

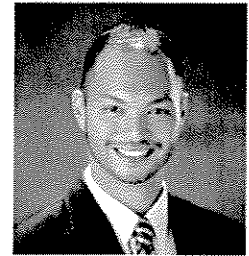
I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
216-32 (LS)	Judith T. Won Pat, Ed.D., T.R. Muña Barnes Aline A. Yamashita, Ph.D.	AN ACT RELATIVE TO ENACTING PRINCIPLES OF BALANCED AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER	10/31/13 9:51 a.m.		Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations	1/15/14 2:30 p.m.	4/9/14 8:47 a.m.	Fiscal Note Received 2/18/14



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'Trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



APR 08 2014

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'Trentai Dos na Liheslaturan Guåhan
155 Hesler Place
Hagatna, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairman
Committee on Rules, Federal, Foreign & Micronesian Affairs,
Human & Natural Resources, and Election Reform

RE: Committee Report on Bill No. 216-32 (LS), as substituted by the Committee

Dear Speaker Won Pat,

2014 APR - 9 AM 8:47

Håfa adai! Transmitted herewith is the Committee Report on Bill No. 216-32 (LS), as substituted by the Committee – “AN ACT TO ADD NEW §5134 OF CHAPTER 5 OF TITLE 19 GUAM CODE ANNOTATED RELATIVE TO ENACTING PRINCIPLES OF BALANCED APPROACH AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER.”

Committee votes are as follows:

- 4 TO DO PASS
- _____ TO NOT PASS
- 3 TO REPORT OUT ONLY
- _____ TO ABSTAIN
- _____ TO PLACE IN INACTIVE FILE

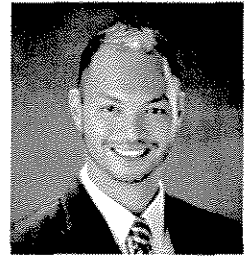
Respectfully,

MICHAEL F.Q. SAN NICOLAS



Senator Michael F.Q. San Nicolas

Chairman – Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



COMMITTEE REPORT

Bill No. 216-32 (LS),

**Introduced by Judith T. Won Pat, Ed.D., Tina R.
Muna Barnes, and Aline A. Yamashita, Ph.D.**

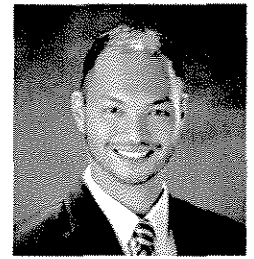
As substituted by the Committee

**“AN ACT TO ADD NEW §5134 OF CHAPTER 5 OF
TITLE 19 GUAM CODE ANNOTATED RELATIVE
TO ENACTING PRINCIPLES OF BALANCED
APPROACH AND RESTORATIVE JUSTICE IN THE
JUVENILE CRIMINAL JUSTICE SYSTEM
BETWEEN THE VICTIM AND OFFENDER.”**



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



APR 08 2014

MEMORANDUM

TO: All Members
Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations

RE: **Committee Report on Bill No. 216-32 (LS), as substituted by the Committee**

Håfa adai! Transmitted herewith for your consideration is the Committee Report on Bill No. 216-32 (LS), as substituted by the Committee – “AN ACT TO ADD NEW §5134 OF CHAPTER 5 OF TITLE 19 GUAM CODE ANNOTATED RELATIVE TO ENACTING PRINCIPLES OF BALANCED APPROACH AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER.”

This report includes the following:

- Committee Voting Sheet
- Report Digest
- Copy of Bill No. 216-32 (LS), as introduced
- Copy of Bill No. 216-32 (LS), as substituted
- Public Hearing Sign-in Sheet
- Fiscal Note
- Copy of COR Referral of Bill No. 216-32 (LS)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Public Testimony
- Supplemental Documents

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact my office.

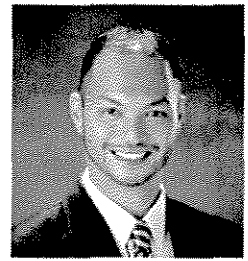
Respectfully,


MICHAEL F.Q. SAN NICOLAS



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



COMMITTEE VOTING SHEET

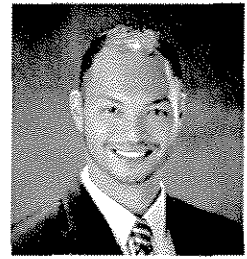
Bill No. 216-32 (LS), as substituted by the Committee – “AN ACT TO ADD NEW §5134 OF CHAPTER 5 OF TITLE 19 GUAM CODE ANNOTATED RELATIVE TO ENACTING PRINCIPLES OF BALANCED APPROACH AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER.”

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Michael F.Q. San Nicolas Chairman 4/8/14				✓		
Senator Thomas C. Ada Vice Chairman				✓		
Speaker Judith T. Won Pat, Ed.D. Member		✓				
Vice Speaker Benjamin J.F. Cruz Member		✓				
Senator Tina Rose Muña Barnes Member		✓				
Senator Vicente C. Pangelinan Member						
Senator Rory J. Respicio Member						
Senator V. Anthony Ada Member				✓		
Senator Aline A. Yamashita, Ph.D. Member		✓				



Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 216-32 (LS) was introduced on October 31, 2013 by Speaker Judith T. Won Pat, Ed.D., Senator Tina Muña-Barnes, and Senator Aline A. Yamashita, Ph.D. The bill was subsequently referred by the Committee on Rules to the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations on October 31, 2013.

The Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations convened a public hearing on January 15, 2014 at 2:33 p.m. in *I Liheslatura's* Public Hearing Room. Among the items on the hearing agenda was Bill 216-32 (LS). The hearing was adjourned at 4:45 p.m.

Public Notice Requirements

Public Hearing notices were disseminated via electronic mail to all senators and all main media broadcasting outlets on January 8, 2014, and again on January 13, 2014. Notice was also posted on *I Liheslaturan Guåhan's* website beginning on January 8, 2014.

Senators Present

Senator Michael F.Q. San Nicolas, Chairman
Senator Thomas C. Ada, Vice Chairman
Senator Aline A. Yamashita, Ph.D., Committee Member
Senator V. Anthony Ada, Committee Member
Senator Frank B. Aguon, Jr.
Senator Michael T. Limtiaco

Oral Testimony

Attorney Patrick Wolff, *Inafa' Maolek* Conciliation
Christina Noket, *Inafa' Maolek* Conciliation
Michelle Taitano, Chairperson, Guam Parole Board
Art DeOro, *Inafa' Maolek* Conciliation
Attorney Carol Hinkle Sanchez, Attorney General's Office

Written Testimony

Attorney Patrick Wolff, *Inafa' Maolek* Conciliation
Christina Noket, *Inafa' Maolek* Conciliation
Michelle Taitano, Guam Parole Board
Attorney Carol Hinkle Sanchez, Attorney General's Office
Jaanus Kangur
Jennifer Stocker
Adonis J. Mendiola, Director, Department of Youth Affairs
Robert L. Dames, Prison Fellowship International
Joshua Tenorio, Judiciary of Guam

II. TESTIMONY & DISCUSSION

Chairman Michael San Nicolas announced that Speaker Judith Won Pat was unable to attend the day's hearing. The Chairman proceeded to read Speaker Won Pat's sponsor statement (see attached).

Attorney Pat Wolff read his testimony for Bill 216-32 (see testimony attached) and also provided additional comments and suggestions for the bill. He stated that the concept of restorative justice can be equally applied to both the juvenile and adult criminal justice systems. He pointed out that in the juvenile justice system, the use of the word "disposition" instead of "sentence" is common practice; but he stated that he believes that, because restorative justice is applicable to both the juvenile and adult criminal justice systems, both "disposition" and "sentence" should be used. Attorney Wolff stated that restorative justice is applicable towards crimes with no clear victims. He spoke about how the purpose of *Inafa Maolek* and restorative justice are similar but that current Guam law, although treating the services provided by *Inafa Maolek* as confidential, needs to extend a similar level of confidentiality to any restorative justice process.

Ms. Christina Noket thanked the sponsors of Bill 216-32. She stated that *Inafa Maolek* has been practicing restorative justice since 1994. She mentioned that her organization helped create a restorative justice course that is offered at the University of Guam. She stated that *Inafa Maolek* is eager to train and develop more individuals that may help extend restorative justices services into the community.

Ms. Michelle Taitano thanked the sponsors of the legislation and read written testimony which referenced several suggested changes to the bill. She further spoke to the benefits of restorative justice.

Mr. Art De Oro spoke about his involvement with *Inafa Maolek*. He mentioned that restorative justice through peer mediation was used during his time as Assistant Principal at John F. Kennedy High School. He cited several examples of how the concept of restorative justice has been used to benefit the school system and school students, and further stated his belief that restorative justice should be used by the Department of Education. He stated his support for the bill.

Attorney Carol Hinkle Sanchez stated that the Attorney General's Office supports the bill. She mentioned that her office already utilizes several forms of restorative justice with their cases especially in juvenile justice courts and family courts. She recommended that the general body of the bill be placed in Chapter 5, Title 19 of the Guam Code Annotated – The Family Court Act. She identified Executive Order 2008-14 which established the Law Revision Commission on Juvenile Justice. One of the provisions of the executive order included the incorporation of restorative justice practices. She mentioned that her office intends to reconvene the Commission. She further stated that there may be a need to ensure a dedicated funding source that covers the cost of utilizing restorative justice services. Attorney Sanchez recommended several other changes to the body of the bill (see attached).

