



HON. ROBERT J. TORRES  
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

## CLRC PLENARY MEETING DECEMBER 3, 2024 AGENDA

### I. CALL TO ORDER

### II. PROOF OF DUE NOTICE OF MEETING

### III. DETERMINATION OF QUORUM

### IV. DISPOSAL OF MINUTES      SEPTEMBER 12, 2024

### V. OLD BUSINESS

- A. Subcommission Status Update and Report of the Executive Director

### VI. NEW BUSINESS

- A. Subcommission on Crimes Against Persons: Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval
- B. Subcommission on Drugs & Other Criminal Offenses: Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval
- C. Subcommission on Crimes Relating to Property: Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval
- D. Notice of Next Meeting: Thursday, February 6, 2025, Noon (Tentative)

### VII. COMMUNICATIONS

### VIII. PUBLIC COMMENT

### IX. ADJOURNMENT



## JUDICIARY OF GUAM

Guam Judicial Center  
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### GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION PLENARY MEETING DECEMBER 3, 2024 NOTICE OF MEETING

The Guam Criminal Law and Procedure Review Commission will conduct a plenary meeting on Tuesday, December 3, 2024, 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/UCfnFCWwllp99fAeh9zi4Q4g>

#### AGENDA

- I. CALL TO ORDER
- II. PROOF OF DUE NOTICE OF MEETING:
- III. DETERMINATION OF QUORUM
- IV. DISPOSAL OF MINUTES: September 12, 2024
- V. OLD BUSINESS
- VI. NEW BUSINESS
  - A. Subcommission Status Update and Report of the Executive Director
  - A. Subcommission on Crimes Against Persons: Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval
  - B. Subcommission on Drugs & Other Criminal Offenses: Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval
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  - D. Notice of Next Meeting: Thursday, February 6, 2025, Noon (Tentative)
- VII. COMMUNICATIONS
- VIII. PUBLIC COMMENT
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Any person(s) needing special accommodations, auxiliary aids, or services, please contact the Executive Director Andrew Quenga at 671-475-3278.

This ad was paid for with Government of Guam funds.  
Magistrate Judge Jonathan R. Quan,  
Chairman

The Commission on Decolonization will convene a **regular monthly board meeting** on **Tuesday, December 3, 2024, at 3:00 PM** via hybrid in-person and Zoom format at the Governor's (Small) Conference Room of the Ricardo J. Bordallo Governor's Complex and via Zoom (link below). The meeting will also be live-streamed via COD's Facebook.

#### Zoom link:

<https://us02web.zoom.us/j/89492749174?pwd=R2I1ZmplWjR6Y2JPSUFNQ2ITSZNUT09>

Meeting ID: 894 9274 9174

Passcode: COD24

#### Agenda

Call to Order; Roll Call; Approval of Minutes; Financial Report; Account Balances, Task Force Procurement Updates; Old Business: Plebiscite Update & Strategy Discussion; New Business: Updates in COD Board Membership, Task force Email Accounts; United Nations Updates: UN C-4 Annual Session Recap; COD Office Updates: COD Outreach; Task Force Updates; Open Floor; Adjournment

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**COMMISSION ON  
DECOLONIZATION**



The Honorable  
LOURDES A. LEON GUERRERO  
Maga Håga • Governor

The Honorable  
JOSHUA F. TENORIO  
Sigundo Maga • Lihli • Lieutenant Governor



VINCENT P. ARRIOLA  
Director  
LINDA J. IBANEZ  
Deputy Director  
ERNEST G. CANDOLETA JR.  
Deputy Director

### INVITATION FOR BID

#### HAGATNA POOL RENOVATION PROJECT

The Honorable Lourdes A. Leon Guerrero, Governor of Guam and Honorable Joshua F. Tenorio, Lt. Governor of Guam, through the Director of Department of Public Works (DPW), Vincent P. Arriola, Announces the solicitation of a sealed bid for:

**Project No. 660-5-1128-F-AGN**

**Bid Security must accompany bid-15% of total bid amount and may be Cash, Bid Bond, Certified or Cashier's Check made payable to:**

**Treasurer of Guam**

**Non-Refundable Fee: \$25.00 (Twenty-Five Dollars) required as Payment for each Bid Documents.**

**Availability of Documents: -- November 20th, 2024, CIP / Contracts Administration, Ground Floor, Federal Highway Building, DPW, Upper Tumon.**

**Please present receipt from the One-Stop Cashier - Building A, DPW, Upper Tumon.**

**Pre-Bid Conference: - November 27th, 2024, 9:30 am, Division of Capital Improvement (CIP) Ground Floor, CIP Conference Room, Upper Tumon. Pre-Bid and Site Visit is Mandatory**

**Bid Submittal: -- December 11, 2024, 2:00 p.m. One (1) original and one (1) copies must be submitted @ CIP Division, Ground Floor, TMC Building, DPW.**

Department of Public Works reserves the right to reject any or all bids and to waive any imperfection in the proposals, which in its sole and absolute judgment will serve the Government of Guam interests.

/s/ **VINCENT P. ARRIOLA**  
Director

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### SPEAKER THERESE M. TERLAJE

*Committee on Health, Land, Justice & Culture  
I Mina'trentai Siette na Liheslaturan Guåhan*

### NOTICE OF PUBLIC HEARING • TUESDAY, NOVEMBER 26, 2024

Guam Congress Building, Public Hearing Room

#### AGENDA

#### 2:00 PM:

- **Bill No. 379-37 (COR)**- Therese M. Terlaje- AN ACT TO AUTHORIZE THE CHAMORRO LAND TRUST COMMISSION AND THE DEPARTMENT OF LAND MANAGEMENT TO REALIGN THE BULL CART TRAIL FROM THE NORTH PORTION OF LOT 2019-REM THROUGH THE NORTH PORTION OF LOT 2121-2-R/1 AND TO ALLOW THE OWNERS TO CONSOLIDATE THEIR LOTS FOR SEAMLESS DEVELOPMENT.
- **Bill No. 380-37 (COR)**- Therese M. Terlaje- AN ACT TO AUTHORIZE THE PURCHASE OF 433± SQUARE METERS OF AN EXISTING BULL CART TRAIL M07 LOT BULL CART-R6 BETWEEN M07 LOT 2401-R6 AND M07 LOT 2384-R3 IN THE MUNICIPALITY OF MANGILAO, OR AN EXCHANGE FOR 700±SQUARE METERS FOR PUBLIC RIGHT-OF-WAY USE FOLLOWING THE CONSOLIDATION OF LOTS 2401-R6 AND 2384-R3.
- **Bill No. 381-37(COR)**- Therese M. Terlaje- AN ACT TO AUTHORIZE THE DEPARTMENT OF LAND MANAGEMENT OR CHAMORRO LAND TRUST COMMISSION TO EXCHANGE 1575 SQUARE METERS OF AN EXISTING BULL CART TRAIL THROUGH LOTS 5045, 5051B, AND 5046B, MUNICIPALITY OF TAMUNING (FORMERLY MUNICIPALITY OF DEDEDO) FOR APPROXIMATELY 15,661 SQUARE METERS OF 60' WIDE PUBLIC EASEMENT THROUGH CONSOLIDATED LOTS 5045, 5051B, AND 5046B, MUNICIPALITY OF TAMUNING (FORMERLY MUNICIPALITY OF DEDEDO).

The public is invited to provide oral testimony or written testimony may be submitted to [senatorterlaje@guam.gov](mailto:senatorterlaje@guam.gov) or hand delivered to the Office of Speaker Therese M. Terlaje at the Guam Congress Building. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations should contact the Office of Speaker Terlaje at (671) 472-3586 or [senatorterlaje@guam.gov](mailto:senatorterlaje@guam.gov). All hearings broadcast on GTA TV Channel 21, Docomo Channel 117 and livestreamed on the Guam Legislature YouTube: <https://www.youtube.com/c/GuamLegislatureMedia>. This Ad was paid with Legislature Funds.

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Lot 7024-R5 Yigo between 7:00 a.m – 5:00 p.m.**

If you have any questions regarding this notice, please contact Smithbridge Guam Office at 653-5036.

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Telephone: (671) 649-2392  
Facsimile: (671) 649-2394

Attorney for Administrator

**IN THE SUPERIOR COURT OF GUAM  
IN THE MATTER OF THE ESTATE OF  
ATANACIO CRUZ BLAS,  
Deceased.**

**BY  
CARL E. CRUZ,  
Petitioner.**

PROBATE CASE NO. PR0024-16

**NOTICE OF HEARING FOR PETITION FOR ORDER  
APPROVING SETTLEMENT OF CLAIMS AND  
AUTHORIZING RELEASE OF ESTATE FUNDS  
TO ESTATE COUNSEL'S TRUST ACCOUNT**

**THIS NOTICE IS REQUIRED BY LAW. YOU ARE NOT  
REQUIRED TO APPEAR IN COURT UNLESS YOU DESIRE.**

NOTICE IS HEREBY GIVEN that Administrator CARL E. CRUZ, has filed herein a Petition for Letters of Administration upon the Estate of ATANACIO CRUZ BLAS, and the time and place of said hearing is in the Superior Court of Guam on December 10, 2024, at the hour of 9:00a.m., and all persons interested are hereby notified to appear and show cause, if any they have, why the Petition should not be granted.

