

I Mina'Trentai Kuáttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
187-34 (COR)	Therese M. Terlaje Telena Cruz Nelson James V. Espaldon	AN ACT TO ESTABLISH THE GUAM ADULT REENTRY COURT PROGRAM AT THE JUDICIARY OF GUAM BY ADDING § 2101(d) OF CHAPTER 2, TITLE 7, GUAM CODE ANNOTATED AND ADDING § 80.70(f) AND § 80.82(c), BOTH OF ARTICLE 5, CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED	9/22/17 2:45 p.m.						

I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN
2017 (FIRST) Regular Session

Bill No. 187-34 (COR)

Introduced by:

Therese M. Terlaje
Telena Cruz Nelson
James V. Espaldon

AN ACT TO ESTABLISH THE GUAM ADULT REENTRY COURT PROGRAM AT THE JUDICIARY OF GUAM BY ADDING § 2101(d) OF CHAPTER 2, TITLE 7, GUAM CODE ANNOTATED AND ADDING § 80.70(f) AND § 80.82(c), BOTH OF ARTICLE 5, CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED

C-2017 SEP 22 PM 2:45

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. The efforts of the members of the Guam Adult Reentry Court Task Force reflect a concerted and collaborative initiative to create an Adult Reentry Court Program that is aimed at reducing recidivism, decreasing prison overcrowding in Guam, and improving public safety. Through the implementation of evidence-based practices, including the Ohio Risk Assessment System and assessment-driven case plans which address individualized supervision, treatment and services, the outcome indicators for the participants in the Guam Adult Reentry Court Program include job stability, permanent housing, completion of treatment, high school or GED completion, family reunification, and lowered recidivism.

The membership of the Guam Adult Reentry Court Task Force is comprised of private, public, and non-profit entities, including the Judiciary of Guam, Department of Corrections, Parole Services Division, Guam Behavioral Health and

1 Wellness Center, Guam Department of Labor, WestCare Pacific Islands, Salvation
2 Army Lighthouse Recovery Center, Oasis Empowerment Center, Office of the
3 Attorney General of Guam, Public Defender Services Corporation, Alternate Public
4 Defender, Guam Bar Association, University of Cincinnati Corrections Institute,
5 Department of Public Health and Social Services, Guam Housing and Urban
6 Renewal Authority, Department of Revenue and Taxation, GCA Trades Academy,
7 Guam Community College, and Catholic Social Services. The Task Force has
8 already completed a Guam Adult Reentry Court Program Strategic Plan and
9 Planning and Implementation Guide, which sets forth the eligibility and screening
10 of participants, structure of the reentry court, details regarding data collection,
11 performance measurement, evaluation, and sustainability of the program.

12 A critical component of the Guam Adult Reentry Court program is the intense
13 supervision of participants, who must appear at regular court hearings before the
14 Reentry Court Judge, with frequency of hearings determined on the risk and needs
15 level of the participant and his or her behavior. Accordingly, it is the intent of *I*
16 *Liheslaturan Guåhan* to establish the Guam Adult Reentry Court Program, and to
17 clarify the jurisdiction of Guam Adult Reentry Court and its role in the parole
18 process.

19 **Section 2.** A new subsection (d) is *added* to § 2101 of Chapter 2, Title 7,
20 Guam Code Annotated to read as follows:

21 **“(d) Establishment of the Guam Adult Reentry Court Program.**

22 The Supreme Court may establish a Guam Adult Reentry Court Program for
23 eligible individuals sentenced to a term of imprisonment pursuant to Article 5
24 of Chapter 80, Title 9 Guam Code Annotated. The Judiciary of Guam, the
25 Department of Corrections, and the Parole Board shall enter into a
26 memorandum of understanding for the purpose of implementing the Guam
27 Adult Reentry Court Program, as set forth in the Guam Adult Reentry Court

1 (GARC) Program 2016 Strategic Plan and the Planning and Implementation
2 Guide. The GARC Program is intended to reduce recidivism, implement
3 evidence-based practices, reduce prison overcrowding, and promote public
4 safety. The Guam Adult Reentry Court may conduct hearings to determine
5 eligibility and to oversee the participation of eligible parolees admitted in the
6 program. Participation in GARC Program shall be limited to those defendants
7 who meet the requirements as promulgated by the Supreme Court of Guam.”

8 **Section 3.** A new subsection (f) is *added* to § 80.70 of Article 5, Chapter 80,
9 Title 9 Guam Code Annotated, to read as follows:

10 “(f) Upon entry into the Guam Adult Reentry Court Program, the
11 Reentry court may order rehabilitation and treatment services to be provided,
12 determine appropriate incentives, order appropriate sanctions, and hear and
13 determine appropriate responses to alleged violations, unless and until the
14 court terminates the parolee’s enrollment in the program.”

15 **Section 4.** A new subsection (c) is *added* to § 80.82 of Article 5 of Chapter
16 80, Title 9 Guam Code Annotated, to read as follows:

17 “(c) If a parolee is a participant in the Guam Adult Reentry Court
18 Program, the violation of a condition of parole shall be addressed in the Guam
19 Adult Reentry Court. If a parolee fails to complete or is terminated from the
20 Guam Adult Reentry Court Program, the parolee shall be referred to the Parole
21 Office or the Parole Board for disposition.”

22 **Section 5. Severability.** If any provision of this Act or its application to any
23 person or circumstance is held invalid, the invalidity *shall not* affect other provisions
24 or applications of this Act which can be given effect without the invalid provision
25 or application, and to this end the provisions of this Act is severable.