



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

14 APR 2006

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 219(EC), "AN ACT TO RE-ENACT SECTIONS 4 AND 5 OF PUBLIC LAW NO. 26-125, AKA: TITLE 9 GCA SECTIONS 67.401.2(c), (d) AND (e) AND TITLE 9 GCA SECTION 67.401.4(n), AND THEREBY TO MAKE PERMANENT THE CREATION OF THE DRUG-FREE ZONES AND THE ENHANCED PENALTIES FOR DRUG CRIMES IN SAID ZONES," which I signed into law on April 14, 2006, as Public Law 28-105.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Office of the Speaker
MARK FORBES

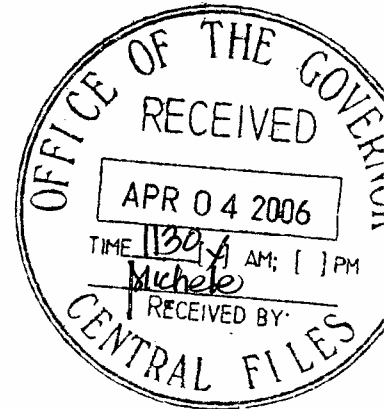
Date: 4/17/06
Time: 11:20
Rec'd by: [Signature]
Print Name: E. B. Calvo
28-06-07/79

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: Nikole
Print Name & Initial
Time: 10:00 Date: 4-26-06



**MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN**  
TWENTY-EIGHTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

March 31, 2006




The Honorable Felix P. Camacho  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 152(LS), 192(EC), 208(EC), 223(LS), 253(EC) & 255(LS); and Substitute Bill Nos. 234(LS) & 254(LS) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on March 22, 2006; Bill Nos. 219(EC), 245(EC) & 262(EC), and Substitute Bill Nos. 125(EC), 228(EC) which were passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on March 24, 2006; and Substitute Bill No. 243(LS) which was passed by *I Mina'Bente Ocho Na Liheslaturan Guåhan* on March 30, 2006.

Sincerely,

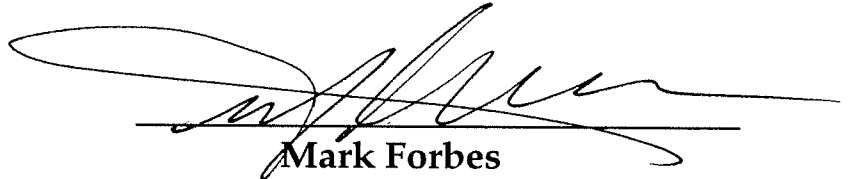
  
EDWARD J.B. CALVO  
Senator and Secretary of the Legislature

Enclosures (14)

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2006 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 219 (EC), "AN ACT TO RE-ENACT SECTIONS 4 AND 5 OF PUBLIC LAW NO. 26-125, AKA: TITLE 9 GCA SECTIONS 67.401.2(c), (d) AND (e) AND TITLE 9 GCA SECTION 67.401.4(n), AND THEREBY TO MAKE PERMANENT THE CREATION OF THE DRUG-FREE ZONES AND THE ENHANCED PENALTIES FOR DRUG CRIMES IN SAID ZONES", was on the 24<sup>th</sup> day of March, 2006, duly and regularly passed.



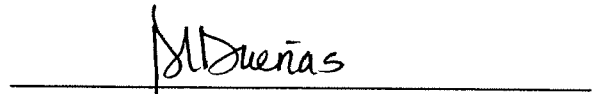
Mark Forbes  
Speaker

Attested:




Edward J.B. Calvo  
Senator and Secretary of the Legislature

-----  
This Act was received by *I Maga'lahaen Guåhan* this 04 day of April,  
2006, at 1130 o'clock A.M.



Assistant Staff Officer  
*Maga'laha*'s Office

APPROVED:



FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: 14 April 2006

Public Law No. 28-105

***MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN***  
**2005 (FIRST) Regular Session**

**Bill No. 219 (EC)**

As amended by the author,  
further amended by the Committee on  
Criminal Justice, Public Safety, Youth  
and Foreign Affairs, and amended on  
the Floor.

