

**I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN**  
**2023 (FIRST) Regular Session**  
**VOTING RECORD**

Bill No. 144-37 (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 28, 2023					
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**

**15**

**0**

Aye

Nay

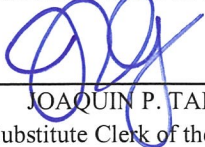
Not  
Voting/  
Abstained

Out  
During  
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



JOAQUIN P. TAITAGUE  
Substitute Clerk of the Legislature

I = Pass

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**2023 (FIRST) Regular Session**

**Bill No. 144-37 (LS)**

As amended by the Committee on  
Health, Land, Justice, and Culture; and  
further amended on the Floor.

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Introduced by:

Therese M. Terlaje  
Sabina Flores Perez  
Chris Barnett  
Jesse A. Lujan  
Roy A.B. Quinata  
Telo T. Taitague  
Joanne Brown  
Joe S. San Agustin  
Tina Rose Muña Barnes

**AN ACT TO AMEND § 70.20 OF ARTICLE 1, CHAPTER  
70, AND §§ 161.10, 161.30, 161.50(a), 161.55, AND 161.130  
OF CHAPTER 161, ALL OF TITLE 8, GUAM CODE  
ANNOTATED, RELATIVE TO ADDRESSING VICTIM  
CONFIDENTIALITY, REPORTING, AND  
RESTITUTION UNDER THE CRIMINAL INJURIES  
COMPENSATION LAW.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that victims of crime who suffer injuries caused by violent crime deserve  
4 compensation. The intent of this legislation is to strengthen existing provisions of  
5 the “Compensation for Damages from Criminal Activities Act” by clarifying  
6 eligibility criteria, supporting reimbursements to the Criminal Injuries  
7 Compensation Fund (Fund) from court-ordered restitution, and to maintain the

1 confidentiality of records and information of victims of crime as required by local  
2 and federal laws and regulations, and federal program guidelines [“Violence Against  
3 Women Act” 42 U.S.C.A. §13925 (b)(2)(A); “Family Violence Prevention and  
4 Services Act” 42 U.S.C.A. § 10406 (c)(5)(B); “Victims of Crime Act” 28 CFR  
5 Chapter 1 Department of Justice, Subpart B, §94.115].

6 The Commission determined that vehicular homicide should be added to the  
7 list of compensable violent crimes. Currently the statute only allows compensation  
8 where the crime charged results from drunk driving. There is no rational basis to  
9 allow compensation for injuries resulting from drunk driving omission, but not  
10 felony vehicular homicide itself. Similarly, hit-and-run with injuries as a third-  
11 degree felony should be added based on the severity of the crime, and the fact that  
12 this crime is often difficult to solve, leaving victims and families without financial  
13 resources to cover their injuries or funeral expenses. The Commission has denied  
14 several of these claims based on ineligibility.

15 The Commission further seeks to update the restitution statutes to authorize  
16 judges to order a defendant to pay such sums of restitution to the Fund as  
17 reimbursement for compensation paid to the victim or eligible person prior to entry  
18 of a judge of conviction. The Guam Supreme Court held that in the absence of  
19 statutory authority, judges cannot order a defendant to pay restitution sums as  
20 reimbursement to the Fund where the victim or eligible person has been wholly or  
21 partially compensated for property damages prior to entry of a judgement of  
22 conviction [*People v. Reselap 2022 Guam 2*].

23 **Section 2.** § 70.20 of Article 1, Chapter 70, Title 8, Guam Code Annotated,  
24 is hereby *amended* to read:

25 **“§ 70.20. Matters Not Subject to Discovery by Defendant.**

26 Notwithstanding §§ 70.10 and 70.15, the prosecuting attorney shall not  
27 be required to disclose:

1 (a) legal research or records, correspondence, reports or  
2 memoranda to the extent that they contain the opinions, theories or  
3 conclusions of the prosecuting attorney or members of his legal staff;

4 (b) an informant's identity where his identity is a prosecution  
5 secret and a failure to disclose will not infringe the constitutional rights  
6 of the defendant. However, the identity of an informant may not be kept  
7 secret where the prosecuting attorney intends to call such person as a  
8 witness at the trial; and

9 (c) confidential records under the Criminal Injuries  
10 Compensation Commission.”