If you would like to participate, you may participate via:

ZOOM ID: 218 542 2064; Passcode: JCT

Reference is made to said petition for further particulars.

DATED: 11/12/2024.

**JANICE M. CAMACHO-PEREZ, ESQ.**  
Clerk, Superior Court of Guam  
By: /s/ Anna M. Toves  
Courtroom/Chamber Clerk

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**JOB ANNOUNCEMENT**

**Openings for Mechanical Engineers with Fargo Pacific, Inc. in Tamuning, GU Min Reqs:** Bach. Deg. in Mech. Engrg. or Mech. Engrg. Technology (may be foreign educ equiv.); 1 yr of exp as a Mechanical Engr. (any job title), Site Engr., HVAC Engr. (any job title) and able to obtain U.S. military base access pass. Performs mechanical engrg duties for const co engaged in gen const contracting services. Analyz survey rpts, maps, const blprnts & drwngs, & to plan the most appropriate construction methodologies and installation for the mechanical works. Inspects proj sites to monitor prog and ensure conformance w/ the plans & specs, safety & government regulations for mechanical works construction, installation, and commissioning. Performs work at company's job sites in the MSA of GU. Travels four to five workdays per week to the company's job sites in the MSA of Guam. No national or international travel is required.

Send resume to P.O. Box 2492 Hagatna, GU 96932 or email to  
[delacruz\\_feli@fargogu.com](mailto:delacruz_feli@fargogu.com). Verif of qualifs req.

**JUDICIARY OF GUAM**

Guam Judicial Center  
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**GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION  
PLenary MEETING DECEMBER 3, 2024  
NOTICE OF MEETING**

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**AGENDA**

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- IV. DISPOSAL OF MINUTES: September 12, 2024
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  - A. Subcommission Status Update and Report of the Executive Director
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  - A. Subcommission on Crimes Against Persons: Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval
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Magistrate Judge Jonathan R. Quan,  
Chairman

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**Zoom link:**

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[pwd=R2l1ZmptlWJr6Y2JPSUfNQ2ITS5HNZUT09](https://us02web.zoom.us/j/89492749174?pwd=R2l1ZmptlWJr6Y2JPSUfNQ2ITS5HNZUT09)

**Meeting ID: 894 9274 9174**

**Passcode: COD24**

**Agenda**

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**COMMISSION ON  
DECOLONIZATION**



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MINUTES  
CLRC PLENARY MEETING OF  
SEPT. 12, 2024



# 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



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CHAIRMAN

ANDREW SERGE QUENGA  
EXECUTIVE DIRECTOR

## GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION (CLRC) PLENARY MEETING | THURSDAY, SEPTEMBER 12, 2024 MINUTES

### I. CALL TO ORDER

The meeting was called to order by Chairman Jonathan Quan at 12:00 PM.

### II. PROOF OF DUE NOTICE OF MEETING

Chairman Quan noted that public notices of the meeting were published pursuant to the Open Government Law and are included in the meeting packet.

### III. DETERMINATION OF QUORUM

CLRC Administrative Support Rennae Meno called the roll.

CLRC Members:

Hon. Jonathan R. Quan, Present, Judiciary of Guam

Hon. Maria T. Cenzone, (No response during roll call)

Hon. Anita A. Sukola, (No response during roll call)

Atty. William Bucky Brennan, Present on Zoom, Hagåtña

DOC Director Fred Bordallo, Present, Judiciary of Guam

Chief of Police Stephen Ignacio or Designee Lt Ron Taitano, (No response during roll call)

Atty Joseph B McDonald, Present on Zoom, Sinajana

Atty. F. Randall Cunliffe, Present on Zoom, Hagåtña

Mr. Monty McDowell, Present on Zoom, Harmon

Public Defender Designee Dep. Dir. John Morrison. Present, Judiciary of Guam

Attorney General Designee DAG Nathan Tennyson Present on Zoom, Tamuning

Atty. Mike Phillips, (No response during roll call)

Ms. Valerie Reyes, (No response during roll call)

Atty. Christine Tenorio, (No response during roll call)

Atty. Phillip Tydingco, Present on Zoom, Hagåtña

Ex-Officio, (Non-Voting Members)

Executive Director Andrew S. Quenga, Present, Judiciary of Guam

Compiler of Laws Geraldine Cepeda, Present, Judiciary of Guam

Attorney Christine Borja, Present on Zoom

Chairman Quan acknowledged a quorum present.

### IV. DISPOSAL OF MINUTES: June 13, 2024

The minutes from the previous Plenary Meeting, June 13, 2024, was approved without objection.

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

## **V. OLD BUSINESS**

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

Director Quenga reported on informational items:

- On July 17<sup>th</sup>, a status presentation on the progress of the Commission was delivered to the Guam Legislature in the Guam Supreme Court courtroom. This presentation is posted on the Commission's webpage.
- The Governor approved the FY 2025 budget bill. The Commission's appropriation for the fiscal year and an additional two years to complete its work were approved.
- The Commission's 2<sup>nd</sup> Quarter Report covering April to June was submitted on August 13 and posted on our webpage.

## **VI. NEW BUSINESS**

### **A. Subcommittee on Drugs & Other Criminal Offenses: Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval**

Compiler of Laws Geraldine Cepeda reported on behalf of Subcommittee Chair Judge Cenzone.

- Attorneys Brian Eggleston and Kristine Borja have been appointed as ex officio members to the Subcommittee.
- Chapter 67, the Guam Uniform Controlled Substances Act, will be reviewed next. The Subcommittee will also review Chapter 7, Exemptions and Defenses, specifically Article 2, Mental Responsibility, and not guilty by reason of insanity issues.
- The Judiciary's Mental Health Court team will assist.

The presentation was tabled until the next plenary meeting.

### **B. Subcommittee on Crimes Against Persons: Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval**

Subcommittee Chair Attorney McDonald presented proposed revisions and recommendations for 9 GCA Chapters 17, 19 22, 25, 25A 26 31 40 89 93 in a PowerPoint presentation (Attachment 1).

- 9 GCA Chapter 17. Unborn Victims of Violence Act. No change recommended as shown in Attachment 1, Slide 9.
- 9 GCA Chapter 19. Assault, Reckless Endangering, Terrorizing.
  - § 19.50. Terroristic Conduct; Defined and Punished. Amend as shown in Attachment 1, Slide 18.
    - Discussion: Remove the semicolon after "assembly" and replace with a comma. Compiler stated this should be a formal amendment to avoid interpretation issues.
  - § 19.70. Stalking. Tabled for further discussion.
  - § 19.81. Interfering with the Reporting of Family Violence; Defined & Punished. Amend subsection (c) as shown in Attachment 1, Slide 21.

- Discussion: Reduce offense level from felony to misdemeanor. Chairman Quan noted that 9 GCA § 30.300(c) (Interfering with the Reporting of Family Violence) has the same provision “interference with the report of family violence is a felony of the third degree”. Needs to be consistent.
- 9 GCA Chapter 22. Kidnapping and Related Offenses.
  - § 22.20. Kidnapping; Defined & Punished. Amend as shown in Attachment 1, Slide 19.
    - Discussion: Replace “felony” with “crime.” Tabled for further discussion.
- 9 GCA Chapter 25. Sexual Offenses.
  - § 25.10. Definitions. Amend as shown in Attachment 1, Slide 16.
    - Discussion: Add new definitions of affinity and consanguinity as those terms are used in § 25.15(a)(2). Consider adding a table of consanguinity (Attachment 1, Slide 17).
- 9 GCA Chapter 25A. Solicitation of Children and Child Pornography.
  - § 25A102. Indecent Electronic Display to a Child. Amend as shown in Attachment 1, Slide 14.
    - Discussion: Delete (c) and add back as a new § 25A106. Tabled for further discussion.
  - § 25A103. Electronic Enticement of a Child as a Third Degree Felony. Amend as shown in Attachment 1, Slides 14 and 15.
    - Discussion: Delete (a)(1)(B). “Reckless disregard” adds vagaries to the statute and is sufficiently covered in (a)(1)(A) “known.” Delete (d) and add back as a new section 25A106. Tabled for further discussion.
  - § 25A104. Electronic Enticement of a Child as a Second Degree Felony. Amend as shown in Attachment 1, Slide 15.
    - Discussion: Delete (a)(1)(B). Same as above for § 25A103(a)(1)(B). Tabled for further discussion.
  - § 25A105. Electronic Enticement of a Child as a First Degree Felony. Amend as shown in Attachment 1, Slide 15.
    - Discussion: Delete (a)(1)(B). Same as above for § 25A103(a)(1)(B). Tabled for further discussion.
  - § 25A106. Add as a new section as shown in Attachment 1, Slide 14.
    - Discussion: Same language as § 25A102(c) and § 25A103(d). Compiler suggested adding a section title. Tabled for further discussion.
    - §§ 25A202(Possession of Child Pornography), 25A203 (Dissemination of Child Pornography), and 25A204 (Production of Child Pornography). Tabled for further discussion.
- 9 GCA Chapter 26. Human Trafficking and Criminal Exploitation Act of 2009.
  - Chapter 26, Article 2 Prevention of Trafficking. Repeal as shown in Attachment 1, Slides 22-24.
    - Discussion: Repeal Article 2 in its entirety. While intent is good, the task force has never been attended too. Law enforcement members of the subcommission think this is an unfunded mandate with many requirements. Task force created in 2009 but never launched by the local AG. It was implemented by federal entities. Tabled for further discussion.