Introduced by:

Ray Tenorio  
L. F. Kasperbauer  
J. T. Won Pat  
Mark Forbes  
F. B. Aguon, Jr.  
J. M.S. Brown  
Edward J.B. Calvo  
B. J.F. Cruz  
Mike Cruz  
R. Klitzkie  
L. A. Leon Guerrero  
J. A. Lujan  
A. B. Palacios  
R. J. Respicio  
A. R. Unpingco

**AN ACT TO RE-ENACT SECTIONS 4 AND 5 OF PUBLIC  
LAW 26-125, AKA: TITLE 9 GCA SECTIONS 67.401.2(c), (d)  
AND (e) AND TITLE 9 GCA SECTION 67.401.4(n), AND  
THEREBY TO MAKE PERMANENT THE CREATION OF  
THE DRUG-FREE ZONES AND THE ENHANCED  
PENALTIES FOR DRUG CRIMES IN SAID ZONES.**

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

2           **Section 1.** Subsections (c), (d) and (e) are hereby *added* to Title 9  
3 GCA, Article 4, Chapter 67, §67.401.2 to read:

1           “(c) A person who commits a crime under 9 GCA  
2 §§67.401.2(b)(2) or (3) within the Drug-Free School Zone shall be  
3 guilty of a misdemeanor.

4           (d) A person who commits a crime under 9 GCA §§67.401.1 or  
5 67.401.2(b)(1) within the Drug-Free School Zone shall be guilty of  
6 the same class of felony had the offense been committed outside the  
7 Drug-Free School Zone.

8           (e) A person who knowingly fails to report any violation of this  
9 Chapter within the Drug-Free School Zone is guilty of a  
10 misdemeanor.”

11       **Section 2.** Subsection (n) is hereby *added* to Title 9 GCA, Article 4,  
12 Chapter 67, §67.401.4 to read:

13           “(n) If the person is guilty of possession under § 67.401.2(b)(1)  
14 within the Drug-Free School Zone, the person may be sentenced to a  
15 maximum of three (3) years of imprisonment, which sentence shall  
16 not be suspended nor shall the person be placed on probation, nor  
17 shall the person be eligible for parole until completion of the  
18 mandatory term of incarceration.”

19       **Section 3.** This Act shall take effect immediately.

*to engrassmen*

# I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2006 (SECOND) Regular Session

Date: 3/24/06

## VOTING SHEET

Bill No. 219 (EC)

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Edward J.B.	✓				
CRUZ, Benjamin J.F,	✓				
CRUZ, Michael (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.					✓
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14    0    0    0    1

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence



*Office of*  
**SENATOR RAY TENORIO**  
**MAJORITY LEADER**  
**CHAIRMAN**  
 COMMITTEE ON CRIMINAL JUSTICE,  
 PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building  
 167 East Marine Corps Drive  
 Hagåtña, Guam 96910  
 671.479.GUAM  
 671.479.1FAX  
 raytenorio.com

February 28, 2006

The Honorable Mark Forbes  
 Speaker  
*I Mina' Bente Ocho na Liheslaturan Guåhan*  
 155 Hesler Street  
 Hagåtña, Guam 96910

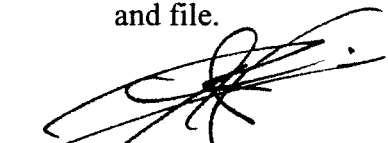
Dear Speaker Forbes:

The Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs, to which was referred, **Bill No. 219(EC)**, as amended by the Committee: **“An act to re-enact Sections 4 and 5 of P.L. 26-125 AKA: Title 9 G.C.A. Sections 67.401.2(c), (d) and (e) and Title 9 G.C.A. Section 67.401.4(n) and thereby to make permanent the creation of the Drug-Free Zones and the Enhanced Penalties for drug crimes in said zones”** now wishes to report back the same with the recommendation **TO PASS**.

