

*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
408-35 (COR)	Therese M. Terlaje	AN ACT TO AMEND § 4401(c) OF ARTICLE 4 OF CHAPTER 4, TITLE 7, GUAM CODE ANNOTATED AND TO AMEND § 40.50(a) OF CHAPTER 40 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES TO INCLUDE THE AUTHORITY TO PRESIDE OVER ADDITIONAL NON-DISPOSITIVE HEARINGS AND TO MODIFY BAIL CONDITIONS.	9/24/20 9:55 a.m.	10/5/20	Committee on Health, Tourism, Historic Preservation, Land, and Justice	10/28/20 9:00 a.m.	11/20/20 10:20 a.m.	Request: 10/6/20 Waiver: 10/7/20	



**SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*  
35<sup>th</sup> Guam Legislature

November 12, 2020

**The Honorable Tina Rose Muña Barnes**

Speaker

*I Mina'trentai Singko na Liheslaturan Guåhan*

163 Chalan Santo Papa

Hagåtña Guam, 96910

**VIA: The Honorable Régine Biscoe Lee**   
Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 408-35 (COR)- As Amended by the Committee**

*Håfa Adai* Speaker Barnes:

Transmitted herewith is the Committee Report on **Bill No. 408-35 (COR) – As Amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice- As Introduced by Senator Therese M. Terlaje- "AN ACT TO AMEND § 4401(c) OF ARTICLE 4 OF CHAPTER 4, TITLE 7, GUAM CODE ANNOTATED AND TO AMEND § 40.50(a) OF CHAPTER 40 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES TO INCLUDE THE AUTHORITY TO PRESIDE OVER ADDITIONAL NON-DISPOSITIVE HEARINGS AND TO MODIFY BAIL CONDITIONS."**

Committee votes are as follows:

<u>5</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>1</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

**COMMITTEE ON RULES**

**RECEIVED:**

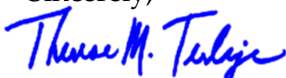
November 12, 2020

9:08 P.M.

**Revisions Rec'd:**

November 17, 2020 @ 7:01 A.M.

Sincerely,

  
**Therese M. Terlaje**

---

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)



**SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina' trentai Singko na Libeslaturan Guåhan*

35<sup>th</sup> Guam Legislature

## **COMMITTEE REPORT**

### **Bill No. 408-35(COR)**

**As Amended by the Committee on Health,  
Tourism, Historic Preservation, Land and Justice**

*Introduced by Senator Therese M. Terlaje*

**“AN ACT TO AMEND § 4401(c) OF ARTICLE 4 OF CHAPTER 4, TITLE 7, GUAM CODE ANNOTATED AND TO AMEND § 40.50(a) OF CHAPTER 40 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES TO INCLUDE THE AUTHORITY TO PRESIDE OVER ADDITIONAL NON-DISPOSITIVE HEARINGS AND TO MODIFY BAIL CONDITIONS.”**

---

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Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)



## **SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina' trentai Singko na Libeslaturan Guåhan*

35<sup>th</sup> Guam Legislature

November 11, 2020

### **MEMORANDUM**

**To:** All Members  
Committee on Health, Tourism, Historic Preservation, Land and Justice

**From:** Senator Therese M. Terlaje *Tmt*  
Committee Chairperson

**Subject:** Committee Report on Bill No. 408-35 (COR) As amended by the Committee

Transmitted herewith for your consideration is the Committee Report on **Bill No. 408-35 (COR) – As Amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice- As Introduced by Senator Therese M. Terlaje- “AN ACT TO AMEND § 4401(c) OF ARTICLE 4 OF CHAPTER 4, TITLE 7, GUAM CODE ANNOTATED AND TO AMEND § 40.50(a) OF CHAPTER 40 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES TO INCLUDE THE AUTHORITY TO PRESIDE OVER ADDITIONAL NON-DISPOSITIVE HEARINGS AND TO MODIFY BAIL CONDITIONS.”**

This report includes the following:

- Copy of COR Referral of Bill No. 408-35 (COR)
- Notices of Public Hearing & Other Correspondence
- Copy of the Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Submitted Written Testimonies & Supporting Documents
- Committee Report Digest
- Copy of Bill No. 408-35 (COR) As Introduced
- Copy of Bill No. 408-35 (COR) As Amended by the Committee
- Mark-up Version of Bill 408-35 (COR) As Amended by the Committee
- Copy of Fiscal Note Waiver from the Bureau of Budget & Management Research
- Committee Vote Sheet

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

*Si Yu'os Ma'åse'!*

---

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)



Senator Régine Biscoe Lee,  
Chair

Senator Amanda L. Shelton,  
Vice Chair

Speaker Tina Rose Muña Barnes,  
Member

Vice Speaker Telena Cruz Nelson,  
Member

Senator Kelly Marsh (Taitano), PhD,  
Member

Senator Sabina Flores Perez,  
Member



**COMMITTEE ON RULES**  
*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*  
35<sup>TH</sup> GUAM LEGISLATURE

October 5, 2020

Senator Clynton E. Ridgell,  
Member

Senator Joe S. San Agustin,  
Member

Senator Jose "Pedo" Terlaje,  
Member

Senator Therese M. Terlaje,  
Member

Senator James C. Moylan,  
Member

Senator Mary Camacho Torres,  
Member and Chair, Subcommittee on Protocol

## MEMO

**To:** **Rennae Meno**  
Clerk of the Legislature

**Attorney Ana Won Pat-Borja**  
Legislative Legal Counsel

**From:** **Senator Régine Biscoe Lee**  
Chair, Committee on Rules

**Re:** **Referral of Bill No. 408-35 (COR)**

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*Bueñas yan Håfa Adai!*

As per my authority as Chair of the Committee on Rules and subject to §6.01(d), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 408-35 (COR)**.

Please ensure that the subject bill is referred to the **Committee on Health, Tourism, Historic Preservation, Land and Justice, chaired by Senator Therese M. Terlaje**.

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Régine Biscoe Lee".

Senator Régine Biscoe Lee  
Chair, Committee on Rules



*I Mina'trentai Singko Na Liheslaturan Guåhan*  
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Senator Therese Terlaje <senatorterlajeguam@gmail.com>

## FIRST NOTICE of Virtual Public Hearing - Wednesday, October 28, 2020 beginning at 9:00 a.m.

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Wed, Oct 21, 2020 at 12:15 PM

To: Speaker's Office <speaker@guamlegislature.org>, Senator Telena Cruz Nelson <Senatortcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Sabina Perez <office@senatorperez.org>, Sabina Perez <sabina@senatorperez.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Jose Pedo Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, "Mary C. Torres" <senatormary@guamlegislature.org>, James Moylan <senatormoylan@guamlegislature.org>, Marsh Taitano <office.senatorkelly@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator William Mendiola Castro <sen.wilcastro@gmail.com>  
 Cc: phnotice@guamlegislature.org, Audio / Video <av@guamlegislature.org>, Guam MIS <mis@guamlegislature.org>, Tom Unsiog <sgtarms@guamlegislature.org>  
 Bcc: Desk Editor <deskeditor@postguam.com>, mindy@postguam.com, The Post Editor in Chief <editor@postguam.com>, Oyaol Ngirairikl <managingeditor@postguam.com>, haidee@postguam.com, John Oconnor <john@postguam.com>, reporters@postguam.com, rilimtiaco@guampdn.com, Rindraty Limtiaco <slimtiaco@guampdn.com>, Guam PDN <news@guampdn.com>, Jerick Sablan <jpsablan@guampdn.com>, akaur@gannett.com, dcrisost@guam.gannett.com, life@guampdn.com, dmgeorge@guampdn.com, Mar-Vic Cagurangan <publisher@pacificislandtimes.com>, Pacific Island Times <pacificislandtimes@gmail.com>, Maureen Maratita <publisher@glimpsesofguam.com>, bryan@mvariety.com, emmanuel@mvariety.com, junhan@mvariety.com, guam@pstripes.osd.mil, carlsonc@pstripes.osd.mil, mabuhaynews@yahoo.com, editor@saipantribune.com, Bruce Hill <pacificjournalist@gmail.com>, Jason Salas <jason@kuam.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Chris Malafunkshun Barnett <chris@kuam.com>, Nestor Licanto <nestor@kuam.com>, reporters@kuam.com, K57 <news@k57.com>, Patti Rodriguez <parroyo@spbgum.com>, pattiontheradio@yahoo.com, Sorensen Pacific Broadcasting <news@spbgum.com>, Kevin Kerrigan <kevin@spbgum.com>, jolene@spbgum.com, Mai Habib <mai.habib@spbgum.com>, raygibsonshow@gmail.com, [REDACTED]@yahoo.com, KISH <kstokish@gmail.com>, KPRG <admin.kprg@gmail.com>, KPRG Guam <pdkprg@gmail.com>, Manuel Cruz <[REDACTED]@gmail.com>, Troy Torres <troy@kanditnews.com>, Maria Louella Losinio <louella.losinio@gmail.com>

October 21, 2020

### MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson  
 Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **FIRST NOTICE of Virtual Public Hearing - Wednesday, October 28, 2020 beginning at 9:00 a.m.**

*Håfa Adai*

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a virtual public hearing on **Wednesday, October 28, 2020 beginning at 9:00 a.m. utilizing the Zoom meeting virtual platform.**

### AGENDA

- **Bill 408-35 (COR)** – *T.M. Terlaje* - An Act to amend § 4401(c) of Article 4 of Chapter 4, Title 7, Guam Code Annotated and to amend § 40.50(a) of Chapter 40 of Title 8, Guam Code Annotated, relative to expanding the powers of the Superior Court of Guam magistrates to include the authority to preside over additional non-dispositive hearings and to modify bail conditions.
- **Bill 409-35 (COR)** – *T.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.
- **Bill 410-35 (COR)** – *T.M. Terlaje* - An Act to amend § 85.30 of Chapter 85, Title 8, Guam Code Annotated, relative to reducing the number of peremptory challenges available in criminal cases.
- **Bill 411-35 (COR)** – *T.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.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan's* [live feed](#) on Youtube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. Individuals who would like to participate in the hearing must email the Office of the Senator Therese M. Terlaje at [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) or call 472-3586 to register. Written testimonies may be submitted via email to the Office of the Senator Therese M. Terlaje. In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Senator Therese M. Terlaje by phone or via email.

We look forward to your participation!

*Si Yu'os Ma'åse'!*

## Office of Senator Therese M. Terlaje

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

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website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

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**First Notice of Public Hearing\_Wednesday, October 28, 2020\_TMT.pdf**

268K



## **SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina' trentai Singko na Liheslaturan Guahan*  
35<sup>th</sup> Guam Legislature

October 21, 2020

### **MEMORANDUM**

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson *Tmt*  
Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **FIRST NOTICE of Virtual Public Hearing** - Wednesday, October 28, 2020  
beginning at 9:00 a.m.

---

*Håfa Adai*

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Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) |

[www.senatorterlaje.com](http://www.senatorterlaje.com)

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We look forward to your participation!

*Si Yu'os Ma'åse'!*



CURRENCY EXCHANGE RATES On Oct. 20, \$1 was worth:	48.5770	PHPP	105.550	JPY¥	1,138.93	KRW₩	28.7020	TWD NTS	6.6855	CNY¥	1.4193	AUD A\$	0.8491	EUR €
	Keep posted and get more data and details online. Log on to see real time market data with our stock market tool at <a href="http://postguam.com/stock_market">postguam.com/stock_market</a> .													

# Pepsi Guam: Local production capability offers cushion from supply chain snags



**BOTTLING PEPSI:** Bottles run through a production line to be labeled and packaged for delivery at the Pepsi Guam Bottling production line in the Harmon Industrial Park on Tuesday.



**PRODUCTION MANAGER:** Rizza Marquez, production manager for Pepsi Guam Bottling, points out bottles as they go through a sanitation process before being filled with their contents at the bottling company's production facility in the Harmon Industrial Park on Tuesday. Photos by Dontana Keraskes/The Guam Daily Post

By Lannie Walker  
lannie@postguam.com

The coronavirus pandemic has underscored the need for locally made products, according to Pepsi Guam Bottling General Manager Jon Denight.

"We really have to bring awareness to local manufacturing and try and get more support for it because we think it's something that is good for Guam," Denight said on Tuesday at the company's production plant in the Harmon Industrial Park.

Denight said local production means less dependency on the off-island supply chain. The pandemic, in general, has caused delays in shipments of supplies to Guam as warehouses, shippers and truckers across the nation and the globe have seen disruptions because of COVID-19 restrictions or as workers have tested positive for COVID-19 or have come into close contact with people who became ill.

"There have been delays. There



**DENIGHT:** Pepsi Guam Bottling General Manager Jon Denight explains safety protocols that have been put in place during the pandemic to ensure the safety of both employees and products.

have been shortages. So if we can produce more on Guam, that just makes us more self-sufficient. It's a good idea to produce on Guam. ... If you are making it here and have all the raw materials, then you won't be affected so much by supply changes," he said.

In order to keep their local production running efficiently, the company has invested more than \$9 million into its Guam facility's various production capabilities in the past 10 years, company marketing manager Brian Borja said during a tour of the

.....  
“There have been delays.

There have been shortages. So if we can produce more on Guam, that just makes us more self-sufficient.”

— Jon Denight, general manager, Pepsi Guam Bottling

.....  
Hanom bottled water and Chamorro punch beverage.

While the pandemic has brought some local businesses to their knees, Denight said the company is maintaining its operations as best as possible.

"We are down a little but we are OK," said Denight, adding, "We are very fortunate that we have products people need - pandemic or no pandemic. ... We feel for everyone that has been struggling harder than we have."

He said the company's main concern is the safety of staff, inside the plant and in the field. Nearly every few feet inside the plant a sign is displayed that details COVID-19 protocols, said Denight, and in the field employees are equipped with a safety kit including personal protective gear.

While Denight said he is confident the company will be "going strong" long after the pandemic, he said there is no ignoring the lesson learned.

"Because one thing this COVID experience has told us is supply chain issues can be real issues," he said.

.....  
upgraded plant.

"There are a lot of things we make here locally and we also bring in a lot of products," said Borja. Rizza Marquez, production manager at Pepsi Guam, said with updates to major equipment, the company can bottle 3,000 beverages on an average day in the 20,000-square-foot production plant.

The plant also produces ice in bags,

Committee on Health, Tourism, Historic Preservation, Land and Justice

**SENATOR THERESE M. TERLAJE**  
I Mina'trentai Singko na Liheslaturan Guåhan  
35<sup>th</sup> Guam Legislature

**VIRTUAL PUBLIC HEARING • 9:00 AM • WEDNESDAY, OCTOBER 28, 2020**

**AGENDA:**

**BILL 408-35 (COR)** – T.M. Terlaje - An Act to amend § 4401(c) of Article 4 of Chapter 4, Title 7, Guam Code Annotated and to amend § 40.50(a) of Chapter 40 of Title 8, Guam Code Annotated, relative to expanding the powers of the Superior Court of Guam magistrates to include the authority to preside over additional non-dispositive hearings and to modify bail conditions.

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Individuals who would like to participate in the hearing must email [senatorterlaje@guam.gov](mailto:senatorterlaje@guam.gov) or call 472-3586 to register. Written testimony may be submitted via email. In compliance with the ADA, individuals requiring special accommodations or services should contact us at 472-3586 or by email. The hearing will broadcast on local television, GTA Channel 21, Docomp Channel 137/60.4 and stream online via [Liheslaturan Guåhan's](http://Liheslaturan.Guåhan's) live feed at [http://www.guamlegislature.com/live\\_feed.htm](http://www.guamlegislature.com/live_feed.htm). This ad is paid for with government funds.

**GUAM REGIONAL TRANSIT AUTHORITY**

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Tel: (671) 475-4686/4616 Fax: (671) 475-4600  
[www.grta.guam.gov](http://www.grta.guam.gov)

**NOTICE OF PUBLIC MEETING**

The Guam Regional Transit Authority (GRTA) is in the process of allowing advertisements on its buses, vans, and bus shelters for a fee. The public is cordially invited to review and make comments on the advertisement policy via Google Meet on **Wednesday, October 28th at 10:00 a.m. and again at 5:00 p.m.** Comments may also be submitted by email at [ride@grta.guam.gov](mailto:ride@grta.guam.gov). A copy of the policy is available on our website at [www.grta.guam.gov](http://www.grta.guam.gov) or at our office located at the DPW compound in Upper Tumon.

**10:00 a.m.**  
Join with Google Meet:  
[meet.google.com/zgi-fivu-pvj](https://meet.google.com/zgi-fivu-pvj)  
Meeting code:  
zgi-fivu-pvj  
Join by phone:  
(US) +1 551-900-1428 PIN: 215 410 261#

**5:00 p.m.**  
Join with Google Meet:  
[meet.google.com/xfu-gfuv-ncu](https://meet.google.com/xfu-gfuv-ncu)  
Meeting code:  
xfu-gfuv-ncu  
Join by phone:  
(US) +1 419-812-2596 PIN: 375 120 366#





Senator Therese Terlaje <senatorterlajeguam@gmail.com>

## SECOND NOTICE of Virtual Public Hearing - Wednesday, October 28, 2020 beginning at 9:00 a.m.

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Sun, Oct 25, 2020 at 4:57 PM

To: Speaker's Office <speaker@guamlegislature.org>, Senator Telena Cruz Nelson <Senatortcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature <officeofsenatorshelton@guamlegislature.org>, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Sabina Perez <office@senatorperez.org>, Sabina Perez <sabina@senatorperez.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Louise Borja Muna <senatorlouise@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, "Mary C. Torres" <senatormary@guamlegislature.org>, James Moylan <senatormoylan@guamlegislature.org>, Marsh Taitano <office.senatorkelly@guamlegislature.org>, "Senator Joe S. San Agustin" <senatorjoessanagustin@gmail.com>, Senator William Mendiola Castro <sen.wilcastro@gmail.com>  
 Cc: phnotice@guamlegislature.org, Audio / Video <av@guamlegislature.org>, Guam MIS <mis@guamlegislature.org>, Tom Unsioq <sgtarms@guamlegislature.org>  
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October 25, 2020

### MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson  
 Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **SECOND NOTICE of Virtual Public Hearing - Wednesday, October 28, 2020 beginning at 9:00 a.m.**

*Håfa Adai*

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a virtual public hearing on **Wednesday, October 28, 2020 beginning at 9:00 a.m. utilizing the Zoom meeting virtual platform.**



## AGENDA

- **Bill 408-35 (COR)** – *T.M. Terlaje* - An Act to amend § 4401(c) of Article 4 of Chapter 4, Title 7, Guam Code Annotated and to amend § 40.50(a) of Chapter 40 of Title 8, Guam Code Annotated, relative to expanding the powers of the Superior Court of Guam magistrates to include the authority to preside over additional non-dispositive hearings and to modify bail conditions.
- **Bill 409-35 (COR)** – *T.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.
- **Bill 410-35 (COR)** – *T.M. Terlaje* - An Act to amend § 85.30 of Chapter 85, Title 8, Guam Code Annotated, relative to reducing the number of peremptory challenges available in criminal cases.
- **Bill 411-35 (COR)** – *T.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.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan's* [live feed](#) on Youtube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. Individuals who would like to participate in the hearing must email the Office of the Senator Therese M. Terlaje at [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) or call 472-3586 to register. Written testimonies may be submitted via email to the Office of the Senator Therese M. Terlaje. In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Senator Therese M. Terlaje by phone or via email.

We look forward to your participation!

*Si Yu'os Ma'åse'!*

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 **Second Notice of Public Hearing\_Wednesday, October 28, 2020\_TMT.pdf**  
267K



**SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina' trentai Singko na Liheslaturan Guahan*  
35<sup>th</sup> Guam Legislature

October 25, 2020

**MEMORANDUM**

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From: Senator Therese M. Terlaje, Chairperson *Tmt*  
Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject: **SECOND NOTICE of Virtual Public Hearing** - Wednesday, October 28, 2020 beginning at 9:00 a.m.

