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CH. 4 CRIMINAL INJURIES COMPENSATION COMMISSION
RULES AND REGULATION FOR THE ADJUDICATION OF VICTIM CLAIMS

CHAPTER 4
CRIMINAL INJURIES COMPENSATION COMMISSION
RULES AND REGULATION FOR THE ADJUDICATION OF VICTIM CLAIMS

SOURCE: Adopted pursuant to P.L. 38-052:2 (Aug. 18, 2025). Renumbered by the Compiler pursuant to the authority of 1 GCA § 1606.

2025 NOTE: Adopted by the Criminal Injuries Compensation Commission on March 1, 2024 pursuant to the authority granted by 8 GCA § 161.120. Certain rules adopted by the Commission included references to statutory provisions; these statutes are indicated in brackets.

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ARTICLE 1
PURPOSE AND DEFINITIONS

§ 4101. Purpose.
§ 4102. Definitions.

§ 4101. Purpose.

These Rules and Regulations are adopted pursuant to the Compensation for Damages from Criminal Activities Act (Act) [8 GCA § 161.120] for the purpose of conducting the administrative business of the Criminal Injuries Compensation Commission (Commission), and the procedures for victims of violent crime who suffered injury or death to apply for compensation under the Criminal Injuries Compensation Program (CICP). It is the intent of the Commission to provide for prompt and expeditious review of all applications made under the CICP.

§ 4102. Definitions.

In addition to those terms defined under 8 GCA § 161.10 the following terms are defined and made applicable:

- (a) “Adjudicate” means to consider evidence supporting an application for compensation, and to vote to approve or disapprove an award of compensation in whole or in part.
- (b) “Applicant” means a victim as defined in 8 GCA § 161.10(i), a spouse, a child of a victim, a dependent of a deceased victim, or a private citizen as defined in 8 GCA § 161.10.
- (c) “Collateral source” means amounts or benefits received or to be received from any source, whether from the offender or from any person on behalf of the offender, or from public or private funds, and which amounts or benefits result from or are in any manner, directly or indirectly, attributable to the injury or death which gave rise to the award. [8 GCA 161.100(a)] It also includes the personal guarantee of a person for the medical expenses of a deceased victim.

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(d) "Funeral expenses" or "burial expenses" means expenses directly related to burial or cremation of the victim; burial plot or crypt; casket, flowers, candles, rental of a funeral home church or location; tents, chairs, food and beverages, funeral booklets, musical services, transportation of the deceased victim to or from Guam. It does not include air or ground transportation of a person to escort or accompany a deceased victim, or for any person to attend the burial.

(e) "Maintenance of the victim" means the actual providing of direct physical care to a victim such as hospice, food, personal needs and may include reasonable temporary lodging and relocation for the safety of the victim not to exceed thirty (30) days but does not include indirect costs such as power or utilities (unless part of lodging), mortgage, or personal financial debts.

(f) "Medical expense" means monetary costs involved in seeking treatment from a licensed medical provider for injury or death caused to a victim of a violent crime as stated in 8 GCA § 161.55. It includes emergency hospital services, medical clinic services, mental health counseling and care, psychiatric care, therapy, medication management, counseling, dental services, dental devices, eyeglasses, corrective lenses, and for services rendered in accordance with and additional methods of healing recognized in Guam.

(g) "Pain and suffering" mean expenses incurred by a victim related to severe or serious physical injury or temporary mental suffering which require counseling to cope with the trauma of victimization.

(h) "Pecuniary loss" means damages measured in financial terms, in monetary amounts to include loss of wages or employment, loss of financial support, out of pocket losses associated with maintenance of the victim, repair costs to property necessary for the safety of the victim, or loss to the private citizen directly resulting from property damage under §161.80(d).

(i) "Residency" means the place where a person lives for a period of thirty (30) consecutive days in a calendar year, maintains that person's home and to which, whenever that person is absent, that person has the bona fide intention to return. Indicia of residence on Guam shall include but not be limited to, payment of Guam personal income taxes, maintaining a home or other living accommodations in Guam, having temporarily departed from Guam with the intention of returning, and not being registered to vote in any other State, territory, or county since departing Guam pursuant to Title 3 GCA § 9123.

