

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

Bill No. 23-23 (COR)

Introduced by:

FRANK B. AGUON, JR.



**AN ACT TO AMEND SUBSECTION (c) OF § 4401 OF  
ARTICLE 4, CHAPTER 4, TITLE 7, GUAM CODE  
ANNOTATED, RELATIVE TO EXPANDING THE  
POWERS OF THE MAGISTRATE JUDGE.**

2015 JUN - 9  
4:47  
CJMP

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

2       **Section 1. Legislative Intent.** *I Liheslaturan Guåhan* finds that the  
3 expansion of the statutory authority of the magistrate judges of the Superior Court  
4 of Guam following the federal model will provide the courts with an efficient  
5 supplemental judicial resource to assist in expediting its workload.

6       The request to expand the powers of a magistrate judge was proposed by the  
7 Chief Justice of the Supreme Court of Guam during the 2015 State of the Judiciary  
8 Address. This additional authority will allow magistrate judges to perform  
9 additional duties such as disposing of procedural motions in criminal matters,  
10 addressing discovery disputes, presiding over unlawful detainers, overseeing  
11 settlement efforts in civil cases, and with the consent of the parties, hearing civil  
12 matters and criminal misdemeanors.

13       **Section 2. Expanded Powers of the Magistrate Judge.** Subsection (c) of §  
14 4401 of Article 4, Chapter 4, Title 7, Guam Code Annotated, is hereby *amended*, to  
15 read:

16       “(c) As assigned by the Chief Justice, a magistrate shall:

17               (1) preside over and render decisions and judgments in small claims  
18 cases, traffic cases, change of name petitions, and collection cases, and may

1 grant uncontested divorces in cases where there is a notarized consent on  
2 file;

3 (2) enter judgment upon confession of judgment or default judgment  
4 in a civil case when a party alleges a sum certain is due;

5 (3) preside over post-judgment collection proceedings in civil cases  
6 and restitution judgments in criminal cases, and issue writs of execution and  
7 other orders in such proceedings;

8 (4) preside over first appearances of criminal defendants and  
9 arraignments in criminal cases, set bail and order pre-trial release conditions,  
10 take pleas, including accepting guilty pleas in misdemeanor cases,  
11 sentencing misdemeanants and entering judgments accordingly;

12 (5) issue summons, issue bench warrants, and hear return of warrants  
13 in all cases to which assigned;

14 (6) preside over any matters which may be heard by a Referee of the  
15 Superior Court of Guam;

16 (7) serve as a Special Master upon appointment by the Presiding  
17 Judge;

18 (8) serve as Judge Pro Tempore upon appointment by the Chief  
19 Justice; and

20 (9) serve as a settlement judge in a civil or domestic case upon  
21 appointment by the Presiding Judge;

22 (10) conduct criminal trial setting hearings;

23 (11) preside over preliminary hearings in criminal cases and render  
24 decisions and judgments over procedural and discovery motions in criminal  
25 matters;

1           (12) preside over initial scheduling conferences in civil matters, to  
2 include but not limited to: initial pretrial conferences, case scheduling,  
3 discovery disputes, motions, and settlement efforts;

4           (13) preside over unlawful detainer proceedings; and

5           (14) notwithstanding any provision of law to the contrary, upon the  
6 consent of the parties and when specially designated by the Chief Justice to  
7 exercise such jurisdiction, conduct any or all proceedings in a jury or  
8 nonjury civil trial or criminal misdemeanor trial and order the entry of  
9 judgment in such case.”