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I MINA'BENTE NUEBE NA LIHESLATURAN GUÅHAN
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Bill No: 288 ec

Introduced by:

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AN ACT TO PROVIDE FOR THE APPOINTMENT OF MAGISTRATES AND JUDICIAL HEARINGS DIVISION HEARINGS OFFICERS WITHIN THE JUDICIARY OF GUAM AND TO PROVIDE FOR THE CREATION OF SATELLITE COURT FACILITIES

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Intent. It is the intent of *I Liheslatura* to provide for the appointment of magistrates and Judicial Hearings Division Hearings Officers, and to provide for the creation of satellite court facilities, by the Chief Justice of the Supreme Court of Guam. This is to act upon the recommendations of the National Center for State Courts in their assessment of the Judiciary of Guam's capability to meet the current and future demands of the public. That study, conducted by an independent party with expertise in court systems and administration, noted that the island's existing caseload demands necessitate additional judicial officers above the current staffing levels. Additionally, recently enacted public law dictates enhancing judicial efficiency through the adoption and practice of time standards. In order to facilitate current demands upon the Judicial Branch, *I Liheslaturan Guahan* recognizes the need to deliver judicial services by providing authority to appoint Magistrates and Hearings Officers.

Section 2. Appointment of Magistrates and Creation of Satellite Court Facilities. A new Article 4 is hereby added to Chapter 4 of Title 7, Guam Code Annotated, to read as follows:

**ARTICLE 4
MAGISTRATES AND SATELLITE COURTS**

1 **§ 4401. Magistrates**

2 **§ 4402. Satellite Courts.**

3
4 **“§ 4401. Magistrates.**

5 (a) The Chief Justice of the Supreme Court of Guam is authorized to appoint such
6 magistrates as necessary for the proper administration of justice.

7 (b) A magistrate shall:

8 (1) serve a four year term, removable for cause;

9 (2) be at least thirty (30) years of age;

10 (3) meet the qualifications required of a Superior Court Judge as articulated by
11 7 GCA §§ 3109(c),(d) & (e);

12 (4) be a member in good standing of the Guam Bar Association;

13 (5) not have been convicted of any felony or any misdemeanor involving
14 moral turpitude;

15 (6) not be related by blood within the third degree of consanguinity or
16 marriage to a judge or justice of the courts of Guam at the time of his or her initial
17 appointment;

18 (7) be subject to the same ethical standards as a Superior Court Judge or
19 Justice, to include the Guam Rules for Judicial Disciplinary Enforcement; and

20 (8) receive a salary no greater than 90% of a Judge who is not the Presiding
21 Judge.

22 (c) A magistrate shall be empowered to hear the following, as assigned by the Chief
23 Justice:

24 (1) small claims matters, and to issue and hear returns of warrants of arrest in
25 such cases;

26 (2) traffic matters, and to issue and hear returns of warrants of arrest in such
27 cases;

28 (3) changes of name;

29 (4) post-judgment civil matters relative to execution of judgments such as
30 judgment debtor exams, garnishment matters, and writs of execution, and to issue
31 warrants of arrest and hear returns of warrants of arrest in such cases;

32 (5) first appearances of criminal defendants within the context of 8 GCA §
33 45.30, which include appearances pursuant to 8 GCA § 45.10 which are commonly
34 referred to in practice within our local criminal court as “magistrate hearings,” as well

1 as appearances pursuant to 8 GCA Chapter 15 (summons) and 8 GCA § 25.20 (notice
2 to appear), although no authority exists to issue or hear returns of warrants of arrest in
3 such cases;

4 (6) set or change bail and conditions of release in criminal cases;

5 (7) criminal arraignments, although no authority exists to issue or hear returns
6 of warrants of arrest in such cases; and

7 (8) any matters which may be heard by a referee of the Superior Court of
8 Guam.

9 (d) each magistrate shall have any other powers and duties granted to it by the
10 Supreme Court of Guam.

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12 **§ 4402. Satellite Courts.**

13 The Chief Justice of the Supreme Court of Guam is hereby authorized to establish
14 satellite court facilities in highly populated areas of Guam.”

15 **Section 3.** A new Subsection (d) is hereby added to Section 40.50 of Chapter 40 of Title 8,
16 Guam Code Annotated, to read as follows:

17 “(d) If conditions of release are imposed by a magistrate pursuant to 7 GCA § 4401,
18 any judge may review such conditions.”

19 **Section 4.** Funding requirements for this Act shall be included in the Unified Judiciary of
20 Guam Fiscal Year 2009 Budget Request.

21
22 **Section 5.** Section 5501 of Chapter 5A of Title 19, Guam Code Annotated, is hereby
23 amended to read as follows:

24 **“§ 5501. Authorization for Expedited Judicial Process; Hearings Officers.**

25 (a) There is hereby created an expedited judicial process agency which shall
26 constitute a division of the Superior Court to be designated the Judicial Hearings Division.

27 (b) The Judicial Hearings Division (the Division) shall be a court of record
28 administered by one (1) or more Hearings Officers who shall be appointed by the Chief
29 Justice of the Supreme Court of Guam to serve on a full-time or part-time basis and who
30 shall be subject to the conditions articulated in 7 GCA § 4401(b) regarding magistrates.”

31 **Section 6.** A new Section 5505 is hereby added to Chapter 5A of Title 19 Guam Code
32 Annotated as follows:

33 **“§ 5505. Referee Shall Mean Hearing Officer.**

1 Any reference to referee or referees within this chapter shall also mean “Hearings
2 Officer” or “Hearings Officers.”

3 **Section 7.** The Supreme Court of Guam may promulgate administrative rules as necessary to
4 effectively implement this Act.

5 **Section 8.** Effective Date and Implementation. This Act shall be effective thirty (30) days
6 after enacted, however its implementation shall not result in any existing Judiciary employee’s salary
7 being reduced.

8 **Section 9.** Severability. If any provision of this Act or the application thereof to any person
9 or circumstance is held invalid, such invalidity shall not affect any other provision or application of
10 this Act which can be given effect without the invalid provision or application, and to this end the
11 provisions of this Act are severable.