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Guam Criminal Law and Procedure Review Commission
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EXECUTIVE DIRECTOR

**GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION
2026 FIRST QUARTER REPORT
SUBMITTED TO THE**

GOVERNOR OF GUAM,
SPEAKER OF THE GUAM LEGISLATURE, AND
CHIEF JUSTICE OF GUAM
MAY 6, 2026

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION
JUDICIARY OF GUAM
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120 WEST O'BRIEN DRIVE
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PREFACE

The Guam Criminal Law and Procedure Review Commission (CLRC or Commission) submits its first quarter report for 2026 summarizing its activities as required by 1 GCA § 25.07(a). Because the CLRC began operations in January of 2023, quarterly reports align with the calendar year instead of the fiscal year. This first quarter report summarizes activities from January 1, 2026 through March 31, 2026.

CLRC STATUTORY AUTHORITY

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

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

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CLRC STAFF AND MEMBERS

During the first quarter of 2026, the Commission consisted of the following members and staff.

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

Compiler of Laws	Attorney Geraldine Cepeda (ex-officio)
Staff	Executive Director Andrew Serge Quenga (ex-officio), Administrative Assistant Lisa Ibanez, Research Attorney Yusuke Haffeman-Udagawa, Research Attorney Gordon Anderson, Research Attorney Andrew Strege
Volunteer	Hon. Sean Brown, Attorney Kristine B. Borja, Attorney Zachary Taimanglo, Chief Probation Officer Rossanna Villagomez-Aguon, Chief Parole Officer Michael P. Quinata, Probation Officer Supervisor Jeremiah J.A. Cruz, Deputy Marshal III Kennedy G. Robinson, Deputy Marshal II Dodd Siegfred V. Mortera, Jr., Attorney Kristina Baird, Attorney Mary Hill

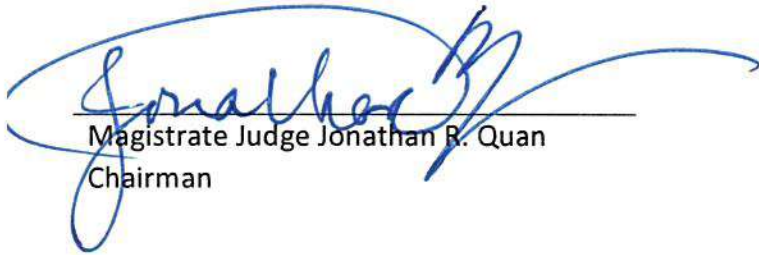
SIGNIFICANT CLRC ACTIVITIES JANUARY - MARCH 2026

During the first quarter of 2026, the Commission held a Plenary Meeting on January 29, 2026. Members deliberated on a range of agenda items, including recommendations to amend sections and chapters of the Criminal Code of Guam. The agendas, meeting packets, and YouTube video links for these meetings are available on the CLRC website. During these meetings, the following presentations were made:


- January 29, 2026, Plenary Meeting
 - The Commission approved a Notice of Errata and Revisions to the CLRC Interim Report of June 13, 2025. The Notice of Errata corrects errors and revises recommendations to reflect legislative amendments enacted after the Interim Report was submitted to the Legislature.
 - The Subcommittee on Criminal Procedure continued its discussion of 9 GCA § 7.86, which was tabled at a previous plenary meeting for further research. Details of this presentation are in the minutes of this meeting posted on the CLRC website. All recommendations that were approved for moving to the final reading file are memorialized in Attachment 1, which include proposed amendments with changes tracked.
 - The Subcommittee on Crimes Against Persons presented its review of Chapters 30, 49, and 64 of Title 9. Details of this presentation are in the minutes of this meeting posted on the CLRC website. All recommendations that were approved for moving to the final reading file or tabled for further discussion are memorialized in Attachment 2, which include proposed amendments with changes tracked.
- February 6, 2026, submission of Notice of Errata to Speaker Frank Blas, Jr., and all other stakeholders. The Notice of Errata is posted on the Commission’s webpage.
- February 23, 2026, submission of the Commission’s 2025 First Quarter Report. This report is posted on the Commission’s webpage.
- March 16, 2026, submission of the Commission’s review of Bill 232-38 to Speaker Frank Blas, Jr. The Commission’s review had been requested by the Speaker’s office on December 15, 2025. The Commission’s review included revisions suggested in the Notice of Errata.