Chairman San Nicolas thanked the individuals testifying for sharing their knowledge and experience with restorative justice concepts.

Senator Tom Ada asked if the proposed legislation should look at codifying the provisions of the existing executive order.

Attorney Sanchez stated that if the executive order is codified it would allow the Law Revision Commission to move forward with some of its mandates.

Senator Tom Ada stated that the concept of restorative justice can act as a relief valve to the current judicial system. He mentioned that current language may not be applicable to more serious crimes. Senator Ada further mentioned his concern with the fact that utilizing restorative justice concepts would first have to be agreed upon by the offender before being presented to the victim.

Attorney Wolf stated that the concept or process does not necessarily have a right or wrong approach. He mentioned that most jurisdictions approach the offender first with respect to victim sensitivity; not raising the victim expectation if the offender is not willing to accept, admit, and make right their offense.

Attorney Sanchez mentioned that the legislation would allow the development of protocols and policies which will help to identify crimes that would be subject to the use of restorative justice concepts or services. However, she stated that the courts would have ultimate discretion with respect to which types of crimes will be subject to the use of restorative justice.

Senator Frank Aguon thanked the individuals providing testimony. He asked where, within the government of Guam, does prosecutorial discretion for cases take place.

Attorney Sanchez stated that the discretion must begin with the Attorney General's Office, and instances, in which restorative justice is used, should apply to cases that have already been charged through the court system.

Senator Aguon mentioned the need for more collaboration among all government stakeholders to ensure the successful implementation of restorative justice in the current system.

Senator Tony Ada agreed with the need for properly identifying the types of offenses that would be subject to restorative justice.

Senator Aline Yamashita thanked the panel. She stated the importance of educating and raising awareness in the community about crime. She acknowledged that restorative justice is effective when used appropriately and dispensed correctly.

Chairman San Nicolas thanked the individuals testifying. He stated the need for restorative justice but not at the sacrifice of overall justice. He reiterated the importance of addressing the issue as a community.

III. FINDINGS AND RECOMMENDATIONS


In consultation with the primary sponsor of Bill 216-32 (LS), Speaker Judith T. Won Pat, Ed.D., the Committee on Aviation, Ground Transportation, Regulatory Concerns, Future Generations has included a substitute version of the bill with this report. This version incorporates several recommendations from the oral and written testimonies received including, but not limited to, placing the provisions into Title 19 of the Guam Code Annotated and including parts of Executive Order 2008-14.

The Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations hereby reports out Bill No. 216-32 (LS), as substituted by the Committee, with the recommendation TO REPORT OUT ONLY.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN
2013 (FIRST) Regular Session

Bill No. 216-32 (LS)

Introduced by:

Judith T. Won Pat, Ed.D. 

Tina R. Muna Barnes 

Aline A. Yamashita, Ph.D. 

**AN ACT RELATIVE TO ENACTING PRINCIPLES
OF BALANCED AND RESTORATIVE JUSTICE IN
THE JUVENILE CRIMINAL JUSTICE SYSTEM
BETWEEN THE VICTIM AND OFFENDER**

2013 OCT 31 AM 9:51


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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds
3 that it is the policy of this territory that principles of Balanced and Restorative
4 Justice be included in shaping how the juvenile criminal justice system responds to
5 persons charged with or convicted of criminal offenses. The policy goal is a
6 community response to a juvenile's wrongdoing at its earliest onset, and a type and
7 intensity of sanction tailored to each instance of wrongdoing.

8 **Section 2. Balanced and Restorative Justice Objectives.**

9 (a) To resolve conflicts and disputes by means of a non-adversarial community
10 process.

11 (b) To repair damage caused by criminal acts to communities in which they
12 occur, and to address wrongs inflicted on individuals victims.

1 (c) To reduce the risk of an offender committing a more serious crime in the
2 future, that would require a more intensive and more costly sanction, such as
3 incarceration.

4 **Section 3. Implementation.** Judicial and law enforcement officials shall
5 develop and employ restorative justice approaches whenever feasible and
6 responsive to specific criminal acts involving juveniles not involving serious
7 crimes against persons or property, crimes involving criminal sexual conduct or
8 serious family violence. It is the further intent of the Legislature that restorative
9 justice programs be designed to encourage participation from the community,
10 including victims when they so chose, and judicial and law enforcement officials in
11 holding the offender accountable for damage caused to communities and victims,
12 and in restoring offenders to the law-abiding community.

13 **Section 4. Victim and Community Involvement in Sentencing.** A court,
14 when considering the sentence to be imposed against a juvenile for an offense
15 other than a crime committed under Criminal Homicide, Sexual Offenses or
16 Family Violence may permit the victim and the offender to submit a sentence for
17 the court's review based upon a negotiated agreement between the victim and the
18 offender, or between the offender and the community if there is no victim. The
19 court may, with the consent of the victim and offender, impose the sentence that
20 has been determined by the negotiated agreement if the sentence accomplishes the
21 goals of restoring the victim and the community and rehabilitation of the offender.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN

Bill No. 216-32 (LS)

Introduced by:

As substituted by the Committee on
Aviation, Ground Transportation,
Regulatory Concerns, and Future Generations

Judith T. Won Pat, Ed.D.
Tina R. Muna Barnes
Aline A. Yamashita, Ph.D.

**AN ACT TO ADD NEW §5134 OF CHAPTER 5 OF
TITLE 19 GUAM CODE ANNOTATED RELATIVE
TO ENACTING PRINCIPLES OF BALANCED
APPROACH AND RESTORATIVE JUSTICE IN
THE JUVENILE CRIMINAL JUSTICE SYSTEM
BETWEEN THE VICTIM AND OFFENDER.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1.** Legislative Findings and Intent. *I Liheslaturan Guahan* finds that
3 it is the policy of this territory that principles of Balanced Approach and
4 Restorative Justice be included in shaping how the juvenile criminal justice system
5 responds to persons charged with or convicted of criminal offenses. These
6 principles have always been embedded within Guam’s Juvenile Justice System.
7 The policy goal is a community response to a juvenile’s wrongdoing at its earliest
8 onset, and a type and intensity of sanction tailored to each instance of wrongdoing.

9 **Section 2.** A new §5134 of Chapter 5 of Title 19 Guam Code is hereby *added*
10 to read as follows:

11 **“§5134 Balanced and Restorative Justice Goals and Objectives.**

12 (a) Goal. The goal of this chapter is to promote a balanced juvenile justice
13 system in the Territory of Guam to protect and safeguard the rights of those

1 injured, whether it be the community or any victim of crime, impose offender
2 accountability for violations of law, and equip juvenile offenders with the
3 rehabilitation and skills needed to live responsibly and productively.

4 (b) Objectives. The objectives of Balance and Restorative Justice are:

5 (1) To resolve conflicts and disputes by means of a non-adversarial
6 community process;

7 (2) To repair damage caused by criminal acts to the community in which they
8 occur, and to address wrongs inflicted on individuals victims, and

9 (3) To reduce the risk of an offender committing a more serious crime in the
10 future, that would require a more intensive and more costly sanction, such as
11 incarceration.

12 (c) This section shall be interpreted and construed as to effectuate the following
13 purposes:

14 (1) To respond to a juvenile offender's needs in a manner that is consistent
15 with:

16 (i) Prevention of repeated criminal behavior;

17 (ii) Restoration of the community and victim;

18 (iii) Protection of the public; and

19 (iv) Development of the juvenile into a productive citizen;

20 (2) To protect citizens from juvenile crimes.

21 (3) To hold each juvenile offender directly accountable for the offender's
22 conduct;

23 (4) To provide swift and consistent consequences for crimes committed by
24 juveniles;

25 (5) To require parental or guardian participation in the juvenile justice
26 process;

1 (6) To create an expectation that parents will be held responsible for the
2 conduct and needs of their children;

3 (7) To ensure that victims, witnesses, parents, foster parents, guardians,
4 juvenile offenders, and all other interested parties are treated with dignity, respect,
5 courtesy, and sensitivity throughout all legal proceedings.

6 (8) To allow for the prosecuting authority the ability to divert juveniles from
7 the formal juvenile justice process through informal early intervention as
8 warranted and when consistent with the protection of the public;

9 (9) Consistent with the protection of the public interest, to provide for
10 juveniles who commit delinquent acts, an early, individualized assessment and
11 action plan for the juvenile offender in order to prevent further criminal behavior
12 through programs of supervision, care and rehabilitation which provide a balanced
13 attention to the protection of the community, the imposition of accountability for
14 offenses committed and the development of competencies so that the juvenile will
15 become more capable of becoming a more productive and responsible member of
16 the community; and

17 (10) To review and evaluate regularly and independently the effectiveness of
18 programs and services under this Section.

19 (d) The Law Revision Commission on Juvenile Justice, established by Executive
20 Order No. 2008-14, shall develop and employ restorative justice approaches
21 whenever feasible and responsive to specific criminal acts involving juveniles not
22 involving serious crimes against persons or property, crimes involving criminal
23 sexual conduct or serious family violence. It is the further intent of *I Liheslaturan*
24 *Guahan* that the restorative justice programs are not mandatory programs, and any
25 program that is instituted which requires a victim's participation shall be offered
26 only to victims of a crime who voluntarily agree to participate in the program. The
27 program is designed to encourage participation from the community, including

1 victims only when they so choose, and judicial and law enforcement officials must
2 ensure that the Juvenile Justice System hold all offenders accountable for damages
3 caused to communities and victims, and ensure that programs are designed to assist
4 in restoring offenders to the law-abiding community.

