cunliffe, Mr. Monty McDowell
Guam Bar President Appointees	Attorney Joseph B. McDonald, Attorney William B. Brennan
Statutory Members (or Designees)	Attorney General of Guam (Designee AAG Valerie Nuesa), Chief of Police (Designee Sgt Michael Elliott), Director of Corrections (Designee Maj. Antone F. Aguon), Executive Director of Public Defender Service Corp (Designee Deputy Director John Morrison)
Compiler of Laws	Attorney Geraldine Cepeda (ex-officio)
Staff	Executive Director Andrew Serge Quenga (ex-officio), Administrative Assistant Lisa Ibanez, Research Attorney Yusuke Haffeman-Udagawa, Research Attorney Gordon Anderson, Research Attorney Andrew Strege
Volunteer	Hon. Sean Brown, Attorney Kristine B. Borja, Attorney Zachary Taimanglo, Chief Probation Officer Rossanna Villagomez-Aguon, Chief Parole Officer Michael P. Quinata, Probation Officer Supervisor Jeremiah J.A. Cruz, Deputy Marshal III Kennedy G. Robinson, Deputy Marshal II Dodd Siegfried V. Mortera, Jr., Attorney Kristina Baird, Attorney Mary Hill

SIGNIFICANT CLRC ACTIVITIES APRIL– JUNE 2026

During the second quarter of 2026, the Commission held two Plenary Meetings on April 9 and June 25, 2026. Members deliberated on a range of agenda items, including recommendations to amend sections and chapters of the Criminal Code of Guam. The agendas, meeting packets, and YouTube video links for these meetings are available on the CLRC website. During these meetings, the following presentations were made:

- During the April 9, 2026 Plenary Meeting, the following presentations were made:
 - The DOCO/Ad Hoc Subcommittee presented its review of Title 9 Chapter 80 (Disposition of Offenders) Article 1, Article 2, and Article 3. The Subcommittee also presented its review of antiquated laws: 10 GCA Chapter 62 (Karate and Judo Experts), 20 GCA §§ 2233, 2254, and 2255 (concerning liability for injury to animals and dueling), and 5 GCA § 73134 (concerning the shipment of opium). All recommendations that were approved for moving to the final reading file or tabled for further discussion are memorialized in Attachment 1, which includes proposed amendments with changes tracked.
- During the June 25, 2026 Plenary Meeting, the following presentations were made:
 - The Subcommittee on Crimes Against Persons presented its continuing review of Chapter 64 (Gambling), and Chapter 49 (Governmental Bribery, Other Unlawful Influence and Related Offenses). All recommendations that were approved for moving to the final reading file or tabled for further discussion are memorialized in Attachment 2, which includes proposed amendments with changes tracked.
 - The DOCO/Ad Hoc Subcommittee continued its review of Chapter 80 (Disposition of Offenders) § 80.48 (Extension of Limits of Confinement), and Article 4 (Probation), Article 5 (Parole), and Article 6 (Alternative Community Service). All recommendations that were approved for moving to the final reading file or tabled for further discussion are memorialized in Attachment 3, which includes proposed amendments with changes tracked.

The 2026 first quarter report of the Commission was issued on May 6, 2026, and is available on the CLRC webpage.

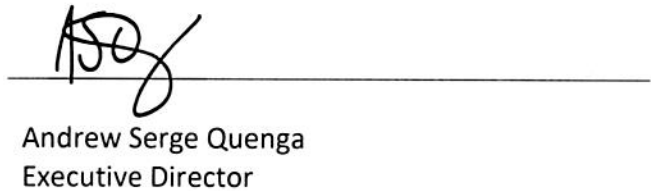
During the second quarter, CLRC staff assisted Legislative staff in reviewing Bill 317-38 (COR) which would enact the recommendations contained in the CLRC Interim Report.

