

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
411-35 (COR)	Therese M. Terlaje	AN ACT TO AMEND § 80.60 OF CHAPTER 80, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO EXTENDING THE TIME IN WHICH A DEFENDANT MUST BE BROUGHT TO TRIAL.	9/24/20 10:52 a.m.						

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

Bill No. 411-35 (COR)

Introduced by:

Therese M. Terlaje *Tmt*

**AN ACT TO AMEND § 80.60 OF CHAPTER 80, TITLE 8,
GUAM CODE ANNOTATED, RELATIVE TO EXTENDING
THE TIME IN WHICH A DEFENDANT MUST BE
BROUGHT TO TRIAL.**

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

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

3 *I Liheslaturan Guahan* finds that criminal defendants have a right to a speedy
4 trial under the Sixth Amendment to the United States Constitution, extended to
5 Guam by the Organic Act of Guam. This right has been effectuated by 8 GCA §
6 80.60 and its predecessors, setting forth the criteria for when a case may or may not
7 be dismissed for reasons of time. *I Liheslaturan Guahan* finds that in addition to
8 protecting the rights of criminal defendants, the speedy trial statute furthers the
9 interests of the public and of victims of crimes in the fair, accurate, and timely
10 resolution of criminal cases.

11 *I Liheslaturan Guahan* finds that while the right to a speedy trial is of
12 significant importance, the right is not absolute. Further, there is no set standard for
13 speedy trial limits throughout the United States, with each state adopting its own
14 time limits. Guam's current time limits of 45 days for in-custody defendants and 60
15 days for not-in-custody defendants is among the shorter time limits in the nation.
16 Criminal defendants in Guam often must choose between waiving their right to a
17 speedy trial because they do not yet feel ready to proceed to trial or asserting their

1 right to a speedy trial and risk not being prepared to defend themselves. Many
2 defendants assert, waive, and re-assert their speedy trial rights multiple times
3 throughout a case because they are not prepared to proceed to trial as the speedy trial
4 limit draws near. This leads to an ineffective use of judicial resources as cases are
5 constantly rescheduled based on their priority among other asserted speedy trial
6 cases. A longer speedy trial time period will ensure that defendants are not rushed
7 to trial without adequate opportunity to prepare and will result in a more effective
8 utilization of resources.

9 *I Liheslaturan Guahan* finds that the time limits in the American Bar
10 Association (ABA) Standards on Speedy Trial and Timely Resolution of Criminal
11 Cases (3d ed. 2006) provide for a much more realistic time period to bring criminal
12 defendants to trial as compared to the 45- and 60-day time limits currently set forth
13 in 8 GCA § 80.60. Under the ABA standards, the presumptive speedy trial time limit
14 for in-custody defendants is 90 days from the date of arraignment, and 180 days for
15 defendants who are not in custody. Shorter presumptive time limits are
16 recommended for persons charged with minor offenses.

17 Therefore, it is the intent of *I Liheslaturan Guahan* to increase the speedy trial
18 time limits for in-custody misdemeanor defendants to 60 days and for not-in-custody
19 misdemeanor defendants to 75 days. Further, it is the intent of *I Liheslaturan*
20 *Guahan* to increase the speedy trial limits for in-custody felony defendants to 90
21 days and for not-in-custody felony defendants to 180 days.

22 **Section 2.** § 80.60 of Chapter 80, Title 8, Guam Code Annotated is hereby
23 *amended* to read as follows:

24 **“§ 80.60. When a Case to be Dismissed, or Not Dismissed for**
25 **Reasons of Time.**

26 (a) Except as otherwise provided in Subsection (b), the court
27 shall dismiss a criminal action if:

1 (1) An information is not filed or an indictment returned
2 within the time prescribed by §§ 45.45, 45.50 and 45.80;

3 (2) The trial of a defendant, who is charged with a
4 misdemeanor and is in custody at the time of his arraignment, has
5 not commenced within ~~forty-five (45)~~ sixty (60) days after his
6 arraignment; or

7 (3) The trial of a defendant, who is charged with a
8 misdemeanor and is not in custody at the time of his arraignment,
9 has not commenced within ~~sixty (60)~~ seventy-five (75) days after
10 his arraignment;

11 (4) The trial of a defendant who is charged with a felony
12 and is in custody at the time of his arraignment has not
13 commenced within ninety (90) days after his arraignment; or

14 (5) The trial of a defendant, who is charged with a felony
15 and is not in custody at the time of his arraignment, has not
16 commenced within one hundred eighty (180) days after his
17 arraignment.

18 (b) A criminal action shall not be dismissed pursuant to Subsection (a)
19 if:

20 (1) The action is set on a date beyond the prescribed period upon
21 motion of the defendant or with his consent, express or implied, and he
22 is brought to trial on the date so set or within ten (10) days thereafter;

23 (2) The defendant failed to appear for trial and he is brought to
24 trial within thirty (30) days following his next appearance in the trial
25 court; or

26 (3) Good cause is shown for the failure to commence the trial
27 within the prescribed period.”

1 **Section 3. Effective Date.** This Act shall become effective upon
2 enactment.