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ATTORNEY GENERAL'S OFFICE


TERMIN GUAM LEGISLATURE  
1970 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This certifies that Bill No. 619, "An Act to repeal and re-enact Section 261 of the Code of Civil Procedure of Guam, to repeal Sections 55004 and 55014 of the Government Code of Guam, to amend Sections 55002, 55006, 55007, 55008, 55011, and 55012 of said Code to restore control of the Youth Correctional Facilities to the Juvenile Court of Guam, and to renumber Title XVI of the Government Code of Guam and the sections therein accordingly", was on the 25th day of June, 1970, duly and regularly passed.

  
JOAQUIN C. ARRIOLA  
Speaker

ATTESTED:

  
JAMES T. BASLER  
Legislative Secretary

This Act was received by the Governor this 25th day  
of June, 1970 at 6:35 o'clock P.M.

/s/ Pedro D. Perez  
PEDRO D. PEREZ - Acting  
Secretary of Guam

APPROVED:

Bill passed into law without Governor's signature

CARLOS E. CAMACHO  
Governor of Guam

DATED: \_\_\_\_\_

Public Law 10-164

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TENTH GUAM LEGISLATURE  
1970 (SECOND) Regular Session

Bill No. 619  
Substitute Bill by  
Committee on Judiciary

Introduced by \_\_\_\_\_  
J. U. Torres

AN ACT TO REPEAL AND RE-ENACT SECTION 261 OF THE CODE OF CIVIL PROCEDURE OF GUAM, TO REPEAL SECTIONS 55004 AND 55014 OF THE GOVERNMENT CODE OF GUAM, TO AMEND SECTIONS 55002, 55006, 55007, 55008, 55011, AND 55012 OF SAID CODE TO RESTORE CONTROL OF THE YOUTH CORRECTIONAL FACILITIES TO THE JUVENILE COURT OF GUAM, AND TO RENUMBER TITLE LVI OF THE GOVERNMENT CODE OF GUAM AND THE SECTIONS THEREIN ACCORDINGLY.

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

2 Section 1. Section 261 of the Code of Civil Procedure of  
3 Guam is hereby repealed and a new Section 261 is hereby enacted  
4 to read as follows:

5 "Section 261. Youth Correctional Facilities. The  
6 Juvenile Court shall maintain facilities for the temporary  
7 or continuing care, custody or detention, or commitment,  
8 of children, or the court may arrange for use of private  
9 homes for such care or detention, subject to the supervision  
10 of the court.

11 (a) Direct Supervision by Court. Wards of such  
12 correctional facilities shall be under the direct super-  
13 vision of the Juvenile Court in order to apply more  
14 advantageously the salutary effect of home and family  
15 environment upon them, and also in order to secure a  
16 better classification and segregation of such wards  
17 according to their capacities, interests, and responsive-  
18 ness to control and responsibilities, and to give better  
19 opportunity for reform and encouragement of self  
20 discipline in such correctional facilities.

1 (b) Rules. The Judicial Council shall promulgate  
2 such rules as may be necessary for the guidance of all  
3 youth correctional or detention facilities, which rules  
4 shall be transmitted to the Legislature pursuant to  
5 Section 123 of this Code.

6 (c) Juvenile Justice and Delinquency Prevention  
7 Commission. There is hereby created a Juvenile Justice  
8 and Delinquency Prevention Commission which shall consist  
9 of the following members: Chief Judge of the Island  
10 Court, the Chairman of the Committee on Children and  
11 Youth, of the Legislature, or his representative, the  
12 Attorney General of Guam, or his representative, the  
13 Director of Public Health and Social Services, or his  
14 representative, the Public Defender, or his represen-  
15 tative, a representative of a religious order, and a  
16 representative of a civic organization. The Chief Judge  
17 of the Island Court shall be the chairman.

18 (d) Duties of Commission. It shall be the duty of the  
19 Juvenile Justice and Delinquency Prevention Commission  
20 to inquire into the administration of the Juvenile  
21 Court law and management and supervision of the juvenile  
22 detention or correctional facilities. For this purpose,  
23 the Commission shall have access to all facilities,  
24 shall inspect such facilities no less than once a year,  
25 and may hold hearings. The Commission shall have the  
26 power to issue subpoenas requiring attendance and  
27 testimony of witnesses and production of papers at the  
28 hearings.

29 (e) Recommendations. The Juvenile Justice and  
30 Delinquency Prevention Commission may recommend to the  
31 Juvenile Court and to the Judicial Council such changes  
32 or additions it considers beneficial. The Commission

1           may publicize its recommendations.”

