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Guam Criminal Law and Procedure Review Commission
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EXECUTIVE DIRECTOR

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION 2025 SECOND QUARTER REPORT SUBMITTED TO THE

GOVERNOR OF GUAM,
SPEAKER OF THE GUAM LEGISLATURE, AND
CHIEF JUSTICE OF GUAM
JULY 11, 2025

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION
JUDICIARY OF GUAM
GUAM JUDICIAL CENTER
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PREFACE

The Guam Criminal Law and Procedure Review Commission (CLRC or Commission) submits its second quarter report for 2025 summarizing its activities as required by 1 GCA § 25.07(a). Because the CLRC began operations in January of 2023, quarterly reports align with the calendar year instead of the fiscal year. This second quarter report summarizes activities from April 1, 2025 through June 30, 2025.

CLRC STATUTORY AUTHORITY

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

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

CLRC STAFF AND MEMBERS

During the second quarter of 2025, the Commission consisted of the following members and staff.

Governor's Appointees	Hon. Maria T. Cenzone, Hon. Anita A. Sukola, Ms. Valerie Reyes
Speaker's Appointees	Attorney Phillip Tydingco, Attorney Michael Phillips, Attorney Christine Tenorio
Chief Justice's Appointees	Hon. Jonathan R. Quan, Attorney F. Randall Cunliffe, Mr. Monty McDowell
Guam Bar President Appointees	Attorney Joseph B. McDonald, Attorney William B. Brennan
Statutory Members (or Designees)	Attorney General of Guam (Designee AAG Emily Rees), Chief of Police (Designee Sgt Michael Elliott), Director of Corrections Fred Bordallo, Executive Director of Public Defender Service Corp (Designee Deputy Director John Morrison)
Compiler of Laws	Attorney Geraldine Cepeda (ex-officio)

Staff	Executive Director Andrew Serge Quenga (ex-officio), Administrative Assistant Lisa Ibanez, Research Attorney Gordon Anderson
Volunteer	Hon. Sean Brown, Hon. Elizabeth Barrett-Anderson, Attorney Kat Siguenza, Attorney Leonardo Rapadas, Attorney Kristine B. Borja, Attorney Zachary Taimanglo, Attorney Valerie Nuesa, Chief Probation Officer Rossanna Villagomez-Aguon, Chief Parole Officer Michael P. Quinata, Probation Officer Supervisor Jeremiah J.A. Cruz, Deputy Marshal III Kennedy G. Robinson, Deputy Marshal II Dodd Siegfried V. Mortera, Jr., Attorney Kristina Baird

SIGNIFICANT CLRC ACTIVITIES APRIL – JUNE 2025

During the second quarter of 2025, the Commission held Plenary Meetings on April 10 and May 29, 2025. Members deliberated on a range of agenda items, including recommendations to amend sections and chapters of the Criminal Code of Guam. The agendas, meeting packets, and YouTube video links for these meetings are available on the CLRC website. During these meetings, the following presentations were made:

- April 10, 2025 Plenary Meeting:
 - The Subcommittee on Drug and Other Criminal Offenses presented its continuing review of Chapter 67 (Guam Uniformed Controlled Substances Act). Details of this presentation are in the minutes of this meeting posted on the CLRC website. All recommendations that were approved for moving to the final reading file or tabled for further discussion are memorialized in Attachment 1, which include proposed amendments with changes tracked.
 - The Subcommittee on Crimes Against Persons withdrew its recommendations previously made on § 19.60 (Terrorizing), Chapter 89 (Crimes Against Minors and Sex Offender Registry) and 93 (Criminal Sexual Conduct Assessment and Rehabilitation Act). Details of this presentation are in the minutes of this meeting posted on the CLRC website.
 - The Subcommittee on Criminal Procedure presented its continuing review of Chapter 52 (Perjury and Offense Against the Integrity of Official Proceedings and Chapter 55 (Interference with Government Operations and Law Enforcement). All recommendations that were approved for moving to the final reading file or tabled for further discussion are memorialized in Attachment 2, which include proposed amendments with changes tracked.
- May 29, 2025 Plenary Meeting
 - The Subcommittee on Criminal Procedure presented a clarification on § 52.10(e), which was inadvertently omitted from the April 2025 Plenary Meeting presentation. All recommendations that were approved for moving