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*Håfa Adai*

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---

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910 Office

Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) |

[www.senatorterlaje.com](http://www.senatorterlaje.com)

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We look forward to your participation!

*Si Yu'os Ma'åse'!*



# Vaccine faces new challenge - convincing people to take it

PHILADELPHIA (Tribune News Service) - There's a good chance that a coronavirus vaccine could be available by late 2020 or early 2021.

Developing an effective vaccine that fast would be a remarkable scientific achievement. It would also provide the first real hope of taming a new, deadly virus that has upended all aspects of American life - if people are willing to take it. Many may not be.

Polls show decreasing support for getting vaccinated as battles between science and politics have weakened trust in government agencies that evaluate and recommend vaccines. Enthusiasm for a vaccine is particularly low among Black Americans, a group that has been especially hard hit by COVID-19. Republicans are less likely to seek a vaccine than Democrats. Polling from STAT and The Harris Poll found that the percentage of Americans who said they would get a vaccine as soon as possible dropped from 69% in mid-August to 58% in



**VACCINE STUDY:** Laymis Alvarez, right, takes blood samples from Heather Lieberman, 28, as she participates in a COVID-19 vaccine study at the Research Centers of America in Hollywood, Florida, on Aug. 13. Chandan Khanna/Tribune News Service

early October. Several other polls have found that only about half of Americans now want a COVID-19 shot.

Because of politicization around vaccines, leaders of unions representing about 2 million health care workers announced Tuesday that they will not receive or administer a new coronavirus vaccine "without additional assurance from independent experts that the approval process has not been tainted."

While support could easily grow once a vaccine is approved, the polling is worrisome because broad vaccination is the best way to block the virus. The alternative - herd immunity after most people have been infected - would lead to far more suffering and death, experts say.

The issue is so important that a committee of the National Academies of Sciences, Engineering, and Medi-

cine that was asked to set priorities for allocating early, scarce vaccine doses included chapters in its report earlier this month on the possibility that demand would be too low. The group emphasized the importance of "evidence-based" communication about vaccines so they actually are used.

This raises an important question: What does the science of communication say about how to discuss a new vaccine for a new disease with a wary public?

People who study medical communication said any vaccine approved soon will face unprecedented challenges. While many Americans question the motives of pharmaceutical companies, people have in the past largely accepted guidance from the Food and Drug Administration and the Centers for Disease Control and Prevention,

said Kathleen Hall Jamieson, director of the University of Pennsylvania's Annenberg Public Policy Center. Both agencies have lost considerable luster this year due to allegations of politically motivated influence from the Trump administration.

"Science has become another voice in the room and not the voice," said Rupali Limaye, director of behavioral and implementation research at Johns Hopkins University.

Confusion and distrust will make it harder to convince the public to try a new product, especially when some already had concerns about vaccines. Plus, some of the vaccines now in trials are very different from those in the past.

"This is a whole new ball game," said Alison Bутtenheim, a public health researcher at Penn Nursing who studies behavioral aspects of infectious disease prevention, including vaccine acceptance. "Anyone who says we know what messaging will work here is not correct."

It did not help that the president, eager for a win on coronavirus, predicted a vaccine could be available before Election Day, raising the specter of an emergency authorization timed for political impact. It was an unlikely claim when he made it, and the FDA later changed its rules to make that timetable unworkable.

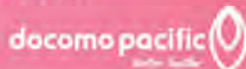
Multiple communications experts said that the very name of the government's vaccine development effort, Operation Warp Speed, was a mistake. People want a vaccine as soon as possible, but they want to be sure it works, and they want it to be safe. There's an association between breakneck speed and mistakes that will now have to be addressed.

lets  
**Pink**  
together

## BREAST CANCER AWARENESS TIP

**WOMEN WHO STARTED MENSTRUATING** before age 12 have a higher risk of developing breast cancer later in life, as well as women who go through menopause when they're older than 55, according to Breastcancer.org. Maintaining a healthy weight, exercising regularly and eating nutritious foods are some lifestyle choices that girls and women can make to keep their risk for breast cancer as low as possible.

BROUGHT TO YOU BY



Learn more at: <https://guamconcerncare.org/getscreened/#>

### 3:00 pm, October 28 – SIFA Learning Academy Charter School Board of Trustees Meeting

The SIFA LACS Board of Trustees will be conducting a regular Meeting at SIFA LACS Multipurpose Room on **Wednesday, October 28, 2020 at 3:00 pm**. For public participation, you may join via Zoom and enter the link below in your browser or download the app on your mobile device, and enter Meeting ID: 286 034 2899

<https://us04web.zoom.us/j/2860342899?pwd=Y3Rpa1psSHN3WkhYVWVtMFdiUDBHdz09>  
**Meeting ID: 286 034 2899 Passcode: 2vs3YG**

Individuals requiring special accommodations or information may contact Kristina Alba, Board Secretary by email: [kristina.alba@sifalacs.com](mailto:kristina.alba@sifalacs.com).

Committee on Health,  
Tourism, Historic Preservation,  
Land and Justice



SENATOR THERESE M. TERLAJE

I Mina'trentai Singko na Liheslaturan Guåhan  
35<sup>th</sup> Guam Legislature

**VIRTUAL PUBLIC HEARING • 9:00 AM • WEDNESDAY, OCTOBER 28, 2020**

#### AGENDA:

**BILL 408-35 (COR)** – T.M. Terlaje - An Act to amend § 4401(c) of Article 4 of Chapter 4, Title 7, Guam Code Annotated and to amend § 40.50(a) of Chapter 40 of Title 8, Guam Code Annotated, relative to expanding the powers of the Superior Court of Guam magistrates to include the authority to preside over additional non-dispositive hearings and to modify bail conditions.

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Individuals who would like to participate in the hearing must email [senatorterlaje@guam.gov](mailto:senatorterlaje@guam.gov) or call 472-3586 to register. Written testimony may be submitted via email. In compliance with the ADA, individuals requiring special accommodations or services should contact us at 472-3586 or by email. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via | Liheslaturan Guåhan's live feed at [http://www.guamlegislature.com/live\\_feed.htm](http://www.guamlegislature.com/live_feed.htm) and stream online via | Liheslaturan Guåhan's live feed at [http://www.guamlegislature.com/live\\_feed.htm](http://www.guamlegislature.com/live_feed.htm). This ad is paid for with government funds.





Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

**Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35 (COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR)**

1 message

**Senator Therese Terlaje** <senatorterlajeguam@gmail.com>  
To: "Leevin T. Camacho" <lcamacho@guamag.org>  
Cc: "Stephanie E. Mendiola" <smendiola@oagguam.org>

Wed, Oct 21, 2020 at 3:22 PM

October 21, 2020

**Transmitted via Electronic Mail:**

Honorable Leevin T. Camacho  
Attorney General  
Office of the Attorney General  
[lcamacho@guamag.org](mailto:lcamacho@guamag.org)

**SUBJECT:** Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35 (COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR), all sponsored by Senator Therese M. Terlaje

*Hafa Adai* General Camacho,

*I Liheslaturan Guahan's* Committee on Health, Tourism, Historic Preservation, Land and Justice will be hosting a Virtual Public Hearing on **Wednesday, October 28, 2020, beginning at 9:00 a.m.**, on the following agenda items:

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Bill Link: [http://www.guamlegislature.com/Bills\\_Introduced\\_35th/Bill%20No.%20408-35%20\(COR\).pdf](http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20408-35%20(COR).pdf)

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The Committee cordially invites you or your representative to participate in the public hearing to provide testimony on all four bills on the agenda. Please contact my office at [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) or call 472- 3586 to confirm participation no later than **Monday, October 26, 2020**, and for any questions you may have. Upon confirmation of attendance, the hearing link and virtual hearing guidance will be emailed to you.

If you prefer to provide written testimony only, you can submit testimony via email to [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com). Testimony will be accepted for up to ten (10) working days following the public hearing.

All written testimony submitted prior to the hearing will be made available to all Senators and the public attending the hearings. All testimony submitted will be included in the committee reports for the agenda items which upon completion will be published for public view on the 35<sup>th</sup> Guam Legislature website at <http://guamlegislature.com/index/>.

We look forward to your participation!

*Si Yu'os Ma'åse'*,

Therese M. Terlaje

Senator, 35<sup>th</sup> Guam Legislature

## **Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

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website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

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 **Invite to 10.28.20 Public Hearing\_AG Camacho.pdf**

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**SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina' trentai Singko na Liheslaturan Guahan*  
35<sup>th</sup> Guam Legislature

October 21, 2020

**Transmitted via Electronic Mail:**

Honorable Leevin T. Camacho  
Attorney General  
Office of the Attorney General  
[lcamacho@guamag.org](mailto:lcamacho@guamag.org)

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Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)

INVITATION TO  
HONORABLE LEEVIN T. CAMACHO, ATTORNEY GENERAL  
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Therese M. Terlaje  
Senator, 35<sup>th</sup> Guam Legislature





Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

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**Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35(COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR)**

1 message

---

Senator Therese Terlaje <senatorterlajeguam@gmail.com>  
To: "Hon. F. Philip Carbullido" <fpcarbullido@guamsupremecourt.com>  
Cc: "Petrina M. Ula" <pula@guamsupremecourt.com>

Wed, Oct 21, 2020 at 3:14 PM

October 21, 2020

**Transmitted via Electronic Mail:**

The Honorable F. Philip Carbullido  
Chief Justice  
The Judiciary  
Hagåtña, Guam 96932  
[fpcarbullido@guamsupremecourt.com](mailto:fpcarbullido@guamsupremecourt.com)

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We look forward to your participation!

*Si Yu'os Ma'åse'*,

Therese M. Terlaje

Senator, 35<sup>th</sup> Guam Legislature

## **Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

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website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

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## **SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina' trentai Singko na Liheslaturan Guahan*  
35<sup>th</sup> Guam Legislature

October 21, 2020

### **Transmitted via Electronic Mail:**

The Honorable F. Philip Carbullido  
Chief Justice  
The Judiciary  
Hagåtña, Guam 96932  
[fpcarbullido@guamsupremecourt.com](mailto:fpcarbullido@guamsupremecourt.com)

**SUBJECT:** Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35 (COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR), all sponsored by Senator Therese M. Terlaje

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INVITATION TO  
HONORABLE F. PHILIP CARBULLIDO, CHIEF JUSTICE  
VIRTUAL PUBLIC HEARING, WEDNESDAY, OCTOBER 28, 2020 BEGINNING AT 9:00 AM

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*Si Yu'os Ma'åse',*



Therese M. Terlaje  
Senator, 35<sup>th</sup> Guam Legislature



Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

**Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35(COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR)**

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com>  
To: joseph.carbullido@doc.guam.gov

Wed, Oct 21, 2020 at 4:12 PM

October 21, 2020

**Transmitted via Electronic Mail:**Joseph Carbullido  
Director  
Department of Corrections  
[joseph.carbullido@doc.guam.gov](mailto:joseph.carbullido@doc.guam.gov)**SUBJECT:** Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35 (COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR), all sponsored by Senator Therese M. Terlaje*Hafa Adai* Director Carbullido,*I Liheslaturan Guahan's* Committee on Health, Tourism, Historic Preservation, Land and Justice will be hosting a Virtual Public Hearing on **Wednesday, October 28, 2020, beginning at 9:00 a.m.**, on the following agenda items:

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Therese M. Terlaje

Senator, 35<sup>th</sup> Guam Legislature

## **Office of Senator Therese M. Terlaje**

**Committee on Health, Tourism, Historic Preservation, Land and Justice**

*I Mina'trentai Singko na Liheslaturan Guåhan*

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**SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina' trentai Singko na Liheslaturan Guahan*  
35<sup>th</sup> Guam Legislature

October 21, 2020

**Transmitted via Electronic Mail:**

Joseph Carbullido  
Director  
Department of Corrections  
[joseph.carbullido@doc.guam.gov](mailto:joseph.carbullido@doc.guam.gov)

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*Si Yu'os Ma'åse',*



Therese M. Terlaje  
Senator, 35<sup>th</sup> Guam Legislature





Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

**Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35(COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR)**

1 message

**Senator Therese Terlaje** <senatorterlajeguam@gmail.com>  
To: guamfamilyjusticecenter@gmail.com

Wed, Oct 21, 2020 at 5:36 PM

October 21, 2020

**Transmitted via Electronic Mail:**Carina R. Fejerang  
President  
Guam Family Justice Center Alliance (GFJCA)  
[guamfamilyjusticecenter@gmail.com](mailto:guamfamilyjusticecenter@gmail.com)**SUBJECT:** Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35 (COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR), all sponsored by Senator Therese M. Terlaje*Hafa Adai* President Fejerang and GFJCA members,*I Liheslaturan Guahan's* Committee on Health, Tourism, Historic Preservation, Land and Justice will be hosting a Virtual Public Hearing on **Wednesday, October 28, 2020, beginning at 9:00 a.m.**, on the following agenda items:

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Senator, 35<sup>th</sup> Guam Legislature

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Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina' trentai Singko na Liheslaturan Guahan*  
35<sup>th</sup> Guam Legislature

October 21, 2020

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Carina R. Fejerang  
President  
Guam Family Justice Center Alliance (GFJCA)  
[guamfamilyjusticecenter@gmail.com](mailto:guamfamilyjusticecenter@gmail.com)

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Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)

INVITATION TO  
PRESIDENT FEJERANG AND MEMBERS OF GUAM FAMILY JUSTICE CENTER ALLIANCE  
VIRTUAL PUBLIC HEARING, WEDNESDAY, OCTOBER 28, 2020 BEGINNING AT 9:00 AM

- **Bill 410-35 (COR)** – *T.M. Terlaje* - An Act to amend § 85.30 of Chapter 85, Title 8, Guam Code Annotated, relative to reducing the number of peremptory challenges available in criminal cases.

Bill Link: [http://www.guamlegislature.com/Bills\\_Introduced\\_35th/Bill%20No.%20410-35%20\(COR\).pdf](http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20410-35%20(COR).pdf)

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We look forward to your participation!

*Si Yu'os Ma'åse',*



Therese M. Terlaje  
Senator, 35<sup>th</sup> Guam Legislature



Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

**Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35 (COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR)**

1 message

**Senator Therese Terlaje** <senatorterlajeguam@gmail.com>  
To: stephen ignacio <stephen.ignacio@gpd.guam.gov>

Wed, Oct 21, 2020 at 5:02 PM

October 21, 2020

**Transmitted via Electronic Mail:**Stephen Ignacio  
Chief of Police  
Guam Police Department  
[stephen.ignacio@gpd.guam.gov](mailto:stephen.ignacio@gpd.guam.gov)**SUBJECT:** Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35 (COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR), all sponsored by Senator Therese M. Terlaje*Hafa Adai* Chief Ignacio,*I Liheslaturan Guahan's* Committee on Health, Tourism, Historic Preservation, Land and Justice will be hosting a Virtual Public Hearing on **Wednesday, October 28, 2020, beginning at 9:00 a.m.**, on the following agenda items:

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*Si Yu'os Ma'åse'*,

Therese M. Terlaje

Senator, 35<sup>th</sup> Guam Legislature

## **Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

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 **Invite to 10.28.20 Public Hearing\_GPD.pdf**  
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**SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina' trentai Singko na Liheslaturan Guahan*  
35<sup>th</sup> Guam Legislature

October 21, 2020

**Transmitted via Electronic Mail:**

Stephen Ignacio  
Chief of Police  
Guam Police Department  
[stephen.ignacio@gpd.guam.gov](mailto:stephen.ignacio@gpd.guam.gov)

**SUBJECT:** Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35 (COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR), all sponsored by Senator Therese M. Terlaje

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INVITATION TO  
CHIEF STEPHEN IGNACIO, GUAM POLICE DEPARTMENT  
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Therese M. Terlaje  
Senator, 35<sup>th</sup> Guam Legislature





Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

**Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35 (COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR)**

1 message

Senator Therese Terlaje <senatorterlajeguam@gmail.com>  
To: Guam Bar Association <info@guambar.org>

Wed, Oct 21, 2020 at 3:48 PM

October 21, 2020

**Transmitted via Electronic Mail:**Jacqueline T. Terlaje, Esq.  
President  
Guam Bar Association  
[info@guambar.org](mailto:info@guambar.org)**ATTN: All Members, Guam Bar Association****SUBJECT:** Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35 (COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR), all sponsored by Senator Therese M. Terlaje*Hafa Adai* President Terlaje and Guam Bar Association Members,*I Liheslaturan Guahan's* Committee on Health, Tourism, Historic Preservation, Land and Justice will be hosting a Virtual Public Hearing on **Wednesday, October 28, 2020, beginning at 9:00 a.m.**, on the following agenda items:

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Therese M. Terlaje

Senator, 35<sup>th</sup> Guam Legislature

## **Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

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## **SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina' trentai Singko na Liheslaturan Guahan*

35<sup>th</sup> Guam Legislature

October 21, 2020

### **Transmitted via Electronic Mail:**

Jacqueline T. Terlaje, Esq.  
President  
Guam Bar Association  
[info@guambar.org](mailto:info@guambar.org)

**ATTN:** All Members, Guam Bar Association

**SUBJECT:** Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35 (COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR), all sponsored by Senator Therese M. Terlaje

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JACQUELINE T. TERLAJE, ESQ., PRESIDENT, GUAM BAR ASSOCIATION  
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Therese M. Terlaje  
Senator, 35<sup>th</sup> Guam Legislature



Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

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1 message

**Senator Therese Terlaje** <senatorterlajeguam@gmail.com>  
To: Stephen Hattori <sphattori@guampdsc.net>

Wed, Oct 21, 2020 at 3:36 PM

October 21, 2020

**Transmitted via Electronic Mail:**

Mr. Stephen P. Hattori  
Executive Director  
Public Defender Service Corporation (PDSC)  
[sphattori@guampdsc.net](mailto:sphattori@guampdsc.net)

**SUBJECT:** Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35 (COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR), all sponsored by Senator Therese M. Terlaje

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Senator, 35<sup>th</sup> Guam Legislature

## **Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35<sup>th</sup> Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)

website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

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 **Invite to 10.28.20 Public Hearing\_PDSC.pdf**

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**SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina' trentai Singko na Liheslaturan Guahan*  
35<sup>th</sup> Guam Legislature

October 21, 2020

**Transmitted via Electronic Mail:**

Mr. Stephen P. Hattori  
Executive Director  
Public Defender Service Corporation (PDSC)  
[sphattori@guampdsc.net](mailto:sphattori@guampdsc.net)

**SUBJECT:** Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35 (COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR), all sponsored by Senator Therese M. Terlaje

*Hafa Adai* Director Hattori,

*I Liheslaturan Guahan's* Committee on Health, Tourism, Historic Preservation, Land and Justice will be hosting a Virtual Public Hearing on **Wednesday, October 28, 2020, beginning at 9:00 a.m.** on the following agenda items:

- **Bill 408-35 (COR)** – *T.M. Terlaje* - An Act to amend § 4401(c) of Article 4 of Chapter 4, Title 7, Guam Code Annotated and to amend § 40.50(a) of Chapter 40 of Title 8, Guam Code Annotated, relative to expanding the powers of the Superior Court of Guam magistrates to include the authority to preside over additional non-dispositive hearings and to modify bail conditions.

Bill Link: [http://www.guamlegislature.com/Bills\\_Introduced\\_35th/Bill%20No.%20408-35%20\(COR\).pdf](http://www.guamlegislature.com/Bills_Introduced_35th/Bill%20No.%20408-35%20(COR).pdf)

- **Bill 409-35 (COR)** – *T.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.