CONCLUSION

During the second quarter of 2026, the Commission continued to make progress in the review of the Criminal Code of Guam. The members of the CLRC continue to advance its work to the best of their abilities. Our Subcommissions face a daunting task reviewing thousands of criminal statutes throughout the Guam Code Annotated. Apart from the very small full-time staff of the CLRC, each member dedicates significant time to reviewing their assigned chapters and sections of the Criminal Code and discussing any proposed changes in working sessions with their respective Subcommissions. Our appointed and volunteer members include full-time attorneys with active caseloads, high-ranking government law enforcement officials, and private citizens with full-time work obligations. Chairman Quan and I thank all members for their commitment and diligence to the work of the Commission.



Magistrate Judge Jonathan R. Quan
Chairman



Andrew Serge Quenga
Executive Director

ATTACHMENT 1

RECOMMENDATIONS OF THE DOCO/AD HOC SUBCOMMISSION ON DRUGS AND OTHER OFFENSES AND CORRECTION-RELATED CHAPTERS

PRESENTED AT THE PLENARY MEETING OF APRIL 9, 2026

TITLE 9 GUAM CODE ANNOTATED

§ 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.

CLRC Comment: Subsection (a) “civilly” added to reflect § 80.20 (Civil Commitments in Lieu of Prosecution in Certain Cases), and Oxford comma added for clarity. Subsection (a)(6) separated and reorganized for clarity. Subsection (b) grammatical correction, and references to §§ 80.38, 80.40 and 80.42 deleted, which were recommended for repeal based on the Guam Supreme Court decision in *People v. Muritok*, 2003 Guam 21 (striking down § 80.38 (and by implication §§ 80.40 and 80.42) as unconstitutional, and 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.

§ 80.31. Prison Terms for First Offenders.

CLRC Comment: No Change. The Compiler of Laws has been requested to annotate this section with a reference to *People v. Walliby*, 2024 Guam 13 (addressing the ambiguity of this section).

§ 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.~~

CLRC Comment: 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 consecutively to any term of imprisonment imposed for the commission of any other felony.

CLRC Comment: 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).

§ 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~~).

~~(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.~~

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

CLRC Comment: Non-substantive amendments in (c)(1) for consistency and clarity. Recommend repeal of (d), which establishes a reporting requirement applicable only to COFA citizens and presents a clear equal protection issue as it does not apply to any other foreign citizens. Subsection (e) amendment for consistency with 9 GCA § 7.15 (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 (1) 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.

CLRC Comment: 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.

CLRC Comment: No change.

§ 80.39.1. Sentencing.

CLRC Comment: No change.

§ 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; or

(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.~~

CLRC Comment: 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.

CLRC Comment: Non-substantive amendment to modernize language.

§ 80.46. Credit for Prior Detention.

CLRC Comment: No change.

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

CLRC Comment: Tabled.

§ 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.

CLRC Comment: Change "prisoner" to "inmate" for consistency.

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

CLRC Comment: No change.

§ 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.

CLRC Comment: 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.

CLRC Comment: Non-substantive amendments for added clarity and consistency with recommended amendment to 80.52.

§ 80.54. Time and Method of Payment.

CLRC Comment: No change.

§ 80.56. Consequences of Non-Payment.

CLRC Comment: No change.

§ 80.58. Petition for Revocation of Fine: Conditions.

CLRC Comment: No change.

REVIEW OF ANTIQUATED LAWS

TITLE 5 GUAM CODE ANNOTATED

5 GCA Chapter 73 (Customs & Quarantine Agency)

§ 73134. Penalty: Opium.

CLRC Comment: Repeal entire section. This section on shipping of opium is an inheritance from the adoption of California civil codes during Guam's Naval Government era in the 1930s. It is antiquated and functionally superseded by the Guam Uniform Controlled Substances Act.

TITLE 10 GUAM CODE ANNOTATED

10 GCA Chapter 62 (Karate and Judo Experts)

Chapter 62. Karate and Judo Experts.