5 (e) When developing the procedures relating to the Balance Approach and
6 Restorative Justice Program, the Law Revision Commission on Juvenile Justice
7 shall also consider including a provision or procedure relating to “Victim and
8 Community Involvement in Sentencing”. The “Victim and Community
9 Involvement in Sentencing” provision should include, but is not limited to a
10 provision that provides the following: “A Family Court Judge, when considering
11 the disposition or sentence to be imposed against a juvenile offender whose cases
12 has been referred and court-ordered to the Balance and Restorative Justice, may
13 permit the victim and the offender to submit a proposed disposition or sentence for
14 the court’s review based upon a negotiated agreement between the victim and the
15 offender, or between the offender and the community, if there is no victim. Any
16 negotiated agreement made by the parties shall be submitted to the assigned
17 Family Court Judge by the facilitator or mediator handling the Restorative Justice
18 Program. The court may, with the consent of the victim and offender, impose the
19 proposed disposition or sentence that has been determined by the negotiated
20 agreement if the court determines and states on the record that such proposed
21 disposition or sentence accomplishes the goals of restoring the victim and the
22 community, and rehabilitation of the offender.

23 (f) All discussions that occur within a Restorative Justice process are
24 confidential unless:

- 25 (1) Participants agree to some level of disclosure;
- 26 (2) Disclosure is required by law (eg. present child abuse); and
- 27 (3) Such discussions reveal an actual or potential threat to a participant’s

1 safety.”

2 **Section 3.** The provisions outlined in this Act shall become effective immediately
3 upon enactment into public law.



I Mina'Trentai Dos na Liheslaturan Guåhan

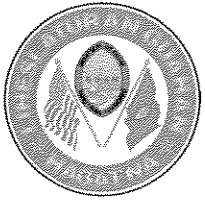
Committee on Aviation, Ground Transportation,
Regulatory Concerns, and Future Generations
SENATOR MICHAEL F.Q. SAN NICOLAS

January 15, 2014

Bill No. 216-32 (LS)

Introduced by Judith T. Won Pat, Ed.D., Tina R. Muna Barnes, and Aline A. Yamashita, Ph.D.: "AN ACT RELATIVE TO ENACTING PRINCIPLES OF BALANCED AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND THE OFFENDER."

NAME (Please print)	AGENCY/ ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
Michelle Toitano	Guam Parole Bd	482.3221	✓	✓	✓	
Art Deora	Inafa' Maolek	688-4262	✓		✓	
→ Carol Hunkle Seedorf	Attorney General's	475-3400 x4040	✓		✓ w/ recommendation	



Office of the Speaker
Judith T. Won Pat, Ed.D.

CHAIR, COMMITTEE ON EDUCATION, PUBLIC LIBRARY & WOMEN'S AFFAIRS

Ufisinan I Etmäs Ge'belo'Gi Liheslaturan Guåhan

32ND Guam Legislature

I Mina' trentai Dos Na Liheslaturan Guåhan

155 HESLER PLACE HAGÁTÑA, GUAM 96910

TEL 671-472-3586/7 • FAX 671-472-3589

JUDIWONPAT.COM • SPEAKER@JUDIWONPAT.COM

COMMISSIONER January 14, 2014

GUAM COMMISSION ON
 DECOLONIZATION

Honorable Senator Michael F.Q. San Nicolas

GUAM FIRST
 COMMISSION

Chairman, Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations

Liheslaturan Guåhan

PRESIDENT

155 Hesler Place

ASSOCIATION OF
 PACIFIC ISLAND
 LEGISLATURES
 (APIL)

Hagåtña, Guam 96910

Hafa Adai Chairman San Nicolas:

BOARD MEMBER

PACIFIC RESOURCES FOR
 EDUCATION
 AND LEARNING
 (PREL)

I would like to thank Judge Elizabeth Barrett Anderson and Attorney Pat Wolff for their assistance in drafting Bill No. 216-32 (COR). Both Judge Anderson and Attorney Wolff have worked tirelessly to improve and modernize Guam's Judicial System and community mediation programs.

**LEGISLATIVE
 REPRESENTATIVE**

PACIFIC ISLAND
 DEVELOPMENT BANK
 (PIDB)

Since our island is so close-knit, it is incredibly important to take a community approach when responding to crime. Justice is not simply punishment. It must be holistic and effective. While Bill 216-32 provides a creative approach to addressing juvenile crime, this approach is not new to our island. Much like the concept of Restorative Justice, our Chamoru ancestors resolved conflicts and decided punishment within the family. In fact, a deep reverence for one's family often prevented people from committing crime.

FESTIVAL OF THE
 PACIFIC ARTS
 (FESTPAC)

Restorative Justice allows for a more collaborative response to crime. It promotes dialogue between victims and offenders, and between their families, with the intention of repairing the harm that was done. This exchange can take many forms, most notably through conferencing models, victim-offender dialogue, and the circle process, through which participants are given equal opportunity to share with a sense of mutual respect and responsibility for the well-being of the community.

Providing victims and their families with a direct voice in determining just outcomes is very powerful. It not only allows for reconciliation, it has been proven to reduce recidivism. Communities using a Restorative model as a large-scale solution to wrongdoing have been able to minimize the social and fiscal costs of crime.

I look forward to the positive benefits of Restorative Justice in our island community. I encourage the Committee to move favorably on Bill No. 216-32, so that it may be placed on the session agenda for this month's legislative session.

Senseramente,

Judith T. Won Pat, Ed.D.
 Speaker

Patrick M. Wolff
Attorney at Law
P.O. BOX CE
Hagatna, Guam 96932
Tel 649-7502
Fax 475-1974
Email: atty.patrick.wolff@gmail.com

GUAM LEGISLATURE
2014 Session

January 14, 2014

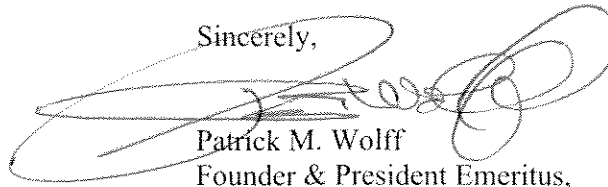
Subject: Bill No. 216-32

Dear Co-Sponsors Speaker Judith WonPat, Senator Tina Muna Barnes, Senator Aline Yamashita,

I support passage of this Restorative Justice Bill. Here are a few important background facts you should know:

- 1) Restorative Justice “is a process to involve, to the extent possible, those who have a stake in a specific offense and to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible” (Howard Zehr, The Little Book of Restorative Justice)
- 2) INAFA’ MAOLEK CONCILIATION has been doing restorative justice since 1994 both for Superior Court (primarily juvenile delinquency cases) and for island schools.
- 3) There is no mention of restorative justice in Guam statutes.
- 4) Restorative Justice can be used at any juncture in the processing of a delinquency/ criminal case...diversion, adjudication, sentencing, post-sentence.
- 5) While Judges make RJ referrals based upon their inherent authority, other agencies (police, probation, prosecutors, corrections officials) are reluctant to do so absent any recognition of restorative justice in Guam law.
- 6) Participation by victims in Restorative Justice processes is entirely voluntary, but there are distinct advantages for victims to do so. Having recognition of RJ in Guam law would help make restorative justice known to victims.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick M. Wolff', is written over a large, loopy scribble that also contains the word 'Sincerely,'.

Patrick M. Wolff
Founder & President Emeritus,
Inafa’ Maolek



INAFAMAOLEK CONCILIATION
Physical Address: 297 West O'Brien Drive Hagåtña, GU 96910
Mailing Address: PO Box 3267 Hagåtña, GU 96932
(671) 475-1977 phone (671) 475-1974 fax


January 15, 2014

Senator Judith Won Pat, Ed.D
Senator Tina R. Muna Barnes
Senator Aline A. Yamashita, Ph.D
32nd Guam Legislature

Bill No. 216-32 (LS), introduced by Judith T. Won Pat, Ed.D., Tina R. Muna Barnes, and Aline A. Yamashita, Ph.D.: AN ACT RELATIVE TO ENACTING PRINCIPLES OF BALANCED AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND THE OFFENDER.

Thank you for introducing Bill 216-32, a bill to enact principles of balanced and restorative justice in the juvenile justice system between the victim and the offender. Inafa Maolek Conciliation has been doing restorative justice since 1994 both for Superior Court (primarily juvenile delinquency cases) and for island schools. In fact, to help increase the number of volunteer mediators in the organization with the skills needed to do restorative justice, under the expertise and guidance of our Founder and President Emeritus, Patrick Wolff, Inafa Maolek developed PY 494: Applied Social Psychology of Conflict Resolution: Restorative Justice. This one credit course has been approved by the University of Guam and offered as a special needs course through the Office Professional and International programs. This course is an overview of social psychological and legal foundations for the use of the applied conflict resolution theory – specifically, mediation techniques – in restorative justice: a system in which pre-screened perpetrators of crimes and the victims of these crimes participate with trained volunteers in highly structured meetings, with the goal of holistic and emotionally satisfying reconciliations. Specific types of cases to which restorative justice-based mediations may be applied include offenses committed under the influence of alcohol (e.g., drunk driving), minor theft, and vandalism.

Inafa Maolek looks forward to being available to offer training for our community in this specialized area so that there is a larger pool of trained and qualified persons on which to draw for restorative justice programs on Guam.