11 **Section 3.** § 161.10 of Chapter 161, Title 8, Guam Code Annotated, is  
12 hereby *amended* to read:

13 **“§ 161.10. Definitions.**

14 As used in this Chapter:

15 (a) ‘Child’ means an unmarried person who is under eighteen (18)  
16 years of age and includes a stepchild or an adopted child;

17 (b) ‘Commission’ means the Criminal Injuries Compensation  
18 Commission established by this Chapter;

19 (c) ‘Confidential records’ means the name, contact information,  
20 medical records, statements of personal injuries or damages suffered as a  
21 result of a violent crime, or any information the disclosure of which would  
22 constitute an unwarranted invasion of personal privacy or a violation of local  
23 or federal laws;

24 (d) ‘Dependents’ means persons who were wholly or partially  
25 dependent upon the victim’s income at the time of the victim’s death or injury  
26 and includes the child of the victim born after the victim’s injury or death;

1 (e) 'Injury' means actual bodily harm and, in respect of a victim,  
2 includes pregnancy, and mental or nervous shock;

3 (f) 'Person' means a natural person;

4 (g) 'Private citizen' means any natural person other than a peace  
5 officer who is actively engaged in the performance of his or her duties;

6 (h) 'Spouse' means a person (male or female) who is legally married  
7 to another person (male or female); provided, that no dissolution proceedings  
8 are pending; and

9 (i) 'Victim' means a person who is injured or killed by any act or  
10 omission of any other person coming within the description of any of the  
11 crimes specified in § 161.55 of this Chapter."

12 **Section 4.** § 161.30 of Chapter 161, Title 8, Guam Code Annotated, is  
13 hereby *amended* to read:

14 **"§ 161.30. Hearings and Evidence.**

15 (a) Where any application is made to the Commission, the applicant  
16 and the Commission's legal advisor shall be entitled to appear and be heard.  
17 Any other person may appear and be heard who satisfied the Commission that  
18 he or she has a substantial interest in the proceedings. In any case in which  
19 the person entitled to make an application is a child, the application may be  
20 made on his or her behalf by his or her parent or legal guardian. In any case  
21 in which the person entitled to make an application is mentally defective, the  
22 application may be made on his or her behalf by his or her guardian or such  
23 other individual authorized to administer the estate.

24 (b) All hearings shall be open to the public, except that the  
25 Commission is authorized to conduct closed meetings to adjudicate victim  
26 compensation. Where under this Chapter a person is entitled to appear and be

1 heard by the Commission, that person may appear in person or by his or her  
2 attorney.

3 (c) Every person appearing under this Chapter shall have the right to  
4 produce evidence and to cross-examine witnesses. The Commission may  
5 receive as evidence any statement, document, information or matter that may,  
6 in the opinion of the Commission, contribute to its functions under this  
7 Chapter, whether or not such statement, document, information or matter  
8 would be admissible in a court of law.

9 (d) If any person has been convicted of any offense with respect to  
10 an act or omission on which a claim under this Chapter is based, proof of that  
11 conviction, unless an appeal against the conviction or a petition for a hearing  
12 in respect of the charge is pending or a new trial or rehearing has been ordered,  
13 shall be taken as conclusive evidence that the offense has been committed.

14 (e) Confidential records of a crime victim or eligible applicant are  
15 not subject to disclosure, inspection, publication, broadcasting, production, or  
16 reporting without the prior written consent of the victim or eligible applicant,  
17 except as compelled by statute, court mandate, or allowed by federal  
18 regulations.”

19 **Section 5.** § 161.50(a) of Chapter 161, Title 8, Guam Code Annotated, is  
20 hereby *amended* to read:

21 **“§ 161.50. Eligibility for Compensation.**

22 (a) In the event any person is injured or killed by any act or omission  
23 of any other person coming within the criminal jurisdiction of Guam after  
24 September 30, 1980, which act or omission is within the description of the  
25 crimes enumerated in § 161.55, the Commission may, in its discretion, upon  
26 an application, order the payment of compensation in accordance with this  
27 Chapter:

- 1 (1) to or for the benefit of the victim;
- 2 (2) to any person responsible for the maintenance of the  
3 victim, where that person has suffered pecuniary loss or incurred  
4 expenses as a result of the victim's injury or death;
- 5 (3) in the case of the death of the victim, to or for the benefit  
6 of any one (1) or more of the dependents of the deceased victim; or
- 7 (4) to a spouse, to a parent of an adult deceased victim, or to  
8 an adult son or daughter of a deceased victim, where in the case of death  
9 of the victim, the spouse, the parent, or adult son or daughter has  
10 incurred expenses on account of hospital, medical, funeral, and burial  
11 expenses as a result of the victim's injury and death."