CLRC Comment: Repeal entire chapter. Adopted in the 1960s, this unique set of laws is antiquated, impractical, problematically overbroad (requiring even beginning and child martial artists to register), and unenforced. Existing assault laws adequately cover dangerous conduct by any such "experts."

TITLE 20 GUAM CODE ANNOTATED

20 GCA Chapter 2 (Compensatory Relief)

§ 2233. Injuries to Animals: Liability to Owner.

CLRC Comment: Repeal entire section. This section protecting specific herding animals such as angora or cashmere goats is an inheritance from the adoption of California civil codes during Guam's Naval Government era in the 1930s. It is antiquated and largely irrelevant. Existing animal protection and control laws adequately address such issues.

§ 2254. Injuries Suffered in a Duel.

CLRC Comment: Repeal entire section. This section on dueling is an inheritance from the adoption of California civil codes during Guam's Naval Government era in the 1930s. It is antiquated and irrelevant.

§ 2255. Victorious Duelist to Pay all Debts.

CLRC Comment: Repeal entire section. This section on dueling is an inheritance from the adoption of California civil codes during Guam's Naval Government era in the 1930s. It is antiquated and irrelevant.

ATTACHMENT 2

RECOMMENDATIONS OF THE SUBCOMMISSION ON CRIMES AGAINST PERSONS

PRESENTED AT THE PLENARY MEETING OF JUNE 25, 2026

TITLE 9 GUAM CODE ANNOTATED

§ 64.40 Legal Cockfight Gambling Permitted.

CLRC Comment: No change.

§ 49.90 Official Misconduct; Defined and Punished.

CLRC Comment: Tabled.

ATTACHMENT 3

RECOMMENDATIONS OF THE DOCO/AD HOC SUBCOMMISSION ON DRUGS AND OTHER OFFENSES AND CORRECTION-RELATED CHAPTERS

PRESENTED AT THE PLENARY MEETING OF JUNE 25, 2026

TITLE 9 GUAM CODE ANNOTATED

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

CLRC Comment: Tabled.

§ 80.60. Standards for Imposing or Withholding Probation.

(a) When Sentence May Not Require Prison Term.

...

(2) “Minimum₂”, wherever it appears in this Code, means, for purposes of imposing punishment upon a person convicted of a crime, that the court shall impose the entire term of confinement, the full amount of the fine and the complete requirement of community service prescribed by law. The court shall not suspend in full or in part any punishment described as minimum, specifically, for the crimes enumerated in the habitual offender statute (P.L. 32-049, codified as § 80.50 of Article 2 of this Chapter 9) 9 GCA § 80.37.2 (Habitual Offenders), and all other violent offenses that carry a minimum punishment.

(3) When used for the purpose of describing or requiring a sentence of incarceration imposed pursuant to this Code, the terms “minimum,” “mandatory,” “minimum mandatory,” “mandatory minimum,” “minimum sentence of,” “a sentence of not less than,” “a sentence of at least,” and any derivative thereof, shall be construed as being synonymous.

...

(c) The following factors, while not controlling, shall be accorded weight in determining whether to suspend imposition of sentence or to place the offender on probation ~~whether~~:

CLRC Comment: Non-substantive grammatical edits and correction of habitual offender statute citation.

§ 80.62. Conditions Which Court May Attach to Probation.

(a) If the court suspends the imposition of sentence or places an offender on probation, it shall attach such reasonable conditions, authorized by this Section, as it deems appropriate to assist him to lead a law-abiding life.

(b) The court, as a condition of its order, may require the offender:

...

(4) to pursue a prescribed secular course of study or vocationall training;

...

(7) to refrain from possessing any firearm or other dangerous instrument or weapon;

...

CLRC Comment: Non-substantive grammatical edit in (b)(4). The term “instrument” added in (b)(7) for consistency with the definition of “Dangerous Instrument” in 9 GCA § 58.10(e). The term “dangerous weapon” is from the Model Penal Code and is not specifically defined in Title 9.

