

**Criminal Law and Procedure Revision Commission**  
**Draft Work Plan**  
**Ver. 1.13.23**

**I. Criminal Law and Procedure Revision Commission (CLRC) Mandate**

**A. Duties and Responsibilities of the CLRC**

The CLRC is mandated to review the laws that address the criminal procedures and criminal laws of Guam and to recommend enactments, amendments, and repeals to of *I Liheslaturan Guåhan*. More specifically, the CLRC shall conduct a comprehensive and systematic review of Guam laws, including the Guam Criminal Procedure Code codified in Title 8 of the Guam Code Annotated (GCA), the Guam Criminal and Correctional Code codified in Title 9 of the GCA, and other provisions in the statutory code and session laws of Guam relating to criminal law or procedure.

In this statutorily mandated review, the CLRC shall prioritize work on Title 9 GCA.

At the conclusion of its review, the CLRC shall submit comprehensive criminal code reform recommendations to the Chief Justice, *I Maga'hagan Guåhan*, and the Speaker of *I Liheslaturan Guåhan*. Thereafter, the CLRC shall, subject to additional appropriations, conduct periodic reviews of Guam's criminal laws, but not less than every five (5) years.

**B. Reporting requirements**

1. Quarterly Progress reports submitted to the Chief Justice, *I Maga'hagan Guåhan*, and the Speaker of *I Liheslaturan Guåhan*.

2. Comprehensive criminal code reform recommendations as required by 1 GCA § 25.03(a), which shall include proposed legislation for the revision of Title 8 and Title 9 of the GCA, and other provisions in the statutory code relating to criminal law and procedure.

**II. Draft Work Plan**

**A. Subcommissions**

The comprehensive review and reform of Guam's criminal laws will be managed through the following subcommissions:

1. Crimes Against Persons
2. Crimes Relating to Property
3. Drug and Other Criminal Crimes
4. Criminal Procedure

Each subcommission will be responsible for reviewing specific chapters of the GCA, as assigned by the Chair. See Attachment A (Subcommission assignments). The entire GCA, in Word and pdf format, will be provided to all members.

A subcommission may hold virtual or in-person meetings, and its work will be guided by the process detailed below in Part B (Review Process). Spreadsheets will be provided to assist in tracking the review of each chapter and provision. See Attachment B (Title 9 list). Each

subcommission is expected to regularly provide progress reports to entire CLRC (hereinafter “Plenary Commission”). See Attachment C (Subcommission report template). These subcommission reports will be used in preparing for quarterly reports mandated by 1 GCA § 25.07(a).

## **B. Review Process**

### **Phase 1. First Pass**

Subcommission shall conduct an initial review of existing statutes. In this Phase 1, PL 36-119 contemplates that Members will base their review of Guam criminal statutes on the Model Penal Code and U.S. jurisdictions with recently reformed or revised criminal codes such as Hawaii and the District of Columbia where recent revisions have been done. Commission staff will provide members with copies of relevant sections of laws from those authorities. Members may also reach out to local and federal agencies, conduct community outreach and engage in similar activity in considering changes to existing criminal laws.

Specifically, the subcommission should identify provisions that are:

- Archaic or unused.
- Have been found to be unconstitutional or inorganic.
- Address common law offenses.
- Contain outdated language.

After the initial review, the subcommission may make the following recommendations for each provision:

- No change. These provisions do not require any amendment.
- Repeal. These should be removed from the GCA. Examples for recommending repeal may include: a statute being found unconstitutional or inorganic, contradictory or duplicative of other statutes, common law, and other reasons.
- Amend. These provisions should remain in the GCA, but requires amending language. Recommendations for amendment would proceed to Phase 2, Second Pass.

The subcommission should provide reasons for its recommendation, which would be memorialized in a Subcommission Report submitted to the Plenary Commission.

### **Phase 2. Second Pass**

Provisions that a subcommission recommends for amendments would proceed to the Phase 2, which calls for close and critical scrutiny.

First, the subcommission would consider the factors set forth in 1 GCA § 25.07(b). That is, the subcommission should examine existing provisions to determine whether they:

- Use clear and plain language
- Apply consistent definitions
- Describe all elements, including mental states, that must be proven

- Provide for proportionate penalties

Second, the subcommission would progress intensive review and craft amendatory language. Changes should be recorded in the corresponding Excel spreadsheet. Each subcommission should maintain records of its discussions and work product. The subcommission will be provided with the Word versions of the GCA, in order to indicate the proposed changes (redline or “track changes” format) for inclusion in the Subcommission Report. When making proposed changes, the subcommission should use the naming guidance provided. See Attachment D (Document Naming Guide).