The voting record is as follows:

TO PASS	<u>11</u>
NOT TO PASS	<u>Ø</u>
TO REPORT OUT ONLY	<u>Ø</u>
ABSTAIN	<u>Ø</u>
TO PLACE IN INACTIVE FILE	<u>Ø</u>

A copy of the Committee report and other pertinent documents are attached for your information and file.

  
 RAY TENORIO





*Office of*  
**SENATOR RAY TENORIO**  
**MAJORITY LEADER**  
**CHAIRMAN**  
COMMITTEE ON CRIMINAL JUSTICE,  
PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building  
167 East Marine Corps Drive  
Hagåtña, Guam 96910  
671.479.GUAM  
671.479.1FAX  
raytenorio.com

February 23, 2006

**MEMORANDUM**

TO: Committee Members

FROM: Chairman

SUBJECT: Committee Report – BILL NO. 219(EC), as amended by the Committee: “An Act To Re-enact Sections 4 and 5 P.L. 26-125 AKA: Title 9 G.C.A. Sections 67.401.2(c), (d) and (e) and Title 9 G.C.A. Section 67.401.4(n) and Thereby to Make Permanent the Creation of the Drug-Free Zones and the Enhanced Penalties for Drug Crimes in Said Zones.”

Transmitted, herewith, for your information and action is the report on Bill No. 219(EC), as amended by the Committee from the Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 219(EC), as amended
4. Written Testimony
5. Witness Sign-in Sheet
6. Exhibits
7. Fiscal Note
8. Bill No. 219(EC)

Please take appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated. Should you have any questions regarding this report or accompanying documents, please do not hesitate to contact me at 479-4825/26.

  
RAY TENORIO







Office of  
SENATOR RAY TENORIO

MAJORITY LEADER

CHAIRMAN

COMMITTEE ON CRIMINAL JUSTICE,  
PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

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167 East Marine Corps Drive  
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VOTING RECORD

**BILL NO. 219(EC), as amended by the Committee: "An act to re-enact Sections 4 and 5 of P.L. 26-125 AKA: Title 9 G.C.A. Sections 67.401.2(c), (d), and (e) and Title 9 G.C.A. Section 67.401.4(n) and thereby to make permanent the creation of the Drug-Free Zones and the Enhanced Penalties for Drug Crimes in said zones."**

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
 RAY TENORIO, Chairman	✓				
 LAWRENCE F. KASPERBAUER Vice Chair	X 2/27/06				
 JOANNE BROWN, Member	✓				
 ROBERT KLITZKIE, Member	✓				
JESSE A. LUJAN, Member					
 ANTONIO R. UNPINGCO, Member	✓				
 FRANK B. AGUON, Member	✓				
 BENJAMIN J. CRUZ, Member	✓				
 ADOLPHO PALACIOS, Member	✓				
 JUDI WON PAT, Member	✓				
 RORY J. RESPICIO, Member	✓				
 MARK FORBES, Ex-Officio	✓				



## I. OVERVIEW

The Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs conducted a public hearing on October 27, 2005 in the Legislative Public Hearing Room, *I Liheslaturan Guåhan*. Included in the public hearing was Bill No. 219(EC). Public notice was provided via e-mail to media outlets on October 19 and 25, 2005.

Senators present:

1. Senator Ray Tenorio, Chairman
2. Senator Robert Klitzkie, Member
3. Senator Adolpho Palacios, Member

## II. SUMMARY OF TESTIMONY

**Dan Tydingco, Director of Policy, Judiciary of Guam**, presented oral and written testimony (see attached) on behalf of Chief Justice F. Philip Carbullido. Mr. Tydingco stated that the Supreme Court and the Judiciary of Guam are committed to the Superior Court of Guam's Drug Court Program. Under its inherent authority granted by the Organic Act, the Judiciary has continued to operate the Drug Court since its statutory authority expired in September 2004.

**James T. Mitchell, Legal Counsel, Guam Police Department**, submitted written testimony (see attached) stating GPD's full support of Bill No. 219(EC).

