


TWELFTH GUAM LEGISLATURE
1973 (FIRST) Regular Session

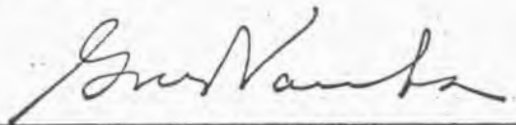
Agana, Guam

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 77, "An Act to repeal and reenact Section 51 of the Code of Civil Procedure, to repeal and reenact Chapter II, Title I, Part I of said Code, to amend Section 81 of said Code, to repeal and reenact Section 82 of said Code, to repeal Section 83 of said Code, to repeal and reenact Sections 84 and 85 of said Code, to add a new Section 89.1 to said Code, to repeal Chapters IV and V, Title I, Part I of said Code in their entirety, to repeal and reenact Section 121, Chapter VI, Title I, Part I of said Code, to repeal Sections 123 and 124 of said Code, to amend Section 136 of said Code, to repeal Section 165 of said Code in its entirety, to amend Section 166 of said Code, to amend Section 272, Title I, Chapter V of said Code, to repeal and reenact Subparagraph (b) of Section 680.1 and Section 680.3 of said Code, to amend Sections 680.4 and 680.5 of said Code, to amend Subparagraph (f) of Section 680.7 of said Code, to amend Subparagraph (b) of Section 680.9 of said Code, to repeal and reenact Section 680.11 of said Code, to add a new Section 936.1 to said Code, to amend Sections 948, 949 and 963 of said Code, to repeal Sections 969 and 970 of said Code, to repeal Sections 1034 and 1038 of said Code in their entirety, to amend Section 1108 of said Code, to repeal and reenact Section 1240 of said Code, to amend Section 1381 of said Code: to amend Sections 1240 and 1630 of the Probate Code of Guam; to amend Sections 1005, 2620, 4106, 6500.11, 28001, 28005, and 28006 of the Government Code of Guam, to repeal and reenact Sections 28002 and 28002.1 of said Code; to repeal and reenact Section 808 of the Penal Code of Guam, to repeal Section 1050 of said Code, to amend Section 1382 of said Code, and to amend Sections 1474, 1506, 1611, 1618, 1619, and 1620 of said Code: relative to the Court Reorganization Act", was on the 12th day of December, 1973, duly and regularly passed.


F. T. RAMIREZ
Speaker

ATTESTED:


G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 7th day of January,
1974 at 3:15 o'clock P.M.

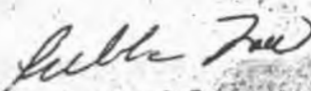
737 KEITH L. ANDREWS
KEITH L. ANDREWS
Attorney General of Guam

APPROVED:

151
CARLOS G. CAMACHO
Governor of Guam

DATED: 1/16/74

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13-85

TWELFTH GUAM LEGISLATURE
1973 (FIRST) Regular Session

Bill No. 77
Substituted by the
Committee on Judiciary

Introduced by F. G. Lujan

AN ACT TO REPEAL AND REENACT SECTION 51 OF THE CODE OF CIVIL PROCEDURE, TO REPEAL AND REENACT CHAPTER II, TITLE I, PART I OF SAID CODE, TO AMEND SECTION 81 OF SAID CODE, TO REPEAL AND REENACT SECTION 82 OF SAID CODE, TO REPEAL SECTION 83 OF SAID CODE, TO REPEAL AND REENACT SECTIONS 84 AND 85 OF SAID CODE, TO ADD A NEW SECTION 89.1 TO SAID CODE, TO REPEAL CHAPTERS IV AND V, TITLE I, PART I OF SAID CODE IN THEIR ENTIRETY, TO REPEAL AND REENACT SECTION 121, CHAPTER VI, TITLE I, PART I OF SAID CODE, TO REPEAL SECTIONS 123 AND 124 OF SAID CODE, TO AMEND SECTION 136 OF SAID CODE, TO REPEAL SECTION 165 OF SAID CODE IN ITS ENTIRETY, TO AMEND SECTION 166 OF SAID CODE, TO AMEND SECTION 272, TITLE I, CHAPTER V OF SAID CODE, TO REPEAL AND REENACT SUBPARAGRAPH (b) OF SECTION 680.1 AND SECTION 680.3 OF SAID CODE, TO AMEND SECTIONS 680.4 AND 680.5 OF SAID CODE, TO AMEND SUBPARAGRAPH (f) OF SECTION 680.7 OF SAID CODE, TO AMEND SUBPARAGRAPH (b) OF SECTION 680.9 OF SAID CODE, TO REPEAL AND REENACT SECTION 680.11 OF SAID CODE, TO ADD A NEW SECTION 935.1 TO SAID CODE, TO AMEND SECTIONS 948, 949 AND 963 OF SAID CODE, TO REPEAL SECTIONS 969 AND 970 OF SAID CODE, TO REPEAL SECTIONS 1034 AND 1038 OF SAID CODE IN THEIR ENTIRETY, TO AMEND SECTION 1108 OF SAID CODE, TO REPEAL AND REENACT SECTION 1240 OF SAID CODE, TO AMEND SECTION 1381 OF SAID CODE: TO AMEND SECTIONS 1240 AND 1630 OF THE PROBATE CODE OF GUAM; TO AMEND SECTIONS 1005, 2620, 4106, 6500.11, 28001, 28005, AND 28006 OF THE GOVERNMENT CODE OF GUAM, TO REPEAL AND REENACT SECTIONS 28002 AND 28002.1 OF SAID CODE; TO REPEAL AND REENACT SECTION 808 OF THE PENAL CODE OF GUAM, TO REPEAL SECTION 1050 OF SAID CODE, TO AMEND SECTION 1382 OF SAID CODE, AND TO AMEND SECTIONS 1474, 1506, 1611, 1618, 1619, AND 1620 OF SAID CODE: RELATIVE TO THE COURT REORGANIZATION ACT.