ARTICLE 2
GENERAL PROCEDURES

- § 4201. Membership.
- § 4202. Chairperson/Term Limit.
- § 4203. Hearings/Working Sessions.
- § 4204. Quorum.
- § 4205. Vacancy.
- § 4206. Voting.
- § 4207. Public Notice.
- § 4208. Disclosure of Record.

§ 4201. Membership.

The Commission shall be made up of five (5) members appointed by *I Maga 'hågan/Maga 'låhen Guåhan* with the advice and consent of *ILiheslaturan Guåhan*.

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2025 NOTE: Reference to the “Governor of Guam” replaced with *I Maga ‘hågan/Maga ‘låhen Guåhan* pursuant to 5 GCA § 1510.

§ 4202. Chairperson/Term Limit.

The Commission shall elect a Chair from among the membership who shall serve for a period of two (2) years. A commissioner may be reelected to one consecutive term as Chair for a total of four (4) years, unless no other member expresses interest in serving as Chair, in which case an outgoing Chair may continue to serve for successive terms without limit. The Chair may be removed without cause by a majority vote of the remaining members, and a new Chair shall be elected immediately.

§ 4203. Hearings/Working Sessions.

(a) Hearings.

(1) A hearing shall be called by the Chair at such times, dates and places as shall be set by the Chair. Additional hearings can be called by a majority of the members in writing requesting the Chair to convene a hearing with a proposed agenda. In the event a Chair refuses to convene a hearing as requested, the Attorney General may convene a meeting *sua sponte*.

(2) The Attorney General’s Office (OAG) shall provide all administrative support and assistance to the Commission for the purposes of calling hearings including all costs of publication.

(3) At a hearing, the Commission shall adjudicate applications, take testimony and consider evidence from applicants and supporting witnesses, issue subpoenas, adopt and amend rules and regulations, legislation, review the financial stability of the CICP Fund (Fund), consider such matters as will improve and benefit the general community in relation to victim compensation.

(b) Working Sessions.

(1) The Chair may call a working session for the purposes of discussing administrative or executive matters, including a general review of pending applications. No application can be decided upon, and no action taken with reference to an application at a working session. Administrative matters may include budget preparation, sub-committee reports, communications, program improvement and outreach efforts, as well as legal assistance from the OAG.

(2) Working sessions may be conducted via video Zoom or teleconferencing, do not require a quorum, are limited to be informal, and not subject to record keeping.

§ 4204. Quorum.

(a) A validly convened hearing requires a quorum present. A quorum of the Commission for purposes of a hearing shall consist of three (3) members. No decision of action of the Commission shall be valid without a quorum. No hearing can be convened without a valid quorum. Any decision made in the absences of a valid quorum is void *ab initio*.

(b) A quorum is not required for working sessions.

(c) A quorum failure resulting from a lack of Commissioners serving in office due to unfilled vacancies shall be resolved in accordance with 8 GCA § 161.15(a), requiring the Attorney General to convene a hearing. Upon resolution of the quorum failure, Section 161.15(a) shall no longer be applicable.

(d) A Commissioner may be considered in attendance for the purpose of establishing a quorum via any video or teleconferencing that permits questions and answers to be properly recorded.

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§ 4205. Vacancy.

A vacancy in the membership of the Commission shall be filled only in accordance with statute. [8 GCA § 161.20] The Commission shall notify *I Maga 'håga/Maga 'låhi* and *I Liheslaturan Guåhan* of a vacancy with a request to have such vacancy filed expeditiously for the benefit of victims of crime.

2025 NOTE: Reference to the “Governor” replaced with *I Maga 'håga/Maga 'låhi* pursuant to 5 GCA § 1510.

§ 4206. Voting.

Decisions of the Commission require a vote of three (3) members participating in a validly called hearing. No decision is valid without a quorum vote of three members. A Commissioner who is participating in a hearing via video or teleconferencing shall be permitted to exercise his/her vote. [8 GCA § 161.25]

§ 4207. Public Notice.