§ 80.64. Term of Probation: Modification of Probation.

(a) If the court has suspended imposition of sentence or has placed an offender on probation, the period of the suspension or probation shall not exceed five (5) years for a felony, two (2) years for a misdemeanor or petty misdemeanor and one (1) year for a violation.

(b) ~~(No text)~~ (1) At any time during the period of suspension or probation, upon a showing that such action will best satisfy the ends of justice and the best interests of the public and the offender, the court may modify or terminate the conditions to which the offender is presently subject. (2) Prior to modification or termination, the offender shall be given notice and a reasonable opportunity to be heard regarding any change in the conditions. All changes in conditions shall be given to the offender in writing.

...

(d) Notwithstanding any other provisions of the law, the Court may, upon good cause shown, extend probation beyond the terms set forth in subsection (a) of this section up to a maximum additional term of one (1) year for petty misdemeanors and misdemeanors, and a maximum additional term of two (2) years for felonies.

CLRC Comment: Non-substantive reorganization of (b) for clarity. Subsection (d) moved here from § 80.66(c), which is more relevant to this section and cites directly to this section.

§ 80.66. Revocation of Probation: When Permitted.

(a) At any time before the discharge of the offender or the termination of the period of suspension or probation:

(1) ~~u~~Upon a showing of probable cause that an offender has violated a condition of his suspension or probation, the court may summon the offender to appear before it or may issue a warrant for his arrest. The warrant or summons shall be served in the manner provided by 8 GCA § 15.70 (Criminal Procedure). The offender may be arrested without a warrant only in those circumstances where such an arrest is otherwise permitted by law;

(2) ~~t~~The ~~e~~Court, if satisfied that the offender has inexcusably failed to comply with a substantial requirement imposed as a condition of the order, may revoke the suspension or probation and sentence or re-sentence the offender. Violation of a condition shall not result in revocation, however, unless the court determines that revocation under all the circumstances then existing will best satisfy the ends of justice and the best interests of the public;

(3) Upon a showing of probable cause before the Court, pursuant to Subsection (a)(1), a summons or warrant shall issue and the period of probation shall thereby be tolled pending the hearing upon the motion and the decision of the Court;

(A) The period of tolling shall start on the date the summons or warrant is filed by the Clerk of Court and shall end on the date the Clerk of Court files a judge’s written decision or the judge issues an oral decision in open Court, whichever first occurs, on whether the defendant violated a condition of probation.

(B) Unless otherwise ordered by the Court, the defendant's term of probation shall be extended for the number of days the time is tolled.

(C) During the period the time is tolled, the defendant shall remain subject to all conditions of probation.

(4) In the event the Court, following a hearing, is satisfied that the defendant's failure to comply with the conditions of probation was excusable, the Court may order that the defendant ~~may~~ be credited with the tolled period for purposes of computation of the remaining probation, if any. However, if the defendant fails to comply with the terms of probation during the tolled period, another affidavit of probable cause or petition for revocation may be filed and time may be tolled again.

(b) When the ~~e~~Court revokes a suspension or probation, it may impose on the offender any sentence that might have been imposed originally for the crime of which he was convicted.

~~(c) Notwithstanding any other provisions of the law, the Court may, upon good cause shown, extend probation beyond the terms set forth in § 80.64(a) up to a maximum additional term of one (1) year for petty misdemeanors and misdemeanors, and a maximum additional term of two (2) years for felonies.~~

~~(d) The amendments made in Subsections (a) and (c) of this Section shall apply prospectively to criminal acts committed after the effective date of this Section. [8/14/1998]~~

CLRC Comment: Non-substantive grammatical and capitalization edits for clarity and consistency. Subsection (c) moved to § 80.64(d) for better relevancy and consistency. Deletion of (d) as it is no longer necessary, however, (d) will be referenced in a Compiler of Laws annotation to this section.