- § 26.41. Protection of Trafficking and Domestic Violence Shelters. Amend as shown in Attachment 1, Slide 13.
  - Discussion: Delete “maliciously” and replace with “knowingly.” No definition of maliciously in Model Penal Code. Interpretation is difficult. Attorney Cunliffe raised the possibility that a family member might knowingly disclose the location of the victim but without malice or criminal negligence making them a criminal. Tabled for further discussion.
- 9 GCA Chapter 31. Offenses Against the Family.
  - § 31.30. Child Abuse; Defined & Punished. Amend as shown in Attachment 1, Slide 12.
    - Discussion: New subsections (a)(2) and (3) clarify and define child abuse and are consistent with 9 GCA § 7.94 on corporal punishment. Deletion of subsection (a)(2)(B) on cruel mistreatment removes redundancy as it is already covered in subsection (a)(1). Definition of neglect added for clarity and to correct charging and proof problems.
  - § 31.65. Curfew Hours for Minors. Tabled for further discussion.
  - § 31.70. Leaving Children Unattended or Unsupervised in Motor Vehicles; Penalty; Authority of Law Enforcement Officer. Tabled for further discussion.

No action was taken on the recommendations. Chairman Quan requested the Subcommittee to work with the Executive Director to prepare clean redlines of recommendations for voting at the next plenary meeting.

**C. Subcommittee on Criminal Procedure: Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval**

Executive Director Quenga presented on behalf of Subcommittee Chair Judge Sukola. Director Quenga covered items previously discussed at the last plenary meeting and further discussed in a Crim Pro Subcommittee working session attended by other members (Joe McDonald, Monty McDowell and Valerie Reyes). He presented proposed recommendations for 9 GCA Chapter 7 and recent amendments to Article 5 by P.L. 37-122 enacted in July as shown in a PowerPoint presentation (Attachment 2). Director Quenga reported that these recommendations would be referred to the Subcommittee on Drugs and Other Criminal Offenses after discussion with their Chair Judge Cenzone.

- 9 GCA Chapter 7. Exemptions and Defenses.
  - § 7.25. Psychiatric Examination and Procedure. Amend as shown in Attachment 2, Slides 3-6.
    - Discussion: Licensed psychologist added to subsection (a) at the suggestion of Attorney Tydingco at the last plenary meeting. Court ordered mental examinations are directed to the Judiciary’s Client Services and Family Counseling Division which has one licensed psychologist and no psychiatrists. Present law is broad including qualified psychiatrist or other qualified person. Other amendments are non-substantive clarifications or are intended to make the section gender neutral. Recommendations will be referred to the DOCO Subcommittee. A specific issue regarding § 7.25(i), allowing a psychiatrist to render an opinion on the mental state of the defendant



compared to Guam Rule of Evidence 704(b) was raised by Attorney Eggelston at a working session as shown in Attachment 2, Slide 8. Will leave this issue with the members for consideration and further discussion.

- § 7.34. Acquittal: Court Order of Commitment or Release; Petition for Discharge. Tabled for further discussion by DOCO and other subcommissions as shown in Attachment 2, Slide 9.
- Article 5. Castle Doctrine Act. Amendments made by in July by P.L. 37-122 to Article 5 are shown in red and underlined, as shown in Attachment 2, Slides 10-12.
  - Discussion: Amendments regarding curtilage, and the new pretrial immunity hearing procedure were discussed. No recommendations made. Tabled for further discussion.

**D. Notice of next meeting: Thursday, November 7, 2024, Noon (Tentative)**

Chairman Quan informed Members that the next Plenary meeting is tentatively scheduled for Thursday, November 7, 2024, at 12:00.

**VII. Communications**

None.

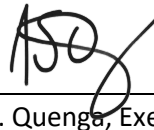
**VIII. Public Comment**

None.

**IX. Adjournment**

Chairman Quan adjourned the meeting without objection.

Respectfully submitted this 3<sup>rd</sup> day of December, 2024.



\_\_\_\_\_  
Andrew S. Quenga, Executive Director

As set out above, the minutes of the September 12, 2024, meeting were approved by the CLRC at the December 3, 2024 meeting.

\_\_\_\_\_  
Magistrate Judge Jonathan R. Quan, Chairman

Date: \_\_\_\_\_

# ATTACHMENT 1 - SUBCOMMISSION ON CRIMES AGAINST PERSONS PRESENTATION



## REPORT OF THE SUBCOMMISSION ON DRUGS & OTHER CRIMINAL OFFENSES

September 12, 2024

Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval

Members: Hon. Maria T. Cenzon (Chair), DOC Director Fred Bordallo; Atty Mike Phillips; Ms. Valerie Reyes; Geraldine A. Cepeda, Compiler of Laws; Hon. Elizabeth Barrett-Anderson (ex-officio); Atty Kat Siguenza (ex-officio)

Slide 1



## Crimes Against Persons Subcommittee Criminal Law & Procedure Review Commission

### Members and ex officio members

GPD Chief Steve Ignacio

GPD Lt. Ron Taitano

Public Defender Steve Hattori

Dep. Public Defender John Morrison

Assistant Attorney General Christine Tenorio

Attorney Sean E. Brown

Attorney Joseph B. McDonald

### REVIEW AND RECOMMENDATIONS FOR 9 GCA CHAPTERS 17, 19, 25, 25A, 26, 31, 40, 89, 93

PRESENTATION BY J. McDONALD

PLENARY MEETING

SEP. 12, 2024

Slide 2



## Overview

Between Mar. and Aug. 2024, the Crimes Against Persons Subcommittee reviewed Chapters 17, 19, 25, 25A, 26, 31, 40, 89, 93.

This is a report of the Subcommittee's review of those Chapters and its recommendations.

Slide 3



## Overview

### Administrative Procedure

The meeting format adaptation (treating WhatsApp as meeting discussion), together with formal reading of the statutes as part of the record, and the continuing focus on local material issues in the substantive criminal statutes afforded the Subcomm'n the opportunity to take a first pass on all the statutes in the assigned portfolio (crimes against persons) and center its efforts on the statutes that are in most need of repair.

Because of the Chair's wisdom in designating trial and appellate lawyers with both prosecutive and defensive interests, "most need of repair" depends largely on whose interest most needs repairing—there has been excellent debate!

From the assigned portfolio we will report on statutes that we believe remain sufficient for those interests.

We will also report on the statutes we have agreed to vote out from the subcomm'n to present to the plenary for referral for the final reading.

For the remaining statutes we will continue to meet to generate a position regarding referral and expect to report on those at our next reporting date.

Slide 4

# ATTACHMENT 1 - SUBCOMMISSION ON CRIMES AGAINST PERSONS PRESENTATION



## SUBSTANTIVE CRIMINAL CODE TITLE 9 SNAPSHOT

CHAPTER	TITLE	STATUS OF REVIEW	RECOMMENDATION
93	<b>CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT</b>	Completed first pass. Tabled §§ 93.20, 93.30, 93.35, 93.50.	Pending final, formal subcomm'n action regarding §§ 93.20, 93.30, 93.35, 93.50.  All other sections; no changes recommended.
89	<b>CRIMES AGAINST MINORS AND SEX OFFENDER REGISTRY</b>	Completed first pass. Tabled §§ 89.06, 89.08, 89.03.	Pending final, formal subcommission action regarding §§ 89.06, 89.08, 89.03.  All other sections; no changes recommended.
40	<b>ROBBERY</b>	Completed.	No changes recommended.

Slide 5



## SUBSTANTIVE CRIMINAL CODE TITLE 9 SNAPSHOT

CHAPTER	TITLE	STATUS OF REVIEW	RECOMMENDATION
31	<b>OFFENSES AGAINST THE FAMILY</b>	Completed first pass. Tabled §§ 31.65 and 31.70.	Amend § 31.30 to clarify elements and remove ambiguous terms.  Pending action on §§ 31.65, 31.70.  All other sections, no changes recommended
26	<b>HUMAN TRAFFICKING AND CRIMINAL EXPLOITATION</b>	Completed.	Repeal §§ 26.20 – 26.24, 26.41. Because jurisdiction is with federal gov't, no task force is necessary.  Amend § 26.41 to read "any person who knowingly publishes ..."  All other sections; no changes recommended.

Slide 6



## SUBSTANTIVE CRIMINAL CODE TITLE 9 SNAPSHOT

CHAPTER	TITLE	STATUS OF REVIEW	RECOMMENDATION
25A	<b>SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY</b>	Completed first pass. Tabled §§ 25A202, 25A203, 25A204.	Amend § 25A102 (c), 25A103 by deleting the law enforcement exception from each and having a new section that the LE exception applies to all offense conduct in Chapter 25A.  Amend § 25A103 by striking (a) 1 (B) because it is redundant and included in (a) 1 (A); same for §§ 25A104, 25A105.  Pending action on amendment to statute to include anus as a genital.  All other sections; no changes recommended.