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

2 Section 1. This Act may be cited as the "Court Reorganiza-
3 tion Act".

4 Section 2. Section 51 of Chapter I, Title I, Part I of
5 the Code of Civil Procedure is hereby repealed and a new

P.A. # 12-85

1 Section 51 is enacted in lieu thereof to read as follows:

2 "Section 51. Courts of justice in general. The
3 Courts of justice of the territory of Guam consist of
4 the Supreme Court and the Superior Court. The Judicial
5 Council shall by rules of Court create such divisions
6 of the Superior Court as within its judgment may be
7 desirable and may designate which of such divisions
8 shall be courts of record and which shall be courts
9 not of record, provided however, that two (2) of such
10 divisions shall be the Juvenile Court Division, a court
11 of record, and the Traffic Court Division, a court not
12 of record."

13 Section 3. Chapter II of Title I, Part I of the Code of
14 Civil Procedure is hereby repealed and a new Chapter II is
15 enacted in lieu thereof to read as follows:

16 "CHAPTER II

17 Supreme Court

18 Section 61. Composition of court. The Supreme Court
19 shall be presided over by the Chief Justice of Guam and
20 two (2) associate justices, all of whom shall be
21 appointed by the Legislature for a term of eight (8)
22 years each, unless sooner removed for cause. The
23 Legislature shall appoint each justice from among the
24 judges of the District Court of Guam, the Superior
25 Court judges and three (3) additional persons who are
26 admitted to the Guam Bar and who have practiced law
27 in Guam for at least six (6) months who shall be
28 nominated and whose names shall be submitted to the
29 Legislature by the Judicial Council. The salary of the
30 Chief Justice shall be equal to the salary of the
31 Governor of Guam, and the salary of each of the associate

1 justices shall be Two Thousand Dollars (\$2,000) less
2 than the salary of the Chief Justice.

3 (a) Temporary designation of associate justices.
4 Until such time as the Legislature shall find that the
5 business of the Supreme Court warrants the appointment
6 of associate justices, the Chief Justice may designate
7 as associate justices to sit with him in any session of
8 the Supreme Court:

- 9 1. Any Judge of the Superior Court;
- 10 2. The Judge of the District Court of
11 Guam, with his consent; and
- 12 3. Any Judge of the High Court of the
13 Trust Territory, with the consent of the
14 Chief Justice of that court and the
15 justice to be so designated.

16 (b) Disqualification or inability of Chief Justice
17 to act. In cases in which the Chief Justice is disqualified
18 or unable to act, he shall designate any associate
19 justice to sit in his place.

20 (c) Concurrence of two (2) justices is necessary for
21 any decision. The concurrence of two (2) justices shall
22 be necessary to any decision of the Supreme Court on the
23 merits of an appeal, but the Chief Justice alone, or an
24 associate justice sitting in his place alone, may make
25 any appropriate orders with respect to an appeal and
26 dismiss an appeal for want of jurisdiction, or failure
27 to take or prosecute it in accordance with the applicable
28 law or rules of procedure.