§ 80.68. Hearing Required; Release Permitted; Confinement Provided for.

(a) The court shall not revoke a suspension or probation or increase the requirements imposed thereby on the offender except after a hearing upon written notice to the offender of the grounds on which such action is proposed. The offender shall have the right to hear and controvert the evidence against him, to offer evidence in his defense and to be represented by counsel.

(b) Pending the hearing required by Subsection (a), the offender may be released in the manner and subject to the conditions prescribed by Title 8 GCA Chapter 40 (~~Criminal Procedure~~ Release). However, if there is probable cause to believe that the offender has committed another crime or if he has been held to answer therefor, the court may commit him without bail, pending a determination of the charge by the court having jurisdiction thereof.

CLRC Comment: Correction of chapter title and deletion of unnecessary language.

§ 80.70. When Parole Permitted.

CLRC Comment: Tabled.

§ 80.70.1 Definitions.

For purposes of Article 5 of this Chapter:

(a) "Prison" shall mean any confinement facility under the direct or indirect supervision or control of the Department of Corrections (DOC) any portion of which is designed to incarcerate sentenced offenders.

~~(b) "Rated Capacity" shall mean the total number of inmates who can be safely incarcerated in the Prison or any portion of the Prison as established by the Federal Bureau of Prisons or other Federal agency of the United States qualified to provide a rating or maximum number for a safe and controllable population for the Prison or any of its subunits.~~

(e**b**) “Eligible for Parole” is when a sentenced and incarcerated offender may apply for release from confinement conditionally on parole to the Guam Parole Board pursuant to Article 5 of this Chapter.

~~(d) “Prison Population” shall mean the total number of incarcerated persons confined within the Prison or within a subunit of the Prison.~~

(e**c**) “First Offenders” shall mean a convicted, sentenced and/or incarcerated person who has no other prior conviction for any felony offense within Guam or any other jurisdiction other than the offense for which the person is convicted and/or incarcerated.

(f**d**) “Non-Violent Offense” shall mean an offense pursuant to which an offender is confined which did not contain an element requiring proof of Bodily Injury, the threat of Bodily Injury or an Attempt to cause Bodily Injury or Criminal Sexual Conduct.

(g**e**) “Bodily Injury” shall mean physical pain, illness, unconsciousness or any impairment of physical condition.

(h**f**) “Attempt” shall mean to commit a crime when, with intent to engage in conduct which would constitute such crime were the circumstances as he believes them to be, he performs or omits to perform an act which constitutes a substantial step toward commission of the crime.

(i**g**) “Criminal Sexual Conduct” shall mean any offense defined in Chapter 25 of this Title.

(j**h**) “Non-Drug Offense” shall mean an offense which did not include a violation of the Uniform Controlled Substance Act.

(k**i**) “Prison Term” shall mean the term of actual incarceration for First Offenders incarcerated for Non-Violent Offenses. In the case of all other inmates, Prison Term shall mean the term of actual incarceration plus any suspended term of imprisonment. Notwithstanding any other provision of law to the contrary, this definition of Prison Term shall be controlling whenever the term is used to determine eligibility for parole or to determine the date an inmate is Eligible for Parole.

(j**i**) “Violent Crime” shall mean:

- (1) aggravated murder, as defined in 9 GCA § 16.30;
- (2) murder, as defined in 9 GCA § 16.40;
- (3) manslaughter, as defined in 9 GCA § 16.50, and when such manslaughter is not involuntary;
- (4) aggravated assault, as defined in 9 GCA § 19.20, and when it is a felony in the first second degree;
- (5) kidnapping, as defined in 9 GCA § 22.20, and when it is a felony in the first degree;
- (6) first degree criminal sexual conduct, as defined in 9 GCA § 25.15;
- (7) second degree criminal sexual conduct, as defined in 9 GCA § 25.20;
- (8) aggravated arson, as defined in 9 GCA § 34.20;
- (9) first degree robbery, as defined in 9 GCA § 40.10; or
- (10) second degree robbery, as defined in 9 GCA § 40.20.

