

Re: Messages & Communications Doc. No. 38GL-26-2865 through 2871.

From: Guam Legislature Clerks <clerks@guamlegislature.gov>
Date: Mon 9/14/2026 3:24 PM
To: 38th Committee On Rules <committeeonrules@guamlegislature.gov>

Håfa Adai,

Received, and thank you.



Elijah Untalan
Clerks Office

I Mina'trentai Ocho na Liheslaturan Guåhan

Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Voice: (671) 472-3465/3460 Fax: (671) 472-3524

guamlegislature.gov

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Thank you

From: 38th Committee On Rules <committeeonrules@guamlegislature.gov>
Sent: Monday, September 14, 2026 3:13 PM
To: Guam Legislature Clerks <clerks@guamlegislature.gov>
Cc: Frank Blas Jr. <speakerblas@guamlegislature.gov>
Subject: Messages & Communications Doc. No. 38GL-26-2865 through 2871.

Håfa Adai Clerks Office,

Please see attached, **Messages & Communications Doc. No. 38GL-26-2865 through 2871** for processing:

✓	38GL-26-2865	The Guam Board of Registration for Professional Engineers, Architects and Land Surveyors (PEALS)	Board Meeting Packet for September 10, 2026*
✓	38GL-26-2866	Guam Housing and Urban Renewal Authority	FY2025 Citizen-Centric Report*
✓	38GL-26-2867	Judiciary of Guam	Guam Criminal Law and Procedure Review Commission Plenary Meeting Packet for September 10, 2026*
✓	38GL-26-2868	A.B. Won Pat International Airport Authority	Board Meeting Packet for August 6, 2026*
✓	38GL-26-2869	Department of Administration	Notice of Proposed Creation of Positions Re: Health Professional Licensing Office Board Investigator and Proposed Amendment Re: Assistant Chief Aquatic and Wildlife Resources*
✓	38GL-26-2870	Port Authority of Guam	Revenues and Expenses Report for month ending June 30, 2025*
✓	38GL-26-2871	Department of Revenue and Taxation	Income Tax Refund Status Report for the Month Ending August 2026*

Please retrieve Doc. No. 38GL-26-2868 and 2869 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-26-2867*

2 messages

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

Fri, Sep 11, 2026 at 11:36 AM

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-26-2867

38GL-26-2867	Judiciary of Guam	Guam Criminal Law and Procedure Review Commission Plenary Meeting Packet for September 10, 2026*
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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, Sep 11, 2026 at 9:26 AM

Subject: Guam Criminal Law and Procedure Review Commission Plenary Meeting Packet – September 10, 2026

To: Speaker Frank Blas, Jr. <speakerblas@guamlegislature.gov>*Håfa Adai Speaker Blas:*

Attached is a digital copy of the Guam Criminal Law and Procedure Review Commission Plenary Meeting Packet for September 10, 2026, pursuant to 5 GCA § 8113.1.

Please confirm that you have received this email. We greatly appreciate your prompt attention to this matter and value your feedback. Don't hesitate to contact us with any questions or concerns.

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.*

Confidentiality Notice: The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited. If you are not the intended recipient, please notify me immediately and destroy all copies of the original message.

2 attachments

 **CLRC Packet 9.10.2026 Plenary Meeting.pdf**
7009K

 **38GL-26-2867.pdf**
1170K

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

Fri, Sep 11, 2026 at 4:59 PM

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 Commission Plenary Meeting Packet – September 10, 2026

2 messages

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

Fri, Sep 11, 2026 at 9:26 AM

Håfa Adai Speaker Blas:

Attached is a digital copy of the Guam Criminal Law and Procedure Review Commission Plenary Meeting Packet for September 10, 2026, pursuant to 5 GCA § 8113.1.

Please confirm that you have received this email. We greatly appreciate your prompt attention to this matter and value your feedback. Don't hesitate to contact us with any questions or concerns.

Doc Type: 38GL-26-2867
OFFICE OF THE SPEAKER
FRANK F. BLAS, JR.

September 11, 2026

Time: 9:26 AM

Received: 

Senseramente,

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

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 **CLRC Packet 9.10.2026 Plenary Meeting.pdf**
7009K

Speaker Frank Blas Jr. <speakerblas@guamlegislature.gov>
To: "Lisa C. Ibanez" <libanez@guamcourts.gov>

Fri, Sep 11, 2026 at 9:38 AM

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]



HON. KATHERINE A. MARAMAN
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA, III
PRESIDING JUDGE

Judiciary of Guam

Guam Criminal Law and Procedure Review Commission
Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910
Tel: (671) 475-3278 • Fax: (671) 475-3140



HON. JONATHAN R. QUAN
CHAIRMAN

ANDREW SERGE QUENGA
EXECUTIVE DIRECTOR

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION PLENARY MEETING THURSDAY, SEPTEMBER 10, 2026, 12:00 PM MEETING PACKET



38GL-26-2867
Messages and Communications

RECEIVED
COMMITTEE ON RULES
September 11, 2026

11:36 a.m.
Marie Crisostomo

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

**CLRC PLENARY MEETING SEPTEMBER 10, 2026
AGENDA**

I. CALL TO ORDER

II. PROOF OF DUE NOTICE OF MEETING

III. DETERMINATION OF QUORUM

IV. DISPOSAL OF MINUTES JUNE 25, 2026

V. OLD BUSINESS

- A. Subcommittee Status Update and Report of Executive Director
- B. Report on Legislation Affecting Sections Reviewed or Under Review

VI. NEW BUSINESS

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

VII. COMMUNICATIONS

VIII. PUBLIC COMMENT

IX. ADJOURNMENT

PUBLIC NOTICES

CLRC PLENARY MEETING OF

SEPTEMBER 10, 2026

PTSI Managed Services, Inc. (a Parsons company), is seeking qualified construction subcontractors for two upcoming FAA projects in Guam in support of the TSSC 5 contract. The scope of works includes: (1) Demolition of existing ATCT cab level and construction of new cab level with heavy structural components and exterior/interior construction and (2) Construction of a new environmental wing/building extension and underground utility improvement. This work includes some existing building demolition and entire building electrical and HVAC upgrades.

Firms interested in learning more about these projects should contact Anna Ma, Sr. Subcontract Administrator, anna.t-ctr.ma@faa.gov.



JUDICIARY OF GUAM
Guam Judicial Center
120 West O'Brien Drive Hagåtña, Guam 96910-5174
Tel: (671) 475-3300 Fax: (671) 475-3140
www.guamcourts.gov

**GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION
PLenary MEETING SEPTEMBER 10, 2026
NOTICE OF MEETING**

The Guam Criminal Law and Procedure Review Commission will conduct a plenary meeting on SEPTEMBER 10, 2026, at 12:00 pm in the Guam Judicial Center Judge Joaquín V.E. Manibusan, Sr. Memorial Courtroom, 120 West O'Brien Drive, Hagåtña, and by videoconference. The meeting will be streamed live on the Judiciary of Guam YouTube channel. <https://www.youtube.com/channel/UCFnFQWwllp99IAeh9zi4Q4g>

AGENDA

- I. CALL TO ORDER
- II. PROOF OF DUE NOTICE OF MEETING
- III. DETERMINATION OF QUORUM
- IV. DISPOSAL OF MINUTES - JUNE 25, 2026
- V. OLD BUSINESS
 - A. Subcommittee Status Update and Report of Executive Director
 - B. Report on Legislation Affecting Sections Reviewed or Under Review
- VI. NEW BUSINESS
 - A. Drug & Other Criminal Offenses/Ad Hoc Subcommittee: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - B. Subcommittee on Crimes Involving Property: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - C. Subcommittee on Crimes Against Persons: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - D. Notice of Next Meeting: TO BE DETERMINED.
- VII. COMMUNICATIONS
- VIII. PUBLIC COMMENT
- IX. ADJOURNMENT

Any person(s) needing special accommodations, auxiliary aids, or services, please contact the Executive Director Andrew Quenga at 671-475-3252. This ad was paid for with Government of Guam funds.
Magistrate Judge Jonathan R. Quan, Chairman

NOTICE

Pursuant to the requirements of 22 GCA § 15310, CENTURY INSURANCE COMPANY (GUAM) LIMITED, a domestic insurer, hereby announces the distribution of surplus in 2025 from its unassigned surplus account. Under applicable National Association of Insurance Commissioners (NAIC) guidelines for total capital and surplus, following the distribution, CENTURY INSURANCE COMPANY (GUAM) LIMITED has a total capital and surplus base which is more than the required minimum Company Action Level by NAIC and to underwrite its risk portfolio and to meet operating requirements.

Dated on this 19th day of August 2026.

CENTURY INSURANCE COMPANY (GUAM) LIMITED



DEPARTMENT OF ADMINISTRATION
DIPATAMENTON ATMENSTRASION
GENERAL SERVICES AGENCY DIVISION
(Añension Satsibision Hinirar)
Telephone (Telifon): 671-475-1705/1706



**THIS ADVERTISEMENT WAS PAID WITH GOVERNMENT FUNDS BY:
Department of Public Works**

A non-refundable fee of \$10.00 per bid package will be assessed. Certified Check, Cashier's Check, Cash will be accepted. No personal or Company Check. Payment for bid package picked up after 3:00pm will not be accepted.

INVITATION FOR BID

BID NO: GSA-055-26
For: Abandoned Vehicle Disposal (IDIQ)
Opening Date: 09/22/2026 Time: 2:05 p.m.
Location to Submit: General Services Agency, Tamuning, Guam

The General Services Agency is issuing this Invitation for Bid for Abandoned Vehicle Disposal (IDIQ). A pdf copy is available to download at www.gsa.doa.guam.gov, or a hard copy can be obtained at the General Services Agency located at 2nd floor ITC Bldg. Rm. 230, Tamuning, Guam 96931 from 8:00am - 5:00pm, Monday through Friday, beginning Tuesday, 09/02/2026 until Tuesday, 09/22/2026.