Senator Tenorio asked Mr. Tydingco if there has been any overt act by the Judiciary to create the Drug Court subsequent to the expiration of the law. Mr. Tydingco responded with yes there has. Mr. Tydingco cited two examples in which the Supreme Court is exercising its inherent authority to establish necessary "divisions" or "courts" to service the community. One is the establishment of a driving under the influence court and the second is a mental health court.

Senator Tenorio inquired as to what mechanism is used to create a court. Mr. Tydingco was uncertain but believes historically an Administrative Order or Rule is issued.

Senator Tenorio further pressed on Mr. Tydingco as to what steps has the Judiciary taken to establish the continuation of the Drug Court. Mr. Tydingco responded that he will validate the question by providing the information to Senator Tenorio at a later time.

### III. FINDINGS

The Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs finds that the Therapeutic Drug Courts within the Superior Court of Guam was established with the enactment of P.L. 26-125 in September 2002. The mission of the Drug Court is to stop the abuse of alcohol and other drugs and related criminal activity. The Drug Court provides drug treatment programs and other services to adult and juvenile offenders who come before the Court.

The Committee further finds that P.L. 26-125 contained a Sunset Provision that allowed certain sections of the Act to expire on September 30, 2004 and be deemed repealed unless re-authorized by statute. One of the sections affected was the creation of the Drug Court Division within the Superior Court of Guam. The Judiciary of Guam, however, has continued to operate the Drug Court since its statutory authority expired in September 2004.

On December 29, 2005 the Supreme Court of Guam signed Administrative Rule No. 05-03 establishing the Juvenile Drug Court and the Adult Drug Court as Divisions of the Superior Court of Guam and as Courts of Record. In doing so, the Supreme Court of Guam has demonstrated its commitment to the Drug Court Program and its continued operations.

### IV. RECOMMENDATION

The Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs hereby reports out Bill No. 219(EC), as amended: "An act to re-enact Sections 4 and 5 of P.L. 26-125 AKA: Title 9 G.C.A. Sections 67.401.2(c), (d) and (e) and Title 9 G.C.A. Section 67.401.4(n) and thereby to make permanent the creation of the Drug-Free Zones and the Enhanced Penalties for Drug Crimes in said zones" to *I Mina Bente Ocho Na Liheslaturan Guåhan* with the recommendation **TO PASS**.

#### Attachments

1. Bill No. 219(EC), as amended
2. Written Testimony
  - a. F.Philip Carbullido
  - b. James T. Mitchell
3. Witness Sign-in Sheet
4. Administrative Rule No. 05-03
5. Fiscal Note
6. Bill No. 219(EC)

*Final*  
3/22/06 Session  
3/23/06 Session

*3rd*  
3/23/06

*w/o engrossment*  
3/24/06

**MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN**  
2005 (FIRST) Regular Session

Bill No. 219(EC)

*Ray Tenorio*  
*FA3*

Introduced by:  
As amended by the author and  
Further amended by the Committee on  
Criminal Justice, Public Safety, Youth  
And Foreign Affairs

Ray Tenorio

*Ray Tenorio*  
\_\_\_\_\_  
*Ray Tenorio*

AN ACT TO RE-ENACT SECTIONS 4 AND 5 OF P.L. 26-125, AKA: TITLE 9 G.C.A. SECTIONS 67.401.2(c), (d) AND (e) AND TITLE 9 G.C.A. SECTION 67.401.4(n) AND THEREBY TO MAKE PERMANENT THE CREATION OF THE DRUG-FREE ZONES AND THE ENHANCED PENALTIES FOR DRUG CRIMES IN SAID ZONES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Notwithstanding the Sunset Provision contained in Section 9 of Public Law 26-125, Sections 4 and 5 of Public Law 26-125 are hereby re-enacted and made permanent.

*Ray Tenorio*  
*FA 21*  
*FA 2*  
*FA 3*  
*4*  
*5*

~~Section 2.3~~  
Section 2. This Act shall take effect immediately.

