

*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
409-35 (COR)	Therese M. Terlaje	AN ACT TO AMEND § 85.15 OF CHAPTER 85, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE USE OF SIX (6) MEMBER JURIES EXCEPT IN CASES WHERE THE DEFENDANT IS CHARGED WITH A FIRST DEGREE OR SECOND DEGREE FELONY.	9/24/20 10:35 a.m.						

***I MINA 'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN***  
**2020 (SECOND) Regular Session**

**Bill No. 409-35 (COR)**

Introduced by:

Therese M. Terlaje *Tmt*

**AN ACT TO AMEND § 85.15 OF CHAPTER 85, TITLE 8,  
GUAM CODE ANNOTATED, RELATIVE TO  
INCREASING THE USE OF SIX (6) MEMBER JURIES  
EXCEPT IN CASES WHERE THE DEFENDANT IS  
CHARGED WITH A FIRST DEGREE OR SECOND  
DEGREE FELONY.**

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

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

*I Liheslaturan Guahan* finds that the COVID-19 pandemic and the subsequent closure of the Superior Court of Guam has caused a significant interruption to Guam's legal system. The ensuing backlog of criminal cases threatens the statutory right of all criminal defendants to a speedy jury trial. Moreover, the current size limitations of Judiciary of Guam facilities constrain the court's ability to safely recommence twelve-person jury trials in light of social distancing mandates necessitated by the COVID-19 pandemic and the legitimate health concerns of criminal defendants, attorneys, court employees, and those called to jury service. These constraints will cause further delay in the court's ability to tackle its backlog and will have lasting effects on the delivery of justice in all cases before the court.

Therefore, it is the intent of *I Liheslaturan Guahan* to strike a necessary compromise between the rights of criminal defendants to a speedy public trial and the capabilities of the courthouse to carry out this duty. *I Liheslaturan Guahan* finds

1 that expanding-for a limited period the use of six-person juries to all but the most  
2 serious felony charges will accomplish this goal without violating a defendant's  
3 constitutional due process rights. Thus, while a defendant faced with a First Degree  
4 or Second Degree Felony charge shall remain entitled to a twelve-person jury upon  
5 the defendant's request, all other felony cases will be tried by a jury of six. Smaller  
6 juries for lower-stakes felony cases will permit expedient jury selection, and thus a  
7 more expeditious resolution in criminal cases while also reducing the number of  
8 potential jurors who must report for jury service.

9 **Section 2.** § 85.15 of Chapter 85, Title 8, Guam Code Annotated, is hereby  
10 *amended* to read as follows:

11 **“§ 85.15. Six (6) Member Juries; When Twelve (12) May Be Requested.**

12 Juries shall be of six. However, in a prosecution which includes a First  
13 Degree or Second Degree Felony charge ~~by indictment or information~~, the  
14 defendant shall be entitled to a jury of twelve upon his written request filed  
15 with the court prior to the date of trial. In any case where a jury of twelve is  
16 demanded, at any time before verdict the parties may stipulate in writing with  
17 the approval of the court that the jury shall consist of any number less than  
18 twelve but not less than six. In the event that a defendant who was previously  
19 entitled to demand a jury of twelve as set forth herein ultimately proceeds to  
20 trial for an offense which would have originally proceeded with a jury of six-  
21 including but not limited to when all First Degree and Second Degree  
22 Felony charges are dismissed and prosecution proceeds on the lesser charges-  
23 the defendant shall be entitled to a jury of six.”

24 **Section 3. Sunset Provision.** The amendments to 8 GCA § 85.15 as  
25 provided in Section 2 of this Act shall be deemed repealed two (2) years after the  
26 enactment of this Act unless new legislation is duly enacted authorizing its  
27 continuation.

1           **Section 4. Effective Date.** This Act shall become effective upon enactment.