(k**j**) “Board” shall mean the Guam Parole Board.

CLRC Comment: Subsections (b) and (d) terms not used in this Article and deleted as unnecessary. New subsection (j) consolidates the identical definitions of “Violent Crime” in §§ 80.70(a)(2) and 80.72(a)(2) into this

definitions section. Subsection (j)(4) “first” degree changed to “second” degree as there is no first degree aggravated assault offense level in 9 GCA § 19.20. New subsection (k) moves the definition of “Board” from § 80.71 into this definitions section.

~~§ 80.71. Definition of Board as Guam Parole Board~~

~~As used in this Article, “board” means the Guam Parole Board~~

CLRC Comment: § 80.71 definition of “Board,” moved to subsection 80.70.1(k) to consolidate all definitions into § 80.70.1.

§ 80.72. Exception for Parole Eligibility.

CLRC Comment: Tabled.

§ 80.74. Preparing Prisoner for Parole Hearing.

(a) Each prisoner in advance of his parole hearing shall be requested to prepare a parole plan, setting forth the manner of life he intends to lead if released on parole, including such specific information as to where and with whom he will reside and what occupation or employment he will follow. The institutional parole staff shall render reasonable aid to the prisoner in the preparation of his plan and in securing information for submission to the ~~b~~Board.

(b) A prisoner shall be permitted to advise with any persons whose assistance he reasonably desires, including his own legal counsel, in preparing for a hearing before the ~~b~~Board.

CLRC Comment: No substantive change. Capitalization of Board for consistency.

§ 80.76. Standards Governing Release on Parole.

(a) Whenever the ~~b~~Board considers the release of a prisoner for parole, the Board shall order his release, if it is of the opinion after review of the records mandated in 9 GCA § 80.78, that:

...

(b) In making its determination regarding a prisoner’s release on parole, the ~~b~~Board may consider, to the extent relevant, the following factors:

...

CLRC Comment: No substantive change. Capitalization of Board for consistency.

§ 80.78. Records to Be Made Available to Board.

CLRC Comment: Tabled.

§ 80.80. Conditions of parole.

(a) If a prisoner is released on parole, the ~~b~~Board shall require as a condition of his parole that he refrain from engaging in criminal conduct. The ~~b~~Board may also require, as a condition of parole, either at the time of his release on parole or at any time and from time to time while he remains under parole, that he:

...

(3) remain within the geographic limits fixed in his ~~e~~Certificate of ~~p~~Parole, unless granted written permission to leave such limits;

...

(5) reside at any place fixed in his ~~e~~Certificate of ~~p~~Parole and notify his parole officer of any change in his address or employment;

...

(10) pay a fine, restitution or other applicable court costs imposed by the court as provided in this Chapter;

(11) satisfy any other conditions reasonably related to his rehabilitation or to the public safety and security.

(b) Before release on parole, a parolee shall be provided with a ~~e~~Certificate of ~~p~~Parole setting forth the conditions of his parole, and shall sign a statement agreeing to such conditions.

CLRC Comment: Non-substantive amendments for consistency. Amendment to (a)(10) for consistency with this Chapter and at Parole's recommendation.

§ 80.82. Sanctions for violation of parole.

...

(b)...

(1) The parolee shall thereupon be detained on the written order of ~~the parole office~~ the Parole Services Division or warrant of the Board in a local jail, lockup, or other detention facility, pending action by the Board of Parole.

(2) Immediately after such arrest and detention, the parole officer concerned shall notify the ~~b~~Board and submit a written report of the reason for such arrest.

(3) Thereupon the ~~b~~Board may order the release of the parolee or take such action as is authorized in Subsection (a) with respect to parolees arrested under its warrant.