**I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN**

**FLOOR AMENDMENTS/CHANGES**  
Bill No. 219

\_\_\_\_\_  
Ray Tenorio  
**Senator Proposing Amendment**

*(Below for Senator to complete)*

Please describe proposed amendment, including where change to occur:

To convert Section 2 to Section 3 and to replace Section 1 with new Sections 1 and 2 as follows:

Section One. Subsections (c), (d) and (e) are added to Title 9 GCA, Chapter 67 to read:

- (c) A person who commits a crime under 9 GCA 67.401.2(b)(2) or (3) within the Drug Free School Zone shall be guilty of a misdemeanor.
- (d) A person who commits a crime under 9 GCA 67.401.1 or 67.401.2(b)(1) within the Drug-Free Zone shall be guilty of the same class of felony had the offense been committed outside the Drug-Free Zone.
- (e) A person who knowingly fails to report any violation of this Chapter within the Drug-Free School Zone is guilty of a misdemeanor.

Section Two. Subsection (n) is hereby added to Title 9 GCA, Article 4, Chapter 67 to read:

(n) If the person is guilty of a misdemeanor under § 67.01.2(b)(1) within the Drug-Free School Zone, the person may be sentenced to a maximum of three (3) years of imprisonment, which sentence shall not be suspended nor shall the person be placed on probation, nor shall the person be eligible for parole until completion of the mandatory term of incarceration.

*(Below only for Clerk of Legislature's use and processing))*

Date 3/23/06

Floor Amendment No. 2 of a total of \_\_\_\_\_ changes on above Bill.

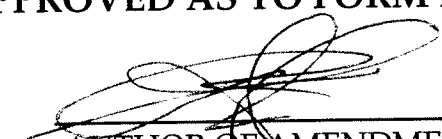
Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

**AMENDMENT PASSED:**

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

**APPROVED AS TO FORM PASSED**

  
\_\_\_\_\_  
AUTHOR OF AMENDMENT

Concur *(initial)*

Passed FA No. 1  
Date: 3/23 Time:         

ms  
\_\_\_\_\_  
Clerk of Legislature

\_\_\_\_\_  
Speaker

\_\_\_\_\_  
Ass't. Amend. Clerk  
\_\_\_\_\_  
Engrossment Staff

Passed FA No. 2

Date: 3/23 Time: \_\_\_\_\_

**I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN**

**FLOOR AMENDMENTS/CHANGES**

Bill No. 219 (ec)

Ray Tenorio

**Senator Proposing Amendment**

*(Below for Senator to complete)*

Please describe proposed amendment, including where change to occur:

Senators R F Kasperbauer ; J Wampat as  
# 2 and # 3 co-sponsors

*(Below only for Clerk of Legislature's use and processing)*

Date 7/23, 2006

Floor Amendment No. 3 of a total of \_\_\_\_\_ changes on above Bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

**AMENDMENT PASSED:**

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: \_\_\_\_\_

**APPROVED AS TO FORM PASSED**

[Signature]  
AUTHOR OF AMENDMENT

Concur *(initial)*

[Signature]  
Clerk of Legislature

\_\_\_\_\_  
Speaker

\_\_\_\_\_  
Ass't. Amend. Clerk  
Engrossment Staff

**I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN**

**FLOOR AMENDMENTS/CHANGES**

Bill No. 219

Ray Tenorio

**Senator Proposing Amendment**

*(Below for Senator to complete)*

Please describe proposed amendment, including where change to occur:

To convert Section 2 to Section 3 and to replace Section 1 with new Sections 1 and 2 as follows:

Section One. Subsections ~~6~~, (d) and (e) are added to Title 9 GCA, Chapter 67 to read:

(c) A person who commits a crime under 9 GCA 67.401.2(b)(2) and or (3) within the Drug Free School Zone shall be guilty of a misdemeanor.

(d) A person who commits a crime under 9 GCA 67.401.1 or 67.401.2(b)(1) within the Drug Free Zone shall be guilty of the same class of felony had the offense been committed outside the Drug Free Zone.

(e) A person who knowingly fails to report any violation of this Chapter within the Drug Free School Zone is guilty of a misdemeanor.