At the conclusion of Phase 2 review, the Subcommission would recommend proposed language to:

- Amend, with changes reflected in redline; or
- Reorganize, within Title 9 or another GCA Title, Chapter, or Article.

Recommendations should be memorialized in a Subcommission Report submitted to the Plenary Commission.

### **Phase 3. Plenary Commission Approval**

Subcommissions present their recommendations at Plenary Commission meetings for discussion and comment. The voting members of the Plenary Commission will determine whether to accept the recommendations as-is, or continue to work on the recommendation, for example, to respond to comments and suggestions raised by other members. Recommendations that have been accepted will move into a “voting file” that would be acted upon at the conclusion of all the subcommission’s work or at the end of the 24-month period.

## **III. Tentative Meetings for 2023**

Tentative meetings dates for 2023:

- |                     |            |
|---------------------|------------|
| • Plenary Meeting 1 | February 9 |
| • Plenary Meeting 2 | April 6    |
| • Plenary Meeting 3 | June 1     |
| • Plenary Meeting 4 | August 3   |
| • Plenary Meeting 5 | October 5  |
| • Plenary Meeting 6 | December 7 |

The Plenary Commission meets every 1st Thursday, every other month, to hear recommendations from subcommissions.

## **IV. Committee Roster and Contact Information**

The names, titles, contact information (including email, office phone, mobile phone, etc.) will be provided. Members are requested to provide information for any other person who should be copied in communications.

## Attachment A

### Criminal Law and Procedure Revision Commission Subcommission Assignments

#### 1. Crimes Against Persons

Chair: Attorney Joseph McDonald

Members: GPD Chief Steve Ignacio, Attorney Stephen Hattori, Compiler Geri Cepeda

Review: Title 9, Chapters 16, 19, 25 and others

#### 2. Crimes Relating to Property

Chair: Attorney Phil Tydingco

Members: Attorney Randy Cunliffe, Mr. Monty McDowell, Attorney William (Bucky) Brennan

Review: Title 9, Chapters 34, 43, 37, and others

#### 3. Drug and Other Criminal Offenses

Chair: Hon. Elizabeth Barrett-Anderson

Members: Attorney Mike Phillips, Attorney Christine Tenorio, DOC Director Robert Camacho, Ms. Valerie Reyes

Review: Title 9, Chapter 67 and others

#### 4. Criminal Procedure

Chair: Hon. Anita A. Sukola

Members: Asst. Attorney General Marianne Woloschuk, Executive Director Serge Quenga

Review: Title 8

## Attachment B

### Criminal Law and Procedure Revision Commission

#### Title 9 list

Chapter number	Chapter and Article name	Section numbers
1	Preliminary Provisions. Definitions.	
	Article 1. Preliminary Provisions; Construction.	§§ 1.10-1.50
	Article 2. Definitions.	§§ 1.60-1.80
2	n/a	
3	n/a	
4	General Principles of Liability.	§§ 4.10-4.80
5	n/a	
6	n/a	
7	Exemptions and Defenses.	
	Article 1. Exemptions.	§ 7.10
	Article 2. Mental Responsibility.	§§ 7.16-7.52
	Article 3. Defenses.	§§ 7.55-7.73
	Article 4. Justification.	§§ 7.76-7.98
	Article 5. Castle Doctrine Act.	§§ 7.111-7.113
8	n/a	
9	n/a	
10	n/a	
11	n/a	
12	n/a	
13	Attempt, Solicitation, Conspiracy.	§§ 13.10-13.60
14	n/a	
15	n/a	
16	Criminal Homicide.	§§ 16.10-16.60
17	Unborn Victims of Violence Act.	§§ 17.01- 17.10
18	n/a	
19	Assault, Reckless Endangering, Terrorizing.	§§ 19.10-19.70
20	n/a	
21	n/a	
22	Kidnapping and Related Offenses.	§§ 22.10-22.60
23	n/a	
24	n/a	
25	Sexual Offenses.	§§ 25.10-25.45
25A	Solicitation of Children and Child Pornography.	
	Article 1. Electronic Display and Enticement.	§§ 25A101 – 25A105
	Article 2. Child Pornography.	§§ 25A201 - 25A204
26	Human Trafficking and Criminal Exploitation.	
	Article 1. Prosecution.	§§ 26.01 - 26.09
	Article 2. Prevention of Trafficking.	§§ 26.20 - 26.24
	Article 3. Protection of Victims.	§§ 26.30 - 26.41
27	n/a	
28	Public Indecency.	
	Article 1. Prostitution.	§§ 28.10-28.35
	Article 2. Obscenity and Related Offenses.	§§ 28.40-28.102
29	n/a	
30	Family Violence.	§§ 30.10-30.300
31	Offenses Against the Family.	§§ 31.10-31.70