(c) [No text]

(1)...

(2) If a parolee fails to complete or is terminated from the Guam Adult Reentry Court Program, the parolee shall be referred to the Parole ~~Office~~ Services Division ~~or and the Parole~~ Board for disposition.

CLRC Comment: Non-substantive amendments for clarification and consistency.

§ 80.84. Revocation hearing required: standards for revocation of parole.

(b) The ~~b~~Board may by majority vote of its members order revocation of parole if it is satisfied that:

...

(c) The failure by the ~~b~~Board to hold a hearing within sixty days, as required by Subsection (a), shall not be a ground for release of the offender, but his right to such a hearing may be enforced by a judge of the superior court by court order after a hearing.

CLRC Comment: Non-substantive amendments for consistency.

§ 80.86. Prison Term After Revocation: Current Prisoners Provided for.

(a) A parolee whose parole is revoked for violation of the conditions of parole shall be recommitted for the term provided by Subsection (c) of § 80.70 after credit thereon for the period served on parole prior to the violation.

(b) A parolee whose parole has been revoked may be considered by the Board for re-parole at any time. He shall be considered for re-parole not more than six months after reconfinement.

~~(c) Persons recommitted for violation of parole prior to the effective date of this Section shall, with their consent, have their maximum term of imprisonment recomputed in accordance with Subsection (a), or set at six months following the operative date of this Section, whichever period shall be longer. All such persons shall be considered by the board for re-parole in accordance with Subsection (b). The remaining period of incarceration eliminated from the person's sentence shall constitute a term of parole.~~

CLRC Comment: Non-substantive amendments for clarification and consistency. Subsection (c) effective date has long since passed from the Government Code era and is deleted as unnecessary.

§ 80.88. Discretionary And Mandatory Release From Parole.

(a) The Board may, by written order, relieve a prisoner on parole from making further report to his parole officer, and may, in writing, permit such prisoner to leave Guam and reside elsewhere if satisfied that such change of residence is for the best interest of society and the welfare of the prisoner. Any such permission may be revoked by the Board in its discretion.

...

CLRC Comment: Non-substantive amendments for consistency.

§ 80.90. Definitions.

As used in this Article:

(a) "Alternative Community Service" means repayment of the general public for the expenses incurred incidental to the crime. Repayment shall be by donation of time by doing public service work at entities or for persons so as to benefit the general public which includes: charitable agencies, governmental subdivisions, educational institutions, the ~~handicapped~~ disabled, the elderly, the ecology, the church of the offender's choice, and any other agencies that the sentencing judge deems reasonably rehabilitative to the offender. ~~However~~, no work service shall result in gain to any private individual or corporation, other than the ~~defendant~~ offender as authorized in this Article.

(b) "Self-Improvement and Rehabilitative Programs" shall include, but are not limited to, educational and vocational school, classes in public or private schools, alcohol education/alcohol treatment, ~~a~~ Alcoholics ~~a~~ Anonymous meetings, vocational/health education and rehabilitation, employment counseling, or any other self-improvement activities that the sentencing judge deems reasonably rehabilitative and beneficial to the offender.

CLRC Comment: Non-substantive amendments for appropriateness, consistency, and to clarify that the offender can gain from community service only as provided in this Article.

§ 80.91. Sentence Alternatives ~~Service, Restitution as Sentence; Restrictions.~~

In lieu of, or in addition to a fine, confinement, or probation, a judge, in any felony case ~~where in which~~ where force or violence is not an element of the offense of which the defendant stands convicted, or in any misdemeanor, petty misdemeanor, ~~or violation case, including or juvenile cases, but excluding every case in which the offense of which the defendant stands convicted carries a mandatory sentence of confinement or involves damage to property of the victim,~~ may impose a sentence that ~~contains~~ includes any or all of the following elements:

(a) Restitution as provided for in this Chapter ~~80 of the Criminal and Correctional Code;~~

(b) Alternative ~~e~~ Community ~~s~~ Service; or

(c) Participation in a self-improvement and rehabilitative program.