(a) All hearings of the Commission shall comply with the notice requirements of the Open Government Law. Working sessions do not require compliance with the Open Government Law. [5 CGA Chapter 8]

(b) The Commission is authorized to conduct closed hearings to adjudicate applications for compensation. [8 GCA § 161.30(b), as amended by P.L. 37-040 (Aug. 11, 2023)]

2025 NOTE: Subsections designations added by the Compiler pursuant to the authority of 1 GCA § 1606.

§ 4208. Disclosure of Record.

Confidential records of victims or eligible applicants are protected from public disclosure, inspection, reporting or discovery without the prior written consent of the victim/eligible applicant, or as compelled by court order, federal or local law. [8 GCA § 161.30(e), as amended by P.L. 37-040 (Aug. 11, 2023)]

ARTICLE 3
ELIGIBILITY

§ 4301. Eligibility.

§ 4302. Burden to Demonstrate Eligibility.

§ 4303. Statutory Limitations.

§ 4301. Eligibility.

An applicant is eligible to apply for compensation in the following circumstances:

(a) The act of omission resulted in the death or injury to the applicant.

(b) Death or injury occurred within Guam, or if it occurred outside of Guam, the victim or eligible applicant must prove victim was a resident at the time death or injury occurred and prove that the territory, state or country in which the crime occurred does not have a crime victim's compensation statute. [8 GCA § 161.75]

§ 4302. Burden to Demonstrate Eligibility.

The burden of proving eligibility rests wholly with the person who seeks compensation as a victim or eligible applicant.

(a) A copy of the police report containing the criminal history and investigation of the crime is presumptive proof the crime occurred. Invoices for services performed, payment receipts, and other

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financial documents are required as proof of incurred expenses. Failure to provide such documentation is grounds for disapproval of an application.

(b) Operation of a motor vehicle, boat, or aircraft while impaired or under the influence of alcohol or drugs in violation of 9 GCA § 92101 *et seq.* with a blood alcohol level or drug impairment over legal limits is sufficient to prove intent that a crime has been committed for purposes of this Act. [8 GCA § 161.55(b)]

§ 4303. Statutory Limitations.

An application must be filed within eighteen (18) months of the date of injury, death of the victim, or property damage. [8 GCA § 161.90(a)]

ARTICLE 4
APPLICATION

§ 4401. Application Form.

§ 4402. Review for Eligibility and Completeness – Referral to Commission.

§ 4401. Application Form.

Application for compensation under these Rules shall be made using the official administrative form approved by the Commission. No other application form shall be acceptable. An applicant is required to make a sworn declaration attesting to the truthfulness of all information contained in the application.

§ 4402. Review for Eligibility and Completeness – Referral to Commission.

(a) The administrative staff of the Commission is responsible for reviewing all filed applications promptly to determine whether the applicant is eligible and the completeness of the application. An incomplete application shall not be processed for further consideration. An applicant shall be notified twenty (20) business days of filing whether the applicant meets eligibility requirements and whether the application is complete or incomplete.

(b) An applicant must provide all supporting documentation including original or certified copies of medical or funeral expenses.

(c) A victim applicant must provide all supporting documentation to prove loss of income, loss of employment or any other pecuniary loss resulting from the injury, including pain and suffering.

(d) An applicant responsible for the care and maintenance of the victim must provide all supporting documentation to prove pecuniary losses.

(e) An applicant, whether at the time of application or after an award is made, must provide evidence or collateral compensation from any source whether from the offender as restitution, or from any person on behalf of the offender, or from public or private funds, and which amounts or benefits result from or are in any manner directly or indirectly attributable to the injury or death which gave rise to the requested compensation or award, but does not include life insurance benefit to a surviving spouse or dependents of a deceased victim. [8 GCA § 161.100]

(f) Completed applications shall be submitted to the Commission for review, consideration, and adjudication.

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ARTICLE 5
HEARING

§ 4501. Hearing.
§ 4502. Medical Examination.

§ 4501. Hearing.

(a) Hearings of the Commission must comply with the Open Government Law, except as authorized under 8 GCA § 161.30(b) and these Rules.

(b) Hearings pertaining to the administrative business of the Commission are open to the public.

(c) Adjudicative hearings pertaining to the taking of testimony and evidence in support of an application for compensation are closed to the public.