29 Section 62. Jurisdiction. The Supreme Court shall
30 have jurisdiction of appeals from the judgments, orders
31 and decrees of the Superior Court in criminal cases as

1 provided in the Penal Code, Part II, Title VIII; and
2 in civil causes and proceedings as provided in the
3 Code of Civil Procedure Part II, Title XII, Chapters I
4 and II; and Part III, Title I, Chapter V; and Part III,
5 Title II, Chapter IV; and Part III, Title VII, Chapter
6 XII, and the Probate Code, Division III, Chapter XXI,
7 Article IV; and Division IV, Chapter XVI. The Supreme
8 Court shall have jurisdiction of all appeals arising
9 from the judgments, final decrees or final orders of
10 the Superior Court or any division thereof.

11 The Supreme Court shall also have power to issue
12 writs of mandamus, certiorari, prohibition and habeas
13 corpus, and all other writs necessary or proper to the
14 complete exercise of its appellate jurisdiction. Each
15 of the justices shall have the power to issue writs
16 of habeas corpus upon petition by or on behalf of any
17 person held in actual custody, and may make such writs
18 returnable before himself or the Supreme Court or
19 before the Superior Court or any division of the
20 Superior Court or before any judge thereof.

21 Section 63. Powers on appeal. Upon appeal, the
22 Supreme Court may affirm, modify, vacate, set aside or
23 reverse the judgment, order or decree appealed from,
24 and remand the cause and direct the entry of such appro-
25 priate judgment, order or decree as may be just under the
26 circumstances, but the Supreme Court may not take new
27 or additional evidence, consider the issues of fact
28 de novo, or set aside findings of fact made by the
29 Superior Court unless they are clearly erroneous, and
30 due regard shall be given to the opportunity of the
31 trial judge to judge the credibility of the witnesses.

1 Section 64. Time, procedure. The time within which
2 an appeal must be taken and the manner and procedure on
3 appeal may be prescribed by rules adopted by the Judicial
4 Council. To the extent not so prescribed the time, manner
5 and procedure for appeals shall be governed by the Penal
6 Code or Code of Civil Procedure as the case may be.

7 Section 65. Pending appeals. All actions and pro-
8 ceedings arising under the laws of Guam pending in the
9 Appellate Division of the District Court of Guam upon
10 the effective date of this Act shall be prosecuted to
11 final determination in that court as though this Act had
12 not been passed. All appeals pending before the United
13 States Court of Appeals for the Ninth Circuit shall
14 remain in said court and the District Court of Guam shall
15 retain jurisdiction to enter such orders, decrees and
16 judgments and conduct any appropriate proceedings in
17 accordance with the ultimate mandates issued on any
18 such pending appeals.

19 Section 66. Rules of procedure. The Judicial Council
20 shall have the power to prescribe, by general rules, the
21 forms of process, writs, pleadings and motions, and
22 the practice and procedure of the courts of Guam in both
23 civil and criminal actions, and appeals therein, and the
24 practice and procedure in proceedings for the judicial
25 review or enforcement of orders of administrative agencies,
26 boards, commissions, and officers.

27 Such rules shall not abridge, enlarge, or modify any
28 substantive right and shall preserve the right of trial
29 by jury as at common law and as declared by the Sixth and
30 Seventh Amendments to the Constitution and made applicable
31 to the territory of Guam by the Organic Act.

1 Such rules shall not take effect until they have
2 been reported to the Legislature by the Chief Justice
3 and until the expiration of ninety (90) days after they
4 have been thus reported.

5 All laws in conflict with such rules shall be of
6 no further force or effect after such rules have taken
7 effect. Any such rules heretofore prescribed by the
8 Judicial Council and reported to the Legislature shall
9 remain in effect until modified or repealed.

10 Any rule may be annulled or amended by a law limited
11 to the purpose.

12 Section 67. Observance of rules and orders. It shall
13 be the duty of the judges and officers of the several
14 courts of the territory to observe and carry out the
15 rules and orders made by the Judicial Council under
16 the authority of law.

17 Section 68. Annual address. The Chief Justice shall
18 address in person the Legislature in session on the 'State
19 of the Judiciary' at a time of mutual convenience, but
20 not later than the first Monday in April.

21 Section 69. The Judicial Council shall appoint
22 necessary personnel in such number, classification and
23 salary as it may deem necessary. The Judicial Council shall
24 take necessary steps for the establishment and maintenance
25 of a Guam Reporter which shall contain all Supreme Court
26 decisions."