- May 29, 2025 Plenary Meeting
 - The Subcommittee on Criminal Procedure presented a clarification on § 52.10(e), which was inadvertently omitted from the April 2025 Plenary Meeting presentation. All recommendations that were approved for moving to the final reading file are memorialized in Attachment 3, which include proposed amendments with changes tracked.
 - The Executive Director presented the Commission's Draft Interim Report. This Interim Report contained the Commission's recommendations approved through its first review process as of May 2025 and was presented for final consideration and approval. The Interim Report was duly approved by the Commission. A resolution memorializing this approval and the Interim Report are posted on the Commission's webpage:

<https://www.guamcourts.org/Criminal-Law-and-Procedure-Review-Commission/Criminal-Law-and-Procedure-Review-Commission.html>

The Interim Report was distributed to the Speaker, Governor, Chief Justice and other stakeholders.

CONCLUSION

During the second quarter of 2025, the Commission continued to make progress in the review of the Criminal Code of Guam. The work of the CLRC continues to the best of the ability of each member. Our Subcommissions face a daunting task—reviewing thousands of criminal statutes throughout the Guam Code Annotated. Apart from the very small full-time staff of the CLRC, each member dedicates significant time to reviewing their assigned chapters and sections of the Criminal Code and discussing any proposed changes in working sessions with their respective Subcommissions. Our appointed and ex-officio volunteer members include full-time attorneys with active caseloads, high-ranking government law enforcement officials, and private citizens with full-time work obligations. Chairman Quan and I thank all members for their commitment and diligence to the work of the Commission.



Magistrate Judge Jonathan R. Quan
Chairman



Andrew Serge Quenga
Executive Director

ATTACHMENT 1

RECOMMENDATIONS OF THE SUBCOMMISSION ON DRUGS AND OTHER CRIMINAL OFFENSES PRESENTED AT THE PLENARY MEETING OF APRIL 10, 2025

TITLE 9 GUAM CODE ANNOTATED

§ 67.401.2. Illegal Possession; Defined and Punishment.

(a) It is unlawful for any person knowingly or intentionally to possess a controlled substance, unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Act.

(b) Any person who violates Subsection (a) with respect to any controlled substance shall be guilty of a felony of the third degree.

~~(c) A person who commits a crime under 9 GCA §§ 67.401.2(b)(2) or (3) within the Drug-Free School Zone shall be guilty of a misdemeanor.~~

(cd) A person who commits a crime under §§ 67.401.1 or 67.401.2(b)(1) within the Drug-Free School Zone shall be guilty of the same class of felony had the offense been committed outside the Drug-Free School Zone.

(de) A person who knowingly fails to report any violation of this Chapter within the Drug Free-School Zone is guilty of a misdemeanor.

CLRC COMMENT: Recommendation removes references to cannabis. P.L. 35-005:5 (Apr. 4, 2019) amended subsection (b), which repealed subsections (1), (2), and (3) that had referred to marijuana.

§ 67.401.4. Prison Terms for Drug Offenders.

CLRC COMMENT: Tabled. Review ongoing.

§ 67.401.5. Fines for Drug Offenses.

CLRC COMMENT: Tabled. Review ongoing.

§ 67.401.6. Additional Fines in Drug Offenses.

CLRC COMMENT: Tabled. Review ongoing.

§ 67.401.10. Transshipment and In-Transit Shipment Penalties.

CLRC COMMENT: No change.

§ 67.401.11. Mandatory Sentencing for Persons Convicted of a Third-Degree Felony Relative to the Possession of Methamphetamine.

CLRC COMMENT: No change.

§ 67.401.12. Mandatory Sentencing for First-Time Offenders of a Third-Degree Felony Relative to the Possession of Methamphetamine.

CLRC COMMENT: No change.

§ 67.402. Prohibited Acts B; Penalties.

CLRC COMMENT: Tabled.

§ 67.403. Prohibited Acts C; Penalties.

CLRC COMMENT: Tabled.

§ 67.404. Counterfeit Substance Prohibited; Penalty.

CLRC COMMENT: Tabled.

§ 67.405. Imitation Controlled Substances Prohibited; Penalty.

CLRC COMMENT: Tabled.

§ 67.406. Conspiracy; Solicitation; Attempt; Penalty.

CLRC COMMENT: Tabled.