Section Two. Subsection (n) is hereby added to Title 9 GCA, Article 4, Chapter 67 to read:

(n) If the person is guilty of a misdemeanor under § 67.01.2(b)(1) within the Drug Free School Zone, the person may be sentenced to a maximum of three (3) years of imprisonment, which sentence shall not be suspended on probation, nor shall the person be eligible for parole until completion of the mandatory term of incarceration.

*(Below only for Clerk of Legislature's use and processing)*

Date 3/23/06

Floor Amendment No. 1 of a total of \_\_\_\_\_ changes on above Bill.

Votes For Amendment: \_\_\_\_\_ Votes Against Amendment: \_\_\_\_\_

**AMENDMENT PASSED:** \_\_\_\_\_

Amendment Failed: \_\_\_\_\_

Amendment Withdrawn: ✓

**APPROVED AS TO FORM PASSED**


\_\_\_\_\_  
AUTHOR OF AMENDMENT

*ms*



Passed FA No. \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_

Concur (*initial*)

  
\_\_\_\_\_  
Clerk of Legislature

\_\_\_\_\_  
Speaker

\_\_\_\_\_  
Ass't. Amend. Clerk  
Engrossment Staff



# Supreme Court of Guam

SUITE 300 GUAM JUDICIAL CENTER

120 WEST O'BRIEN DRIVE, HAGÂTÑA, GUAM 96910-5174

www.guamsupremecourt.com

Telephone: (671) 475-3162; Facsimile: (671) 475-3140



**F. PHILIP CARBULLIDO**  
Chief Justice

**JEANNE G. QUINATA**  
Clerk of Court

**FRANCES TYDINGCO-GATEWOOD**  
Associate Justice

**ROBERT J. TORRES**  
Associate Justice

December 21, 2005

The Honorable Ray Tenorio  
Senator, Mina'Bente Ocho Na Liheslaturan Guåhan  
167 South Marine Drive, Suite 104  
Dela Corte Building  
Hagåtña, Guam 96910

Dear Senator Tenorio:

The Supreme Court of Guam cordially invites you to attend the "Ceremony to Create Courts of Record" to establish the Adult Drug Court and the Juvenile Drug Court as courts of record pursuant to the authority conferred upon the Supreme Court Guam by the 108<sup>th</sup> U.S. Congress under Public Law 108-378. The Ceremony will commemorate the first time pursuant to the Supreme Court's authority that new courts of record are officially created within the Judiciary.

The Guam Supreme Court in conjunction with the Executive and Legislative branches of government recognizes that integrated therapeutic courts are an effective program in the rehabilitation and recovery of drug offenders. The Juvenile and Adult Drug courts have been operational on Guam since their initial federal funding in 2002, and through the hard work of those professional employees and judges who provide treatment and close monitoring, we have reached an institutional level of success requiring permanency of these courts.

Please join us on December 29, 2005 at 9:00 a.m. at the Justice Monessa G. Lujan Appellate Courtroom, Third Floor Guam Judicial Center for this historic Ceremony. Please contact Pauline Camacho of Judge Barrett-Anderson's chamber at 475-3346 or e-mail at [puc@mail.justice.gov.gu](mailto:puc@mail.justice.gov.gu) by Tuesday, December 27, 2005, to confirm your attendance.

REC'D.	12/22/05
BY	
CoS	
SENATOR	
ACTION	
FILE	

Sincerely,

F. Philip Carbullido  
Chief Justice of Guam

Elizabeth Barrett-Anderson  
Judge, Superior Court of Guam

**MEMORANDUM**

November 7, 2005

To: Senator Ray Tenorio  
Chairman, Committee on Public Safety  
28<sup>th</sup> Guam Legislature

From: James T. Mitchell  
Legal Counsel  
Guam Police Department

Subj: Written Testimony on Bill 219

The Guam Police Department fully supports Bill 219.



Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs  
Senator Ray Tenorio, Chairman

Public Hearing  
Thursday • October 27, 2005 • 9:00a.m.  
Public Hearing Room, / Liheslaturan Guåhan

Bill No. 219(EC): An act to re-enact Sections 2, 4 and 5 of P.L. 26-125 AKA: Title 7 G.C.A. 2101(c), Title 9 G.C.A. Sections 67.401.2(c), (d), and (e) and Title 9 G.C.A. Section 67.401.4(n) and thereby to make permanent the Drug Court Division of the Superior Court, the creation of the Drug-Free Zones and the Enhanced Penalties for Drug Crimes in said zones.

NAME (Please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
DAN MADINGCO	JUDICIARY	✓	✓			475 3278

# SUPREME COURT OF GUAM

## ADMINISTRATIVE RULE NO. 05-03

### REGARDING THE CREATION OF COLLABORATIVE THERAPEUTIC DRUG COURTS AS COURTS OF RECORD FOR THE SUPERIOR COURT OF GUAM

#### A. Introduction

The 108th U.S. Congress enacted Public Law 108-378, an Act amending the Organic Act of Guam for the purpose of clarifying the structure of Guam's Judiciary, and thereby conferring upon the Supreme Court of Guam administrative power over the Judiciary. Pursuant to said authority the Supreme Court of Guam is empowered to create such lower courts as it deems proper pursuant to its review, or as have been previously established by the laws of Guam, as may benefit residents of the territory of Guam.

The Superior Court of Guam was awarded two (2) federal grants by the United States Department of Justice to implement and operate both an Adult Drug Court and a Juvenile Drug Court, as integrated therapeutic courts, in accordance with stringent guidelines and criteria as promulgated under the National Drug Court Institute and the National Association of Drug Court Professionals. Drug Courts provide the focus and leadership for a community-wide response to, and fight against, drug abuse and its concomitant crimes.

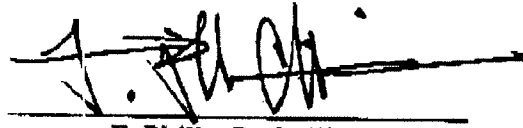
#### B. Objective

The Supreme Court of Guam recognizes, in conjunction with the Executive Branch and the Guam Legislature, that drug courts are an effective system in the rehabilitation and recovery of hundreds of drug offenders through close court monitoring, regular random drug testing, and holistic drug and alcohol treatment. Drug courts invoke a collaborative and therapeutic process within the criminal justice system. The Supreme Court of Guam determines that collaborative integrated therapeutic courts are important to our community as a partnership between law enforcement, treatment, and the criminal justice system in the interest of our island.

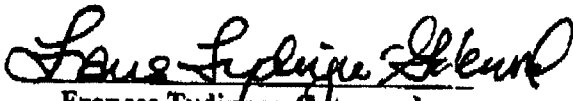
**NOW THEREFORE BE IT ORDERED** that the Supreme Court of Guam does hereby establish the Juvenile Drug Court and the Adult Drug Court as Divisions of the Superior Court of Guam and as Courts of Record. These Courts shall operate in accordance with established guidelines for the operation of therapeutic drug courts as adopted by the respective Operating Procedural Manuals of the Adult and Juvenile Drug courts initially prepared and promulgated in accordance with federal grant requirements, and as are further amended, promulgated and adopted.

Administrative Rule No. 05-03  
Regarding the Creation of Collaborative  
Therapeutic Drug Courts as Courts of  
Record for the Superior Court of Guam  
Page 2

ADOPTED this 29th day of December 2005.



**F. Philip Carbullido**  
Chief Justice of Guam



**Frances Tydingco-Gatewood**  
Associate Justice



**Robert J. Torres, Jr.**  
Associate Justice

do hereby certify that the foregoing  
is a full true and correct copy of the  
original on file in the office of the  
clerk of the Supreme Court of Guam.  
Dated at Hagatña, Guam