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INVITATION TO

MR. STEPHEN P. HATTORI, EXECUTIVE DIRECTOR, PDSC

VIRTUAL PUBLIC HEARING, WEDNESDAY, OCTOBER 28, 2020 BEGINNING AT 9:00 AM

- **Bill 410-35 (COR)** – *T.M. Terlaje* - An Act to amend § 85.30 of Chapter 85, Title 8, Guam Code Annotated, relative to reducing the number of peremptory challenges available in criminal cases.

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The Committee cordially invites you or your representative to participate in the public hearing to provide testimony on all four bills on the agenda. Please contact my office at [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) or call 472- 3586 to confirm participation no later than **Monday, October 26, 2020**, and for any questions you may have. Upon confirmation of attendance, the hearing link and virtual hearing guidance will be emailed to you.

If you prefer to provide written testimony only, you can submit testimony via email to [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com). Testimony will be accepted for up to ten (10) working days following the public hearing.

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We look forward to your participation!

*Si Yu'os Ma'åse',*



Therese M. Terlaje  
Senator, 35<sup>th</sup> Guam Legislature



Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

**Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35(COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR)**

1 message

**Senator Therese Terlaje** <senatorterlajeguam@gmail.com>  
To: varoguam1@yahoo.com

Wed, Oct 21, 2020 at 5:18 PM

October 21, 2020

**Transmitted via Electronic Mail:**Karen Carpenter  
Victim Advocates Reaching Out (VARO)  
[varoguam1@yahoo.com](mailto:varoguam1@yahoo.com)**SUBJECT:** Invitation to participate October 28, 2020 virtual Public Hearing on Bill No. 408-35 (COR), Bill No. 409-35 (COR), Bill No. 410-35 (COR), and Bill No. 411-35 (COR), all sponsored by Senator Therese M. Terlaje*Hafa Adai* Ms. Carpenter and VARO members,*I Liheslaturan Guahan's* Committee on Health, Tourism, Historic Preservation, Land and Justice will be hosting a Virtual Public Hearing on **Wednesday, October 28, 2020, beginning at 9:00 a.m.**, on the following agenda items:

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We look forward to your participation!

*Si Yu'os Ma'åse'*,

Therese M. Terlaje

Senator, 35<sup>th</sup> Guam Legislature

## **Office of Senator Therese M. Terlaje**

**Committee on Health, Tourism, Historic Preservation, Land and Justice**

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

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website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

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**Invite to 10.28.20 Public Hearing\_VARO.pdf**

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**SENATOR THERESE M. TERLAJE**

Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina' trentai Singko na Liheslaturan Guahan*  
35<sup>th</sup> Guam Legislature

October 21, 2020

**Transmitted via Electronic Mail:**

Karen Carpenter  
Victim Advocates Reaching Out (VARO)  
[varoguam1@yahoo.com](mailto:varoguam1@yahoo.com)

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Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)

INVITATION TO  
MEMBERS OF VICTIM ADVOCATES REACHING OUT (VARO)  
VIRTUAL PUBLIC HEARING, WEDNESDAY, OCTOBER 28, 2020 BEGINNING AT 9:00 AM

- **Bill 410-35 (COR)** – *T.M. Terlaje* - An Act to amend § 85.30 of Chapter 85, Title 8, Guam Code Annotated, relative to reducing the number of peremptory challenges available in criminal cases.

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We look forward to your participation!

*Si Yu'os Ma'åse',*



Therese M. Terlaje  
Senator, 35<sup>th</sup> Guam Legislature



Senator Therese Terlaje <senatorterlajeguam@gmail.com>

---

**Fwd: FIRST NOTICE of Virtual Public Hearing - Wednesday, October 28, 2020 beginning at 9:00 a.m.**

---

Senator Therese Terlaje senatorterlajeguam@gmail.com

Wed, Oct 21, 2020 at 5 40 PM

com To: Maya at GCASAFV

<guamcoalition@guamcoalition.org>

Hafa adai Executive Director Cabot,

I hope this email finds you well. Would it be possible to kindly forward the following public notice for a public hearing regarding these justice related bills to your Coalition members? We welcome any testimony or feedback on these bills from you or any of the Guam Coalition Against Sexual Assault and Family Violence members.

Thank you

Warm Regards,  
Jocelyn de Guia  
Senior Policy Analyst

----- Forwarded message -----

From **Senator Therese Terlaje** senatorterlajeguam@gmail.com

Date: Wed, Oct 21, 2020 at 12:15 PM

Subject: FIRST NOTICE of Virtual Public Hearing - Wednesday, October 28, 2020 beginning at 9:00 a.m.

To: Speaker's Office <speaker@guamlegislature.org>, Senator Telena Cruz Nelson <Senatortcnelson@guamlegislature.org>, Office of Senator Shelton Guam Legislature officeofsenatorhelton@guamlegislature.org, Senator Regine Biscoe Lee <senatorbiscoelee@guamlegislature.org>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Sabina Perez <office@senatorperez.org>, Sabina Perez <sabina@senatorperez.org>, Clynt Ridgell <clyntridgell@guamlegislature.org>, Senator Jose Pedro Terlaje <senatorpedo@senatorjpterlaje.com>, Senator Louie Borja Muna <senatorlouie@gmail.com>, Senator Telo Taitague <senatortelot@gmail.com>, Mary C. Torres <senatormary@guamlegislature.org>, James Moylan <senatormoylan@guamlegislature.org>, Marsh Taitano <office.senatorKelly@guamlegislature.org>, Senator Joe S. San Agustin <senatorjoessanagustin@gmail.com>, Senator William Mendiola Castro <sen.wilcastro@gmail.com>  
Cc phnotice@guamlegislature.org, Audio / Video av@guamlegislature.org, Guam MIS mi@guamlegislature.org, Tom Unsiog <sgtarms@guamlegislature.org>

October 21, 2020

**MEMORANDUM**

To: All Senators, Stakeholders and Media

From: Senator Therese M. Terlaje, Chairperson  
Committee on Health, Tourism, Historic Preservation, Land and Justice

Subject **FIRST NOTICE of Virtual Public Hearing** Wednesday, October 28, 2020 beginning at 9:00 a.m.

---

*Hafa Adai*

Please be advised that the Committee on Health, Tourism, Historic Preservation, Land and Justice will convene a virtual public hearing on **Wednesday, October 28, 2020 beginning at 9:00 a.m. utilizing the Zoom meeting virtual platform.**

### **AGENDA**

- **Bill 408-35 (COR)** – *T.M. Terlaje* - An Act to amend § 4401(c) of Article 4 of Chapter 4, Title 7, Guam Code Annotated and to amend § 40.50(a) of Chapter 40 of Title 8, Guam Code Annotated, relative to expanding the powers of the Superior Court of Guam magistrates to include the authority to preside over additional non-dispositive hearings and to modify bail conditions.
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The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4, and stream online via *I Liheslaturan Guåhan's* live feed on Youtube. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing. Individuals who would like to participate in the hearing must email the Office of the Senator Therese M. Terlaje at [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) or call 472-3586 to register. Written testimonies may be submitted via email to the Office of the Senator Therese M. Terlaje. In compliance with the Americans with Disabilities Act, individuals requiring assistance or accommodations should contact the Office of Senator Therese M. Terlaje by phone or via email.

We look forward to your participation!

*Si Yu'os Ma'åse'!*

#### **Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910



10/21/2020

Gmail - Fwd: FIRST NOTICE of Virtual Public Hearing - Wednesday, October 28, 2020 beginning at 9:00 a.m.

Mailing address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)

web site [www enatorterlaje com](http://www.enatorterlaje.com)

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**First Notice of Public Hearing\_Wednesday, October 28, 2020\_TMT.pdf**

268K



## SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina' trentai Singko na Liheslaturan Guåhan*  
35<sup>th</sup> Guam Legislature

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Wednesday, October 28, 2020 beginning at 9:00 a.m.

Utilizing the Zoom meeting virtual platform.

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*I Mina'trentai Singko na Liheslaturan Guåhan*  
*Office of Senator Therese M. Terlaje*

Committee on Health, Tourism, Historic Preservation, Land and Justice

**Date:** Wednesday, October 28, 2020

**Time:** 9:00 AM

**BILL 408-35 (COR) - AN ACT TO AMEND § 4401(c) OF ARTICLE 4 OF CHAPTER 4, GUAM CODE ANNOTATED AND TO AMEND § 40.50(a) OF CHAPTER 40 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES TO INCLUDE THE AUTHORITY TO PRESIDE OVER ADDITIONAL NON-DISPOSITIVE HEARINGS AND TO MODIFY BAIL CONDITIONS.**

	NAME	ADDRESS	CONTACT NO.	E-MAIL	Type of Testimony		Support	
					WRITTEN	ORAL	Yes	No
1	Honorable Katherine A. Maraman, Associate Justice - Supreme Court of Guam	120 W. O'Brien Drive, Hagåtña, Guam 96910			X			
2	Attorney Kristina L. Baird, Administrator of the Courts	120 W. O'Brien Drive, Hagåtña, Guam 96910				X		
3	Attorney Danielle T. Rosette, Clerk of Court	120 W. O'Brien Drive, Hagåtña, Guam 96910		drosete@guamcourts.org		X		
4	Attorney William B. Brennan					X		
5	Andrew S. Quenga, Staff Attorney	120 W. O'Brien Drive, Hagåtña, Guam 96910		aguenga@guamcourts.org				
6	Petrina M. Ula, Chamber Clerk	120 West O'Brien Drive, Suite 300, Hagåtña, Guam 96910-5174		pula@guamsupremecourt.com				
7	Ana Maria C. Gayle, Alternate Public Defender Managing Attorney.	777 Route 4, MVP Commercial Bldg., Sinajana, Guam 96910		anamariag@guamapd.org				
8	Shannon Taitano, Chief Deputy Attorney General	590 S. Marine Corps Drive, Suite 901		generalcounsel@oagguam.org		X		
9	John P. Morrison, PDSC Deputy Director	779 Route 4, Sinajana, Guam 96910		jmorrison@guampdsc.org		X		
10	Stephen Perez Hattori, PDSC Executive Director	779 Route 4, Sinajana, Guam 96910		sphattori@guampdsc.org		X		
11	Zachary Taimanglo, PDSC Attorney	779 Route 4, Sinajana, Guam 96910				X		
12	Attorney Anita Arriola, Arriola Law Office				X	X		



# Supreme Court of Guam

GUAM JUDICIAL CENTER SUITE 300  
120 WEST O'BRIEN DRIVE, HAGÁTÑA, GUAM 96910-5174  
Telephone: (671) 475-3162/80 • Facsimile: (671) 475-3140



HON. F. PHILIP CARBULLIDO  
CHIEF JUSTICE

HANNAH G. ARROYO  
CLERK OF COURT

**VIA ELECTRONIC MAIL: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)**

September 23, 2020

The Honorable Therese M. Terlaje  
*I Mina Trentai Cinco Na Liheslaturan Guåhan*  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

**RE: Proposed Legislation Regarding the Conduct of Judicial Proceedings**

*Håfa Adai*, Senator Terlaje,

The Judiciary of Guam has spent the last few months drafting the enclosed pieces of proposed legislation which seek to amend various statutory requirements governing judicial proceedings to allow the trial courts to efficiently and expeditiously resolve its backlog of cases.

As you are aware, since March 2020, in response to the COVID-19 global pandemic, *I Maga'hågan Guåhan* has declared Guam to be in a state of public health emergency. Since then, *I Maga'håga* has issued a series of executive orders that have suspended non-essential government operations for the better part of the past six months. In parity with these executive orders and in recognition of the need to stem the spread of the virus, the Supreme Court of Guam has issued a series of administrative orders that have suspended non-essential court operations—including civil and criminal jury trials and grand jury proceedings—for all but a few weeks in the last six months.

The suspension of non-essential court operations has resulted in a staggering and unprecedented backlog of cases—a backlog which continues to grow each day and threatens the statutory right of all criminal defendants to a speedy jury trial. Moreover, the current size limitations of Judiciary facilities constrain the court's ability to safely and expeditiously recommence jury selections and jury trials in light of social distancing mandates 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, the Judiciary proposes the following statutory amendments which aim to strike a necessary compromise between the rights of criminal defendants to a speedy public trial and the capabilities of the judicial system to carry out this duty during and in the aftermath of the COVID-19 pandemic:



Memorandum re Clerk's Office Operations

June 2, 2020

Page 2 of 2

- permanently amending 7 GCA § 4401(c) to expand the powers of the magistrates to include the authority to preside over additional non-dispositive hearings, and permanently amending 8 GCA § 40.50 to authorize magistrates to modify bail conditions;
- temporarily amending 8 GCA § 85.15 to increase the use of six-member juries except in cases where the defendant is charged with a first degree or second degree felony;
- temporarily amending 8 GCA § 85.30 to reduce the number of peremptory challenges available in criminal cases; and
- permanently amending 8 GCA § 80.60 to increase the speedy trial time limits in criminal cases.

The recent surge in confirmed COVID-19 cases has put a strain on the island's healthcare system and has resulted in an alarming and tragic rise in the virus's death toll. Given the likely timeframe for a vaccine, it has become increasingly clear that we still have a long road ahead in the battle against this virus. We believe *I Liheslaturan Guåhan* recognizes the need to ensure the efficient and expeditious delivery of justice services to the people of Guam during these unprecedented and trying times.

Should you have any questions or concerns, please feel free to contact me.

*Senseramente,*  


F. PHILIP CARBULLIDO  
Chief Justice of Guam

CC: Hon. Tina Muña Barnes, Speaker, *I Mina Trentai Cinco Na Liheslaturan Guåhan*

Enclosure: Judicial Council Resolution 20-026 re: Proposed Legislation on Conduce of Judicial Proceedings

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Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

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**RE: Letter from Chief Justice F. Philip Carbullido**

---

Hon F Philip Carbullido [REDACTED] &gt;

Wed, Sep 23, 2020 at 4:13 PM

Reply-To: [REDACTED]@guamsupremecourt.com

To: Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

Cc: Speaker's Office &lt;speaker@guamlegislature.org&gt;, "Petrina M. Ula" &lt;pula@guamsupremecourt.com&gt;

Hafa Adai Senator Terlaje

Thank you for your prompt reply. The Judiciary looks forward to your assistance.

Sincerely,

Philip Carbullido

F Philip Carbullido

Chief Justice

---

**From:** Senator Therese Terlaje <senatorterlajeguam@gmail.com>**Sent:** Wednesday, September 23, 2020 3:20 PM**To:** Hon F Philip Carbullido [REDACTED]**Cc:** Speaker's Office <speaker@guamlegislature.org>; Petrina M. Ula <pula@guamsupremecourt.com>**Subject:** Re: Letter from Chief Justice F. Philip Carbullido

Hafa Adai Chief Justice Carbullido,

This is to acknowledge receipt of your email and the Judicial Council Resolution. I acknowledge the plight of the Judiciary as a result of the pandemic and the resulting suspension of court operations, and the impact of delays to defendant and other court stakeholder. I will work on introducing and obtaining public input on the proposed measures right away.

Sincerely,

Therese M. Terlaje

Senator

On Wed, Sep 23, 2020, 1:57 PM Petrina M. Ula <[pula@guamsupremecourt.com](mailto:pula@guamsupremecourt.com)> wrote:

Hafa Adai, Senator Terlaje,

Please see the attached letter with enclosure from Chief Justice F. Philip Carbullido. I respectfully request a reply to confirm receipt of the attached documents. Please also let me know if you have difficulty opening the attachments.

Warmest Regards,

Petrina "Trina" Ula

Chamber Clerk to the **Honorable F. Philip Carbullido, Chief Justice of Guam**

Supreme Court of Guam

Guam Judicial Center

[120 West O'Brien Drive, Suite 300, Hagåtña, Guam 96910-5174](#)

t: 1(671) 475-3413

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# JUDICIARY OF GUAM

Administrative Office of the Courts  
Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910  
Tel: (671) 475-3544 • Fax: (671) 477-3184



HON. F. PHILIP CARBULLIDO  
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA III  
PRESIDING JUDGE

KRISTINA L. BAIRD  
ADMINISTRATOR OF THE COURTS

October 28, 2020

The Honorable Therese M. Terlaje  
Chairperson, Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina'Trentai Cinco Na Liheslaturan Guåhan*  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

**RE: Testimony on Bill Nos. 408-35 (COR), 409-35 (COR), 410-35 (COR), and  
411-35 (COR)**

*Håfa Adai*, Chairperson Terlaje,

Thank you for the opportunity to present testimony on behalf of the Judiciary of Guam on Bill Nos. 408-35 (COR), 409-35 (COR), 410-35 (COR), and 411-35 (COR). The Judiciary of Guam has spent the last few months discussing and drafting the proposed legislation that is before this honorable body for public hearing today. These proposals seek to amend various statutory requirements governing judicial proceedings to allow the trial courts to efficiently and expeditiously resolve its backlog of cases. The proposals were approved for transmittal by the Judicial Council at its August 20, 2020 regular meeting and were transmitted last month to your office. I wish to extend my sincere gratitude, Senator Terlaje, for your prompt action in sponsoring these bills and scheduling them for public hearing.

Since March 2020, in response to the COVID-19 global pandemic, Governor Lou Leon Guerrero has declared Guam to be in a state of public health emergency. Since then, the Governor has issued a series of executive orders that have suspended non-essential government operations for the better part of the past seven months. In parity with these executive orders and in recognition of the need to stem the spread of the virus, the Supreme Court of Guam has issued administrative orders that have suspended non-essential court operations—including civil and criminal jury trials and grand jury proceedings—for all but a few weeks in the last seven months.

The suspension of non-essential court operations has resulted in a staggering and unprecedented backlog of cases—a backlog which continues to grow each day and threatens the statutory right of all criminal defendants to a speedy jury trial. Moreover, the current size limitations of Judiciary facilities constrain the court's ability to safely and expeditiously recommence jury selections and jury trials, given social distancing

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mandates 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.

Recognizing early on that COVID-19 was not likely to go away anytime soon, the Judiciary wasted no time in springing into action. We procured software and equipment to outfit our judges with the tools necessary for remote hearings. With Zoom licenses, laptops and webcams in hand, our judicial officers learned in a few short weeks how to preside over virtual courtrooms. But the nature of certain proceedings and the limited access to technology for many individuals who appear before the courts meant that virtual courtrooms were not enough. So, we worked around the clock to retrofit our San Ramon building into a temporary, high-capacity courtroom where we could safely proceed with jury trials. Unfortunately, having just one space large enough for jury trials means that our seven judges must wait in line as trials are held one at time. This will barely make a dent in the growing backlog of cases awaiting trial.

Therefore, the Judiciary believes certain statutory amendments are necessary to make a meaningful impact on the court's ability to address the current backlog of cases and prevent this backlog from continuing to grow at its current rate. These proposed amendments aim to strike a necessary compromise between the rights of criminal defendants to a speedy public trial and the capabilities of the judicial system to carry out this duty during and in the aftermath of the COVID-19 pandemic.

Bill No. 408-35 (COR) seeks a permanent amendment to 7 GCA § 4401(c) to expand the powers of the magistrates to allow them to perform additional duties—such as disposing of pretrial matters, issuing search warrants and warrants of arrest, and performing marriages—to ease the workload of the Superior Court judges so they can focus on dispositive matters. The bill also seeks a permanent amendment to 8 GCA § 40.50 to authorize magistrates to modify bail conditions.

Bill No. 409-35 (COR) seeks a temporary amendment to 8 GCA § 85.15 to increase the use of six-member juries except in cases where the defendant is charged with a first-degree or second-degree felony. This proposal—which includes a two-year sunset provision—would allow for smaller juries in lower-stakes felony cases. This would allow the court to reduce the number of potential jurors called for jury service, expedite the jury selection process, and ultimately result in a timelier resolution of criminal cases.