12 **Section 6.** § 161.55 of Chapter 161, Title 8, Guam Code Annotated, is  
13 hereby *amended* to read:

14 **“§ 161.55. Violent Crimes.**

15 (a) The crimes to which this Chapter applies are the following:

- 16 (1) Aggravated Murder (9 GCA § 16.30);
- 17 (2) Murder (9 GCA § 16.40);
- 18 (3) Manslaughter (9 GCA § 16.50);
- 19 (4) Aggravated Assault (9 GCA § 19.20);
- 20 (5) Assault (9 GCA § 19.30);
- 21 (6) Kidnapping (9 GCA § 22.20);
- 22 (7) Felonious Restraints (9 GCA § 22.30);
- 23 (8) Child Stealing (9 GCA § 22.40);
- 24 (9) Custodial Interference (9 GCA § 22.50);
- 25 (10) Criminal Sexual Conduct in the First Degree (9 GCA §  
26 25.15);

- 1 (11) Criminal Sexual Conduct in the Second Degree (9 GCA §  
2 25.20);
- 3 (12) Criminal Sexual Conduct in the Third Degree (9 GCA §  
4 25.25);
- 5 (13) Criminal Sexual Conduct in the Fourth Degree (9 GCA §  
6 25.30);
- 7 (14) Assault with Intent to Commit Criminal Sexual Conduct  
8 (9 GCA § 25.35);
- 9 (15) Driving While Impaired (9 GCA § 92102);
- 10 (16) Driving While Impaired With Child On Board: Felony  
11 Punishment (9 GCA § 92109), provided a child under the age of sixteen  
12 (16) was injured as a result of an accident in which the vehicle operated  
13 by the person charged with the above violation was involved;
- 14 (17) Vehicular Negligence: Bodily Injuries (9 GCA § 92108);
- 15 (18) Vehicular Homicide While Driving Impaired: Felony  
16 Punishment (9 GCA § 92111);
- 17 (19) Drinking While Driving a Motor Vehicle: Misdemeanor:  
18 Punishment (9 GCA § 92112);
- 19 (20) Stalking (9 GCA § 19.70);
- 20 (21) Family Violence (Third Degree Felony and Misdemeanor)  
21 and Violation of a Court Order (Misdemeanor) (9 GCA Chapter 30);
- 22 (22) Solicitation of Children and Child Pornography (9 GCA  
23 Chapter 25A);
- 24 (23) Robbery (9 GCA Chapter 40);
- 25 (24) Aggravated Arson and Arson (9 GCA §§ 34.20 and  
26 34.30);
- 27 (25) Home Invasion (9 GCA §§ 37.210 and 37.220);



1 (26) Carjacking (9 GCA §§ 37.310, 37.320, and 37.330);

2 (27) Hit and Run with Injuries - Failure to Stop Felony (16  
3 GCA § 3501(f); and

4 (28) Vehicular Homicide (9 GCA § 92110).

5 (b) For the purpose of this Chapter, the operation of a motor vehicle,  
6 boat, or aircraft that results in an injury or death shall not constitute a crime,  
7 unless the injuries were intentionally inflicted through the use of such vehicle,  
8 boat, or aircraft or unless the conduct constitutes a violation of 9 GCA §  
9 92101, et seq. (The Safe Streets Act).

10 (c) Any fine imposed pursuant to 9 GCA § 80.50 or for conviction  
11 of any crimes specified in Subsections (a)(1) through (14) and (20) through  
12 (28) of this Section shall be paid into the Criminal Injuries Compensation  
13 Fund established by § 161.95 of this Chapter. Any portion of restitution  
14 imposed pursuant to 9 GCA §§ 80.50, 26.06 or 34.70 shall be paid into the  
15 Criminal Injuries Compensation Fund as reimbursement to the Fund where  
16 the Commission has awarded compensation for damages to a victim or  
17 eligible person pursuant to § 161.50 of this Chapter prior to a judgement of  
18 conviction against the defendant.”

19 **Section 7.** § 161.130 of Chapter 161, Title 8, Guam Code Annotated, is  
20 hereby *amended* to read:

21 **“§ 161.130. Annual Report.**

22 The Attorney General shall, on behalf of the Commission, include in  
23 the Office of the Attorney General’s annual fiscal year budgetary submission  
24 to *I Liheslaturan Guåhan*, a report on vacant appointments to the  
25 Commission, the number of applications received for the preceding calendar  
26 year, the category of crimes identified, the number and category of awards  
27 issued, and the number and category denied in the preceding calendar year,

1 current balances in the Criminal Injuries Compensation Fund, and any specific  
2 request for appropriations to the Office of the Attorney General for  
3 administrative support of this Chapter.”