

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
155-37 (LS) As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor	William A. Parkinson Thomas J. Fisher Tina Rose Muña Barnes Dwayne T.D. San Nicolas Roy A. B. Quinata	AN ACT TO ADD A NEW CHAPTER 164 TO TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO ATTENDANCE OF WITNESSES AND TO CITE THIS ACT AS THE "UNIFORM ACT TO SECURE THE ATTENDANCE OF WITNESSES FROM WITHOUT A STATE IN CRIMINAL PROCEEDINGS."	7/27/23 2:10 p.m.	8/1/23	Committee on Health, Land, Justice, and Culture	Request: 8/1/23 8/10/23	1/8/24 4:00 p.m.	5/15/24 3:28 p.m. As amended by the Committee on Health, Land, Justice, and Culture	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
6/24/24	AN ACT TO ADD A NEW CHAPTER 164 TO TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO THE ATTENDANCE OF WITNESSES; AND TO CITE THIS ACT AS THE "UNIFORM ACT TO SECURE THE ATTENDANCE OF WITNESSES FROM WITHOUT A STATE IN CRIMINAL PROCEEDINGS."	7/10/24	7/10/24	7/22/24	37-110	7/22/24	Received: 7/22/24 Messages and Communications Doc. No. 37GL-24-2383		

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via Email to: speaker@guamlegislature.org

July 22, 2024

THE HON. THERESE M. TERLAJE, *Speaker*
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Doc Type: 37GL-24-2383
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

JUL 22 2024

Time: 6:40 pm
Received: [Signature]

Re: Bill No. 155-37 (LS) – AN ACT TO ADD A NEW CHAPTER 164 TO TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO THE ATTENDANCE OF WITNESSES; AND TO CITE THIS ACT AS THE 'UNIFORMED ACT TO SECURE THE ATTENDANCE OF WITNESSES FROM WITHOUT A STATE IN CRIMINAL PROCEEDINGS.

Håfa Adai Madam Speaker,

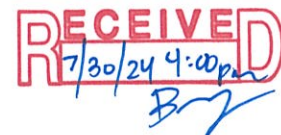
The enactment of Bill No. 155-37 provides an important tool to protect the integrity of Guam's criminal justice system. Currently, neither the Office of the Attorney General nor the person accused of a crime have the ability to require the attendance of a witness who does not reside on Guam to testify, regardless of the importance of their testimony. If the person does not agree to come voluntarily then there is nothing that can be done to compel them to appear.

With the enactment of this law that will no longer be the case. Now any party to a criminal case can request the court in another state to issue an enforceable order requiring the person to appear before a court on Guam to provide testimony. The enactment of this law will allow Guam to now make use of this legal tool that exists in every state and a majority of the territories of the United States.

For this reason, I am signing Bill No. 155-37 into law as **Public Law 37-110**.

Senseramente,

LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam



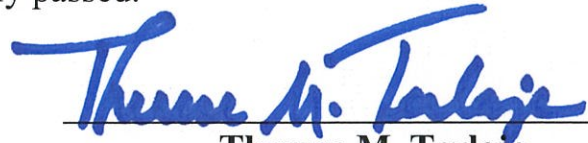
Enclosure(s): Bill No. 155-37 (LS) nka P.L. 37-110

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

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

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

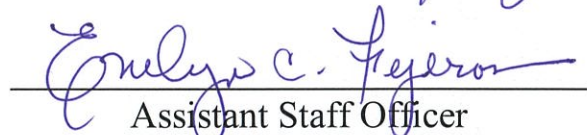
This is to certify that **Bill No. 155-37 (LS)**, “AN ACT TO ADD A NEW CHAPTER 164 TO TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO THE ATTENDANCE OF WITNESSES; AND TO CITE THIS ACT AS THE ‘UNIFORM ACT TO SECURE THE ATTENDANCE OF WITNESSES FROM WITHOUT A STATE IN CRIMINAL PROCEEDINGS’,” was on the 10th day of July 2024, duly and regularly passed.


Therese M. Terlaje
Speaker

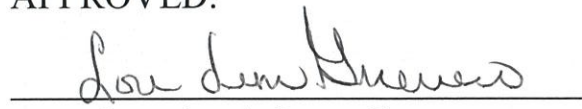
Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 10th day of July,
2024, at 4:22 o'clock P.M.

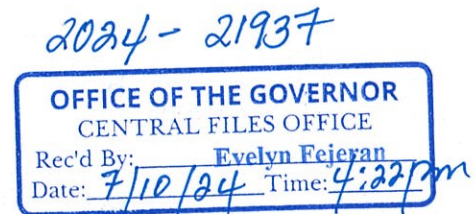

Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: JULY 22, 2024

Public Law No. 37-110



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

Bill No. 155-37 (LS)

As amended by the Committee on
Health, Land, Justice, and Culture; and
further amended on the Floor.

Introduced by:

William A. Parkinson
Thomas J. Fisher
Tina Rose Muña Barnes
Dwayne T.D. San Nicolas
Roy A. B. Quinata
Chris Barnett
Frank Blas, Jr.
Joanne M. Brown
Christopher M. Dueñas
Jesse A. Lujan
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje

**AN ACT TO *ADD* A NEW CHAPTER 164 TO TITLE 8,
GUAM CODE ANNOTATED, RELATIVE TO THE
ATTENDANCE OF WITNESSES; AND TO CITE THIS
ACT AS THE “UNIFORM ACT TO SECURE THE
ATTENDANCE OF WITNESSES FROM WITHOUT A
STATE IN CRIMINAL PROCEEDINGS.”**

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

2 **Section 1.** A new Chapter 164 is *added* to Title 8, Guam Code Annotated,
3 to read:

4 **“CHAPTER 164**

1 **UNIFORM ACT TO SECURE THE ATTENDANCE OF WITNESSES**
2 **FROM WITHOUT A STATE IN CRIMINAL PROCEEDINGS**

3 § 164.01. Definitions.

