

*I Mina'trentai Singko Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
410-35 (COR)	Therese M. Terlaje	AN ACT TO AMEND § 85.30 OF CHAPTER 85, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO REDUCING THE NUMBER OF PEREMPTORY CHALLENGES AVAILABLE IN CRIMINAL CASES.	9/24/20 10:42 a.m.						

***I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN***  
**2020 (SECOND) Regular Session**

**Bill No. 410-35 (COR)**

Introduced by:

Therese M. Terlaje *Tmt*

**AN ACT TO AMEND § 85.30 OF CHAPTER 85, TITLE 8,  
GUAM CODE ANNOTATED, RELATIVE TO REDUCING  
THE NUMBER OF PEREMPTORY CHALLENGES  
AVAILABLE IN CRIMINAL CASES.**

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

2 **Section 1. Legislative Intent and Findings.**

3 *I Liheslaturan Guahan* finds that the COVID-19 pandemic and the  
4 subsequent closure of the Superior Court of Guam has caused a significant  
5 interruption to Guam's legal system. The ensuing backlog of criminal cases threatens  
6 the statutory right of all criminal defendants to demand a speedy jury trial. Moreover,  
7 the current size limitations of Judiciary of Guam facilities constrain the court's ability  
8 to safely recommence jury selection proceedings in light of social distancing  
9 mandates necessitated by the COVID-19 pandemic and the legitimate health  
10 concerns of criminal defendants, attorneys, court employees, and those called to jury  
11 service. These constraints will cause further delay in the court's ability to tackle its  
12 backlog and will have lasting effects on the delivery of justice in all cases before the  
13 court.

14 *I Liheslaturan Guahan* finds that the large number of peremptory challenges  
15 available to both sides in criminal cases greatly lengthens the jury selection process.  
16 Reducing the number of peremptory challenges would produce significant savings

1 in the administration of the jury system, including reducing the number of jurors  
2 summoned for jury selection. Additionally, the social distancing measures  
3 necessitated by the COVID-19 pandemic will cause significantly greater delays in  
4 the jury selection process and warrant a reduction in the number of persons  
5 summoned for jury selection.

6 Therefore, it is the intent of *I Liheslaturan Guahan* to strike a necessary  
7 compromise between the rights of criminal defendants to a fair and speedy trial and  
8 the capabilities of the court to carry out its mandates. *I Liheslaturan Guahan* finds  
9 that this can be accomplished by reducing -for a limited period-the number of  
10 peremptory challenges available to criminal defendants and to prosecutors under  
11 current Guam law. Fewer peremptory challenges will permit a quicker process in  
12 selecting a jury while also reducing the number of potential jurors who must report  
13 for jury service.

14 **Section 2.** § 85.30 of Title 8, Guam Code Annotated, is hereby *amended* to  
15 read as follows:

16 **“§ 85.30. Peremptory Challenges; Number Available.**

17 ~~In a prosecution by indictment or information if the offense charged is~~  
18 ~~punishable by a life sentence, each side is entitled to twenty peremptory~~  
19 ~~challenges, otherwise the government is entitled to six peremptory challenges~~  
20 ~~and the defendant or defendants jointly to ten peremptory challenges. In a~~  
21 ~~prosecution by complaint, each side is entitled to three peremptory challenges.~~  
22 ~~If there is more than one defendant, the court may allow the defendants~~  
23 ~~additional peremptory challenges and permit them to be exercised separately~~  
24 ~~or jointly. In any felony prosecution where the offense charged may be~~  
25 ~~punishable by a sentence of fifteen or more years of incarceration, each side~~  
26 ~~is entitled to twelve peremptory challenges. In any felony prosecution where~~  
27 ~~the offense charged may be punishable by a sentence of less than fifteen years~~

1 of incarceration, the defense is entitled to six peremptory challenges and the  
2 prosecution is entitled to three peremptory challenges. In any misdemeanor or  
3 petty misdemeanor prosecution, the defense is entitled to two peremptory  
4 challenges and the prosecution is entitled to one peremptory challenge. In any  
5 criminal prosecution where there is more than one defendant, the court may  
6 allow the defendants additional peremptory challenges and permit them to  
7 be exercised separately.”

8 **Section 3. Sunset Provision.** The amendments to 8 GCA § 85.30 as  
9 provided in Section 2 of this Act shall be deemed repealed two (2) years after the  
10 enactment of this Act unless new legislation is duly enacted authorizing its  
11 continuation.

12 **Section 4. Effective Date.** This Act shall become effective upon  
13 enactment.