Slide 7



## SUBSTANTIVE CRIMINAL CODE TITLE 9 SNAPSHOT

CHAPTER	TITLE	STATUS OF REVIEW	RECOMMENDATION
25	<b>SEXUAL OFFENSES</b>	Completed first pass.	Pending action on proposed amendment to § 25.10 (a) (10) to define "cunnilingus"  Amend § 25.10 to include new subsections( a)(12), (13) to define affinity and consanguinity as used in § 25.15 with appended table.  Pending action on proposed amendment to § 25.15 to clarify "aided and abetted" is defined by application of Guilt by Complicity, § 4.60.  All other sections; no changes recommended.

Slide 8

# ATTACHMENT 1 - SUBCOMMISSION ON CRIMES AGAINST PERSONS PRESENTATION



## SUBSTANTIVE CRIMINAL CODE TITLE 9 SNAPSHOT

CHAPTER	TITLE	STATUS OF REVIEW	RECOMMENDATION
22	KIDNAPPING AND RELATED OFFENSES	Completed first pass. Tabled § 22.20.	Pending final action on § 22.20.  All other sections; no changes recommended.
19	ROBBERY	Completed first pass. Tabled § 19.70.	Amend § 1981 to reduce offense level.  Pending final action on § 19.70.
17	UNBORN VICTIMS OF VIOLENCE ACT	Completed.	No changes recommended.

Slide 9



## RECAP OF FIRST PASS REVIEW

### CRIMES AGAINST PERSONS IN TITLE 9 OF THE GUAM CODE ANNOTATED FIRST PASS SINCE LAST REPORT

#### Amend:

§§ 31.30, 26.41, 25A102 (c), 25A103 (d), 25A103 (a) 1 (B), 25A104 (a) 1 (B), 25A105 (a) 1 (B), 25.10

#### Repeal:

26.20-26.24, 26.41

#### Tabled for further discussion and action:

25A202, 25A203, 25A204 25A\_\_\_\_ [definition of genitals to include anus], 93.20, 93.30, 93.35, 93.50, 89.06, 89.08, 89.03. , 31.65 and 31.70., 22.20 ,19.70

Slide 10



### SUBCOMMISSION RECOMMENDATIONS FOR AMENDMENTS TO THE SUBSTANTIVE CRIMINAL CODE

#### SECTIONS

**31.30 (FAM. VIOL)**  
**26.41, (HUM. TRAF.)**  
**25A102 (C), 25A103 (D), 25A103 (A) 1 (B), 25A104 (A) 1 (B), 25A105 (A) 1 (B) (CHILD SOLICIT./PORNOG.),**  
**25.10 (CRIM. SEX. CONDUCT)**

Slide 11



## Chapter 31 OFFENSES AGAINST THE FAMILY

### Amend to include more types of conduct:

#### § 31.30. Child Abuse, Defined & Punished:

(a) A person is guilty of child abuse when:

(1) he subjects a child to cruel mistreatment;

(2) willfully causes or permits any child to suffer

(3) inflicts upon a child unjustifiable physical pain or mental suffering; or

(4) having a child in his care or custody or under his control, he:

(A) deserts that child with intent to abandon him;

(B) subjects that child to cruel mistreatment;

(C) unreasonably causes or permits the physical or

emotional health of that child to be endangered or reasonably

causes or permits that child to be placed in a situation where

his or her person or health may be endangered; or

(D) neglects that child;

(d) As used in this Section:

(b) Child abuse is a felony of the third degree when it is committed under circumstances likely to result in death or serious bodily injury. Otherwise, it is a misdemeanor.

(c) Voluntary surrender of physical custody of a newborn infant by a mother to authorized Safe Haven personnel pursuant to the provisions of the Newborn Infant Safe Haven Act, 19 GCA, Chapter 13, Article 5, is an absolute defense to prosecution for child abuse as a result of deserting that child with intent to abandon that child under Subsection (a)(2)(A) of this Section.

(1) For purposes of this Subsection, "authorized Safe Haven personnel" has the same meaning as defined under the Newborn Infant Safe Haven Act, 19 GCA § 13503(a).

(2) For purposes of this Subsection, "mother" has the same meaning as defined under the Newborn Infant Safe Haven Act, 19 GCA § 13503(d).

(3) For purposes of this Subsection, "newborn infant" has the same meaning as defined under the Newborn Infant Safe Haven Act, 19 GCA § 13503(e).

(1) Neglect of a child shall consist in any of the following acts, by anyone having the custody or control of the child: (a) willfully failing to provide proper and sufficient food, clothing, maintenance, regular school education as required by law, medical attendance or surgical treatment, and a clean and proper home; or (b) failure to do or permit to be done any act necessary for the child's physical or moral well-being.

Slide 12



# ATTACHMENT 1 - SUBCOMMISSION ON CRIMES AGAINST PERSONS PRESENTATION



## CH. 26 HUMAN TRAFFICKING AND CRIMINAL EXPLOITATION

*Amend statute by repealing malicious mental state and replacing with knowing mental state:*

**§ 26.41 Protection of Trafficking and Domestic Violence Shelters.** (a) Any person who ~~maliciously, knowingly~~ or with criminal negligence publishes, disseminates, or otherwise discloses the location of any trafficking victim, any trafficking shelter or domestic violence shelter or any place designated as a trafficking shelter or domestic violence shelter, without the authorization of that trafficking victim, trafficking shelter or domestic violence shelter, is guilty of a misdemeanor.

NO DEFINITION OF MALICE IN GUAM'S VERSION OF MPC

Slide 13



## CH. 25A SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY

*Amend statute by deleting exceptions found in §§ 25A102 (c), 25A103 (d) :*

~~It shall not constitute a defense against any charge or violation of this Section that a law enforcement officer, peace officer, or other person working at the direction of law enforcement was involved in the detection or investigation of a violation of this Section.~~

*Insert a new section providing the exception applies to all conduct by law enforcement:*

§ 25A106 It shall not constitute a defense against any charge or violation of this Section that a law enforcement officer, peace officer, or other person working at the direction of law enforcement was involved in the detection or investigation of a violation of this Chapter.

Slide 14



## CH. 25A SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY

*Amend § 25A103 by striking (a) (1) (B); c.f. (a) (1) (A):*

**Electronic Enticement of a Child as a Third Degree Felony.** (a) Any person who, using a computer online service, internet service, or any other device capable of electronic data storage or transmission to solicit, lure, or entice, or attempt to solicit, lure, or entice: (1) intentionally or knowingly communicates: (A) with a minor known by the person to be under the age of eighteen (18) years; ~~(B) with another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years, and the other person is under the age of eighteen (18) years;~~ or (C) with another person who represents him or herself to be under the age of eighteen (18) years ... .

*Amend § 25A104 by striking (a) 1 (B); amend § 25A105 by striking (a) 1 (B).*

Slide 15



## CH. 25 SEXUAL OFFENSES (CRIMINAL SEXUAL CONDUCT)

*Amend § 25.10 to include new subparagraph (a) (12) and (13) to define affinity and consanguinity as used in § 25.15:*

§ 25.15. First Degree Criminal Sexual Conduct. (a) A person is guilty of criminal sexual conduct in the first degree if he or she engages in sexual penetration with the victim and if any of the following circumstances exists: (2) the victim is at least fourteen (14) but less than sixteen (16) years of age and the actor is a member of the same household as the victim, the actor is related to the victim by blood or affinity to the fourth degree to the victim, or the actor is in a position of authority over the victim and used this authority to coerce the victim to submit...

(a) As used in this Chapter:

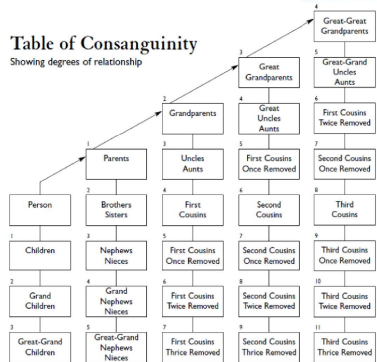
(12) "Affinity" means family members related by marriage. The method of computing degrees of affinity is the same method as computing degrees of consanguinity.

(13) Consanguinity, or relationship by blood ("related by blood") as used in this Chapter means relationship between persons arising by descent from a common ancestor" or a relationship "by birth rather than by marriage. The degree of consanguinity is determined by counting upward from one of the persons in question to the nearest common ancestor, and then down to the other person, calling it one degree for each generation in the ascending as well as the descending line.

Slide 16



## CH. 25 SEXUAL OFFENSES (CRIMINAL SEXUAL CONDUCT)



Slide 17



## CH. 19 ROBBERY

Amend § 19.50 to clarify language:

### § 19.50. Terroristic Conduct; Defined & Punished.

(a) A person is guilty of terroristic conduct if he threatens to commit any crime of violence with intent to cause evacuation of a building, place of assembly, or facility of public transportation, or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such inconvenience.

Slide 18



## CH. 22 KIDNAPPING

Amend § 22.20 (a)(2) to cover taking a kid from a bus stop:

§ 22.20. Kidnapping; Defined & Punished. (a) A person is guilty of kidnapping if he unlawfully removes another from his place of residence or business, or a substantial distance from the vicinity where he is found, or if he unlawfully confines another for a substantial period, with any of the following purposes: (1) to hold for ransom or reward; (2) to facilitate commission of any ~~felony crime~~ or flight thereafter; (3) to inflict bodily injury on or to terrorize the victim or another; or (4) to interfere with the performance of any governmental or political function.