32	Financial Exploitation of the Elderly and Individuals with Disabilities.	§§ 32.10-32.50.
33	n/a	
34	Arson, Negligent Burning, Criminal Mischief.	§§ 34.10-34.90
35	n/a	
36	n/a	
37	Burglary and Home Invasion.	
	Article 1. Burglary.	§§ 37.10-37.40
	Article 2. Home Invasion.	§§ 37.80-37.110
	Article 3. Carjacking.	§§ 37.310-37.360
38	n/a	
39	n/a	
40	Robbery.	§§ 40.10-40.50
41	n/a	
42	n/a	
43	Theft and Related Offenses.	
	Article 1. Definitions.	§§ 43.10-43.74
	Article 2. Retail Theft.	§§ 43.80-43.95
	Article 3. Anti-Skimming Act.	§§ 43.96 - 43.99
44	n/a	
45	n/a	
46	Forgery, Fraudulent Practices and Telephone Records.	
	Article 1. Forgery and Fraudulent Practices.	§§ 46.10-46.80
	Article 2. Telephone Records; Obtaining, Selling, or Receiving Without Consent.	§§ 46.90-46.94
	Article 3. Mortgage Fraud.	§§ 46.100-46.104
	Article 4. Anti-Phishing Act.	§§ 46.400-46.407
	Article 5. Computer Protection Act.	§§ 46.500-46.507
	Article 6. Computer Spyware Protection Act.	§§ 46.601-46.608
47	Trademark Counterfeiting Act.	§§ 47.10-47.80
48	Notification of Breaches of Personal Information.	§§ 48.10-48.80
49	Governmental Bribery, Other Unlawful Influence and Related Offenses.	§§ 49.10-49.90
50	n/a	
51	n/a	
52	Perjury and Offense Against the Integrity of Official Proceedings.	§§ 52.10-52.65
53	n/a	
54	n/a	
55	Interference With Government Operations and Law Enforcement.	§§ 55.10-55.65
56	n/a	
57	n/a	
58	Escape and Related Offenses.	§§ 58.10-58.60
59	n/a	
60	n/a	
61	Riot, Disorderly Conduct and Related Offenses.	§§ 61.10-61.70

62	n/a	
63	n/a	
64	Gambling.	
	Article 1. Gambling Generally.	§§ 64.10-64.22
	Article 2. Authorized Activities.	§§ 64.30-64.70
65	n/a	
66	n/a	
67	Guam Uniform Controlled Substances Act.	
	Article 1. Definitions.	§§ 67.101
	Article 2. Standards and Schedules.	§§ 67.201-67.214
	Article 3. Regulation of Manufacture, Distributions and Dispensing of Controlled Substances.	§§ 67.301-67.309
	Article 4. Offenses and Penalties.	§§ 67.401.1- 67.414.1
	Article 4A. Use of a Minor in a Drug Operation.	§§ 67.4A01-67.4A07
	Article 5. Enforcement and Administrative Provisions.	§§ 67.501-67.508
	Article 6. Importation and Exportation.	§§ 67.600-67.608
	Article 7. Miscellaneous.	§§ 67.701-67.708
	Article 8. Salvia Divinorum.	§ 67.801 [Repealed]
68	n/a	
69	Antitrust Law.	§§ 69.10-69.70
70	Miscellaneous Crimes.	
	Article 1. Protecting Animal Welfare and Safety (PAWS) Act (Pugua's Law).	§§ 70.10-70.85
	Article 2. Discrimination in Housing Accommodations.	§§ 70.210-70.270
	Article 3. The Guam Social Host Act.	§§ 70.310-70.330
	Article 4. Miscellaneous Criminal Offenses.	§ 70.410-70.450
71	The Guam Gun-Free School Zone Act of 2004.	§§ 71.10-71.90
72	n/a	
73	n/a	
74	n/a	
75	n/a	
76	n/a	
77	n/a	
78	n/a	
78	n/a	
80	Disposition of Offenders.	
	Article 1. General Provisions.	§§ 80.00-80.22
	Article 2. Imprisonment.	§§ 80.30-80.50
	Article 3. Fines and Restitution.	§§ 80.50-80.58
	Article 4. Probation.	§§ 80.60-80.68
	Article 5. Parole.	§§ 80.70-80.88
	Article 6. Alternative Community Service.	§§ 80.90-80.94
	Article 7. Hormone or Anti-Androgen Pilot Treatment Program for Convicted Sex Offenders.	§§ 80.101-80.106