Bidders must register their current contact information with GSA to ensure they receive any notices regarding changes or updates to the IFB. The procuring agency and GSA will not be liable for failure to provide notice to any party who did not register current contact information.

/s/ ANDRIANA QUITUGUA
Chief Procurement Officer

Douglas B. Moylan
Attorney General of Guam
Office of the Attorney General
Family Division
590 S. Marine Corps Drive, ITC Bldg., Ste. 706
Tamuning, Guam 96913 • USA
(671) 475-2595 • (671) 475-3343 (fax)
familydivision@oagguam.org
Attorneys for the People of Guam

IN THE SUPERIOR COURT OF GUAM

In the Interest of:
K.G. (DOB: 05/18/2025),
Minor.

Juvenile Case No. JP0176-25

Summons

To: **JOHN SANCHEZ JR. CABRERA, FATHER**
HOMELESS near Agaña Cathedral

You are hereby summoned to appear in person, before the **HONORABLE LINDA L. INGLES**, at the Judiciary of Guam, Superior Court of Guam, 120 West O'Brien Drive, Hagåtña, Guam, for a court hearing on:

WEDNESDAY, SEPTEMBER 23, 2026 AT 2:00 P.M.
Zoom meeting ID: 716-711-9213 / Passcode: 76504

"YOUR PARENTAL AND CUSTODIAL DUTIES AND RIGHTS CONCERNING THE CHILD WHO IS THE SUBJECT OF THE ABOVE MAY BE TERMINATED BY AWARD OF PERMANENT CUSTODY IF YOU FAIL TO APPEAR ON THE DATE THAT IS SET FORTH IN THIS SUMMONS: **YOU MAY BE HELD IN CONTEMPT IF YOU FAIL TO APPEAR ON THE DATE SET FORTH IN THIS SUMMONS.**"

Dated: **JUN 24 2026**

CLERK, SUPERIOR COURT OF GUAM
BY: /s/ Tiffany N. Rosario

William L. Gavras, Esq.
LAW OFFICES OF WILLIAM L. GAVRAS
A Professional Corporation
101 Salisbury St., Deddo, Guam 96929
Telephone: (671) 632-4357 Email: williamgavras@yahoo.com

Attorney for the Petitioner/Executor
LUZVIMINDA F. DUVALL
As to the Estate of DANIEL LEE DUVALL

**IN THE SUPERIOR COURT OF GUAM
IN THE MATTER OF THE ESTATE OF
DANIEL LEE DUVALL,
Deceased.**

PROBATE CASE NO. PR0021-26

NOTICE OF PRIVATE SALE OF PERSONAL PROPERTY

Notice is hereby given that **LUZVIMINDA F. DUVALL**, Executor of the Estate of **DANIEL LEE DUVALL**, will sell at private sale, on or after September 10, 2026, the following personal property of the estate: approximately twenty-one (21) motor vehicles formerly used in a rental car business, more particularly described as to VIN, make, model, year, plate, and odometer in a schedule available upon request.

Bids or offers will be received at the Law Offices of William L. Gavras, 101 Salisbury Street, Deddo, Guam, during normal hours.

The private sale will occur at the same location (or through escrow as arranged by the personal representative) during normal business hours, on or after September 10, 2026. Terms of sale are for cash or immediately available funds, with any lien payoffs from sale proceeds and title transferred pursuant to Guam DMV requirements.

The vehicles are sold "as is, where is," without warranty, other than the personal representative's authority to sell.

Interested persons may submit written objections or higher and better offers to the Law Offices of William L. Gavras, counsel for Executor, at 101 Salisbury Street, Deddo, Guam 96929, tel. no. 671-632-4357 or email address: williamgavras@yahoo.com on or before September 10, 2026.

Date: 26 AUGUST, 2026.

By: /s/ **LUZVIMINDA F. DUVALL**
Executor for the Estate of **DANIEL LEE DUVALL**



GUAM LAND USE COMMISSION
Department of Land Management
ITC Building, Third Floor, Tamuning, GU 96913
P.O. Box 2950, Hagåtña, Guam 96932
Tel: 671-649-5263 Ext. 300 • Fax: 671-649-5383



AGENDA

A regular Guam Land Use Commission meeting will be held on September 10, 2026, at 1:30 p.m., Department of Land Management Conference Room, 590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning. Livestreamed on YouTube at the Guam Department of Land Management Channel.

- I. Notation of Attendance/Roll Call
- II. Approval of Minutes - August 13, 2026
- III. Old or Unfinished Business [None]
- IV. New Business
 - A. Application No. 2026-07, Calvo Enterprises, Inc., requests a Zone Change from "A" zone to "R2" zone for the proposed construction of a 50-unit apartment complex on Lots 7024-1NEW-4-3-1R/W, 7024-1NEW-4-3-2, 7024-1NEW-4-3-3, 7024-1NEW-4-3-4, 7024-1NEW-4-3-5, and 7024-1NEW-4-3-R5, Yigo.
- V. Administrative & Miscellaneous Matters
- VI. Adjournment

Funding Source provided by the Applicant.

Persons requiring special accommodations, please call Cristina Gutierrez 671-649-5263, ext. 375



GUAM HYBRID LAND USE COMMISSION
Department of Land Management
ITC Building, Third Floor, Tamuning, GU 96913
P.O. Box 2950, Hagåtña, Guam 96932
Tel: 671-649-5263 Ext. 300 • Fax: 671-649-5383



AGENDA

A regular Guam Hybrid Land Use Commission meeting will be held on Thursday, September 10, 2026, at 1:30 p.m., Department of Land Management Conference Room, 590 S. Marine Corps Dr., 3rd Floor, ITC Building, Tamuning. Livestreamed on YouTube at Guam Department of Land Management Channel.

- I. Notation of Attendance/Roll Call
- II. Approval of Minutes - August 27, 2026
- III. Old or Unfinished Business [None]
- IV. New Business
 - A. Application No. H2025-43A, Blue Ocean Investment LLC, requests a 1st Extension of Time pursuant to E.O. 96-26 Section 5, of a previously approved Tentative Subdivision for Oka Villas Subdivision, a fully improved subdivision with thirty-eight (38) single-family dwellings, on Tract 13402 (formerly Lot 2148-3-R8), Tamuning, in an "R2" zone.
- V. Administrative & Miscellaneous Matters
- VI. Adjournment

Funding Source provided by the Applicant.

Persons requiring special accommodations, please call Cristina Gutierrez 671-649-5263, ext. 375

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JUDICIARY OF GUAM

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120 West O'Brien Drive Hagåtña, Guam 96910-5174
Tel: (671) 475-3300 Fax: (671) 475-3140
www.guamcourts.gov

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION PLENARY MEETING SEPTEMBER 10, 2026

NOTICE OF MEETING

The Guam Criminal Law and Procedure Review Commission will conduct a plenary meeting on SEPTEMBER 10, 2026, at 12:00 pm in the Guam Judicial Center Judge Joaquin V.E. Manibusan, Sr. Memorial Courtroom, 120 West O'Brien Drive, Hagåtña, and by videoconference. The meeting will be streamed live on the Judiciary of Guam YouTube channel. <https://www.youtube.com/channel/UCfnFCWwllp99fAeh9zi404g>

AGENDA

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 - B. Report on Legislation Affecting Sections Reviewed or Under Review
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This ad was paid for with Government of Guam funds.
Magistrate Judge Jonathan R. Quan, Chairman

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671-685-5998**

LAW OFFICE OF CYNTHIA V. ECUBE, ESQ.
A Professional Corporation
259 Martyr Street, Suite 100,
Hagåtña, GU 96910
Telephone No.: (671) 472-8889
Telecopier No.: (671) 472-8890
Email address: info@ecubelaw.com

Attorney for Petitioner
SULINDA A. FAWCETT

**IN THE SUPERIOR COURT OF GUAM
HAGÁTÑA, GUAM
IN THE MATTER OF THE ESTATE OF
GERALD RAYMOND ADAMS and KAY Y. ADAMS,
Deceased.**

**PROBATE CASE NO. PR0101-26
NOTICE TO CREDITORS**

NOTICE IS HEREBY GIVEN by the undersigned Administratrix of the Estate of **GERALD RAYMOND ADAMS and KAY Y. ADAMS, Deceased**, to the creditors of, and all persons having claims against the said Estate or against said Decedent, that within two (2) months after the first publication of this Notice, they either file them with the necessary vouchers to the **LAW OFFICE OF CYNTHIA V. ECUBE, ESQ., A Professional Corporation**, 259 Martyr Street, Suite 100, Hagåtña, Guam 96910, the same being the place for the transaction of the said estate.

DATED 17 AUG 26.

/s/SULINDA A. FAWCETT, Administratrix
Estate of Gerald Raymond Adams and Kay Y. Adams



Francis E. Santos
CCU Chairman

GUAM POWER AUTHORITY

ATURIDÁT ILEKTRESEDÁT GUAHAN
P.O. BOX 2977 • HAGÁTÑA, GUAM U.S.A. 96932-2977
Telephone Nos. 671-648-3045/55 or Facsimile 671-648-3165



John M. Benavente, P.E.
General Manager

INVITATION FOR BID

This notice is paid for by the **GUAM POWER AUTHORITY REVENUE FUNDS**
Public Law 26-12

BID NO.:	DUE DATE:	TIME:	DESCRIPTION:
GPA-083-26	9/22/2026	9:00 A.M.	Pole Mounted Transformer(s) (Revenue)
GPA-086-26	9/22/2026	10:00 A.M.	Outdoor Mesh Router with Battery (Revenue)
GPA-088-26	9/23/2026	10:00 A.M.	Bracket, Streetlight, Mast Arm (Revenue)

Bid packages may be picked up at the GPWA Procurement Office, Room 101, 1st. Floor, Gloria B. Nelson Public Services Building, 688 Route 15, Mangilao, Guam 96913. All interested firms should register with our GPA's Procurement Division to be able to participate in the bid. Please call our office at (671) 648-3045/3055 to register. Registration is required to ensure that all "Amendments and Special Reminders" are communicated to all bidders throughout the bid process. Procurement instructions are posted on the Authority's web site at: <https://notices.guam.gov>.

