



HON. KATHERINE A. MARAMAN
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

**GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION
PLENARY MEETING THURSDAY, JANUARY 29, 2026, 12:00 PM
MEETING PACKET**

**CLRC PLENARY MEETING JANUARY 29, 2026
AGENDA**

I. CALL TO ORDER

II. PROOF OF DUE NOTICE OF MEETING

III. DETERMINATION OF QUORUM

IV. DISPOSAL OF MINUTES OCT. 8, 2025

V. OLD BUSINESS

- A. Subcommission Status Update and Report of Executive Director
- B. Interim Report Update and Notice of Errata

VI. NEW BUSINESS

- A. Subcommission on Criminal Procedure: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
- B. Ad Hoc Subcommission on Corrections-related Chapters: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
- C. Subcommission on Crimes Involving Property: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
- D. Subcommission on Crimes Against Persons: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
- E. Subcommission on Drug & Other Criminal Offenses: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
- F. Notice of Next Meeting: **TO BE DETERMINED.**

VII. COMMUNICATIONS

VIII. PUBLIC COMMENT

IX. ADJOURNMENT

PUBLIC NOTICES

CLRC PLENARY MEETING OF

JANUARY 29, 2026

CLASSIFIEDS

Place an ad online TODAY!
 PDN Lobby Hours: Monday-Friday 8am-5pm
 Guampdn.com/Classifieds
 Or call (671)472-1PDN (1736)



Jobs
 Find a new job or career

Homes & Rentals
 Discover your new home

Auto
 Turn here for your next vehicle

Stuff
 Household, Furniture, Pets & Stuff

Super Classified Deals
 For all categories except employment and real estate. Package line limit listed below.

Good: Text only, 3 days in E-edition / 7 days on Classified of our website - line limit (5) lines. **\$35.00**

Better: Text with border, 5 days in E-edition / 10 days on Classified of our website - line limit (10) lines. **\$45.00**

Best: Text with border & image, 8 days in E-edition / 14 days on Classified of our website - line limit (15) lines. **\$60.00**

Categories
Animals for Sale: Livestock / Pets . **Automotive:** Cars/Motorcycle/Pickups and SUVs . **Celebrations . Fundraisers . Goods for Sale:** Auto Parts/Baby Items/Computers/Electronics/Exercise Equipment/Furniture/Household Goods/Miscellaneous/ Musical Instruments/ Sports and Outdoors Equipment/Tools . **Lost and Found . Heavy Equipment . Repairs and Installation:** Air Conditioning/Appliances/Cellphones/Computers/Electrical/Electronics/Plumbing/Repair and Installations Services Needed . **Services:** Child and Elderly Care/Educational/Lawn Care or Yardwork/Other Services/Therapeutic Massage/Tutoring/Cleaning Services . **Wanted to Buy . Watercraft:** Boats/Personal Water Craft

Employment Classified Packages
 Package line limit listed below.

Good: Text only, 3 days in E-edition / 7 days on Classified of our website - line limit (5) lines. **\$99.00**

Better: Text with border, 5 days in E-edition / 10 days on Classified of our website - line limit (10) lines. **\$114.00**

Best: Text with border & image, 8 days in E-edition / 14 days on Classified of our website - line limit (15) lines. **\$120.00**

Categories
 Help Wanted Full Time . Help Wanted Part Time

Real Estate Classified Packages
 Package line limit listed below.

Good: Text only, 3 days in E-edition / 7 days on Classified of our website - line limit (5) lines. **\$81.00**

Better: Text with border, 5 days in E-edition / 10 days on Classified of our website - line limit (10) lines. **\$96.00**

Best: Text with border & image, 8 days in E-edition / 14 days on Classified of our website - line limit (15) lines. **\$105.00**

Categories
 Businesses for Sale . For Lease Land . For Rent Commercial . For Rent Residential . For Sale Commercial . For Sale Residential . For Sale Land . Rooms for Rent

Open Rate Liners
 All liners are priced per line and include digital. E-edition only options are not available.

Private Party Open Rate Liner:
 **Applies to all Categories except for Employment and Real Estate
\$14.45 per liner/day for E-edition and 3 days on Classified of our website
\$50.00 5 days on Classified of our website

Employment Open Liners
\$16.50 per liner/day for E-edition and 3 days on Classified of our website
\$75.00 5 days on Classified of our website

Real Estate Open Liners
\$14.70 per liner/day for E-edition and 3 days on Classified of our website
\$65.00 5 days on Classified of our website

Optional Adds for Open Liners
 • Bold: \$2.00 • Border: \$7.00 • Image: \$7.00

All Classified ads are subject to the applicable rate card, copies of which are available from our Advertising Dept. All ads are subject to approval before publication. The Pacific Daily News/Pacific Sunday News reserves the right to edit, refuse, reject, classify or cancel any ad at any time. Errors must be reported in the first day publication. The Pacific Daily News/Pacific Sunday News shall not be liable for any loss or expenses that results from an error in or omission of an advertisement. No refunds for early cancellation of order.

Let the Pacific Daily News Classified **Work for You!**

 guampdn.com
 Call 472-1PDN for more information.

Notice of Performance Evaluation
 Pursuant to 5 GCA §43203, the Guam Commission for Educator Certification (GCEC) has published the performance evaluation of the Commission's Executive Director. The Executive Director's evaluation is available for review on the Guam Commission for Educator Certification's website at <https://gcec.guam.gov>.

The advertisement is paid with government funds.

JUDICIARY OF GUAM
 Guam Judicial Center
 120 West O'Brien Drive, Hagåtña, Guam 96910
www.guamcourts.gov

INVITATION FOR BID
 NO.: IFB 26-01

1-YEAR SUBSCRIPTION TO CLOUD-BASED PORTABLE DOCUMENT FORMAT (PDF) SOFTWARE LICENSES

The Judiciary of Guam is accepting bids from qualified vendors for 1-Year Subscription to Cloud-Based Portable Document Format (PDF) Software Licenses for the Judiciary of Guam.

Interested and qualified vendors may request for printed or electronic copies of the IFB package from the Procurement Office, 1st Floor, Guam Judicial Center in Hagåtña, Guam, on **January 22, 2026 from 8:00 am to 5:00 pm, Guam Standard Time**, Monday to Friday, except Government of Guam holidays.

ALL BIDS must be submitted to the Procurement Office no later than **2:00 pm, February 12, 2026 Guam Standard Time**. ALL BIDS will be publicly opened and read aloud on that said date and time at the Administrator of the Courts Conference Room, 1st Floor, Guam Judicial Center in Hagåtña, Guam.

For any periodic updates of the IFB please visit the Judiciary's website: www.guamcourts.gov. For further information or to request for copies of the IFB package, please contact the Procurement Office at (671) 475-3290/3175/3212/3141/300-7994 or email antonio@guamcourts.gov and ztandoc@guamcourts.gov.

/s/ DANIELLE T. ROSETE
 Administrator of the Courts

This notice is paid with Government of Guam funds by the Judiciary of Guam.
 "The Judiciary of Guam is an equal opportunity provider and employer."

The University Of Guam Solicits Applications To Establish A List Of Eligibles For The Following Position (Subject to the Availability of funds):

#033-26 GENERAL COUNSEL

Contact the Human Resources Office at (671) 735-2350 for detailed information regarding requirements, qualifications and application deadline, 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. View the Human Resources Office website at <http://www.uog.edu/hro> for detailed information on the job announcement. For further information, please email Ms. Marlena Pangelinan, Search Committee Chair at marlenap@triton.uog.edu.

The University of Guam is a U.S. accredited institution and an Equal Opportunity Employer and Provider and complies with the Americans with Disabilities Act. For assistance, please contact the Director, EEO and Title IX/ADA Coordinator at (671) 735-2244; (671) 735-2243 (TTY).

/s/ JOSEPH B. GUMATAOTAO
 Chief Human Resources Officer

THIS AD IS PAID FOR BY UNIVERSITY OF GUAM FUNDS.

JUDICIARY OF GUAM
 Guam Judicial Center
 120 West O'Brien Drive, Hagåtña, Guam 96910-5174
 Tel: (671) 475-3300 Fax: (671) 475-3140
www.guamcourts.org

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION PLENARY MEETING JANUARY 29, 2026

NOTICE OF MEETING

The Guam Criminal Law and Procedure Review Commission will conduct a plenary meeting on January 29, 2026 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: October 8, 2025
- V. OLD BUSINESS
 - A. Subcommittee Status Update and Report of Executive Director
 - B. Interim Report Update and Notice of Errata
- VI. NEW BUSINESS
 - A. Subcommittee on Criminal Procedure: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - B. Ad Hoc Subcommittee on Corrections-related Chapters: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - C. Subcommittee on Crimes Involving Property: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - D. Subcommittee on Crimes Against Persons: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - E. Subcommittee on Drug & Other Criminal Offenses: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - F. Notice of Next Meeting: TO BE DETERMINED.
- VII. COMMUNICATIONS
- VIII. PUBLIC COMMENT
- IX. ADJOURNMENT

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

REPORT FOR AMERICA
 Go to ReportforAmerica.org for more information

guampdn.com
 THE PACIFIC DAILY NEWS
 20 Thursday, January 22, 2026

CLASSIFIEDS

Place an ad online TODAY!
 PDN Lobby Hours: Monday-Friday 8am-5pm
 Guam.pdn.com/Classifieds
 Or call (671)472-1PDN (1736)



Jobs
 Find a new job or career

Homes & Rentals
 Discover your new home

Auto
 Turn here for your next vehicle

Stuff
 Household, Furniture, Pets & Stuff

Super Classified Deals
 For all categories except employment and real estate.
 Package line limit listed below.

Good: Text only. 3 days in E-edition / 7 days on Classified of our website - line limit (5) lines. **\$35.00**

Better: Text with border. 5 days in E-edition / 10 days on Classified of our website - line limit (10) lines. **\$45.00**

Best: Text with border & image. 8 days in E-edition / 14 days on Classified of our website - line limit (15) lines. **\$60.00**

Categories
Animals for Sale: Livestock / Pets. **Automotive:** Cars/Motorcycle/Pickups and SUVs. **Celebrations . Fundraisers . Goods for Sale:** Auto Parts/Baby Items/Computers/Electronics/Exercise Equipment/Furniture/Household Goods/Miscellaneous/ Musical Instruments/ Sports and Outdoors Equipment/Tools. **Lost and Found . Heavy Equipment . Repairs and Installation:** Air Conditioning/Appliances/Ceiling Fans/Computers/Electrical/Electronics/Plumbing/Repair and Installations Services Needed. **Services:** Child and Elderly Care/Educational/Lawn Care or Yardwork/Other Services/Therapeutic Massage/Tutoring/Cleaning Services. **Wanted to Buy . Watercraft:** Boats/Personal Water Craft

Employment Classified Packages
 Package line limit listed below.

Good: Text only. 3 days in E-edition / 7 days on Classified of our website - line limit (5) lines. **\$99.00**

Better: Text with border. 5 days in E-edition / 10 days on Classified of our website - line limit (10) lines. **\$114.00**

Best: Text with border & image. 8 days in E-edition / 14 days on Classified of our website - line limit (15) lines. **\$120.00**

Categories
 Help Wanted Full Time . Help Wanted Part Time

Real Estate Classified Packages
 Package line limit listed below.

Good: Text only. 3 days in E-edition / 7 days on Classified of our website - line limit (5) lines. **\$81.00**

Better: Text with border. 5 days in E-edition / 10 days on Classified of our website - line limit (10) lines. **\$96.00**

Best: Text with border & image. 8 days in E-edition / 14 days on Classified of our website - line limit (15) lines. **\$105.00**

Categories
 Businesses for Sale . For Lease Land . For Rent Commercial . For Rent Residential . For Sale Commercial . For Sale Residential . For Sale Land . Rooms for Rent

Open Rate Liners
 All liners are priced per line and include digital.
 E-edition only options are not available.

Private Party Open Rate Liner:
 **Applies to all Categories except for Employment and Real Estate
\$14.45 per line/per day for E-edition and 3 days on Classified of our website
\$50.00 5 days on Classified of our website

Employment Open Liners
\$16.50 per line/per day for E-edition and 3 days on Classified of our website
\$75.00 5 days on Classified of our website

Real Estate Open Liners
\$14.70 per line/per day for E-edition and 3 day on Classified of our website
\$85.00 5 days on Classified of our website

Optional Adds for Open Liners
 • **Bold:** \$2.00 • **Border:** \$7.00 • **Image:** \$7.00

All Classified ads are subject to the applicable rate card, copies of which are available from our Advertising Dept. All ads are subject to approval before publication. The Pacific Daily News/Pacific Sunday News reserves the right to edit, refuse, reject, classify or cancel any ad at any time. Errors must be reported in the first day publication. The Pacific Daily News/Pacific Sunday News shall not be liable for any loss or expenses that results from an error in or omission of an advertisement. No refunds for early cancellation of order.

Place an ad in PDN CLASSIFIEDS! IT WORKS!

Assorted Stuff
 all kinds of things...

Announcements

BOLT ACTION 243 Cal Ruger with Scope, Ammo & *SOLD***SOLD***SOLD*****

USED Aluminum Shutters, w/Rails, 8 Windows 4x4, 2 Windoes 3x3, 2 Doors *SOLD***SOLD***SOLD*****

Guam Memorial Hospital Authority
 Aturidat Espetat Mimuriat Guahan
 650 Gov. Carlos G. Camacho Rd.
 Tamuning, Guam 96913

SOLE SOURCE
 PUBLIC LAW 36-70 - 5GCA\$5214

VENDOR: Island Equipment Co.
DESCRIPTION: Liquid Oxygen Medical Refill

CONTRACT TERM: 3 Months **AMOUNT:** \$463,500.00

VENDOR: JMI Healthcare Systems
DESCRIPTION: Radiology Preventive Maintenance Services

CONTRACT TERM: 10 Months **AMOUNT:** \$415,833.30

VENDOR: DePuy Synthes
DESCRIPTION: Various Orthopedic Screws

CONTRACT TERM: For Purchase **AMOUNT:** \$263,301.12

VENDOR: Hawthorne
DESCRIPTION: Removal and Replacement of four (4) Radiator Cores

CONTRACT TERM: 1 Lot **AMOUNT:** \$56,450.09

VENDOR: Inova Provider
DESCRIPTION: Renewal of Medicare Claims Management Pro and Direct Data Entry Verification

CONTRACT TERM: 12 Months **AMOUNT:** \$95,315.85

Sole Source listed above is funded by the GMHA General Fund.
 Sole Source awarded are posted on GMHA website at:
www.gmha.org

/s/ Joleen M. Aguon, MD
 Interim Hospital Administrator/CEO

This advertisement was paid with GMHA Operational Funds.

PDN's new WhatsApp customer service channel!

3 ways to initiate a PDN WhatsApp Conversation
 (Android or Apple mobile phone device recommended)

- Add 671-488-4102** to your phone contacts / WhatsApp contacts.
- Use https://wa.me/message/WIIXBR6XIQMOF1**
- Scan this QR code**

- Contacting the PDN via WhatsApp on a mobile phone device
 - Choose and select from the drop down menu.