Bill No. 410-35 (COR) seeks a temporary amendment to 8 GCA § 85.30 to reduce the number of peremptory challenges available in criminal cases. The current number of peremptory challenges available to both sides in criminal cases greatly lengthens the jury selection process. Like the proposed amendment concerning jury size, allowing fewer peremptory challenges for a two-year period would expedite the jury selection process and reduce the number of potential jurors who must report for jury service.

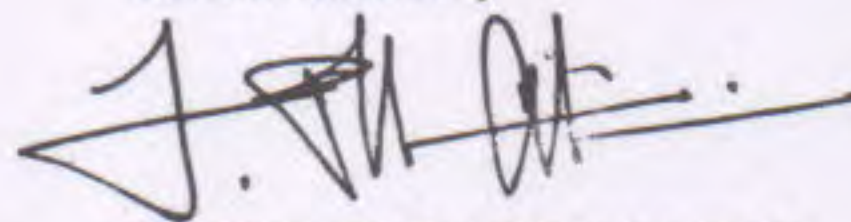


And finally, Bill No. 411-35 (COR) seeks a permanent amendment to 8 GCA § 80.60 to increase the speedy trial time limits in criminal cases. Guam's current speedy trial time limits of 45 days for in-custody defendants and 60 days for not-in-custody defendants are among the shorter time limits in the nation. The proposed amendment would increase the speedy trial time limits for in-custody misdemeanor defendants to 60 days and for not-in-custody misdemeanor defendants to 75 days. The proposed amendment would also increase the speedy trial time limits for in-custody felony defendants to 90 days and for not-in-custody felony defendants to 180 days. These proposed time limits are based on the American Bar Association (ABA) Standards on Speedy Trial and Timely Resolution of Criminal Cases (3d ed. 2006) and are similar to the statutory speedy trial time limits afforded to criminal defendants in many U.S. jurisdictions.

The current surge in confirmed COVID-19 cases has put a heavy strain on the island's healthcare system and has resulted in an alarming and tragic rise in the virus's death toll. Given the likely timeframe for a vaccine, it has become increasingly clear that we still have a long road ahead in the battle against this virus. As I shared in my State of the Judiciary address in June, there is a myriad of issues flowing from this pandemic that have fallen and will continue to fall on the doorsteps of the court. Though the focus of today's bills is on our criminal backlog, the impact of this pandemic on the court's ability to safely execute its mandates extends to all case types and affects the thousands of residents who look to the courts to resolve their legal disputes. The Judiciary trusts that our sister branch shares our interest in ensuring the efficient and expeditious delivery of justice services to the people of Guam during these unprecedented and trying times.

*Si Yu'os Ma'åse* for your time and attention.

*Senseramente,*

A handwritten signature in black ink, appearing to read 'F. Philip Carbullido', with a long horizontal line extending to the right.

F. PHILIP CARBULLIDO  
Chief Justice of Guam





# JUDICIARY OF GUAM

Administrative Office of the Courts  
Guam Judicial Center • 120 West O'Brien Dr • Hagåtña, Gu. 96910  
Tel: (671) 475-3544 • Fax: (671) 477-3184



HON. F. PHILIP CARBULLIDO  
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA III  
PRESIDING JUDGE  
KRISTINA L. BAIRD  
ADMINISTRATOR OF THE COURTS

November 6, 2020

The Honorable Therese M. Terlaje  
Chairperson, Committee on Health, Tourism, Historic Preservation, Land and Justice  
*I Mina'Trentai Cinco Na Liheslaturan Guåhan*  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

**RE: Supplemental Testimony on Bill Nos. 408-35 (COR), 409-35 (COR), 410-35 (COR), and 411-35 (COR)**

*Håfa Adai*, Chairperson Terlaje,

Thank you for the opportunity to present testimony on behalf of the Judiciary of Guam at the October 28, 2020 public hearing on Bill Nos. 408-35 (COR), 409-35 (COR), 410-35 (COR), and 411-35 (COR). I am submitting today the written version of my original testimony read into the record by Administrator of the Courts Kristina Baird at last week's hearing. In addition to that testimony, I submit the following supplemental testimony in response to some of the many concerns raised by hearing participants.

As mentioned in my prior testimony, the Judiciary of Guam spent several months discussing and drafting the statutory amendments proposed in Bill Nos. 408-35 (COR), 409-35 (COR), 410-35 (COR), and 411-35 (COR). The proposals resulted from the collective effort of ten judicial officers who discussed at length how best to address the growing case backlog that has arisen during the COVID-19 pandemic, balancing the interests of criminal defendants with the court's ability to safely resume in-person proceedings in times of social distancing mandates and rising COVID-19 positivity rates.

The Judiciary commends the defense bar for its zealous advocacy on behalf of their clients during last week's public hearing. We expected our proposed amendments would be met with opposition by criminal defense attorneys, and we respect and appreciate their views on these issues. However, I wish to point out that, as neutral decisionmakers, it is not our intention through these proposals to trample on defendants' rights. But I believe we can all agree that since the start of this global pandemic, we all are operating under very different circumstances than usual. Certain measures must be taken to ensure the safety of all those who come before the courts—defendants, attorneys, witnesses, and jurors alike. And the interests of criminal defendants must be balanced with the interest of the public in seeing those charged with crimes are prosecuted and

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adjudicated guilty or not guilty rather than simply released because of courthouse size limitations.

The Judiciary of Guam is not alone in the challenges it faces because of the COVID-19 pandemic. Courts across the country have had to find innovative ways to deal with rising backlogs stemming from periodic shutdowns, social distancing and gathering restrictions, and capacity limitations. Some have implemented measures like those proposed in Bill Nos. 408-35 (COR), 409-35 (COR), 410-35 (COR), and 411-35 (COR). For example, in Arizona, the usual number of six peremptory challenges on each side for non-death penalty cases has been temporarily reduced by the Arizona Supreme Court to two on each side for felony cases and one on each side for misdemeanor cases. The Idaho Supreme Court has temporarily reduced the number of peremptory challenges in life imprisonment cases from ten to six, in other non-death penalty felony cases from six to three, and in misdemeanor cases from four to two. And the Supreme Judicial Court of Massachusetts has authorized six-member juries with the consent of the defendant.

In an ideal world, the Judiciary would have unlimited resources to secure larger, temporary facilities in which to hold in-person hearings, and proceedings such as jury selection would be held virtually. But the reality is that even in a pre-pandemic world, our resources were scarce; our pandemic budget is even bleaker. And many Guam residents have limited or no access to electronic devices or reliable internet necessary for participation in remote proceedings. This has been a challenge even when scheduling remote hearings involving only a handful of individuals. A remote jury selection involving 60-80 potential jurors is just not feasible.

Some participants at last week's public hearing questioned how certain proposed amendments, such as reducing the number of peremptory challenges, would reduce the court's backlog. My response is that jury size and the number of available peremptory challenges are a major consideration in the court's ability to safely resume in-person proceedings. Judges factor the size of the jury and the number of peremptory challenges available to each side when determining how many potential jurors to summon for jury selection for any given case. The more individuals called, the longer the overall jury selection process takes. This was true even before the pandemic; social distancing measures will further delay the process. Reductions in jury size and peremptory challenges would result in speedier and safer jury selection proceedings, which would result in a more expedient reduction in the court's backlog.

One public hearing participant raised that the Judiciary's speedy trial proposal did not exactly match the American Bar Association (ABA) Standards on Speedy Trial and Timely Resolution of Criminal Cases because the ABA standards start the speedy trial clock for in-custody defendants from the defendant's first appearance in court after the filing of a charging instrument, whereas the time limits in 8 GCA § 80.60 start from arraignment. The Judiciary acknowledges this difference and is open to an amendment that would either start the speedy trial clock from the defendant's first appearance or reduce the proposed speedy trial time limits to factor the period between first appearance and arraignment. I caution that although the Supreme Court of Guam's opinion in *People v. Rasauo*, 2011 Guam 14, holds that, absent good cause, a criminal complaint must be



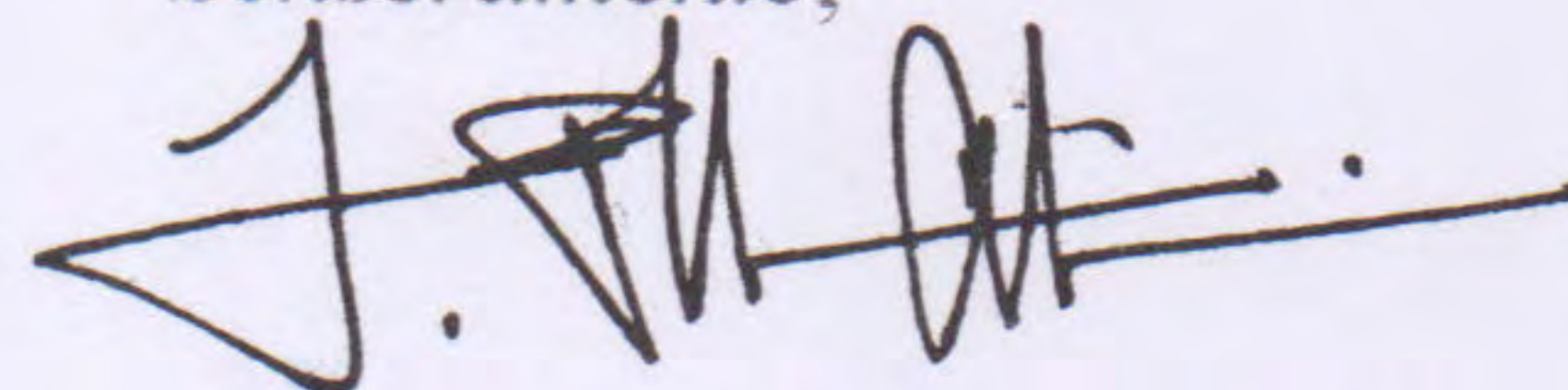
dismissed when a defendant is not promptly arraigned within 60 days of filing the complaint, this 60-day period is the outside limit and is not the typical period in which defendants are arraigned in the Superior Court. Thus, any reduction in our proposed speedy trial time limits should not necessarily factor 60 days between first appearance and arraignment.

I welcome the suggestion to have a roundtable discussion to address these and any other concerns that may be raised by other testimony. I ask that any such roundtable be scheduled as early as practicable given the Judiciary's interest in moving these bills further along the legislative process.

I have enclosed supplemental materials that may be useful in the Legislature's consideration of the four bills, including research on jury size, peremptory challenges, and speedy trial time limits in other jurisdictions. I also include some technical edits to the bills to correct typographical errors.

The Judiciary's mission is "to administer justice by interpreting and upholding the laws, resolving disputes in a timely manner, and providing accessible, efficient, and effective court services." The COVID-19 pandemic has impeded the court's ability to fulfill its mandates and threatens the timely delivery of justice services to all those who come before our courts. As the administrative head of the judicial branch of Guam, it is my duty to not only uphold the court's mission but ensure that we do so in a safe and responsible manner. Please let me know how we can work together to better serve the people of Guam.

*Senseramente,*



F. PHILIP CARBULLIDO  
Chief Justice of Guam

Enclosures:

- JOG technical edits - Bill No. 408-35 (COR) - Magistrate expansion
- JOG technical edits - Bill No. 409-35 (COR) - Increase use of 6-member juries
- JOG technical edits - Bill No. 410-35 (COR) - Peremptory Challenges
- JOG technical edits - Bill No. 411-35 (COR) - Speedy Trial
- Jury size research - Bill No. 409-35 (COR)
- Peremptory challenge research - Bill No. 410-35 (COR)
- Speedy trial research - Bill No. 411-35 (COR)





**BEFORE THE 2020 JUDICIAL COUNCIL OF GUAM**

**RESOLUTION NO. JC20-026**

**RELATIVE TO APPROVING PROPOSED LEGISLATION  
ON THE CONDUCT OF JUDICIAL PROCEEDINGS  
FOR SUBMISSION TO THE GUAM LEGISLATURE**

- WHEREAS,** in response to the COVID-19 public health emergency declared by the Governor in Executive Order No. 2020-03 and the closure of all non-essential government operations in Executive Order No. 2020-04, the Supreme Court on March 16, 2020 in Administrative Orders ADM20-207 and ADM20-210 suspended, postponed and continued all but essential judicial proceedings and closed all but essential court facilities and operations; and
- WHEREAS,** because of the continuation and extension of the public health emergency by the Governor to the present time, the Supreme Court has issued additional Administrative Orders suspending all but essential judicial proceedings, including civil and criminal jury trials and grand jury proceedings, and tolling statutory time limits for filings and speedy trial time periods; and
- WHEREAS,** in July the Judiciary was able to re-open operations and judicial proceedings, on a limited basis, when the Governor in Executive Order No. 2020-24 moved Guam into Pandemic Condition of Readiness (PCOR) 3; and
- WHEREAS,** a resurgence of COVID-19 positivity rates caused the Governor to issue Executive Order No. 2020-27 on August 14, 2020, which reverted Guam to PCOR 1 effective August 16, 2020; and
- WHEREAS,** the Supreme Court on August 14, 2020 issued Administrative Order No. ADM20-392, which re-imposed the suspension of all but essential judicial proceedings and closed all but essential court facilities and operations; and
- WHEREAS,** with the uncertainty of the ability of the Judiciary to resume operations, the backlog of trials and other court proceedings continues to grow at alarming and unprecedented rates; and

**WHEREAS**, the Judicial Council has determined that certain strict statutory requirements governing judicial proceedings should be amended, primarily on a temporary basis, to allow the trial courts to efficiently and expeditiously resolve the backlog of cases when operations are resumed or else many cases face dismissal before they can be resolved on their merits; and

**WHEREAS**, the Judicial Council has determined that the following amendments will greatly assist the trial courts in resolving the backlog of cases:

- permanently amending 7 GCA § 4401(c) to expand the powers of the magistrates to include the authority to preside over additional non-dispositive hearings, and permanently amending 8 GCA § 40.50 to authorize magistrates to modify bail conditions (attached hereto as Exhibit A),
- temporarily amending 8 GCA § 85.15 to increase the use of six (6) member juries except in cases where the defendant is charged with a first degree or second degree felony (attached hereto as Exhibit B),
- temporarily amending 8 GCA § 85.30 to reduce the number of peremptory challenges available in criminal cases (attached hereto as Exhibit C), and
- permanently amending 8 GCA § 80.60 to increase the speedy trial time limits in criminal cases (attached hereto as Exhibit D).

**NOW THEREFORE BE IT RESOLVED**, that the Judicial Council hereby approves the proposed legislation in Exhibits A-D hereto, and

**BE IT FURTHER RESOLVED**, that the Chief Justice is hereby requested to transmit the proposed legislation in Exhibits A-D hereto to the Legislature for its consideration.

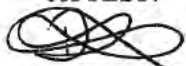
**DULY ADOPTED** this 20th day of August, 2020 at a duly noticed meeting of the Judicial Council of Guam.



**F. PHILIP CARBULLIDO**, Chairman

Dated: August 20, 2020

ATTEST:



**Petrina M. Ula**, Executive Secretary

Dated: August 20, 2020

**JC20-026**  
**EXHIBIT A**

**PROPOSED LEGISLATION TO EXPAND THE POWERS OF THE SUPERIOR  
COURT OF GUAM MAGISTRATES AND TO AUTHORIZE THE SUPERIOR COURT  
OF GUAM MAGISTRATES TO MODIFY BAIL CONDITIONS**



**AN ACT TO AMEND TITLE 7 GCA § 4401(c) TO EXPAND THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES TO INCLUDE THE AUTHORITY TO PRESIDE OVER ADDITIONAL NON-DISPOSITIVE HEARINGS, AND TO AMEND TITLE 8 GCA § 40.50 TO AUTHORIZE THE SUPERIOR COURT OF GUAM MAGISTRATES TO MODIFY BAIL CONDITIONS.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that there are certain non-dispositive hearings over which Superior Court judges currently preside which are appropriate for a magistrate to decide. The expansion of the statutory authority of the magistrates of the Superior Court of Guam will provide the courts with an efficient supplemental judicial resource to assist in expediting its workload.

Therefore, it is the intent of *I Liheslaturan Guåhan* to expand the powers of the Superior Court of Guam magistrates to allow them to perform additional duties, such as disposing of pretrial matters, issuing search warrants and warrants of arrest, performing marriages, and hearing bail redetermination motions. This additional authority will allow Superior Court judges to more efficiently and effectively preside over criminal trials and ensure the timely and fair adjudication of all matters before the Superior Court of Guam.

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

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

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

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

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

(4) preside over first appearances of criminal defendants and arraignments in criminal cases, set or modify bail and order pre-trial release conditions or detention, take pleas, including accepting guilty pleas in misdemeanor cases, sentencing misdemeanants and entering judgments accordingly;

- (5) issue summons, issue bench warrants, and hear return of warrants in all cases ~~to~~ ~~which~~ assigned;
- (6) preside over any matters which may be heard by a Referee of the Superior Court of Guam;
- (7) serve as a Special Master upon appointment by the Presiding Judge;
- (8) serve as Judge *Pro Tempore* upon appointment by the Chief Justice;
- (9) serve as a settlement judge in a civil or domestic case upon appointment by the Presiding Judge;
- (10) conduct criminal trial setting hearings;
- (11) preside over preliminary hearings in criminal cases, and render decisions and judgments over procedural and discovery motions in criminal matters;
- (12) preside over initial scheduling conferences in civil matters, to include, but *not* limited to: initial pretrial conferences, case scheduling, discovery disputes, motions, and settlement efforts; ~~and~~
- (13) preside over unlawful detainer proceedings; ~~and~~
- (14) hear and determine any pretrial matter, other than case dispositive motions, and preside over status hearings in all matters;
- (15) issue search warrants and issue arrest warrants in all cases;
- (16) take grand jury returns; and
- (17) perform marriages.

**Section 3.** Subsection (a) of § 40.50 of Title 8, Guam Code Annotated, is hereby *amended* to read as follows:

(a) A person for whom conditions of release are imposed pursuant to this Chapter, and who after twenty-four (24) hours from the time of release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the conditions reviewed by the Court. ~~If the case has not yet been assigned to a particular Court,~~ The conditions are to be reviewed by the judge or magistrate who imposed them, or by another judge the assigned ex parte judge if the judge who imposed the conditions is not available. If the case has been assigned to a particular Court, the conditions are to be reviewed by the assigned judge. Unless the conditions of release are amended and the person is thereupon released, the judge or magistrate shall set forth in writing the reasons for requiring the conditions imposed.

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

**JC20-026  
EXHIBIT B**

**PROPOSED LEGISLATION TO AMEND TITLE 8 GCA § 85.15 TO INCREASE THE  
USE OF SIX (6) MEMBER JURIES EXCEPT IN CASES WHERE THE DEFENDANT  
IS CHARGED WITH A FIRST DEGREE OR SECOND DEGREE FELONY**

**AN ACT TO AMEND TITLE 8 GCA § 85.15 TO INCREASE 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 Findings and Intent.** *I Liheslaturan Guåhan* 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 Guåhan* 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 Guåhan* finds that expanding—for a limited period—the use of six-person juries to all but the most serious felony charges will accomplish this goal without violating a defendant's constitutional due process rights. Thus, while a defendant faced with a First Degree or Second Degree Felony charge shall remain entitled to a twelve-person jury upon the defendant's request, all other felony cases will be tried by a jury of six. Smaller juries for lower-stakes felony cases will permit expedient jury selection, and thus a more expeditious resolution in criminal cases while also reducing the number of potential jurors who must report for jury service.