§ 67.407. Distribution to Persons Under Age Eighteen (18), to Persons Suffering from a Mental Illness, Disease or Defect, or to Pregnant Persons; Distribution Near Schools or Drug Free School Zones; Penalties.

CLRC COMMENT: Tabled.

§ 67.408. Employment or Use of Individual Under 18 Years of Age in Drug Operations; Penalties.

CLRC COMMENT: Tabled.

§ 67.409. Continuing Criminal Enterprise.

CLRC COMMENT: Tabled.

§ 67.410. Money Laundering and Illegal Investment; Penalty.

CLRC COMMENT: Tabled.

§ 67.411. Second or Subsequent Offenses; Penalties.

CLRC COMMENT: Tabled.

§ 67.412. Conditional Discharge and Dismissal for First Offenders; Permitted.

CLRC COMMENT: No change.

§ 67.412.1. No Conditional Discharge and Dismissal Permitted for Offenses Involving Methamphetamine.

CLRC COMMENT: No change.

§ 67.413. Treatment Option for Violation of Act.

CLRC COMMENT: No change.

§ 67.414. Assessment for Education and Treatment; Appropriation of Moneys.

CLRC COMMENT: Tabled.

§ 67.414.1. Drug Treatment and Enforcement Fund.

CLRC COMMENT: Recommendation to add-Tabled.

ATTACHMENT 2
RECOMMENDATIONS OF THE SUBCOMMISSION ON CRIMINAL PROCEDURE
PRESENTED AT THE PLENARY MEETING OF APRIL 10, 2025

TITLE 9 GUAM CODE ANNOTATED

§ 52.10. Definitions.

As used in this Chapter:

~~(a) *official function* and *public servant* have the meanings provided for those terms by § 49.10.~~

(b) *material statement* means a statement which affected or could have affected the course or outcome of a proceeding, regardless of its admissibility under rules of evidence.

(b) *official function* means the decision, opinion, recommendation, vote or other exercise of discretion or performance of duty of a public servant in a lawful or unlawful manner.

(c) *official proceeding* means a proceeding before any court, body, agency, public servant or other person authorized by law to conduct such proceeding and to administer an oath or cause it to be administered, including any referee, hearing officer, commissioner, notary or other person taking testimony or deposition in connection with any such proceeding.

~~(d) *public record* means any record, document, thing belonging to, or received or kept by the Government of Guam or any governmental instrumentality within the Territory.~~

(d) *public servant* means any officer, member, or employee of the legislative, executive, or judicial branches of Guam or of any governmental instrumentality within Guam, any juror, any persons exercising the functions of any such position, or any referee, arbitrator, hearing officer, or other person authorized by law to hear or determine any question or controversy. It includes a person who has been elected, appointed or designated to become a public servant, and, in the case of a juror, a person who has been drawn, empaneled, or designated to attend as a prospective grand or petit juror.

(e) *statement* means any ~~non-trivial~~ representation, but includes a representation of opinion, belief or other state of mind ~~is a statement~~ only if it clearly relates to a state of mind apart from or in addition to the facts which it otherwise represents.

(f) *statement under oath* means

(1) a statement made pursuant to a swearing, an affirmation, or any other mode authorized by law of attesting to the truth of that which is stated; and

(2) a statement made on a form bearing notice, authorized by law, to the effect that false statements made therein are punishable.

~~(3) *testimony* means oral or written statements, documents or any other material which may be offered by a witness in an official proceeding.~~

(g) testimony means oral or written statements, documents or any other material which may be offered by a witness in an official proceeding.

CLRC COMMENT: For clarification of the section, subsection (a) definitions of “official function” and “public servant” in are inserted directly into this section from § 49.10. Subsection (d) definition of “public record” in is stricken as the term is not used in this chapter. Subsection (e) term “non-trivial” is stricken as it creates a potential conflict with “statement” as used in § 52.15 (Perjury) and § 52.20 (False Statement Under Oath); other amendments are for consistency with source MPC § 241.0 (Definition of Statement). Subsection (f)(3) definition of “testimony” is erroneously placed and is renumbered as a new subsection.

§ 52.15. Perjury; Defined & Punished.

CLRC COMMENT: No change.

§ 52.20. False Statement Under Oath; Defined & Punished.

CLRC COMMENT: No change.

§ 52.25. Unavailability of Certain Defenses.

CLRC COMMENT: No change.

§ 52.30. Unsworn Falsifications; Defined & Punished.

