

EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam.*

FEB 09 2016

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Tres Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

3316-1357  
Office of the Speaker  
Judith T. Won Pat, Ed.D

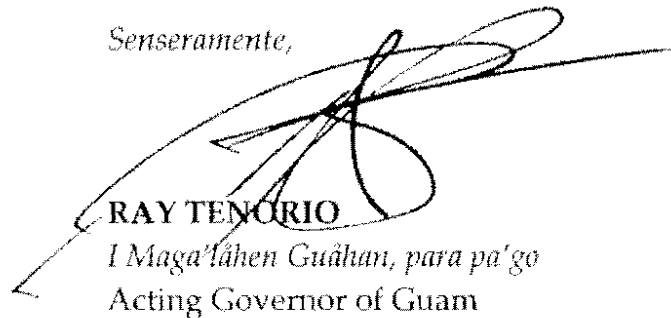
Date: 02-11-16  
Time: 9:45 AM  
Received By: [Signature]

Pje  
2016 FEB 11 AM 11:00

Dear Madame Speaker:

Transmitted herewith is Bill No. 215-33 (COR) "AN ACT TO ADD A NEW SUBSECTION (c) TO § 67.412 OF ARTICLE 4, CHAPTER 67 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO RECOGNIZING THE SUCCESSFUL REHABILITATION AND TREATMENT OF INDIVIDUALS CONVICTED AS FIRST OFFENDERS IN DRUG CASES BETWEEN 1995 AND 2005" which was lapsed into law on February 4, 2016, as Public Law 33-122.

*Senseramente,*

  
RAY TENORIO  
*I Maga'láhen Guåhan, para pa'go*  
Acting Governor of Guam

1357

**I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN**  
**2016 (SECOND) Regular Session**

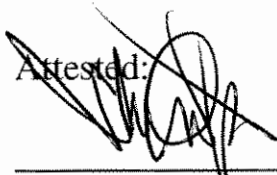
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN**

This is to certify that **Substitute Bill No. 215-33 (COR), "AN ACT TO ADD A NEW SUBSECTION (c) TO § 67.412 OF ARTICLE 4, CHAPTER 67 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO RECOGNIZING THE SUCCESSFUL REHABILITATION AND TREATMENT OF INDIVIDUALS CONVICTED AS FIRST OFFENDERS IN DRUG CASES BETWEEN 1995 AND 2005,"** was on the 20<sup>th</sup> day of January 2016, duly and regularly passed.



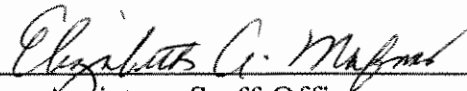
**Judith T. Won Pat, Ed.D.**  
**Speaker**

Attested:



**Tina Rose Muña Barnes**  
**Legislative Secretary**

This Act was received by *I Maga'låhen Guåhan* this 22<sup>nd</sup> day of January,  
2016, at 5:17 o'clock P.M.




**Assistant Staff Officer**  
**Maga'låhi's Office**

APPROVED:

**EDWARD J.B. CALVO**  
***I Maga'låhen Guåhan***

Date: FEB 04 2016

OFFICE OF THE GOVERNOR  
CENTRAL FILES

  
RECEIVED BY  
TIME 5:17 PM DATE 1/22/16

Public Law No. 33-122

***I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**2015 (FIRST) Regular Session**

**Bill No. 215-33 (COR)**

As substituted by the Committee on  
the Guam U.S. Military Relocation,  
Public Safety and Judiciary; and  
amended on the Floor.

Introduced by:

B. J.F. Cruz  
R. J. Respicio  
Mary Camacho Torres  
T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
Frank F. Blas, Jr.  
James V. Espaldon  
Brant T. McCreddie  
Tommy Morrison  
T. R. Muña Barnes  
Dennis G. Rodriguez, Jr.  
Michael F.Q. San Nicolas  
N. B. Underwood, Ph.D.  
Judith T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW SUBSECTION (c) TO § 67.412  
OF ARTICLE 4, CHAPTER 67 OF TITLE 9, GUAM  
CODE ANNOTATED, RELATIVE TO RECOGNIZING  
THE SUCCESSFUL REHABILITATION AND  
TREATMENT OF INDIVIDUALS CONVICTED AS  
FIRST OFFENDERS IN DRUG CASES BETWEEN 1995  
AND 2005.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that the Supreme Court of Guam promulgated Administrative Rule 05-03,

1 “Regarding the Creation of Collaborative Therapeutic Drugs Courts as Courts of  
2 Record for the Superior Court of Guam” on December 29, 2005, and by doing so,  
3 adopted the policy that those criminal defendants who were charged with  
4 possession of user-quantity substances would be treated as persons in need of drug  
5 rehabilitation treatment.

6 The Guam Adult and Juvenile Drug Courts began its practices as early as  
7 1995, but were not made official courts of record until 2005. In January 2003, the  
8 Superior Court of Guam received a federal grant to implement a “Drug Court,”  
9 with cooperation from the Office of Attorney General, the Public Defender  
10 Services Corporation, and members of the Guam Bar Association, and Drug Court  
11 defendants were offered the choice of counseling and drug treatment in order to  
12 resolve their offense under 9 GCA Chapter 67, and have their cases end in  
13 expungement pursuant to the expungement laws of Guam. Prior to Administrative  
14 Rule 05-03, all drug possession cases were assigned to a single judge.

15 The Superior Court of Guam has estimated that nearly five hundred (500)  
16 individuals completed the counseling and drug treatment components of the  
17 Therapeutic Drug Courts prior to its establishment as courts of record of the  
18 Judiciary of Guam. Many of these individuals have become productive members of  
19 our community but have experienced employment challenges resulting from their  
20 drug conviction as far back as twenty (20) years ago. Many who completed the  
21 same drug treatment currently required of Drug Court defendants wish similar  
22 treatment, and there is no other way to cleanse their records except under the  
23 expungement statute, which does not contain legal guidance for expungement in  
24 such situations.

25 It is the intent of *I Liheslaturan Guåhan* to authorize persons who completed  
26 drug treatment prior to the 2005 Administrative Order creating the Drug Treatment  
27 Courts, and were not convicted of any other drug offense, violent misdemeanor, or

1 felony, to request expungement of their case. This would allow such individuals to  
2 be treated equitably with those who committed the exact same offenses after the  
3 December 29, 2005 order creating drug courts, and to recognize and reward  
4 individuals for their successful rehabilitation into the community.

5 **Section 2.** A new Subsection (c) is *added* to § 67.412 of Article 4, Chapter  
6 67 of Title 9, Guam Code Annotated, to read as follows:

7 “(c) A person may seek expungement if he or she has successfully  
8 completed drug treatment consistent with the treatment in the drug court  
9 program set forth in this Section and § 67.413 and sustained a conviction  
10 under this Chapter from the Superior Court between January 1, 1995 and  
11 December 31, 2005. Such persons must not have been previously convicted  
12 of an offense under this Title 9, and otherwise meet all criteria for  
13 participation in the current drug court program as set forth in this Section  
14 and § 67.413, and must not have been convicted since the drug conviction of  
15 a felony or a misdemeanor involving violence. Any application for  
16 expungement pursuant to the participation in the drug treatment options  
17 between January 1, 1995 and December 31, 2005, *shall* be filed in the  
18 original criminal case file number in the same way as adjudications pursuant  
19 to Subsection (b) of this Section are currently handled, and all such requests  
20 for expungement *shall* be assigned to the Presiding Judge of the Superior  
21 Court of Guam.”