

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

Bill No. 291-37 (LS)

Introduced by:

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AN ACT TO *AMEND* § 52.10 OF CHAPTER 52 OF TITLE 9 GUAM CODE ANNOTATED, AND TO *ADD* A NEW § 52.70 TO CHAPTER 52 OF TITLE 9 GUAM CODE ANNOTATED, RELATIVE TO INTERFERING WITH A JUDICIAL OFFICER.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that judicial officers are entrusted with responsibilities that carry immense implications for our society. In recognition of the crucial nature of their duties, it is imperative to acknowledge that these public servants encounter distinct threats that jeopardize their personal safety as well as the safety of their loved ones.

I Liheslaturan Guåhan further finds that individuals who have encountered or have been subjected to an unfavorable judicial ruling may resort to employing tactics aimed at intimidating or retaliating against judges and prosecutors through the use of threats or acts of harm. In 2020, a former litigant before a federal judge in New Jersey committed a heinous act resulting in the tragic loss of the judge's twenty (20)

1 year-old son and inflicting critical injuries upon her husband. More recently, a
2 Guam-born judge in Washington County, Maryland was killed at his home on
3 October 19, 2023, after he ruled against the suspect in a child custody case.
4 According to data compiled by the National Center for State Courts (NCSC), this is
5 the third targeted shooting of a state judge in the last three years. Shortly after
6 Wilkinson’s passing, the NCSC released a statement noting that “the sustained
7 attacks in recent years on the rule of law, public institutions of government and the
8 courts are now having their effects. We ask all Americans to think carefully about
9 this troubling trend because normalizing these attacks will in no way make us better,
10 safer, or more peaceful.”

11 *I Liheslaturan Guåhan* further finds that Guam is in the minority of
12 jurisdictions without a provision recognizing the offense of threatening, harassing,
13 retaliating against, or disseminating information about a judicial officer or a member
14 of their family, despite the fact that such actions pose a significant threat to the
15 integrity of the judicial system and undermine the principles of justice and fairness
16 upon which it is built. This alarming reality underscores the need for measures to
17 address and mitigate such risks.

18 *I Liheslaturan Guåhan* further declares that public servants should not be
19 compelled to choose between fulfilling their duties and exposing themselves and
20 their families to potential harm. In light of these findings, it is the intent of *I*
21 *Liheslatura* to prevent and mitigate the occurrence of such behavior by enacting
22 appropriate measures that safeguard the independence and impartiality of judicial
23 officers. By doing so, *Liheslatura* aims to preserve the fundamental tenets of our
24 legal system, ensuring that all individuals involved in the administration of justice
25 can carry out their duties without fear or intimidation.

26 **Section 2.** § 52.10 of Chapter 52 of Title 9 Guam Code Annotated is hereby
27 *amended* to read:

1 **“§ 52.10. Definitions.** As used in this Chapter: ~~the terms~~

2 (a) “bodily injury” has the same meaning as defined in 9 GCA § 16.10(b).

3 (b) “judicial officer” means a Justice of the Supreme Court of Guam, a Judge
4 of the Superior Court of Guam, a magistrate appointed by the Chief Justice of the
5 Judiciary of Guam, a Judge or Justice *pro tempore* appointed by the Chief Justice of
6 the Judiciary of Guam, a referee at the Judiciary of Guam, or a hearings officer at
7 the Judiciary of Guam.

8 (c) “judicial officer’s family” means a judicial officer’s spouse, son, daughter,
9 son in-law, daughter-in-law, sibling, parent, or any other relative who lives in the
10 judicial officer’s household.

11 ~~(a)~~ (d) official function and public servant have the same meanings as defined
12 by provided for those terms by 9 GCA § 49.10.

13 ~~(b)~~ (e) material statement means a statement which affected or could have
14 affected the course or outcome of a proceeding, regardless of its admissibility under
15 rules of evidence.

16 ~~(e)~~ (f) official proceeding means a proceeding before any court, body, agency,
17 public servant or other person authorized by law to conduct such proceeding and to
18 administer an oath or cause it to be administered, including any referee, hearing
19 officer, commissioner, notary or other person taking testimony or deposition in
20 connection with any such proceeding.

21 ~~(d)~~ (g) public record means any record, document, thing belonging to, or
22 received or kept by the Government of Guam or any governmental instrumentality
23 within the Territory.

24 ~~(e)~~ (h) statement means any non-trivial representation, but a representation of
25 opinion, belief or other state of mind is a statement only if it clearly relates to a state
26 of mind apart from or in addition to the facts which it otherwise represents.

27 ~~(f)~~ (i) statement under oath means

1 (1) a statement made pursuant to a swearing, an affirmation, or any
2 other mode authorized by law of attesting to the truth of that which is stated;
3 and

4 (2) a statement made on a form bearing notice, authorized by law, to
5 the effect that false statements made therein are punishable.

6 (3) testimony means oral or written statements, documents or any other
7 material which may be offered by a witness in an official proceeding.”

8 **Section 3.** A new § 52.70 is hereby *added* to Chapter 52 of Title 9 Guam
9 Code Annotated:

10 **“§ 52.70. Interfering with a Judicial Officer; Defined & Punished.**

11 (a) A person commits the offense of interfering with a judicial officer if,
12 with the purpose to harass, intimidate, or influence a judicial officer in the
13 performance of such officer’s official duties, such person:

14 (1) Threatens or causes harm to such judicial officer or members of
15 such judicial officer’s family;

16 (2) Uses force, threats, or deception against or toward such judicial
17 officer or members of such judicial officer’s family;

18 (3) Offers, conveys, or agrees to convey any benefit direct or
19 indirect upon such judicial officer or such judicial officer’s family;

20 (4) Engages in conduct reasonably calculated to harass or alarm
21 such judicial officer or such judicial officer’s family, including stalking
22 pursuant to 9 GCA §19.70; or

23 (5) Disseminates through any means, including by posting on the
24 internet, the judicial officer’s or the judicial officer’s family’s personal
25 information. For purposes of this section, “personal information” includes a
26 home address, home or mobile telephone number, personal email address,
27 Social Security number, tax identification number, checking or savings

1 account number, marital status, or identity of a child under eighteen (18) years
2 of age.

3 (b) The offense of interfering with a judicial officer is a felony of the third
4 degree.

5 (c) If a violation of this section results in death or bodily injury to a judicial
6 officer or a member of the judicial officer’s family, the offense is a felony of the first
7 degree.”

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