

MINA' TRENTA NA LIHESLATURAN GUAHAN
THIRTIETH GUAM LEGISLATURE
2010 (SECOND) Regular

2010 OCT 11 AM 9:11
MWS

Bill No. 475-30 (Cor)

Introduced by:

FRANK B. AGUON, JR.

AN ACT TO EXPAND THE AUTHORITY AND
DUTIES OF A MAGISTRATE JUDGE; AND TO
AUTHORIZE A ONE-TIME EXTENSION OF
THE TERM OF A MAGISTRATE JUDGE UPON
A DETERMINATION BY THE JUDICIAL
COUNCIL.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. **Legislative Intent.** Public Law 29-109 provided for the
3 appointment of a Magistrate by the Chief Justice of Guam in order to meet
4 the increasing caseload demands on the courts of Guam and improve the
5 delivery of judicial services to the public. The appointment of a Magistrate
6 has dramatically improved the delivery of judicial services to the people of
7 Guam. It is the intent of *I Liheslaturan* to further assist the Judiciary of
8 Guam in its efforts to improve the administration of justice, especially with
9 the recent opening of the Judiciary's new DUI court, by expanding the
10 duties and authorities of the Magistrate. Moreover, authorizing a one-time
11 extension of the Magistrate's term by the Chief Justice will assist in
12 maintaining the continuity of the services performed by the Magistrate.

1 **Section 2.** Section 4401(c) of Title 7 Guam Code Annotated is
2 repealed and reenacted as follows:

3 “(c) A magistrate *shall* be empowered to hear the following, as assigned
4 by the Chief Justice:

5 (1) small claims matters, and to issue and hear returns of warrants of
6 arrest in such cases;

7 (2) traffic matters, and to issue and hear returns of warrants of arrest
8 in such cases;

9 (3) changes of name;

10 (4) post-judgment civil matters relative to execution of judgments
11 such as judgment debtor exams, garnishment matters, and writs of
12 execution, and to issue warrants of arrest and hear returns of warrants
13 of arrest in such cases;

14 (5) first appearances of criminal defendants within the context of §
15 45.30, Title 8, Guam Code Annotated, which include appearances
16 pursuant to § 45.10, Title 8 of the Guam Code Annotated and which are
17 commonly referred to in practice within our local criminal court as
18 “magistrate hearings”, as well as appearances pursuant to Chapter 15
19 (summons), Title 8, Guam Code Annotated, and § 25.20 (notice to
20 appear), and to issue *or* hear returns of warrants of arrest in such cases;

1 (6) set *or* change bail and conditions of release in criminal cases;

2 (7) criminal arraignments, and to issue *or* hear returns of warrants of
3 arrest in such cases;

4 (8) any matters which may be heard by a referee of the Superior
5 Court of Guam;

6 (9) misdemeanor “driving under the influence” cases pursuant to
7 Chapter 18 of Title 16 Guam Code Annotated, and to accept guilty or
8 *nolo contendere* pleas and to issue *or* hear returns of warrants of arrest in
9 such cases;

10 (10) default judgment hearings and to enter default judgments in
11 civil matters for which there is a sum certain for damages;

12 (11) restitution cases in criminal matters where probation has
13 expired, and to issue *or* hear returns of warrants of arrest in such cases;
14 and

15 (12) truancy cases pursuant to Chapter 6 of Title 17 Guam Code
16 Annotated.”

17 **Section 3.** A new Subsection (a)(5) of Section 4401 of Title 7 Guam
18 Code Annotated is added as follows:

19 “(5) The Chief Justice may extend the term of a Magistrate for
20 one additional term of four years without reconfirmation by *I*

1 *Liheslaturan* upon a determination by the Judicial Council that the
2 Magistrate has performed satisfactorily in the Magistrate's initial
3 term."