27 Section 4. Section 81, Chapter III, Title I, Part I of
28 the Code of Civil Procedure is hereby amended to read as follows:

29 "Section 81. Appointment, tenure and salary of
30 judges. The Superior Court shall consist of a presiding
31 judge and such additional judges as may be necessary for

1 the proper dispatch of the business of the court, who
2 shall be appointed by the Legislature, for a term of
3 eight (8) years, unless sooner removed for cause. The
4 Legislature shall appoint each judge from among the
5 three (3) persons possessing the qualifications for
6 that office, who shall be nominated and whose names
7 shall be submitted to the Legislature by the Judicial
8 Council of Guam. The annual salary of the presiding
9 judge shall be Two Thousand, Five Hundred Dollars
10 (\$2,500.00) less than an associate justice and the
11 annual salary of the other judges shall be Five Hundred
12 Dollars (\$500.00) less than the presiding judge; pro-
13 vided however that any judge of the Superior Court
14 assigned exclusively to the Traffic Court Division
15 shall receive an annual salary of Three Thousand Dollars
16 (\$3,000.00) less than the other Superior Court judges.

17 In carrying out the provisions of Section 81 of
18 the Code of Civil Procedure, as amended by the pre-
19 ceding section of this Act, the Chief Judge and judges
20 of the Island Court will then assume the office of
21 Presiding Judge and judges of the Superior Court, respec-
22 tively, and the Judge of the Police Court will be the
23 Judge of the Superior Court, assigned exclusively to
24 the Traffic Court Division of the Superior Court for
25 terms to expire upon the expiration of their present
26 term of office."

27 Section 5. Section 82, Chapter III, Title I, Part I of
28 the Code of Civil Procedure is hereby repealed and a new
29 Section 82 is enacted in lieu thereof to read as follows:

30 "Section 82. Original jurisdiction. The Superior
31 Court shall have original jurisdiction in all cases

1 arising under the laws of Guam, civil or criminal, in
2 law or equity, regardless of the amount in controversy,
3 except for causes arising under the Constitution, treaties,
4 laws of the United States, and any matter involving the
5 Guam Territorial income tax."

6 Section 6. Section 83, Chapter III, Title I, Part I of
7 the Code of Civil Procedure is hereby repealed and a new
8 Section 83 is enacted in lieu thereof to read as follows:

9 "Section 83. Appellate jurisdiction and procedure. The
10 Superior Court shall have appellate jurisdiction in all
11 cases tried and determined in the Traffic Court in which
12 the punishment imposed is a fine of more than Twenty-Five
13 Dollars (\$25.00) or imprisonment, or both. Such an appeal
14 shall be taken within two (2) court days after the judg-
15 ment is rendered by the Police Court and shall be taken
16 by filing a written notice of appeal with the clerk of
17 the Superior Court. The procedure on appeal may be
18 prescribed by rules adopted by the Judicial Council. To
19 the extent not so prescribed the procedure shall be
20 governed by the Penal Code and by the rules of the
21 Superior Court."

22 Section 7. Section 84, Chapter III, Title I, Part I of
23 the Code of Civil Procedure is hereby repealed and a new
24 Section 84 is enacted to read as follows:

25 "Section 84. Procedure, rules and writs. The practice
26 and procedure in the Superior Court may be prescribed by
27 rules adopted by the Judicial Council. The Superior
28 Court may from time to time prescribe rules for the
29 conduct of business consistent with law and with the
30 rules prescribed by the Judicial Council. The Superior
31 Court may issue writs of habeas corpus, certiorari, or

1 review, mandamus or mandate, prohibition and all other
2 writs necessary or appropriate in aid of its original
3 jurisdiction and agreeable to the usage and principles
4 of law."

5 Section 8. Section 85, Chapter III, Title I, Part I of
6 the Code of Civil Procedure is hereby repealed and a new
7 Section 85 is enacted in lieu thereof to read as follows:

8 "Section 85. Presiding judge; powers. The presiding
9 judge of the Superior Court shall prescribe the order of
10 business in the Superior Court and distribute the business,
11 and assign the cases to the judges of the court. The
12 presiding judge may preside at any session of the court
13 which he attends. During his absence or disability or
14 in the case of a vacancy in the office of presiding judge,
15 his duties shall be performed by the judge who is senior
16 in tenure among the other judges of the court."

17 Section 9. A new Section 89.1 is hereby added to Chapter
18 III, Title I, Part I of the Code of Civil Procedure to read
19 as follows:

20 "Section 89.1. Pending cases. All actions and pro-
21 ceedings arising under the laws of Guam pending in the
22 District Court of Guam upon the effective date of this
23 Act, shall be prosecuted to final determination in
24 that court as though this Act had not been passed."