A person is guilty of a misdemeanor if, with intent to mislead a public servant in performing his official function, he makes, submits or uses:

(a) any written false statement, in written or electronic format, of his own which he does not then believe to be true; or

(b) any physical object, exhibit, writing or drawing which he knows to be either false or not what it purports to be in the circumstances in which it is made, submitted or used.

CLRC COMMENT: Amendments are for consistency with source MPC § 241.3 (Unsworn Falsification to Authorities) and to update the section to include electronic statements.

§ 52.40. Intimidation of Witnesses by Extortion; Defined & Punished.

CLRC COMMENT: No change.

§ 52.45. Witness Bribery; Solicitation; Definitions; Punishment; Affirmative Defenses.

CLRC COMMENT: No change.

§ 52.50. Tampering with Witnesses: Defined and Punished.

CLRC COMMENT: No change.

§ 52.55. Falsifying Evidence; Defined & Punished.

A person is guilty of a felony of the third degree misdemeanor if, believing that an official proceeding has been or is about to be instituted, he prepares, offers in evidence or uses any

record, document or thing in any form, including written or electronic format, knowing it to be false and with intent to mislead a public servant who is or may be engaged in the proceeding.

CLRC COMMENT: Amendment reduces the offense level to a misdemeanor. Felony level in this section is inconsistent with source MPC § 241.7 (Tampering with or Fabricating Physical Evidence), which is a misdemeanor, and is inconsistent with § 52.60 (Destroying Evidence), which is a misdemeanor. The other amendment updates the section to include electronic form of evidence.

§ 52.60. Destroying Evidence; Defined & Punished.

A person is guilty of a misdemeanor if, believing that an official proceeding has been or is about to be instituted, he destroys, conceals or removes any record, document or thing in any form, including written or electronic format, with intent to impair its availability in the proceeding.

CLRC COMMENT: Amendment updates the section to include electronic format.

§ 52.65. Unlawful Communication with Jurors; Defined & Punished.

CLRC COMMENT: No change.

§ 55.10. Tampering With Public Records; Defined & Punished.

(a) Public record means any record, document or thing in any form, including written or electronic format, belonging to, or received or kept by, the government for information or record, or required by law to be kept by others for information of the government.

(a) A person commits an the offense of tampering with public records if he:

(1) knowingly makes a false entry in, or false alteration of a public record any record, document or thing belonging to, or received or kept by, the government for information or record, or required by law to be kept by others for information of the government;

(2) makes, presents or uses any record, document or thing knowing it to be false, and with intent that it be taken as a genuine part of information or records referred to in Paragraph (1) Subsection (a); or

(3) intentionally and unlawfully destroys, conceals, removes or otherwise impairs the verity or availability of a public record any such record, document or thing.

(b) An offense under this Section is a misdemeanor unless the defendant's intent is to defraud or injure anyone, in which case the offense is a felony of the third degree.

CLRC COMMENT: Amendments provide a clearer definition of "public record" and update the section to include electronic form.

§ 55.15. Hindering Apprehension or Prosecution; Defined & Punished.

(a) A person is guilty of the offense of hindering apprehension or prosecution if, with intent to hinder, prevent or delay the discovery, apprehension, prosecution, conviction or punishment of another person for the commission of an offense, he:

...

(3) conceals, alters or destroys and any physical evidence that might aid in the discovery, apprehension or conviction of such person;

...

CLRC COMMENT: Amendments are for clarification and correction.

§ 55.20. False Alarms; Defined & Punished.

(a) A person is guilty of a misdemeanor when, with knowledge of its falsity, he causes a false alarm of fire or other emergency to be transmitted to any organization that responds to emergencies involving danger to life or property.

(b) A person is guilty of a misdemeanor when, with knowledge of its falsity, he initiates or circulates a false alarm of fire or other emergency knowing that the alarm is likely to cause evacuation of a building, place of assembly, or facility of public transport, or to cause public inconvenience or alarm.

(c) A person is guilty of a felony of the third degree if the false alarm involves a report or warning of an impending bombing, hostage situation, person armed with a deadly weapon as defined by 9 GCA § 16.10, or any other incident that elicits an immediate or heightened response by law enforcement or emergency services.

CLRC COMMENT: New subsection (b) adds a new misdemeanor offense. New subsection (c) adds a new felony offense. Amendments update, broaden and strengthen prohibitions against false alarms. Reference N.J. § 2C: 33-3 (False public alarms).