See K.S.A.2015 Supp. 21-5408; *State v. Battles*, 369 P.3d 342 (Kan. Ct. App. 2016).

Slide 19



## CH. 22 KIDNAPPING

Other jurisdictions

### COLORADO

Second degree kidnapping occurs when "[a] person ... knowingly seizes and carries a person from one place to another, without [their] consent and without lawful justification."

### OREGON

"A person commits the crime of kidnapping in the second degree if, with intent to interfere substantially with another's personal liberty, and without consent or legal authority, he:

'(a) Takes the person from one place to another; or

'\* \* \*'

"Without consent" is defined in ORS 163.215(1):

"Without consent" means that the taking or confinement is accomplished by force, threat or deception, or, in the case of a person under 16 years of age or who is otherwise incapable of giving consent, \* 325 that the taking or confinement is accomplished without the consent of his lawful custodian."

### ARKANSAS

A person commits the offense of kidnapping if, without consent, he restrains another person so as to interfere substantially with his liberty with the purpose of:

\* \* \* \*

(4) Inflicting physical injury upon him, or of engaging in sexual intercourse, deviate sexual activity, or sexual contact with him.

Slide 20

# ATTACHMENT 1 - SUBCOMMISSION ON CRIMES AGAINST PERSONS PRESENTATION



## CH. 19 ROBBERY

Amend § 19.81 to reduce offense level:

**Interfering with the Reporting of Family Violence; Defined & Punished.** (a) Any person commits the crime of interfering with the reporting of family violence if the person: (1) commits an act of family violence, as defined in § 30.10 of Chapter 30 of this Title; and (2) intentionally, knowingly, or recklessly prevents or attempts to prevent the victim of or a witness to that act of family violence from calling a 911 emergency communication system, obtaining medical assistance, or making a report to any law enforcement official. (b) Commission of a crime of family violence under Subsection (a) of this Section is a necessary element of the crime of interfering with the reporting of family violence. (c) Interference with the reporting of family violence is a ~~felony~~ misdemeanor.

Slide 21



### SUBCOMMISSION RECOMMENDATIONS

FOR REPEAL OF SECTIONS TO THE SUBSTANTIVE CRIMINAL CODE

## HUMAN TRAFFICKING CH. 26 ART. 2

Slide 22



## Chapter 26 HUMAN TRAFFICKING AND CRIMINAL EXPLOITATION

Repeal Art. 2 since the Feds. have a robust enforcement statute and powers; no need for a task force.

### ARTICLE 2 PREVENTION OF TRAFFICKING

- § 26.20. Territorial Task Force for Prevention of Trafficking.
- § 26.21. Data Collection and Dissemination.
- § 26.22. Training.
- § 26.23. Public Awareness.
- § 26.24. Role on Non-Governmental Organizations.

Slide 23



### REPEAL

## CH. 26 HUMAN TRAFFICKING AND CRIMINAL EXPLOITATION

*Robust federal mechanism makes this unnecessary.*

§ 26.20. Task Force for Prevention of Trafficking. (a) An inter-agency task force to develop and implement a Guam Plan for the Prevention of Trafficking in Persons. Such a task force shall meet at least annually and should include all aspects of trafficking, including sex trafficking and labor trafficking of both U.S. citizens and foreign nationals.

(e) The task force shall carry out the following activities either directly or via one or more of its constituent agencies: (1) Develop the Guam Plan. (2) Coordinate the implementation of the Territorial Plan. (3) Coordinate the collection and sharing of trafficking data among government agencies, which data collection shall respect the privacy of victims of trafficking in persons. (4) Coordinate the sharing of information between agencies for the purposes of detecting criminal groups engaged in trafficking. (5) Explore the establishment of territorial policies for time limits for the issuance of Law Enforcement Agency (LEA) endorsements as described in Section 214.11(f)(1) of Chapter 8 of the Code of Federal Regulations. (6) Establish policies to enable the government of Guam to work with non-governmental organizations and other elements of civil society to prevent trafficking and provide assistance to U.S. citizen and foreign national victims. (7) Review the existing services and facilities to meet trafficking victims' needs and recommend a system that would coordinate such services, including but not limited to: health services, including mental health; housing; education and job training; English as a second language classes; interpreting services; legal and immigration services; and victim compensation. (8) Evaluate various approaches used by the government of Guam and state governments to increase public awareness of the trafficking in persons, including U.S. citizen and foreign national victims of trafficking in persons. (9) Submit an annual report of its findings and recommendations to the Governor, the Speaker of the Guam Legislature, the Guam Legislature and the Office of the Attorney General on or before December 31 of each calendar year.

Slide 24

# ATTACHMENT 2 - SUBCOMMISSION ON CRIMINAL PROCEDURE PRESENTATION



## Report of the Subcommittee on Criminal Procedure

September 12, 2024

Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval

Members: Hon. Anita A. Sukola (Chair), DAG Nathan Tennyson, Atty Brian Eggleston (ex-officio), Executive Director Serge Quenga (ex-officio)

Slide 1



## Overview

- Presented 9 GCA Chapter 7 (Exemptions and Defenses) at the June 13 Plenary Meeting
- Tabled Section 7.25 (Psychiatric Examination and Procedure and Section 7.34 (Acquittal: Court Order of Commitment or Release; Petition for Discharge)
- Tabled Article 4 (Justification) and Article 5 (Castle Doctrine Act)
- Continued discussions and recommendations

Slide 2



## Amend § 7.25 to add “licensed psychologist” and make gender neutral

### § 7.25. Psychiatric or Psychological Examination and Procedure.

(a) Whenever a plea of not guilty by reason of mental illness, disease or defect is entered or a notice is given under § 7.22, the court shall appoint at least one qualified psychiatrist, licensed psychologist or other qualified person (hereinafter referred to as psychiatrist) to examine the defendant and to report upon his the mental condition of the defendant.

(b) Whenever, in the opinion of the court, any other expert evidence concerning the defendant’s mental condition is, or will be required by the court or either party, the court shall appoint one or more such experts to examine the defendant and to report upon his the mental condition of the defendant as the court may direct.

(c) In addition to the expert witness appointed by the court, either party in a criminal action may retain other qualified psychiatrists, licensed psychologists or other experts to examine the defendant and to report upon his the mental condition of the defendant. Experts retained pursuant to this Section shall be permitted to have reasonable access to the defendant for the purposes of examination and the giving of testimony.

(d) The qualified psychiatrists, licensed psychologists and other experts appointed by the court and those called by the prosecuting attorney shall be allowed, in addition to their actual traveling expenses, such fees as in the discretion of the court seem reasonable.

Slide 3



## § 7.25 Continued

(e) On recommendation of the qualified psychiatrists, licensed psychologists or other experts appointed by the court, the court may order the defendant committed to the Guam Memorial Hospital or any other suitable facility for observation and examination as it may designate for a period not to exceed thirty days, unless the court, for good cause, orders a longer period of commitment not to exceed sixty days. Any defendant so committed may be given such care and treatment as is determined to be necessary by the psychiatric staff of such institution or facility. A full report of any such care and treatment shall be included in the report required under Subsection (g). The superintendent or other person in charge of such institution or facility shall permit those qualified psychiatrists, licensed psychologists or other experts appointed under this Section to have reasonable access to the defendant.

(f) Copies of any reports, records, documents or information furnished by either party to the qualified psychiatrists, licensed psychologists or other experts appointed pursuant to this Section shall be given to the other party in the action. Any qualified psychiatrist, licensed psychologist or other expert appointed pursuant to this Section, or retained by either party, shall have the right to inspect and make copies of reports and records relating to the defendant in any facility or institution in which they are located. Compliance with this Section may be required by an appropriate order of the court.

Slide 4



## ATTACHMENT 2 - SUBCOMMISSION ON CRIMINAL PROCEDURE PRESENTATION



### § 7.25 Continued

(g) Each qualified psychiatrist, licensed psychologist or other expert appointed by the court who examines the defendant pursuant to this Section shall file a written report with the clerk of the court who shall deliver copies to each party. The report of the examination shall include, but need not be limited to, the following:

- (1) A description of the nature of the examination;
- (2) The number of examinations and duration of each examination;
- (3) The sources of information about the defendant;
- (4) A diagnosis or description of the defendant's mental condition;
- (5) An opinion as to the defendant's competency to be proceeded against, together with the reasons and basis for the opinion;
- (6) If the defendant has been convicted, an opinion as to ~~his~~ the defendant's competency to be sentenced, together with the reasons and basis for the opinion;
- (7) If prior to conviction, an opinion as to whether or not the defendant was suffering from any mental illness, disease or defect at the time of the conduct alleged to have constituted the offense charged against the defendant and whether, as a result thereof, ~~he~~ the defendant lacked substantial capacity to know or understand what ~~he~~ the defendant was doing; or to know or understand that ~~his~~ the defendant's conduct was wrongful or to control ~~his~~ the defendant's actions; or the extent to which, as a consequence of mental illness, disease or defect, the defendant did or did not have a state of mind or the capacity to have a state of mind relevant to any issue in the trial of the action;
- (8) A report of the care and treatment received by defendant prior to the examination.