Sincerely,

Christina Noket
Executive Director

January 14, 2014

MiChelle Hope Taitano
Chairperson
Guam Parole Board
chellegu@gmail.com

RE: Bill No. 216-32

Hafa Adai Honorable Senators:

Dangkalu Na Si Yu'us Ma'ase to Senators Judith, Tina and Aline for introducing Bill 216-32, "An act relative to enacting principles of balance and restorative justice in the juvenile criminal justice system between the victim and offender."

As Chairperson of the Guam Parole Board, I support this bill. I believe when we are able to assist in correcting especially criminal types of behaviors at an early age, our juveniles, have a greater opportunity at avoiding adult incarceration. Recent studies show, treatment, rather than incarceration, for certain offenses is more successful at achieving life without crime. Restorative Justice, an alternative to sentencing, may aid the offender in identifying, acknowledging the wrongfulness of an offense and bring a better understanding of actions and consequences.

Regarding Section 3, Implementation, please, I request your consideration to amend the current language, beginning in line item 4 through 8. I propose the following:

"Judicial and law enforcement officials shall develop and employ restorative justice approaches whenever feasible and responsive to criminal acts involving juveniles. That these approaches also include involvement and participation of the parents, guardians, extended families as necessary."

An offense, whether minor or serious is still an offense and needs to be dealt with accordingly. When administered properly, the restorative justice process could work at any level of intensity.

Restorative Justice is a great process in bringing peace to victims and offenders, their families. As lessons are learned through such processes, the greater goal and hope is a juvenile life transformed for success with a bright future consisting of self-sustainability, the opportunity to raise and support a family and be a positive contributor to our island community!

Dangkalu Na Si Yu'us Ma'ase for your time, attention and consideration! Si Yu'us Infanbenendisi!

Senseramente,



MiChelle Hope Taitano



Senator Michael San Nicolas <senatorsannicolas@guam.gov>

Restorative Justice Amendments_incorporating all changes that will make it a whole section

Carol Sanchez <csanchez@guamag.org>


Tue, Feb 4, 2014 at 4:30 PM

To: "senatorsannicolas@gmail.com" <senatorsannicolas@gmail.com>

Buenas Senator San Nicolas,

I reviewed other jurisdictions and kind of ideas off of them to see what would best work for Guam. Here is the draft of the restorative justice legislation that I revamped using the Bill form and other jurisdictions language. Please let me know what your thoughts are on this legislation, and I would like to discuss it further with you so that you can see what I was trying to do with the statute. My intent was to keep the statute as broad and open as possible so that when there are newer trends or programs of restorative justice, we are not locked in by statute and changes do not have to be made through legislation, but rather through a change in SOPs by the Law Review Commission... thanks!

Carol

 **Restorative Justice Amendments_incorporating all changes that will make it a whole section.docx**
18K

We should make these additions under the current statute, Title 19 of the Guam Code Annotated, Chapter 5, "Family Court Act"

An addition to Title 19, Chapter 5, can be made relating to this, and cited under Title 19 GCA, as §5134.

19 G.C.A. §5134 shall be added to the Family Court Act as follows:

§5134. Balanced Approach and Restorative Justice. Intent; Goal and Objectives; and Purpose of this Section.

(a) **Intent.** *I Liheslaturan Guahan finds that it is policy of this territory that principles of Balanced Approach and Restorative Justice be included in shaping how the juvenile criminal justice system responds to juveniles charged with or convicted of criminal offenses. These principles have always been embedded within Guam's Juvenile Justice System. The policy goal is a community response to a juvenile's wrongdoing at its earliest onset, and a type and intensity of sanction tailored to each instance of wrongdoing.*

(b) **Goal and Objectives.**

(1) **Goal.** *The goal of this chapter is to promote a balanced juvenile justice system in the Territory of Guam to protect and safeguard the rights of those injured, whether it be the community or any victim of crime, impose offender accountability for violations of law, and equip juvenile offenders with the rehabilitation and skills needed to live responsibly and productively.*

(2) **Objectives.** *The objectives of Balance and Restorative Justice are:*

- A. **To resolve conflicts and disputes by means of a non-adversarial community process;**
- B. **To repair damage caused by criminal acts to the community in which they occur, and to address wrongs inflicted on individual victims; and**
- C. **To reduce the risk of an offender committing a more serious crime in the future that would require a more intensive and more costly sanction, such as incarceration.**

(c) **Purpose.** *-- This Chapter shall be interpreted and construed as to effectuate the following purposes:*

- (1) **To respond to a juvenile offender's needs in a manner that is consistent with:**
 - A. **Prevention of repeated criminal behavior;**
 - B. **Restoration of the community and victim;**
 - C. **Protection of the public; and**
 - D. **Development of the juvenile into a productive citizen;**
- (2) **To protect citizens from juvenile crimes.**
- (3) **To hold each juvenile offender directly accountable for the offender's conduct;**
- (4) **To provide swift and consistent consequences for crimes committed by juveniles;**
- (5) **To require parental or guardian participation in the juvenile justice process;**

- (6) To create an expectation that parents will be held responsible for the conduct and needs of their children;
- (7) To ensure that victims, witnesses, parents, foster parents, guardians, juvenile offenders, and all other interested parties are treated with dignity, respect, courtesy, and sensitivity throughout all legal proceedings;
- (8) To allow for the prosecuting authority the ability to divert juveniles from the formal juvenile justice process through informal early intervention as warranted and when consistent with the protection of the public;
- (9) Consistent with the protection of the public interest, to provide for juveniles who commit delinquent acts, an early, individualized assessment and action plan for the juvenile offender in order to prevent further criminal behavior through programs of supervision, care and rehabilitation which provide a balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies so that the juvenile will become more capable of becoming a more productive and responsible member of the community; and
- (10) To review and evaluate regularly and independently the effectiveness of programs and services under this Section.

§5134.1. Implementation.

- (a) The Law Revision Commission on Juvenile Justice, established by Executive Order No. 2008-14, shall develop and employ restorative justice approaches whenever feasible and responsive to specific criminal acts involving juveniles not involving serious crimes against persons or property, crimes involving criminal sexual conduct or family violence. It is the further intent of I Liheslaturan Guahan that the restorative justice programs are not mandatory programs, and any program that is instituted which requires a victim's participation shall be offered only to victims of a crime who voluntarily agree to participate in the program. The program is designed to encourage participation from the community, including the victims only when they so chose, and judicial and law enforcement officials must ensure that the Juvenile Justice System holds all offenders accountable for damages caused to communities and victims, and ensure that programs are designed to assist in restoring offenders to law-abiding community citizens.
- (b) When developing the procedures relating to the Balance Approach and Restorative Justice Program, the Law Revision Commission on Juvenile Justice shall also consider including a provision or procedure relating to "Victim and Community Involvement in Sentencing". The "Victim and Community Involvement in Sentencing" provision should include, but is not limited to a provision that provides the following: "A Family Court Judge, when considering the disposition or sentence to be imposed against a juvenile offender whose cases has been referred and

court-ordered to the Balance and Restorative Justice, may permit the victim and the offender to submit a proposed disposition or sentence for the court's review based upon a negotiated agreement between the victim and the offender, or between the offender and the community, if there is no victim. Any negotiated agreement made by the parties shall be submitted to the assigned Family Court Judge by the facilitator or mediator handling the Restorative Justice Program. The court may, with the consent of the victim and offender, impose the proposed disposition or sentence that has been determined by the negotiated agreement if the court determines and states on the record that such proposed disposition or sentence accomplishes the goals of restoring the victim and the community, and rehabilitation of the offender. "

Senator Michael San Nicolas
Chairman, Committee on Aviation, Ground Transportation, Regulatory Concerns and Future
Generations
32nd Guam Legislature

Hafa Adai Senator San Nicolas,

Please see the attached written testimony for Bill 216-32 (LS): An act relative to enacting principles of balanced and restorative justice in the juvenile criminal justice system between victim and offender, which was provided to us via email.

Sincerely,



Christina Noket

Inafa Maolek

cnoket@teleguam.net

475-1977

Members of the 32nd Guam Legislature

Testimony for Bill 216-32 (LS): An act relative to enacting principles of balanced and restorative justice in the juvenile criminal justice system between the victim and the offender

I have been interested in Restorative Justice for nine years and have studied implementation of Restorative Justice in several countries all over the world, including Australia, Canada, Germany, New Zealand, United Kingdom and South Africa. Still my main expertise comes from Europe, where I have been involved in several cooperations (with Kiel University from Germany and Thames Valley Probation from United Kingdom) for developing best practices of Restorative Justice.

If mainly Restorative Justice is practiced on pre- sentencing level, than there are strong evidence and growing interest of restorative approaches on post- sentencing level. A pilot projects were quite recently initiated in Germany and Portugal and despite of a small number of reference group, the results are rather encouraging. Prison Fellowship of England has successfully ran the project „Sycamore Tree“ in different British prisons and more inclusive program S.O.R.R.I was launched in 2007. My personal experience is creating and piloting Restorative Justice program „The Way“ in 2005 in Estonia (Tallinn Prison). After pilot, the prison chaplains were trained as facilitators of the program and since 2011 program is running in all Estonian prisons.

The programs of Restorative Justice quite on the post- sentencing level quite often do not include one on one encounter of direct victim and offender, but are rather focused on offenders self reflection on the harm of the crime and offenders are highly encouraged to take responsibility for their acts.

