

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

2024 (SECOND) Regular Session

VOTING RECORD

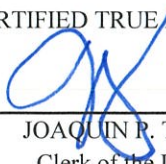
Bill No. 155-37 (LS) As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building July 10, 2024
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NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher	✓					
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez					✓	✓
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin	✓					
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

TOTAL

14	0			1	1
Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused

CERTIFIED TRUE AND CORRECT:



JOAQUIN R. TAITAGUE
Clerk of the Legislature

I = Pass

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.

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Introduced by:

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 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.”**

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

“CHAPTER 164

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

§ 164.01. Definitions.

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

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

§ 164.04. Exemption from Arrest and Service of Process.

§ 164.05. Uniformity of Interpretation.

1 **§ 164.01. Definitions.**

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

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

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

9 **§ 164.02. Summoning Witness in this State to Testify in Another State.**

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

20 If at a hearing the judge determines that the witness is material and necessary,
21 that it will not cause undue hardship to the witness to be compelled to attend and
22 testify in the prosecution or a grand jury investigation in the other state, and that the
23 laws of the state in which the prosecution is pending, or grand jury investigation has
24 commenced or is about to commence (and of any other state through which the
25 witness may be required to pass by ordinary course of travel), will give to him/her
26 protection from arrest and the service of civil and criminal process, he/she shall issue
27 a summons, with a copy of the certificate attached, directing the witness to attend

1 and testify in the court where the prosecution is pending, or where a grand jury
2 investigation has commenced or is about to commence at a time and place specified
3 in the summons. In any such hearing the certificate shall be *prima facie* evidence of
4 all the facts stated therein.

5 If said certificate recommends that the witness be taken into immediate
6 custody and delivered to an officer of the requesting state to assure his/her attendance
7 in the requesting state, such judge may, in lieu of notification of the hearing, direct
8 that such witness be forthwith brought before him/her for said hearing; and the judge
9 at the hearing being satisfied of the desirability of such custody and delivery, for
10 which determination the certificate shall be *prima facie* proof of such desirability
11 may, in lieu of issuing subpoena or summons, order that said witness be forthwith
12 taken into custody and delivered to an officer of the requesting state.

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

19 **§ 164.03. Witness from Another State Summoned to Testify in this**
20 **State.**

21 If a person in any state, which by its laws has made provisions for
22 commanding persons within its borders to attend and testify in criminal prosecutions,
23 or grand jury investigations commenced or about to commence, in this state, is a
24 material witness in a prosecution pending in a court of record in this state, or in a
25 grand jury investigation which has commenced or is about to commence, a judge of
26 such court may issue a certificate under the seal of the court stating these facts and
27 specifying the number of days the witness will be required. Said certificate may

1 include a recommendation that the witness be taken into immediate custody and
2 delivered to an officer of this state to assure his/her attendance in this state. This
3 certificate shall be presented to a judge of a court of record in the county in which
4 the witness is found.

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

14 **§ 164.04. Exemption from Arrest and Service of Process.**

15 If a person comes into this state in obedience to a summons directing him/her
16 to attend and testify in this state, he/she shall not while in this state pursuant to such
17 summons be subject to arrest or the service of process, civil or criminal, in
18 connection with matters which arose before his/her entrance into this state under the
19 summons.

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

25 **§ 164.05. Uniformity of Interpretation.**

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

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