JUDICIARY OF GUAM
 Guam Judicial Center
 120 West O'Brien Drive, Hagåtña, Guam 96910-5174
 Tel: (671) 475-3300 Fax: (671) 475-3140
www.guamcourts.org

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION PLENARY MEETING JANUARY 29, 2026

NOTICE OF MEETING

The Guam Criminal Law and Procedure Review Commission will conduct a plenary meeting on January 29, 2026 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/UCfnFCVWwlp99fAeh9zi4Qd4>

AGENDA

- CALL TO ORDER
- PROOF OF DUE NOTICE OF MEETING:
- DETERMINATION OF QUORUM
- DISPOSAL OF MINUTES: October 8, 2025
- OLD BUSINESS
 - Subcommission Status Update and Report of Executive Director
 - Interim Report Update and Notice of Errata
- NEW BUSINESS
 - Subcommission on Criminal Procedure: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - Ad Hoc Subcommission on Corrections-related Chapters: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - Subcommission on Crimes Involving Property: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - Subcommission on Crimes Against Persons: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - Subcommission on Drug & Other Criminal Offenses: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - Notice of Next Meeting: TO BE DETERMINED.
- COMMUNICATIONS
- PUBLIC COMMENT
- ADJOURNMENT

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

MINUTES
CLRC PLENARY MEETING OF
OCTOBER 08, 2025



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. KATHERINE A. MARAMAN
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA, III
PRESIDING JUDGE

HON. JONATHAN R. QUAN
CHAIRMAN

ANDREW SERGE QUENGA
EXECUTIVE DIRECTOR

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION (CLRC) PLENARY MEETING | WEDNESDAY, OCTOBER 8, 2025 MINUTES

I. CALL TO ORDER

The meeting was called to order by Chair Jonathan R. Quan at 12:00 PM. The meeting was held in person in the Judge Joaquin V. Manibusan Sr. Memorial Courtroom at the Judicial Center and via Zoom. The session was livestreamed on the Judiciary of Guam's YouTube channel.

II. PROOF OF DUE NOTICE OF MEETING

The Chair confirmed due notice of the meeting in compliance with the Open Government Law. Notices were published in local newspapers and included in the meeting packet.

III. DETERMINATION OF QUORUM

Roll call was conducted by Administrative Assistant Lisa Ibanez. Ten members were confirmed present, establishing a quorum.

Hon. Jonathan R. Quan – Present, Judiciary of Guam
Hon. Maria T. Cenzon- No response
Hon. Anita A. Sukola – Present, California
Atty. William B. Brennan – Present, Hagåtña
DOC Designee Maj. Antone Aguon – Present, (Later logged on in Zoom)
Chief of Police Designee Sgt. Michael Elliott – Present, Tiyan
Atty. Joseph McDonald – Present, Sinajaña
Atty. Randall Cunliffe – Present, Tamuning
Mr. Monty McDowell – Present, Judiciary of Guam
Public Defender Designee Atty. John Morrison – Present, Sinajaña
Attorney General Designee Atty. Valerie Nuesa – Present, Hagåtña
Attorney Michael Phillips- No response

Miss Valerie Reyes- No response
Attorney Christine Tenorio- No response
Atty. Philip Tydingco – Present, Judiciary of Guam

Ex-Officio (Non-Voting Members):
Executive Director Serge Quenga – Present, Judiciary of Guam
Compiler of Laws Geri Cepeda – Present, Judiciary of Guam

Chair Quan acknowledged that a quorum was present and welcomed all attendees and observers.

IV. DISPOSAL OF MINUTES: July 31, 2025

The minutes of the July 31, 2025 plenary meeting were approved without objection.

V. OLD BUSINESS

Director Quenga provided an informational report.

- The CLRC’s second-quarter report was posted online for public access.
- The CLRC is approaching its statutory completion date of January 2027, with continued progress across all subcommissions reviewing Title 9. Subcommissions are encouraged to work with Research Attorneys.

VI. NEW BUSINESS

At the request of the Executive Director, the Chairman allowed the Ad Hoc Subcommission to present first followed by the Criminal Procedure Subcommission, notwithstanding the Agenda order.

A. Ad Hoc Subcommission on Corrections-Related Chapters: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval.

Executive Director Quenga presented on behalf of the Ad Hoc Subcommission. His PowerPoint presentation is included as Attachment 1.

- 9 GCA Chapter 80 (Disposition of Offenders), Article 2 (Imprisonment)
 - § 80.38 (Extended Terms for Felonies: When Allowed: Repeat Offenders).
Repeal as shown in Attachment 1, Slides 3-5.
 - Discussion: This section was held to be unconstitutional by the Guam Supreme Court in 2003 in *People v. Muritok* (2003 Guam 21). Information on the unconstitutionality of this section for violating the U.S. Supreme Court’s *Apprendi* Rule was presented at the last plenary meeting. This section violates *Apprendi* as it impliedly removes from

the jury and prescribes to the court the duty to assess the facts that increase of the prescribed range of penalties to which a criminal defendant is exposed.

Question considered is whether to repeal § 80.38 or amend it to remove the constitutional infirmity. Ad Hoc Subcommittee recommended repeal because: no effort to amend the section since *Muritok* was decided in 2003; source MPC § 7.03 was repealed by the ALI in 2017; and Ad Hoc and Property Subcommittee members discussed and are inclined to repeal.

- § 80.40 (Extended Terms for Misdemeanor: When Allowed: Repeat or Multiple Offender), and § 80.42 (Extended Term by Petition of Department of Corrections). Repeal as shown in Attachment 1, Slides 6 and 8.
 - Discussion: §§ 80.40 and 80.42 contain the same infirmities as § 80.38 and are unconstitutional under *Muritok*. Repeal of § 80.38 encompasses §§ 80.40 and 80.42.
- § 80.32 (Extended Terms Allowed), § 80.36 (Same), § 80.44 (Previous Convictions Defined). Repeal as shown in Attachment 1, Slides 7-8.
 - Discussion: §§ 80.32, 80.36 and 80.44 reference the sections that are unconstitutional under *Muritok*. Repeal of § 80.38 encompasses §§ 80.32, 80.36 and 80.44.
- 9 GCA Chapter 80 sentencing default provisions.
 - § 80.30 (Duration of Imprisonment). No change as shown in Attachment 1, Slide 9.
 - § 80.34 (Misdemeanor and Petty Misdemeanor Sentences). Amend as shown in Attachment 1, Slide 9.
 - Discussion: Delete reference to § 80.36 which was recommended for repeal.
 - Discussion of default sentencing ranges. Attachment 1, Slides 10-15.
 - No changes recommended in the terms of imprisonment in §§ 80.30 or 80.34.
 - Ad Hoc Subcommittee and research attorneys conducted extensive research comparing Guam's default sentencing ranges with those of other jurisdictions and the Model Penal Code. Comparisons included New Jersey, the 2017 Model Penal Code sentencing provisions, and Nebraska. While other jurisdictions differ in the number of felony classifications, the actual ranges of imprisonment for felonies and misdemeanors were found to be largely comparable to Guam's existing defaults. The subcommittee concluded that there was no compelling basis to alter the default sentencing ranges at this time.

- Members discussed the interaction between default sentencing provisions and offense-specific statutes that authorize enhanced or directed sentences. It was noted that serious offenses such as murder and criminal sexual conduct are governed by specific statutory sentencing provisions, which supersede the default ranges.
- Members raised concerns regarding prison overcrowding and the lack of empirical sentencing data, including average sentence lengths and prison population composition and discussed that meaningful sentencing reform typically requires a data-driven approach, often undertaken by dedicated sentencing commissions. Several commissioners emphasized that while such considerations are important, comprehensive sentencing reform and prison capacity issues are outside the Commission's direct mandate. The discussion acknowledged the potential value of recommending that the Legislature consider establishing a Guam Sentencing Commission to study sentencing policy holistically. Several examples of formal state and federal sentencing reform commissions were provided.

Chairman Quan called for a motion to approve the subcommission's recommendations. Motion made by Atty. Phil Tydingco and seconded by Atty. Randy Cunliffe. Approved without objection.

B. Subcommission on Criminal Procedure: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval.

Executive Director Quenga presented on behalf of Subcommission Chair Judge Sukola. His PowerPoint presentation is included as Attachment 2.

- 9 GCA Chapter 7 (Exemptions and Defenses.)
 - § 7.86(b). Amend as shown in Attachment 2, Slide 3. Replace the terms "harm" with "injury" and "rape or sodomy" with "criminal sexual conduct."
 - Discussion: changes are for consistency with the terms "serious bodily injury" and "criminal sexual conduct" which are expressly defined in Title 9.

Attorney Randy Cunliffe noted that the change to criminal sexual conduct is overbroad because it includes inappropriate touching. Members agreed and Chairman Quan tabled this section for further discussion.

- § 7.96 section title and subsection (c). Amend as shown in Attachment 2, Slide 4. Delete "by §§ 7.04 & 7.06" from section title. Amend Replace "7.84" with "7.82" within subsection (c).

- Discussion: Amendment to title for clarification and avoidance of confusion from discrepancies with referenced section numbers with the section.

Correction in subsection (c) of apparent clerical error. Error and correction confirmed with the Compiler of Laws.

- 9 GCA Article 4 (Justification) and Article 5 (Castle Doctrine Act). No changes as shown in Attachment 2, Slides 5-8.

- Discussion: the Criminal Procedure Subcommittee conducted an extensive review and debate of Articles 4 and 5, focusing on the “no duty to retreat” provisions. The subcommittee’s central concern was Article 4’s initial aggressor limitation versus the absence of such a limitation in Article 5 raising the question of a potential statutory conflict. The subcommittee considered whether to amend Article 5 to add an initial aggressor exception or to leave the Castle Doctrine unchanged.

Factors supporting leaving Article 5 unchanged included: the Legislature’s apparent awareness of Article 4’s initial aggressor exception when enacting and later expanding Article 5; Article 5’s explicit cross-reference to Article 4’s self-defense provisions; the Legislature’s affirmative action in 2014 to amend Article 4 to ensure consistency with the Castle Doctrine; ongoing legislative expansions of the Castle Doctrine, reflecting clear policy choices; and the possibility for a defendant to assert self-defense if their castle immunity claim fails..

After discussion the Commission determined no substantive conflict exists and recommended no change.

Chairman Quan called for a motion to approve the subcommittee’s recommendations and to table § 7.86(b). Motion made by Atty. Phil Tydingco and seconded by Mr. Month McDowell. Approved without objection.

C. Subcommittee on Crimes Involving Property: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval.

Attorney Philip Tydingco presented on behalf of the Subcommittee on Crimes Involving Property. His PowerPoint presentation is included as Attachment 3.

- 9 GCA Chapter 58 Escape and Related Offenses.

- § 58.60 (Promoting Prison Contraband). Amend subsections (b) and (c) as shown in Attachment 3, Slide 3.
 - Discussion: deletion of mandatory minimums language consistent with similar recommendations on other statutes.
 - No other changes in this chapter.
- 9 GCA Chapter 61. Riot, Disorderly Conduct and Related Offenses.
 - § 61.10 (Riot: Failure to Disperse; Defined & Punished). Amend subsection (b) as shown in Attachment 3, Slide 4.
 - Discussion: subsection heading added to (b) for clarity. Term “knowingly” moved to cover both “refuses” and “fails” to clarify that the *mens rea* applies to both.
 - § 61.20 (Harassment; Defined & Punished).
 - Amend subsection (a) as shown in Attachment 3, Slide 5.
 - Discussion: Replace “offensively coarse language” with “fighting words likely to provoke immediate violence” to avoid First Amendment issues and for consistency with constitutional case law.
 - Repeal subsections (d) through (g). Enact new subsections (d) and (e) as shown in Attachment 3, Slide 6.
 - Discussion: Repetitive technology-specific language revised and consolidated into broad, medium-neutral provisions. Update language from outdated technology. Subcommittee noted an error in proposed subsection (e). Reference to subsection (3) should be to (d)(3).
 - § 61.30 (Loitering or Prowling; Defined & Punished; Defenses). Amend subsection (a) as shown in Attachment 3, Slide 7.
 - Discussion: Add “justifiable and reasonable” standard and revise bus stop provision to address vagueness concerns.

Compiler of Laws Cepeda suggested separating the language in subsection (a) into two sub-subsections (1) and (2) as follows:

- (a) A person commits a violation *if he or she*:
 - (1) loiters *or* prowls in a place, at a time, *or* in a manner not usual for law-abiding individuals under circumstances that warrant

justifiable and reasonable alarm for the safety of persons *or* property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a peace officer, refuses to identify himself, *or* manifestly endeavors to conceal himself *or* any object; *or*

~~A person commits a violation if he loiters or prowls in or in close proximity to a school bus stop, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity.~~

(2) loiters or remains in or about a school bus stop, not having any reason of relationship involving custody of or responsibility for a pupil or student, or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same.

Subcommission Chair Tydingco agreed to the Compiler's suggestion.

- § 61.35 (Obstructing the Public Ways; Defined & Punished). Amend as shown in Attachment 3, Slide 8.
 - Discussion: Remove redundant subsection (b) to avoid First Amendment issues. Obstruction is covered in (a).
- § 61.40 (Disrupting Public Gatherings; Defined & Punished). Amend as shown in Attachment 3, Slide 9.
 - Discussion: Remove subjective speech restrictions and focus on actual disruption. Avoid First Amendment issues.
- § 61.45 (Desecration Defined & Punished). Amend as shown in Attachment 3, Slide 10.
 - Discussion: Remove flag desecration provision to comply with Supreme Court decision in *Texas v. Johnson*. Replace subjective "object of veneration" with "insignia" and "symbol" modeled after New Jersey law.
- § 61.60 (Creation of Hazards on Land: Penalty). Amend subsection (a) as shown in Attachment 3, Slide 11.
 - Discussion: Add "accessible to children" to subsection (a) to match the intent of the law and protect from overbreadth. Amendment mirrors California and New York laws.

- § 61.65 (Creation of Certain Hazards; Oil Pollution by Vessels: Definitions: Penalties).
 - Amend subsection (a) as shown in Attachment 3, Slide 12 to add separate subsections (1) and (2).
 - Discussion: Add separate subsections (1) and (2) for clarity.
 - Amend subsection (b) as shown in Attachment 3, Slide 12.
 - Discussion: Executive Director Quenga addressed historical clerical errors in subsection (b). The history of this section was traced through previous criminal codes back to the 1947 Penal Code of Guam.
 - “Private place” language in subsection (b) is deleted. This language is nonsensical in this section. It was somehow mistakenly taken from a neighboring section and inserted in this section.
 - The definition of “person” in this section from the 1947 Penal Code was somehow omitted and is reinserted into this section as a new subsection (b)(3).

- § 61.70 (Discharge of Firearms). Amend as shown in Attachment 3, Slide 13.
 - Discussion: Section reorganized to separate the elements of the offenses from the penalties for clarity.
 - Original subsection (b) moved to a new subsection (a)(5) and a new subsection (b) “Penalties” created for penalty provisions.
 - Change mandatory penalties to discretionary to address possible 8th Amendment excessive fines issues.
 - Subcommission noted an error in proposed subsection (b)(1). In the last sentence of (b)(1), the term “shall” should be changed to “may” consistent with other recommendations in this section.