/s/ JOHN M. BENAVENTE, P.E.
General Manager

VEHICLES FOR BID

YEAR	MAKE	MODEL	COLOR	MILEAGE subject to change	MINIMUM BID
2019	NISSAN	KICKS	WHITE	58,001	\$6,400.00
2018	TOYOTA	TACOMA	SILVER	68,671	\$16,600.00
2019	NISSAN	FRONTIER	BLUE	40,496	\$17,200.00
2023	MITSUBISHI	ECLIPSE CROSS SEL S	WHITE	63,135	\$2,100.00
2024	MITSUBISHI	MIRAGE G4	SILVER	10,940	\$10,900.00
2022	NISSAN	SENTRA	GRAY	50,841	\$8,400.00

BID STARTS SEPTEMBER 4, 2026 AND ENDS SEPTEMBER 9, 2026. BIDS ARE DUE AT 4:00PM ON THE LAST DAY.
VEHICLES WILL BE SOLD AS IS, WITHOUT WARRANTIES. VEHICLES WILL BE SOLD TO THE HIGHEST BIDDER. FINANCING AVAILABLE, SUBJECT TO CREDIT APPROVAL.



First Hawaiian Bank
Member FDIC

For more information or to obtain a bid form,
please contact us at (671) 475-7933 or
email: gdccollections@fhn.com.

Doc. No. 38GL-26-2867.*

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THE GUAM
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MINUTES FOR APPROVAL

CLRC PLENARY MEETING OF

JUNE 25, 2026



HON. KATHERINE A. MARAMAN
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA, III
PRESIDING JUDGE

Judiciary of Guam

Guam Criminal Law and Procedure Review Commission
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HON. JONATHAN R. QUAN
CHAIRMAN

ANDREW SERGE QUENGA
EXECUTIVE DIRECTOR

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION (CLRC) PLENARY MEETING | THURSDAY, JUNE 25, 2026 MINUTES

I. CALL TO ORDER

The meeting was called to order by Chair Jonathan R. Quan at 12:07 PM. The meeting was held in person in the Judge Joaquin V. Manibusan Sr. Memorial Courtroom at the Judicial Center and via Zoom. The session was livestreamed on the Judiciary of Guam's YouTube channel.

II. PROOF OF DUE NOTICE OF MEETING

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

III. DETERMINATION OF QUORUM

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

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

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Ex-Officio (Non-Voting Members):

Executive Director Serge Quenga – Present, Judiciary of Guam

Compiler of Laws Geri Cepeda – Present, Judiciary of Guam

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

IV. DISPOSAL OF MINUTES: April 9, 2026

The minutes of the April 9, 2026, plenary meeting were approved without objection.

V. OLD BUSINESS

A. Subcommittee Status Update and Report of the Executive Director.

1. The 2026 1st Quarter Report 2026 report was submitted to the Legislature in May and is posted on the CLRC webpage.
2. Bill 232-38, adopting CLRC recommendations, was withdrawn and replaced with Bill 317 by the Legislature. CLRC staff is working with Legislative staff on finalizing Bill 317.

B. Report on Legislation Affecting Sections Reviewed or Under Review.

1. Continuing our practice of tracking legislation that could affect our review of criminal statutes, as shown in Attachment 1, Slides 1-2, recently enacted PL 38-128 adds a new section to Chapter 70 which was covered in our interim report. We will ensure that our recommendations in Bill 317 are consistent with such legislation.

VI. NEW BUSINESS

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

This agenda item IV.C. was taken out of order by Chairman at the request of the Executive Director.

- 9 GCA Chapter 64 (Gambling), Article 2 (Authorized Activities)
 - § 64.40. (Legal Cockfight Gambling Permitted). No Change as shown in Attachment 2, Slide 3.

- Discussion: Section was presented at a previous meeting and tabled for further consideration. Upon reconsideration, Subcommittee took no position based on the pragmatic view that the statute was unlikely to be enforced. No change recommended.
- 9 GCA Chapter 49 (Governmental Bribery, Other Unlawful Influence & Related Offenses).
 - § 49.90. (Official Misconduct; Defined and Punished). Attachment 2, Slides 3-6.
 - Discussion: Section was presented at a previous meeting and tabled for further consideration. Recommendation to increase misdemeanor to a third degree felony. Concern was raised on classifying all official misconduct as a third degree felony. Tabled for further research on how other jurisdictions handle gradation of official misconduct.

Chairman Quan called for a motion to approve the subcommittee's recommendation of no change for § 64.40. Motion made by Attorney McDonald. Seconded by Attorney Morrison. Approved without objection.

B. Ad Hoc Subcommittee: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval.

- 9 GCA Chapter 80 (Disposition of Offenders).
 - § 80.48. Extension of Limits of Confinement: Failure to Adhere to Conditions Punished: Failure to Return is Escape. Attachment 3, Slides 3-4.
 - Discussion: Section was tabled at the last plenary meeting for research on the earnings distribution provisions. Concern was raised on current language giving Director broad authority to withhold an inmate's earnings for confinement costs as deemed appropriate and reasonable. Proposed language limits such withholding to amounts authorized by department rule.

Concern was raised on existing language requiring the entire remaining balance to the Criminal Injuries Compensation Fund and that the inmate gets nothing for use upon release. Tabled for further research and reconsideration of the statute as a whole.

- § 80.60. Standards for Imposing or Withholding Probation. Amend as shown in Attachment 3, Slide 5.
 - Discussion: Non-substantive grammatical edits and correction of habitual offender statute citation.
- § 80.62. Conditions Which Court May Attach to Probation. Amend as shown in Attachment 3, Slide 6.
 - Discussion: 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. Amend as shown in Attachment 3, Slide 7.
 - Discussion: Non-substantive reorganization of (b) for clarity. Subsection (d) moved here from the § 80.66(c), which is more relevant to this section and cites directly to this section.
- § 80.66. Revocation of Probation: When Permitted. Amend as shown in Attachment 3, Slides 8-9.
 - Discussion: Non-substantive grammatical and capitalization edits for clarity and consistency. Subsection (c) moved to § 80.66(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. Amend as shown in Attachment 3, Slides 10.
 - Discussion: Correction of chapter title and deletion of unnecessary language.
- § 80.70. When Parole Permitted. Attachment 3, Slides 17-18.
 - Discussion: Non-substantive clarifications. (a)(1) moved to new 80.70(g). (a)(2) consolidated with 80.72(a)(2) and moved to 80.70.1(l). Concern raised on parole requirements if part of a “fixed sentence” is suspended and whether “prison term” should be considered instead. Tabled for further research.

- § 80.70.1 Definitions. Amend as shown in Attachment 3, Slides 18-19.
 - Discussion: The two terms “Rated Capacity” and “Prison Population” only appear in the definitions section, and therefore should be removed. § 80.71 functionally a definition of Guam Parole Board, moved to subsection (m), with language modified to mirror § 80.70.1 as a whole. “Violent crime” moved and consolidated from § 80.70 and § 80.72 to subsection (l), since functionally a chapter wide definition. Introductory language modified to match the rest of the definitions section. As per (l)(4), there is no aggravated assault in the first degree, amended to highest available level of aggravated assault, second degree.
- § 80.71. Definition of Board as Guam Parole Board. Repealed and Reenacted as shown in Attachment 3, Slide 20.
 - Discussion: § 80.71 functionally a definition of Guam Parole Board, moved to subsection 80.70.1(m), with language modified to mirror § 80.70.1 as a whole.
- § 80.72. Exception for Parole Eligibility. Attachment 3, Slides 20-22.
 - Discussion: Gender references made uniformly singular masculine; aligns with CLRC edits to 1 GCA §1.12 “Rules of Construction” making singular masculine refer to plural and feminine. § 80.72(a)(1-2) identical to previous § 80.70(a)(1-2). (2) Consolidated and moved into Definitions section, § 80.70.1(l) and § (a)(1) moved to separate subsection 80.72(c). Non-substantive edits to align with rest of Article 5. Same concerns as in § 80.70 on parole requirements if part of a “fixed sentence” is suspended and whether “prison term” should be considered instead. Tabled for further research.
- § 80.74. Preparing Prisoner for Parole Hearing. Amend as shown in Attachment 3, Slide 22.
 - Discussion: No substantive change, corrections to capitalize the letter ‘b’ in Board
- § 80.76. Standards Governing Release on Parole. Amend as shown in Attachment 3, Slides 23.
 - Discussion: No substantive change, corrections to capitalize the letter ‘b’ in Board.

- § 80.78. Records to Be Made Available to Board. Attachment 3, Slide 23.
 - Discussion: Removal of reference to an institution other than DOC. Tabled to consider preserving language for inmates held in off-island facilities.
- § 80.80. Conditions of Parole. Amend as shown in Attachment 3, Slide 24.
 - Discussion: Corrections to capitalize the letter ‘b’ in Board and “Certificate of Parole”. Other non-substantive recommendations by Parole.
- § 80.82. Sanctions for Violation of Parole. Amend as shown in Attachment 3, Slide 25.
 - Discussion: Non-substantive edits at the suggestion of Parole Services to clarify existing roles and statutory capabilities.
- § 80.84. Revocation Hearing Required: Standards for Revocation of Parole. Amend as shown in Attachment 3, Slide 26.
 - Discussion: Non-substantive capitalization to comport with Article convention.
- § 80.86. Prison Term After Revocation: Current Prisoners Provided for. Amend as shown in Attachment 3, Slide 26.
 - Discussion: Effective date of Section long since passed, from Government Code era. Transition provision (c) recommended for repeal.
- § 80.88. Discretionary And Mandatory Release from Parole. Amend as shown in Attachment 3, Slide 27.
 - Discussion: Non-substantive capitalization to comport with Article convention.
- § 80.90. Definitions. Amend as shown in Attachment 3, Slide 11.
 - Discussion: 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. Amend as shown in Attachment 3, Slide 12.
 - Discussion: 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. No Change as shown in Attachment 3, Slide 13.
 - Discussion: No change.
- § 80.93. Waiver of Liability. Amend as shown in Attachment 3, Slide 13.
 - Discussion: Amendments for consistency and clarification.
- § 80.94. Minimum Wage; Restitution for Actual Amount Lost. Amend as shown in Attachment 3, Slides 14-15.
 - Discussion: Amendments to (b) for consistency with a sentencing judge's require 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. Add as shown in Attachment 3, Slide 16.
 - Discussion: 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).

