



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

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
351-37 (COR)	Frank Blas, Jr. Joanne M. Brown	AN ACT TO ADD A NEW SECTION 7.11 TO 9 GUAM CODE ANNOTATED CHAPTER 7 RELATIVE TO EXCEPTION FOR CRIMINAL LIABILITY REGARDLESS OF JUVENILE STATUS, AND TO AMEND SECTION 5106 OF 19 GUAM CODE ANNOTATED CHAPTER 5 RELATIVE TO THE JURISDICTION OF THE SUPERIOR COURT OF GUAM AS PROVIDED FOR IN SECTION 7.11 OF 9 GUAM CODE ANNOTATED CHAPTER 7.	9/4/24 11:02 a.m.						

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

**Bill No. 351-37 (COR)**

Introduced by:

Frank F. Blas Jr.   
Joanne Brown 

**AN ACT TO ADD A NEW SECTION 7.11 TO 9 GUAM CODE ANNOTATED CHAPTER 7 RELATIVE TO EXCEPTION FOR CRIMINAL LIABILITY REGARDLESS OF JUVENILE STATUS, AND TO AMEND SECTION 5106 OF 19 GUAM CODE ANNOTATED CHAPTER 5 RELATIVE TO THE JURISDICTION OF THE SUPERIOR COURT OF GUAM AS PROVIDED FOR IN SECTION 7.11 OF 9 GUAM CODE ANNOTATED CHAPTER 7.**

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

2 **Section 1. A New Section 7.11 is added to 9 Guam Code Annotated**  
3 **Chapter 7 to read:**

4 **§ 7.11. Exception for Criminal Liability Regardless of Juvenile Status.**

5 Apart from those persons specifically exempted by §7.10 of this Chapter, any other  
6 person who is alleged to have committed an offense while a juvenile may be tried  
7 for and convicted of an offense in the Superior Court of Guam regardless of his or  
8 her age at the date the person is charged with an offense.

9 **Section 2. Section 5106 of 19 Guam Code Annotated Chapter 5 is amended to**  
10 **read:**

11 **§ 5106. Certification for Criminal Proceedings.**

1 (a) If a child is sixteen (16) years of age or older at the time he committed  
2 the offense for which he is charged, and if the conduct is a misdemeanor or a  
3 felony of the third degree, and if the court after full investigation deems it  
4 contrary to the best interest of such child or of the public to retain jurisdiction,  
5 the court may, in its discretion, certify such child for proper criminal  
6 proceedings to any court which would have trial jurisdiction of such offense  
7 if committed by an adult. A child who is sixteen (16) years of age or older at  
8 the time he committed the offense for which he is charged shall automatically  
9 be charged as an adult for any act which would constitute a felony of the first  
10 or second degree along with any acts which are misdemeanors or felonies of  
11 the third degree which are part of the same scheme of criminal activity as the  
12 felony. If a child is under sixteen years of age at the time he committed the  
13 offense for which he is charged, ~~and if the conduct would constitute an offense~~  
14 ~~under 9 GCA Chapter 16 (Homicides)~~, and if the court after full investigation  
15 deems it contrary to the best interest of such child or of the public to retain  
16 jurisdiction, the court may, in its discretion, certify such child for proper  
17 criminal proceedings to any court which would have trial jurisdiction of such  
18 offense if committed by an adult. If a child is certified as an adult, the same  
19 judge shall not, in turn preside over the criminal proceedings against such  
20 child.

21 (b) If a person over the age of eighteen (18) years, over whom the court  
22 retains jurisdiction under this Title, is subject to a commitment or probation  
23 order of the Family Division and is charged with any offense against the laws  
24 of Guam not triable in the Traffic Division of the Court, such person shall be  
25 tried and punished as an adult. If, during the pendency of such adult  
26 proceedings, the person would be entitled to bail as an adult, the Superior  
27 Court shall, instead of releasing such person, remand him to the custody of



1 the department, agency, or institution to which he was committed at the time  
2 of the bail proceedings. If such person was not committed under this Title, but  
3 was on probation, he may be admitted to bail and the conditions of his  
4 probation under this Title made a part of the conditions of his bail. Nothing in  
5 this Section shall prevent the Family Division, upon the appropriate  
6 proceedings, from taking action against such person based upon a violation of  
7 his conditions of probation.

8 (c) Should the adult proceedings against any person described in  
9 Subsection (b), above, be terminated for any reason, or such person released  
10 from the judgment of the adult court, including by the completion of any adult  
11 sentence, before the person has reached his twenty-first (21st) birthday, such  
12 person shall be remanded to the jurisdiction of the Family Division for the  
13 completion of his original juvenile disposition. Upon such remand, the judge  
14 of the Family Division may determine, in light of all the circumstances then  
15 existing, whether this person shall be returned to the custody of the juvenile  
16 institution to which he had been committed at the time he was sentenced as an  
17 adult or, whether, because of such conviction and other circumstances, a  
18 modification of the juvenile commitment, or discharge from the jurisdiction  
19 of the Family Division, should be made. The court may continue the juvenile  
20 confinement, or may release the person from the jurisdiction of the Family  
21 Court, or may modify the order previously issued in any manner the court  
22 deems necessary.

23 (d) Notwithstanding Subsection (a) of this Section, on motion of either the  
24 prosecutor or defendant, or sua sponte by the Court, the complaint or  
25 indictment may be transferred to the jurisdiction of the Family Court upon a  
26 finding based on clear and convincing evidence that the best interest of the  
27 minor would be amenable to the care, treatment, and training programs

1 available through the facilities of the juvenile court based on an evaluation of  
2 the following:

3 (1) the age of the minor;

4 (2) the history of the minor, including:

5 (A) any previous delinquent or criminal history of the minor;

6 (B) any previous abuse or neglect history of the minor; and

7 (C) any mental health, physical or educational history of the minor, or

8 a combination of these factors;

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

10 (A) the seriousness of the offense;

11 (B) whether the minor is charged through accountability;

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

14 (D) whether there is evidence the offense caused seriously bodily harm;

15 and

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

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

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

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

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

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

1           In considering these factors, the court shall give greater weight to the  
2           seriousness of the alleged offense and the minor's prior record of delinquency  
3           than to the other factors listed in this Subsection.

4           Furthermore, this Section does not define the jurisdiction of the  
5           Superior Court of Guam to entertain cases brought in adult court, which is  
6           provided for in 9 G.C.A. §7.11.

7           **Section 3. Severability.** If any provision of this Act or its application to any person  
8           or circumstance is found to be invalid or inorganic, such invalidity shall not affect  
9           other provisions or applications of this Act that can be given effect without the  
10          invalid provision or application, and to this end the provisions of this Act are  
11          severable.

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