- §§ 61.15 (Disorderly Conduct; Defined & Punished), 61.20.1. (Definitions), 61.25 (Public Drunkenness; Defined & Punished), § 61.50 (Disinterring a Corpse; Punished), and 61.55 (Endangering Health & Safety: Defined; Penalty). No change as shown in Attachment 3, Slide 14.

Chairman Quan called for a motion to approve the subcommission’s recommendations subject to the corrections noted. Motion made by Atty. Philip Tydingco and seconded by Atty Joseph McDonald. Approved without objection.

D. Subcommission on Crimes Against Persons: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval.

Tabled by Chairman.

E. Subcommission on Drug & Other Criminal Offenses: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval

Tabled by Chairman.

VII. COMMUNICATIONS

None.

VIII. PUBLIC COMMENT

None.

IX. ADJOURNMENT

There being no further business, Chair Quan adjourned the meeting at approximately 1:15 PM. The next meeting date is to be determined.

Respectfully submitted this 29th day of January 2026.



Andrew S. Quenga, Executive Director

As set out above, the minutes of the October 8, 2025 plenary meeting were approved by the CLRC at its next plenary meeting.

Magistrate Judge Jonathan R. Quan, Chairman

Date: _____

ATTACHMENT 1

AD HOC SUBCOMMISSION ON CORRECTIONS-RELATED CHAPTERS

PRESENTATION
OCTOBER 8, 2025



Report of the Ad Hoc Subcommittee on Corrections-Related Chapters

October 8, 2025

Discussion of Chapters and Presentation of Recommendations for Discussion and Approval

Members: Atty Kristina Baird; Atty Mary Hill; Chief Parole Officer Michael P. Quinata;
Chief Probation Officer Rossanna Villagomez-Aguon; Probation Officer Supervisor
Jeremiah J.A. Cruz; Marshal Kennedy G. Robinson;
Marshal Dodd Siegfred V. Mortera, Jr.

1



Presented Today

9 GCA Chapter 80 - Disposition of Offenders

Article 2 - Imprisonment.

§§ 80.30, 80.34, 80.38

2



9 GCA § 80.38

§ 80.38. Extended Terms for Felonies: When Allowed: Repeat Offenders.

The court may sentence a person who has been convicted of a felony to an extended term of imprisonment if it finds one or more of the grounds specified in this Section. The finding of the court shall be incorporated in the record: ...

Unconstitutional under *People v. Muritok*, 2003 Guam 21:

"we hold that Title 9 GCA § 80.38 is unconstitutional and a violation of the rule expressed in Appendi because it impliedly removes from the jury and prescribes to the court the duty to "assess[] [the] facts that increase the prescribed range of penalties to which a criminal defendant is exposed."

3



Questions Considered

- Should § 80.38 be repealed consistent with *Muritok*?
- Should it be amended to cure the infirmity?

Example based on Hawaii Revised Statutes § 706-662:

"The court may sentence a person who has been convicted of a felony to an extended term of imprisonment **if it finds if** one or more of the grounds specified in this Section **is proven beyond a reasonable doubt.** . . ."

4



Reasons for Repeal

- Since 2003, *Muritok* has controlled. Nothing has happened in 22 years.
- Adopted from the Model Penal Code § 7.03 which was essentially repealed by the ALI in 2017, when comprehensive changes were made to model sentencing and correctional provisions.
- Ad Hoc and Property members are inclined to repeal.



Other Statutes Affected by *Muritok*

§ 80.40. Extended Terms for Misdemeanor: When Allowed: Repeat or Multiple Offenders.

The court may sentence a person who has been convicted of a misdemeanor to an extended term of imprisonment if it finds one or more of the grounds specified in this Section. The findings of the court shall be incorporated in the record:

§ 80.42. Extended Term by Petition of Department of Corrections.

On petition of the Director of Corrections to the court in which the person was originally sentenced to imprisonment the court may extend his sentence to the terms prescribed by §§ 80.32 and 80.36 if it finds that such extension is necessary for protection of the public. In the case of a person originally sentenced to imprisonment for a petty misdemeanor, the court may extend his sentence to a term not to exceed two (2) years. Such a finding, which must be incorporated in the record, shall be based on the grounds that:



Other Statutes Affected

§ 80.32. Extended Terms Allowed.

In the cases designated in §§ 80.38 and 80.42, a person who has been convicted of a felony may be sentenced to an extended term of imprisonment as follows: ...

§ 80.36. Same.

In the cases designated in §§ 80.40 and 80.42, a person who has been convicted of a misdemeanor may be sentenced to an extended maximum term of imprisonment not to exceed three (3) years.

§ 80.44. Previous Convictions Defined.

(a) For purposes of Subsection (a) of § 80.38 or § 80.40, a conviction of the commission of a crime in another jurisdiction shall constitute a previous conviction. Such conviction shall be deemed to have been a felony if sentence of death or of imprisonment in excess of one (1) year was authorized under the law of such other jurisdiction, of a misdemeanor if sentence of imprisonment in excess of sixty (60) days but not in excess of a year was authorized and of a petty misdemeanor if sentence of imprisonment for not more than sixty (60) days was authorized.

(b) An adjudication by a court of competent jurisdiction that the defendant committed a crime constitutes a conviction for purposes of §§ 80.38, 80.40 or 80.44, although sentence or the execution thereof was suspended, provided that the time to appeal has expired and that the defendant was not pardoned on the ground of innocence. When the defendant has asked that other crimes admitted in open court be taken into account when he is sentenced and the court has not rejected such request, the sentence shall bar the prosecution or conviction of the defendant in Guam for any such admitted crime.



Recommendation is to Repeal

The Guam Supreme Court ruled on § 80.38 in 2003 and the statute has not been amended since. Although the “fix” might seem simple, we are not compelled to feel that it is necessary. We invite discussion and debate on this from all members of the CLRC.

Repeal of § 80.38 encompasses:

- §§ 80.40 and 80.42, which are implicitly unconstitutional under *Muritok*, and
- §§ 80.32, 80.36 and 80.44, which expressly reference §§ 80.38, 80.40 and/or 80.42.
- We will sweep through the GCA for any affected statutes.



Article 2 Sentencing Defaults

§ 80.30. Duration of Imprisonment.

Except as otherwise provided by law, a person who has been convicted of a **felony** may be sentenced to imprisonment as follows:

- (a) felony of the first degree - **not less than five (5) years and not more than twenty (20) years;**
- (b) felony of the second degree **not less than three (3) years and not more than ten (10) years;** and
- (c) felony of the third degree - **not more than five (5) years.**

Ad Hoc Comment: No change.

§ 80.34. Misdemeanor and Petty Misdemeanor Sentences.

~~Except as otherwise provided by § 80.36, a~~ **A** person who has been convicted of a **misdemeanor or a petty misdemeanor** may be sentenced to imprisonment, as follows:

- (a) in the case of a misdemeanor - **maximum term not to exceed one (1) year;**
- (b) in the case of a petty misdemeanor - **definite term not to exceed sixty (60) days.**

Ad Hoc Comment: Amend for consistency with repeal of § 80.36. No change to imprisonment terms.



Article 1 and 2 Default Departures

§ 80.22. Reduction by Court of Degree of Offense.

If, when a person has been convicted of an offense, the court, having regard to the nature and circumstances of the offense and to the history and character of the offender, is of the view that it would be unduly harsh to sentence the offender in accordance with the code, the court may enter judgment for a lesser included offense and impose sentence accordingly.

§ 80.31. Prison Terms for First Offenders.

- (a) felony first degree, not less than three (3) years and not more than fifteen (15) years;
- (b) felony second degree, not less than one (1) year and not more than eight (8) years; and
- (c) felony of the third degree, not more than three (3) years

§§ 80.39-80.39.3. Justice Safety Valve Act.

Notwithstanding any other provision of law, the court may depart from the applicable mandatory minimum sentence if the court finds substantial and compelling reasons on the record that, in giving due regard to the nature of the crime, the history and character of the defendant, and his or her chances of successful rehabilitation, that:

- (a) imposition of the mandatory minimum sentence would result in substantial injustice to the defendant; and
- (b) the mandatory minimum sentence is not necessary for the protection of the public.



Mandatory Minimums Outside Default Examples

Offense	Statute	Mandatory Minimum Term
1st Degree CSC (1st Offense)	9 GCA § 25.15(b)	10 or 15 years (depending on age of victim)
Family Violence (3rd Offense)	9 GCA § 30.20(h)	1 year
Criminal Mischief	9 GCA § 34.60(c)	48 hours
Home Invasion	9 GCA § 37.240(a)	10 years
1st Degree Robbery	9 GCA § 40.10(b)	10 years
Manufacturing a Schedule II Substance	9 GCA § 67.401.4	20 years
Importation of Narcotics	9 GCA § 67.401.9(b)	20 years (1 st Offense)
DWI (1st Conviction)	9 GCA § 92104(a)	48 hours
DWI (4th Conviction)	9 GCA § 92107(a)	1 year



Specific Range Offenses Outside Default Examples Above Default

Offense	Statute	Extended Range
1st Degree Kidnapping	9 GCA § 22.20(b)	10 – 25 years for 1 st Degree Felony
1 st Degree Robbery	9 GCA § 40.10(b)	10 – 25 years for 1 st Degree Felony
Manufacturing a Schedule I-III Substance.	9 GCA § 67.401.4	20 – 30 years (or more) for 1 st Deg Felony
Use of Minor to Sell Drugs	9 GCA § 67.A06	10 – 20 years, or 20 – Life, for 2 nd Deg Felony
Driving While Intoxicated – 4th Offense	9 GCA § 92107	1 - 6 years for 3 rd Deg Felony
Vehicular Homicide While DWI	9 GCA § 92111	8 – 15 years for 2 nd Deg Felony



Specific Range Offenses Outside Default Examples Below Default

Offense	Statute	Lower Range
Graffiti	9 GCA § 34.70(f)	Max 120 days for Misdemeanor
Theft (as a Second Degree Felony) (1 st Offense)	9 GCA § 43.20(a)	Max 5 years for 2 nd Deg Felony
Unlawful Use of Telephone Records (as 3 rd Deg Felony)	9 GCA § 46.92(a)	Max 3 years for 3 rd Deg Felony
Possession of Meth (1 st Offense)	9 GCA § 67.401.12	Max 3 years for 3 rd Deg Felony
Possessing Firearm in School Zone	9 GCA § 71.60	Max of 3 years for 3 rd Deg Felony
Vehicular Homicide (non-DWI)	9 GCA § 92110	Max of 8 years for 2 nd Deg Felony



Directed Sentences

Offense	Statute	Directed Sentence
Aggravated Murder	9 GCA § 16.30(b)	LWOP
Murder	9 GCA § 16.40(b)	Life
Third Degree CSC (2 nd Offense)	9 GCA § 25.25(c)	Exactly 10 years
Assisting Escape by Public Servant	9 GCA § 58.25	Exactly 5 years
Manufacturing a Schedule I-III Substance (2 nd Offense)	9 GCA § 67.401.4	LWOP
Importation of Narcotics (2 nd Offense)	9 GCA § 67.401.9(b)	LWOP
Exportation of Narcotics (2 nd Offense)	9 GCA § 67.401.9(b)	LWOP



Discussion

- CLRC enabling law: “adjust penalties, fines, and the gradation of offenses to provide for proportionate penalties.”
- Amending the default ranges in Chapter 80 might affect the specific prison terms across all other chapters in Title 9.
- The CLRC will do this to the best of our ability given time and resource limitations.
- Sentencing reform.

15



State and Federal Sentencing Commissions

- National Association of Sentencing Commissions
- Alabama Sentencing Commission
- Alaska Judicial Council
- Arkansas Sentencing Commission
- Connecticut Sentencing Commission
- Delaware Sentencing Accountability Commission
- District of Columbia Sentencing Commission
- Illinois Sentencing Policy Advisory Council
- Kansas Sentencing Commission
- Massachusetts Sentencing Commission
- Minnesota Sentencing Guidelines Commission
- Missouri Sentencing Advisory Commission
- Nevada Sentencing Commission
- New Mexico Sentencing Commission
- North Carolina Sentencing and Policy Advisory Commission
- Ohio Criminal Sentencing Commission
- Oregon Criminal Justice Commission
- Pennsylvania Commission on Sentencing
- Utah Sentencing Commission
- Virginia Criminal Sentencing Commission
- Washington State Sentencing Guidelines Commission
- West Virginia Sentencing Commission
- United States Sentencing Commission

16

ATTACHMENT 2

SUBCOMMISSION ON CRIMINAL PROCEDURE

PRESENTATION
OCTOBER 8, 2025



Report of the Subcommittee on Criminal Procedure

October 8, 2025

**Continued Discussion of Chapters and Presentation of Recommendations for
Discussion and Approval**

**Members: Hon. Anita A. Sukola (Chair); AAG Valerie Nuesa; Executive Director
Serge Quenga (ex-officio)**

1



Presented Today

9 Guam Code Annotated

Chapter 7 – Exemptions and Defenses

§§ 7.86, 7.96, Articles 4 and 5 Duty to Retreat

2



9 GCA § 7.86

§ 7.86. Self-Defense Limited.

...

(b) The use of deadly force is not justifiable under § 7.84 unless the defendant believes that such force is necessary to protect himself against death, serious bodily ~~harm~~ injury, kidnapping or ~~rape or sodomy~~ criminal sexual conduct compelled by force or threat; nor is it justifiable if;

...

Crim Pro Comment: Amendments for consistency with the terms “serious bodily injury” and “criminal sexual conduct” which are specifically defined in Title 9.



9 GCA § 7.96

§ 7.96. When Force Allowed ~~by §§ 7.94 & 7.96~~ is Unavailable.

...

(c) When the defendant is justified under §§ ~~7.84~~ 7.82 to 7.94 in using force upon or toward the person of another but he recklessly or negligently injures or creates a risk or injury to innocent persons, the justification afforded by those Sections is unavailable in a prosecution for such recklessness or negligence towards innocent persons.

Crim Pro Comment: Amendment in title for clarification. Correction to scrivener’s error in subsection (c). Compare 1977 Guam Criminal & Correctional Code § 7.96(c): “When the defendant is justified under Sections 7.82 to 7.94 in using force upon or toward the person of another but he recklessly or negligently injures or creates a risk or injury to innocent persons, the justification afforded by those sections is unavailable in a prosecution for such recklessness or negligence towards innocent persons.” Confirmed with Compiler of Laws.



No Duty to Retreat

Article 4. Justification [Self-Defense].	Article 5. Castle Doctrine Act.
-1977 Criminal and Correctional Code (MPC) -Amended by Castle Doctrine Act (2014)	-Enacted by PL 32-111 (2014) -Amended by PL 37-122 (2024)
Defense (§7.78) (affirmative defense?)	Immunity (§7.113)
No duty to retreat from dwelling unless initial aggressor : §7.86. Self-defense Limited. (b)(A) the defendant is not obliged to retreat from his dwelling, place of work or vehicle* , unless he was the initial aggressor or is assailed in his place of work by another person whose place of work the defendant knows it to be; and * <i>Vehicle</i> added by Castle Doctrine Act. PL 32-111:2 (2014).	No duty to retreat: §7.112. Home Protection, Use of Deadly Force, Presumption of Fear of Death or Harm. (d)(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. *Self-defense is specifically defined in Article 4.

