

I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

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Bill No. 322(E)

Introduced by:

Ray Tenorio

AN ACT TO AMEND §50.38 OF CHAPTER 50 OF 8GCA
RELATIVE TO WRITTEN GRAND JURY
TRANSCRIPTS.

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

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3 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
4 finds although the passage of Public Law 29-56 made it easier for the Judiciary
5 of Guam to produce grand jury transcripts for prosecutors and defense
6 attorneys, there may be occasions where written transcripts are necessary to
7 advance their respective cases. In cases where defendants are remanded to
8 custody, it could be impractical and difficult for their defense attorneys to
9 review audio transcripts with them in the correctional facility setting.
10 Prosecutors may face similar difficulties when they need to recount testimony
11 with grand jury witnesses.

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13 **Section 2.** Section 50.38. of Chapter 50 of Title 8 of the Guam Code
14 Annotated as amended by Public Law 29-56 is hereby amended to read as
15 follows:

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17 **"50.38. Recording Grand Jury Proceedings.** (a) In all grand jury
18 proceedings, the testimony taken and questions asked before the grand jury has

1 commenced its deliberation shall be recorded stenographically, or
2 electronically, including digital and/or analog formats. The prosecuting attorney
3 and defendant, or his attorney, may request a copy of the electronic, analog or
4 digital recording of the proceedings at any time after it is taken and the court
5 shall order such record to be prepared within a reasonable time after the request
6 is made. After preparing the electronic, analog or digital recording, the reporter
7 shall certify it, file the original with the clerk of the court and deliver one (1)
8 copy each to the prosecuting attorney and defendant or his 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 release to
12 a defendant if its release, or the release of any part of the transcript or recording
13 may prevent a fair and impartial trial or could cause danger to any witness
14 whose testimony appears within the transcript or recording or about whom a
15 witness testifies (except a defendant). Any transcript or recording or part thereof
16 not released by the court under this Subsection shall remain sealed until after
17 the trial has been completed, or may be released upon earlier order of the court.
18 No person, to whom a grand jury transcript or recording has been given, except
19 for a witness as to his own testimony, shall release its contents to any other
20 person except a client or, in the case of the prosecuting attorney, to any law
21 enforcement agency.

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23 (c) Defense and prosecuting attorneys shall, upon request, be provided
24 with written transcripts, within ten (10) days of such request, Saturdays,
25 Sundays and Government of Guam Holidays excepted.

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2 (ⓔ) (d) The Unified Judiciary *shall* create appropriate rules for digital or
3 analog formatting, storage media, security, archiving and dissemination of
4 audio transcripts and written transcripts."