Slide 5



### § 7.25 Continued

(h) Upon the trial, the qualified psychiatrists, licensed psychologists or other experts appointed by the court may be called as witnesses by either party to the action or by the court and when so called, shall be subject to all legal objections as to competency and bias and as to qualification as an expert witness. When called by the court or by either party to the action, the court may examine the qualified psychiatrist, licensed psychologist or other expert, but either party shall have the same right to object to questions asked by the court and the evidence adduced as though the qualified psychiatrist, licensed psychologist or other expert were called by an adverse party. When the qualified psychiatrist, licensed psychologist or other expert is called and examined by the court, the parties may cross-examine ~~him~~ the qualified psychiatrist, licensed psychologist or other expert in the order directed by the court. When called by either party to the action, any adverse party may examine ~~him~~ the qualified psychiatrist, licensed psychologist or other expert the same as in the case of any other witness.

Slide 6



### § 7.25 Continued

(i) When any qualified psychiatrist, licensed psychologist or other expert who has examined the defendant, whether or not appointed under this Section, testifies concerning the defendant's mental condition, ~~he~~ the qualified psychiatrist, licensed psychologist or other expert shall be permitted to make a statement as to

- (1) the nature of ~~his~~ the qualified psychiatrist's, licensed psychologist's or other expert's examination,
- (2) ~~his~~ the qualified psychiatrist's, licensed psychologist's or other expert's diagnosis of the mental condition of the defendant at the time of the commission of the offense charged,
- (3) an opinion, if relevant, of the extent to which, the defendant, as a result of mental illness, disease or defect, was incapable of knowing or understanding what ~~he~~ the defendant was doing, or that ~~he~~ the defendant did not know and understand that ~~his~~ the conduct was wrongful, or of the extent to which ~~his~~ the defendant's capacity to control ~~his~~ the defendant's actions was substantially impaired,
- (4) an opinion, if relevant, that the defendant did or did not have the state of mind or capacity to have the state of mind which is in issue during the trial, or
- (5) an opinion, if relevant, of the defendant's competency to be proceeded against or to be sentenced.

The qualified psychiatrist, licensed psychologist or other expert shall be permitted to make an explanation reasonably serving to clarify ~~his~~ the qualified psychiatrist's, licensed psychologist's or other expert's diagnosis and opinion.

Slide 7



### § 7.25 Specific Issue for Discussion

§ 7.25(i). When any psychiatrist or other expert who has examined the defendant, whether or not appointed under this Section, testifies concerning the defendant's mental condition, he shall be permitted to make a statement as to

...

- (4) an opinion, if relevant, that the defendant did or did not have the state of mind or capacity to have the state of mind which is in issue during the trial, or

compare to

#### Guam Rule of Evidence 704(b)

(b) No expert witness testifying with respect to the mental state or condition of a defendant in a criminal case may state an opinion or inference as to whether the defendant did or did not have the mental state or condition constituting an element of the crime charged or of a defense thereto. Such ultimate issues are matters for the trier of fact alone.

Slide 8

# ATTACHMENT 2 - SUBCOMMISSION ON CRIMINAL PROCEDURE PRESENTATION



## § 7.34 (Acquittal: Court Order of Commitment or Release; Petition for Discharge)

Table for Review by DOCO and Other Subcommisison

Slide 9



## 9 GCA Article 5 (Castle Doctrine Act) as amended by P.L. 37-122 (July 2024)

Amendments shown in redline.

### § 7.112. Home Protection, Use of Deadly Force, Presumption of Fear of Death or Harm.

(a) A person is presumed to have held a reasonable fear of imminent peril of death or serious bodily injury to himself or herself or another when using defensive force that is intended or likely to cause death or serious bodily injury to another if:

(1) the person against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully or forcefully entered, a business, residence, or occupied vehicle, or if that person had removed or was attempting to remove another against that person's will from the business, residence, or occupied vehicle; and

(2) the person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred.

(3) Provided that the property is enclosed or reasonable notice is placed upon the boundaries of the curtilage, that the property or residence is a no trespassing zone.

For discussion: Curtilage (as defined in § 7.112(d)(6)); reasonable notice of no trespassing zone.

Slide 10



### § 7.112(d). As used in this Section, the term:

(1) Habitable Property has the meaning provided by § 34.10. Habitable property ~~as used in this Section~~ are limited to business buildings for which the victim has beneficial control and use; and residences, vehicles and house boats for which the victim has a legal right to occupy.

Except when used in reference to a residence, habitable property, as used in this Section, does not include yards or surrounding outdoor spaces surrounding business buildings, residences, vehicles or house boats. Nothing herein is construed to limit the right of a victim to use defensive force in a manner consistent with Chapter 7 of Title 9, GCA in areas outside of his/her home, business, car or house boat;

(2) Business means habitable property that is lawfully used to conduct commercial activity by duly licensed corporations, LLCs, partnerships or sole proprietorships;

(3) Residence ~~as used in this Chapter~~ means a habitable property, to include the curtilage of the residence, in which a person resides, either temporarily or permanently, or is visiting as an invited guest, or any building or other appurtenance within the curtilage of the residence such as an outdoor kitchen or bathroom;

(4) Vehicle is defined in § 1102 and § 5101 of Title 16, GCA;

(5) Curtilage means the area immediately surrounding a residence that is necessary, convenient and habitually used for family purposes and for those activities associated with the sanctity of a person's home;

~~(5)(6)~~ Defensive Force has the same meaning as self-defense as used in Chapter 7 of Title 9, GCA, except that a lawful occupant of habitable property has no duty or obligation to retreat.

For discussion: curtilage added by PL 37-122.

Slide 11



### § 7.113. Immunity from Criminal Prosecution and Civil Action.

(a) As used in this Section, the term *criminal prosecution* includes arresting, detaining in custody, and charging or prosecuting the defendant.

(b) A person who uses force as permitted in § 7.112 is justified in using such force and is immune from criminal prosecution and civil action for the use of such force, *except* when:

(1) the person against whom force was used is a law enforcement officer, as defined by public law, who was acting in the performance of his or her duties, and the officer identified himself or herself in accordance with applicable law; or

(2) the person using force knew or reasonably should have known that the person was a law enforcement officer; or

(3) the use of force is found to be unlawful or was found to have been exercised with any illegal activity.

(c) A law enforcement agency *shall* use standard procedures for investigating the use of force as described in Subsection (b), but the agency may *not* arrest the person for using force *unless* it determines that there is probable cause that the force that was used was unlawful.

(d) The court *shall* award reasonable attorney's fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff *if* the court finds that the defendant is immune from prosecution as provided in Subsection (b).

(e) In a criminal prosecution, once a prima facie claim of self-defense immunity from criminal prosecution has been raised by the defendant at a pretrial immunity hearing, the burden of proof by clear and convincing evidence is on the party seeking to overcome the immunity from criminal prosecution provided in Subsection (b) of this Section.

For discussion: Possible issues with police determining whether to arrest or detain; subsection (e) new process with clear and convincing standard of proof.

Slide 12

CLRC PLENARY MEETING

DEC. 3, 2024

PRESENTATION



# GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION

PLENARY MEETING  
DECEMBER 3, 2024  
12:00 NOON



## AGENDA

- I. CALL TO ORDER
- II. PROOF OF DUE NOTICE OF MEETING
- III. DETERMINATION OF QUORUM
- IV. DISPOSAL OF MINUTES    SEPTEMBER 12, 2024
- V. OLD BUSINESS
  - A. Subcommittee Status Update and Report of the Executive Director
- VI. NEW BUSINESS
  - A. Subcommittee on Crimes Against Persons: Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval
  - B. Subcommittee on Drugs & Other Criminal Offenses: Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval
  - C. Subcommittee on Crimes Relating to Property: Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval
  - D. Notice of Next Meeting: Thursday, February 6, 2025, Noon (Tentative)
- VII. COMMUNICATIONS
- VIII. PUBLIC COMMENT
- IX. ADJOURNMENT





# SUBCOMMISSION STATUS UPDATE REPORT OF EXECUTIVE DIRECTOR



## Crimes Against Persons Subcommittee Criminal Law & Procedure Review Commission

### Members and ex officio members

GPD Chief Steve Ignacio

GPD Lt. Ron Taitano

Public Defender Steve Hattori

Dep. Public Defender John Morrison

Assistant Attorney General Christine Tenorio

Magistrate Sean E. Brown

Attorney Joseph B. McDonald

## **PRESENTATION OF STATUTES FOR AMENDMENT OR REPEAL**

PRESENTATION BY J. MCDONALD

PLENARY MEETING

DEC. 3, 2024



RECOMMENDATIONS FOR AMENDMENT OR REPEAL AFTER FIRST PASS  
TABLED SECTIONS FOR SECOND PASS

## **8TH PLENARY MEETING**



CHAPTER 19: ASSAULT, RECKLESS ENDANGERING, TERRORIZING

## **RECOMMENDED SECTIONS FOR AMENDMENT AND REPEAL**



## 9 GCA § 19.50(a)

### Recommendation:

Amend for punctuation clarification. Remove the semicolon and replace with a comma.

### Note:

Compiler stated that this should be a formal amendment to avoid any interpretation issues.

### Amendment:

§ 19.50. Terroristic Conduct; Defined & Punished.

(a) A person is guilty of terroristic conduct if he threatens to commit any crime of violence with intent to cause evacuation of a building, place of assembly~~;~~ or facility of public transportation, or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such inconvenience.