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

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

Juries shall be of six. However, in a prosecution which includes a First Degree or Second Degree Felony charge~~by indictment or information~~, the defendant shall be entitled to a jury of twelve upon his written request filed with the court prior to the date of trial. In any case where a jury of twelve is demanded, at any time before verdict the parties may stipulate in writing with

the approval of the court that the jury shall consist of any number less than twelve but not less than six. In the event that a defendant who was previously entitled to demand a jury of twelve as set forth herein ultimately proceeds to trial for an offense which would have originally proceeded with a jury of six—including, but not limited to, when all First Degree and Second Degree Felony charges are dismissed and prosecution proceeds on the lesser charges—the defendant shall be entitled to a jury of six.

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

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



**JC20-026**  
**EXHIBIT C**

**PROPOSED LEGISLATION TO AMEND TITLE 8 GCA § 85.30 TO REDUCE THE  
NUMBER OF PEREMPTORY CHALLENGES AVAILABLE IN CRIMINAL CASES**

**AN ACT TO AMEND TITLE 8 GCA § 85.30 TO REDUCE THE NUMBER OF PEREMPTORY CHALLENGES AVAILABLE IN CRIMINAL CASES.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* 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 demand a speedy jury trial. Moreover, the current size limitations of Judiciary of Guam facilities constrain the court's ability to safely recommence jury selection proceedings 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.

*I Liheslaturan Guåhan* finds that the large number of peremptory challenges available to both sides in criminal cases greatly lengthens the jury selection process. Reducing the number of peremptory challenges would produce significant savings in the administration of the jury system, including reducing the number of jurors summoned for jury selection. Additionally, the social distancing measures necessitated by the COVID-19 pandemic will cause significantly greater delays in the jury selection process and warrant a reduction in the number of persons summoned for jury selection.

Therefore, it is the intent of *I Liheslaturan Guåhan* to strike a necessary compromise between the rights of criminal defendants to a fair and speedy trial and the capabilities of the court to carry out its mandates. *I Liheslaturan Guåhan* finds that this can be accomplished by reducing—for a limited period—the number of peremptory challenges available to criminal defendants and to prosecutors under current Guam law. Fewer peremptory challenges will permit a quicker process in selecting a jury while also reducing the number of potential jurors who must report for jury service.

**Section 2.** Section 85.30 of Title 8, Guam Code Annotated, is hereby *amended* to read as follows:

**§ 85.30. Peremptory Challenges; Number Available.**

~~In a prosecution by indictment or information if the offense charged is punishable by a life sentence, each side is entitled to twenty peremptory challenges, otherwise the government is entitled to six peremptory challenges and the defendant or defendants jointly to ten peremptory~~

~~challenges. In a prosecution by complaint, each side is entitled to three peremptory challenges. If there is more than one defendant, the court may allow the defendants additional peremptory challenges and permit them to be exercised separately or jointly. In any felony prosecution where the offense charged may be punishable by a sentence of fifteen or more years of incarceration, each side is entitled to twelve peremptory challenges. In any felony prosecution where the offense charged may be punishable by a sentence of less than fifteen years of incarceration, the defense is entitled to six peremptory challenges and the prosecution is entitled to three peremptory challenges. In any misdemeanor or petty misdemeanor prosecution, the defense is entitled to two peremptory challenges and the prosecution is entitled to one peremptory challenge. In any criminal prosecution where there is more than one defendant, the court may allow the defendants additional peremptory challenges and permit them to be exercised separately.~~

**Section 3. Sunset Provision.** The amendments to 8 GCA § 85.30 as provided in Section 2 of this Act *shall* be deemed repealed two (2) years after the enactment of this Act *unless* new legislation is duly enacted authorizing its continuation.

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

**JC20-026  
EXHIBIT D**

**AN ACT TO AMEND TITLE 8 GCA § 80.60 BY EXTENDING THE TIME IN WHICH A  
DEFENDANT MUST BE BROUGHT TO TRIAL.**

**AN ACT TO AMEND TITLE 8 GCA § 80.60 BY EXTENDING THE TIME IN WHICH A DEFENDANT MUST BE BROUGHT TO TRIAL.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that criminal defendants have a right to a speedy trial under the Sixth Amendment to the United States Constitution, extended to Guam by the Organic Act of Guam. This right has been effectuated by 8 GCA § 80.60 and its predecessors, setting forth the criteria for when a case may or may not be dismissed for reasons of time. *I Liheslaturan Guåhan* finds that in addition to protecting the rights of criminal defendants, the speedy trial statute furthers the interests of the public and of victims of crimes in the fair, accurate, and timely resolution of criminal cases.

*I Liheslaturan Guåhan* finds that while the right to a speedy trial is of significant importance, the right is not absolute. Further, there is no set standard for speedy trial limits throughout the United States, with each state adopting its own time limits. Guam's current time limits of 45 days for in-custody defendants and 60 days for not-in-custody defendants is among the shorter time limits in the nation. Criminal defendants in Guam often must choose between waiving their right to a speedy trial because they do not yet feel ready to proceed to trial or asserting their right to a speedy trial and risk not being prepared to defend themselves. Many defendants assert, waive, and re-assert their speedy trial rights multiple times throughout a case because they are not prepared to proceed to trial as the speedy trial limit draws near. This leads to an ineffective use of judicial resources as cases are constantly rescheduled based on their priority among other asserted speedy trial cases. A longer speedy trial time period will ensure that defendants are not rushed to trial without adequate opportunity to prepare and will result in a more effective utilization of resources.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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





## Office of the Attorney General of Guam

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**Hon. Leevin Taitano Camacho**  
Attorney General of Guam

October 28, 2020

### VIA EMAIL

**The Honorable Therese M. Terlaje**  
Chairperson, Committee on Justice  
*I Mina'trentai Singko na Liheslaturan Guahan*  
[senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)

### RE: Testimony on Bill Nos. 408-35, 409-35, 410-35, and 411-35

Håfa Adai Senator Terlaje:

Thank you for the opportunity to provide testimony on the subject bills. As an entity directly affected by court operations, we support all four of these proposals which aim to relieve the operational constraints that have resulted from this unprecedented pandemic. We do respectfully make the following requests and recommendations for two of the measures.

### Bill No. 410

We recognize that Bill 410 proposes to reduce peremptory challenges for the purpose of reducing the number of individuals called to report for jury duty and the time it takes to empanel a jury while maintaining fairness in the justice system. However, we request the following **revisions** to the proposed language in order to maintain parity in the distribution of peremptory challenges:

**~~“§ 85.30. Peremptory Challenges; Number Available. In a prosecution by indictment or information if the offense charged is punishable by a life sentence, each side is entitled to twenty peremptory challenges, otherwise the government is entitled to six peremptory challenges and the defendant or defendants jointly to ten peremptory challenges. In a prosecution by complaint, each side is entitled to three peremptory challenges. If there is more than one defendant, the court may allow the defendants additional peremptory challenges and permit them to be exercised~~**

separately or jointly. In any felony prosecution where the offense charged may be punishable by a sentence of fifteen or more years of incarceration, each side is entitled to twelve peremptory challenges. In any felony prosecution where the offense charged may be punishable by a sentence of less than fifteen years of incarceration, the defense is entitled to six peremptory challenges and the prosecution is entitled to three ~~four~~ peremptory challenges. In any misdemeanor or petty misdemeanor prosecution, the defense **each side** is entitled to two peremptory challenges and the prosecution is entitled to one peremptory challenge. In any criminal prosecution where there is more than one defendant, the court may allow the defendants additional peremptory challenges and permit them to be exercised separately.”

Existing law allows a ratio of 6-to-10 peremptory challenges (prosecution-to-defense) in lower-level felony cases. We request that the proposed changes allow the prosecution four peremptory challenges to maintain a more equitable baseline ratio of 4-to-6. This will become especially important in cases involving multiple defendants in which the court may grant additional peremptory challenges to the defense while the prosecution will be limited to the statutory level.

In misdemeanor and petty misdemeanor cases, existing law allows three peremptory challenges for both the prosecution and defense. While we support the temporary reduction in the number of challenges, we request that the parity in the current law be maintained and that two challenges be permitted per side.

#### **Bill No. 411-35**

Bill 411 represents the Legislature’s findings that the right to a speedy trial is of significant importance but is not absolute. The court has also recognized that the protection of the health and safety of defendants, attorneys, court employees, and those called to jury service outweigh the right to a speedy trial.<sup>1</sup> In its latest Administrative Order, the court tolled the time periods involving speedy trial procedures until December 31, 2020.<sup>2</sup> Despite the court’s Administrative Order, there have been instances where defendants have moved to dismiss their cases based on an alleged violation of their statutory right to speedy trial. The resolution of these motions has required the use of both our office’s resources as well as the court’s.

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<sup>1</sup> Supreme Court of Guam Administrative Order No. ADM20-413 ¶ 27 (Oct. 9, 2020).

<sup>2</sup> *Id.*



Letter to Sen. T. Terlaje  
RE: Testimony – Bills 408, 409, 410, 411  
October 28, 2020  
Page 3 of 3

In support of both these positions, we offer for consideration the possibility of recognizing that delay caused by reasons attributable to the COVID-19 pandemic constitute “good cause” as a matter of statute.

The portion of Section 2 of the Bill, amending Title 8, Chapter 80 § 80.60 would be revised to read as follows:

- “(b) A criminal action shall not be dismissed pursuant to Subsection (a) if:
- (1) The action is set on a date beyond the prescribed period upon motion of the defendant or with his consent, express or implied, and he is brought to trial on the date so set or within ten (10) days thereafter;
  - (2) The defendant failed to appear for trial and he is brought to trial within thirty (30) days following his next appearance in the trial court; or
  - (3) Good cause is shown for the failure to commence the trial within the prescribed period. When *i Maga'håga* has placed the island under Pandemic Condition of Readiness 1 or 2, delays caused by reasons attributable to the coronavirus pandemic (e.g., positive cases within the courtroom team or prosecution team, closure of relevant government of Guam agencies, setting maximum capacity levels of government agencies, mandating adherence to social distancing requirements, reduced availability of jurors, etc.) shall constitute ‘good cause’.”

\*\*\*

We thank you and your Committee members for your consideration of our testimony. Our office remains available for any questions.

Sincerely,



**Shannon Joy Taitano**  
Chief Deputy Attorney General  
[staitano@oagguam.org](mailto:staitano@oagguam.org)

November 6, 2020

VIA EMAIL:

[senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)

Honorable Therese M. Terlaje, *Chairperson*  
Committee on Health, Tourism,  
Historic Preservation, Land and Justice  
35<sup>th</sup> Guam Legislature  
Guam Congress Bldg.  
163 Chalan Santo Papa  
Hagatna, Guam 96910

Re: Bills 408-35, 409-35, 410-35 and 411-35

*Hafa Adai* Senator Terlaje,

As mentioned during our oral testimony at the Public Hearing on the subject bills on October 28, 2020, we provide this written testimony. We support the request by Alternate Public Defender Ana Maria Gayle at the Public Hearing, that this Committee convene a roundtable to engage with stakeholders affected by these Bills. In addition, at the public hearing it was clear that the Judiciary lacks resources to deal with the backlog of cases caused by COVID-19. We believe the roundtable should also address why judges are not holding regular Zoom hearings in their cases, as many other courts around the country are doing; what steps are being taken to find sufficient space to hold asserted criminal jury trials; how the Judiciary is using technology in the courtrooms to minimize in-person hearings, jury selection, and other in-person types of contact; and what alternatives judges, prosecutors, and defense counsel may use to avoid court hearings and trials, such as defendants' release from custody, plea agreements, alternative dispute resolution, and diversion programs.

### **Bill 408-35**

We generally support Bill 408-35, which seeks to expand the authority of Magistrate Judges to modify bail conditions. However, the existing language at 8 G.C.A. Section 40.50(a) allows for a motion for review of bail conditions to be filed within 24 hours of the imposition of release conditions that an individual is unable to meet. We request that since this statute is before the Legislature, the body consider a mechanism that prompts the Magistrate Judge or another Judge to entertain such motions in a timely manner. While the statute calls for filing of such motion in 24 hours, there is no legal requirement that such motion be heard in a similarly expedited timeframe. In practice this leads to individuals who are pending trial and who cannot meet bail conditions, such as a cash bond requirement, left to languish in jail until the Court decides to hold a hearing. Delays in addressing such review motions serve only punitive interests and disproportionately affect those individuals who cannot afford to meet bail conditions. If a review of the initial conditions is done on an expedited basis, detained individuals will have a chance to mitigate any risks of harm to the community or of flight risk the magistrate judge may have found during the initial appearance.

### **Bill 409-35**

We strongly oppose Bill 409-35, which seeks to reduce the number of jurors individuals are entitled to from 12 to 6 in all cases except 1<sup>st</sup> and 2<sup>nd</sup> degree felonies. This is a severe adjustment affecting an individual's constitutional right to trial by jury. While a jury of six may be permissible in some regards, it is by no means preferable, and the proponents of this Bill have not offered any justification to lessen the number of jurors in certain cases. We are concerned that during this pandemic, the Judiciary of Guam is lobbying for legislation which offers as the only solution to the court's case backlog is to curtail the rights of individuals facing criminal charges.

The Judiciary appears to be concerned with the ability to conduct large jury selection proceedings and therefore smaller juries are preferred. We note that while the standard courtrooms could arguably better accommodate 6 person jury *trials* with appropriate distancing, we do not agree the issue of jury *selection* can be addressed simply by limiting the final number of jurors. A larger space would likely still be needed to conduct in person *jury selection*. Additionally, because each of the seven judges in the Superior Court maintain a share of general jurisdiction dockets and are assigned 1<sup>st</sup> and 2<sup>nd</sup> degree felony charges such as 1<sup>st</sup> degree CSC, Robbery, and Murder, there will still be trials competing for time and space for 12-person juries. Therefore, reducing the number of jurors does not appear to effectively address the COVID-specific concern raised by the Judiciary.

We note other jurisdictions have turned to conducting *voir dire* by remote technology means, have increased the use of juror questionnaires, and have looked for larger spaces to accommodate jury selection and even trials. We request that the Legislature and Judiciary explore alternatives to reducing the number of jurors from 12 to 6.

Finally, we are concerned with the language in the bill related to the effective date and the sunset provision. The language does not address what cases the Bill will apply to and what happens to those cases already filed upon enactment of this legislation and at the sunset date? The language also does not address what occurs at the sunset. Does the current language go back into effect? Does the sunset affect cases already charged but which have not gone to trial by the sunset date? These questions, as well as similar questions related to the effective date and what happens to those matters already pending before the Superior Court must be addressed before this Bill is even considered.

### **Bill 410-35**

We strongly oppose Bill 410-35, which seeks to reduce the number of peremptory challenges in criminal cases based on the length of sentence an individual faces. We note the language in this bill is vague in several places. First, do we use a cumulative sentence for all charges where there is more than one charge, or do we use the lowest or highest range? Are sentencing enhancements noticed in the charging instrument included in this calculation? What happens if charges are dismissed before trial? What happens if charges are severed before trial? These questions must be addressed in order to avoid due process and other issues among individuals facing similar charges in different cases.

We also note the Bill does nothing to address or alleviate any COVID-19 backlog. We do not understand how limiting or adjusting the number of peremptory challenges would affect the speed of trials, or the amount of people necessary for such proceedings. We note as well that the Bill, when read with Bill 409-35, creates more problems than it purportedly fixes. If both Bills were to pass, then some 2<sup>nd</sup> degree felonies such as theft and robbery could ostensibly have 6 person juries, but other 3<sup>rd</sup> degree felonies, such as negligent homicide with a special allegation could be entitled to a higher number of peremptory challenges. We cannot discern the distinction between 1<sup>st</sup> and 2<sup>nd</sup>, and 3<sup>rd</sup> degree felonies for jury size purposes, but then using potential sentence ranges for peremptory challenge purposes. The Judiciary only offered that other jurisdictions use the 15-year

range as the rationale for this requested change. We do not believe that this Bill will meaningfully address the COVID-19 backlog and, more importantly, it fails to strike any type of fair balance among individuals charged with different crimes under Guam law.

### **Bill 411-35**

We strongly oppose Bill 411-35, which seeks to extend the timelines for an individual's right to a speedy trial in Guam. We note that the Bill seeks to extend the right to a trial in a misdemeanor matter to 75 days. For felonies, the Bill seeks to extend the timeline from 45 days for detained individuals and 60 days for released individuals to 90 and 180 days respectively. In support of the Bill, the Judiciary stated only that this Bill will assist them in addressing the COVID-19 backlog of criminal cases.

At the outset we question why, nine months into this pandemic, after the Supreme Court has already suspended and deprived individuals of their rights to speedy trial, they only now come to the Legislature seeking Legislative action. The Supreme Court, through a series of administrative orders issued from March 2020 to October 2020, tolled various deadlines in Guam law, including individuals' rights to speedy trial and prompt arraignment. Since the Supreme Court already suspended the Guam statutory right to speedy trial, why is this Legislation needed now?

Additionally, because there is a such a disparity in the new timelines, the Bill may lead to certain unintended consequences. Again, the Superior Court of Guam Judges handle general jurisdiction dockets. Therefore, they each have a share of misdemeanors and felonies, in addition to the criminal specialty/treatment courts. Because the misdemeanor timeline is shorter, we may see misdemeanor trials which delay felony cases that were filed earlier.

We note that California's speedy trial statute, from which Guam's law is derived, mandates trial within 60 days as the speedy trial timeline for felonies, and 30 and 45 days for misdemeanors and infractions. The Federal Speedy Trial Act mandates 70 days. Both statutes have enumerated exceptions. Guam law already allows for delay based on good cause – which is determined case by case and which the Supreme Court has already developed a good body of law to guide trial courts. Extending the timeline only serves to lengthen the period the Court has to address the backlog and does little to address the backlog up front.

The Bill also does not clearly address what happens to cases pending if this legislation is enacted. The Judiciary stated they do not seek retroactive application of this Bill. If that is indeed the case, and the Legislature intends to pass the legislation, we request a clear provision that states the legislation only affects those cases charged after the effective date of the Act. This will eliminate due process concerns and general confusion that would ensue if different timelines were available to the Court for individuals' asserting their rights to speedy trial.

Additionally, we note that if this is a COVID-specific solution suggested by the Judiciary, why is there no sunset provision similar to Bills 409 and 410? While we oppose the Bill, we request that if the Legislature does consider this matter, a sunset provision of one year, that clearly reverts back to the current language in Guam law should be included.

If the Legislature considers this Bill, we also request the Legislature make clear that there is no intent to disturb the prompt arraignment caselaw pronounced in People v. Rasauo, 2011 Guam 14, which applied the "speedy trial time period articulated in 8 G.C.A. § 80.60(a)(3)", to the prompt arraignment requirement in 8 G.C.A. § 60.10(a). Without a clearly stated intent not to disturb Rasauo, any Legislative action extending the speedy trial timeline, may also implicitly extend the prompt arraignment timeline announced under Rasauo. As a practical matter, since the speedy trial timeline does not accrue until arraignment, the Bill as drafted could allow the Government to charge an individual and then wait the full 180-day period for an individual who is not



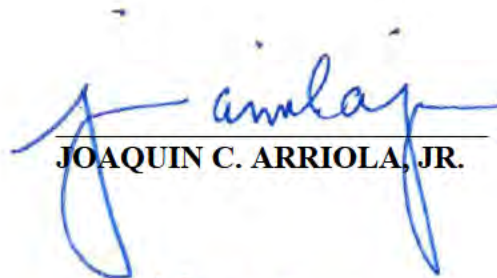
detained, and then proceed to arraignment, where such individual will have to wait another 180 days for a trial. This would amount to a one year wait from charging to trial, assuming no intervening motions or other tolling events. This cannot be what the Legislature intends by this Bill – though it is a possible practical effect.

