

PROCESS TO PROPOSE REPEAL OF A STATUTE

SUMMARY OF STEPS

1.) PRESENT THE CURRENT VERSION OF THE STATUTE.

2.) REASON FOR SUGGESTED REPEAL. The Sub-Commission must indicate in writing the reason for suggesting that the statute be repealed.

3.) REVIEW OF EXISTING CASE LAW. The Sub-Commission will review the following to ensure the proposed amendment does not conflict with existing, applicable case law.

(A) U.S. Supreme Court Case Law,

(B) Supreme Court of Guam Case Law,

(C) District Court Appellate Division Case Law and

(D) Superior Court of Guam Case Law.

4.) REVIEW OF STATUTORY SOURCE. If the information is available, the Sub-Commission should identify:

(A) What jurisdiction or state the statute being reviewed came from.

(B) What year Guam adopted the statute.

(C) If the originating jurisdiction or state still uses the original statute (if it is still “on their books”).

(D) If the statute is no longer being used by the originating jurisdiction or state, then when was it amended or repealed.

(E) If the statute was amended by the originating jurisdiction or state, please provide the amended statute below, the citation and the date of amendment.

(F) If “UNABLE TO DETERMINE” the source of the Guam Statute, please so indicate.

5.) MODEL PENAL CODE REVIEW. The Sub-Commission will review the Model Penal Code for guidance.

6.) REVIEW OF RECENTLY REVISED HAWAII OR D.C. CRIMINAL CODES. The Sub-Commission will review recently revised Hawaii or D.C. (or other jurisdictions) criminal code for guidance.

7.) AFFECTED STATUTES. The Sub-Commission must list the other statutes, if any, that will be impacted by the proposed repeal.

8.) PROPOSED REPEAL TO BE SUBMITTED TO THE PLENARY COMMISSION. If the Sub-Commission reaches consensus that a particular statute should be repealed, the Sub-Commission Chair must indicate so and sign and date the Worksheet. The Plenary Commission shall then consider the proposed repeal.


Please be advised that the Sub-Commission's completed and signed "Proposed Statutory Repeal Worksheet" will be included in the Plenary Commission's submission to I Liheslaturan Guåhan, I Maga'Hagan Guåhan and the Chief Justice.

PROPOSED STATUTORY REPEAL WORK-SHEET

The Criminal Law Review Sub-Commission proposed to REPEAL the following statute:

Title:	GCA §
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1.) CURRENT VERSION OF THE STATUTE: Please provide the current version of the statute below as it appears in the GCA (inclusive of any annotations).



2.) REASON FOR THE PROPOSED AMENDMENT: Please indicate, with specificity, in the space below the reason for the proposed repeal. Why does the statute need to be repealed? What specific conduct is being improperly penalized under the current version of the statute?

Continued:

3.) REVIEW OF EXISTING CASE LAW FOR CONFLICTS: Please indicate that the Sub-Commission has reviewed the various relevant case law (as listed below) to determine whether apparent conflicts exist.

CONFLICTS EXIST?:	YES	NO
A.) U.S. Supreme Court Case Law:	[]	[]
B.) Supreme Court of Guam Case Law:	[]	[]
C.) District Court Appellate Division:	[]	[]
D.) Superior Court of Guam Case Law:	[]	[]

IF CONFLICTS EXIST, PLEASE IDENTIFY THE CASE AND INCLUDE COMMENTS BELOW:

4.) STATUTORY SOURCE INFORMATION: (If unable to determine this information, please fill in "B.)" and "F.)" only.)

A.) The original statute came from [***Jurisdiction / State***]: _____.
It was enacted in that jurisdiction / state on _____ [m/d/yyyy].
Please provide the original statute (as it appears in the originating jurisdiction / state),
inclusive of annotations, and its citation below:

CITATION:

B.) The Guam statute became law on _____ [m/d/yyyy)

	YES	NO
C.) Is the statute still “on the books” of the originating jurisdiction?	<input type="checkbox"/>	<input type="checkbox"/>

D.) If the answer to “C.)” above is “NO,” then the originating statute was repealed / amended on: _____ [m/d/yyyy) ☐ **Not Applicable**

E.) If originating jurisdiction / state repealed the original statute, please check indicate by placing a checkmark here → [].

If the originating jurisdiction amended the statute, please provide the amended statute below, inclusive of annotations, and its citation.

CITATION: _____

F.) If “UNABLE TO DETERMINE” the source of the Guam Statute, please indicate by placing a checkmark here → [].

	YES	NO
5.) MODEL PENAL CODE REVIEW PERFORMED:	[]	[]

6.) RECENTLY REVISED HAWAII OR D.C. CRIMINAL CODE PERFORMED:

YES	NO
[]	[]

Please identify below any relevant citations or comments from the recently revised Hawaii or D.C. Criminal Code that were used for guidance and provide comments.

7.) AFFECTED GUAM STATUTES (IF ANY): Please identify below Guam statutes, if any, that may be impacted by the proposed amendment and provide comments.

1. Title _____ GCA § _____.
2. Title _____ GCA § _____.

ANY OTHER COMMENTS:

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THE PROPOSED REPEAL OF TITLE _____ GCA § _____ SHALL BE FORWARDED TO THE PLENARY COMMISSION.

YES
[]

NO
[]

SUB-COMMISSION CHAIR

DATE: _____

CLRC Subcommittee Report

Subcommittee: ☐ Persons ☐ Property ☐ Drugs & Other ☐ Procedure

Reporting period:

☐ Jan-Mar 2023 ☐ April-June 2023 ☐ July-Sept 2023 ☐ Oct-Dec 2023

☐ Jan-Mar 2024 ☐ April-June 2024 ☐ July-Sept 2024 ☐ Oct-Dec 2024

Chair: _____

Members: _____

Dates of subcommittee meetings: _____

Completed and/or ongoing review of the following:

Chapter number _____ Chapter name _____

If applicable, Article number _____ Article name _____

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☐ Tabled*

*Reason for tabling action: _____

Chapter number _____ Chapter name _____

If applicable, Article number _____ Article name _____

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☐ Tabled*

*Reason for tabling action: _____

Chapter number _____ Chapter name _____

If applicable, Article number _____ Article name _____

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☐ Tabled*

*Reason for tabling action: _____

Chapter number _____ Chapter name _____

If applicable, Article number _____ Article name _____

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☐ Tabled*

*Reason for tabling action: _____

Chapter number _____ Chapter name _____

If applicable, Article number _____ Article name _____

Recommended action: ☐ No change ☐ Amend ☐ Repeal ☐ Tabled*

*Reason for tabling action: _____

Chapter number ____ Chapter name _____

If applicable, Article number ____ Article name _____

Recommended action: __No change __Amend __Repeal __Tabled*

*Reason for tabling action: _____

Future meeting dates: _____

Planned review of the following:

Chapter number ____ Chapter name _____

If applicable, Article number ____ Article name _____

Chapter number ____ Chapter name _____

If applicable, Article number ____ Article name _____

Chapter number ____ Chapter name _____

If applicable, Article number ____ Article name _____

Chapter number ____ Chapter name _____

If applicable, Article number ____ Article name _____

Chapter number ____ Chapter name _____

If applicable, Article number ____ Article name _____