5



Questions Considered

- Should Castle’s duty to retreat be amended to add an initial aggressor exception to remove any potential conflict with Article 4’s duty to retreat?
- Should no changes be recommended?

6



Reasons for no Change to Castle:

- The Legislature was clearly aware of the duty to retreat exception in Article 4 when Castle was enacted:
- Castle's duty to retreat provision refers to the definition of self-defense in Article 4.
- When the Legislature enacted Castle in 2014, it amended Article 4's duty to retreat provision to add "vehicle" for consistency with Article 5.
- Just last year, the Legislature expanded Castle's coverage and eliminated the duty retreat from the curtilage of a residence.
- It may be possible for a defendant to assert justification as a defense if their Castle immunity claim fails.
- We have found no Guam caselaw addressing this a potential conflict.
- Castle reflects policy set by the Legislature.



Recommendation is No Change

Although the duty to retreat language between Articles 4 and 5 is awkward and might eventually present conflict issues to the courts, we do not feel compelled to suggest any changes to the Castle law at this time. We invite discussion and debate on this from all members of the CLRC.

ATTACHMENT 3

SUBCOMMISSION ON CRIMES RELATING TO PROPERTY

PRESENTATION
OCTOBER 8, 2025



Report of the Subcommittee on Crimes Relating to Property

October 8, 2025

**Continued Discussion of Chapters and Presentation of Recommendations for
Discussion and Approval**

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

1



Presented Today

9 Guam Code Annotated

Chapter 58 – Escape and Related Offenses

Chapter 61 – Riot, Disorderly Conduct and Related Offenses

2



Chapter 58 - Escape and Related Offenses

- § 58.60. Promoting Prison Contraband.

...

(b) ...

Any person, including a person in custody, who violates any provision of this Subsection (b) shall be guilty of a misdemeanor, ~~and upon conviction thereof shall be punished by a sentence of imprisonment for a period of no less than thirty (30) days, or by a fine of no less than Five Hundred Dollars (\$500.00), or by both such minimum sentence of imprisonment and fine.~~

(c) ...

Any person, including a person in custody, who violates any provision of this Subsection (c) shall be guilty of a felony in the second degree, ~~and upon conviction shall be punished by a sentence of imprisonment for a period of no less than three (3) years, or by a fine of no less than Five Thousand Dollars (\$5,000), or by both such minimum sentence of imprisonment and fine.~~

- No other changes to this chapter.

3



Chapter 61 - Riot, Disorderly Conduct and Related Offenses

§ 61.10. Riot: Failure to Disperse: Defined & Punished.

(a) A person is guilty of riot, a felony of the third degree, if he participates with four (4) or more others in a course of disorderly conduct:

(1) with intent to commit or facilitate the commission of a felony or misdemeanor;

(2) with intent to prevent or coerce official action; or

(3) when he or any other participant to his knowledge uses or plans to use a firearm or other deadly weapon.

(b) Failure to Disperse: Where four (4) or more persons are participating in a course of disorderly conduct likely to cause substantial harm or serious inconvenience, annoyance or alarm, a peace officer or other public servant engaged in executing or enforcing the law may order the participants and others in the immediate vicinity to disperse. A person who knowingly refuses or knowingly fails to obey such an order commits a misdemeanor.

PROPERTY COMMENT: "Failure to disperse" added as a heading for clarity. Moved mental state element of "knowingly" to cover both "refuses" and "fails" in the offense.

4



9 GCA § 61.20

§ 61.20. Harassment; Defined & Punished.

A person commits a petty misdemeanor if, with intent to harass another, he:

(a) makes, or causes to be made, a communication anonymously or at extremely inconvenient hours, or uses fighting words likely to provoke an immediate violent response ~~in offensively coarse language~~, or any other manner likely to cause annoyance or alarm;

(b) subjects another to striking, kicking, shoving or other offensive touching, or threatens to do so; or

(c) engages in any other course of alarming conduct or of repeatedly committed acts which alarm or seriously annoy such other person serving no legitimate purpose of the defendant.

PROPERTY COMMENT: Substituted “offensively coarse language” for “fighting words likely to provoke an immediate violent response” to mitigate potential First Amendment challenges.



9 GCA § 61.20 (cont)

(d) Every person who with intent to annoy, telephones, telefaxes, or communicates by use of any telephone network, data network, text message, instant message, computer, computer network, or computer system with another person and addresses to or about such other person any obscene language is guilty of a misdemeanor.

(e) Every person who makes a telephone call, telefax transmission, or any transmission by use of a telephone network, data network, text message, instant message, computer, computer network, or computer system with intent to annoy and without disclosing his true identity to the person answering the telephone or receiving the telefax transmission or transmission received from any telephone network, data network, text message, instant message, computer, computer network, or computer system, whether or not conversation or return transmission ensues from making the telephone call or the transmission, is guilty of a misdemeanor.

(f) Any offense committed by use of a telephone, telefax machine, or any telephone network, data network, text message, instant message, computer, computer network, or computer system as set out in this Section may be deemed to have been committed at either the place at which the telephone calls, telefax transmissions, or any transmission by use of a telephone network, data network, text message, instant message, computer, computer network, or computer system were made or received. In the event that a customer of a telephone service provider, wireless service provider, or an internet service provider receives harassing telephone calls or transmissions received via or by use of a telephone network, data network, text message, instant message, computer, computer network, or computer system, such customer may file an injunction complaint under the name of John Doe, although the telephone service provider may release the name, address, and telephone number of the plaintiff to the Superior Court of Guam. The telephone service provider, wireless service provider, or an internet service provider shall disconnect all telephone services or computer or wireless services to any subscriber who has violated the provisions of this Section more than one (1) time.

(g) Subsections (d) or (e) of this Section are violated when the person acting with intent to annoy makes a telephone call, telefax transmission, or any transmission by use of a telephone network, data network, text message, instant message, computer, computer network, or computer system requesting a return call or return transmission and performs the acts prohibited under such Subsections upon receiving the return call or transmission.

(d) Communicates with another person, directly or indirectly, by any means — including telephone, written correspondence, electronic message, digital platform, or other medium — without legitimate purpose and with intent to harass, annoy, or alarm, including but not limited to:

(1) initiating contact at extremely inconvenient hours;

(2) uses fighting words likely to provoke an immediate violent response;

(3) concealing or misrepresenting identity to initiate the communication;

(4) causing a communication to be initiated or sent by a third party or automated process; or

(5) engaging in any other course of conduct serving no legitimate purpose and likely to cause annoyance or alarm.

(e) Knowingly permits or authorizes the use of one’s computer network, digital account, electronic communications service, or similar resource to engage in conduct described in subsection (3), with the intent to harass, annoy, or alarm another person.

PROPERTY COMMENT: Repetitive technology-specific language rewritten and consolidated into broad, medium-neutral provisions.



9 GCA § 61.30

§ 61.30. Loitering or Prowling; Defined & Punished; Defenses.

(a) A person commits a violation *if* he loiters *or* prowls in a place, at a time, *or* in a manner not usual for law-abiding individuals under circumstances that warrant justifiable and reasonable alarm for the safety of persons *or* property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a peace officer, refuses to identify himself, *or* manifestly endeavors to conceal himself *or* any object.

~~A person commits a violation *if* he loiters *or* prowls in *or* in close proximity to a school bus stop, at a time, *or* in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons *or* property in the vicinity.~~

A person commits a violation if he or she loiters or remains in or about a school bus stop, not having any reason of relationship involving custody of or responsibility for a pupil or student, or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same.

PROPERTY COMMENT: Added “justifiable and reasonable” standard to address vagueness concerns. Rewrote school bus stop provision to model New York Penal Law § 240.35(5) and avoid vagueness concerns.



9 GCA § 61.35

§ 61.35. Obstructing the Public Ways; Defined & Punished.

(a) A person commits a petty misdemeanor if he or she unreasonably obstructs the free passage of foot or vehicular traffic on any public way, and refuses to cease or remove the obstruction upon a lawful order to do so given him by a law enforcement officer.

~~(b) A person commits a petty misdemeanor if he unreasonably obstructs the free passage of foot or vehicular traffic on any public way for the purpose of handbilling as defined by Title 16 GCA Section 3701 or for soliciting as defined by Title 16 GCA Section 3341.~~

~~(b)(e)~~ As used in this Section, public way means any public highway or sidewalk, private way laid out under authority of statute, way dedicated to public use, or way upon which the public has a right of access or has access as invitees or licensees.

PROPERTY COMMENT: Remove (b) as redundant with subsection (a) and avoid potential First Amendment content discrimination.



9 GCA § 61.40

§ 61.40. Disrupting Public Gatherings; Defined & Punished.

A person commits a violation if, with intent to prevent or disrupt a lawful meeting, procession or gathering, he does any act tending to obstruct or interfere with it physically, ~~or makes any utterance, gesture or display designed to outrage the sensibilities of the group.~~

PROPERTY COMMENT: Avoid First Amendment challenges by removing subjective speech restrictions and focus on actual disruption.

9



9 GCA § 61.45

§ 61.45. Desecration Defined & Punished.

(a) A person commits a misdemeanor if he intentionally desecrates any public monument or structure, **insignia, symbol**, or place of worship or burial, ~~or if he intentionally desecrates the national flag or any other object of veneration by the public or a substantial segment thereof in any public place.~~

(b) As used in this Section, desecrate means defacing, damaging, polluting or otherwise physically mistreating in a way that the person knows will outrage the sensibilities of persons likely to observe or discover his action.

PROPERTY COMMENT: Remove flag desecration provision which conflicts with Supreme Court *Texas v. Johnson* (1989). Replace subjective and broad “object of veneration” language with “insignia” and “symbol” modeled after N.J. § 2C:33-9

10



9 GCA § 61.60

§ 61.60. Creation of Hazards on Land: Penalty.

A person is guilty of a petty misdemeanor when he:

(a) abandons, keeps or knowingly permits to remain on premises accessible to children under his control an unused refrigerator, icebox, deep freeze locker or similar container having a capacity of one and one-half (1/2) cubic feet or more from which the door or the hinges and latch mechanism has not been removed. This Subsection shall not apply to a person engaged in the business of selling refrigerators, iceboxes or deep freeze lockers who keeps them for sale, if he takes reasonable precautions to secure the door of any such refrigerator, icebox or deep freeze locker so as to prevent entrance by children small enough to fit therein.

(b) being the owner or otherwise having possession of property upon which an abandoned well or cesspool is located, fails to cover the same with suitable protective construction.

PROPERTY COMMENT: Add “accessible to children” phrase to match intent of law and protect from overbreadth. This approach would mirror Cal. Penal Code § 402b and New York Penal Law § 270.

11



9 GCA § 61.65

§ 61.65. Creation of Certain Hazards; Oil Pollution by Vessels: Definitions: Penalty.

(a) Except in case of unavoidable accident, collision or stranding, and except as otherwise permitted by law, a person commits a misdemeanor if he discharges or permits the discharge of oil by any methods, means or manner, into or upon the navigable waters of Guam from:

(1) Any vessel using oil for the generation of propulsion power; or

(2) Any vessel carrying or having oil thereon in excess of that necessary for its lubricating requirements, and such as may be required under the laws of the United States and the government of Guam, and the rules and regulations prescribed thereunder.

(b) As used in this Section: ~~“private place” means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance, but does not include a place to which the public or a substantial group thereof has access;~~

(1) Oil means oil of any kind or in any form, including fuel oil, oil sludge and oil refuse;

(2) Navigable Waters of Guam means all portions of the sea within the territorial jurisdiction of the government of Guam.

(3) Person means an individual, partnership, corporation, or association, any owner, master, officer, or employee of the government of Guam.

PROPERTY COMMENT: Add separate sub-sections (1) and (2) to make clear that there are two types of vessels defined.

Fix the transcription error that occurred in sub-section (b) by removing the “private place” definition and re-inserting the definition of “person” from the Guam Penal Code.

12



9 GCA § 61.70

§ 61.70. Discharge of Firearms.

(a) A person commits a misdemeanor who willfully discharges a firearm:

- (1) At any occupied dwelling, building or other structure;
- (2) At any utility pole or light fixture, or line or device for transmittal of power or communications of any kind;
- (3) At any sign, signboard or notice placed upon or affixed to any property belonging to the government of the territory;
- (4) Into the air; or

~~(5) Within fifty (50) yards of any occupied dwelling, building or other structure without the prior consent of the owner thereof or his agent or of the person in lawful possession thereof, with the exception of the discharge of firearms at a properly constructed shooting range approved by the Director of the Department of Public Safety or by a peace officer in pursuit of his duty as a peace officer.~~

(b) Penalties

~~(1) Any individual found to commit a misdemeanor within the provisions of this section may shall be assessed a fine of no less than \$500 and no more than \$1,000 per offense, the firearm used may shall be confiscated upon order of the court and its registration certificate, and all rights thereunder, may shall be suspended for one (1) year by the court. Any individual so convicted who has legal possession of more than one firearm shall have only the firearm used in the commission of the crime confiscated and its registration suspended.~~

~~(2) Any firearm so confiscated shall not be sold or transferred to another prior to completion of the sentence imposed.~~

~~(3) No individual found guilty under the provisions of this section shall purchase any other firearm during the duration of the suspension of his or her firearm's registration card.~~

~~(b) A person commits a misdemeanor who willfully discharges a firearm within fifty (50) yards of any occupied dwelling, building or other structure without the prior consent of the owner thereof or his agent or of the person in lawful possession thereof, with the exception of the discharge of firearms at a properly constructed shooting range approved by the Director of the Department of Public Safety or by a peace officer in pursuit of his duty as a peace officer.~~

PROPERTY COMMENT: Reorganize to separate the elements of the offense from the penalties. Change mandatory penalties to discretionary to address possible Eighth Amendment Excessive Fines clause concerns.

13



No Change

§ 61.15. Disorderly Conduct; Defined & Punished.

§ 61.20.1. Definitions.

§ 61.25. Public Drunkenness; Defined & Punished.

§ 61.50. Disinterring a Corpse; Punished.

§ 61.55. Endangering Health & Safety: Defined; Penalty.

14

CLRC PLENARY MEETING OF

JANUARY 29, 2026

POWERPOINT PRESENTATION

NOTICE OF ERRATA AND REVISIONS

CLRC PLENARY MEETING OF

JANUARY 29, 2026



HON. KATHERINE A. MARAMAN
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

CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION INTERIM REPORT JUNE 13, 2025: NOTICE OF ERRATA AND REVISIONS

INTRODUCTION

Pursuant to Public Law 36-119¹, the Guam Criminal Law and Procedure Review Commission (“CLRC”) submitted to I Liheslaturan Guåhan, on June 13, 2025, an Interim Report setting forth its findings and recommendations for amendments to selected chapters of Title 9 of the Guam Code Annotated. The Interim Report identified recommended statutory changes in blackline (markup) format and included CLRC commentary explaining the proposed amendments or noting where no changes were recommended.

