

*I Mina'trentai Siette Na Lihelaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
140-37 (COR)	Therese M. Terlaje	AN ACT TO ADD A NEW §80.55 TO ARTICLE 2, CHAPTER 80 OF TITLE 8 GUAM CODE ANNOTATED, RELATIVE TO AFFORDING THE PEOPLE OF GUAM THE RIGHT TO SPEEDY TRIAL.	6/22/23 9:00 a.m.						

***I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**

**Bill No. 140-37 (COR)**

Introduced by:

Therese M. Terlaje *TMT*

**AN ACT TO ADD A NEW §80.55 TO ARTICLE 2, CHAPTER  
80 OF TITLE 8 GUAM CODE ANNOTATED, RELATIVE TO  
AFFORDING THE PEOPLE OF GUAM THE RIGHT TO  
SPEEDY TRIAL.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* hereby  
3 finds that the people of Guam have a right to have their criminal cases heard in a  
4 timely manner. Failing to timely conduct a criminal trial jeopardizes the crime  
5 victim's and people's separate rights to have their harms addressed in a timely  
6 manner by the juries and Courts, and the people's right to timely present their case  
7 through their attorney *vis-à-vis* the Attorney General.

8 The Attorney General, representing the people of Guam, bears not just the  
9 burden of proof, but also the burden of persuasion. In order to prove criminal cases  
10 "beyond a reasonable doubt", which is the highest burden in the law, and to receive  
11 a unanimous verdict in misdemeanor and felony cases, it necessitates testimony  
12 and other evidence being presented in a timely manner. Loss of material witnesses  
13 and documents, fading memories and other shortfalls due to the passage of time  
14 present a risk of losing a trial on technicalities instead of on its merits.

15 In the event that the AG asserts speedy trial, and a defendant thereafter  
16 asserts the right to speedy trial, or vice-versa, the trial shall be conducted at the  
17 earlier of the two (2) dates.

1            *I Liheslatura* finds that the Attorney General of Guam has requested  
2 introduction and enactment of this measure as the passage of time combined with  
3 the highest burden of proof required for the People of Guam to prove their cases  
4 (“beyond a reasonable doubt”), makes stale criminal trials potentially even more  
5 difficult to prove versus those tried closer to the crime. Furthermore, the Attorney  
6 General cited that passage of this measure would be consistent with various U.S.  
7 jurisdictions that afford victims’ cases are heard in a timely manner such as in  
8 Florida (FL ST §960.0015) where a state attorney may file a demand for a speedy  
9 trial; and in Arizona and Tennessee where victims’ bill of rights in Constitutions  
10 provides the victims the right to a speedy trial.

11            **Section 2.** Section 80.55 is hereby *added* to Article 2, Chapter 80 of Title 8  
12 Guam Code Annotated to read as follows:

13            **“80.55 People of Guam’s Right to Speedy Trial.**

14            (a)    Notwithstanding the foregoing, the Attorney General  
15 may assert the right to a speedy trial on behalf of the People of Guam  
16 at any time on or after the defendant’s arraignment. The Court shall  
17 schedule and conduct a criminal trial, within 60 days after the  
18 Attorney General asserts the People of Guam’s right to a Speedy Trial  
19 under this Section.

20            (b)    For good cause the Attorney General shall have the  
21 right to withdraw a request asserting speedy trial, which shall include  
22 difficulties locating a witness, or the Attorney General otherwise not  
23 being able to present sufficient evidence for the scheduled trial, which  
24 sufficiency shall be determined by the Attorney General alone.

25            (c)    In the event that a defendant asserts their speedy trial  
26 right after the Attorney General asserts the People of Guam’s speedy  
27 trial right, that defendant’s assertion shall be calculated under 8 GCA

1           § 80.60. The Court shall schedule the criminal trial in the case at the  
2           earlier date of either the People of Guam’s scheduled deadline, or the  
3           defendant’s scheduled deadline, whichever is earlier. Likewise, in the  
4           event that the Attorney General asserts the People of Guam’s speedy  
5           trial right after the defendant asserts the defendant’s speedy trial right,  
6           the Court shall schedule the criminal trial in the case at the earlier date  
7           of either the defendant’s scheduled deadline, or the People of Guam’s  
8           scheduled deadline, whichever is earlier.

9                   (d)   A trial scheduled under this Section may be continued  
10                  for the reasons set forth under 8 GCA §80.50(b), and for the time  
11                  periods set forth in that Section.”

12           **Section 3. Severability.** If any provisions of this Law, or the application  
13           thereof to any person or circumstance, is held invalid, such invalidity shall  
14           not affect any other provision or application of this Law which can be given  
15           effect without the invalid provision or application, and to this end the  
16           provisions of this Law are severable.