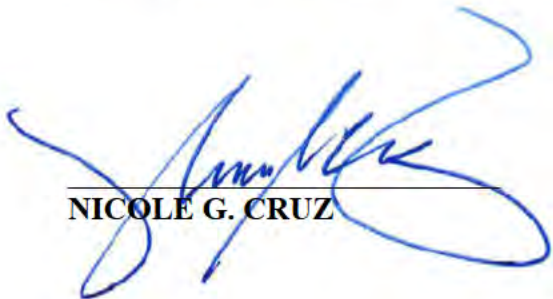
We are greatly concerned that Bills 409, 410, and 411 were submitted by the Judiciary of Guam, which is effectively advocating a curtailment of individual's rights. It is incongruous that individuals will be asserting their right to speedy trial before a Judiciary that seeks to curtail such rights. It is also disturbing that instead of trying to resolve the backlog of cases by using, upgrading, and renovating current judicial resources to handle jury trials or allow for more online court hearings, the Judiciary focuses its efforts on curtailing the rights of criminal defendants. At the public hearing, one of the senators asked, "Do these bills violate anyone's constitutional rights?" The answer is no. But every time there are constraints or restrictions on constitutional rights such as are contemplated in Bills 409, 410 and 411, those constitutional rights become less and less secure. As a law firm that represents numerous criminal defendants in the Guam judicial system, we feel duty bound to defend such rights for our clients.

Please do not hesitate to contact us if you wish to discuss this matter further.

Respectfully submitted,  
**ARRIOLA LAW FIRM**

  
ANITA P. ARRIOLA

  
JOAQUIN C. ARRIOLA, JR.

  
NICOLE G. CRUZ

  
WILLIAM B. BRENNAN

**7 GCA CIVIL PROCEDURE  
CH. 4 SUPERIOR COURT**

**2015 NOTE:** Pursuant to an amendment to § 22A(b)(2) of the Organic Act of Guam by Pub. L. 108-378:1(b) (Oct. 30, 2004), references to “Presiding Judge” have been changed to “Chief Justice.” See 48 U.S.C. § 1424-1(b)(2).

**§ 4302. Duties.**

The Office shall facilitate dispute resolution without litigation. It shall provide training and services for mediation, conciliation, arbitration and other means of settling conflicts or disputes among residents of Guam.

**SOURCE:** Added by P.L. 19-05:129 (Aug. 21, 1987) as §§ 205 and 206 of the Code of Civil Procedure.

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**ARTICLE 4  
MAGISTRATES AND SATELLITE COURTS**

**SOURCE:** Added by P.L. 29-109:2 (Aug. 26, 2008).

§ 4401. Magistrates.

§ 4402. Satellite Courts.

**§ 4401. Magistrates.**

(a) The Chief Justice of the Supreme Court of Guam may appoint such magistrates as are necessary for the proper administration of justice. A magistrate *shall* be appointed as follows:

(1) Upon request by the Chief Justice, the Guam Bar Association will solicit interest for the position of magistrate;

(2) The Guam Bar Association will then submit the names of three (3) candidates to the Chief Justice;

(3) The Chief Justice must appoint the magistrate from the list provided by the Guam Bar Association.

(4) The appointment by the Chief Justice is subject to the approval of *I Liheslaturan Guåhan*.

(b) A magistrate *shall*:

(1) serve a four (4) year term, removable for cause;

(2) be at least thirty (30) years of age;

(3) meet the qualifications required of a Superior Court Judge as

7 GCA CIVIL PROCEDURE  
CH. 4 SUPERIOR COURT

articulated by §§ 3109(c), (d) & (e), Title 7, GCA;

- (4) be a member in good standing of the Guam Bar Association;
- (5) not have been convicted of any felony *or* any misdemeanor involving moral turpitude;
- (6) not be related by blood within the third degree of consanguinity *or* marriage to a judge *or* justice of the courts of Guam at the time of his *or* her initial appointment;
- (7) be subject to the same ethical standards as a Superior Court Judge *or* Justice, to include the Guam Rules for Judicial Disciplinary Enforcement; and
- (8) receive a salary *no greater than* ninety percent (90%) of a Judge who is *not* the Presiding Judge.

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

- (1) preside over and render decisions and judgments in small claims cases, traffic cases, change of name petitions, and collection cases, and may grant uncontested divorces in cases where there is a notarized consent on file;
- (2) enter judgment upon confession of judgment or default judgment in a civil case when a party alleges a sum certain is due;
- (3) preside over post-judgment collection proceedings in civil cases and restitution judgments in criminal cases, and issue writs of execution and other orders in such proceedings;
- (4) preside over first appearances of criminal defendants and arraignments in criminal cases, set bail and order pre-trial release conditions, take pleas, including accepting guilty pleas in misdemeanor cases, sentencing misdemeanants and entering judgments accordingly;
- (5) issue summons, issue bench warrants, and hear return of warrants in all cases to which assigned;
- (6) preside over any matters which may be heard by a Referee of the Superior Court of Guam;
- (7) serve as a Special Master upon appointment by the Presiding Judge;
- (8) serve as Judge *Pro Tempore* upon appointment by the Chief Justice;

7 GCA CIVIL PROCEDURE  
CH. 4 SUPERIOR COURT

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

(10) conduct criminal trial setting hearings;

(11) preside over preliminary hearings in criminal cases, and render decisions and judgments over procedural and discovery motions in criminal matters;

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

(13) preside over unlawful detainer proceedings.

(d) The Chief Justice may reappoint a sitting magistrate without confirmation by *ILiheslaturan Guåhan* upon a unanimous recommendation of the Judicial Council:

(1) for one (1) additional term of four (4) years; *or*

(2) until a new magistrate is appointed and duly confirmed, but *not to exceed* ninety (90) days.

**SOURCE:** Added by P.L. 21-147:2 (Jan. 14, 1993). Subsection (c) amended by P.L. 31-163:2 (Jan. 4, 2012). Subsection (d) added by P.L. 31-163:2 (Jan. 4, 2012). Subitems (10) through (13) added by P.L. 33-074:2 (Sept. 15, 2015).

**§ 4402. Satellite Courts.**

The Chief Justice of the Supreme Court of Guam is hereby authorized to establish a Northern Court Satellite (NCS).

**SOURCE:** Added by P.L. 29-109:2 (Aug. 26, 2008).

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**8 GCA CRIMINAL PROCEDURE**  
**CH. 40 RELEASE**

changed in conformity with a procedure authorized in California. Compare Cal. Pen. Code §§ 1295, 1300.

**§ 40.50. Bail Redetermination Hearing; When; Procedure.**

(a) A person for whom conditions of release are imposed pursuant to this Chapter, and who after twenty-four (24) hours from the time of release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the conditions reviewed by the Court. If the case has not yet been assigned to a particular Court, the conditions are to be reviewed by the judge who imposed them, or by the assigned ex-parte judge if the judge who imposed the conditions is not available. If the case has been assigned to a particular Court, the conditions are to be reviewed by the assigned judge. Unless the conditions of release are amended and the person is thereupon released, the judge shall set forth in writing the reasons for requiring the conditions imposed.

(b) A person who is ordered released pursuant to this Chapter on the condition that he return to custody after specified hours shall, upon application, be entitled to a review by the judge who imposed the condition. Unless the requirement is removed and the person is thereupon released on another condition, the judge shall set forth in writing the reasons for continuing the requirement.

(c) Notwithstanding the provisions of Subsections (a) and (b), if the judge who imposed conditions of release is not available, any other judge may review such conditions.

(d) *If* conditions of release are imposed by a magistrate pursuant to §4401, Title 7 of the Guam Code Annotated, any judge may review such conditions.

**SOURCE:** Added by P.L. 13-186 (Sept. 2, 1976). Subsection (a) amended by P.L. 24-239:13 (Aug. 14, 1998) (*Family Violence Act of 1998*). Subsection (d) added by P.L. 29-109:3 (Aug. 26, 2008).

**NOTE:** Section 40.50 is new. It is substantively the same as 18 U.S.C. § 3146(d). See also ABA, Project on Minimum Standards for Criminal Justice Pretrial Release § 5.9 (Approved draft 1968). Compare former Rule 46(h) and Cal. Pen. Code § 1320. For provisions relating to appeal from an adverse ruling by the judge, see § 40.80.

**§ 40.55. Statement to Arrestee Upon Release With Conditions.**

(a) Whenever a person is released pursuant to this Chapter, the judge authorizing such release shall issue an order which contains a statement of

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**CH. 40 RELEASE**

the conditions imposed, if any, informs the person of the penalties applicable to violations of the conditions of his release, and advises the person that a warrant for his arrest will be issued immediately upon any such violation.

(b) The person charged shall execute an agreement that he will appear as required and an acknowledgment that he understands the conditions of his release and the penalties and forfeitures applicable in the event that he violates any condition or fails to appear as required. A copy of the order shall be given to the person before he is released.

**NOTE:** Section 40.55 is new. It is based on 18 U.S.C. § 3146(c). § 40.55(b) has no federal statutory counterpart but reflects the actual practice under the federal statute. See Bail Reform Act Form No. 2, set forth in ABA, Project on Minimum Standards for Criminal Justice Pretrial Release, Appendix A, at 77.

**§ 40.60. Additional Restrictions May be Applied; Application by Prosecutor; Additional Restrictions Listed.**

(a) At the first appearance or at any time thereafter, upon the application of the prosecuting attorney and a showing that there exists a danger that the person charged will commit an offense or will seek to intimidate witnesses, or will otherwise unlawfully interfere with the orderly administration of justice, the judge may issue an order which:

(1) prohibits the person charged from approaching or communicating with particular persons or classes of persons, except that the order *shall not* be deemed to prohibit any lawful and ethical activity of the person's counsel;

(2) prohibits the person charged from going to certain described geographical areas or premises;

(3) prohibits the person charged from possessing any dangerous weapon, or engaging in certain described activities, or indulging in intoxicating liquors or in certain drugs;

(4) requires the person charged to report regularly to and remain under the supervision of an officer of the court;

(5) requires the person charged to undergo drug testing under the supervision of an officer of the court;

(6) requires the person charged to be placed under supervision by means of electronic monitoring, subject to the payment of fees or the exemption of fees, and subject to other rules established by the court for electronic monitoring; or





## **SENATOR THERESE M. TERLAJE**

COMMITTEE ON HEALTH, TOURISM, HISTORIC PRESERVATION, LAND AND JUSTICE  
*I MINA' TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*  
35<sup>TH</sup> GUAM LEGISLATURE

### **COMMITTEE REPORT DIGEST**

#### **I. OVERVIEW**

Bill No. 408-35 (COR) was introduced on Thursday, September 24, 2020 by Senator Therese M. Terlaje and was subsequently referred by the Committee on Rules to the Committee on Health, Tourism, Historic Preservation, Land and Justice on Monday, October 5, 2020.

The Committee on Health, Tourism, Historic Preservation, Land and Justice convened a virtual public hearing on Bill No. 408-35 (COR) on Wednesday, October 28, 2020 beginning at 9:00 a.m., in *I Liheslatura's* Virtual Public Hearing Platform.

#### **Public Notice Requirements**

Notices for this Virtual Public Hearing were disseminated via email to all senators and all main media broadcasting outlets on Wednesday, October 21, 2020 (5 -Day Notice) and again on Sunday, October 25, 2020 (48 Hour Notice). The notice was also published in the Guam Daily Post on Wednesday, October 21, 2020 and Monday, October 26, 2020.

#### **Senators Present**

Senator Therese M. Terlaje, Committee Chairperson  
Senator Mary Camacho Torres, Committee Member  
Senator Jose "Pedo" Terlaje  
Senator Telo T. Taitague

#### **Appearing before the Committee**

Honorable Katherine Maraman, Associate Justice, Supreme Court of Guam  
Attorney Kristina L. Baird, Administrator of the Courts, Judiciary of Guam  
Attorney Danielle T. Rosette, Clerk of Court, Judiciary of Guam

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Chief Deputy Attorney Shannon Taitano, Office of the Attorney General of Guam  
Attorney Stephen Perez Hattori, Executive Director – Public Defender Service Corporation (PDSC)  
Deputy Director, John P. Morrison – Public Defender Service Corporation  
Managing Attorney Ana Maria C. Gayle, Alternate Public Defender  
Attorney William B. Brennan  
Attorney Anita Arriola  
Attorney Zachary Taimanglo, Public Defender Service Corporation

**Written Testimony Submitted**

Honorable Chief Justice F. Philip Carbullido, Judiciary of Guam  
Attorney Anita P. Arriola, Arriola Law Firm  
Attorney Joaquin C. Arriola, Jr., Arriola Law Firm  
Attorney Nicole G. Cruz, Arriola Law Firm  
Attorney William B. Brennan, Arriola Law Firm  
Chief Deputy Attorney Shannon Taitano, Office of the Attorney General of Guam

**II. SUMMARY OF TESTIMONY & DISCUSSION**

The public hearing was Called-to-Order at 9:07 AM Chairperson Therese M. Terlaje introduced the items on the agenda and the Guam Legislature’s guidance on virtual hearings. Bill 408-35 (COR) was the first item on the agenda.

**Chairperson Therese M. Terlaje:** *Hafa Adai.* I’d like to acknowledge this morning, the presence of my colleagues beginning with Senator “Pedo” Terlaje. Good Morning Senator. The Minority Leader, Senator Telo Taitague, Senator Mary Camacho Torres. Good Morning Senators. Thank you for being here.

I’d also like to acknowledge the presence of Justice Katherine Maraman. Good Morning Justice. Thank you for being here. We will begin right away. The first item on the agenda is Bill No. 408. Before we hear from those who signed up on the bill, since I’m the sponsor of the bill, I will introduce the bill very briefly.

I introduced this bill and the other bills that will be heard today on September 24th immediately after receiving a request from Chief Justice Carbullido, to assist the

Judiciary in resolving its backlog of cases due to the pandemic. In the Chief Justice's September 23rd letter to me he wrote, "As you are aware, since March 2020, in response to the COVID-19 global pandemic, I Maga'hågan Guåhan has declared Guam to be in a state of public health emergency. Since then, I Maga'håga has issued a series of executive orders that have suspended non-essential government operations for the better part of the past six months. In parity with these executive orders and in recognition of the need to stem the spread of the virus, the Supreme Court of Guam has issued a series of administrative orders that have suspended non-essential court operations-including civil and criminal jury trials and grand jury proceedings for all but a few weeks in the last six months."

He also stated, "The suspension of non-essential court operations has resulted in a staggering and unprecedented backlog of cases. A backlog which continues to grow each day and threatens the statutory right of all criminal defendants to a speedy jury trial. Moreover, the current size limitations of Judiciary facilities constrain the court's ability to safely and expeditiously recommence jury selections and jury trials in light of social distancing mandates 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, the Judiciary proposes the following statutory amendments which aim to strike a necessary compromise between the rights of criminal defendants to a speedy trial, a speedy public trial and the capabilities of the judicial system to carry out this duty during and in the aftermath of the COVID-19 pandemic."

Additionally, the Judicial Council passed Resolution No. JC20-026 - RELATIVE TO APPROVING PROPOSED LEGISLATION ON THE CONDUCT OF JUDICIAL PROCEEDINGS FOR SUBMISSION TO THE GUAM LEGISLATURE on August 20<sup>th</sup>, which included draft language, that must be September 20<sup>th</sup>. Which included draft language that was used on the four bills that will be discussed today.

Bill 408-35, the first bill on the agenda, will permanently amend statute to expand the powers of the magistrates to allow them to perform additional duties, such as disposing of pretrial matters, issuing search warrants and warrants of arrest, performing marriages, and hearing bail redetermination motions and modifying bail and conditions. According to the Bureau of Budget Management Resources, BBMR's Fiscal Note, "Based on comments received from the Judiciary of Guam, they anticipate Bill

*No. 408-35 will not affect the revenues or the expenditures of their office. As such, the Bill is administrative in nature and poses no fiscal impact to any funds of the government of Guam."*

So, I'd like to thank the Judiciary and representatives from the Public Defender, Alternate Public Defender and Attorney General's Office who are here today, and I look forward to hearing testimony on this legislation. For the record, we have requested feedback on this bill from the Office of the Attorney General and Public Defender Service Corporation. We sent invitations to all members, through the Guam Bar Association to be sent to all of their members, to the Department of Corrections, the Guam Police Department, Guam Coalition Against Sexual Assault and Family Violence, the Victim Advocates Reaching Out (VARO) and Guam Family Violence Center Alliance. We will begin with Justice Katherine Maraman, Associate Justice of the Supreme Court of Guam. Justice Maraman.

**Justice Katherine Maraman:** Good morning members of the Legislature, and Madam Chairman. I'm here primarily to assist if there's questions that arise. As you stated, these measures are supported by the Judicial Council of Guam and were developed by the Judicial Officers. But our Court staff has prepared more detailed testimony. But if anyone has any questions, I'm available. Thank you.

**Chairperson Senator Therese M. Terlaje:** Thank you Justice Maraman. Thank you for being here and for being available for questions. We will proceed then to Attorney Christina L. Baird, Administrator of the Courts.

**Administrator Attorney Kristina L. Baird:** Thank you Madam Chair. I'm here to present the written testimony of the Chief Justice of Guam Philip F. Carbullido and I would like to read his testimony into the record.

Before I begin reading that testimony into the record, I would like to preface his testimony with a note on the absence of oral or written testimony from other Judicial Officers. Canon 3 of the American Bar Association Model Code of Judicial Conduct permits a Judge or a Justice to appear at a public hearing before a legislative body in connection with matters concerning the law, the legal system or the administration of justice. However, given the nature of the proposed statutory amendments before this body today, contemplated in this hearing today and bearing in mind that issues

concerning criminal defendants, constitutional and statutory rights often arise in cases before the courts, our judicial officers have respectfully declined to give testimony out of an abundance of caution to avoid future questions regarding their impartiality on these issues.

Therefore, the Chief Justice as the Administrative head of the Judicial Branch of Guam provides the following testimony on behalf of the Judiciary of Guam. This written testimony will be provided to this legislative committee following the public hearing. Additionally, the judiciary Guam requests to submit technical markups to the bills following the public hearing. If I may be permitted to begin, I would like to read in the written testimony provided by the Chief Justice of the Supreme Court of Guam. It starts out with a greeting to our Chair Senator Terlaje and states:

*(Please see attached written testimony)*

That concludes the written testimony of the Chief Justice. Thank you.

**Chairperson Senator Therese M. Terlaje:** Alright, thank you Attorney Baird and thank you to the Chief Justice for the testimony. We have signed up, Attorney Danielle T. Rosette, Clerk of Court. Would you be presenting additional testimony this morning?

**Attorney Danielle T. Rosette:** Madam Chair I will not be. I will just be available for questions should the senators have any questions after the testimony has been received from everyone.

**Chairperson Senator Therese M. Terlaje:** Okay great. We also have then the Attorney General's representative, Attorney Shannon Taitano, Chief Deputy Attorney General.

**Deputy Attorney General Shannon Taitano:** *Hafa adai* and good morning. I can read our office testimony into the record. If that's okay with you Madam Chair.

**Chairperson Senator Therese M. Terlaje:** Yes.

**Deputy Attorney General Shannon Taitano:** Thank you. *Hafa adai* Senators and Justice Maraman. Thank you for the opportunity to provide testimony on subject bills. As an entity directly affected by court operations, we support all four of these proposals which aim to relieve the operational constraints that have resulted from this unprecedented pandemic. We do respectfully make the following requests and recommendations for two of the measures. Bill No. 410, we recognize that Bill 410 proposes to reduce preparatory challenges for the purpose of reducing the number of individuals called to report for jury duty and the time it takes to empanel a jury while maintaining fairness in the justice system. However, we request the following revisions to the proposed language in order to maintain parity in the distribution of peremptory challenges. Section 85...

