



FILE COPY

MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
TWENTY-NINTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

April 28, 2008



The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 99(LS), 161(LS), 243(LS), 247(LS), 264(EC); and Substitute Bill Nos. 95(LS), 205(EC), 223(LS) & 226(LS) which were passed by *I Mina'Bente Nuebi Na Liheslaturan Guåhan* on April 25, 2008.

Sincerely,

TINA ROSE MUNA BARNES
Senator and Secretary of the Legislature

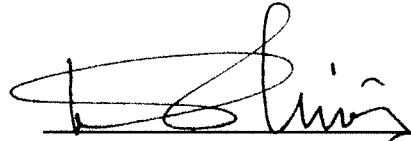
Enclosures (9)

FILE COPY

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

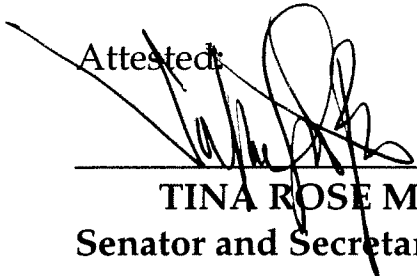
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 95 (LS), "AN ACT TO AMEND §20118 OF TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE DEFINITION OF A STATUS OFFENDER, AND TO ADD A NEW §21009 TO TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING VALID COURT ORDER PROVISIONS," was on the 25th day of April, 2008, duly and regularly passed.

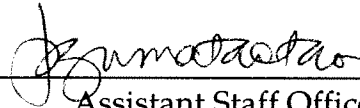


DR. DAVID L.G. SHMIZU
Acting Speaker

Attested:


TINA ROSE MUÑA BARNES
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 28 day of April, 2008, at
4:20 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 95 (LS)

As substituted by the Committee on
Public Safety, Criminal Justice and Youth.

Introduced by:

Ray Tenorio
Frank T. Ishizaki
R. J. Respicio
Frank F. Blas, Jr.
Edward J.B. Calvo
B. J.F. Cruz
James V. Espaldon
Mark Forbes
Judith Paulette Guthertz, DPA
J. A. Lujan
Tina Rose Muña Barnes
A. B. Palacios, Sr.
v. c. pangelinan
Dr. David L.G. Shimizu
J. T. Won Pat, Ed.D.

AN ACT TO *AMEND* §20118 OF TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE DEFINITION OF A STATUS OFFENDER, AND TO *ADD* A NEW §21009 TO TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING VALID COURT ORDER PROVISIONS.

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

2 **Section 1.** §20118 of Title 19, Guam Code Annotated, is hereby *amended* to
3 read:

4 **“§20118. Deinstitutionalization of Status Offenders.** There is
5 hereby established within the Department a Deinstitutionalization of Status
6 Offender Program (the Program) which *shall* ensure that children are *not*

1 placed in secured correctional or detention facilities for offenses that would
2 *not* be considered criminal *if* committed by an adult.

3 A Status Offender is a juvenile offender who has been charged with *or*
4 adjudicated for conduct which would *not*, under the laws of Guam and the
5 laws of the United States applicable to Guam, be a crime *if* committed by an
6 adult (28 CFR 31.304(h)).

7 (a) The Department, through the Program, *shall* provide alternative
8 placements for youths who either, (1) are status offenders, *or* (2) have been
9 identified as “at risk” or referred for services by any government *or* private
10 agency as abuse *or* neglect victims.

11 (b) Such alternative placements may be provided in a Department
12 facility separate and apart from the Youth Correctional Facilities *or* in
13 private organizations on a contractual basis, and *shall* include, but *not* be
14 limited to, any of the following: shelters; therapeutic foster homes;
15 casework and counseling; psychological evaluation; family reconstruction;
16 outreach; information and referral; drug and alcohol assessments; crisis
17 intervention; individual and group therapy; and support services and
18 prevention programs at all levels. The services must be provided in a
19 comprehensive and holistic approach focusing on the family and the
20 troubled youth; provided, that such services *shall* be administered by bona
21 fide, certified professionals in social work or related disciplines.

22 (c) In the Program, special attention *shall* be placed on the
23 development and implementation of services to those children who have
24 committed status offenses and who have been referred to the Family Court,
25 *or* who are in violation of §21009 of Title 19, Guam Code Annotated.

26 (d) The Department *shall* annually cause an independent review of the
27 Program to be conducted by persons *not* affiliated with the Department, and

1 *shall*, itself, annually review the Program to determine the extent to which
2 optimum services have been provided. The Department *shall* within thirty
3 (30) days after receipt of the independent review, but in no event, *later than*
4 March 1st of each year, submit a copy to *I Liheslatura*.”

5 **Section 2.** A new §21009, Title 19, Guam Code Annotated, is hereby *added*
6 to read:

7 “**§21009. Valid Court Order Provisions.** No status offender *shall*
8 be placed in the Department’s Youth Correctional Facilities, a secure
9 juvenile detention facility *or* juvenile holding facility as a means *or* form of
10 punishment except following a finding that the child has violated a valid
11 court order.

12 (a) For purposes of this Act, a valid court order is a court order
13 given by a judge to a child who was brought before the court and made
14 subject to the order, and who received, before the issuance of the order, the
15 full due process rights guaranteed to such child by the Constitution of the
16 United States. (42U.S.C. 5603, Section 103(16)).

17 (b) An accused status offender *shall* not be held in the
18 Department's Youth Correctional Facility longer than twenty-four (24)
19 hours prior to and twenty-four (24) hours after an initial court appearance,
20 excluding Saturdays, Sundays and statutory state holidays, except under the
21 following circumstances: a status offender may be held either in the
22 Department’s Youth Correctional Facilities; Cottage Homes, which is the
23 Department’s non-secured juvenile detention facilities; *or* the youth’s own
24 home for violating a valid court order pursuant to the criteria as established
25 by the federal Juvenile Justice and Delinquency Prevention Act of 2002, and
26 any subsequent amendments thereto. Runaways, who are *not* residing on

1 Guam, may be detained pending return to their home state *or* island,
2 whichever the case may be.

3 (c) A valid court order must be in force and that a report by the
4 Department states that remanding the youth, pursuant to §21008(c) of this
5 Act, is necessary to justify holding a youth in secured detention longer than
6 seventy-two (72) hours.”