81	Reduction of Sentences.	§ 81.10
82	Loss and Restoration of Rights Incident to Conviction or Imprisonment.	§§ 82.10-82.25
83	Youth Correction Act.	§§ 83.10-83.95
84	Rehabilitative and Developmental Program.	§§ 84.10-84.49
85	Guam Parole Board.	§§ 85.10-85.72
86	Compensation for Damages From Criminal Activities.	(Omitted)
87	Victim Notification.	(Omitted)
88	Criminal Justice Substance Abuse Act.	§§ 88.10-88.60
89	Crimes Against Minors and Sex Offender Registry.	§§ 89.01-89.16
90	Corrections.	
	Article 1. Department of Corrections.	§§ 90.10-90.49
	Article 2. Western Interstate Corrections Compact.	§§ 90.50-90.66
	Article 3. Interstate Compact on Juveniles.	§§ 90.80-90.84
	Article 4. Prison Industries.	§§ 90.90-90.91
	Article 5. Transfer Pursuant to Treaty.	§ 90.100
	Article 6. Civilian Corrections Reserve Program.	§§ 90.200-90.206
	Article 7. The Department of Corrections Modernization Act of 2021	§§ 90.301-90.314
91	Infant Child's Right to Life Act.	§§ 91.01 - 91.06
92	Safe Streets Act of 2018.	
	Article 1. Offenses Involving Alcohol and Controlled Substances.	§§ 92101-92126
	Article 2. Implied Consent and Suspension or Revocation of Driving Privileges and License.	§§ 92201-92206
	Article 3. Ignition Interlock Devices.	§§ 92301-92302
93	Criminal Sexual Conduct Assessment and Rehabilitation Act.	§§ 93.10-93.50



## Attachment C

### Criminal Law and Procedure Revision Commission Subcommission Quarterly Report Template

Subcommission Name:

Chair:

Members:

Dates of subcommission meetings:

Past activity:

1. List of Chapter (and Article, if applicable) reviewed.
2. Brief summary of subcommission's findings/conclusions for each Chapter/Article, using the Excel spreadsheet for guidance.
3. Brief recommendation for each Chapter/Article already reviewed.

Current and future activity:

1. List of Chapters/Articles currently under review and to be reviewed in future subcommission meetings.
2. List of future subcommission meeting dates.

## Attachment D

### Criminal Law and Procedure Revision Commission Document Naming Guide

Type of document	Document name information	Example
Original GCA	GCA identifier (Title gc chapter)	9gc004
Internal subcommission working drafts	GCA identifier (Title gc chapter) Date/time of edit Initials of subcommission member	9gc030_02-09-2023_eba 9gc030_02-09-2023_3pm_ct
First draft submitted to Plenary Commission	GCA identifier (Title gc chapter) Mtg when first draft submitted	9gc030_03-15-2023
Second/subsequent draft submitted to Plenary Commission	GCA identifier (Title gc chapter) Mtg when draft submitted for reconsideration Draft number (v02, v03)	9gc030_04-14-2023_v02
Draft approved by Plenary commission	GCA identifier (Title gc chapter) Mtg when draft approved	9gc030_05-15-2023_approved

#### Notes:

Dates must be in (MM-DD-YYYY)

Subcommission internal drafts – use date/time of edit

Drafts submitted to Plenary Commission – use date of meeting and draft number

No spaces in name of document