## 9 GCA § 19.81(c)

### Recommendation:

Amend to reduce offense level for interference to a misdemeanor.

### Amendment:

§ 19.81. Interfering with the Reporting of Family Violence; Defined & Punished.

...

(c) Interference with the reporting of family violence is a ~~felony of the third degree~~ misdemeanor.



CHAPTER 30: FAMILY VIOLENCE (PARALLEL EDIT TO 9 GCA § 19.81)

## RECOMMENDED SECTIONS FOR AMENDMENT AND REPEAL



### 9 GCA § 19.81(c) continued

Chairman Quan noted that 9 GCA § 30.300(c) (Interfering with the Reporting of Family Violence) has the same provision “interference with the report of family violence is a felony of the third degree”. Needs to be consistent.

Recommendation:

Because 9 GCA § 30.300 covers the same offense, amend it accordingly:

§ 30.300. Interfering with the Reporting of Family Violence.

(a) Any person commits the crime of interfering with the reporting of family violence if the person:

- (1) commits an act of family violence, as defined in § 30.10 of this Chapter; and
- (2) intentionally, knowingly, or recklessly prevents or attempts to prevent the victim of or a witness to that act of family violence from calling a 911 emergency communication system, obtaining medical assistance, or making a report to any law enforcement official.

(b) Commission of a crime of family violence under Subsection (a) of this Section is a necessary element of the crime of interfering with the reporting of family violence.

(c) Interference with the reporting of family violence is a ~~felony of the third degree~~ misdemeanor.





## CHAPTER 22: KIDNAPPING AND RELATED OFFENSES

# RECOMMENDED SECTIONS FOR AMENDMENT AND REPEAL



## 9 GCA § 22.20

### Recommendation:

Amend to replace “felony” with “crime” in subsection (a)(2).

### Proposed Amendment:

#### § 22.20. Kidnapping; Defined & Punished.

- (a) A person is guilty of kidnapping if he unlawfully removes another from his place of residence or business, or a substantial distance from the vicinity where he is found, or if he unlawfully confines another for a substantial period, with any of the following purposes:

...

- (2) to facilitate commission of any ~~felony~~ crime or flight thereafter;

...



## CHAPTER 25: SEXUAL OFFENSES

# RECOMMENDED SECTIONS FOR AMENDMENT AND REPEAL



## 9 GCA § 25.10

Amendment:

§ 25.10. Definitions.

(a) As used in this Chapter:

...

(12) Affinity means family members related by marriage. The method of computing degrees of affinity is the same method as computing degrees of consanguinity.

(13) Consanguinity, or relationship by blood ("related by blood") means relationship between persons arising by descent from a common ancestor" or a relationship "by birth rather than by marriage. The degree of consanguinity is determined by counting upward from one of the persons in question to the nearest common ancestor, and then down to the other person, calling it one degree for each generation in the ascending as well as the descending line, such that, from a person, first degree consanguinity includes the person's Parents and Children; second degree consanguinity includes the person's Brothers, Sisters, Grand Children and Grandparents; third degree consanguinity includes the person's Great Grandchildren, Great Grandparents, Uncles, Aunts, Nieces and Nephews; and fourth degree consanguinity includes the person's Great Grandparents, Great Grandchildren, Great Uncles, Great Aunts, First Cousins, Grand Nephews, and Grand Nieces.



CHAPTER 25A: SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY

## RECOMMENDED SECTIONS FOR AMENDMENT AND REPEAL



### 9 GCA § 25A102

Recommendation:

Amend by striking § 25A102(c).

Amendment:

§ 25A102(c) Indecent Electronic Display to a Child.

...

~~(c) It shall not constitute a defense against any charge or violation of this Section that a law enforcement officer, peace officer, or other person working at the direction of law enforcement was involved in the detection or investigation of a violation of this Section.~~



## 9 GCA § 25A103

### Recommendation:

Amend by striking subsection (a)(1)(B) and subsection (d).

### Amendment:

§ 25A103. Electronic Enticement of a Child as a Third Degree Felony.

- (a) Any person who, using a computer online service, internet service, or any other device capable of electronic data storage or transmission to solicit, lure, or entice, or attempt to solicit, lure, or entice:

(1) intentionally or knowingly communicates:

(A) with a minor known by the person to be under the age of eighteen (18) years;

~~(B) with another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years, and the other person is under the age of eighteen (18) years; or~~

~~(C) with another person who represents him or herself to be under the age of eighteen (18) years,~~

...

~~(d) It shall not constitute a defense against any charge or violation of this Section that a law enforcement officer, peace officer, or other person working at the direction of law enforcement was involved in the detection or investigation of a violation of this Section.~~



## 9 GCA § 25A104

### Recommendation:

Amend by striking subsection (a)(1)(B).

### Amendment:

§ 25A104. Electronic Enticement of a Child as a Second Degree Felony.

- (a) Any person who, using a computer online service, internet service, or any other device capable of electronic data storage or transmission:

(1) intentionally or knowingly communicates:

(A) with a minor known by the person to be under the age of eighteen (18) years;

~~(B) with another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years, and the other person is under the age of eighteen (18) years; or~~

...



## 9 GCA § 25A105

### Recommendation:

Amend by striking subsection (a)(1)(B).

### Amendment:

§ 25A105. Electronic Enticement of a Child as a First Degree Felony.

(a) Any person who, using a computer online service, internet service, or any other device capable of electronic data storage or transmission:

(1) intentionally or knowingly communicates:

(A) with a minor known by the person to be under the age of eighteen (18) years;

~~(B) with another person, in reckless disregard of the risk that the other person is under the age of eighteen (18) years, and the other person is under the age of eighteen (18) years; or~~

...



## 9 GCA § 25A106

### Recommendation:

Add this as a new section.

### Note:

Compiler suggested adding a title to this new section.

### New section:

§ 25A106. Electronic Enticement; No Defense.

It shall not constitute a defense against any charge or violation of this Section that a law enforcement officer, peace officer, or other person working at the direction of law enforcement was involved in the detection or investigation of a violation of this Chapter.





CHAPTER 26: HUMAN TRAFFICKING AND CRIMINAL EXPLOITATION ACT

## RECOMMENDED SECTIONS FOR AMENDMENT AND REPEAL



### 9 GCA §§ 26.20-26.24

Recommendation:

Repeal Article 2 in its entirety.

Repeal:

~~Chapter 26. Human Trafficking and Criminal Exploitation.~~

- ~~• Article 2. Prevention of Trafficking.~~
- ~~• § 26.20. Territorial Task Force for Prevention of Trafficking.~~
- ~~• § 26.21. Data Collection and Dissemination.~~
- ~~• § 26.22. Training.~~
- ~~• § 26.23. Public Awareness.~~
- ~~• § 26.24. Role on Non-Governmental Organizations.~~



## 9 GCA § 26.41(a)

Recommendation: amend statute for MPC mental state.

§ 26.41 (a) Any person who ~~maliciously or~~ with criminal negligence publishes, disseminates, or otherwise discloses the location of any trafficking victim, any trafficking shelter or domestic violence shelter or any place designated as a trafficking shelter or domestic violence shelter, without the authorization of that trafficking victim, trafficking shelter or domestic violence shelter, is guilty of a misdemeanor.



CHAPTER 31: OFFENSES AGAINST THE FAMILY

## RECOMMENDED SECTIONS FOR AMENDMENT AND REPEAL



## Chapter 9 GCA § 31.30

### Recommendation:

Amend by adding new provisions.

#### Amend § 31.30(a)

(a) A person is guilty of *child abuse* when:

(1) he subjects a child to cruel mistreatment; or

(2) willfully causes or permits any child to suffer;

(3) inflicts upon a child unjustifiable physical pain or mental suffering; or

(2)(4) having a child in his care or custody or under his control, he:

(A) deserts that child with intent to abandon him;

~~(B) subjects that child to cruel mistreatment; or~~

~~(C)(B)~~ unreasonably causes or permits the physical or, emotional health of that child to be endangered or unreasonably causes or permits that child to be placed in a situation where his or her person or health may be endangered; or

(C) neglects that child.



## Chapter 9 GCA § 31.30

continued

### Add a new § 31.30(d):

(d) As used in this Section, neglect of a child shall consist in any of the following acts by anyone having the custody or control of the child:

(1) willfully failing to provide proper and sufficient food, clothing, maintenance, regular school education as required by law, medical attendance or surgical treatment, and a clean and proper home; or

(2) failure to do or permit to be done any act necessary for the child's physical or moral well-being.



# SECTIONS UNDER SECOND PASS

## CH 93 CRIMINAL SEXUAL CONDUCT ASSESSMENT AND REHABILITATION ACT

§ 93.20. Criminal Sexual Conduct Assessment: Standardized Procedure

§ 93.30 Assessment Required for Convicted Felons and Criminal Sexual Conduct Offenders

93.35 Sentencing and Parole of Felons: Parole of Felons: Treatment and Testing Based Upon Assessment Required

93.50 Report to the Legislature

## CH 89 CRIMES AGAINST MINORS AND SEX OFFENDER REGISTRY

§ 89.06 Failure to Appear for Registration, Absconding and Failure to Register

§ 89.08 Duties of the Guam Police Department

§ 89.03 Registration; Duty to Register

## CH 31 OFFENSES AGAINST THE FAMILY

§ 31.65 Curfew Hours for Minors.