The main benefits of Restorative Justice practices on post- sentencing level is first of all the shift of the focus from guilt and punishment, which usually cause more anti-social attitude, to the harm, which is caused by crime and responsibility for repairing the harm. Programs are effective, when they follow the principals of Restorative Justice. It is important that all sides of the conflict have freewill to participate, every included party can be involved in every stage of the process as much as they freely want, focus is always on solution and no one is blamed, but rather encouraged to take serious steps to amends and restore the broken relationships with all parties whom the crime has influenced.

The evidence of other programs and my personal experience support the claim, that Restorative Justice on post- sentencing level is not the universal solution for all offenders, but it may in many cases highly support the growth of victim empathy, social responsibility and law-abiding behavior.

Respectfully Submitted,

Jaanus Kangur



Christina Noket <gcnoket@gmail.com>

**Re: Bill No. 216-32 (LS) AN ACT RELATIVE TO ENACTING PRINCIPLES OF
BALANCED AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL
JUSTICE SYSTEM BETWEEN THE VICTIM AND THE OFFENDER**

Pat Wolff <atty.patrick.wolff@gmail.com>

Wed, Jan 15, 2014 at 6:33 PM

To: jrmtsports <jrmtsports@yahoo.com>, Christina Noket <gcnoket@gmail.com>

Thx so much Jen for preparing that testimonial on short notice. Good job!
It will surely help a lot.
I am forwarding it to IM's E.D. Tina Noket for duplicating for the senators.

Regards,
Pat

On Wed, Jan 15, 2014 at 2:33 PM, jrmtsports <jrmtsports@yahoo.com> wrote:
Hafa Adai, Senator San Nicolas:

I write you today (January 15, 2014 [2:30 pm]) in support of Bill No. 216-32 Enacting Principles of
Balanced and Restorative Justice.

As a trained mediator with Inafa' Maolek, I have had additional training on Restorative Justice. I
personally believe accountability is crucial to both the victim and the offender. Victims need the
closure Restorative Justice provides and offenders need to be held accountable of their actions with
the hope the accountability will deter them from repeating additional offenses. When an offender
faces their victim and learns of the pain their offense caused, typically the offender will become
remorseful.

Restorative Justice in our schools is very important to repairing the relationships that may otherwise
be a lost cause. In addition to repairing the relationships restorative justice teaches our youth
responsibility and aids them on their journey to adulthood.

It is imperative to have a Restorative Justice program in our schools.

Respectfully,
Jennifer Stocker
Former Case Manager @
Inafa Maolek



Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

Department of Youth Affairs Dipåttamenton Asuntón Manhoben

Government of Guam
P.O. Box 23672 GMF
Barrigada, Guam 96921
Tel: (671)735-5010 Fax: (671)734-7536



Adonis J. Mendiola
Director

Testimony for Bill 216-32 (LS)

An Act Relative to Enacting Principles of Balanced and Restorative Justice in the Juvenile Criminal Justice System between the Victim and Offender

As the Director of the Department of Youth Affairs (DYA), I am submitting this written testimony today in support of Bill 216-32 (LS) which proposes to incorporate principles of balanced and restorative justice relative to our juveniles involved in the juvenile justice system charged with delinquent and criminal offenses. DYA, through its diversionary programs, has funded mediation sessions specifically for juveniles and their victims on a one-to-one basis through Inafa Maolek Conciliation.

The mission of DYA is to improve the quality of life on Guam for all people by the development and implementation of programs and services that promote youth development, decrease juvenile delinquency and status offenses, strengthen the family unit and communities of these juvenile offenders, protect the public from juvenile delinquents, ensure offenders are held accountable for their actions with appropriate treatment, and restitution to the victims.

The implementation of restorative justice approaches will aim to make amends between youths, their victims, and the community while providing guidance to the youth so they in turn may positively contribute to their community, strengthen relationships, and achieve skills necessary to maximize opportunities. Positive efforts will give them the incentive to continue to contribute to society and reinforce good habits. These youth can be assisted so they may make better and more informed decisions about their future and succeed in their endeavors to become law-abiding and productive citizens in our island community.

Therefore, I support the passage of Bill 216-32 (LS) to help protect the public through the processes of balanced and restorative justice.

Si Yu'os Ma'ase.

Adonis J. Mendiola, DYA Director



DYA: "It's all about youth helping youth!"

From: Bob Dames <bobdames317@yahoo.com>
Date: January 15, 2014 12:54:03 PM GMT+10:00
To: Pat Wolff <atty.patrick.wolff@gmail.com>
Subject: Re: Fw: Fwd: FW: First Public Notice - January 15, 2014 Public Hearing and Roundtable Discussion
Reply-To: Bob Dames <bobdames317@yahoo.com>

January 15th, 2014

To: Guam Legislature

Ref: 216-32 (LS)

I would like to support the above bill concerning the Judicial Juvenile System in Guam. The Restorative Justice (RJ) measures throughout the world have had positive results where ever effective measures have been put into place. Prison Fellowship International (pfi.org) has been instrumental all over the world to assist in understanding the concepts of RJ and the implementations of programs and laws associated to RJ. Our own island culture measures in the past with our Mayors (then Commissioners) were effective RJ actions that were used effectively. It is the community as well that needs to get involved with solutions that can address restorative measures that could be used to repair damage caused by crime. RJ allows the community and the authorities at hand to find viable solutions to bring resolve and restoration in each situation much more effectively.

Our community is hurting and looking for answers. RJ, when effectively implemented can make a difference. A strong effective start with the Juvenile system will help. New Zealand is strong with RJ in the Juvenile system and many other countries have various RJ measures in place that are impacting their communities positively.

Please approve this Bill and more importantly continue to search in ways and means that can improve our community health through RJ measures in various aspects of our Government and Community.

Sincerely submitted,
Pastor Robert L. Dames
former PFI Pacific Region member
and Prison Fellowship Guam volunteer



Judiciary of Guam

ADMINISTRATIVE OFFICE OF THE COURTS
120 WEST O'BRIEN DRIVE, HAGÁTÑA, GUAM 96910-5174
TEL: (671) 475-3544 / FAX: (671) 477-3184



F. PHILIP CARBULLIDO
CHIEF JUSTICE

ALBERTO C. LAMORENA III
PRESIDING JUDGE

PERRY C. TAITANO
ADMINISTRATOR OF THE COURTS

January 15, 2014

The Honorable Michael F.Q. San Nicolas
Chairman
Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina' Trentai Dos Na Liheslaturan Guahan
155 Hessler Place
Hagåtña, Guam 96910

Dear Chairman San Nicolas:

Hafa Adai! I am writing in support of Bill No. 216-32(LS), AN ACT RELATIVE TO ENACTING PRINCIPLES OF BALANCED AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND THE OFFENDER, introduced by Speaker Judith T. Won Pat and Senators Tina R. Muna Barnes and Aline Yamashita.

Over the last few years, the Judiciary of Guam has embraced mediation as an effective tool to resolve disputes. Rules for mediation have been promulgated by the Supreme Court of Guam and we are developing tools to maximize the utility and effectiveness of mediation. The Judiciary clearly has a preference for mediation and alternative dispute resolutions.

Even our specialty courts are based on therapeutic models that focus on substance abuse treatment and in some cases, repairing the family. Our judges who are trained in the therapeutic court models also employ restorative justice strategies in many of their cases.

There are more than 700 juveniles on probation, excluding those in juvenile drug court. To date in 2013, 221 cases for juvenile delinquency have been filed, on top of 653 juvenile proceedings and 164 juveniles assigned to the juvenile drug court. That's more than 1,000 cases involving juveniles filed at the courts this year. Of course, not all of these cases would be referred or be eligible for a restorative justice remedy, but a good number would.

Bill No. 216-32(LS) would establish restorative justice for juvenile offenders as a public policy for the entire government and potentially result in a reduction of juvenile cases that are currently in the system. In addition, the legislation adequately maintains the judge's discretion in adjudicating cases.

Sincerely,

JOSHUA F. TENORIO
Director of Policy, Planning, and Community Relations



OFFICE OF THE GOVERNOR
HAGÁTÑA, GUAM 96910
U.S.A.

