

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

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
306-37 (COR)	Thomas J. Fisher	AN ACT TO AMEND SECTION §70.10(A) OF CHAPTER 70, TITLE 8 GUAM CODE ANNOTATED TO ADD 70.10(c)(8) RELATIVE TO THE GUAM COURTS REQUIRING PROSECUTORS TO NOTIFY DEFENDANTS OF ANY PRIOR UNCHARGED CRIMINAL, VICIOUS OR IMMORAL CONDUCT OF WHICH THE PROSECUTOR HAS KNOWLEDGE OF AND INTENDS TO USE AT TRIAL.	5/16/24 11:32 a.m.				5/29/24		5/29/24 Retract Referral of Bill No. 306-37 (COR) per the Committee on Rules  5/29/24 Retract Fiscal Note Request as a result of the Committee on Rules Retracting the Bill Referral  Referred Version 6/18/24

*I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÁHAN*  
2024 (SECOND) Regular Session

Bill No. 306-37 (COR)

Introduced by:

Thomas J. Fisher



AN ACT TO AMEND SECTION §70.10(A) OF CHAPTER 70, TITLE 8 GUAM CODE ANNOTATED TO ADD 70.10(a)(8) RELATIVE TO THE GUAM COURTS REQUIRING PROSECUTORS TO NOTIFY DEFENDANTS OF ANY PRIOR UNCHARGED CRIMINAL, VICIOUS OR IMMORAL CONDUCT OF WHICH THE PROSECUTOR HAS KNOWLEDGE OF AND INTENDS TO USE AT TRIAL.

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

2           **Section 1.** §70.10(a) of Chapter 70, Title 8, Guam Code Annotated is  
3 hereby *amended* to add a *new* section §70.10(a)(8) to read:

4           § 70.10. Matters Generally Discoverable; Prosecutors' Obligations.

5           (a) Except as otherwise provided by §§ 70.20 and 70.30, at any time after the  
6 first appearance upon noticed motion by the defendant, the court shall order the  
7 prosecuting attorney to disclose to the defendant's attorney or permit the  
8 defendant's attorney to inspect and copy the following material and information  
9 within his possession or control, the existence of which is known, or by the  
10 exercise of due diligence may become known to the prosecuting attorney:

11           (1) the name and address of any person whom the prosecuting  
12 attorney intends to call as a witness at the trial, together with his relevant written or  
13 recorded statement;

1 (2) any written or recorded statement and the substance of any oral  
2 statement made by the defendant or made by a codefendant if the trial is to be a  
3 joint one;

4 (3) any report or statement of an expert, made in connection with the  
5 case, including results of physical or mental examinations and of scientific tests,  
6 experiments or comparisons;

7 (4) any book, paper, document, photograph or tangible object, which  
8 the prosecuting attorney intends to use in the trial or which was obtained from or  
9 belonged to the defendant;

10 (5) any record of prior criminal convictions of persons whom the  
11 prosecuting attorney intends to call as witnesses at the trial;

12 (6) whether there has been an electronic surveillance of conversations  
13 to which the defendant was party or of his premises;

14 (7) any material or information which tends to negate the guilt of the  
15 defendant as to the offense charged or would tend to reduce his punishment  
16 therefor.

17 (8) Upon a request by a defendant, the prosecutor shall notify the  
18 defendant of all specific instances of a defendant's prior uncharged criminal,  
19 vicious or immoral conduct of which the prosecutor has knowledge and which the  
20 prosecutor intends to use at trial for purposes of impeaching the credibility of the  
21 defendant. Such notification by the prosecutor shall be made immediately prior to  
22 the commencement of jury selection, and the court shall order such notification and  
23 make its determination as to the admissibility for impeachment purposes of such  
24 conduct, prior to the commencement of jury selection.

25 (b) The prosecuting attorney's obligations under this Section extend to any  
26 material information in the possession or control of members of his staff and any  
27 other persons who have participated in the investigation or evaluation of the case

1 and who either regularly report or with reference to this case have reported to his  
2 office.

3           **Section 2. Severability.** If any provision of this Act, or the application  
4 thereof to any person or circumstance, is held invalid, the invalidity does not  
5 affect other provisions or applications of the Act that can be given effect  
6 without the invalid provision or application, and to this end the provisions of  
7 this Act are severable.