Chairman Quan called for a motion to table §§ 80.48, 80.70, 80.72, and 80.78, and to approve all other sections. Motion by Attorney Tydingco. Seconded by Attorney Cunliffe. Approved without objection.

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

Tabled by Chairman.

VII. COMMUNICATIONS

- C. Subcommission on Crimes Involving Property: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval.
Tabled by Chairman.

VII. COMMUNICATIONS

None.

VIII. PUBLIC COMMENT

None.

IX. ADJOURNMENT

There being no further business, Chair Quan adjourned the meeting at approximately 1:10 PM. The next meeting date is to be announced.

Respectfully submitted this 10th day of September 2026.



Andrew S. Quenga, Executive Director

As set out above, the minutes of June 25th, 2026, plenary meeting were approved by the CLRC at its next plenary meeting.



Magistrate Judge Jonathan R. Quan, Chairman

Date: 9/10/26

ATTACHMENT 1

REPORT ON LEGISLATION AFFECTING CLRC REVIEW

PRESENTATION
JUNE 25, 2026



Recently Enacted Laws Affecting Criminal Statutes

Bill No.	Introduced	Status as of 6/25/26	Title 9 Section(s) Affected	Interim Report Recommendation
Bill 137-38	5/8/25	Enacted 10/17/25 PL 38-070	Add a new §§ 25.50, 19.82 (interfering with reporting of CSC)	Chap 25 covered in IR. New sections covered in Notice of Errata and in revised Bill 232.
Bill 138-38	5/8/25	Enacted 2/11/26. PL 38-094	Amends § 7.58 (intoxication)	Chap 7 not covered in Interim Report. Amended section added to pending reviewed.
Bill 157-38	6/26/25	Enacted 12/20/25 PL 38-083	Amends § 25.25 (penalties for 3rd degree CSC)	Chap 25 covered in IR with no changes to this section. However, P.L. 38-083 subsequently amended this section. This amendment was covered in Notice of Errata and in revised Bill 232.
Bill 162-38	6/26/25	Enacted 2/11/26 PL 38-096	Amends § 19.50 (terroristic conduct)	Chap 19 was covered in IR with this section amended. Amendment by PL 38-096 (2/11/26) is post Notice of Errata. This section must be added to Bill 232 on the floor.
Bill 167-38	7/3/25	Enacted 12/16/25 PL 38-078	Amends § 34.70 (penalties for graffiti)	Chap 34 covered in IR with no change to this section. However, PL 38-078 subsequently amended this section. This amendment was covered in the Notice of Errata and in revised Bill 232.
Bill 191-38	9/18/25	Enacted 6/3/26 PL 28-128	Adds a new § 70.460 (drones over corrections facilities)	Chap 70 covered in IR. This new section must be added to the bill.



Pending Bills Potentially Affecting Criminal Statutes

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

ATTACHMENT 2

REPORT OF THE SUBCOMMISSION ON CRIMES AGAINST PERSONS

PRESENTATION
JUNE 25, 2026



Report of the Crimes Against Persons Subcommission

Criminal Law And Procedure Review Commission

Plenary Meeting

June 25, 2026

CRIMES AGAINST PERSONS SUBCOMMISSION

Sgt. M. Elliot, Member, GPD

Attorney C. Tenorio, Member, OAG

Mag. Hon. S. Brown, Member, JOG

Attorney J. Morrison, V. Chair, PDSC

Attorney J. McDonald, Member, Chair



Presented Today

Title 9

Chapter 64. Gambling. § 64.40

**Chapter 49. Governmental Bribery, Other Unlawful
Influence And Related Offenses. § 49.90**



Subcommission Report

9 GCA § 64.40 Legal
Cockfight Gambling
Permitted: vote taken to
report out no changes
recommended.

9 GCA § 49.90 Official
Misconduct: vote taken
3-1 to recommend
increasing penalties.

3



§ 49.90. Official Misconduct; Defined & Punished.

A public servant commits ~~a misdemeanor~~ third degree felony if, with intent to benefit himself or another person or to harm another person or to deprive another person of a benefit;

(a) he commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized; or

(b) he knowingly refrains from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office.

4



§ 49.90 Official Misconduct

- Most jurisdictions (25/33) treat it as a misdemeanor.
- Official misconduct usually paired with a more serious crime, e.g. Blue House. Other jurisdictions follow this approach.
- Legislative history shows that Bill 127-36 increasing the penalty to misdemeanor never passed. AG appeared to be in favor of keeping it as a misdemeanor.
- Legislative history also shows Bill 30-307 including the penalty of Gov Guam employment ineligibility was vetoed by the Governor because of concerns over ambiguous language.

5



§ 49.90 Official Misconduct

Recommendation is to increase the penalty to at least a 3rd Degree Felony. Consider the following hypotheticals which are not subject to criminal sanction:

- (a) Law enforcement officer refusing to act on an investigation and intentionally thwarting it because of personal or family reasons.
- (b) Law enforcement officer intentionally creating a *Miranda* or Fourth Amendment violation.
- (c) Tax official instructing CIB not to investigate fraud connected to a very large tax because of political reasons.
- (d) School safety officer looking the other way during a gang fight that resulted in serious bodily injury.
- (e) Sec. 8 program officer refusing to approve applicant because applicant will not rent relative's real property.
- (f) Other *ultra vires* or refusal to act in an official capacity that is not a bribe because it benefits a third party or gratuity because it is not pecuniary.

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ATTACHMENT 3

REPORT OF THE DOCO/AD HOC SUBCOMMISSION

PRESENTATION
JUNE 25, 2026



Report of the DOCO / Ad Hoc Subcommittee

June 25, 2026

Discussion of Chapters and Presentation of Recommendations for Discussion and Approval

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



Presented Today

9 GCA Chapter 80. Disposition of Offenders

- § 80.48. Extension of Limits of Confinement: Failure to Adhere to Conditions Punished: Failure to Return is Escape. (Tabled April 09, 2026)
- Article 4. Probation.
- Article 5. Parole.
- Article 6. Alternative Community Service.



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

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

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

...

DOCO/Ad Hoc Recommendation: Non-substantive amendments in (a) for clarification and consistency. Amendments to (b) limit deduction of an inmate's earnings as permitted by existing DOC rules, and consolidate related language regarding work release from (f).



§ 80.48. Continued

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

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

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

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

...

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



Article 4 - Probation

9 GCA § 80.60. Standards for Imposing or Withholding Probation.

(a) When Sentence May Not Require Prison Term.

...

(2) "Minimum," 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:

...

DAH 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 vocational training;

...

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

...

DAH 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.

DAH Comment: Non-substantive reorganization of (b) for clarity. Subsection (d) moved here from the § 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 ~~C~~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.



§ 80.66. [Continued]

(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]~~

DAH 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~~) (~~commencing with § 40.10~~). 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.

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



Article 6 – Alternative Community Service 9 GCA § 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,~~ 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, ~~alcoholics~~ anonymous meetings, vocational/health education and rehabilitation, employment counseling, or any other self-improvement activities that the sentencing judge deems reasonabley rehabilitative and beneficial to the offender.

DAH 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 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.

DAH 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.

(a) Any sentence imposed under this Article shall contain the time necessary for the completion of the sentence and shall include the penalties of a fine or confinement that will be imposed in the event that such sentence is not completed.

(b) In the event that the offender fails to complete a sentence imposed under this Article, the sentencing judge shall give proportional credit for any portion of such sentence completed by deducting part of the fine or confinement, or in all cases where fine and confinement have been stated as a penalty, the percentage shall be deducted from both the fine and the term of confinement.

DAH 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 ~~e~~Community ~~s~~Service.

(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.

DAH Comment: Amendments for consistency with recommendations above.



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

(b) ~~With the approval of the sentencing judge, R~~estitution 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.~~

DAH 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.



(~~dc~~) 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.

DAH Comment: 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.

DAH 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).



Article 5 – Parole

9 GCA § 80.70. When Parole Permitted.

(a) ~~When Parole Permitted.~~ An offender sentenced to a term of imprisonment may be released conditionally on parole upon completion of two-thirds (2/3) of his fixed sentence or thereafter in accordance with the provisions of this Article, provided that in the case of an offender sentenced to a term of imprisonment for the commission of a ~~v~~iolent ~~e~~crime § as defined in 80.70.1(l), such offender may be released conditionally on parole upon completion of eighty-five percent (85%) of his fixed sentence or thereafter in accordance with the provisions of this Article.