EXECUTIVE ORDER NO. 2008-14

**RELATIVE TO THE CREATION OF THE LAW REVISION
COMMISSION ON JUVENILE JUSTICE**

WHEREAS, the Guam Juvenile Justice Advisory Committee (GJJAC), a gubernatorial appointed body established pursuant to the Juvenile Justice and Delinquency Prevention Act of 1974, has recommended that the Governor, the Judiciary of Guam and the Guam Legislature address a comprehensive revision of Guam's juvenile code; and

WHEREAS, the Family Court Act [19 G.C.A., Chapter 51], which was first enacted in 1983, has not been thoroughly reviewed or updated since enactment more than twenty (20) years ago; and

WHEREAS, the Rules of Procedure for the Juvenile Court were adopted in 1969 and have not been revised or amended since the enactment of the Family Court Act in 1983; and

WHEREAS, the field of juvenile law has progressed throughout the past 20 years to include restorative justice, juvenile drug court, graduated sanctions and many other innovative programs intended to address juvenile delinquency issues nationally; and

WHEREAS, it is the intent of the Executive Branch to take the lead in the revision and development of a comprehensive new Juvenile Code with the assistance of the Judiciary of Guam and the Guam Legislature;

NOW, THEREFORE, I, FELIX P. CAMACHO, I Maga'Lahen Guahan, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do order:

1. The creation and establishment of the Law Revision Commission on Juvenile Justice to be comprised of the following members:

Department of Youth Affairs, Director or designee
Superior Court of Guam, as designated by the Chief Justice of Guam
Guam Legislature, as designated by the Speaker of the Guam Legislature
Compiler of Laws
Guam Public School System, Superintendent or designee
Guam Police Department, Chief of Police or designee
Department of Public Health & Social Services, Director or designee
Department of Mental Health & Substance Abuse, Director or designee

2. The functions of the Law Revision Commission on Juvenile Justice shall include but are not limited to:

- a. To review all statutes pertaining in anyway to juvenile delinquency, truancy, beyond control, or child abuse for update, consolidation, amendment and revision;
- b. To recommend to the Governor, the Chief Justice and the Guam Legislature



changes to statutory law which improve services to juveniles and families involved in juvenile delinquency, truancy, and drug abuse;

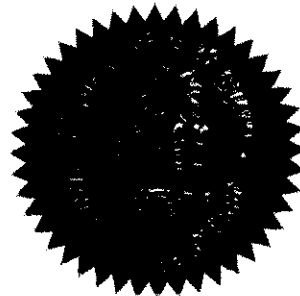
- c. To work closely with the Compiler of Laws on these revisions;
- d. To incorporate theories and best practices in the field of juvenile law which promote accountability to the community, and restorative justice practices;
- e. To incorporate alternative diversionary and prevention programs which reduce the entry of juveniles into the criminal justice system;
- f. To promote the use of strength based treatment, and faith based programs for juveniles within the criminal justice system;
- g. To address juvenile detention issues for all juveniles whose liberty is curtailed, including disproportionate minority detention issues, and proper segregation of adjudicated and non-adjudicated clients;
- h. To establish a prompt and adequate response to juvenile drug abuse and usage;
- i. To promote full parental responsibility and accountability;
- j. To promote cultural diversity and tolerance in the criminal justice system;
- k. To address educational neglect under both local and federal statutes; and
- l. To protect the confidentiality of juveniles.

SIGNED AND PROMULGATED at Hagåtña, Guam this 10 day of July, 2008.

FELIX P. CAMACHO
I Maga' Låhen Gudhan
Governor of Guam

COUNTERSIGNED:

MICHAEL W. CRUZ, M.D.
I Segundu Maga' Låhen Gudhan
Lieutenant Governor of Guam





COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member


Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 17, 2014

Memorandum

To: Rennae Meno
Clerk of the Legislature

From: Senator Thomas C. Ada 
Acting Chairperson of the Committee on Rules

Subject: Fiscal Notes /Waivers

2014 FEB 18 AM 9:52


Hafa Adai!

Attached please find the fiscal notes and waivers for the bill numbers listed below.

Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

FISCAL NOTES:

- Bill No. 216-32(LS)
- Bill No. 228-32(LS)
- Bill No. 229-32(COR)
- Bill No. 230-32(COR)
- Bill No. 258-32(COR)
- Bill No. 260-32(COR)

WAIVERS:

- Bill No. 253-32(COR)
- Bill No. 261-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO
GOVERNORJOHN A. RIOS
DIRECTORRAY TENORIO
LIEUTENANT GOVERNORJOSE S. CALVO
DEPUTY DIRECTOR

FEB 13 2014

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Dos na Liheslaturan Guåhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 216-32(LS), 228-32(LS), 229-32(COR), 230-32(COR), 258-32(COR), 260-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 253-32(COR), and 261-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.



JOHN A. RIOS
Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 216-32 (LS)**

AN ACT RELATIVE TO ENACTING PRINCIPLES OF BALANCED AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER.

Department/Agency Appropriation Information	
Dept./Agency Affected: Judiciary of Guam	Dept./Agency Head: F. Phillip Carbullido, Chief Justice
Department's General Fund (GF) appropriation(s) to date:	26,279,638
Department's Other Fund (Specify) appropriation(s) to date: Safe Streets Fund	146,205
Total Department/Agency Appropriation(s) to date:	526,425,843

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (Bill No. 1(4-S))	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? // Yes /x/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A // Yes // No
If no, what is the additional amount required? \$ _____ /x/ N/A
- Does the Bill establish a new program/agency? // Yes /x/ No
If yes, will the program duplicate existing programs/agencies? // N/A // Yes /x/ No
Is there a federal mandate to establish the program/agency? // Yes /x/ No
- Will the enactment of this Bill require new physical facilities? // Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /x/ Yes // No
// Requested agency comments not received by due date // Other:

Analyst: Dina P. Rivera Date: 1/29/14 Director: John A. Rios, Director Date: FEB 13 2014

Footnotes:
Per written testimony recently provided by the Director of Policy, Planning and Community Relations of the Judiciary of Guam, the Judiciary is in support of the Bill No. 216-32(LS). The testimony mentions that "Bill No. 216-32(LS) would establish restorative justice for juvenile offenders as a public policy for the entire government and potentially result in a reduction of juvenile cases that are currently in the system. In addition, the legislation adequately maintains the judge's discretion in adjudicating cases." As such, a fiscal impact could be associated from the cost of any required training and/or Consultant services for "mediation and alternative dispute resolutions" as proposed in the subject Bill. However, this impact is undetermined at this time.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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Senator
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MAJORITY LEADER

Senator
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VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Muña Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

October 31, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: Referral of Bill No. 216-32(LS)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 216-32(LS)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
216-32 (LS)	Judith T. Won Pat, Ed.D., T.R. Muña Barnes, Aline A. Yamashita, Ph.D.	AN ACT RELATIVE TO ENACTING PRINCIPLES OF BALANCED AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER	10/31/13 9:51a.m.	10/31/13	Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations			



Senator Michael San Nicolas <senatorsannicolas@gmail.com>

First Public Notice - January 15, 2014 Public Hearing and Roundtable Discussion

Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Wed, Jan 8, 2014 at 11:17 AM

To: Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Bcc: aperez@gpagwa.com, Duane George <dmgeorge@guampdn.com>, Ed Davis <edavis@k57.com>, Frank Whitman <editor@mvguam.com>, Gerry Partido <gerry@mvguam.com>, gmmsinc@guam.net, Jason Salas <jason@kuam.com>, John Davis <john@kuam.com>, Kelly Cho <kcn.kelly@gmail.com>, Korean News <koreannews@guam.net>, KPRG <kprg@guam.net>, PDN Lifestyle <life@guampdn.com>, mabuhaynews@yahoo.com, Mindy Aguon <mindy@kuam.com>, Masako Watanabe <mwatanabe@guampdn.com>, K57 <news@k57.com>, Patti Arroyo <parroyo@k57.com>, radioprod@kuam.com, Ray Gibson <rgibson@k57.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Steve Limtiaco <slimtiaco@guampdn.com>, sports@mvguam.com, tcoffman@k57.com, dcrisost@guam.gannett.com, weavert@pstripes.osd.mil, Pacific Daily News <news@guampdn.com>, jtyquiengco@spbgua.com, Kevin Kerrigan <kevin@spbgua.com>, Bruce Hill <hill.bruce@abc.net.au>, Bruce Hill <pacificjournalist@gmail.com>, parroyo@spbgua.com, editor@saipantribune.com, Clynt Ridgell <clynt@spbgua.com>, mcpherson.kathryn@abc.net.au, communications@guam.gov, Troy Torres <troy.torres@guam.gov>, phnotice@guamlegislature.org, "jalerta1 ." <alerta.jermaine@gmail.com>, Matthew Baza <baza.matthew@gmail.com>, Delisa Kloppenburg <delisakloppenburg@gmail.com>, Louella Losinio <louella@mvguam.com>, david@mvguam.com, John Paul Manuel <jpmanuel@gmail.com>, josh@spbgua.com, Speaker Judi Won Pat <speaker@judiwonpat.com>, Vice Speaker Benjamin Cruz <senadotbjcruz@aol.com>, Senator Tina Muña Barnes <senator@tinamunabarnes.com>, Senator Rory Respicio <roryforguam@gmail.com>, "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, Senator Ben Pangelinan <senbenp@guam.net>, Senator Tom Ada <office@senatorada.org>, Senator Aline Yamashita <aline4families@gmail.com>, Senator Tony Ada <tony@tonyada.com>, Senator Chris Duenas <duenasenator@gmail.com>, Brant McCreadie <brantforguam@gmail.com>, Senator Brant McCreadie <senatorbrantmccreadie@gmail.com>, "Senator Frank Aguon, Jr." <aguon4guam@gmail.com>, Senator Mike Limtiaco <mike@mikelimtiaco.com>, Senator Tommy Morrison <tommy@senatormorrison.com>, mayormcdonald@hotmail.com, agatmayorsoffice@hotmail.com, asanmainamayorsoffice@yahoo.com, bmomayor@teleguam.net, bmovmayor@teleguam.net, Jessie Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, nbias_mangilaomayor@yahoo.com, vicemayor_allan.ungacta@yahoo.com, mayorenerstc@yahoo.com, mtm_mayors_office@yahoo.com, pitimayor@yahoo.com, Robert Hofmann <guammayor@gmail.com>, rudyiriarte@gmail.com, talofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, koner.r@gmail.com, arleen81@gmail.com, kenjoeada@yahoo.com, anghet@hotmail.com, Ken Quintanilla <kenq@kuam.com>, raymond.gibson@guam.gov, Dale Alvarez <daleealvarez@gmail.com>, Responsible Guam <responsibleguam@gmail.com>, floterlaje@gmail.com, Regine Biscoe Lee <regineb.lee@gmail.com>, chuck.ada@guamairport.net, peterroy@guamairport.net, lorilee.crisostomo@bsp.guam.gov, doagridir@yahoo.com, carl.dominguez@dpw.guam.gov, eduardo.ordonez@clb.guam.gov, cgarcia@investguam.com, eric.palacios@epa.guam.gov, felixberto.dungca@grta.guam.gov, kpangelinan@visitguam.org, ndenight@visitguam.org, jbrown@portguam.com, monte.mafnas@dlim.guam.gov, david.camacho@galc.guam.gov, Michael Duenas <mjduenas@ghura.org>, fcamacho@ghura.org, martin.benavente@ghc.guam.gov, alfredo.antolin@dol.guam.gov, joseph.cameron@hrra.guam.gov, Cathy Gogue <cgogue@pbsguam.org>, adonis.mendiola@dya.guam.gov, jose.sanagustin@doc.guam.gov, pedro.leonguerrero@cqa.guam.gov, joey.sannicolas@gfd.guam.gov, fred.bordallo@gpd.guam.gov, chief@gpd.guam.gov, jim.mcdonald@ghs.guam.gov, benito.servino@disid.guam.gov, james.gillan@dphss.guam.gov, leo.casil@dphss.guam.gov, joseph.verga@gmha.org, john.rios@bbmr.guam.gov, benita.manglona@doa.guam.gov, anthony.blaz@doa.guam.gov, John Camacho <jpcamacho@revtax.gov.gu>, Marie Benito <mmbenito@revtax.gov.gu>, benny.m.paulino@us.army.mil, john.unpingco@gvao.guam.gov, jonfernandez@gdoe.net, mary.okada@guamcc.edu, raunderwood@uguam.uog.edu, jflores@gpagwa.com, AG Law <law@guamag.org>, rey.vega@mail.dmhsa.guam.gov, henry.taitano@guam.gov, Julian Janssen