2           Section 2. Sections 55004 and 55014 of Chapter I of Title  
3           LVIII of the Government Code of Guam are hereby repealed.

4           Section 3. Section 55002 of Chapter I of Title LVIII of the  
5           Government Code of Guam is hereby amended to read as follows:

6           “Section 55002. Purpose of Department. The Department  
7           shall protect the public from the destructive action of  
8           law offenders through control and rehabilitation. It shall  
9           provide staff services for the judiciary, the Parole Board,  
10          probation officials and interested agencies of the Executive  
11          Branch.”

12          Section 4. Section 55006 of Chapter I of Title LVIII of the  
13          Government Code of Guam is hereby amended to read as follows:

14          “Section 55006. Corrections Advisory Council. There  
15          is hereby established the Corrections Advisory Council  
16          composed of the Chairman of the Territorial Parole Board,  
17          the Chief Judge of the Island Court, the Administrator of  
18          Social Services or his representative, the Principal of the  
19          Trade and Technical School or his representative, the United  
20          States Attorney or his representative and, in addition, one  
21          representative from the business community and one member  
22          from the general public, who shall be appointed by the  
23          Governor with the advice and consent of the Legislature. The  
24          Director of the Department shall be ex-officio secretary  
25          of the Council and the Department shall furnish necessary  
26          logistic support. The Council shall advise the Director and  
27          the Department as to the policies and procedures to carry  
28          out the intent and purposes of this Title.”

29          Section 5. Section 55007 of Chapter I of Title LVIII of the  
30          Government Code of Guam is hereby amended to read as follows:

31          “Section 55007. Transfer of Functions. The Department  
32          does hereby assume all the powers, duties and responsibilities

1 of the Department of Public Safety for the confinement  
2 of prisoners. "

3 Section 6. Section 55008 of Chapter I of Title LVIII of the  
4 Government Code of Guam is hereby amended to read as follows:

5 "Section 55008. References. Whenever the Department  
6 of Public Safety is referred to by law, contract, Executive  
7 Order, rule or regulation or document concerning a function  
8 transferred by Section 55007 such reference shall be deemed  
9 to mean the Department of Corrections. All references to the  
10 Director of Public Safety in law, contract, rule or  
11 regulation, Executive Order or document concerning a function  
12 transferred by Section 55007 shall be deemed to mean the  
13 Director of Corrections."

14 Section 7. Section 55011 of Chapter I of Title LVIII of the  
15 Government Code of Guam is hereby amended to read as follows:

16 "Section 55011. Transfer of records, equipment and  
17 facilities. Upon the transfer of functions as provided in  
18 this Act all contracts, books, records, papers, maps, plans,  
19 documents, facilities and pending business heretofore made,  
20 used and acquired or conducted by the Department  
21 of Public Safety in the exercise of the functions transferred  
22 shall be transferred to the Department of Corrections."

23 Section 8. Whenever the Department of Corrections is referred  
24 to by law, contract, Executive Order, rule or regulation or  
25 document concerning juvenile detention or rehabilitation, such  
26 reference shall be deemed to mean the Juvenile Court. All  
27 references to the Director of Corrections in law, contract, rule  
28 or regulation, Executive Order, or document concerning juvenile  
29 detention or rehabilitation shall be deemed to mean the Chief  
30 Judge of the Island Court. On the effective date of this Act,  
31 all contracts, books, records, papers, maps, plans, documents,  
32 facilities and pending business heretofore made, used and

1 acquired or conducted by the Department of Corrections in  
2 juvenile detention or rehabilitation shall be transferred to the  
3 Juvenile Court. On the effective date of this Act all officers  
4 and employees of the Department of Corrections engaged in  
5 juvenile detention or rehabilitation shall be transferred to  
6 the Juvenile Court. All unexpended appropriation heretofore  
7 made for the operation of the Department of Corrections for  
8 juvenile detention and rehabilitation shall be transferred to  
9 the Juvenile Court on the effective date of Act.

10 Section 9. Title LVI of the Government Code of Guam as  
11 enacted by Public Law 9-254, Ninth Guam Legislature, is hereby  
12 renumbered Title LIX, and the section numbers therein are hereby  
13 renumbered from 55000 through 55052 to 58000 through 58052.

14 Section 10. This Act shall take effect thirty (30) days  
15 after its approval by the Governor.

16 Section 11. This Act is an urgency measure.