Following submission of the Interim Report, I Liheslaturan Guåhan enacted legislation amending certain Title 9 sections addressed in the Interim Report. In addition, the CLRC identified clerical, typographical, and formatting errors within the Interim Report that require correction. This Notice of Errata and Revisions is submitted to correct those errors and to revise the Interim Report recommendations as necessary to account for intervening legislative amendments enacted after June 13, 2025.

¹ Establishing the CLRC and directing it to conduct a comprehensive and systematic review of Guam’s criminal laws.

SECTIONS AFFECTED

The table below summarizes sections that are covered in this report and their errata.

SECTION	ERRATA
§ 1.18. Classes of Crimes.	Correction made by Compiler of Laws
§ 1.19. Felonies Defined and Classified.	Correction made by Compiler of Laws
§ 1.20. Relationship of Code to Other Laws; Contempts, Penalties and Remedies.	Correction made by Compiler of Laws
§ 16.50. Manslaughter Defined and Classified.	Clerical
§ 19.82. Interfering with the Reporting of Criminal Sexual Conduct; Defined and Punished.	Subsequent amendment by the Legislature in P.L. 38-070 (Oct. 17, 2025)
§ 25.10. Definitions.	Subsequent amendment by the Legislature in P.L. 38-016 (June 17, 2025)
§ 25.15. First Degree Criminal Sexual Conduct.	Subsequent amendment by the Legislature in P.L. 38-016 (June 17, 2025)
§ 25.20. Second Degree Criminal Sexual Conduct.	Subsequent amendment by the Legislature in P.L. 38-016 (June 17, 2025)
§ 25.25. Third Degree Criminal Sexual Conduct.	Subsequent amendment by the Legislature in P.L. 38-083 (Dec. 20, 2025)
§ 25.50. Interfering with the Reporting of Criminal Sexual Conduct.	Subsequent amendment by the Legislature in P.L. 38-070 (Oct. 17, 2025)
§ 31.30. Child Abuse; Defined & Punished.	Clerical
§ 34.50. Criminal Mischief; Defined.	Clerical
§ 34.60. Criminal Mischief; Punished.	Clerical
§ 34.70. Graffiti Prohibited.	Subsequent amendment by the Legislature in P.L. 38-078 (Dec. 16, 2025)
§ 70.65. Defenses; Exceptions.	Clerical

ERRATA AND REVISIONS

Errata and recommended revisions are as indicated below within the quoted text.

1. **§ 1.18. Classes of Crimes.**
§ 1.19. Felonies Defined and Classified.
§ 1.20. Relationship of Code to Other Laws; Contempts, Penalties and Remedies.

ERRATA. Reference to “territory” already removed by the Compiler of Laws for consistency with 1 GCA § 420.

REVISION. Replace with current version and revise the CLRC Comment to “No change.”

2. **§ 16.50. Manslaughter Defined and Classified.**

ERRATA. Interim Report clerical errors in this section.

RECOMMENDATION. Replace with corrected section as follows:

“§ 16.50. Manslaughter Defined and Classified.

(a) Criminal homicide constitutes manslaughter when:

(1) it is committed recklessly; or

(2) a homicide which would otherwise be murder is committed under the influence of extreme mental or emotional disturbance for which there is reasonable explanation or excuse. The reasonableness of such explanation or excuse shall be determined from the viewpoint of a reasonable person in the defendant's situation under the circumstances as he believes them to be. The defendant must prove the reasonableness of such explanation or excuse by a preponderance of the evidence; or

(3) death is indirectly or proximately caused, such as an accident, by the illegal use of a Schedule I or Schedule II Controlled Substance, as defined by Chapter 67 of this Title, to a person under the influence of such controlled substance; or ~~Any person who knowingly or willingly transfers or sells any Schedule I Controlled Substance to a person over the age of eighteen (18) years old in violation of the provisions of Chapter 67 of this Title, and such controlled substance indirectly or proximately causes the death of such person, is guilty of manslaughter. This Section shall not apply to health care professionals and pharmacists in the legitimate practice of the healing arts.~~

(4) death of a person who is eighteen (18) years or older results from a knowing or willing transfer or sale of a Schedule I or Schedule II controlled substance, where such controlled substance proximately causes the death of such person.

(b) Manslaughter is a felony of the first degree.

CLRC COMMENT: Parentheses in (a)(2) removed for clarity. Schedule II controlled substances added in (a)(3) to include crystal methamphetamine. Other recommended amendments are intended to correct loopholes for persons exactly 18 years old and for healthcare professionals.”

3. § 19.82. Interfering with the Reporting of Criminal Sexual Conduct; Defined and Punished.

ERRATA. This is a new section added by P.L.38-70:2 on October 17, 2025 *after* the Interim Report was submitted to the Legislature on June 13, 2025.

REVISION. Add this new section to the Interim Report with non-substantive spelling and punctuation corrections recommended as follows:

“§ 19.82. Interfering with the Reporting of Criminal Sexual Conduct; Defined and Punished.

(a) Any person commits the crime of interfering with the reporting of criminal sexual conduct if the person:

(1) commits an act of criminal sexual conduct or assists in or ~~abets~~abets any act of criminal sexual conduct, as enumerated in Chapter 25 of this Title; and

(2) intentionally, knowingly, or recklessly prevents or attempts, either directly or through other persons, to prevent the victim of or a witness to that act of criminal sexual conduct from calling a 911 emergency communication system, obtaining medical assistance, or making a report to any law enforcement officer or other official.

(b) Commission of, or assisting in or ~~abetting~~abetting, a crime of criminal sexual conduct under Chapter 25 of this title is a necessary element of the crime of interfering with the reporting of criminal sexual conduct.

(c) Interference with the reporting of crimes of criminal sexual conduct is a felony of the third degree.

CLRC COMMENT: Non-substantive spelling and punctuation corrections.”

4. § 25.10. Definitions.

ERRATA. The Interim Report added new definitions to subsection (a). This section was amended by P.L. 38-016 on June 17, 2025 *after* the Interim Report was submitted to the Legislature on June 13, 2025.

REVISION. Revise § 25.10(a) as amended by P.L. 38-016—to reflect CLRC proposed Interim Report changes. Subsection (a)(12) amended, and (a)(16) and punctuation corrections added as follows:

“§ 25.10. Definitions.

(a) As used in this Chapter:

(1) “Actor” means a person accused of criminal sexual conduct;

(2) “Consent” means words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor. Consent does not mean the existence of a prior or current social relationship between the actor and the victim or that the victim failed to resist a particular sexual act.

(A) A person who is mentally incapacitated or physically helpless as defined by this Chapter cannot consent to a sexual act.

(B) Corroboration of the victim’s testimony is not required to show lack of consent.

(3) “Force” or “Coercion” includes, but is not limited to, any of the following circumstances:

(A) when the actor overcomes the victim through the actual application of physical force or physical violence;

(B) when the actor coerces the victim to submit by threatening to use force or violence on the victim and the victim believes that the actor has the present ability to execute these threats;

(C) when the actor coerces the victim to submit by threatening to retaliate in the future against the victim or any other person and the victim believes that the actor has the ability to execute this threat. As used in this Subsection, to

retaliate includes threats of physical punishment, kidnapping, or extortion;

(D) when the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable; or

(E) when the actor, through concealment or by the element of surprise, is able to overcome the victim.

(4) “Intimate Parts” includes the primary genital area, groin, inner thigh, buttock, or breast of a human being;

(5) “Mentally Impaired” means that a person suffers from a mental disease or defect which renders that person temporarily or permanently incapable of appraising the nature of his or her conduct;

(6) “Mentally Incapacitated” means

(A) that a person is rendered temporarily incapable of appraising or controlling his or her conduct due to the influence of a narcotic, anesthetic, or other substance administered to that person without his or her consent, or due to any other act committed upon that person without his or her consent; or

(B) that a person is voluntarily under the influence of any substance or substances to a degree that renders them incapable of consenting or incapable of appreciating, understanding, or controlling the person’s conduct.

(7) “Physically Helpless” means that a person is

(A) unconscious;

(B) asleep;

(C) unable to withhold consent or to withdraw consent because of a physical condition; or

(D) for any other reason, is physically unable to communicate unwillingness to an act;

(8) “Personal Injury” means bodily injury, disfigurement, mental anguish, chronic pain, pregnancy, disease, or loss or impairment of a sexual or reproductive organ;.

(9) “Sexual Contact” includes the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that intentional touching can reasonably be construed as being for the purpose of sexual arousal or gratification;.

(10) “Sexual Penetration” means sexual intercourse, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person's body or of any object into the genital or anal openings of another person's body, but emission of semen is not required; ~~and~~;

(11) “Victim” means the person alleging to have been subjected to criminal sexual conduct.

(12) “Consanguinity or Relationship by blood” means a 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.

(13) “Affinity” is the relation existing in consequence of marriage between each of the married persons and the blood relatives of the other. The method of computing degrees of affinity is the same method as computing degrees of consanguinity.

(14) “Dating relationship” means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:

(A) the length of the relationship;

(B) the nature of the relationship; and

(C) the frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a “dating relationship.”

(15) Adoption refers to the act where an adult formally becomes the guardian of a child and incurs the rights and obligations of a parent.

(16) “Cunnilingus” is the touching of the urethral opening, vaginal opening, or labia with the actor’s mouth.

CLRC COMMENT: Amend (a)(12) for added clarity, add a new definition in (a)(16), and correct punctuation errors.”

5. § 25.15. First Degree Criminal Sexual Conduct.

ERRATA. The Interim Report made no changes to this section. However, P.L. 38-016:2 amended this section on June 17, 2025 *after* the Interim Report was submitted to the Legislature.

REVISION. Replace with section as amended by P.L. 38-016 as follows:

“§ 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:

(1) the victim is under fourteen (14) years of age;

(2) the victim is at least fourteen (14) but less than sixteen (16) years of age and any of the following circumstances exists:

(A) the actor is a member of the same household as the victim;

(B) the actor is related to the victim by blood, adoption or affinity to the fourth degree to the victim, or

(C) the actor is in a position of authority over the victim and used this authority to coerce the victim to submit;

(D) the actor is a teacher, substitute teacher, intern/student teacher or administrator of the public school, nonpublic school, school district, in which that other person is enrolled;

(E) the actor is an employee or a contractual service provider of the public school, nonpublic school, or school district, in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of the government of Guam or government of the United States assigned to provide any service to that public school, nonpublic school, or school district, and the actor uses his or her employee, contractual, or volunteer status to gain access to, or to establish a relationship with, that other person;

(F) the actor is an employee, contractual service provider, or volunteer of a child care facility, or a person licensed or lawfully authorized to operate a foster care facility or home or a foster care group home in which that other person is a resident, and the sexual penetration occurs during the period of that other person's residency;

(G) the actor is an employee, contractual service provider, or volunteer of a social services organization, victims' advocacy organization, youth correctional or detention facility, drug treatment facility or medical, psychiatric or psychological treatment facility and the sexual penetration occurs during the period of that other person's residency; or

(H) the actor is in a dating relationship with a member of the victim's household.

(3) sexual penetration occurs under circumstances involving the commission of any other felony;

(4) the actor is aided or abetted by one or more other persons and either of the following circumstances exists:

(A) the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless; or

(B) the actor uses force or coercion to accomplish the sexual penetration.

(5) the actor is armed with a weapon or any article used or fashioned in a manner to lead the victim to reasonably believe it to be a weapon;

(6) the actor causes personal injury to the victim and force or coercion is used to accomplish sexual penetration; and

(7) the actor causes personal injury to the victim, and the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless.

(b) Criminal sexual conduct in the first degree is a felony in the first degree. Any person convicted of criminal sexual conduct under § 25.15(a) shall be sentenced to a minimum of fifteen (15) years imprisonment, and may be sentenced to a maximum of life imprisonment without the possibility of parole if the victim is twelve (12) years of age or older at the time that the crime was committed; or a minimum of twenty-five (25) years imprisonment, and may be sentenced to a maximum of life imprisonment without the possibility of parole if the victim is under the age of twelve (12) years old at the time that the crime was committed. The term imposed shall not be suspended, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor probation be imposed in lieu of said minimum term; nor shall work release or educational programs outside the confines of prison be granted; nor shall the provisions under § 80.31 of Article 2, Chapter 80, Title 9 GCA apply. Any such sentence shall include a special parole term of not less than life with mandatory lifetime monitoring by the Parole Office, in addition to such time of imprisonment

(c) Any person convicted of criminal sexual conduct under § 25.15(a) subsequent to a first conviction of criminal sexual conduct under Guam law or a conviction of a sex offense from another jurisdiction that has an element that would constitute sexual contact or sexual penetration, as defined in § 25.10 of this Chapter shall be sentenced to a minimum of twenty-five (25) years imprisonment and may be sentenced to life imprisonment without the possibility of parole. Said term shall not be suspended as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall parole, work release or educational programs outside the confines of prison be granted.

CLRC COMMENT: No change.”

6. **§ 25.20. Second Degree Criminal Sexual Conduct.**

ERRATA: The Interim Report made no changes to this section. However, P.L. 38-016:3 amended this section on June 17, 2025 *after* the Interim Report was submitted to the Legislature.

REVISION. Replace with section as amended by P.L. 38-016 as follows:

“§ 25.20. Second Degree Criminal Sexual Conduct.

(a) A person is guilty of criminal sexual conduct in the second degree if the person engages in sexual contact with another person and if any of the following circumstances exists:

(1) that other person is under fourteen (14) years of age;

(2) the victim is at least fourteen (14) but less than sixteen (16) years of age and any of the following circumstances exist:

(A) the actor is a member of the same household as the victim;

(B) the actor is related to the victim by blood, adoption or affinity to the fourth degree to the victim;
or

(C) the actor is in a position of authority over the victim and used this authority to coerce the victim to submit;

(D) the actor is a teacher, substitute teacher, intern/student teacher or administrator of the public school, nonpublic school, school district, in which that other person is enrolled;

(E) the actor is an employee or a contractual service provider of the public school, nonpublic school, school district, in which that other person is enrolled, or is a volunteer who is not a student in any public school or nonpublic school, or is an employee of the government of Guam or government of the United States assigned to provide any service to that public school, nonpublic school, school district, and the actor uses his or her employee, contractual, or

volunteer status to gain access to, or to establish a relationship with, that other person;

(F) the actor is an employee, contractual service provider, or volunteer of a child care facility, or a person licensed or lawfully authorized to operate a foster care facility or home or a foster care group home in which that other person is a resident, and the sexual penetration occurs during the period of that other person's residency;

(G) the actor is an employee, contractual service provider, or volunteer of a social services organization, victims' advocacy organization, youth correctional or detention facility, drug treatment facility or medical, psychiatric or psychological treatment facility and the sexual penetration occurs during the period of that other person's residency; or

(H) the actor is in a dating relationship with a member of the victim's household.

(3) sexual contact occurs under circumstances involving the commission of any other felony;

(4) the actor is aided or abetted by one or more other persons and either of the following circumstances exists:

(A) the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless; or

(B) the actor uses force or coercion to accomplish the sexual contact.

(5) the actor is armed with a weapon or any article used or fashioned in a manner to lead a person to reasonably believe it to be a weapon;

(6) the actor causes personal injury to the victim and force or coercion is used to accomplish the sexual contact; and

(7) the actor causes personal injury to the victim and the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless.

