



*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2013 (FIRST) Regular Session

Bill No. 216-32 (LS)

Introduced by:

Judith T. Won Pat, Ed.D. 

Tina R. Muna Barnes 

Aline A. Yamashita, Ph.D. 

**AN ACT RELATIVE TO ENACTING PRINCIPLES  
OF BALANCED AND RESTORATIVE JUSTICE IN  
THE JUVENILE CRIMINAL JUSTICE SYSTEM  
BETWEEN THE VICTIM AND OFFENDER**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds  
3 that it is the policy of this territory that principles of Balanced and Restorative  
4 Justice be included in shaping how the juvenile criminal justice system responds to  
5 persons charged with or convicted of criminal offenses. The policy goal is a  
6 community response to a juvenile's wrongdoing at its earliest onset, and a type and  
7 intensity of sanction tailored to each instance of wrongdoing.

8 **Section 2. Balanced and Restorative Justice Objectives.**

9 (a) To resolve conflicts and disputes by means of a non-adversarial community  
10 process.

11 (b) To repair damage caused by criminal acts to communities in which they  
12 occur, and to address wrongs inflicted on individuals victims.

1 (c) To reduce the risk of an offender committing a more serious crime in the  
2 future, that would require a more intensive and more costly sanction, such as  
3 incarceration.

4 **Section 3. Implementation.** Judicial and law enforcement officials shall  
5 develop and employ restorative justice approaches whenever feasible and  
6 responsive to specific criminal acts involving juveniles not involving serious  
7 crimes against persons or property, crimes involving criminal sexual conduct or  
8 serious family violence. It is the further intent of the Legislature that restorative  
9 justice programs be designed to encourage participation from the community,  
10 including victims when they so chose, and judicial and law enforcement officials in  
11 holding the offender accountable for damage caused to communities and victims,  
12 and in restoring offenders to the law-abiding community.

13 **Section 4. Victim and Community Involvement in Sentencing.** A court,  
14 when considering the sentence to be imposed against a juvenile for an offense  
15 other than a crime committed under Criminal Homicide, Sexual Offenses or  
16 Family Violence may permit the victim and the offender to submit a sentence for  
17 the court's review based upon a negotiated agreement between the victim and the  
18 offender, or between the offender and the community if there is no victim. The  
19 court may, with the consent of the victim and offender, impose the sentence that  
20 has been determined by the negotiated agreement if the sentence accomplishes the  
21 goals of restoring the victim and the community and rehabilitation of the offender.