25 Section 10. Chapter IV, Title I, Part I of the Code of
26 Civil Procedure is hereby repealed in its entirety.

27 Section 11. Chapter V, Title I, Part I of the Code of
28 Civil Procedure is hereby repealed in its entirety.

29 Section 12. Section 121, Chapter VI, Title I, Part I of
30 the Code of Civil Procedure is hereby repealed and a new
31 Section 121 is enacted in lieu thereof to read as follows:

1 "Section 121. Composition. There shall be a Judicial
2 Council of Guam, which shall consist of the Chief Justice
3 of the Supreme Court, who shall be chairman, the presiding
4 judge of the Superior Court, the Chairman of the Committee
5 on Judiciary of the Legislature, the Attorney General
6 of Guam and the President of the Guam Bar Association.
7 The concurrence of a majority of the members present,
8 there being a quorum present, shall be necessary to
9 any action taken by the Judicial Council. The Judicial
10 Council shall select its own secretary. No member or
11 officer of the Judicial Council, except the secretary,
12 shall receive any compensation."

13 Section 13. Sections 123 and 124 of Chapter VI, Title I,
14 Part I of the Code of Civil Procedure are hereby repealed in
15 their entirety.

16 Section 14. Section 136 of Chapter VII, Title I, Part I
17 of the Code of Civil Procedure is hereby amended to read as
18 follows:

19 "Section 136. Assignment and appointment of
20 temporary judges. If the proper dispatch of the business
21 of the Superior Court so requires, the Legislature, upon
22 the request of the Chief Justice, may appoint a judge
23 pro tempore to serve for a designated temporary period
24 in the court."

25 Section 15. Section 165 of Chapter I, Title II, Part I
26 of the Code of Civil Procedure is hereby repealed in its
27 entirety.

28 Section 16. Section 166 of Chapter I, Title II, Part I
29 of the Code of Civil Procedure is hereby amended to read as
30 follows:

31 "Section 166. Powers of judges. The judges of
32 the Superior Court may, in chambers, in matters within

1 the jurisdiction of the court:

2 1. Grant all orders and writs which are
3 usually granted in the first instance upon an
4 ex parte application, hear and dispose of such
5 orders and writs, appoint appraisers, receive
6 inventories and accounts to be filed, suspend the
7 powers of executors, administrators or guardians
8 in the case allowed by law, grant special letters
9 of administration or guardianship, approve claims
10 and bonds and direct the issuance from the court
11 of all writs and process necessary in the exercise
12 of their powers in the matters of probate;

13 2. Hear and determine all motions made pursuant
14 to Sections 657 or 663 of the Code of Civil Proce-
15 dure; and

16 3. Hear and determine all uncontested actions,
17 proceedings, demurrers, motions, petitions, appli-
18 cations and other matters pending before the court
19 other than actions for divorce, maintenance of
20 annulment of marriage, and except also applications
21 for confirmation of sale of real property in pro-
22 bate proceedings.

23 A judge may, out of court, anywhere in the territory,
24 exercise all the powers and perform all the functions and
25 duties conferred upon a judge as contradistinguished
26 from the court or which a judge may exercise or perform
27 in chambers."

28 Section 17. Section 272 of Chapter I, Title V of the
29 Code of Civil Procedure is hereby amended to read as follows:

30 "Section 272. Appeals. An interested party aggrieved
31 by order or decree of the court may appeal to the

1 Supreme Court. Written notice of appeal shall be given
2 to the Juvenile Court within ten (10) days after the
3 entry of the order or decree to be appealed from. The
4 notice of said appeal shall be in writing, shall be
5 verified, shall state fully the grounds therefor and
6 shall include copies of the petition and court orders
7 and a narrative statement of the proceedings authenti-
8 cated by the judge of the Juvenile Court, together with
9 all exceptions to such narrative statement noted by the
10 parties. All such papers shall be presented to the
11 Supreme Court within such time as that court may by rule
12 prescribe.

13 An appeal shall be heard at the earliest practi-
14 cable time. In the Supreme Court the case shall be heard
15 on the law and the facts as established by the record.

16 The pendency of an appeal shall not suspend the
17 order of the Juvenile Court regarding a child nor shall
18 it discharge the child from custody of that court or of
19 the person, institution or agency to whose care such
20 child shall have been committed.

21 If the Supreme Court does not dismiss the proceedings
22 and discharge the child, it shall affirm or modify the
23 order of the Juvenile Court and remand the child to the
24 jurisdiction of that court for supervision and care,
25 and thereafter the child shall be and remain under the
26 jurisdiction of the Juvenile Court in the same manner
27 as if no appeal had been taken."