(b) Criminal sexual conduct in the second degree is a felony in the first degree. Any person convicted of criminal sexual conduct under § 25.20(a) shall be sentenced to a minimum of five (5) years to a maximum of fifteen (15) years imprisonment without the possibility of parole if the victim is twelve (12) years of age or older at the time that the crime was committed; or a minimum of ten (10) years to a maximum of twenty (20) years imprisonment if the victim is under the age of twelve (12) years old at the time that the crime was committed. The term imposed shall not be suspended, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor probation be imposed in lieu of said minimum term; nor shall work release or educational programs outside the confines of prison be granted; nor shall parole be granted; nor shall the provisions under § 80.31 of Article 2, Chapter 80, Title 9 GCA apply. Any such sentence shall include a special parole term of not less than life with mandatory lifetime monitoring by the Parole Office, in addition to such time of imprisonment.

(c) Any person convicted of criminal sexual conduct under § 25.20(a) subsequent to a first conviction of criminal sexual conduct under Guam law or a conviction of a sex offense from another jurisdiction that has an element that would constitute sexual contact or sexual penetration as defined in § 25.10 shall be sentenced to a minimum of fifteen (15) years imprisonment and may be sentenced to life imprisonment without the possibility of parole. Said term shall not be suspended; nor probation be imposed in lieu of said term, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall parole, work release or educational programs outside the confines of prison be granted.”

CLRC COMMENT: No change.”

7. § 25.25. Third Degree Criminal Sexual Conduct.

ERRATA: The Interim Report made no changes to this section. However, P.L. 38-083:1 amended this section on December 20, 2025 *after* the Interim Report was submitted to the Legislature.

REVISION. Replace with section, as amended by P.L. 38-083, as follows:

“§ 25.25. Third Degree Criminal Sexual Conduct.

(a) A person is guilty of criminal sexual conduct in the third degree if the person engages in sexual penetration with another person and if any of the following circumstances exists:

(1) that other person is at least fourteen (14) years of age and under sixteen (16) years of age;

(2) force or coercion is used to accomplish the sexual penetration; and

(3) the actor knows or has reason to know that the victim is mentally impaired, mentally incapacitated, or physically helpless.

(b) Criminal sexual conduct in the third degree is a felony of the second degree.

(c) Any person previously convicted of criminal sexual conduct under § 25.25(a) subsequent to a first conviction of criminal sexual conduct under Guam law or a conviction of a sex offense from another jurisdiction that has an element that would constitute sexual contact or sexual penetration as defined in § 25.10 of this Chapter shall be sentenced to ten (10) years imprisonment without the possibility of parole. Said term shall not be suspended; nor probation be imposed in lieu of said term, as indicated in § 80.60 of Article 4, Chapter 80, Title 9 GCA; nor shall parole, work release or educational programs outside the confines of prison be granted.

CLRC COMMENT: No change.”

8. § 25.50. Interfering with the Reporting of Criminal Sexual Conduct.

ERRATA. This is a new section added by P.L.38-070:1 on October 17, 2025 *after* the Interim Report was submitted to the Legislature on June 13, 2025.

REVISION. Add this new section to the Interim Report with non-substantive spelling and punctuation corrections recommended as follows:

“§ 25.50. Interfering with the Reporting of Criminal Sexual Conduct.

(a) Any person commits the crime of interfering with the reporting of criminal sexual conduct if the person:

(1) commits any act of criminal sexual conduct or assists in or ~~abets~~abets any act of criminal sexual conduct, as enumerated in this Chapter and

(2) intentionally, knowingly, or recklessly prevents or attempts, either directly or through other persons, to prevent the victim of or a witness to that act of criminal ~~sexual~~sexual conduct from calling a 911 emergency communication system, obtaining medical assistance, or making a report to any law enforcement officer or other official.

(b) Commission of, or assisting in or ~~abetting~~abetting, a crime of criminal sexual conduct under this chapter is a necessary element of the crime of interfering with the reporting of criminal sexual conduct.

(c) Interference with the reporting of crimes of criminal sexual conduct is a felony of the third degree.

CLRC COMMENT: Non-substantive spelling and punctuation corrections.”

9. § 31.30. Child Abuse; Defined & Punished.

ERRATA. Interim Report clerical error in subsection (a) and (d) of this section.

REVISION. Replace section with corrected subsection (a) and (d) as follows:

“§ 31.30. Child Abuse; Defined & Punished.

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

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

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

~~(2)~~(3) having a child in his care or custody or under his control, he:

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

~~(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.

(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.

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

(1) intentionally 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.

CLRC COMMENT: Amendments to subsection (a) are for clarification, to remove redundant language and to clearly establish neglect as abuse. New subsection (d) defines neglect. Reference Cal. Penal Code § 11165.3 (The willful harming or injuring of a child or the endangering of the person or health of a child) and N.J.S.A 9:6-1 (Abuse, abandonment, cruelty and neglect of child; what constitutes).”

10. § 34.50. Criminal Mischief; Defined.

ERRATA. Interim Report clerical error in subsection (c) of this section.

REVISION. Replace with corrected section as follows:

“§ 34.50. Criminal Mischief; Defined.

A person commits *criminal mischief* if:

~~(a) under circumstances not amounting to arson he damages or destroys property with the intention of defrauding an insurer; or~~

~~(b) he intentionally tampers with the property of another or forest land and thereby:~~

~~(1) recklessly endangers human life; or~~

~~(2) recklessly causes or threatens a substantial interruption or impairment of any public utility service; or~~

~~(c) he intentionally damages the property of another. or forest land; or~~

~~(d) he intentionally damages the motor vehicle of another.~~

CLRC COMMENT: Amendments for consistency with amendments to § 34.60.”

11. § 34.60. Criminal Mischief; Punished.

ERRATA. Interim Report clerical errors in this section.

REVISION. Replace with corrected section as follows:

“§ 34.60. Criminal Mischief; Punished.

~~(a) A violation of subsections (b) or (d) of § 34.50 is a third degree felony.~~

~~(b_a) A violation of subsection (a) of § 34.50 is a second degree felony if the defendant’s conduct results in pecuniary loss of Five Thousand Dollars (\$5,000.00) or more, a third degree felony if the defendant’s conduct causes or is intended to cause results in pecuniary loss of Two Thousand Five Hundred Dollars (\$2,500.00) or more, but less than Five Thousand Dollars (\$5,000.00) in excess of Five Hundred Dollars (\$500.00), a misdemeanor if the defendant’s conduct causes or is intended to cause results in pecuniary loss of Five Hundred Dollars (\$500) or more but less than Two Thousand Five Hundred Dollars (\$500.00) in excess of Fifty Dollars (\$50.00), and a petty misdemeanor if the defendant’s conduct causes or is intended to cause results in pecuniary loss of less than Five Hundred Dollars (\$500.00) in excess of Twenty-four Dollars (\$24.00). Otherwise, criminal mischief is a violation.~~

~~(c) Any adult convicted under subsection (c) of § 34.50, Title 9, Guam Code Annotated, is guilty of a misdemeanor punishable by imprisonment for not less than a mandatory forty-eight (48) hours nor more than one year and a fine of two hundred fifty dollars (\$250.00) for the first offense, five hundred dollars (\$500.00) for the second offense and one thousand dollars (\$1000.00) for each subsequent offense.~~

(b) In the case of a minor, the parents or the legal guardian shall be jointly and severally liable with the minor for the payment of all fines. Failure of the parents or legal guardian to make payment will result in the filing of a lien on the parents' or legal guardian's property to include the fine and court costs. Upon an application and finding of indigence, the court may decline to order fines against the minor or parents.

In addition to any punishment listed in subsection (ea), the court shall order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the defendant's offense in the amount or manner determined by the court. Furthermore, the person or if a minor, his or her parents, shall repaint or refurbish the property so damaged, destroyed, removed, or defaced at such person's expense, under the supervision of the affected property owner or a court representative. The person shall also perform a minimum of one hundred eighty (180) hours but not to exceed three hundred sixty (360) hours of community service. Parents or legal guardians of any minor found to have violated this subsection shall also be responsible for providing supervision as well as paying for the fine if the minor is unable to do so.

(dc) The court may order that any person punished under § 34.60(c) or § 34.70, Title 9, ~~Guam Code Annotated~~ this section, who is to be punished by imprisonment, shall be confined on days other than days of regular employment of the person, or on days other than school days if the defendant is a minor, as determined by the court.

CLRC COMMENT: Subsection (a) removed to clarify that punishment is based on grading values. Subsection (b) grading values of offenses increased after review of other jurisdictions' grading values for criminal mischief; and classification of "violation" as an offense removed. Subsection (c) language regarding mandatory minimums removed for uniformity with 9 GCA Chapter 80 (Disposition of Offenders)."

12. § 34.70. Graffiti Prohibited.

ERRATA. This section was amended by P.L. 38-078 on December 16, 2025, *after* the Interim Report was submitted to the Legislature.

REVISIONS. Withdraw recommendations to the section in the Interim Report that conflict with amendments made by P.L. 38-078. Replace with updated section as follows:

“§ 34.70. Graffiti Prohibited.

(a) Definitions. For the purpose of this section, the following terms apply:

(1) Broad-tipped indelible marker means any felt tip marker, or similar implement, which contains a fluid which is not water soluble and which has a flat or angled writing surface one-half inch or greater.

(2) Bona fide evidence of majority means a document issued by a federal, state, county or municipal government or agency thereof, including but not limited to, a motor vehicle operator's license, or registration certificate issued under the Federal Selective Service Act, a passport, or an identification card issued to a member of the armed forces which identifies an individual and provides proof of the age of such individual.

(3) Owner means any and all persons with legal and/or equitable title to real property in Guam as their names and addresses are shown upon the records of the Department of Revenue of Taxation or the Department of Land Management.

(4) Supervising Adult means an individual eighteen (18) years of age or older who has been given responsibility by the minor's parents, legal guardian, or other lawful authority to supervise the minor.

(5) Used or intended to be used includes usage in the course of a violation or usage to transport a violator to or from the scene of a violation.

(b) No person shall write, paint or draw any inscription, figure, or mark of any type on any public or private building or structure or other real or personal property owned, operated or maintained by a governmental entity or any agency or instrumentality thereof or by any person, firm or corporation unless the express prior written permission of the owner, owner's agent, manager or operator of the property has been obtained.

(c) Possession of spray paint and markers with intent to make graffiti is prohibited. No person shall carry an aerosol spray paint can or broad-tipped indelible marker with the intent to violate the provisions of this section.

(d) Possession of spray paint or broad-tipped indelible markers by minors on public property is prohibited. No person under the age of eighteen (18) shall have in his or her possession any aerosol container or spray paint can or broad-tipped indelible marker while on public property, highway, street, alley, or way except in the company of a supervising adult.

(e) Possession of spray paint or broad-tipped indelible markers by minors on private property is prohibited without consent of the owner. No person under the age of eighteen (18) shall have in his or her possession any aerosol container of spray paint or broad-tipped indelible marker while on any private property unless the owner, agent or manager, or person in possession of the property knows of the minor's possession of the aerosol container or marker and has consented to the minor's possession of the aerosol container or marker while on his or her property.

(f) Any person violating subsections (b), (c), (d), or (e) shall be punished by a fine of two thousand dollars (\$2,000.00) for the first offense, and four thousand dollars (\$4,000.00) for each subsequent offense or by imprisonment for a term not to exceed one hundred eighty (180) days, or by both fine and imprisonment at the discretion of the court. In the case of a minor, the parents or legal guardian shall be responsible for payment of all fines. Failure of the parents or legal guardian to make payment will result in the filing of lien on the parents or legal guardian's property to include the fine and court costs.

(g) In addition to any punishment ordered under subsection (f), the court shall order any person found in violation of subsections (b), (c), (d) or (e) to make restitution to the victim for damage or loss caused directly or indirectly by the defendant's offense in a reasonable amount or manner to be determined by the court. Where the defendant is a minor, the parents or legal guardian shall be jointly and severally liable with the minor to make such restitution.

(h) In addition to any punishment listed in subsections (f) and restitution ordered under subsection

(g) the court shall order any person found in violation of subsection (b), (c), (d) or (e) to perform monitored community service in the removal of graffiti of not less than two hundred fifty (250) hours and not more than five hundred (500) hours.

(i) In addition to any punishment listed in subsections (f), (g), and (h), any adult convicted for violating subsections (b), (c), (d), or (e) is guilty of a misdemeanor punishable by imprisonment for not less than a mandatory one hundred twenty (120) days.

(j) All personal property, including, but not limited to, automobiles and bicycles, used or intended to be used in violating subsections (b), (c), (d) or (e) shall be forfeitable to Guam. In any forfeiture under this section, the Court shall not order a forfeiture unless it finds that the forfeiture is commensurate with the severity of the violation to the extent required by the laws of Guam, the Organic Act, and the U.S. Constitution.

(k) No person or firm shall sell or cause to be sold to any person under the age of eighteen (18) years, and no person under the age of eighteen years (18) shall buy any aerosol container of spray paint or broad-tipped indelible markers. Evidence that a person, his or her employee, or agent demanded and was shown bona fide evidence of majority and acted upon such evidence in a transaction or sale shall be a defense to any prosecution thereof.

(l) Every person who owns, conducts, operates or manages a retail commercial establishment selling aerosol containers of spray paint or broad-tipped indelible markers *shall*:

(1) Place a sign in clear public view at or near the display of such products stating:

‘GRAFFITI IS A CRIME. ANY PERSON DEFACING REAL OR PERSONAL PROPERTY NOT HIS OR HER OWN WITH PAINT OR ANY OTHER LIQUID OR DEVICE IS GUILTY OF A CRIME PUNISHABLE BY IMPRISONMENT OF UP TO ONE HUNDRED EIGHTY (180) DAYS AND/OR A FINE UP TO FOUR THOUSAND DOLLARS (\$4,000.00).’

(2) Place a sign in the direct view of such persons responsible for accepting customer payment for aerosol containers of spray paint or broad-tipped indelible markers which states:

“IT IS A VIOLATION OF THE LAW TO SELL AEROSOL CONTAINERS OF SPRAY PAINT OR BROAD-TIPPED INDELIBLE MARKERS TO PERSONS UNDER 18 YEARS OF AGE PUNISHABLE BY A CIVIL FINE OF TWO HUNDRED FIFTY DOLLARS (\$250.00).”

(m) Violation of subsection (l) shall result in a civil penalty of two hundred fifty dollars (\$250.00) for a first offense and five hundred dollars (\$500.00) for subsequent offenses. When three (3) violations of subsection (l) occur within any calendar year at a commercial establishment, that establishment shall be subject to an injunction from a court of competent jurisdiction forbidding the sale of aerosol containers of spray paints and broad-tipped indelible markers for a period up to two (2) years. Violation of such injunction shall be punished by a fine of two hundred fifty hundred dollars (\$250.00) per day of violation in addition to any other penalties levied by the Court. Failure to make payment of fines will be subject to an injunction from a court of competent jurisdiction forbidding the sale of aerosol containers of spray paints and broad-tipped indelible markers until payment of the fine, attorney's fees and costs.