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FIRST PUBLIC NOTICE

FOR IMMEDIATE RELEASE

January 8, 2014

In accordance with the Open Government Law, relative to notice for public meetings, please be advised that the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations will convene a public hearing on **Wednesday, January 15, 2014**, beginning at **2:30 p.m.** in *Li Heslaturan Guåhan's* Public Hearing Room for the following items:

Bill No. 216-32 (LS), introduced by Judith T. Won Pat, Ed.D., Tina R. Muna Barnes, and Aline A. Yamashita, Ph.D.: AN ACT RELATIVE TO ENACTING PRINCIPLES OF BALANCED AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND THE OFFENDER.

Bill No. 236-32 (COR), introduced by Aline A. Yamashita, Ph.D., and Thomas C. Ada: AN ACT TO ADD A NEW SECTION 3102.5 AND SECTION 3102.6 THROUGH SECTION 3102.8 TO CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE DEPARTMENT OF REVENUE AND TAXATION TO OUTSOURCE THE DRIVER TESTING REQUIREMENT FOR CERTAIN COMMERCIAL DRIVER'S LICENSES, AND TO THE RECIPROCATION OF COMMERCIAL DRIVER'S LICENSES.

Nomination of **THOMAS V. TANAKA, JR.** to serve as a member of the Cockpit License Board


Additionally, Senator Michael F.Q. San Nicolas will conduct a roundtable discussion beginning at **4:00 p.m.** Representatives from the Guam Police Department, the Department of Revenue and Taxation, and various tow truck companies have been invited to discuss current laws with regards to tow truck operations, rules, and regulations, pursuant to Chapter 12, Title 16 of the Guam Code Annotated.


If written testimony is to be presented at the hearing, copies should be delivered prior to the hearing date. Testimonies should be addressed to Senator Michael F.Q. San Nicolas and will be accepted via hand delivery to our office; our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or via email to senatorsannicolas@gmail.com.


In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Michael F.Q. San Nicolas at 472-6453.

###

3 attachments

 **Bill No. 216-32 (LS).pdf**
45K

 **Bill No. 236-32 (COR).pdf**
461K

 **TTanakaJr nomination.pdf**
626K



Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Second Public Notice - January 15, 2014 Public Hearing and Roundtable Discussion

Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Mon, Jan 13, 2014 at 9:14 AM

To: Senator Michael San Nicolas <senatorsannicolas@gmail.com>

Bcc: aperez@gpagwa.com, Duane George <dmgeorge@guampdn.com>, Ed Davis <edavis@k57.com>, Frank Whitman <editor@mvguam.com>, Gerry Partido <gerry@mvguam.com>, gmmsinc@guam.net, Jason Salas <jason@kuam.com>, John Davis <john@kuam.com>, Kelly Cho <kcn.kelly@gmail.com>, Korean News <koreannews@guam.net>, KPRG <kprg@guam.net>, PDN Lifestyle <life@guampdn.com>, mabuhaynews@yahoo.com, Mindy Aguon <mindy@kuam.com>, Masako Watanabe <mwatanabe@guampdn.com>, K57 <news@k57.com>, Patti Arroyo <parroyo@k57.com>, radioprod@kuam.com, Ray Gibson <rgibson@k57.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Steve Limtiaco <slimtiaco@guampdn.com>, sports@mvguam.com, tcoffman@k57.com, dcrisost@guam.gannett.com, weavert@pstripes.osd.mil, Pacific Daily News <news@guampdn.com>, jtyquiengco@spbgua.com, Kevin Kerrigan <kevin@spbgua.com>, Bruce Hill <hill.bruce@abc.net.au>, Bruce Hill <pacificjournalist@gmail.com>, parroyo@spbgua.com, editor@saipantribune.com, Clynt Ridgell <clynt@spbgua.com>, mcpherson.kathryn@abc.net.au, communications@guam.gov, Troy Torres <troy.torres@guam.gov>, phnotice@guamlegislature.org, "jalerta1 ." <alerta.jermaine@gmail.com>, Matthew Baza <baza.matthew@gmail.com>, Delisa Kloppenburg <delisakloppenburg@gmail.com>, Louella Losinio <louella@mvguam.com>, david@mvguam.com, John Paul Manuel <jpmanuel@gmail.com>, josh@spbgua.com, Speaker Judi Won Pat <speaker@judiwonpat.com>, Vice Speaker Benjamin Cruz <senadotbjcruz@aol.com>, Senator Tina Muña Barnes <senator@tinamunabarnes.com>, Senator Rory Respicio <roryforguam@gmail.com>, "Dennis Rodriguez, Jr." <senatordrodriguez@gmail.com>, Senator Ben Pangelinan <senbenp@guam.net>, Senator Tom Ada <office@senatorada.org>, Senator Aline Yamashita <aline4families@gmail.com>, Senator Tony Ada <tony@tonyada.com>, Senator Chris Duenas <duenasenator@gmail.com>, Brant McCreadie <brantforguam@gmail.com>, Senator Brant McCreadie <senatorbrantmccreadie@gmail.com>, "Senator Frank Aguon, Jr." <aguon4guam@gmail.com>, Senator Mike Limtiaco <mike@mikelimtiaco.com>, Senator Tommy Morrison <tommy@senatormorrison.com>, mayormcdonald@hotmail.com, agatmayorsoffice@hotmail.com, asanmainamayorsoffice@yahoo.com, bmomayor@teleguam.net, bmovmayor@teleguam.net, Jessie Gogue <ocp.mayor@gmail.com>, MELISSA SAVARES <melissa.savares@gmail.com>, peter_daigo@hotmail.com, hagatnamayor@hotmail.com, Doris Lujan <mayordorisfloreslujan@gmail.com>, nblas_mangilaomayor@yahoo.com, vicemayor_allan.ungacta@yahoo.com, mayoremestc@yahoo.com, mtm_mayors_office@yahoo.com, pitimayor@yahoo.com, Robert Hofmann <guammayor@gmail.com>, rudyiriarte@gmail.com, talofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, konex.r@gmail.com, arleen81@gmail.com, kenjoeada@yahoo.com, anghet@hotmail.com, Ken Quintanilla <kenq@kuam.com>, raymond.gibson@guam.gov, Dale Alvarez <daleealvarez@gmail.com>, Responsible Guam <responsibleguam@gmail.com>, floterlaje@gmail.com, Regine Biscoe Lee <regineb.lee@gmail.com>, chuck.ada@guamairport.net, peterroy@guamairport.net, lorilee.crisostomo@bsp.guam.gov, doagridir@yahoo.com, carl.dominguez@dpw.guam.gov, eduardo.ordonez@clb.guam.gov, cgarcia@investguam.com, eric.palacios@epa.guam.gov, felixberto.dungca@grta.guam.gov, kpangelinan@visitguam.org, ndenight@visitguam.org, jbrown@portguam.com, monte.mafnas@dml.guam.gov, david.camacho@galc.guam.gov, Michael Duenas <mjduenas@ghura.org>, fcamacho@ghura.org, martin.benavente@ghc.guam.gov, alfredo.antolin@dol.guam.gov, joseph.cameron@hrra.guam.gov, Cathy Gogue <cgogue@pbsguam.org>, adonis.mendiola@dya.guam.gov, jose.sanagustin@doc.guam.gov, pedro.leonguerrero@cqa.guam.gov, joey.sannicolas@gfd.guam.gov, fred.bordallo@gpd.guam.gov, chief@gpd.guam.gov, jim.mcdonald@ghs.guam.gov, benito.servino@disid.guam.gov, james.gillan@dphss.guam.gov, leo.casil@dphss.guam.gov, joseph.verga@gmha.org, john.rios@bbmr.guam.gov, benita.manglona@doa.guam.gov, anthony.blaz@doa.guam.gov, John Camacho <jpcamacho@revtax.gov.gu>, Marie Benito <mmbenito@revtax.gov.gu>, benny.m.paulino@us.army.mil, john.unpingco@gvao.guam.gov, jonfernandez@gdoe.net, mary.okada@guamcc.edu, raunderwood@uguam.uog.edu, jflores@gpagwa.com, AG Law <law@guamag.org>, rey.vega@mail.dmhsa.guam.gov, henry.taitano@guam.gov, Julian Janssen