~~(1) Nothing in this Section shall be construed as limiting or mitigating in any fashion the discretionary or mandatory imposition of a sentence of life imprisonment without parole for any offense, as may be detailed elsewhere in this Title or the laws of Guam.~~

~~(2) For the purposes of this Section, a “violent crime” is defined as one (1) or more of the following:~~

- ~~(A) aggravated murder, as defined in 9 GCA § 16.30;~~
- ~~(B) murder, as defined in 9 GCA § 16.40;~~
- ~~(C) manslaughter, as defined in 9 GCA § 16.50, and when such manslaughter is not involuntary;~~
- ~~(D) aggravated assault, as defined in 9 GCA § 19.20, and when it is a felony in the first second degree;~~
- ~~(E) kidnapping, as defined in 9 GCA § 22.20, and when it is a felony in the first degree;~~
- ~~(F) first degree criminal sexual conduct, as defined in 9 GCA § 25.15;~~
- ~~(G) second degree criminal sexual conduct, as defined in 9 GCA § 25.20;~~
- ~~(H) aggravated arson, as defined in 9 GCA § 34.20;~~
- ~~(I) first degree robbery, as defined in 9 GCA § 40.10; or~~
- ~~(J) second degree robbery, as defined in 9 GCA § 40.20.~~

DAH Comment: Redundant to restate the title. (a)(1) moved to new 80.70(g). (a)(2) moved to definitions section, 80.70.1(l)



§ 80.70 [Continued]

...
(e) Notwithstanding any other provision of law to the contrary, all sentenced and incarcerated first offenders who have been convicted and sentenced to a prison term for non-violent or non-drug offense(s) shall be eligible for parole after serving fifty percent (50%) of their prison term. All procedures for applying for parole, reviewing and granting parole under this ~~s~~ection, except as stated herein, shall be governed by the provisions of this Article ~~5 of this Chapter.~~
...

~~(g) Nothing in this Section shall be construed as limiting or mitigating in any fashion the discretionary or mandatory imposition of a sentence of life imprisonment without parole for any offense, as may be detailed elsewhere in this Title or the laws of Guam.~~

DAH Comment: Non-substantive clarifications. (a)(1) moved to new 80.70(g).

§ 80.70.1 Definitions.

For purposes of Article 5 of this Chapter:

...

~~(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.~~

...

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

DAH Comment: These two terms only appear in the definitions section.



§ 80.70.1 Definitions. [Continued]

...

(l) For the purposes of this Section, a “Violent eCrime” is defined as one (1) or more of the following 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.

(m) As used in this Article, “Bboard” shall means the Guam Parole Board

DAH Comment: § 80.71 functionally a definition of Guam Parole Board, moved to subsection (m), with language modified to mirror § 80.70.1 as a whole. “Violent crime” moved and consolidated from § 80.70 and § 80.72 to subsection (l), since functionally a chapter wide definition. Introductory language modified to match the rest of the definitions section. As per (l)(4), there is no aggravated assault in the first degree.



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

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

DAH Comment: § 80.71 functionally a definition of Guam Parole Board, moved to subsection 80.70.1(m), with language modified to mirror § 80.70.1 as a whole.

§ 80.72. Exception for Parole Eligibility.

(a) Unless otherwise provided by law, every person in a Guam penal or correctional institution shall be eligible for release on parole at any time after the service of two-thirds (2/3) of his/~~her~~ fixed sentence or after a greater time set by the court, which shall state reasons therefore, provided that in the case of an offender sentenced to a term of imprisonment for the commission of a ~~v~~Violent eCrime § as defined in 80.70.1(l), such offender may be released conditionally on parole upon completion of eighty-five percent (85%) of his ~~or her~~ fixed sentence or after a greater time set by the Court, which shall state reasons therefor, or in the case of a person sentenced to life imprisonment, after such person has been confined for twenty-five (25) years.

DAH Comment: Gender references made uniformly singular masculine; aligns with CLRC edits to 1 GCA §1.12 “Rules of Construction” making singular masculine refer to plural and feminine.



§ 80.72. Exception for Parole Eligibility. [Continued]

(a)...

~~(1) Nothing in this Section shall be construed as limiting or mitigating in any fashion the discretionary or mandatory imposition of a sentence of life imprisonment without parole for any offense, as may be detailed elsewhere in this Title or the laws of Guam.~~

~~(2) For the purposes of this Section, a "violent crime" is defined as one or more of the following:~~

- ~~(A) aggravated murder, as defined in 9 GCA § 16.30;~~
- ~~(B) murder, as defined in 9 GCA § 16.40;~~
- ~~(C) manslaughter, as defined in 9 GCA § 16.50, and when such manslaughter is not involuntary;~~
- ~~(D) aggravated assault, as defined in 9 GCA § 19.20, and when it is a felony in the first degree;~~
- ~~(E) kidnapping, as defined in 9 GCA § 22.20, and when it is a felony in the first degree;~~
- ~~(F) first degree criminal sexual conduct, as defined in 9 GCA § 25.15;~~
- ~~(G) second degree criminal sexual conduct, as defined in 9 GCA § 25.20;~~
- ~~(H) aggravated arson, as defined in 9 GCA § 34.20;~~
- ~~(I) first degree robbery, as defined in 9 GCA § 40.10; or~~
- ~~(J) second degree robbery, as defined in 9 GCA § 40.20.~~

DAH Comment: § 80.72(a)(1-2) identical to previous § 80.70(a)(1-2). (2) Consolidated and moved into Definitions section, § 80.70.1(l) and § (a)(1) moved to separate subsection 80.72(c).



§ 80.72. Exception for Parole Eligibility. [Continued 2]

(b) The Board shall consider the desirability of parole of each inmate at least sixty (60) days prior to his/~~her~~ first eligibility.

...

- (i) that if a person imprisoned for the commission of a ~~v~~iolent ~~c~~rime has been denied parole by the Board for two (2) consecutive years, the Board shall set the next consideration four (4) years from the date of the previous consideration.

...

(c) Nothing in this Section shall be construed as limiting or mitigating in any fashion the discretionary or mandatory imposition of a sentence of life imprisonment without parole for any offense, as may be detailed elsewhere in this Title or the laws of Guam.

DAH Comment: Non-substantive edits to align with rest of Article 5. Subsection (a)(1) relocated to (c).

§ 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.

DAH Comment: No substantive change, corrections to capitalize the letter 'b' in Board, to occur throughout Article in line with Definitions Section.



§ 80.76. Standards Governing Release on Parole.

(a) Whenever the ~~B~~board considers the release of a prisoner for parole, the ~~B~~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:

...

DAH Comment: No substantive change, corrections to capitalize the letter 'b' in Board.

§ 80.78. Records to Be Made Available to Board.

Before making a determination regarding a prisoner's release on parole, the ~~B~~board shall cause to be brought before it, and it shall be the responsibility of the Department of Corrections, ~~or administrative head of the institution in which an offender is held~~ and the Clerk of Court of the Superior Court of Guam to furnish such of the following records and information regarding the prisoner as may be available:

...

DAH Comment: Corrections to capitalize the letter 'b' in Board; Parole reports this phrase is unnecessary.



§ 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,

...

(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 courts costs~~ imposed by the court as provided in this Chapter;

(11) satisfy any other conditions ~~ordered by the Board~~ reasonably related to his rehabilitation ~~enhancing 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.

DAH Comment: Corrections to capitalize the letter 'b' in Board and "Certificate of Parole". Other non-substantive recommendations by Parole.



§ 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 Guam Parole Board in a local jail, lockup, or other detention facility, pending action by the Guam Parole Board of Parole.

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

(3) Thereupon the Bboard 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 ~~or~~ and the Parole Board for disposition.

DAH Comment: Non-substantive edits proposed by Parole. 25



§ 80.84. Revocation Hearing Required: Standards for Revocation of Parole.

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

...

(c) The failure by the BBoard 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.

DAH Comment: Non-substantive capitalization to comport with Article convention.

§ 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 parole 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.~~

DAH Comment: Effective date of Section long since passed, from Government Code era. Transition provision recommended for repeal.



§ 80.88. Discretionary and Mandatory Release from Parole.

(a) The ~~h~~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 ~~h~~Board in its discretion.

...

(c) A parolee's discharge from parole or from recommitment for violation of parole becomes mandatory upon completion of the maximum parole term.

DAH Comment: Non-substantive capitalization to comport with Article convention.

POWERPOINT PRESENTATION

CLRC PLENARY MEETING OF

SEPTEMBER 10, 2026



GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION

PLENARY MEETING
SEPTEMBER 10, 2026
12:00 NOON



Guam Criminal Law and Procedure Review Commission Plenary Meeting September 10, 2026

Agenda

- I. CALL TO ORDER
- II. PROOF OF DUE NOTICE OF MEETING
- III. DETERMINATION OF QUORUM
- IV. DISPOSAL OF MINUTES JUNE 25, 2026
- V. OLD BUSINESS
 - A. Subcommission Status Update and Report of Executive Director
 - B. Report on Legislation Affecting Sections Reviewed or Under Review
- VI. NEW BUSINESS
 - A. Drug & Other Criminal Offenses/Ad Hoc Subcommission: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - B. Subcommission on Crimes Involving Property: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - C. Subcommission on Crimes Against Persons: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - D. Notice of Next Meeting: **TO BE DETERMINED.**
- VII. COMMUNICATIONS
- VIII. PUBLIC COMMENT
- IX. ADJOURNMENT



- Status Update
- Pending Legislation



Recently Enacted Laws Affecting Criminal Statutes

Bill No.	Introduced	Enacted	Title 9 Section(s) Affected	Affect on Bill 317
PL 38-070 Bill 137-38	5/8/25	10/17/25	Add a new §§ 25.50, 19.82 (interfering with reporting of CSC)	These new sections are in Bill 317.
PL 38-094 Bill 138-38	5/8/25	2/11/26.	Amends § 7.58 (intoxication)	Chap 7 not covered in Bill 317. Amended section added to pending review.
PL 38-083 Bill 157-38	6/26/25	12/20/25	Amends § 25.25 (penalties for 3rd degree CSC)	This § 25.25 must be updated in Bill 317 on the floor.
PL 38-096 Bill 162-38	6/26/25	2/11/26	Amends § 19.50 (terroristic conduct)	These amendments are in Bill 317.
PL 38-078 Bill 167-38	7/3/25	12/16/25	Amends § 34.70 (penalties for graffiti)	These amendments are in Bill 317.
PL 28-128 Bill 191-38	9/18/25	6/3/26	Adds a new § 70.460 (drones over corrections facilities)	This new section is in Bill 317.
PL 38-186:XII:67 (p. 199) Bill 1 (10-S) FY2027 Appropriation Act	8/4/26	Lapsed 8/28/26	Adds a new § 55.75 (tampering with Customs & Quarantine seals).	Chap 55 covered in Bill 317. However, new § 55.75 enacted after Bill 317 was introduced and is not in Bill 317. This § 55.75 must be added to Bill 317 on the floor.