28 Section 18. Subparagraph (b) of Section 680.1, Chapter
29 VIII, Title VIII, Part II, Code of Civil Procedure is hereby
30 repealed and a new Subparagraph (b) of Section 680.1 is enacted

1 in lieu thereof to read as follows:

2 "(b) Right to jury trial. In all cases at law in
3 which the demand, exclusive of interest and costs, or
4 the value of the property in controversy, amounts to
5 more than Twenty Dollars (\$20.00), and in all criminal
6 cases where the authorized punishment of confinement
7 exceeds thirty (30) days imprisonment, the parties shall
8 be entitled to a trial by jury. Provided, however, that
9 in all criminal cases where the authorized punishment
10 of confinement does not exceed thirty (30) days impriso-
11 ment, the granting of a trial by jury shall be within the
12 sole discretion of the trial judge."

13 Section 19. Section 680.3, Chapter VIII, Title VIII, Part
14 II of the Code of Civil Procedure is hereby repealed and a
15 new Section 680.3 is enacted in lieu thereof to read as
16 follows:

17 "Section 680.3. Random jury selection. (a) Management
18 and supervision of jury selection process. The clerk
19 shall manage the jury selection process under the super-
20 vision and control of the presiding judge.

21 (b) Random selection from lists of registered voters.
22 The Legislature finds that the lists of registered voters
23 for the last general election in Guam represent a fair
24 cross-section of the community of Guam. The clerk shall
25 make the random selection of names as follows: One out
26 of every ten (10) names from such lists shall be selected
27 by first selecting a starting number, by chance, between
28 one and ten, and every tenth name thereafter shall be
29 selected.

30 (c) Master jury wheel. The clerk shall maintain
31 a master jury wheel for the territory. The names of all

1 persons randomly selected from the voter registration
2 lists shall be placed in the master jury wheel.
3 Initially, the master jury wheel shall be filled on or
4 before January 1, 1969, with approximately one thousand,
5 seven hundred (1,700) names randomly selected from the
6 1968 Guam general election voter registration lists
7 which the Legislature finds consists of approximately
8 seventeen thousand (17,000) names. The presiding judge
9 may order additional names to be placed in the master
10 jury wheel from time to time, as required. The master
11 jury wheel shall be emptied and refilled between November
12 1 and January 1 of every fourth year thereafter.

13 (d) Excuses on individual request. The Legislature
14 hereby finds that jury service by members of the follow-
15 ing occupational classes or groups of persons would
16 entail undue hardship or extreme inconvenience to the
17 members thereof, and that the excuse of such members
18 will not be inconsistent with this Title, and shall be
19 granted upon individual request:

- 20 (1) Persons over seventy (70) years of age;
21 (2) Actively engaged members of the clergy;
22 (3) Actively practicing attorneys, physicians,
23 dentists and registered nurses;
24 (4) Persons who have served as a grand or petit
25 juror in a state, territorial, or Federal
26 court within the past two (2) years;

27 (e) Exemption from jury service. The Legislature
28 hereby finds that the exemption of the following groups
29 of persons or occupational classes is in the public
30 interest and would not be inconsistent with this Title,
31 and accordingly members of such groups are exempt from

1 jury service.

2 (1) Members in active service of the Armed
3 Forces of the United States;

4 (2) Members of the Fire or Police Division of
5 the Department of Public Safety, or employees of
6 government contractors engaged in providing internal
7 security or fire protection by such contractors;

8 (3) Public officers in the executive, legis-
9 lative or judicial branches of the government of
10 the United States or of the government of Guam,
11 who are actively engaged in the performance of
12 official duties."

13 Section 20. Section 680.4, Chapter VIII, Title VIII, Part
14 II of the Code of Civil Procedure is hereby amended to read
15 as follows:

16 "Section 680.4. Drawing of names from the master
17 jury wheel; completion of juror qualification form.

18 (a) From time to time as directed by the court, the clerk
19 or a judge shall publicly draw at random from the master
20 jury wheel the names of as many persons as may be required
21 for jury service. The clerk shall prepare an alphabetical
22 list of the names drawn, which list shall not be disclosed
23 to any person except pursuant to Sections 680.3, 680.7,
24 and 680.8 of this Title. The clerk shall have delivered
25 to every person whose name is drawn from the master jury
26 wheel a juror qualification form accompanied by instruc-
27 tions to fill out and return the form, duly signed and
28 sworn, to the clerk by mail or in person within ten (10)
29 days. If the person is unable to fill out the form,
30 another shall do it for him, and shall indicate that
31 he has done so and the reason therefor. In any case