This provision shall not apply to any case in which the crime of which the defendant stands convicted carries a mandatory sentence of confinement, involves damage to the property of a victim, or is punishable by fine only.

CLRC Comment: Non-substantive amendments for clarification. The exclusion in the opening paragraph is consolidated into the last sentence with other exclusions.

§ 80.92. Time for Completion of Work, Alternative Fine or Imprisonment.

CLRC Comment: No change.

§ 80.93. Waiver of Liability.

(a) Guam and its political subdivisions shall not be liable in any way for any personal injury, civil damages, worker's compensation, or unemployment compensation as a result of any injury while the ~~person~~ offender is doing a Alternative eCommunity sService.

(b) All work service sentences imposed hereunder shall be deemed public service without monetary compensation and shall not be deemed employment by any of the cooperating agencies, individuals or non-profit corporations that receive the work service.

CLRC Comment: Non-substantive amendments for consistency with recommendations above.

§ 80.94. Minimum Wage; Restitution for Actual Amount Lost.

...

(b) With the approval of the sentencing judge, R restitution to a crime victim shall ~~be~~ consist of either:

(1) ~~in~~ monetary payment for damages and ~~should not to~~ exceed the victim's actual amount lost; ~~or~~

(2) repair of the damage by the offender ~~may repay the crime victim by repairing the damages with the~~ consent and agreement of the crime victim; or

(3) ~~the offender may repay the crime victim with the consent and agreement of the crime victim. other~~ services, labor, replacement property, or agreed compensation reasonably related to the victim's loss, with the consent and agreement of the crime victim.

~~(c) [No text]~~

~~(1) In the event that there is a dispute between the crime victim and the offender as to the amount of the loss, the judge shall set an amount that adequately and fairly compensates the crime victim; , however, the crime victim may pursue his claim in a civil action, or be mutually agreed upon arbitration under the provisions of §§ 2110 through 2120 inclusive of the Civil Procedure Code of Guam, and any decision rendered by such court or arbitrator shall be binding upon the offender, the sentencing judge, and the crime victim.~~

~~(2) The amount of restitution set by the sentencing judge hereunder shall not limit whatever other civil remedies the crime victim may have.~~

~~(d)~~ (c) The sentencing judge shall give consideration to any community service that benefits the public and is beneficial to the offender.

(1) Any charity, governmental agency or public cause that qualifies for a tax deduction to any donor under United States income tax laws or the tax laws of Guam shall be deemed beneficial to the public.

(2) Any person convicted of ~~Driving Under the Influence~~ Driving While Impaired, as defined by 9 GCA § ~~92102 92101(a) et seq.~~, shall serve at least one-half (1/2) of that person's community service, working in the litter cleaning program created by 9 GCA § 81.10, unless the Court determines that the defendant is prevented from working in said program by mental or physical infirmity.

CLRC Comment: Amendments to (b) for consistency with a sentencing judge's required approval throughout this Article, and non-substantive reorganization/renumbering for added clarity. Subsection (c) moved to a new § 80.95 for better organization and clarity. Correction of citation in (d).

§ 80.95. Amount of Restitution Disputed.

(a) In the event that there is a dispute between the crime victim and the offender as to the amount of the loss, the judge shall set an amount that adequately and fairly compensates the crime victim. However, the crime victim may pursue a claim by civil action, or by mutually agreed upon arbitration under the laws of Guam.

(b) The amount of restitution set by the sentencing judge hereunder shall not limit whatever other civil remedies the crime victim may have.

CLRC Comment: This new § 80.95 replaces § 80.94(c) with an amendment to the arbitration language. Reference to sections in the Civil Procedure Code is deleted as that code does not exist. The binding decision requirement has been removed in deference to arbitration provisions under Guam law (generally Title 7 GCA).