§ 31.70 Leaving Children Unattended or Unsupervised in Motor Vehicles

## CH 25A SOLICITATION OF CHILDREN AND CHILD PORNOGRAPHY

§ 25A202 Possession of Child Pornography

§ 25A203 Dissemination of Child Pornography

§ 25A204 Production of Child Pornography

[New 25A definition of anus]

## CH 22 KIDNAPPING AND RELATED OFFENSES

§ 22.20 Kidnapping; Defined and Punished

## CH 19 ASSAULT, RECKLESS ENDANGERING

§ 19.70 Stalking



*Thank you!*



## Table of Amendments

Chapter number, name	Section/Article	No-Change	AMEND	REPEAL	REPEAL & RE-ENACT	ADD	TABLE
Chapter 17. Unborn Victims of Violence.	All sections	No-Change					
Chapter 19. Robbery	19.50		Amend				
	19.70						Table
	19.81		Amend				
Chapter 22. Kidnapping...	22.20		Amend				
	All other sections	No-Change					
Chapter 25. Sexual Offenses	25.10		Amend				
Chapter 25A. Solicitation of Children...	25A102		Amend				
	25A103		Amend				
	25A104		Amend				
	25A105		Amend				
	25A106					Add	
	25A202, 25A203, 25A204						Table
Chapter 26. Human Trafficking...	Article 2, sections 26.20-26.24			Repeal			
	26.41		Amend				
	All other sections	No-Change					
Chapter 30. Family Violence							
	30.300		Amend				
Chapter 31. Offenses Against the Family	31.30		Amend				
	31.65, 31.70						Table
Chapter 89. Crimes Against Minors...	89.06, 89.08, 89.03						Table
	All other sections	No-Change					
Chapter 93. Criminal Sexual Conduct...	93.20, 93.30, 93.35, 93.50						Table
	All other sections	No-Change					



## REPORT OF THE SUBCOMMISSION ON DRUGS & OTHER CRIMINAL OFFENSES

**December 3 , 2024**

Members: Hon. Maria T. Cenzone (Chair), DOC Director Fred Bordallo; Atty Mike Phillips; Ms. Valerie Reyes; Geraldine A. Cepeda, Compiler of Laws;  
Hon. Elizabeth Barrett-Anderson (ex-officio);  
Atty Kat Siguenza (ex-officio); Atty Kristine Borja (ex-officio)





## **Review of 9 GCA Chapter 67 The Guam Uniform Controlled Substances Act**

- Article I, Definitions: no changes recommended.
- Article 2, Standards and Schedules, and Article 3, Regulation of Manufacture, Distributions and Dispensing of Controlled Substances: will request the assistance of DPHSS to review.
- Article 4, Offenses and Penalties: will request assistance from the AG's and PD's CLRC Designees, or ex-officio members with prosecution and defense experience. Will also request representatives from the Probation and Parole divisions.



## **Report of the Subcommittee on Crimes Relating to Property**

**December 3, 2024**

**Members: Atty Phillip J. Tydingco (Chair),  
Atty F. Randall Cunliffe, Mr. Monty McDowell,  
Atty William B. Brennan**



## **Preliminary Review Completed (by Chapter)**

- 9 GCA Chapter 32 (Financial Exploitation of Elderly)
- 9 GCA Chapter 34 (Arson, Negligent Burning, Criminal Mischief)
- 9 GCA Chapter 37 (Burglary)
- 9 GCA Chapter 40 (Robbery)
- 9 GCA Chapter 43 (Theft and Related Offenses)
- 9 GCA Chapter 46 (Forgery, Fraudulent Practices & Telephone Records)
- 9 GCA Chapter 47 (Trademark Counterfeiting Act)
- 9 GCA Chapter 48 (Notification of Breaches of Personal Information)
- 9 GCA Chapter 70 (Miscellaneous Crimes)
- 10 GCA Chapter 60 (Firearms)
- 9 GCA Chapter 69 (Antitrust Law)



## **Items for Today**

- 9 GCA Chapter 69 - Recommendations
- 10 GCA Chapter 60 - Additional Recommendations



## **9 GCA § 69.40 Criminal Penalty**

~~(a) Any person in violation of §§ 69.15 or 69.20 of this chapter is guilty of a felony of the second degree. An indictment must be found or information or complaint filed within five (5) years from the date of the violation or from the date of the last overt act committed pursuant a conspiratorial plan.~~

~~(b) No criminal action may be brought against any person for the same violation for which such person has been convicted in a criminal proceeding for a violation of the Federal antitrust laws.~~



## **9 GCA §§ 69.45, 69.50, 69.55, 69.60**

- Civil cause of action for injunctive and other relief and civil penalty
- Recommend recodifying outside of Crimes and Corrections Title
- This civil action is for violation of the anti-trust provisions of Title 9 GCA Chapter 69



## **9 GCA § 69.45.**

### **Civil Penalty and Injunctive Enforcement.**

(a) The Attorney General may bring an action for appropriate injunctive relief and civil penalties in the name of the people of Guam for a violation of this chapter. The trier of fact may assess for the benefit of the territory a civil penalty of not more than One Million Dollars (\$1,000,000) for each violation of this chapter when the violation is by an individual. If the violation is committed by a person other than an individual, then the trier of fact may assess for the benefit of the territory a civil penalty of not more than Fifty-Million Dollars (\$50,000,000) for each violation of this chapter.



## **9 GCA § 69.50**

### **Judgment in Favor of Territory if Prima Facie Evidence**

A final judgment or decree determining that a person has violated §§ 69.15 or 69.20 of this chapter in an action brought by the Attorney General under this chapter, other than a consent judgment or decree entered before any testimony has been taken, is prima facie evidence against that person in any other action against that person under the provisions of § 69.30 as to all matters with respect to which the judgment or decree would be an estoppel between the parties thereto. This section does not affect the application of collateral estoppel or issue preclusion.



## **9 GCA § 69.55. Limitation of Actions.**

(a) An action under this chapter to recover a civil penalty is barred if it is not commenced within four (4) years after the claim for relief accrues.

(b) An action under this chapter to recover damages is barred if it is not commenced with four (4) years after the claim for relief accrues, or than one (1) year after the conclusion of any timely action brought by the Attorney General in whole or in part on any matter complained of in the action for damages, whichever is later.



## **9 GCA § Section 69.60. Remedies Cumulative.**

The provisions of this chapter are not exclusive. The remedies specified in this chapter for violation of any section of this chapter or for conduct proscribed by any section of this chapter are cumulative and shall be in violation or conduct provided for in any other law. Nothing in this chapter shall limit any other statutory or any common law rights of the Attorney General, or any other person. If any act or practice proscribed by this chapter is also the basis for a cause of action in common law or a violation of another statute, the person may assert the common law or statutory cause of action under the procedures and with the remedies applicable thereto.





## **9 GCA § 69.70 Severability**

If any of the provisions of this chapter or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any other provision or application of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.



## **10 GCA Chapter 60. Firearms. § 60108. Same: Restrictions. Subsection (b)(2)**

(b) No person shall be issued an identification card:

...

(2) Who is an alien, except temporary permits may be issued to aliens for use only at target ranges operated by persons possessing permits therefore and who are citizens, or only for use at authorized sporting events, and except for official representatives of foreign governments in their official capacities, and except for aliens "lawfully admitted for permanent residence," which shall mean the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed, as defined by the Immigration and Nationality Act § 101(a)(20), 8 U.S.C. § 1101(a)(20) or who enter the United States pursuant to an applicable Compact of Free Association ("COFA") between their country of citizenship and the United States. Proof of permanent residence shall be evidenced by presentation of an Alien Registration Card (also known as alien registration certificate, Form I-551 or Green Card). Proof of entrance under a COFA shall be evidenced by either (1) a completed CBP I-94 form related to their admission or (2) a copy of notation made in the Migrant's passport on admission under the applicable COFA; or



The Subcommittee on Crimes Related to Property has completed review of its assigned chapters and has reported its recommendations to the Commission.

# Thank you

Subcommittee Chairperson: Phil Tydingco

Subcommittee Members: F. Randall Cunliffe, Monty McDowell, William (Bucky) Brennan



## Table of Amendments

Chapter number, name	Section/Article	No-Change	AMEND	REPEAL	REPEAL & RE-ENACT	ADD	TABLE
9 GCA Chapter 69. Antitrust Law.	69.40	-	Amend	-	-	-	-
	69.45				Repeal & Re-enact		
	69.50				Repeal & Re-enact		
	69.55				Repeal & Re-enact		
	69.60				Repeal & Re-enact		
10 GCA Chapter 60. Firearms.	60108(b)(2)		Amend				



# Notice of Next Meeting

Thursday, February 6, 2025, Noon

(Tentative)



## AGENDA

- I. CALL TO ORDER
- II. PROOF OF DUE NOTICE OF MEETING
- III. DETERMINATION OF QUORUM
- IV. DISPOSAL OF MINUTES    SEPTEMBER 12, 2024
- V. OLD BUSINESS
  - A. Subcommittee Status Update and Report of the Executive Director
- VI. NEW BUSINESS
  - A. Subcommittee on Crimes Against Persons: Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval
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