1 in which it appears that there is an omission, ambiguity,
2 or error in the form, the clerk shall return the form
3 with the instructions to the person to make such additions
4 or corrections as may be necessary and return the form
5 to the clerk within ten (10) days. Any person who fails
6 to return a completed juror qualification form as
7 instructed may be summoned by the clerk forthwith to
8 appear before the clerk to fill out a juror qualifica-
9 tion form. A person summoned to appear because of failure
10 to return a juror qualification form as instructed who
11 personally appears and executes a juror qualification form
12 before the clerk may, at the discretion of the court,
13 except where his prior failure to execute and mail or
14 deliver such form was wilful, be entitled to receive
15 for such appearance the same fees and travel allowances
16 paid to jurors under Section 680.11 of this Title. At
17 the time of his appearance for jury service, any person
18 may be required to fill out another juror qualification
19 form in the presence of the clerk of the court, at which
20 time, in such cases as it appears warranted, the person
21 may be questioned, but only with regard to his responses
22 to questions contained on the form. Any information thus
23 acquired by the clerk may be noted on the juror qualifi-
24 cation form and transmitted to the Presiding Judge.

25
26 (b) Any person summoned pursuant to Subsection (a)
27 of this section who fails to appear as directed shall be
28 ordered by the court forthwith to appear and show cause
29 for his failure to comply with the summons. Any person
30 who fails to appear pursuant to such order or who fails
31 to show good cause for noncompliance with the summons may

1 be fined not more than One Hundred Dollars (\$100.00) or
2 imprisoned for not more than three (3) days, or both."

3 Section 21. Section 680.5, Chapter VIII, Title VIII, Part
4 II of the Code of Civil Procedure is hereby amended to read
5 as follows:

6 "Section 680.5. Qualifications for jury service.

7 (a) The Presiding Judge, on his initiative or upon
8 recommendation of the clerk, shall determine solely on
9 the basis of the information provided on the juror
10 qualification form and other competent evidence whether
11 a person is unqualified for, or exempt, or to be excused
12 from jury service. The clerk shall enter such determina-
13 tion in the space provided on the juror qualification
14 form and the alphabetical list of names drawn from the
15 master jury wheel. If a person did not appear in
16 response to a summon, such fact shall be noted on
17 said list.

18 (b) In making such determination the Presiding
19 Judge shall deem any person qualified to serve on grand
20 and petit juries unless he:

21 (1) is unable to read, write and understand
22 the English language with a degree of proficiency
23 sufficient to fill out satisfactorily the juror
24 qualification form;

25 (2) is unable to speak the English language;

26 (3) is incapable, by reason of mental or
27 physical infirmity, to render satisfactory jury
28 service; or

29 (4) has a charge pending against him for the
30 commission of, or has been convicted in a state,
31 territorial, or Federal court of record of,

1 a crime punishable by imprisonment for more
2 than one (1) year and his civil rights have
3 not been restored by pardon or amnesty."

4 Section 22. Subparagraph (f) of Section 680.7, Chapter
5 VIII, Title VIII, Part II of the Code of Civil Procedure is
6 hereby amended to read as follows:

7 "(f) The contents of records or papers used by the
8 clerk in connection with the jury selection process shall
9 not be disclosed, except pursuant to the Superior
10 Court plan or as may be necessary in the preparation or
11 presentation of a motion under Subsection (a), (b), or
12 (c) of this section, until after the master jury wheel
13 has been emptied and refilled pursuant to Section 680.3
14 (c) of this Title and all persons selected to serve as
15 jurors before the master wheel was emptied have completed
16 such service. The parties in such case shall be allowed
17 to inspect, reproduce, and copy such records or papers
18 at all reasonable times during the preparation and
19 pendency of such a motion. Any person who discloses the
20 contents of any record or paper in violation of this
21 subsection may be fined not more than One Thousand Dollars
22 (\$1,000.00) or imprisoned not more than one (1) year,
23 or both."

24 Section 23. Subparagraph (b) of Section 680.9, Chapter
25 VIII, Title VIII, Part II of the Code of Civil Procedure is
26 hereby amended to read as follows:

27 "(b) 'Presiding Judge' shall mean the Presiding
28 Judge of the Superior Court of Guam;"

29 Section 24. Section 680.11, Chapter VIII, Title VIII,
30 Part II of the Code of Civil Procedure is hereby repealed and
31 a new Section 680.11 is enacted in lieu thereof to read as
32 follows:

1 "Section 680.11. Fees. Jurors shall receive the
2 following fees for actual attendance at the place of
3 trial and for the time necessarily occupied in going
4 to and from such place, at the beginning and end of
5 such service or at any time during the same: Twenty
6 Dollars (\$20.00) per day, except that any juror
7 required to attend more than ten (10) days in hearing
8 one (1) case may be paid, in the discretion and upon
9 the certification of the trial judge, a per diem fee
10 not exceeding Thirty Dollars (\$30.00) for each day in
11 excess of ten (10) days which he is required to hear
12 such case.