Pending Bills Potentially Affecting Criminal Statutes

Bill No.	Introduced	Status as of 9/2/26	Title 9 Section(s) Affected	Affect on Bill 317
Bill 105-38	4/10/25	Pending as of 9/2/26	Amends § 80.70(a) (parole for violent crimes)	Chap 80 not covered in Bill 317. Amended section subject to review if bill is passed.
Bill 140-38	5/9/25	Pending as of 9/2/26	Adds a new § 90.16.2 to article 1 of chapter 90 (compensation for corrections officers)	Chap 90 is covered in Bill 317. If Bill 140 is passed, new § 90.16.2 will have to be added on the floor.
Bill 171-38	7/10/25	Pending as of 9/2/26	Adds a new chapter 28A (nonconsensual intimate depictions). Amends Ch. 25, adding new § 25.10(a)(12) and new section § 25.50	New Chapter 28A is not in Bill 317. Chap 25 is covered in Bill 317. If Bill 171 is passed, new §§ 25.10(a)(12) and 25.50 must be added to Bill 317 on the floor.
Bill 271-38	2/9/26	Pending as of 9/2/26 but will likely be withdrawn as § 55.75 was approved in the FY27 Budget Law.	Add § 55.75 (tampering with Guam Customs seals)	Section 55.75 was enacted in PL 38-186 (FY27 Budget Law) on 8/28/26. Bill 271 still appears in the legis website.
Bill 280-38	2/23/26	Pending as of 9/2/26	Amend § 52.10 and add §§ 52.70, 55.70 (interfering with judicial and peace officers)	Chap 52 covered in Bill 317. If Bill 280 is passed, these sections must be added on the floor.
Bill 315-38	5/11/26	Pending as of 9/2/26	Adds a new article 6 to 9 GCA Chapter 7 (no consent harm or death in sexual activity)	Chapter 7 not covered in Bill 317. Not covered
Bill 338-38	6/30/26	Pending as of 9/2/26	Adds a new § 70.470 (drones over Port Authority).	Chap 70 is covered in Bill 317. If this new § 70.470 is enacted, it must be added on the floor.



Report of the DOCO / Ad Hoc Subcommittee

September 10, 2026

Discussion of Chapters and Presentation of Recommendations for Discussion and Approval

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



Presented Today

9 GCA Chapter 80. Disposition of Offenders

- § 80.48. Extension of Limits of Confinement: Failure to Adhere to Conditions Punished: Failure to Return is Escape.
- §§ 80.70 and 80.72. Topic: "Fixed" Sentence and Parole Eligibility.
- § 80.78. Records to be Made Available to the Board.
- Parole revocation exceeding statutory maximum.

9 GCA Chapter 83. Youth Correction Act.



GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION

9 GCA CHAPTER 80 DISPOSITION OF OFFENDERS TABLED SECTIONS



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

...

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

...

Issue 6/25/06: the language requiring the entire remaining balance of an offender's earnings into the CICF leaves nothing for the offender's expenses and re-entry.



Three Different Corrections Work Programs Allowing Earned Wages

§ 80.48 Work Release (1978)	§ 84.15 Rehab and Dev (1992)	§ 90.90 Prison Industries (2008)
- Costs of confinement and child support (undefined) - Entire remainder to CICF (1990)	10% to inmate 45% to legal obligations 45% to CICF	25% to CICF 25% to fines, fees, restitution 25% to Prison Industries Revolving Fund 25% to inmate (child support) - Amended 2017 to require no less than prevailing wage. Percentages were not amended.



Recommendation

- 30% to the offender's account for use upon release or for expenses while incarcerated
- 30% child and/or spousal support. If there is no child and/or spousal support, or if such support has been satisfied, the remainder shall be applied to the Offender's account
- 20% to the Criminal Injuries Compensation Fund
- 20% to payment of court-ordered fines, fees, and restitution. When such court-ordered fines, fees, and restitution have been satisfied, the remainder shall be applied to the Offender's account

Discussion:

- difficult to quantify costs of confinement
- most recent work program (§ 90.90)
- incentivize offender participation
- assist in re-entry



1

Is there a real problem?

Is the law defective — ambiguous, unenforceable, unconstitutional, or in conflict with other law? Or is the concern merely a policy preference about what the law should say? If the latter, caution is warranted: policy choices belong to the Legislature, not the Commission.

2

Should courts address it?

Even where a genuine defect exists, is it one that courts are actively resolving through litigation? If judge-made law is developing a workable solution, legislative intervention may be premature. The Commission should assess whether the issue is better left to the courts.

3

Is it within our mandate?

If the problem is real and not adequately addressed by courts, does it fall within the Commission's statutory mandate?



80.82(d) Statutory Parole Tolling? The Problem & Where It Arose

Origin: Suggestion raised by the Parole in the DAH Subcommittee— the Chief Parole Officer's concern of absconders running down their parole term until expiration of parole.

Background:

- Guam imposes definite, hardline parole-length mandates.**
9 GCA § 80.70(b) attaches a parole term of three (3) years for every felony and one (1) year for every misdemeanor, by operation of law, after first conditional release. There is no judicial discretion to shorten or vary the term at sentencing. See *Materne*, 72 F.3d 103 (9th Cir. 1995).
- But Article 5 contains no statutory tolling provision.**
Probation has one — 9 GCA § 80.66(a)(3)–(4), enacted in 1998, tolls the term from summons/warrant until the court's decision. Parole has nothing parallel. Under the unaltered text, an absconder keeps running down a fixed parole term while a fugitive.
- The current workaround relies entirely on a Parole Board Order.**
Order No. 2006-01 declares the parole tenure tolled between warrant issuance and execution.



Current Guam Practice: *Sahagon v. Palacios*

Superior Court SP246-08 (Sukola, J.) — May 6, 2009

FACTS

- Sahagon served a 3-year prison term, then began a 5-year parole term in January 2004.
- Reported monthly until August 2007. On 8/14/2007, the Parole Board issued a warrant for failure to report.
- Apprehended 12/14/2007 — four months later. Parole officers added 4 months + 1 day to his parole term.
- Petitioner argued: “tolling doesn’t apply on Guam” because no statute provides for it.

HOLDING

Petition for habeas corpus denied. The Parole Board may toll the term by regulation under **9 GCA § 85.26**’s general rulemaking authority.

Parole Board Order No. 2006-01 (quoted by the Court):

“upon the issuance of and up until the time of the execution of the Warrant of Arrest, the parole tenure is tolled.”

Authorities relied on: *Henrique v. U.S. Marshal*, 653 F.2d 1317 (9th Cir. 1981); *Caballero v. U.S. Parole Comm’n*, 673 F.2d 43 (2d Cir. 1982); *McLinn v. U.S. Parole Comm’n* (W.D. Wash. 2007). All three are federal **parole** cases — not supervised release.



Potential § 80.82(d). Sanctions For Violation Of Parole: *Sahagon V. Palacios*

19 Although Guam Law does not provide for parole tolling, the Government disputes
20 Petitioner's argument. The Government contended that Guam Law gives the authority to the
21 Parole Board to enact rules and procedures in order to carry out its duties. The Government's
22 Response at 2 (January 16, 2009). According to 9 G.C.A. § 85.26:

23
24 [t]he Board is authorized to release on parole any person confined in any penal or
25 correctional institution of this Territory and to revoke parole or discharge from parole any
26 parolee as provided in Article 5 (commencing with § 80.70) of Chapter 80. The Board
27 may adopt such rules and procedures not inconsistent with law as it may deem proper or
28 necessary to carry out its duties.

1 Pursuant to 9 G.C.A. § 85.26, the Parole Board adopted a rule and regulation in Parole Board
2 Order No. 2006-01. The order provides that "upon the issuance of and up until the time of the
3 execution of the Warrant of Arrest, the parole tenure is tolled. (i.e. Parolee has absconded¹ and a
4 Warrant of Arrest has been issued and executed, the time during this event, parole time is not
5 running). Declaration of Parole Officer Riaka Cruz Exhibit B (January 16, 2009). The reasons
6 the Parole Board enacted these rules because they have seen an increase in parolees absconding
7 while serving their parole supervision. Id. The Government argued that Parole Board's Order No.
8 2006-01 is in harmony with the Parole Board's legislative mandate. The Government's Response
9 at 3 (January 16, 2009). The Court agrees.



The Supreme Court: *Rico v. United States*

607 U.S. ____ (2026) — Gorsuch, J., for an 8–1 Court — reversed the Ninth Circuit on March 25, 2026

HOLDING

"The Sentencing Reform Act does not authorize a rule automatically extending a defendant's term of supervised release when the defendant fails to report to a probation officer."

From the Court's reasoning:

Tolling is really extension

"What the Ninth Circuit's challenged rule really does is use a defendant's abscondment to extend (not toll) the period of supervised release beyond what a judge has ordered."

Speak to the legislature, not the court

"The proper place to register that complaint is with Congress, as this Court is not free to rewrite the directions Congress has provided."



Potential § 80.82(d). Sanctions For Violation Of Parole: *Rico v. United States*

Cite as: 607 U. S. ____ (2026)

9

Opinion of the Court

4

RICO v. UNITED STATES

Opinion of the Court

automatically extend a term of supervised release. Compare *United States v. Crane*, 979 F. 2d 687, 691 (CA9 1992); and *United States v. Buchanan*, 638 F. 3d 448, 458 (CA4 2011), with *United States v. Hernandez-Ferrer*, 599 F. 3d 63, 66–69 (CA1 2010); *United States v. Talley*, 83 F. 4th 1296, 1297 (CA11 2023).