§ 55.25. Making False Reports; Defined & Punished.

(a) A person commits a misdemeanor felony of the third degree who: (a) knowingly gives false information to any law enforcement officer with intent to induce such officer to believe that another person has committed an offense;

(b) A person commits a misdemeanor who:

(1) reports to law enforcement authorities an offense or other incident within their concern knowing that it did not occur, or

(c)(2) makes a report which purports to furnish law enforcement authorities with information relating to an offense or incident when he knows that he has no such information.

CLRC COMMENT: Guam's "swatting" law. Subsection (a) amendment elevates false reporting of a criminal offense by another person to a felony to update and strengthen this prohibition. Reference N.J. 2C:28-4 (Falsely incriminating another). The offenses are kept as misdemeanors. Other amendments replace law enforcement officer or authority with peace officer for consistency within this chapter.

§ 55.30. Impersonating a Public Officer Servant or Law Enforcement Officer; Defined & Punished.

(a) A person commits a misdemeanor if he falsely pretends to hold a position in the public service with intent to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense to his prejudice.

(b) A person commits a felony of the third degree if he falsely pretends to hold a position as an officer or member or employee or agent of any organization or association of law enforcement officers with purpose to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense.

CLRC COMMENT: New subsection (b) adds impersonation of a peace officer as a separate felony level offense to update and strengthen this prohibition. Reference NJ § 2C:28-8 (Impersonating a public servant or law enforcement officer).

§ 55.35. Resisting Arrest of Self or Others; Defined & Punished.

A person is guilty of a misdemeanor when, with intent to prevent or delay the arrest of himself or another person by one whom he knows or reasonably should know to be a peace officer acting in an official capacity, he prevents or delays that arrest by the use or threat of force or by physical obstruction. For purposes of this Section, a peace officer shall include apprehending officers designated under Article 2 of 10 GCA Chapter 51, as well as peace officers as defined under 9 GCA § 1.70 8 GCA § 5.55.

CLRC COMMENT. Amendment provides clarification as 9 GCA § 1.70 directly references 8 GCA § 5.55.

§ 55.40. Disarming of a Peace Officer; Defined & Punished.

(a) A person commits the crime offense of disarming a peace officer, as defined by 17 GCA § 51101 if such person intentionally:

...

(c) An offense under this Section is a felony of the third degree, unless the defendant's intent is to injure anyone, in which case the offense is a felony of the second degree.

CLRC COMMENT: Amendment using "offense" is for consistency with (c).

§ 55.45. Obstructing Governmental Functions; Defined & Punished.

CLRC COMMENT: No change.

§ 55.50. Damaging, Stealing or Receiving Stolen Government Generators, Telephones, or Emergency or Utility Equipment.

CLRC COMMENT: No change.

§ 55.51. Receiving Stolen Government Generators, Telephones or Emergency Utility Equipment.

CLRC COMMENT: No change.

§ 55.60. Public Water, Unlawful Use During Period of Emergency.

(a) Upon the declaration by the Governor of a state of emergency as the result of a disaster that threatens the public water supply, it shall be a petty misdemeanor for any person to use water supplied by the ~~Public Utility Agency of Guam~~ Guam Waterworks Authority for any unauthorized use.

...

CLRC COMMENT: Public Utility Agency of Guam is now Guam Waterworks Authority.

§ 55.65. Failure to File a Complete Partial-Birth Abortion and Abortion Report.

CLRC COMMENT: No change.

ATTACHMENT 3
RECOMMENDATIONS OF THE SUBCOMMISSION ON CRIMINAL PROCEDURE
PRESENTED AT THE PLENARY MEETING OF MAY 29, 2025

TITLE 9 GUAM CODE ANNOTATED

§ 52.10. Definitions.

As used in this Chapter:

....

(e) statement means any ~~non-trivial~~ representation, but includes a representation of opinion, belief or other state of mind ~~is a statement~~ only if it clearly relates to a state of mind apart from or in addition to the facts which it otherwise represents.

CLRC COMMENT: The term “non-trivial” is not in MPC § 241.0(2) and creates a potential conflict with “statement” as used in sections 52.15 (Perjury) and 52.20 (False Statement Under Oath); other amendments are for consistency with source MPC § 241.0 (Definition of Statement).