


I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
171-35 (COR)	Therese M. Terlaje	AN ACT TO AMEND § 4401(c) OF CHAPTER 4, ARTICLE 4, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO LIMITING MAGISTRATES FROM HANDLING CASES INVOLVING FELONY CHARGES, CRIMINAL SEXUAL CONDUCT CHARGES, OR REPEAT OFFENDERS.	6/26/19 10:21 a.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 71 -35 (COR)

Introduced by:

Therese M. Terlaje 

AN ACT TO AMEND § 4401(c) OF CHAPTER 4, ARTICLE 4, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO LIMITING MAGISTRATES FROM HANDLING CASES INVOLVING FELONY CHARGES, CRIMINAL SEXUAL CONDUCT CHARGES, OR REPEAT OFFENDERS.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.**

3 *I Liheslaturan Guåhan* finds that decisions allowing the release of felons,
4 and other decisions in cases involving felony charges, criminal sexual conduct
5 charges, and repeat offenders greatly affect the lives, liberties and safety of the
6 people of Guam. It is the intent of the *I Liheslatura* to ensure that decisions
7 involving felonies, criminal sexual conduct, and repeat offenders are handled only
8 by judges subject to retention election, in order for these decisions to remain
9 subject to public review and consistent with the interests of the community.

10 **Section 2. § 4401(c) of Chapter 4, Article 4, Title 7, Guam Code**
11 **Annotated is hereby *amended* to read:**

12 “(c) As assigned by the Chief Justice, a magistrate shall:

13 (1) preside over and render decisions and judgments in small
14 claims cases, traffic cases, change of name petitions, and collection
15 cases, and may grant uncontested divorces in cases where there is a
16 notarized consent on file;

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1 (2) enter judgment upon confession of judgment or default
2 judgment in a civil case when a party alleges a sum certain is due;

3 (3) preside over post-judgment collection proceedings in civil
4 cases and restitution judgments in criminal cases,
5 and issue writs of execution and other orders in such proceedings;

6 (4) preside over first appearances of criminal defendants and
7 arraignments in criminal cases, set bail and order pre-trial release
8 conditions, take pleas, including accepting guilty pleas in
9 misdemeanor cases, sentencing misdemeanants and entering
10 judgments accordingly, except that a magistrate shall not preside over
11 cases involving felony charges, criminal sexual conduct charges, or
12 repeat offenders;

13 (5) issue summons, issue bench warrants, and hear return of
14 warrants in all cases to which assigned;

15 (6) preside over any matters which may be heard by a Referee
16 of the Superior Court of Guam;

17 (7) serve as a Special Master upon appointment by the
18 Presiding Judge;

19 (8) serve as Judge Pro Tempore upon appointment by the
20 Chief Justice;

21 (9) serve as a settlement judge in a civil or domestic case upon
22 appointment by the Presiding Judge;

23 (10) conduct criminal trial setting hearings;

24 (11) preside over preliminary hearings in criminal cases, and
25 render decisions and judgments over procedural and discovery
26 motions in criminal matters, except that a magistrate shall not preside

1 over cases involving felony charges, criminal sexual conduct charges,
2 or repeat offenders;

3 (12) preside over initial scheduling conferences in civil matters,
4 to include, but not limited to: initial pretrial conferences, case
5 scheduling, discovery disputes, motions, and settlement efforts; and

6 (13) preside over unlawful detainer proceedings;

7 (14) preside over treatment court status and progress hearings
8 upon appointment by the Presiding Judge.”