II

In approaching this dispute, a preliminary note on terminology is warranted. The Ninth Circuit held that a defendant who absconds during supervised release “tolls” his existing, judicially ordered term of supervised release until federal authorities find him. This is a misnomer. In legal settings, the word “toll” often denotes some stop or pause. See *Artis v. District of Columbia*, 583 U. S. 71, 80–82 (2018). But under the Ninth Circuit’s approach, a defendant who absconds stops or pauses nothing. Rather, he remains subject to the conditions of his supervised release and can be held accountable for any violations he commits during his abscondment. What the Ninth Circuit’s rule really does is *extend* the period of supervised release beyond what a judge has ordered. On its view, an absconding defendant’s term of supervised release does not expire when a court has directed but continues to run so long as the defendant remains out of contact with his probation officer.

A

Moving past our precedents, the government next appeals to the common law. For centuries, the government observes, common-law courts have held that the time between a defendant’s escape from prison and his recapture generally does not count toward the discharge of his sentence. It is a rule, the government notes, premised on the commonsense view that an escapee should take no “manner of advantage from it.” Brief for United States 25 (quoting 2 W. Hawkins, *Pleas of the Crown* 200 (6th ed. 1788)). And it is a rule, the government says, we should assume Congress meant to carry forward under the Sentencing Reform Act—and one that should ultimately lead us to adopt the Ninth Circuit’s rule. Brief for United States 29.

The government’s premises here may be sound, but its conclusion is not. Congress may sometimes legislate against the backdrop of the common law. We can also assume for argument’s sake that the government is right about the common-law rule and courts generally paused the clock on a defendant’s sentence and its attendant conditions when he escaped from prison and remained at large. But, as we have seen, the government seeks a very different rule here. Its proposed rule does not stop any clock or merely ensure a defendant does not take advantage of his abscondment. It imposes a new punishment on him by automatically extending his term of supervised release.

Look at it this way. When a prisoner escapes, he is in no sense serving his prison sentence. In contrast, when a defendant on supervised release fails to report, everyone agrees he remains bound by the terms of his release. That is why, for failing to report and any other violation he may commit during his judicially ordered term of supervised release, a court may send a defendant to prison and authorize more supervised release yet. §3583(e)(3). The court can do all that, too, even after the defendant’s prescribed term of supervised release expires, so long as a warrant or summons issues beforehand. §3583(i). The Act thus already



Does *Rico* affect *Sagahon*?

Statutory Gap

Ch. 80 Article 4 **does** provide express tolling for probation (§ 80.66(a)(3)–(4)). Argument that the Legislature knew how to do this and chose not to for parole.

Rico endorses exactly this inference — legislative silence on tolling, where the legislature could have provided for it, is meaningful.

Extension on Strict Timeline?

Sahagon’s tolling rests on **Parole Board Order 2006-01**, sustained under § 85.26 general rulemaking authority.

But **9 GCA § 80.88(c)** makes discharge “mandatory upon completion of the maximum parole term.”

An administrative rule that pushes a release date past a fixed statutory maximum — even labeled “tolling” — is precisely the pattern *Rico* reframed as unauthorized **extension**.



Statute or No Statute?

A. Stand on Board Order 2006-01

What it preserves

- Practice in place since 2006.
- *Sahagon's* federal parole authorities still good law.
- Board can refine mechanics by Order without legislation.

What it exposes

- Article 4 has express tolling (§ 80.66); Article 5's silence is now harder to defend.
- Order 2006-01 pushes past § 80.88(c)'s mandatory discharge — the rule-vs-statute thread.

B. Codify as new § 80.82(d)

What it secures

- Closes the statutory gap.
- Cures the § 80.88(c) [mandatory release upon max parole term] / Order 2006-01 tension by replacing the Order with statute.
- Provides express authorization — the kind *Rico* said must come from the legislature.
- Codifies the Parole's recommendation.

What it costs

- Locks the warrant-issuance / restoration mechanics into statute.



Proposed § 80.82(d): Chairman-Issued Warrant

Based on Indiana Code § 11-13-3-8; adapted to align with current Board Order 2006-01 practice.

Proposed Parole Statute

§ 80.82(d) Issuance of Warrant; Suspension of Parole Period.

- (1) Upon a showing of probable cause to believe that a parolee has violated a condition of parole, the **Chairman of the Guam Parole Board (or a member designated by the Chairman)** may issue a warrant for the arrest and confinement of the parolee pending a hearing.
- (2) The issuance of the warrant under this section **suspends** the running of period of parole until the Guam Parole Board's final determination of the charge.
- (3) The suspended period shall be restored if there is a finding of no violation, if a finding of a violation is later overturned, or if the parole violation charge is dismissed.
- (4) The parolee shall remain subject to all conditions of parole in the time the running of the parole period is suspended under this subsection.

80.66. Revocation: When Permitted

- (a)(3) Upon 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 decision of the Court.
- (A) The Period of tolling shall start of the date the summons or warrant is filed by the Clerk of Court...
 - (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.

Why "suspends"

After *Rico's* "extension, not tolling" framing, "suspends" more honestly describes what the statute does — and avoids use of "toll".

Why the 'Chairman'

Tracks current Board Order 2006-01 practice. Chairman can act on email notice from a parole officer; not bottlenecked by the monthly Board meeting.

Why no "extension" ¶

Working draft's old ¶(3) — "extended for the number of days the time is tolled" — is dropped. Subsection (2) does the work; (3) is the restoration valve.



§ 80.70 and § 80.72 “fixed” sentence

9 GCA § 80.70. When Parole Permitted.

- (a) ...An offender sentenced to a term of imprisonment may be released conditionally on parole upon completion of two-thirds (2/3) of his **fixed sentence** or thereafter in accordance with the provisions of this Article...
- (b) A sentence to a **fixed term** of imprisonment includes, as a separate portion of the sentence, a term of parole or of recommitment for violation of the conditions of parole which governs the duration of parole or recommitment after the offender’s first conditional release on parole. **The term is three (3) years unless the conviction was for a misdemeanor in which case it is one (1) year.**

9 GCA § 80.72. Exception for Parole Eligibility.

- (a) Unless otherwise provided by law, every person confined in a Guam penal or correctional institution **shall be eligible** for release on parole at any time after the service of two-thirds (2/3) of his or her **fixed sentence** or after a greater time set by the Court, which shall state reasons therefor, provided that in the case of an offender sentenced to a term of imprisonment for the commission of a violent crime, such offender may be released conditionally on parole upon completion of eighty-five percent (85%) of his or her **fixed sentence** or after a greater time set by the Court, which shall state reasons therefor, or in the case of a person sentenced to life imprisonment, after such person has been confined for twenty-five (25) years.



§ 80.70 and § 80.72 “fixed” sentence (2) Committee Report from PL 24-271 (Oct, '98)

The Territorial Parole Board *Government of Guam* *Mangilao, Guam*

Francisco L. Marlon, Chairman
Jose Q. Saba, Member

Roy S. Taitano, Member
Marino C. Charfauros, Member

June 16, 1997

Senator Elizabeth Barrett-Anderson
Chairperson
Committee on Judiciary, Public Safety
and Consumer Protection
Ada Plaza Center, Suite 108A
173 Aspinall Avenue
Agaña, Guam 96910

Hafa Adai Senator:

Late December 1996, Senator Mark Charfauros visited the Board during its regular hearing and provided us with a draft copy of his proposed legislation "Keeping Violent Offenders in Prison". I guess this saying is better than "Releasing First Offenders Earlier".

In March of this year the Board provided input to this bill and sent it to Senator Charfauros. After reviewing proposed document I noticed that none of the Board's ideas was addressed. Perhaps our response to the proposal was not timely and I would like to think this was the case.

The recommendations the Board provided were based on communications between Board members and Parole Services Division staff. Our recommendation is clear and simple. Rated capacity numbers changes from one Director to another.

I am therefore attaching all documents that were provided to Senator Charfauros regarding this matter.

Additionally, I am requesting that you visit Chapter 83 of 9 G.C.A. "Youth Corrections Act." This law was transferred directly from Title XVI of the Penal Code. To this day we have not implemented this act.

I am requesting that Chapter 83 of 9 G.C.A. be repealed in its entirety. The intent of this law during the days of the Penal Code would have worked, however, the youths today are much worse, and much more ruthless. The "Corrections Today" cover page for the June 1997 issue is entitled "Kids or KILLERS?" (The New Breed of Youthful Offender).

27 March 1997

Senator Mark C. Charfauros
24th Guam Legislature
Agaña, Guam 96910

Saluda,

Thank you for giving us the opportunity to review and make comments on your proposed legislation which you provided the Board at its regular parole hearing on December 26, 1996.

"AN ACT TO ADD A NEW ARTICLE 7 TO CHAPTER 80 OF TITLE 9 GUAM CODE ANNOTATED, RELATIVE TO KEEPING VIOLENT FELONS IN PRISON"

The Board members, after reviewing the proposed legislation submit the following:

1. Prison overcrowding at DEPCOR has always been a problem, even before the present facility was opened there wasn't enough bedspace to accommodate the population. We recommend that a state of the art prison be built to meet DEPCOR's needs for the future.

2. We also recommend that you consider redrafting **Section 80.96 Eligibility for Parole**, of your proposed legislation to allow first offenders of non-violent and non-drug type offenses to be eligible for parole after serving of 1/2 of their sentence and for all other crimes and recidivist to be eligible for parole after serving of 2/3 of their sentence. This will allow all first offenders an earlier parole release date thus helping in reducing prison overcrowding.

3. **Section 80.95(n) Prison Term**. The Board agrees that the prison term shall mean only term of actual incarceration for all inmates and not term of actual incarceration plus any suspended term of imprisonment in determining parole eligibility dates. The Board disagrees on how its presently defined in your draft.