**Chairperson Senator Therese M. Terlaje:** I'm sorry Shannon. Forgive me. Can we limit our testimony this morning as much as possible to Bill No. 408 because the committee reports on these bills will have to be separate and so I want to make sure that they're included? You can read the whole thing. But if you can divide it that would be better. If not, that's fine.

**Deputy Attorney General Shannon Taitano:** Yeah. No, I could wait till we get to the measures that we have testimony for and wait until that time to read it into the record if that's what you prefer. And we had no specific comment on Bill 408. But as stated earlier, we do support the measure.

**Chairperson Senator Therese M. Terlaje:** Okay. Okay, great. Thank you.

**Deputy Attorney General Shannon Taitano:** Thank you.

**Chairperson Senator Therese M. Terlaje:** We have signed up also Executive Director of the Public Defender Service Corporation, Mr. Stephen Hattori. Attorney Stephen.

**PDSC Executive Director Stephen Hattori:** Good morning Chairperson Terlaje and Senators and committee members. So, the Public Defender Service Corporation, we reviewed this bill. We actually are in full support of the measure expanding the duties



of the Magistrate Judge. The magistrate judge actually sets bail at the first hearing- the preliminary hearing. The initial hearing, we also call the Magistrate hearing, so it makes logical sense that he should be able to consider his own initial bail setting and allow us to modify it before it goes to the assigned judge.

We also would propose an amendment that would allow the magistrate judge to also entertain a return of the indictment. Under Guam Law, the magistrate judge can actually conduct preliminary examinations. What a preliminary examination does, it does away with requiring 24 grand jurors to show up in court. All it is, it's a proceeding where the Government prosecution would put on the evidence that they would present to a grand jury. Instead of presenting it to a grand jury of 24 and bringing all these people into close quarters in the Judiciary, a preliminary examination is presided over by a Magistrate Judge. We believe that the Magistrate Judge should be hearing these preliminary hearings. It would reduce the impact of Covid19 on the Court and the Court employees who have to interact with 24 grand jurors pretty much four or five days a week. It will allow individuals represented by attorneys to have their attorneys present during these hearings. And it would really implement and provide the magistrate judge this additional responsibility. And so, we think that the magistrate judge, if they're able to sit and preside over a preliminary hearing, they should also be able to entertain the return of a grand jury indictment. And so, we support the bill and we ask the legislature to pass it. And we hope that it's amended to expand the magistrate judge's duties to also hear the return of a grand jury Indictment. Thank you.

**Chairperson Senator Therese M. Terlaje:** Alright.

**PDSC Executive Director Stephen Hattori:** We have testimony on the other measures, but we will provide it when those bills come up.

**Chairperson Senator Therese M. Terlaje:** Alright, Thank you. And do, is there anyone else at the Public Defender's office that needs to testify right now? Are they available? I recognize there are several representatives that have come in through. The Deputy Director John Morrison.

**PDSC Deputy Director John Morrison:** Senator, Director Hattori's testimony sums up the position of the office on this one. We're in support of the magistrate's role being expanded. It has at times been challenging when he would make bail determinations and then felt that he didn't have the ability to revisit them at a future hearing. So, I think this will specifically state what's needed.

**Chairperson Senator Therese M. Terlaje:** Alright, Thank you. We'll move now to the Alternate Public Defender (APD), Ana Maria Gayle.

**APD Managing Attorney Ana Maria C. Gayle:** Good morning your Honor. Good morning Madam Chairwoman. We support this bill as well. The preliminary hearing, as Mr. Hattori has said, is already in the statute. So, you wouldn't have to make a new statute for that. We would just allow the Magistrate Judge to expand, I mean, to go through with the powers that are already in the statute. So, we agree with that bill but would actually ask for it to be expanded to preliminary hearings. Thank you.

**Chairperson Senator Therese M. Terlaje:** Alright. Thank you. Alright on this Bill 408 is there anyone else who would like to testify? Attorney William Brennan.

**Attorney William Brennan:** Good morning Madam Chair. I just was listening online and as I was reviewing this bill, I wanted to add another kind of concern that at least in my practice I've run into although limited. But so, subsection or section two purports to amend, or excuse me, section three purports to amend Section 4050 which allows defendants to apply for redetermination within 24 hours. However, under the current rules in statute, there's no mechanism to get that before a judge in that same amount of time. So, I think while this amendment proposal is before the Legislature, the Legislature could also consider if the magistrate is to hear applications to review bail conditions, some type of mechanism that allows the Court to address it.

Right now, the criminal rules just have an *ad hoc* process that was set up by the Clerk of Court in September 2016. I believe that sets oppositions due within 14 days and replies 21 days from the date of filing. So, while a defendant may apply for a review within 24 hours, there's no guarantee that his motion will be heard until 21 days later, notwithstanding the 24-hour deadline was met. So that would just be something to



consider since this amendment is before the legislature. That's all I have on 408. Thank you.

**Chairperson Senator Therese M. Terlaje:** Thank you very much. Attorney Anita Arriola on Bill 408. Good morning. Please unmute. Yeah. Can't hear you.

**Attorney Anita Arriola:** Thank you Senator. I'd have no comments on Bill 408. I do have comments on some of the other bills. Thank you.

**Chairperson Senator Therese M. Terlaje:** If there are no other testimony on Bill 408, we will now allow questions from the panel of Senators. I'd like to begin. Could a representative of the Court give us a breakdown of the backlog? What that really actually looks like for criminal cases.

**Administrator Attorney Kristina L. Baird:** Yes, thank you Madam Chair. I would call on our Clerk of Court, Danielle Rosette to present the backlog.

**Attorney Danielle T. Rosette:** Thank you for that question Madam Chair. As our Administrator of the Courts presented when we had our budget presentation before the legislature a couple months ago, we weren't able to give some numbers on that. I will share with you since that time during the start of the pandemic from March 17th or so to October 27<sup>th</sup>, we have had about 709 criminal case filings filed with the Superior Court of Guam.

From January 1 to March 16<sup>th</sup> there were about 309 criminal felony and misdemeanor cases filed. And in total from the start of the year, January 1 to October 27, we have seen about 1,018 criminal felony and misdemeanor filed by the court. And on average based on our case findings that we have annually, we generally will get the Attorney General's office. Typically, we'll file on, I'm in the following round, a little over seven to eight hundred cases. And then the misdemeanor, I think last year we saw pretty much around the same. So, an average of about 1,400 criminal cases filed in a year. And we are in the last quarter of the year and so we anticipate and project that we will likely have the same number of criminal case filings for 2020 that will need to be addressed before our Superior Court judges.

**Chairperson Senator Therese M. Terlaje**

But are you able to address any of these? So, yeah. How many have you been able to address during these special circumstances?

**Attorney Danielle T. Rosette:** Yes, Senator. So, in addition to the criminal case findings, what I will share is that the Chief Justice and the Supreme Court have issued numerous administrative orders allowing for the remote platform for certain essential and non-essential matters. And so, by no means has the Judiciary, while we may have been closed to the public in March, a lot has been going on. We have had magistrate hearings. In July we convened having arraignment hearings. We initially had a backlog of about 400, an average of about 400 cases where defendants still needed to be arraigned. And in addition to that backlog and the additional criminal case filings, we are now down to about 175 cases that still need to be arraigned. And our Magistrate Judges have greatly assisted in that process and all of the arraignments have been done remotely.

Aside from the arraignment matters that have occurred in July to mid-July for about a month, the Supreme Court issued an Administrative Order that allowed for the reconvening of grand jury presentations by the Attorney General's office. And so, in that short time frame, we were able to convene grand jurors four days a week and allow the Prosecution Division to present cases for throughout the day. I believe we had almost 100 cases that were presented before the grand jury where indictments needed to be returned. There is, because of the continuing filing of criminal felony cases, we are seeing about a backlog of almost 300 criminal felony cases that still need to be presented before the grand jury. And again, preface that because this number kind of fluctuates as cases as felony cases are being filed that number will change. And as the prosecution and defense need to work out specific deals, plea deals in cases before they go before the grand jury, that number can also fluctuate. But generally speaking, those are the numbers that we are seeing right now.

What is the likely result of course when a defendant is arraigned? At such point as there probably will be some discussion later in the bill for speedy trial. Timelines is that when a defendant is arraigned the defendant at that moment can assert or waive speedy trial. Just based on the assertions that have occurred as a result of the hundreds of arraignment hearings we have had by our magistrates since mid-July, we are



anticipating as of today, there are approximately 123 asserted trials that are before the seven Superior Court judges. That is not, does not take into account the hundreds of cases where defendants have waived their speedy trial rights. And so, we're about half. We have about 60 to 61 criminal misdemeanor asserted trials and 62 criminal felony trials that are before our seven superior court judges. And that's you know that's the information I have with respect to criminal case filings and the backlog before the Superior Court.

**Chairperson Senator Therese M. Terlaje:** Alright, Thank you Ms. Rosette. So, for the backlog on the trials, this bill will not affect those. Is that correct?

**Attorney Danielle T. Rosette:** With respect to trials, the bill will assist in other matters.

**Chairperson Senator Therese M. Terlaje:** So, the 175 arraignments. If this bill is passed, would the magistrates, would this decrease that backlog or is it going to be status quo?

**Attorney Danielle T. Rosette:** Because the Magistrates already have the powers to conduct arraignments, both Magistrates have worked together to decrease the backlog as best as they can. As you know, in August to mid-August when the Governor put us back into PCOR1, we had to put a halt on the arraignment proceedings even though it was standard that they were held remotely. But we have since resumed. And both our Magistrates, primarily Magistrate Sison, have been at the forefront with trying to reduce the backlog of arraigned defendants. But we still need to proceed with the criminal justice process and get these defendants to trial.

**Chairperson Senator Therese M. Terlaje:** Okay and then the...so this bill's just regarding the magistrates which cases they can handle. So, the backlog of the grand juries, will that be reduced by this bill in particular?

**Attorney Danielle T. Rosette:** I think the assistance that this bill would lend for the grand jury returns is as Attorney Steven Hattori mentioned. The magistrates will be available to hear the grand jury returns from the grand jurors such that the judges, the Superior Court Judges, can focus on more substantive matters such as if they were in the middle of a jury trial. They would be able to, I guess direct the magistrates to

handle the grand jury returns. As it is now, if cases are presented before the grand jury, if a judge is the *ex parte* Judge and the judge has to hear the return of the grand jury on any given day. The judge would have to stop the proceedings that they are in and then they would have to hear from the grand juror person, hear the return and the indictment. And so, it's a perfunctory process that I think the magistrates could assist in while the Superior Court judges are spending the substance of time that they need to carry the backlog for perhaps criminal jury trials or change of pleas.

**Chairperson Senator Therese M. Terlaje:** And my only other question is for the second part of the bill that would allow for the magistrates to determine changes in release or release conditions. Right now, that's only a Judge that is, I guess by the statute, allowed to determine a reconsideration of the release conditions.

And you know maybe a year ago and of course prior to that, there was really an uproar from the community regarding release of offenders. In particular, on criminal sexual conduct, release of offenders, repeat offenders in certain types of crimes. What assurance can you give that magistrates are going to be accountable for these types of releases? I know you know magistrates are appointed differently than judges and judges, as we know, they go through a very extreme vetting process. They are affirmed, nominated by the Governor, affirmed by the legislature and they also face the public every seven years in a Judicial Retention Election. But magistrates do not go through that type of process. They are appointed by the Courts. So, I just want to hear how we can we assure the public that allowing the magistrates this ability to reconsider or to consider changes in bail or conditions of release would serve the public's interest.

**Administrator Attorney Kristina L. Baird:** If I may address some of your questions that you presented. This is Kristina Baird, the Administrator of the Courts. Senator Terlaje, the magistrates, when they first come in, they come before the legislature for confirmation. So, they do follow a similar process as our Superior Court judges. And actually, their vetting process is on a shorter period as far as when they have a similar proceeding to a retention. They're only for a four-year period per statute and when they come back in, that additional four-year period is through the Chief Justice and also the Judicial Council.



So, when a magistrate is presented, as we just had with Magistrate Sison, that is a public forum that the magistrate is presented for another four-year term. So, there is perhaps from our eyes, a stricter vetting of the Magistrate Judges because they don't stay in place for seven years. They are only on a four-year time frame. and as far as you know if there's public outcry which you know we have to watch how we speak with that as far as actions on behalf of a judge. There you know both sides that are sitting here in this hearing today can bring you know motions for reconsideration that can be done in any proceeding. If there is dissatisfaction from either the prosecution side or the defense side over what happens to a particular defendant, motions for bail modification, motions for reconsideration or even violations on the part of a defendant can be brought at any time. So as far as particulars to magistrate you know, we view the magistrate as actually being in a stricter scrutiny of how they perform in their brief four-year period. thank you.

**Chairperson Senator Therese M. Terlaje:** Alright, thank you. And so, would this apply to all cases including any type of case.

**Attorney Zachary Taimanglo, PDSC:** I'm sorry Madam Chair. May I speak?

**Chairperson Senator Therese M. Terlaje:** Mr. Taimanglo, yes.

**Attorney Zachary Taimanglo, PDSC:** Sorry. No, your previous question was about the magistrate's retention and the public outcry of certain persons getting released or not. I think that this bill would have more to do with Mr. Brennan's concerns raised earlier. The mechanisms of bringing forth before the Court rather than the public view of things. So, Mr. Brennan brought up the fact that a bail motion could be filed today but probably won't be heard by the Judge for another 21 days.

This bill would potentially reduce that circumstance where on a magistrate hearing, the first appearance before a judge for example, the magistrate would set a cash bail for example, five thousand dollars. We here in our practice would probably have reached out to any persons named as a victim in that case and see what they want to see happen. If we come up with information for the court that the person named as a victim in the case may not oppose release, may in fact welcome release as long as there's certain conditions on their behavior after that. We bring that up to the

magistrate today, the magistrate will say, "Sorry, bring it up with the Judge." And so, I think that this bill would reduce that happening. And would potentially in time for the arraignment, we'd have a different set of information for the judge that was or the magistrate that wasn't there at the magistrate hearing. So, I think that this bill is more of a mechanical thing rather than an exploration of danger to the community and flight risk. Thank you.

**Chairperson Senator Therese M. Terlaje:** Okay, thank you Attorney Taimanglo. Attorney Baird, this looks like it's going to apply to all cases across the board; felony, misdemeanors. Is that right?

**Administrator Attorney Kristina L. Baird:** I'm sorry, yes.

**Chairperson Senator Therese M. Terlaje:** Okay, alright. I just wanted to put those things on the record because. So, on the timing of when bail conditions or release conditions can be reviewed, I agree with Attorney Taimanglo. But I just also want to put it on the record because our role here is to review these statutes, make sure that I know we have standards that are supposed to be used when persons are released and danger to the community is of course one of them.

So, I just wanted to be assured that yes, the magistrates will of course be held to the same standards and when reconsidering release. I couldn't find any real history that explained why they were allowed to consider conditions of release at first but not reconsider them. So, I'm just trying to flush that out in Bill No. 408.

I'm going to open it now to other senators for questions. Senator Pedro Terlaje. Senator Pedro, if you could unmute yourself.

**Senator Jose Pedro Terlaje:** Can you hear me now senator?

**Chairperson Senator Therese M. Terlaje:** Yes, I can.

**Senator Jose "Pedro" Terlaje:** At this point in time I'm just trying to observe all the amendments that are being made. I know we're going to go over the amendments and



have our colleagues agree or not agree. But who knows more than the panel right now? So, I don't have anything right now Madam Chair. Thank you very much.

**Chairperson Senator Therese M. Terlaje:** Thank you, Senator. Minority leader Senator Telo Taitague.

**Senator Telo T. Taitague:** Thank you Madam Chair and to everyone who's here this morning. Thank you for participating in these bills. Yeah, you're pretty much very thorough Madam Chair on asking questions. I thought it was important that the members of the public also understand the severity of the situation that we're in at the courts. So, it was important that those numbers that was brought up by Danielle was very important for the public to know. But thank you, I have no questions at this time.

**Chairperson Senator Therese M. Terlaje:** Thank you, senator. Senator Mary Camacho Torres.

**Senator Mary Camacho Torres:** Thank you. I think this is a very good bill. It's certainly a bill that is appropriate for addressing some of the needs right now. And I thank everyone for you know providing information about it. I just want to also note that there are some minor technical and typographical errors in the bill that maybe the committee needs to just correct before this bill is reported out to committee. And I'll bring that up to the Chair later.

With regard to the uproar in the community, I think what we always have to be sensitive to is that oftentimes we become angry over matters that we perhaps don't understand the full facts of the matter. And with regard to the judges, we also have to recognize that there is a degree of judicial independence and discretion that we have to always afford them you know. So, while we sometimes don't think we get what we believe is correct, we oftentimes have to yield to the Judiciary as an independent body to you know, flush out the facts of the cases. And I just want to make that point since we're you know our uproar and angered pleas. But with regard to 408 and I would certainly support it going.

**Chairperson Senator Therese M. Terlaje:** Thank you, Senator. So, in closing on Bill 408, I'd like to thank the Judiciary and the Public Defender, Attorney General's Office

for their testimony in this regard. The pandemic is of course forcing us all to look at doing business. But this bill would be a permanent change and hopes to bring more efficiencies to the court to relieve judges of certain duties so that they can concentrate on those that they only alone can perform. And so, we do hope that this brings the efficiency, helps to reduce the backlog and of course ensures continued trust of the public in the judicial system and accountability of matters that occurred there, particularly release.

The public hearing was adjourned at 9:50 AM

### III. FINDINGS & RECOMMENDATIONS

- Written testimony in support of Bill 408-35 (COR) was submitted by Chief Justice of Guam, F. Philip Carbullido and read into the record during the hearing.
- The Office of the Attorney General expressed support of all four bills on the agenda including Bill 408-35 (COR).
- Director Stephen Hattori from the Public Defender Corporation Service also provided supportive testimony on Bill No. 408-35.
- Written testimony in general support of Bill 408-35 “as introduced” was submitted by the Attorney Ana Maria C. Gayle, Managing Attorney of the Alternate Public Defender’s office, noting expanded powers of magistrate judges will help to move cases along by expediting bail modification and bail redetermination hearings for APD indigent clients.
- Written testimony was submitted by the Arriola Law Firm following the hearing, in general support of Bill 408-35 with the recommendation that the Committee consider adding to the bill, a mechanism that prompts a Magistrate Judge or other judge to entertain such motions in a timely manner. Current law under Section 40.50 (a) of Title 8, Guam Code Annotated requires the filing of motions in 24 hours but there is no legal requirement to such motions be heard in an equally expedited timeframe.
- Chairperson Therese M. Terlaje stated for the record her concern and concerns of the public for past cases of criminal sexual conduct repeat offenders who were released and reoffended and inquired with the Judiciary as to the assurances that magistrates will be held accountable for these types of releases.



Per Chairperson Terlaje, there are standards that are supposed to be used when a person is released and the degree of potential danger to the community is of course one of them. Bill 408-35 would allow for the magistrates to determine changes in release or release conditions which in current statute, only a Judge is allowed to determine. According to Court Administrator Attorney Kristina L. Baird, if there is dissatisfaction from either the prosecution side or the defense side over what happens to a particular defendant, motions for bail modification, motions for reconsideration or even violations on the part of a defendant can be brought at any time.

- Technical amendments were made to Bill 408-35 (COR) by the Committee for accurateness of the intent of the bill.

The Committee on Health, Tourism, Historic Preservation, Land and Justice hereby reports out **Bill No. 408-35 (COR) – As Amended by the Committee- Introduced by Senator Therese M. Terlaje- “AN ACT TO AMEND § 4401(c) OF ARTICLE 4 OF CHAPTER 4, TITLE 7, GUAM CODE ANNOTATED AND TO AMEND § 40.50(a) OF CHAPTER 40 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES TO INCLUDE THE AUTHORITY TO PRESIDE OVER ADDITIONAL NON-DISPOSITIVE HEARINGS AND TO MODIFY BAIL CONDITIONS,”** with the recommendation **TO DO PASS** .