(n) In addition to any punishment ordered under Subsection (f), (g), (h), (i) and (j), the court shall immediately, upon conviction of an offender charged with the defacement of property, revoke the license or instruction permit of any driver in violation of this Section subject to a period of time described hereafter:

(1) after one (1) conviction, six (6) months;

(2) after a second or subsequent conviction, one (1) year for each conviction.

Any person who was convicted of any offense as described in this Act upon being eligible to receive a license or instruction permit, shall not be eligible to receive a license or instruction permit until the entire penalty period has elapsed.

Any prior convictions resulting in the revocation of a driver's license or instruction permit shall not run concurrently with any existing or subsequent suspension, revocation, cancellation or denial which is provided for by law."

CLRC COMMENT: Subsection (a)(3) amended to add Department of Land Management.

13. § 70.65. Defenses; Exceptions.

ERRATA. Interim Report clerical errors in amendment to subsection (g) of this section

REVISION. Replace with corrected section as follows:

“§ 70.65. Defenses; Exceptions.

(a) It is an affirmative defense in a prosecution for violation of animal abuse under § 70.25 (a) of this Article if:

(1) the defendant reasonably and humanely caused the death of the animal to end its immediate and intractable suffering; or

(2) the animal posed a present and immediate danger to the safety of people, and the defendant took reasonable measures necessary to protect against serious bodily harm, or death, to themselves or other people, livestock, or domestic animals.

(b) Ownership shall not be a defense.

(c) Guardianship shall not be a defense.

(d) Trespass by an animal shall not be a defense.

(e) Corporations and other nonhuman legal entities may be concurrently charged for acts in violation of any animal protection offense committed by their employees or agents when the act is committed in the normal course and scope of the employment or agency.

(f) It is no defense to the crime of animal abandonment that the defendant abandoned the animal at or near an animal shelter, veterinary clinic, or other place of shelter if the defendant did not make reasonable arrangements for the care of the animal.

(g) Sections 70.10 to 70.85 of this Article shall not apply to:

(1) the proper shooting or taking of game in such manner and at such times as is allowed or provided by the laws of Guam;

~~(2) cockfighting in a manner and at such times and places as are authorized by law;~~

~~(3) the proper killing of animals used for food, except for dogs and cats, in accordance with the law;~~

(4) the proper disinfestation of rodents and brown tree snakes;

(~~54~~) animals properly used for education or research purposes by, or under the oversight of, the Guam Community College or the University of Guam; provided, that proper Institutional Review Board procedures and all applicable local and federal laws are followed;

(~~65~~) euthanasia as properly conducted by a licensed veterinarian, or individual authorized by § 70.70 of this Article, and done in accordance with local law and generally accepted industry practice;

(~~76~~) the proper disinfestation of animals deemed a disease vector and threat to public health by the Department of Public and Social Services; provided, that disinfestation is done in accordance with established procedures approved by said Department;

(~~87~~) the proper disinfestation of species deemed invasive to Guam by the Guam Invasive Species Council; provided, that disinfestation is done in accordance with established procedures approved by said Council.

(A) Subsection (g)(~~87~~) of this Section shall not pertain to cats or dogs, except as authorized by the Director of the Department of Agriculture, and such disinfestation efforts are done in accordance with accepted practices of veterinary medicine and procedures approved by the Council.

CLRC COMMENT: Subsection (g)(2) removed to address the federal ban on cockfighting. Subsection (g)(3) amended to respect the cultures that consume these animals. No other subsections amended.”

CONCLUSION

This Notice of Errata and Revisions revises the Interim Report to correct clerical errors and reflect legislative amendments to Title 9 of the Guam Code Annotated enacted after the Interim Report’s submission to I Liheslaturan Guåhan on June 13, 2025. The revisions are non-substantive unless otherwise noted and are intended to ensure accuracy, consistency, and conformity with current law. The sections identified herein are intended to replace the corresponding sections of the Interim Report and to supersede any inconsistent provisions in Bill No. 232-38 or related measures adopting the Interim Report’s recommendations.

POWERPOINT PRESENTATION

CLRC PLENARY MEETING OF

JANUARY 29, 2026



GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION

PLENARY MEETING
JANUARY 29, 2026
12:00 NOON



AGENDA

- I. CALL TO ORDER
- II. PROOF OF DUE NOTICE OF MEETING
- III. DETERMINATION OF QUORUM
- IV. DISPOSAL OF MINUTES OCT. 8, 2025
- V. OLD BUSINESS
 - A. Subcommittee Status Update and Report of Executive Director
 - B. Interim Report Update and Notice of Errata
- VI. NEW BUSINESS
 - A. Subcommittee on Criminal Procedure: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - B. Ad Hoc Subcommittee on Corrections-related Chapters: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - C. Subcommittee on Crimes Involving Property: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - D. Subcommittee on Crimes Against Persons: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - E. Subcommittee on Drug & Other Criminal Offenses: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - F. Notice of Next Meeting: TO BE DETERMINED.
- VII. COMMUNICATIONS
- VIII. PUBLIC COMMENT
- IX. ADJOURNMENT



- **STATUS UPDATE**
- **INTERIM REPORT AND NOTICE OF ERRATA AND REVISIONS**



NOTICE OF ERRATA AND REVISIONS BACKGROUND AND PURPOSE

- CLRC submitted Interim Report to I Liheslaturan Guåhan on June 13, 2025, recommending amendments to selected chapters of Title 9, Guam Code Annotated.
- Bill 232-38, introduced Nov. 20, 2025, adopts all recommendations in the Interim Report.
- After submission of the Interim Report, certain amendments to Title 9 sections were enacted. This Notice addresses sections in the Interim Report that are affected by those amendments.
- The CLRC also identified clerical, typographical, and formatting errors.
- This Notice corrects errors and revises recommendations as necessary to reflect intervening legislative amendments.
- Replaces corresponding sections in the Interim Report and Bill 232.



SECTIONS AFFECTED

SECTION	ERRATA/BASIS FOR REVISION
§ 1.18	Correction made by Compiler of Laws
§ 1.19	Correction made by Compiler of Laws
§ 1.20	Correction made by Compiler of Laws
§ 16.50	Clerical
§ 19.82	Subsequent amendment by the Legislature in P.L. 38-070 (Oct. 17, 2025)
§ 25.10	Subsequent amendment by the Legislature in P.L. 38-016 (June 17, 2025)
§ 25.15	Subsequent amendment by the Legislature in P.L. 38-016 (June 17, 2025)
§ 25.20	Subsequent amendment by the Legislature in P.L. 38-016 (June 17, 2025)
§ 25.25	Subsequent amendment by the Legislature in P.L. 38-083 (Dec. 20, 2025)
§ 25.50	Subsequent amendment by the Legislature in P.L. 38-070 (Oct. 17, 2025)
§ 31.30	Clerical
§ 34.50	Clerical
§ 34.60	Clerical
§ 34.70	Subsequent amendment by the Legislature in P.L. 38-078 (Dec. 16, 2025)
§ 70.65	Clerical



§ 1.18. CLASSES OF CRIMES.

§ 1.19. FELONIES DEFINED AND CLASSIFIED.

**§ 1.20. RELATIONSHIP OF CODE TO OTHER LAWS;
CONTEMPTS, PENALTIES AND REMEDIES**

ERRATA. Non-substantive amendments removing “territory” for consistency with 1 GCA § 420 have already been made by the Compiler of Laws.

REVISION. Replace with current version and change CLRC Comment to “No change.”



§ 16.50. MANSLAUGHTER DEFINED AND CLASSIFIED.

ERRATA: Clerical errors.

(a)(2) a homicide which would otherwise be murder is committed under the influence of extreme mental or emotional disturbance for which there is reasonable explanation or excuse. {The reasonableness of such explanation or excuse shall be determined from the viewpoint of a reasonable person in the defendant's situation under the circumstances as he believes them to be. The defendant must prove the reasonableness of such explanation or excuse by a preponderance of the evidence}; or

REVISION: Replace with correct section.



§ 19.82. INTERFERING WITH THE REPORTING OF CRIMINAL SEXUAL CONDUCT; DEFINED AND PUNISHED.

ERRATA. New section added by P.L.38-70 (10/17/25) *after* the Interim Report was submitted to the Legislature on June 13, 2025.

REVISION. Add this new section to the Interim Report with non-substantive spelling and punctuation corrections (*e.g.* abbet, abbeting).



§ 25.10(a). DEFINITIONS.

ERRATA. Amended by PL 38-016 (6/17/25) after Interim Report.

REVISION. Revise (a) as amended by PL 38-016.

Punctuation corrections.

Interim Report adds (a)(12)–14)	P.L. 38-016 adds subsections (a)(12)-(15) Shown with recommended CLRC amendments
<p>(12) "Affinity" means family members related by marriage. The method of computing degrees of affinity is the same method as computing degrees of consanguinity.</p> <p>(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.</p> <p>(14) "Cunnilingus" is the touching of the urethral opening, vaginal opening, or labia with the actor's mouth.</p>	<p>(12) "Consanguinity or Relationship by blood" means a 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.</p> <p>(13) "Affinity" is the relation existing in consequence of marriage between each of the married persons and the blood relatives of the other. The method of computing degrees of affinity is the same method as computing degrees of consanguinity.</p> <p>(14) "Dating relationship" means a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on consideration of:</p> <ul style="list-style-type: none"> (A) the length of the relationship; (B) the nature of the relationship; and (C) the frequency and type of interaction between the persons involved in the relationship. A casual acquaintanceship or ordinary fraternization in a business or social context does not constitute a "dating relationship." <p>(15) Adoption refers to the act where an adult formally becomes the guardian of a child and incurs the rights and obligations of a parent.</p> <p>(16) "Cunnilingus" is the touching of the urethral opening, vaginal opening, or labia with the actor's mouth.</p>



§ 25.15. FIRST DEGREE CRIMINAL SEXUAL CONDUCT

§ 25.20. SECOND DEGREE CRIMINAL SEXUAL CONDUCT

ERRATA. Sections amended by P.L. 38-016 (6/17/25) after Interim Report submission.

REVISION. Although no changes in Interim Report, need to replace the sections as amended.



§ 25.25. THIRD DEGREE CRIMINAL SEXUAL CONDUCT.

ERRATA. Sections amended by P.L. 38-083 (12/20/25) after Interim Report submission.

REVISION. Although no changes in Interim Report, need to replace the sections as amended.



§ 25.50. INTERFERING WITH THE REPORTING OF CRIMINAL SEXUAL CONDUCT.

ERRATA. New section added by P.L. 38-070 (10/17/25) *after* Interim Report submission.

REVISION. Add this new section to Interim Report with non-substantive spelling and punctuation corrections (*e.g.* abbet, abbeting).



§ 31.30. CHILD ABUSE.

ERRATA. Clerical errors.

- (a)(2) inflicts upon a child unjustifiable physical pain or mental suffering; or ~~willfully causes or permits any child to suffer;~~
- (d)(1) intentionally ~~willfully~~ failing to provide proper and sufficient food ...

REVISION. Replace with correct section.



§ 34.50. CRIMINAL MISCHIEF; DEFINED.

ERRATA. Clerical error.

- (e) he intentionally damages the property of ~~another.~~ ~~or forest land;~~
or

REVISION. Replace with correct section.



§ 34.60. CRIMINAL MISCHIEF; PUNISHED.

ERRATA. Clerical error.

(~~ba~~) A violation of ~~subsection (a) of~~ § 34.50 is a second degree felony if the defendant's conduct results in pecuniary loss of Five Thousand Dollars (\$5,000.00) or more, a third degree felony if the defendant's conduct ~~causes or is intended to cause~~ results in pecuniary loss of Two Thousand Five Hundred Dollars (\$2,500.00) or more, but less than Five Thousand Dollars (\$5,000.00) in excess of Five Hundred Dollars (\$500.00), a misdemeanor if the defendant's conduct ~~causes or is intended to cause~~ results in pecuniary loss of Five Hundred Dollars (\$500) or more but less than Two Thousand Five Hundred Dollars (\$500.00) in excess of Fifty Dollars (\$50.00), and a petty misdemeanor if the defendant's conduct ~~causes or is intended to cause~~ results in pecuniary loss of less than Five Hundred Dollars (\$500.00) in excess of Twenty four Dollars (\$24.00). Otherwise, criminal mischief is a violation.

REVISION. Replace with correct section.



§ 34.70. GRAFFITI PROHIBITED.

ERRATA. Section amended by P.L. 38-078 (12/16/25) after Interim Report submission.

REVISION. Withdraw Interim Report recommendations inconsistent with P.L. 38-078. Keep amendment to (a)(3)

Owner means any and all persons with legal and/or equitable title to real property in Guam as their names and addresses are shown upon the records of the Department of Revenue of Taxation or the Department of Land Management.



§ 70.65. DEFENSES AND EXCEPTIONS.

ERRATA. Clerical errors in renumbering subsection (g). Subsection (g)(2) regarding cockfighting was deleted. Renumbered accordingly.

REVISION. Correct subsection numbers.



SUMMARY

- Revisions correct errata and reflect subsequent legislative amendments to sections in the Interim Report.
- Changes are non-substantive unless expressly noted.
- Revised sections supersede sections in the Interim Report and Bill 232.
- Notice of Errata and Revisions submitted for CLRC approval.
- Will be transmitted to the Legislature and other stakeholders.



PENDING BILLS THAT MAY AFFECT TITLE 9 SECTIONS UNDER REVIEW OR IN THE INTERIM REPORT

Bill No.	Title 9 Section(s) Affected	Interim Report Recommendation
Bill 162-38*	Amends § 19.50 (Terroristic Conduct; Defined & Punished)	Non-substantive amendment in Interim Report
Bill 138-38*	Amends § 7.58 (Intoxication)	Not covered in Interim Report
Bill 191-38	Adds a new § 70.460 (Operation of Unmanned Aircraft Over Correctional or Detention Facility)	New section not in Interim Report
Bill 171-38	Adds a new chapter 28A (Nonconsensual Intimate Depictions Act of 2025)	New chapter not in Interim Report
Bill 140-38	Adds a new § 90.16.2 to article 1 of chapter 90 (Fair Compensation and Retention for Correctional Officers Act of 2025)	New section not in Interim Report
Bill 105-38	Amend subsection (a) of § 80.70, chapter 80	Not covered in Interim Report

*Bills 162 and 138 are in the Legislature's Jan. 26, 2026 Session Agenda



REPORT OF THE SUBCOMMISSION ON CRIMINAL PROCEDURE

January 29, 2026

Continuing Discussion of 9 GCA § 7.86(b)
By
Gordon Anderson, CLRC Research Attorney

Members: Hon. Anita A. Sukola (Chair); AAG Valerie Nuesa; Executive Director Serge Quenga (ex-officio)



New Proposal for 9 GCA § 7.86(b)

CLRC Plenary Meeting
1/29/2026



Current Statute

(b) The use of deadly force is not justifiable under § 7.84 unless the defendant believes that such force is necessary to protect himself against death, serious bodily harm, kidnapping or **rape or sodomy compelled by force or threat**

At the October meeting, the Crim Pro Subcommittee proposed changing “rape or sodomy” to “criminal sexual conduct”



Crim Pro's Proposal (Oct. 2025)

(b) The use of deadly force is not justifiable under § 7.84 unless the defendant believes that such force is necessary to protect himself against death, serious bodily harm, kidnapping or ~~rape or sodomy~~ **criminal sexual conduct** compelled by force or threat . . .