4. The Board requests that you review current laws governing parole and make changes to minimize Board appearances before the courts on suits by inmates and parolees, additionally, changes to enhance parole administration and operations. SEE ATTACHED

5. On behalf of the parole officers at the Department of Corrections the Board requests that an addition to 9 G.C.A. Chapter 5 Article 2 Section 5.55 is made. This addition will be **Section**



“fixed sentence” (3)

§ 80.70.1 (all added by PL 24-27)

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Intent.** This Bill is intended to reserve scarce
1 prison confinement space at the Department of Corrections, Mangilao Facility
2 (“DOC”) for violent felons, multiple offenders and drug offenders. Given the
3 overcrowding crisis at DOC, *I Liheslaturan Guahan* wishes to prevent this crisis
4 from becoming an informal or formal source of pressure on the Guam Parole
5 Board to release dangerous violent felons, multiple offenders and drug offenders
6 on parole. *I Liheslaturan Guahan* further wishes to relieve excess pressure and
7 stress on DOC personnel caused by overcrowding and to facilitate efficient prison
8 management through careful allocation of DOC’s scarce confinement resources.
9 It is also *I Liheslaturan Guahan*’s intention to reduce the risk of riots or other
10 disruptions within DOC which could be caused by overcrowding and which
11 could adversely affect the community at large.

(k) “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.

- The Legislature had multiple opportunities to consider Parole’s request to calculate based on actual incarceration, and declined to adopt the recommendation.
- The overall point of the PL appears to have been toward reducing prison population by providing for earlier parole for first offenders.
- However, the new definitions section explicitly states the parole calculation is to include actual and suspended time. Perhaps this was the intended mechanism to “keep violent offenders in prison”.



§ 80.78. Records to Be Made Available to Board.

Before making a determination regarding a prisoner’s release on parole, the Board shall cause to be brought before it, and it shall be the responsibility of the Department of Corrections, or administrative head of the institution in which an offender is held and the Clerk of Court of the Superior Court of Guam to furnish such of the following records and information regarding the prisoner as may be available:

...

DAH Comment: Corrections to capitalize the letter ‘b’ in Board

Strikethrough removed from red phrase to reflect comments in previous Plenary.



Discussion: Parole Revocation Exceeds Statutory Maximum?

- Mr. Morrison concern from the end of previous Plenary.
- Federal treatment of “Supervised Release” which is also considered a “separate portion” of the sentence

80.70(b) A sentence to a fixed term of imprisonment includes, as a separate portion of the sentence, a term of parole or of recommitment for violation of the conditions of parole which governs the duration of parole

COMMENT: This Article proceeds on the view that conditional release on parole, with its accompanying supervision, is a normal and necessary state in the transition from prison life to full freedom in the community; and that it should, therefore, be the invariable incident of a prison sentence, not an exceptional act of grace bestowed upon good risks and withheld from the bad.

This concept requires the abandonment of the idea that the parole period is a portion of the original prison sentence not required to be served in prison. It calls for thinking of a period of supervised release - “parole term” - as the invariable incident of any prison sentence. The prison sentence determines the maximum period that may be served in prison prior to conditional release. This further period, which may or may not be within the limits of the original prison sentence, is by operation of law made an incident of any sentence of imprisonment for term.

A prison sentence, in short, contains two (2) parts. The first part determines when the offender may and when he must be released on parole. The second part, stated in this Article, determines when the offender may and when he must be discharged from parole. This approach is a substantial variation from the system formerly in effect. Under the Penal Code, the Parole Board’s power to control a convicted person was limited by the maximum term of the sentence imposed upon him. Thus, if a person was released on parole with six (6) months of his total sentence remaining, his total parole term could be only six (6) months.

It should be noted that the “term” referred to in this Section does not refer to the method of indefinite sentencing formerly practiced by the State of California. Rather, it refers only to the situation where the judge sets the maximum term of imprisonment, and a minimum term where authorized, but that term is determined by law, not by some “Adult Authority.” Thus, despite the wording, it appears that this sentencing does not differ that radically from the former method found in the Penal Code. Nevertheless, this Article does provide a variance from the Penal Code.



Parole Revocation Exceeds Statutory Maximum? (2)

2009 Guam 10

80.70(b) A sentence to a fixed term of imprisonment includes, as a separate portion of the sentence, a term of parole or of recommitment for violation of the conditions of parole which governs the duration of parole

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[27] In contrast, the consequences of revocation of the mandatory parole term under Guam law are not as severe. An offender who is recommitment upon revocation of his parole shall serve a term not to exceed the longer of the unserved balance of the parole term or the remainder of the original sentence determined from the date of conviction. Nonetheless, the term of parole “may

People v. Quitugua, Amended Opinion on Rehearing

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or may not be within the limits of the original prison sentence.” 9 GCA 80.70 COMMENT (2005). Thus, the parole term may operate to subject the defendant to a longer time in jail than the defendant would face in the absence of such a term.

[28] This mandatory parole term is a direct, not collateral, consequence of the plea, in that it is explicitly imposed by statute immediately and automatically upon the conviction of theft. The relative gravity of the consequence of violation of a mandatory parole term under Guam law versus federal law may be relevant to our later analysis of whether substantial rights are affected or whether a miscarriage of justice might result from failure to reverse the error. Nonetheless, this difference in severity is not sufficient grounds for us to reconsider the reasoning in *Chung* that section 60.50(d) requires a court to advise a pleading defendant of the maximum possible penalty he will face, and the mandatory parole term imposed by operation of law contributes to and in some cases extends what the maximum possible penalty is. We hold that 8 GCA §



Parole Revocation Exceeds Statutory Maximum? (3)

Quitugua Court appears to consider situation when additional parole incarceration exceeds statutory maximum (she was sentenced to maximum term for the charge, 2009 Guam 10 ¶ 4) but had yet to serve the time and was not facing revocation. Instead, the question of the case was whether she should have been advised at sentencing of parole term (and accompanying revocation incarceration possibility).

- Pled down multiple theft charges to one max-term charge.
- At time of sentencing, additional three years on parole revocation is a *possibility*, not an *inevitability*
- Court rules that 8 GCA 60.50(d) “maximum possible penalty” must include advising of parole term.

Does this implicate the 5/6th Amendment?

Johnson, 529 U.S. 694 (2000) + *United States v. Haymond*, 588 U.S. 634 (2019) – incarceration stemming from SR revocation is not “separate” but attributable to the underlying crime. Narrow. Circuit split on whether multiple revocation can be “aggregated” toward maximum. 9th Circuit roughly in the “non-aggregation” camp. *United States v. Henderson*, 998 F.3d 1071 (9th Cir. 2021).



9 GCA CHAPTER 83 YOUTH CORRECTION ACT



Repeal of 9 GCA Ch. 83: Youth Correction Act?

COMMENT: The Youth Corrections Act found in Chapter 83 has been transferred directly from Title XVI of the Penal Code, § 1725 through § 1743 with no changes. To the knowledge of this Compiler, this Act has never been implemented due to lack of facilities for such youth offenders.

COURT DECISIONS: The Act was created in 1965 by Public Law 8-49 but has never been implemented. See, 9 G.C.A. Chapter 83, at comment. Rules necessary to carry out the intent of the Act and to enable the Territorial Parole Board to exercise powers and duties under the Act, see, 9 GCA § 83.30, were never executed. Additionally, no Director of the Department of Corrections has ever certified that proper and adequate treatment, facilities, and personnel have been provided under the Act. See, id., at § 83.45. **Therefore, it is impossible at the present time to sentence Defendant pursuant to the Act. *People v. Chargualaf*, D.C.Guam App.Div, Cr. No. 88- 68A (1989). *People vs. Ibanez*, D.C.Guam App. Div. Cr. No. 90-00062A (1990)**

- The Legislature's adoption of the Youth Correction Act was modeled on the federal YCA circa 1950. Fed model restructured in 1976, and repealed in 1984 - age just became a factor in guidelines. Wound down by '94.
- Cross reference from 80.18 "Nothing in this Chapter shall affect the power of the court to deal with a youth offender as defined by § 83.15 in the manner provided by § 83.35." Would also need to remove.
- Is this just a DOC problem of implementing the law by not implementing regulation or certifying facilities (ie a budget fight?) or underlying law outdated?
- Appointed Gov. era, much of Ch. 83 language reflects that.
- *Bitanga*, 1998 Guam 29 adopts *Chargualaf* reasoning; similarly, 1999 Guam 21. YCA sentencing impossible.
- YCA act explicitly excludes LWOP; *Adriatico* inapplicable.



DOCO/Ad Hoc Recommendations

Title and Chapter	Section/Article	No-Change	AMEND	REPEAL	REPEAL & REENACT	ADD	TABLE
Title 9 Chapter 80. Disposition of Offenders.							
80.48(b) allocation of wages only			Amend				
80.70(a-b). "Fixed"		No Change					
80.72(a). "Fixed"		No Change					
80.78. Records to Be Made Available to the Board.			Amend				
80.70(b). "a separate portion of the sentence"		No Change					
80.82(d). Parole Tolling		No Change					
Title 9 Chapter 83. Youth Correction Act.				Repeal			
80.18. Chapter Not Applicable to Youth Offenders				Repeal			



Agenda

- I. **CALL TO ORDER**
- II. **PROOF OF DUE NOTICE OF MEETING**
- III. **DETERMINATION OF QUORUM**
- IV. **DISPOSAL OF MINUTES JUNE 25, 2026**
- V. **OLD BUSINESS**
 - A. Subcommission Status Update and Report of Executive Director
 - B. Report on Legislation Affecting Sections Reviewed or Under Review
- VI. **NEW BUSINESS**
 - A. Drug & Other Criminal Offenses/Ad Hoc Subcommission: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - B. Subcommission on Crimes Involving Property: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - C. Subcommission on Crimes Against Persons: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - D. Notice of Next Meeting: **TO BE DETERMINED.**
- VII. **COMMUNICATIONS**
- VIII. **PUBLIC COMMENT**
- IX. **ADJOURNMENT**



Thank you!