


I MINA'BENTE ÑUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

Bill No. 131 (EC)

Introduced by:

J. V. Espaldon 

JUN 13 PM 1:59
EJM

**AN ACT TO AMEND §50.38 OF CHAPTER 50 OF TITLE
8 GUAM CODE ANNOTATED RELATIVE TO
RECORDING GRAND JURY PROCEEDINGS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan*
3 *Guåhan* finds that trial proceedings can be expedited through the timely
4 released of grand jury proceedings. Judicial efficiency can be achieved in
5 this digital age by updating the current statute by allowing for the release of
6 digital recordings of the proceedings rather than awaiting the tedious and
7 time consuming process of transcribing grand jury testimony. It is the intent
8 of *I Liheslaturan Guåhan* to allow that digital recordings be an acceptable
9 form of record of grand jury proceedings.

10 **Section 2.** Section 50.38. of Chapter 50 of Title 8 of the Guam Code
11 Annotated is *amended* to read as follows:

12 **“50.38. Recording Grand Jury Proceedings.** (a) In all grand jury
13 proceedings, the testimony taken and questions asked before the grand jury
14 has commenced its deliberation shall be recorded stenographically, or

1 electronically, or digitally. The prosecuting attorney and defendant, or his
2 attorney, may request a copy of the electronic or digital recording transcript
3 of the proceedings at any time after it is taken and the court shall order such
4 record transcript to be prepared within a reasonable time after the request is
5 made. After preparing the ~~transcript~~ electronic or digital recording, the
6 reporter shall certify it, file the original with the clerk of the court and
7 deliver one (1) copy each to the prosecuting attorney and defendant or his
8 attorney.

9 (b) Grand jury transcripts and recordings are not public documents. Upon
10 good cause shown, the court may restrict the distribution of the transcript or
11 recording to persons who are shown to have need of them, or delay its
12 release to a defendant if its release, or the release of any part of the transcript
13 or recording may prevent a fair and impartial trial or could cause danger to
14 any witness whose testimony appears within the transcript or recording or
15 about whom a witness testifies (except a defendant). Any transcript or
16 recording or part ~~thereof of a transcript~~ not released by the court under this
17 Subsection shall remain sealed until after the trial has been completed, or
18 may be released upon earlier order of the court. No person, to whom a grand
19 jury transcript or recording has been given, except for a witness as to his
20 own testimony, shall release its contents to any other person except a client
21 or, in the case of the prosecuting attorney, to any law enforcement agency.”