CONCLUSION

During the first quarter of 2026, the Commission continued to make progress in the review of the Criminal Code of Guam. The work of the CLRC continues to the best of the ability of each member. Our Subcommissions face a daunting task reviewing thousands of criminal statutes throughout the Guam Code Annotated. Apart from the very small full-time staff of the CLRC, each member dedicates significant time to reviewing their assigned chapters and sections of the Criminal Code and discussing any proposed changes in working sessions with their respective Subcommissions. Our appointed and volunteer members include full-time attorneys with active caseloads, high-ranking government law enforcement officials, and private citizens with full-time work obligations. Chairman Quan and I thank all members for their commitment and diligence to the work of the Commission.



Magistrate Judge Jonathan R. Quan
Chairman



Andrew Serge Quenga
Executive Director

ATTACHMENT 1

RECOMMENDATIONS OF THE SUBCOMMISSION ON CRIMINAL PROCEDURE
PRESENTED AT THE PLENARY MEETING OF JANUARY 29, 2026

TITLE 9 GUAM CODE ANNOTATED

§ 7.86. Self-Defense Limited.

(a) The use of force is not justifiable under § 7.84:

(1) To resist an arrest which the defendant knows is being made by a peace officer in the performance of his duties, although the arrest is unlawful; or

(2) to resist force used by the occupier or possessor of property or by another person on his behalf, where the defendant knows that the person using the force is doing so under a claim of right to protect the property, except that this limitation shall not apply if:

(A) the defendant is a public officer acting in the performance of his duties or a person lawfully assisting him therein or a person making or assisting in a lawful arrest;

(B) the defendant has been unlawfully dispossessed of the property and is making a re-entry or recaption justified by § 7.90; or

(C) the defendant believes that such force is necessary to protect himself against death or serious bodily ~~harm~~ injury.

(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~~ compelled by force or threat sexual penetration compelled by force or coercion; nor is it justifiable if:

(1) the defendant, with the purpose of causing death or serious bodily ~~harm~~ injury, provoked the use of force against himself in the same encounter; or

(2) the defendant knows that he can avoid the necessity of using such force with complete safety by retreating or by surrendering possession of a thing to a person asserting a claim of right thereto or by complying with a demand that he abstains from any action which he has no duty to take, except that:

(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

(B) a public officer justified in using force in the performance of his duties or a person justified in using force in his assistance or a person justified in using force in making an arrest or preventing an escape is not obliged to desist from efforts to perform such duty, effect such arrest or prevent such escape because of resistance or threatened resistance by or on behalf of the person against whom such action is directed.

(c) Except as otherwise required by Subsections (a) and (b), a person employing protective force may estimate the necessity thereof under the circumstances as he believes them to be when the force is used, without retreating, surrendering possession, doing any other act which he has no legal duty to do or abstaining from any lawful action.

CLRC COMMENT: The amendments to “serious bodily injury” in subsections (a)(2)(C), (b), and (b)(1) are intended to ensure consistency with terminology used throughout this chapter, particularly § 7.76 (definition of “deadly force”). The revision in subsection (b) to “sexual penetration compelled by force or coercion” aligns with the definitions of “force or coercion” and “sexual penetration” set forth in 9 GCA § 25.10(a)(3) and (10).

**ATTACHMENT 2
RECOMMENDATIONS OF THE SUBCOMMISSION ON CRIMES AGAINST PERSONS
PRESENTED AT THE PLENARY MEETING OF JANUARY 29, 2026**

TITLE 9 GUAM CODE ANNOTATED

CHAPTER 30 – FAMILY VIOLENCE

§ 30.10. Definitions.

CLRC COMMENT: No change.

§ 30.20. Family Violence.

...

(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.

...

CLRC COMMENT: Delete “unusual circumstances” language as vague, redundant, and encompassed in the “manifest injustice” standard.

§ 30.21. Conditions of Release.

CLRC COMMENT: No change.

§ 30.30. Powers and Duties of Peace Officers to Arrest for Crimes Involving Family Violence; Determination of Primary Aggressor; Required Report.

CLRC COMMENT: No change.

§ 30.31. Mandatory Confinement.

CLRC COMMENT: No change.

§ 30.32. Duties of Peace Officers to Victim of Family Violence; Required Notice to Victim.

CLRC COMMENT: No change.

§ 30.33. Limitations of Liability.

CLRC COMMENT: No change.

§ 30.40. Violation of a Court Order.

CLRC COMMENT: No change.

§ 30.50. Authority of Peace Officer to Seize Weapons.

CLRC COMMENT: No change.

§ 30.60. Disclosure of Family Violence Shelter.

CLRC COMMENT: No change.

§ 30.70. Spousal Privileges Inapplicable in Criminal Proceedings Involving Family Violence.

CLRC COMMENT: No change.

§ 30.80. Deferred Guilty Plea for Family Violence.

CLRC COMMENT: No change.

§ 30.80.1. Deferred Plea Eligibility.

