



FILE COPY

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**THIRTY-THIRD GUAM LEGISLATURE**

155 Hesler Place, Hagåtña, Guam 96910

June 1, 2015

The Honorable Edward J.B. Calvo  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam*

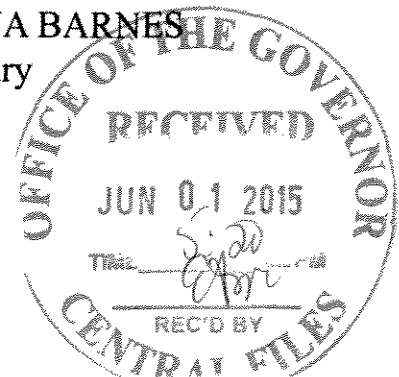
Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 9-33(COR), 21-33(COR), 25-33(COR), 31-33(COR), 44-33(COR), 48-33(COR), 50-33(COR), 55-33(COR), 61-33(COR), 64-33(COR), 65-33(COR), 69-33(COR), 70-33(COR), 73-33(COR), 77-33(COR), 79-33(COR), 81-33(COR), 82-33(COR), 83-33(COR), 90-33(LS), 92-33(LS), 107-33(LS), 108-33(LS), 109-33(LS) and 110-33(LS) which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on May 29, 2015.

Sincerely,

  
TINA ROSE MUÑA BARNES  
Legislative Secretary

Enclosure (25)

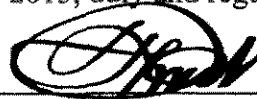


FILE COPY

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*  
2015 (FIRST) Regular Session

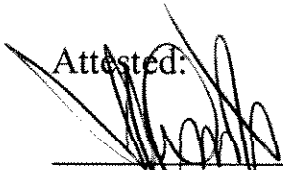
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Substitute Bill No. 21-33 (COR), "AN ACT TO ADD A NEW SUBSECTION (d) TO § 5106 OF CHAPTER 5, TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING DISCRETION IN THE AUTOMATIC CERTIFICATION OF MINORS AS ADULTS FOR CERTAIN CRIMES,"** was on the 29<sup>th</sup> day of May 2015, duly and regularly passed.



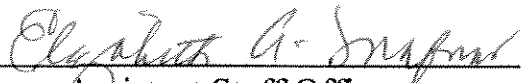
Judith T. Won Pat, Ed.D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 18<sup>th</sup> day of June,  
2015, at 5:20 o'clock P.M.



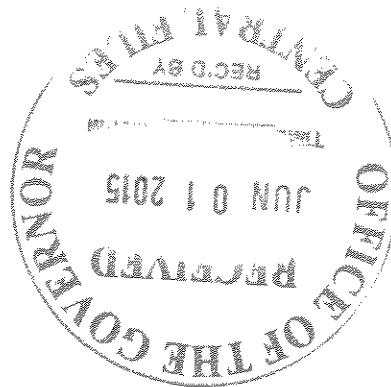
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

EDWARD J.B. CALVO  
*I Maga'lahen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_



*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*  
2015 (FIRST) Regular Session

**Bill No. 21-33 (COR)**

As substituted by the Committee on  
Early Learning, Juvenile Justice, Public Education, and  
First Generation Initiatives; and amended on the Floor.

Introduced by:

Brant T. McCreadie  
T. C. Ada  
V. Anthony Ada  
Frank F. Blas, Jr.  
FRANK B. AGUON, JR.  
B. J.F. Cruz  
James V. Espaldon  
Tommy Morrison  
T. R. Muña Barnes  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
Michael F.Q. San Nicolas  
Mary Camacho Torres  
N. B. Underwood, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW SUBSECTION (d) TO § 5106  
OF CHAPTER 5, TITLE 19, GUAM CODE  
ANNOTATED, RELATIVE TO PROVIDING  
DISCRETION IN THE AUTOMATIC CERTIFICATION  
OF MINORS AS ADULTS FOR CERTAIN CRIMES.**

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

2 **Section 1. Short Title.** This Act *shall* be cited as the “*Juvenile Justice*  
3 *Reform Act of 2015.*”

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
5 that current Guam law provides that any child of the age of sixteen (16) years or older,

1 who is charged with a second or first degree felony is automatically certified as an  
2 adult. Although many times appropriate, there are instances where the Office of the  
3 Attorney General has seen that the charged minor would greatly benefit from being  
4 charged with the respective second or first degree felony, but have their criminal  
5 proceedings be adjudicated in Family Court. Unfortunately, no mechanism currently  
6 exists in Guam law to provide Family Court jurisdiction for minors aged sixteen (16)  
7 or older who are charged with second or first degree felonies.

8 Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure discretion as to  
9 Family Court jurisdiction of children aged sixteen (16) years or older who are charged  
10 with second or first degree felonies by adding a new § 5106(d) of Chapter 5, Title 19,  
11 Guam Code Annotated.

12 **Section 3.** A new Subsection (d) is hereby *added* to § 5106 of Chapter 5, Title  
13 19, Guam Code Annotated, to read:

14 “(d) Notwithstanding Subsection (a) of this Section, on motion of  
15 either the prosecutor or defendant, or *sua sponte* by the Court, the  
16 complaint or indictment may be transferred to the jurisdiction of the  
17 Family Court upon a finding based on clear and convincing evidence that  
18 the best interest of the minor would be amenable to the care, treatment,  
19 and training programs available through the facilities of the juvenile court  
20 based on an evaluation of the following:

- 21 (1) the age of the minor;
- 22 (2) the history of the minor, including:
- 23 (A) any previous delinquent or criminal history of  
24 the minor;
- 25 (B) any previous abuse or neglect history of the  
26 minor; and

1 (C) any mental health, physical or educational  
2 history of the minor, or a combination of these factors;

3 (3) the circumstances of the offense, including:

4 (A) the seriousness of the offense;

5 (B) whether the minor is charged through  
6 accountability;

7 (C) whether there is evidence the offense was  
8 committed in an aggressive and premeditated manner;

9 (D) whether there is evidence the offense caused  
10 seriously bodily harm; and

11 (E) whether there is evidence the minor possessed a  
12 deadly weapon;

13 (4) the advantages of treatment within the juvenile justice  
14 system, including, whether there are facilities or programs, or both,  
15 particularly available in the juvenile system;

16 (5) whether the security of the public requires sentencing  
17 under Title 9, Chapter 80 of the Guam Code Annotated;

18 (6) the minor's history of services, including the minor's  
19 willingness to participate meaningfully in available services;

20 (7) whether there is a reasonable likelihood that the minor  
21 can be rehabilitated before the expiration of the juvenile court's  
22 jurisdiction; and

23 (8) the adequacy of the punishment or services.

24 In considering these factors, the court *shall* give greater  
25 weight to the seriousness of the alleged offense and the minor's

1                   prior record of delinquency than to the other factors listed in this  
2                   Subsection.”

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

4           **Section 5. Severability.** If any provision of this Law or its application to any  
5 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
6 *not* affect other provisions or applications of this Law which can be given effect  
7 without the invalid provisions or application, and to this end the provisions of this  
8 Law are severable.