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

**Bill No. 408-35 (COR)**

Introduced by:

Therese M. Terlaje *Tmt*

**AN ACT TO AMEND § 4401(c) OF ARTICLE 4 OF CHAPTER 4, TITLE 7, GUAM CODE ANNOTATED AND TO AMEND § 40.50(a) OF CHAPTER 40 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES TO INCLUDE THE AUTHORITY TO PRESIDE OVER ADDITIONAL NON-DISPOSITIVE HEARINGS AND TO MODIFY BAIL CONDITIONS.**

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

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

3 *I Liheslaturan Guahan* finds that there are certain non-dispositive hearings  
4 over which Superior Court judges currently preside which are appropriate for a  
5 magistrate to decide. The expansion of the statutory authority of the magistrates of  
6 the Superior Court of Guam will provide the courts with an efficient supplemental  
7 judicial resource to assist in expediting its workload.

8 *I Liheslaturan Guahan* finds that there are certain non-dispositive hearings  
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10 magistrate to decide. The expansion of the statutory authority of the magistrates of  
11 the Superior Court of Guam will provide the courts with an efficient supplemental  
12 judicial resource to assist in expediting its workload.



1           Therefore, it is the intent of *I Liheslaturan Guahan* to expand the powers of  
2 the Superior Court of Guam magistrates to allow them to perform additional duties,  
3 such as disposing of pretrial matters, issuing search warrants and warrants of arrest,  
4 performing marriages, and hearing bail redetermination motions. This additional  
5 authority will allow Superior Court judges to more efficiently and effectively preside  
6 over criminal trials and ensure the timely and fair adjudication of all matters before  
7 the Superior Court of Guam.

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

10           “(c) All assigned by the Chief Justice, a magistrate *shall*:

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

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

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

19           (4) preside over first appearances of criminal defendants and  
20 arraignments in criminal cases, set or modify bail and order pre-trial release  
21 conditions, or detention, take plea, including accepting guilty pleas in  
22 misdemeanor cases, sentencing misdemeanants and entering judgments  
23 accordingly;

24           (5) issue summons, issue bench warrants, and hear return of warrants  
25 in all ~~cases to which assigned~~;

1  
2  
3 (6) preside over any matters which may be heard by a Referee of the  
4 Superior Court of Guam;

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

6 (8) serve as Judge Pro Tempore upon appointment by the Chief  
7 Justice;

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

10 (10) conduct criminal trial setting hearings;

11 (11) preside over preliminary hearings in criminal cases, and render  
12 decisions and judgments over procedural and discovery motions in criminal  
13 matters;

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

17 (13) preside over unlawful detainer proceedings;

18 (14) hear and determine any pretrial matter, other than case dispositive  
19 motions, and preside over status hearings in all matters;

20 (15) issue search warrants and issue arrest warrants in all cases;

21 (16) take grand jury returns; and

22 (17) perform marriages.”

23 **Section 3.** § 40.50(a) of Title 8, Guam Code Annotated, is hereby *amended*  
24 to read as follows:

25 “(a) A person for whom conditions of release are imposed pursuant to  
26 this Chapter, and who after twenty-four (24) hours from the time of release  
27 hearing continues to be detained as a result of his inability to meet the



1 conditions of release, shall, upon application, be entitled to have the  
2 conditions reviewed by the Court. ~~If the case has not yet been assigned to a~~  
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4 who imposed them, or by another ~~the assigned ex parte judge if the judge who~~  
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6 ~~particular Court, the conditions are to be reviewed by the assigned judge.~~  
7 Unless the conditions of release are amended and the person is thereupon  
8 released, the judge or magistrate shall set forth in writing the reasons for  
9 requiring the conditions imposed.”

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

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

**Bill No. 408-35 (COR)**

As Amended by the Committee on Health,  
Tourism, Historic Preservation, Land and Justice

Introduced by:

Therese M. Terlaje

**AN ACT TO *AMEND* § 4401(c) OF ARTICLE 4 OF  
CHAPTER 4, TITLE 7, GUAM CODE ANNOTATED AND  
TO *AMEND* § 40.50(a) OF CHAPTER 40 OF TITLE 8,  
GUAM CODE ANNOTATED, RELATIVE TO  
EXPANDING THE POWERS OF THE SUPERIOR  
COURT OF GUAM MAGISTRATES TO INCLUDE THE  
AUTHORITY TO PRESIDE OVER ADDITIONAL NON-  
DISPOSITIVE HEARINGS AND TO MODIFY BAIL  
CONDITIONS.**

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

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

3        *I Liheslaturan Guåhan* finds that there are certain non-dispositive hearings  
4 over which Superior Court judges currently preside which are appropriate for a  
5 magistrate to decide. The expansion of the statutory authority of the magistrates of  
6 the Superior Court of Guam will provide the courts with an efficient supplemental  
7 judicial resource to assist in expediting its workload.

8        Therefore, it is the intent of *I Liheslaturan Guåhan* to expand the powers of  
9 the Superior Court of Guam magistrates to allow them to perform additional duties,  
10 such as disposing of pretrial matters, issuing search warrants and warrants of arrest,  
11 performing marriages, and hearing bail redetermination motions. This additional  
12 authority will allow Superior Court judges to more efficiently and effectively preside

1 over criminal trials and ensure the timely and fair adjudication of all matters before  
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7 cases, traffic cases, change of name petitions, and collection cases, and may  
8 grant uncontested divorces in cases where there is a notarized consent on file;

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

11 (3) preside over post-judgment collection proceedings in civil cases and  
12 restitution judgments in criminal cases, and issue writs of execution and other  
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14 (4) preside over first appearances of criminal defendants and  
15 arraignments in criminal cases, set or modify bail and order pre-trial release  
16 conditions or detention, take plea, including accepting guilty pleas in  
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19 (5) issue summons, issue bench warrants, and hear return of warrants  
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22 Superior Court of Guam;

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

24 (8) serve as Judge *Pro Tempore* upon appointment by the Chief  
25 Justice;

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27 appointment by the Presiding Judge;



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15 hereby *amended* to read as follows:

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17 this Chapter, and who after twenty-four (24) hours from the time of release  
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27 requiring the conditions imposed.”

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

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

**Bill No. 408-35 (COR)**

As Amended by the Committee on Health,  
Tourism, Historic Preservation, Land and Justice

Introduced by:

Therese M. Terlaje

**AN ACT TO *AMEND* § 4401(c) OF ARTICLE 4 OF CHAPTER 4, TITLE 7, GUAM CODE ANNOTATED AND TO *AMEND* § 40.50(a) OF CHAPTER 40 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES TO INCLUDE THE AUTHORITY TO PRESIDE OVER ADDITIONAL NON-DISPOSITIVE HEARINGS AND TO MODIFY BAIL CONDITIONS.**

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Senator Régine Biscoe Lee,  
Chair

Senator Amanda L. Shelton,  
Vice Chair

Speaker Tina Rose Muña Barnes,  
Member

Vice Speaker Telena Cruz Nelson,  
Member

Senator Kelly Marsh (Taitano), PhD,  
Member

Senator Sabina Flores Perez,  
Member



**COMMITTEE ON RULES**  
*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*  
35<sup>TH</sup> GUAM LEGISLATURE

October 7, 2020

Senator Clynton E. Ridgell,  
Member

Senator Joe S. San Agustin,  
Member

Senator Jose "Pedo" Terlaje,  
Member

Senator Therese M. Terlaje,  
Member

Senator James C. Moylan,  
Member

Senator Mary Camacho Torres,  
Member and Chair, Subcommittee on Protocol

# MEMO

**To:** Rennae Meno  
Clerk of the Legislature

**From:** Senator Régine Biscoe Lee  
Chair, Committee on Rules

**Re:** Fiscal Note Waivers

---

*Buenas yan Håfa adai.*

Attached, please find the fiscal note waivers for the following bills:

**Bill No. 405-35 (COR)**  
**Bill No. 407-35 (COR)**  
**Bill No. 408-35 (COR)**  
**Bill No. 409-35 (COR)**  
**Bill No. 410-35 (COR)**

Please forward the same to Management Information Services (MIS) for posting on our website.

For any questions or concerns, please feel free to contact Mary Maravilla, Committee on Rules Director at 472-2461.

Thank you for your attention to this important matter.





## BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932



LOURDES A. LEON GUERRERO  
GOVERNOR

LESTER L. CARLSON, JR.  
DIRECTOR

JOSHUA F. TENORIO  
LIEUTENANT GOVERNOR

**OCT 07 2020**

Senator Régine Biscoe-Lee  
Chairperson, Committee on Rules  
I Mina'trentai Singko Na Liheslaturan Guåhan  
35<sup>th</sup> Guam Legislature  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

*Hafa Adai!* Senator Biscoe-Lee:

The Bureau requests that Bill No. 408-35 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 408-35 is an act relative to expanding the powers of the Superior Court of Guam Magistrates to include the authority to preside over additional Non-Dispositive Hearings and to modify bail conditions. The intent of this expansion is to provide the courts with an efficient supplemental judicial resource to assist in expediting workload.

Based on comments received from the Judiciary of Guam, they anticipate Bill No. 408-35 will not affect the revenues or the expenditures of their office. As such, the Bill is administrative in nature and poses no fiscal impact to any funds of the government of Guam.

*Si Yu'us Ma'ase,*

LESTER L. CARLSON, JR.



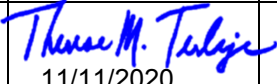
## SENATOR THERESE M. TERLAJE

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina' trentai Singko na Libeslaturan Guåhan*  
35<sup>th</sup> Guam Legislature

### COMMITTEE VOTE SHEET

**Bill No. 408-35 (COR) – As amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice- As Introduced by Senator Therese M. Terlaje- “AN ACT TO AMEND § 4401(c) OF ARTICLE 4 OF CHAPTER 4, TITLE 7, GUAM CODE ANNOTATED AND TO AMEND § 40.50(a) OF CHAPTER 40 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES TO INCLUDE THE AUTHORITY TO PRESIDE OVER ADDITIONAL NON-DISPOSITIVE HEARINGS AND TO MODIFY BAIL CONDITIONS.”**

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
<b>Senator Therese M. Terlaje</b> Chairperson	 11/11/2020	✓				
<b>Senator Sabina Flores Perez</b> Vice Chairperson	E-Vote 11/11/2020	✓				
<b>Senator Kelly G. Marsh (Taitano), Ph.D.</b> Member	E-Vote 11/11/2020	✓				
<b>Senator James C. Moylan</b> Member	E-Vote 11/11/2020			✓		
<b>Senator Louise B. Muña</b> Member	E-Vote 11/11/2020	✓				
<b>Vice Speaker Telen C. Nelson</b> Member						
<b>Senator Joe S. San Agustin</b> Member	E-vote 11/12/2020	✓				
<b>Senator Amanda L. Shelton</b> Member						
<b>Senator Mary Camacho Torres</b> Member						

Mailing Address: Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910

Office Address: Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910

Tel: (671) 472-3586 | Fax: (671) 969-3590 | Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com) | [www.senatorterlaje.com](http://www.senatorterlaje.com)





Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;



**Re: REQUEST FOR E-VOTE: BILL NO. 408-35 As Amended by the Committee**

1 message

James Moylan &lt;senatormoylan@guamlegislature.org&gt;

Wed, Nov 11, 2020 at 8:57 AM

To: Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;, Trinajae Apatang &lt;trinajae.apatang@gmail.com&gt;

Report out  

On Wed, Nov 11, 2020 at 8:28 AM Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt; wrote:

Hafa Adai, Committee Members:

Please see the Google link to the Committee Report for **Bill No. 408-35 (COR) – As Amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice- As Introduced by Senator Therese M. Terlaje- “AN ACT TO AMEND § 4401(c) OF ARTICLE 4 OF CHAPTER 4, TITLE 7, GUAM CODE ANNOTATED AND TO AMEND § 40.50(a) OF CHAPTER 40 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES TO INCLUDE THE AUTHORITY TO PRESIDE OVER ADDITIONAL NON-DISPOSITIVE HEARINGS AND TO MODIFY BAIL CONDITIONS.”**

Please indicate your preferred action, based on the following options.

- To Do Pass;
- To Not Pass;
- To Report Out Only;
- To Abstain; or
- To Place in Inactive File.

Please submit your response **ASAP**. Your response will be logged into the Committee Vote Sheet for Bill No. 408-35 (COR)- As Amended by the Committee, which will be filed with the Committee on Rules.

Si Yu'os Ma'ãse'!

**Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, [173 Aspinall Avenue](#), Hagåtña, Guam 96910Mailing address: Guam Congress Building, [163 Chalan Santo Papa](#), Hagåtña, Guam 96910T: (671) 472-3586 F: (671) 989-3590 Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

11/12/2020

Gmail - Re: REQUEST FOR E-VOTE: BILL NO. 408-35 As Amended by the Committee

Electronic Privacy Notice: This e-mail and any attachment(s), contains information that is, or may be, covered by electronic communications privacy laws and legal privileges, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing the information in this e-mail or any attachment in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

--  
**JIM C. MOYLAN**

*Office of Senator James "Jim" C. Moylan*

*I Mina'trentai Singko na Liheslaturan Guåhan*

*35th Guam Legislature*

*DNA Bldg. Ste. 407 | 238 Archbishop FC Flores St, | Hagatna, GU 96910*

*T: (671) 922/979 - MORE (6673)*



Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

**Re: REQUEST FOR E-VOTE: BILL NO. 408-35 As Amended by the Committee**

1 message

Office of Senator Kelly Marsh (Taitano), PhD. <office.senatorkelly@guamlegislature.org> Wed, Nov 11, 2020 at 8:11 PM  
 To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

To do pass.



**Office of Senator Kelly Marsh (Taitano), PhD**  
**Committee on Heritage and the Arts, Parks, Guam Products,**  
**Hagåtña Revitalization, Self-Determination, and Regional Affairs**  
*I Mina'trentai Singko na Liheslaturan Guåhan* | 35th Guam Legislature  
 Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910  
 Telephone: (671) 989-5681/2



On Wed, Nov 11, 2020 at 8:28 AM Senator Therese Terlaje <senatorterlajeguam@gmail.com> wrote:

Hafa Adai, Committee Members:

Please see the Google link to the Committee Report for **Bill No. 408-35 (COR) – As Amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice- As Introduced by Senator Therese M. Terlaje- “AN ACT TO AMEND § 4401(c) OF ARTICLE 4 OF CHAPTER 4, TITLE 7, GUAM CODE ANNOTATED AND TO AMEND § 40.50(a) OF CHAPTER 40 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES TO INCLUDE THE AUTHORITY TO PRESIDE OVER ADDITIONAL NON-DISPOSITIVE HEARINGS AND TO MODIFY BAIL CONDITIONS.”**

Please indicate your preferred action, based on the following options.

- To Do Pass;
- To Not Pass;
- To Report Out Only;
- To Abstain; or
- To Place in Inactive File.

Please submit your response **ASAP**. Your response will be logged into the Committee Vote Sheet for Bill No. 408-35 (COR)- As Amended by the Committee, which will be filed with the Committee on Rules.

Si Yu'os Ma'åse'!



**Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

Office Location: Ada Plaza Center, Suite 207, [173 Aspinall Avenue](#), Hagåtña, Guam 96910

Mailing address: Guam Congress Building, [163 Chalan Santo Papa](#), Hagåtña, Guam 96910

T: (671) 472-3586 F: (671) 989-3590 Email: [senatorterlajeguam@gmail.com](mailto:senatorterlajeguam@gmail.com)

website: [www.senatorterlaje.com](http://www.senatorterlaje.com)

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Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

**Re: REQUEST FOR E-VOTE: BILL NO. 408-35 As Amended by the Committee**

1 message

**Louise Muna** <senatorlouise@gmail.com>  
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Wed, Nov 11, 2020 at 10:55 AM

Hafa Adai,

To Do Pass.

On Wed, Nov 11, 2020, 8:28 AM Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt; wrote:

Hafa Adai, Committee Members:

Please see the Google link to the Committee Report for **Bill No. 408-35 (COR) – As Amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice- As Introduced by Senator Therese M. Terlaje- “AN ACT TO AMEND § 4401(c) OF ARTICLE 4 OF CHAPTER 4, TITLE 7, GUAM CODE ANNOTATED AND TO AMEND § 40.50(a) OF CHAPTER 40 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES TO INCLUDE THE AUTHORITY TO PRESIDE OVER ADDITIONAL NON-DISPOSITIVE HEARINGS AND TO MODIFY BAIL CONDITIONS.”**

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**Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

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11/12/2020

Gmail - Re: REQUEST FOR E-VOTE: BILL NO. 408-35 As Amended by the Committee

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Senator Therese Terlaje <senatorterlajeguam@gmail.com>

**Re: REQUEST FOR E-VOTE: BILL NO. 408-35 As Amended by the Committee**

1 message

Office of Senator Sabina Perez <office@senatorperez.org>  
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Wed, Nov 11, 2020 at 4:26 PM

To do pass.

On Wed, Nov 11, 2020 at 8:28 AM Senator Therese Terlaje <senatorterlajeguam@gmail.com> wrote:

Hafa Adai, Committee Members:

Please see the Google link to the Committee Report for **Bill No. 408-35 (COR) – As Amended by the Committee on Health, Tourism, Historic Preservation, Land and Justice- As Introduced by Senator Therese M. Terlaje- “AN ACT TO AMEND § 4401(c) OF ARTICLE 4 OF CHAPTER 4, TITLE 7, GUAM CODE ANNOTATED AND TO AMEND § 40.50(a) OF CHAPTER 40 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES TO INCLUDE THE AUTHORITY TO PRESIDE OVER ADDITIONAL NON-DISPOSITIVE HEARINGS AND TO MODIFY BAIL CONDITIONS.”**

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Si Yu'os Ma'åse'!

**Office of Senator Therese M. Terlaje**

Committee on Health, Tourism, Historic Preservation, Land and Justice

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

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**Office of Senator Sabina Flores Perez**

Committee on the Environment, Revenue & Taxation, and Procurement

*I Mina'trentai Singko na Liheslaturan Guåhan*

35th Guam Legislature

O: 194 Hernan Cortez Avenue, First Floor, Terlaje Professional Building, Hagåtña, Guam 96910

M: Guam Congress Building, [163 Chalan Santo Papa, Hagåtña, Guam 96910](#)

T: (671) 989-2968

E: [office@senatorperez.org](mailto:office@senatorperez.org)



Senator Therese Terlaje &lt;senatorterlajeguam@gmail.com&gt;

**Re: REQUEST FOR E-VOTE: BILL NO. 408-35 As Amended by the Committee**

1 message

Joe S. San Agustin <senatorjoessanagustin@gmail.com>  
To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>

Thu, Nov 12, 2020 at 8:47 AM

Hafa Adai,

To do Pass

**The Office of Senator Joe S. San Agustin**

Committee on General Government Operations, Appropriations & Housing  
*I Mina'trentai Singko Na Liheslaturan Guahan*  
35th Guam Legislature  
Guam Congress Building, 163 Chalan Santo Papa, Hagåtña, Guam 96910  
T: (671) 989-5445 F: (671) 969-6737 E: [senatorjoessanagustin@gmail.com](mailto:senatorjoessanagustin@gmail.com)  
Website: [www.senatorjoessanagustin.com](http://www.senatorjoessanagustin.com)

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On Wed, 11 Nov 2020 at 08:28, Senator Therese Terlaje <senatorterlajeguam@gmail.com> wrote:

Hafa Adai, Committee Members:

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**Office of Senator Therese M. Terlaje**

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