CLRC COMMENT: No change.

§ 30.80.2. Deferred Guilty Plea Hearing.

CLRC COMMENT: No change.

§ 30.80.3. Enforcement of a Deferred Plea Proceedings; Dismissal.

CLRC COMMENT: No change.

§ 30.80.4. Use of Arrest Record Following Successful Completion of Deferred Plea Agreement.

CLRC COMMENT: No change.

§ 30.80.5. Counseling and Education Programs.

CLRC COMMENT: No change.

§ 30.90. Establishment and Requirement of the Domestic Abuse Response Team (DART).

CLRC COMMENT: No change.

§ 30.100. Maintenance of Systematic Records.

CLRC COMMENT: No change.

§ 30.200. Family Violence Registry: Central Database of Offenders Who Have Committed Offenses Involving Family Violence, to be Known and Cited as the “Family Violence Registry Act.”

CLRC COMMENT: No change.

§ 30.300. Interfering with the Reporting of Family Violence.

CLRC COMMENT: No change.

§ 30.400. Release of Victims from Shared Wireless Plans.

CLRC COMMENT: No change.

**CHAPTER 49 – GOVERNMENTAL BRIBERY, OTHER UNLAWFUL INFLUENCE
AND RELATED OFFENSES**

§ 49.10. Definitions.

CLRC COMMENT: No change.

§ 49.20. Giving of Bribes; Defined & Punished.

CLRC COMMENT: No change.

§ 49.30. Receiving and Giving Bribes; Defined & Punished; Building Inspectors.

CLRC COMMENT: No change.

§ 49.40. Unlawful Influence; Defined & Punished

CLRC COMMENT: No change.

§ 49.50. Unlawful Influence by Extortion; Defined & Punished.

CLRC COMMENT: No change.

§ 49.60. Giving Gratuities for Past Services; Defined & Punished.

CLRC COMMENT: No change.

§ 49.70. Accepting Gratuities for Past Services; Defined & Punished.

CLRC COMMENT: No change.

§ 49.80. Use of Information for Private Gain; Defined & Punished.

CLRC COMMENT: No change.

§ 49.90. Official Misconduct; Defined and Punished.

A public servant commits a misdemeanor if, with intent to benefit himself or another person or to harm another person or to deprive another person of a benefit:

(a) he commits an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized; or

(b) he knowingly refrains from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office.

CLRC COMMENT: Tabled.

CHAPTER 64 – GAMBLING

§ 64.10. Gambling; Defined & Punished.

CLRC COMMENT: No change.

§ 64.15. Use of Electronic Machine or Device to Conduct Sweepstakes Illegal.

CLRC COMMENT: No change.

§ 64.16. Forfeiture of Electronic Machine or Device Used to Conduct Sweepstakes.

CLRC COMMENT: No change.

§ 64.17. Penalties.

CLRC COMMENT: No change.

§ 64.20. Importation of Gambling Devices to Guam Illegal: Defined and Punished.

CLRC COMMENT: No change.

§ 64.21. Poker Machines and Video Lottery Terminals.

CLRC COMMENT: No change.

§ 64.22. Possession of Gambling Devices Prohibited; Penalty.

CLRC COMMENT: No change.

§ 64.23. Slot Machines.

CLRC COMMENT: No change.

§ 64.30. Social Gambling Defined & Permitted.

CLRC COMMENT: No change.

§ 64.40. Legal Cockfight Gambling Permitted.

(a) Section 64.10 does not apply to making or accepting a wager upon the result of a cockfight when:

- (1) the cockfight takes place at a licensed cockpit; and
- (2) all the wagerers are present at the cockpit and are eighteen (18) years of age or more.

(b) Penalties. The following penalties shall be established, which shall be considered in conjunction with the provisions contained within § 64.10 of this Chapter, and shall apply to the owner of said property and establishment being utilized for such activities:

- (1) for the first offense, a fine of Five Hundred Dollars (\$500.00) shall be assessed; and
- (2) for a second offense and for each subsequent offense(s), a fine of Two Thousand Dollars (\$2,000.00) shall be assessed.

CLRC COMMENT: Tabled.

§ 64.62. Rules and Regulations to Permit Games of Chance at the Guam Island Fair and Liberation Day Carnival.

CLRC COMMENT: No change.

§ 64.62.1. Mandatory Conditions.

CLRC COMMENT: No change.

§ 64.62.2. Financial Reports Required.

CLRC COMMENT: No change.

§ 64.65. Amusement Devices.

CLRC COMMENT: No change.

§ 64.70. Organizations Authorized to Conduct Gambling: Permit Procedure.

CLRC COMMENT: No change.