(d) The Commission is authorized to hire an Administrative Law Judge (ALJ) to conduct adjudicative hearings on behalf of the Commission and to make dispositive recommendations to approve or disapprove an application for compensation in whole or in part to the Commission.

(e) The hearing shall be informal. Rules of Evidence shall not apply.

(f) The applicant and all witnesses shall testify under oath.

(g) The applicant is entitled to call witnesses and may request the Commission to subpoena the attendance of witnesses. If a subpoena is required for the attendance of a witness, the applicant shall pay civil fees for a witness' attendance equivalent to the same fee allowable by the Superior Court of Guam for attendance of a witness under subpoena.

(h) An applicant is entitled to be represented by counsel at his/her own expense.

(i) The applicant and all witnesses are subject to examination by the Commission. Counsel for the applicant is permitted to examine the witness. An applicant who is not represented by counsel (pro se) may present questions to the Commission for consideration of the witness. A pro se applicant shall not be permitted to examine witnesses directly.

(j) The burden of proof standard is clear and convincing evidence.

(k) A hearing may be recessed or continued at the discretion of the Commission.

(l) All hearings shall be recorded. No written transcript shall be required. In the case of an appeal on the record a digital transcript shall be provided to the applicant and payment of \$25 reproduction fee payable to the Treasurer of Guam.

§ 4502. Medical Examination.

(a) The Commission may order the applicant to be examined by a licensed practitioner appointed by the Chair, specifically requesting a determination that is relevant to a determination of whether the injury was reasonably and likely a result of the acts of the offender as alleged by the applicant. Such examination shall be paid from the administrative funds of the Commission. A report shall be made to the Commission by the appointed practitioner expressing his/her opinion on the issue. The applicant shall be entitled to a copy of the report.

(b) The applicant may rebut the findings of the report at hearing by filing a separate report for the Commission's consideration at the applicant's own expense.

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ARTICLE 6
DECISION AND APPEAL

- § 4601. Decision.
- § 4602. Reconsideration.
- § 4603. Appeal.

§ 4601. Decision.

(a) The Commission shall render a decision no later than one hundred and twenty (120) days from the date of the final hearing, including any continuances. The Commission may extend rendering its decision for good cause stated in writing to the applicant, and in no event shall the extension exceed thirty (30) more days.

(b) Where the hearing is conducted by an ALJ, the ALJ shall render a recommendation to the Commission within 20 calendar days of the hearing. The Commission may accept or reject the recommended findings and conclusions of the ALJ. The Commission may review the record de novo in deciding whether to accept or reject the ALJ's recommendation. The Commission shall notify the applicant in writing of its final decision.

§ 4602. Reconsideration.

The Commission is permitted to reconsider any decision rendered, either *sua sponte* or on petition of an aggrieved applicant. A reconsideration motion must be filed no later than ten (10) working days after issuance of the Commission's decision. Reconsideration is permitted based on an error or mistake of fact. Reconsideration is not permitted to challenge the Commission's discretionary authority. Reconsideration is limited to the record. No new evidence shall be permitted as the basis for a motion for reconsideration. [8 GCA § 161.45(a)]

§ 4603. Appeal.

An aggrieved applicant may appeal the decision of the Commission to the Superior Court of Guam on the sole grounds that the decision exceeded the Commission's authority or jurisdiction, within thirty (30) calendar days after service upon the applicant an original or certified copy of such decision. Except as provided herein, there is no further basis for appeal. [8 GCA § 161.45(b)]

ARTICLE 7
AWARD AND ATTORNEY FEES

- § 4701. Maximum Award.
- § 4702. Attorney Fees.

§ 4701. Maximum Award.

Compensation for medical expenses may be awarded up to the amount of Twenty Thousand Dollars (\$20,000.00), and compensation for all other purposes allowed under this Chapter shall not exceed Ten Thousand Dollars (\$10,000.00). [8 GCA § 161.90(b)]

§ 4702. Attorney Fees.

The Commission may order reasonable attorney fees based on an award granted to an applicant as provided in 8 GCA § 161.40. The Commission shall require the attorney to submit an Affidavit of

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Reasonable Attorney Fees to the Commission within thirty (30) days of the issuance of a final decision of the Commission. An order for reasonable attorney fees is not subject to reconsideration or appeal.