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SECOND PUBLIC NOTICE

FOR IMMEDIATE RELEASE

January 13, 2014

In accordance with the Open Government Law, relative to notice for public meetings, please be advised that the Committee on Aviation, Ground Transportation, Regulatory Concerns and Future Generations will convene a public hearing on **Wednesday, January 15, 2014**, beginning at **2:30 p.m.** in *I Liheslaturan Guåhan's* Public Hearing Room for the following items:

Bill No. 216-32 (LS), introduced by Judith T. Won Pat, Ed.D., Tina R. Muna Barnes, and Aline A. Yamashita, Ph.D.: AN ACT RELATIVE TO ENACTING PRINCIPLES OF BALANCED AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND THE OFFENDER.

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Additionally, Senator Michael F.Q. San Nicolas will conduct a roundtable discussion beginning at **4:00 p.m.** Representatives from the Guam Police Department, the Department of Revenue and Taxation, and various tow truck companies have been invited to discuss current laws with regards to tow truck operations, rules, and regulations, pursuant to Chapter 12, Title 16 of the Guam Code Annotated.

If written testimony is to be presented for the hearing or roundtable discussion, copies should be delivered prior to the hearing date. Testimonies should be addressed to Senator Michael F.Q. San Nicolas and will be accepted via hand delivery to our office; our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910; or via email to senatorsannicolas@gmail.com. In compliance with the Americans with Disabilities Act, individuals requiring special accommodations or services should contact the Office of Senator Michael F.Q. San Nicolas at 472-6453.

###

3 attachments

-  **TTanaka Jr nomination.pdf**
626K
-  **Bill No. 216-32 (LS).pdf**
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-  **Bill No. 236-32 (COR).pdf**
461K

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As of January 8, 2014

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As of January 8, 2014**

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Senator Michael F.Q. San Nicolas

Chairman - Committee on Aviation, Ground Transportation,
Regulatory Concerns and Future Generations
I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature



PUBLIC HEARING

Wednesday, January 15, 2014

2:30 p.m.

Public Hearing Room

I Liheslaturan Guåhan

AGENDA

- I. Call to Order
- II. Opening Remarks/Announcements
- III. Items for Public Consideration

Bill No. 216-32 (LS), introduced by Judith T. Won Pat, Ed.D., Tina R. Muna Barnes, and Aline A. Yamashita, Ph.D.: "AN ACT RELATIVE TO ENACTING PRINCIPLES OF BALANCED AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND THE OFFENDER."

Bill No. 236-32 (COR), introduced by Aline A. Yamashita, Ph.D., and Thomas C. Ada: "AN ACT TO ADD A NEW SECTION 3102.5 AND SECTION 3102.6 THROUGH SECTION 3102.8 TO CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING THE DEPARTMENT OF REVENUE AND TAXATION TO OUTSOURCE THE DRIVER TESTING REQUIREMENT FOR CERTAIN COMMERCIAL DRIVER'S LICENSES, AND TO THE RECIPROCATION OF COMMERCIAL DRIVER'S LICENSES."

Nomination of Thomas V. Tanaka, Jr.
Member, Cockpit License Board

- IV. Closing Remarks
- V. Adjournment



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
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Member

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Legislative Secretary
Tina Rose Muña Barnes
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Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

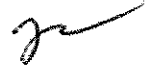
Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

February 17, 2014

Memorandum

To: Rennae Meno
Clerk of the Legislature

From: Senator Thomas C. Ada 
Acting Chairperson of the Committee on Rules

Subject: Fiscal Notes /Waivers

Hafa Adai!

Attached please find the fiscal notes and waivers for the bill numbers listed below.

Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

FISCAL NOTES:

- Bill No. 216-32(LS)
- Bill No. 228-32(LS)
- Bill No. 229-32(COR)
- Bill No. 230-32(COR)
- Bill No. 258-32(COR)
- Bill No. 260-32(COR)

WAIVERS:

- Bill No. 253-32(COR)
- Bill No. 261-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2014 FEB 18 AM 9:52

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932EDDIE BAZA CALVO
GOVERNORJOHN A. RIOS
DIRECTORRAY TENORIO
LIEUTENANT GOVERNORJOSE S. CALVO
DEPUTY DIRECTOR

FEB 13 2014

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Dos na Liheslaturan Guáhan
The 31st Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 216-32(LS), 228-32(LS), 229-32(COR), 230-32(COR), 258-32(COR), 260-32(COR) and Fiscal Note Waiver on the following Bill Nos.: 253-32(COR), and 261-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

A handwritten signature in black ink, appearing to read "John A. Rios".

JOHN A. RIOS
Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 216-32 (LS)**

AN ACT RELATIVE TO ENACTING PRINCIPLES OF BALANCED AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER.

Department/Agency Appropriation Information	
Dept./Agency Affected: Judiciary of Guam	Dept./Agency Head: F. Phillip Carbullido, Chief Justice
Department's General Fund (GF) appropriation(s) to date:	26,279,638
Department's Other Fund (Specify) appropriation(s) to date: Safe Streets Fund	146,205
Total Department/Agency Appropriation(s) to date:	526,425,843

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (Bill No. 1(4-S))	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /x/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A / / Yes / / No
If no, what is the additional amount required? \$ _____ /x/ N/A
- Does the Bill establish a new program/agency? / / Yes /x/ No
If yes, will the program duplicate existing programs/agencies? / / N/A / / Yes /x/ No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /x/ Yes / / No
/ / Requested agency comments not received by due date / / Other:

Analyst: Dina P. Rivera Date: 1/29/14 Director: John A. Rios, Director Date: FEB 13 2014

Footnotes:
Per written testimony recently provided by the Director of Policy, Planning and Community Relations of the Judiciary of Guam, the Judiciary is in support of the Bill No. 216-32(LS). The testimony mentions that "Bill No. 216-32(LS) would establish restorative justice for juvenile offenders as a public policy for the entire government and potentially result in a reduction of juvenile cases that are currently in the system. In addition, the legislation adequately maintains the judge's discretion in adjudicating cases." As such, a fiscal impact could be associated from the cost of any required training and/or Consultant services for "mediation and alternative dispute resolutions" as proposed in the subject Bill. However, this impact is undetermined at this time.



COMMITTEE ON RULES

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MINORITY LEADER

Senator
Aline Yamashita
Member

October 31, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Referral of Bill No. 216-32(LS)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 216-32(LS)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!


Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 216-32 (LS)

Introduced by:

Judith T. Won Pat, Ed.D. 

Tina R. Muna Barnes 

Aline A. Yamashita, Ph.D. 

**AN ACT RELATIVE TO ENACTING PRINCIPLES
OF BALANCED AND RESTORATIVE JUSTICE IN
THE JUVENILE CRIMINAL JUSTICE SYSTEM
BETWEEN THE VICTIM AND OFFENDER**

2013 OCT 31 AM 9:51


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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds
3 that it is the policy of this territory that principles of Balanced and Restorative
4 Justice be included in shaping how the juvenile criminal justice system responds to
5 persons charged with or convicted of criminal offenses. The policy goal is a
6 community response to a juvenile's wrongdoing at its earliest onset, and a type and
7 intensity of sanction tailored to each instance of wrongdoing.

8 **Section 2. Balanced and Restorative Justice Objectives.**

9 (a) To resolve conflicts and disputes by means of a non-adversarial community
10 process.

11 (b) To repair damage caused by criminal acts to communities in which they
12 occur, and to address wrongs inflicted on individuals victims.

1 (c) To reduce the risk of an offender committing a more serious crime in the
2 future, that would require a more intensive and more costly sanction, such as
3 incarceration.

4 **Section 3. Implementation.** Judicial and law enforcement officials shall
5 develop and employ restorative justice approaches whenever feasible and
6 responsive to specific criminal acts involving juveniles not involving serious
7 crimes against persons or property, crimes involving criminal sexual conduct or
8 serious family violence. It is the further intent of the Legislature that restorative
9 justice programs be designed to encourage participation from the community,
10 including victims when they so chose, and judicial and law enforcement officials in
11 holding the offender accountable for damage caused to communities and victims,
12 and in restoring offenders to the law-abiding community.

13 **Section 4. Victim and Community Involvement in Sentencing.** A court,
14 when considering the sentence to be imposed against a juvenile for an offense
15 other than a crime committed under Criminal Homicide, Sexual Offenses or
16 Family Violence may permit the victim and the offender to submit a sentence for
17 the court's review based upon a negotiated agreement between the victim and the
18 offender, or between the offender and the community if there is no victim. The
19 court may, with the consent of the victim and offender, impose the sentence that
20 has been determined by the negotiated agreement if the sentence accomplishes the
21 goals of restoring the victim and the community and rehabilitation of the offender.