CLRC members argued this proposal would expand the scope of the defense by allowing deadly force in the context of Fourth Degree CSC, a comparatively lesser offense.



New Proposal for 9 GCA § 7.86(b)

(b) The use of deadly force is not justifiable under § 7.84 unless the defendant believes that such force is necessary to protect himself against death, **serious bodily injury**, kidnapping, or **sexual penetration** compelled by **force or coercion** . . .

Three changes:

- “**serious bodily injury**” replaces former phrase “serious bodily harm”
- “**sexual penetration**” replaces former phrase “rape or sodomy”
- “**force or coercion**” replaces former phrase “force or threat”



“Serious Bodily Injury”

“Serious bodily injury” is defined by 9 GCA § 16.10(c):

Serious Bodily Injury means bodily injury which creates: serious permanent disfigurement; a substantial risk of death or serious, permanent disfigurement; severe or intense physical pain; or protracted loss or impairment of consciousness or of the function of any bodily member or organ[.]

“Serious bodily injury” is the phrase used in the statute defining “deadly force,” 9 GCA § 7.76

“Serious bodily injury” is also used in many violent crime statutes:

- Definition of Deadly Weapon: 9 GCA § 16.10(d)
- Aggravated Assault: 9 GCA § 19.20(a)(1)
- Child Abuse: 9 GCA § 31.30(b)
- Home Invasion: 9 GCA § 37.210(c)
- First Degree Robbery: 9 GCA § 40.20(a)



“Sexual Penetration”

- Sexual penetration is defined by 9 GCA § 25.10(a)(10):

“Sexual Penetration” means **sexual intercourse**, cunnilingus, fellatio, anal intercourse, or any other intrusion, however slight, of any part of a person’s body or of any object into the genital or anal openings of another person’s body, but emission of semen is not required[.]

- Sexual penetration is the primary act of First Degree CSC under 9 GCA § 25.15(a), and Third Degree CSC under 9 GCA § 25.25(a)
- I submit that “rape or sodomy” contemplates acts of sexual penetration, so this amendment does not significantly change the meaning of the statute



“Force or Coercion”

- “Force or coercion” is defined by 9 GCA § 25.10(a)(3):

(3) “Force” or “Coercion” includes, but is not limited to, any of the following circumstances:

(A) when the actor overcomes the victim through the actual application of physical **force** or physical violence;

(B) when the actor coerces the victim to submit by **threatening to use force or violence** on the victim and the victim believes that the actor has the present ability to execute these threats;

(C) when the actor coerces the victim to submit by **threatening to retaliate in the future** against the victim or any other person and the victim believes that the actor has the ability to execute this threat. As used in this Subsection, to retaliate includes threats of physical punishment, kidnapping, or extortion; . . .

(D) when the actor engages in the medical treatment or examination of the victim in a manner or for purposes which are medically recognized as unethical or unacceptable; or

(E) when the actor, through concealment or by the element of surprise, is able to overcome the victim.

- The “force or coercion” formulation is used throughout 9 GCA Ch. 25



Purposes of This Proposal

- **Uses Well-Defined Terms**
 - Each of the three proposed changes substitutes a phrase more commonly used in Title 9 GCA
 - Each of the three proposed changes substitutes a term with an explicit statutory definition
- **Does Not Significantly Broaden Scope of Defense**
 - “Serious bodily injury” appears to mean the same as “serious bodily harm”
 - “Sexual penetration” appears to mean the same as “rape or sodomy”
 - “Force or coercion” is arguably broader than “force or threats,” but only adds circumstances of penetration by medical battery, or by surprise



What About Second Degree CSC?

- At the prior meeting, some members suggested that the statute should apply to Second Degree CSC (sexual touching + aggravating factor)
- My proposal does not *inherently* include Second Degree CSC because that offense does not involve “sexual penetration”
- Counterpoints:
 - Second Degree CSC is not *inherently* included in the statute at the moment, since it is not an instance of “rape or sodomy”
 - Deadly force would still be available if the Second Degree CSC involves or threatens “serious bodily injury”
 - Cf. 9 GCA 25.20(a)(5) – armed with deadly weapon
 - Cf. 9 GCA 25.20(a)(6)-(7) – “causes personal injury”
 - This statute only applies to *deadly force*—nothing in this statute precludes a Second Degree CSC victim, or their defender, from using *non-deadly* force



In Conclusion

(b) The use of deadly force is not justifiable under § 7.84 unless the defendant believes that such force is necessary to protect himself against death, **serious bodily injury, kidnapping, or **sexual penetration** compelled by **force or coercion** . . .**

Three changes:

- “**serious bodily injury**” replaces former phrase “serious bodily harm”
- “**sexual penetration**” replaces former phrase “rape or sodomy”
- “**force or coercion**” replaces former phrase “force or threat”



Crimes Against Persons Subcommittee Criminal Law & Procedure Review Commission

Members and ex officio members

GPD Sgt. Mike Elliot

Dep. Public Defender John Morrison

Assistant Attorney General Christine Tenorio

Magistrate Sean E. Brown

Attorney Joseph B. McDonald

REVIEW AND RECOMMENDATIONS FOR 9 GCA CHAPTERS 30 FAMILY VIOLENCE, 49 BRIBERY, 64 GAMBLING

PRESENTATION BY J. MCDONALD

PLENARY MEETING

JAN. 29, 2026

Jan. 27, 2026

PLENARY MEETING, CRIMES AGAINST
PERSONS SUBCOMM'N

31



CHAPTER 30

FAMILY VIOLENCE

Jan. 27, 2026

PLENARY MEETING, CRIMES AGAINST
PERSONS SUBCOMM'N

32



NO CHANGES RECOMMENDED TO THE FOLLOWING FV SECTIONS

§§ 30.10 Definitions; 30.21 Conditions of Release, 30.30 Powers and Duties of Police Officers to Arrest; Primary Aggressor; Required Report; 30.31 Mandatory Confinement; 30.32 Duties of Peace Officers to Victim; Required Notice; 30.33 Limitations of Liability; 30.40 Violation of Court Order; 30.50 Authority of Police Officer to Seize Weapons; 30.60 Disclosure of Family Violence Shelter; 30.70 Spousal Privileges; 30.80 Deferred Guilty Plea; 30.80.1 Deferred Guilty Plea Eligibility; 30.80.2 Deferred Guilty Plea Hearing; 30.80.3, Enforcement of Deferred Plea Proceedings; 30.80.4 Use of Arrest Record after Deferred Plea Agreement; 30.80.5 Counseling and Education Programs; 30.90 Establishment and Requirement of Domestic Assault Response Team (DART); 30.100 Maintenance of Systematic Records; 30.200 Family Violence Registry; 30.300 Interfering with Reporting; 30.400 Release of Victims from Shared Wireless Plans



Recommended amendment: §30.20(d)

(d) If the court, after a hearing, finds substantial evidence that a victim suffered serious bodily injury, as defined in Subsection (c) of § 16.10, Chapter 16 of this Title, no felony charged filed under this § 30.20 shall be reduced to a misdemeanor unless the court finds ~~that due to unusual circumstances~~ a reduction of the charge is manifestly in the interest of justice.

Reasoning:

“Unusual circumstances” too indefinite/vague and redundant.

Standard for manifest in the interest of justice is sufficient. State courts consistently interpret the "manifest interest of justice" or "manifest injustice" standard as requiring clear, obvious circumstances that would result in fundamental unfairness if relief were not granted. The standard is consistently applied as an extraordinary remedy rather than a routine procedural tool. Courts emphasize that this discretion should be exercised only in exceptional circumstances where ordinary legal remedies would produce manifest unfairness.



Discussed repeal; no recommendation to report out

§ 30.30. Powers and Duties of Peace Officers to Arrest for Crimes Involving Family Violence; Determination of Primary Aggressor; Required Report. (a) If a peace officer has reasonable cause to believe that a person has committed a felony or misdemeanor involving family violence, the peace officer shall presume that arresting and charging the person is the appropriate response. (b) If a peace officer receives complaints of family violence from two (2) or more opposing persons, the officer shall evaluate each complaint separately to determine who was the primary aggressor. If the officer determines that one (1) person was the primary aggressor, the officer need not arrest the other person believed to have committed family violence but the peace officer shall document to the best of his or her ability the evidence concerning the actions of each participant in the incident. (c) In determining whether a person is the primary aggressor the officer shall consider: (1) Prior complaints of family violence; (2) The relative severity of the injuries inflicted on each person; (3) The likelihood of future injury to each person; (4) Whether one of the persons acted in self-defense; (5) The use or threatened use of a weapon; and (6) The use or threatened use of physical force. (d) A peace officer shall not: (1) Threaten, suggest, or otherwise indicate the possible arrest of all parties to discourage requests for intervention by peace officers by any party; or, (2) Base the decision to arrest or not to arrest on: (A) The specific consent or request of the victim; or, (B) The officer's perception of the willingness of a victim or witness to the family violence to testify or otherwise participate in a judicial proceeding. (e) In addition to any other report required, a peace officer who does not make an arrest after investigating a complaint of family violence or who arrests two (2) or more persons for a crime involving family violence must submit a written report setting forth the grounds for not arresting or for arresting both parties.

Comment:

Discussion centered on difficulty of applying/enforcing the statute. Members discussed striking/repealing. Research showed primary aggressor statutes remain on the books of several states without repeal. Texas put a provision into its public safety laws to provide training.

Jan. 27, 2026

PLENARY MEETING, CRIMES AGAINST
PERSONS SUBCOMM'N

35



Discussed repeal; no recommendations to report out

§ 30.31. Mandatory Confinement. When a peace officer makes an arrest for family violence the arrestee shall be confined until the magistrate's hearing, unless released earlier by the Office of the Attorney General.

Comment:

Discussion centered on due process concerns. Members discussed striking/repealing. Research showed mandatory confinement laws remain on the books of several states without repeal.

Jan. 27, 2026

PLENARY MEETING, CRIMES AGAINST
PERSONS SUBCOMM'N

36



CHAPTER 49

BRIBERY

Jan. 27, 2026

PLENARY MEETING, CRIMES AGAINST
PERSONS SUBCOMM'N

37



NO CHANGES RECOMMENDED TO THE FOLLOWING FV SECTIONS

§§ 49.10 Definitions; 49.20 Giving of Bribes; Defined and Punished; 49.30 Receiving Bribes; Defined and Punished; 49.40 Unlawful Influence; Defined and Punished; 49.50 Unlawful Influence by Extortion; Defined and Punished; 49.60 Giving Gratuities for Past Services; Defined and Punished; 49.80 Use of Information for Private Gain; Defined and Punished; 49.90 Official Misconduct; Defined and Punished.

Comment:

Research showed no repeals or major amendments to MPC bribery laws.

Jan. 27, 2026

PLENARY MEETING, CRIMES AGAINST
PERSONS SUBCOMM'N

38



Comment: Policy Consideration; Offense Grades for Public Official Misconduct

Jurisdiction	Classification	Maximum Imprisonment	Fine	Additional Penalties
Guam	Misdemeanor	1 year	\$1,000	None specified
New York	Class A misdemeanor	1 year	Varies	None specified
Alaska	Class A misdemeanor	1 year	\$25,000 + 3x gain/loss	None specified
Oregon	Class A misdemeanor	1 year	\$6,250	None specified
Colorado	Class 1 misdemeanor	364 days	\$1,000	Possible termination
Washington	Gross misdemeanor	364 days	\$5,000	None specified
Nebraska	Class II misdemeanor	6 months	\$1,000	Career end likely
New Jersey	2nd degree crime	5-10 years (mandatory minimum 5 years)	\$150,000	Mandatory imprisonment
New Jersey	3rd degree crime (≤\$200)	3-5 years (mandatory minimum 2 years)	\$15,000	Mandatory imprisonment
Indiana	Level 6 felony	0.5-2.5 years	\$10,000	No expungement; office bar
Illinois	Class 3 felony	2-5 years	\$25,000	Forfeiture of employment; 10-year bar
Hawaii	Class C felony	0-5 years	\$10,000	None specified
Tennessee	Class E felony	1-6 years	\$3,000	Permanent office disqualification
Florida	3rd degree felony	0-5 years	\$5,000 or 2x gain	Pension forfeiture possible
Kansas	Varies by conduct	Severity level 7: 11-34 months	Varies	Forfeiture of office

Felony grade offense may be warranted for:

High-level officials (elected officials, department heads) were involved

Large monetary benefits obtained

Repeat offenders
Misconduct causing substantial public harm

Violations of particularly important duties (law enforcement, judiciary, fiscal oversight)



CHAPTER 64

GAMBLING



No recommendations to report out

§ 64.10 Gambling; Defined & Punished; § 64.15 Use of Electronic Machine or Device to Conduct Sweepstakes Illegal; § 64.16 Forfeiture of Electronic Machine or Device Used to Conduct Sweepstakes; § 64.17 Penalties; § 64.20 Importation of Gambling Devices to Guam Illegal: Defined and Punished; § 64.21 Poker Machines and Video Lottery Terminals; § 64.22. Possession of Gambling Devices Prohibited; Penalty; § 64.23. Slot Machines; § 64.30. Social Gambling Defined & Permitted; § 64.40. Legal Cockfight Gambling Permitted; § 64.62. Rules and Regulations to Permit Games of Chance at the Guam Island Fair and Liberation Day Carnival; § 64.65. Amusement Devices; § 64.70. Organizations Authorized to Conduct Gambling: Permit Procedure;

Comment:

Each state has its own distinct gambling laws. Gambling where legal is highly regulated. Repeal/relaxation of gambling laws is a policy decision, including repeal of cockfighting, which is a federal crime.



Thank you!



Subcommission on Crimes Against Persons Recommendations

Chapter number, name	Section/Article	No- Change	AMEND	REPEAL	REPEAL & RE- ENACT	ADD	TABLE
Chapter 30. Family Violence.							
	30.20(d)		Amend				
	All Others	No- Change					
Chapter 49. Bribery							
	All Sections	No- Change					
Chapter 64. Gambling.							
	All Sections	No- Change					



Notice of Next Meeting

To Be Determined



AGENDA

- I. CALL TO ORDER
- II. PROOF OF DUE NOTICE OF MEETING
- III. DETERMINATION OF QUORUM
- IV. DISPOSAL OF MINUTES OCT. 8, 2025
- V. OLD BUSINESS
 - A. Subcommittee Status Update and Report of Executive Director
 - B. Interim Report Update and Notice of Errata
- VI. NEW BUSINESS
 - A. Subcommittee on Criminal Procedure: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - B. Ad Hoc Subcommittee on Corrections-related Chapters: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - C. Subcommittee on Crimes Involving Property: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - D. Subcommittee on Crimes Against Persons: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - E. Subcommittee on Drug & Other Criminal Offenses: Discussion of Chapters and Presentation of Recommendations for Discussion and Approval
 - F. Notice of Next Meeting: TO BE DETERMINED.
- VII. COMMUNICATIONS
- VIII. PUBLIC COMMENT
- IX. ADJOURNMENT