DEC 29 2005

*[Faint handwritten text]*  
Clerk of the Supreme Court of Guam

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 219 (EC)**

**Bill Title (Preamble): AN ACT TO RE-ENACT SECTIONS 2, 4 & 5 OF PUBLIC LAW NO. 26-125 WITHOUT SUNSET PROVISIONS**

**Department/Agency Appropriation Information**

<b>Dept./Agency Affected:</b> Unified Judiciary of Guam	<b>Dept./Agency Head:</b> Perry C. Taitano, Administrator of the Courts
<b>Department's General Fund (GF) appropriation(s) to date:</b>	\$21,257,989
<b>Department's Other Fund (specify):</b>	\$0
<b>Total Department/Agency Appropriation(s) to date:</b>	\$21,257,989

**Fund Source Information of Proposed Appropriation**

	General Fund:	Other (specify):	Total:
<b>FY 2006 Adopted Revenues</b>	\$435,092,898	\$0	\$435,092,898
<b>FY Appro. to P.L. 28-68</b>	(\$435,092,898)	\$0	(\$435,092,898)
<b>Sub-total:</b>	\$0	\$0	\$0
<b>Less appropriation in Bill</b>	\$0	\$0	\$0
<b>Total:</b>	\$0	\$0	\$0

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year (See Footnote)	For Remainder of Current FY (if applicable)	Second Year	Third Year	Fourth Year	Fifth Year
<b>General Fund</b>	\$508,000	\$0	\$513,080	\$518,211	\$523,393	\$528,627
<b>Other Fund:</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	\$508,000	\$0	\$513,080	\$518,211	\$523,393	\$528,627

- Does the bill contain "revenue generating" provisions? / / Yes /X/ No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No  
If no, what is the additional amount required? \$ \_\_\_\_\_
- Does the Bill establish a new program/agency? / / Yes /X/ No  
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /X/ No  
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No  
/ / Requested agency comments not received by due date / / Other: \_\_\_\_\_

<b>Analyst:</b> <u>Arthur R. Mariano</u> <span style="float:right">Date: <u>1/29/2006</u></span>	<b>Director:</b> <u>Carlos P. Bordallo</u> <span style="float:right">Date: <u>JAN 20 2006</u></span>
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**FOOTNOTES / COMMENT(S):**

In its current form, the proposed legislation will impact the General Fund by approximately \$508K to \$530K per annum. This is based on GF appropriations to the Judiciary for Adult & Youth Drug Court operations for FY 2005 & FY 2006 and factoring a 1% increase in operational costs in subsequent years (i.e. salary increments, contractual requirements, etc.). While the Bureau applauds the subject programs and their benefit to society, efforts must be made to divert program cost to source(s) other than the General Fund (i.e. Special and / or Federal Funds).

*MINA' BENTE OCHO NA LIHESLATURAN GUÁHAN*  
2005 (FIRST) Regular Session

Bill No. 219(EC)

Introduced by:  
(As amended by the author)

Ray Tenorio 

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AN ACT TO RE-ENACT SECTIONS 2, 4 AND 5 OF P.L. 26-125, AKA: TITLE 7 G.C.A. 2101(c), TITLE 9 G.C.A. SECTIONS 67.401.2(c), (d) AND (e) AND TITLE 9 G.C.A. SECTION 67.401.4(n) AND THEREBY TO MAKE PERMANENT THE DRUG COURT DIVISION OF THE SUPERIOR COURT, THE CREATION OF THE DRUG-FREE ZONES AND THE ENHANCED PENALTIES FOR DRUG CRIMES IN SAID ZONES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Notwithstanding the Sunset Provision contained in  
3 Section 9 of Public Law 26-125, Sections 2, 4 and 5 of Public Law 26-125  
4 are hereby re-enacted and made permanent.

5 Section 2. This Act shall take effect immediately.




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***MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN***  
2005 (FIRST) Regular Session

Bill No. 219 (EC)

Introduced by:

Ray Tenorio 

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AN ACT TO RE-ENACT SECTIONS 2, 4 AND 5 OF PUBLIC LAW  
NO. 26-125 WITHOUT SUNSET PROVISIONS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Notwithstanding the Sunset Provision contained in  
3 Section 9 of Public Law 26-125, Sections 2, 4 and 5 of Public Law 26-125  
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