4 § 164.02. Summoning Witness in this State to Testify in Another State.

5 § 164.03. Witness from Another State Summoned to Testify in this State.

6 § 164.04. Exemption from Arrest and Service of Process.

7 § 164.05. Uniformity of Interpretation.

8 **§ 164.01. Definitions.**

9 *Witness* as used in this Chapter shall include a person whose testimony is
10 desired in any proceeding or investigation by a grand jury or in a criminal action,
11 prosecution or proceeding.

12 The word *state* shall include any territory of the United States and the District
13 of Columbia.

14 The word *summons* shall include a subpoena, order, or other notice requiring
15 the appearance of a witness.

16 **§ 164.02. Summoning Witness in this State to Testify in Another State.**

17 If a judge of a court of record in any state which by its laws has made provision
18 for commanding persons within that state to attend and testify in this state certifies
19 under the seal of such court that there is a criminal prosecution pending in such court,
20 or that a grand jury investigation has commenced or is about to commence, that a
21 person being within this state is a material witness in such prosecution, or grand jury
22 investigation, and that his/her presence will be required for a specified number of
23 days, upon presentation of such certificate to any judge of a court of record in the
24 county in which such person is, such judge shall fix a time and place for a hearing,
25 and shall make an order directing the witness to appear at a time and place certain
26 for the hearing.

1 If at a hearing the judge determines that the witness is material and necessary,
2 that it will not cause undue hardship to the witness to be compelled to attend and
3 testify in the prosecution or a grand jury investigation in the other state, and that the
4 laws of the state in which the prosecution is pending, or grand jury investigation has
5 commenced or is about to commence (and of any other state through which the
6 witness may be required to pass by ordinary course of travel), will give to him/her
7 protection from arrest and the service of civil and criminal process, he/she shall issue
8 a summons, with a copy of the certificate attached, directing the witness to attend
9 and testify in the court where the prosecution is pending, or where a grand jury
10 investigation has commenced or is about to commence at a time and place specified
11 in the summons. In any such hearing the certificate shall be *prima facie* evidence of
12 all the facts stated therein.

13 If said certificate recommends that the witness be taken into immediate
14 custody and delivered to an officer of the requesting state to assure his/her attendance
15 in the requesting state, such judge may, in lieu of notification of the hearing, direct
16 that such witness be forthwith brought before him/her for said hearing; and the judge
17 at the hearing being satisfied of the desirability of such custody and delivery, for
18 which determination the certificate shall be *prima facie* proof of such desirability
19 may, in lieu of issuing subpoena or summons, order that said witness be forthwith
20 taken into custody and delivered to an officer of the requesting state.

21 If the witness, who is summoned as above provided, after being paid or
22 tendered fees and allowances authorized for witnesses which shall be borne by the
23 party who calls the witness to testify, fails without good cause to attend and testify
24 as directed in the summons, he/she shall be punished in the manner provided for the
25 punishment of any witness who disobeys a summons issued from a court of record
26 in this state.

1 **§ 164.03. Witness from Another State Summoned to Testify in this**
2 **State.**

3 If a person in any state, which by its laws has made provisions for
4 commanding persons within its borders to attend and testify in criminal prosecutions,
5 or grand jury investigations commenced or about to commence, in this state, is a
6 material witness in a prosecution pending in a court of record in this state, or in a
7 grand jury investigation which has commenced or is about to commence, a judge of
8 such court may issue a certificate under the seal of the court stating these facts and
9 specifying the number of days the witness will be required. Said certificate may
10 include a recommendation that the witness be taken into immediate custody and
11 delivered to an officer of this state to assure his/her attendance in this state. This
12 certificate shall be presented to a judge of a court of record in the county in which
13 the witness is found.

14 If the witness is summoned to attend and testify in this state, he/she shall be
15 tendered fees and allowances authorized for witnesses which shall be borne by the
16 party who calls the witness to testify. A witness who has appeared in accordance
17 with the provision of the summons shall not be required to remain within this state
18 for a longer period of time than the period mentioned in the certificate, unless
19 otherwise ordered by the court. If such witness, after coming into this state, fails
20 without good cause to attend and testify as directed in the summons, he/she shall be
21 punished in the manner provided for the punishment of any witness who disobeys a
22 summons issued from a court of record in this state.

23 **§ 164.04. Exemption from Arrest and Service of Process.**

24 If a person comes into this state in obedience to a summons directing him/her
25 to attend and testify in this state, he/she shall not while in this state pursuant to such
26 summons be subject to arrest or the service of process, civil or criminal, in

1 connection with matters which arose before his/her entrance into this state under the
2 summons.

3 If a person passes through this state while going to another state in obedience
4 to a summons to attend and testify in that state or while returning therefrom, he/she
5 shall not while so passing through this state be subject to arrest or the service of
6 process, civil or criminal, in connection with matters which arose before his/her
7 entrance into this state under the summons.

8 **§ 164.05. Uniformity of Interpretation.**

9 This Chapter shall be interpreted and construed as to effectuate its general
10 purpose to make uniform the law of the states which enact it.”

11 **Section 2. Severability.** If any provision of this Act or its application to any
12 person or circumstance is found to be invalid or inorganic, such invalidity shall not
13 affect other provisions or applications of this Act that can be given effect without
14 the invalid provision or application, and to this end the provisions of this Act are
15 severable.