13 For the distance necessarily traveled to and from a
14 juror's residence by the shortest practicable route in
15 going to and returning from the place of service, and for
16 all additional necessary daily transportation expense:
17 Twelve Cents (\$.12) per mile, except that if daily travel
18 appears impracticable, subsistence of Seven Dollars (\$7.00)
19 per day shall be allowed. Whenever in any case the jury
20 is ordered to be kept together and not to separate, the
21 cost of subsistence during such period shall be paid
22 upon the order of the court in lieu of the foregoing
23 subsistence allowance."

24 Section 25. A new Section 936.1 is hereby added to the
25 Code of Civil Procedure to read as follows:

26 "Section 936.1. Appealable actions or proceedings.
27 An appeal in a civil action or proceeding may be taken
28 from the superior court in the following cases:

29 (a) From a judgment, except (1) an interlocutory
30 judgment other than as provided in Subdivisions (h), (i)
31 and (j); (2) a judgment of contempt which is made final

1 and conclusive by Section 1222;

2 (b) From an order made after a judgment made
3 appealable by Subdivision (a);

4 (c) From an order granting a motion to quash
5 service of summons;

6 (d) From an order granting a new trial or denying
7 a motion for judgment notwithstanding the verdict;

8 (e) From an order discharging or refusing to
9 discharge an attachment;

10 (f) From an order granting or dissolving an in-
11 junction, or refusing to grant or dissolve an
12 injunction;

13 (g) From an order appointing a receiver;

14 (h) From an interlocutory judgment, order, or
15 decree, hereafter made or entered in an action to
16 redeem real or personal property from a mortgage
17 thereof, or a lien thereof, determining such right
18 to redeem and directing an accounting;

19 (i) From an interlocutory judgment in an action
20 for partition determining the rights and interests
21 of the respective parties and directing partition
22 to be made;

23 (j) From an interlocutory decree of divorce;

24 (k) From an order or decree made appealable by
25 the provisions of the Probate Code."

26 Section 26. Section 948, Chapter I, Title XII, Part II
27 of the Code of Civil Procedure is hereby amended to read
28 as follows:

29 "Section 948. Lower courts to give effect to
30 orders of Supreme Court. Any order or judgment issued
31 by the Supreme Court in a case reviewed by it, on

1 appeal or otherwise may be certified to the
2 Superior Court to be attached to the record of the
3 case, and the Superior Court shall give immediate
4 effect to such order or judgment, certified to it."

5 Section 27. Section 949, Chapter I, Title XII, Part II
6 of the Code of Civil Procedure is hereby amended to read
7 as follows:

8 "Section 949. Remedial powers of the Supreme
9 Court. When the judgment or order is reversed or
10 modified, the Supreme Court may make complete res-
11 titution of all property and rights lost by the
12 erroneous judgment or order, so far as such res-
13 titution is consistent with protection of a pur-
14 chaser of property at a sale ordered by the judgment,
15 or had under process issued upon the judgment, on
16 the appeal from which the proceedings were not
17 stayed; and for relief in such cases the appellant
18 may have his action against the respondent enforcing
19 the judgment for the proceeds of the sale of the
20 property, after deducting therefrom the expenses of
21 the sale. When it appears to the Supreme Court that
22 the appeal was made for delay, it may add to the
23 costs such damages as may be just."

24 Section 28. Section 963, Chapter II, Title XII, Part II
25 of the Code of Civil Procedure is hereby amended to read
26 as follows:

27 "Section 963. When an appeal may be taken. An
28 appeal to the Supreme Court may be taken from the
29 Superior Court in any case in which the Supreme
30 Court has jurisdiction as set forth in Section 62
31 of this Code."

1 Section 29. Sections 969 and 970, Chapter II,
2 Title XII, Part II of the Code of Civil Procedure are
3 hereby repealed in their entirety.

4 Section 30. Section 1034, Chapter VI, Title XIII,
5 Part II of the Code of Civil Procedure is hereby repealed
6 in its entirety.

7 Section 31. Section 1038, Chapter VI, Title XIII,
8 Part II of the Code of Civil Procedure is hereby repealed
9 in its entirety.

10 Section 32. Section 1108, Chapter IV, Title I, Part
11 III of the Code of Civil Procedure is hereby amended to
12 read as follows:

13 "Section 1108. Writs of review, mandate, and
14 prohibition may issue and be heard at any time.
15 Writs of review, mandate, and prohibition issued
16 by the Supreme Court or by the Superior Court may
17 in the discretion of the court issuing the writ,
18 be made returnable, and a hearing thereon be had
19 at any time."

20 Section 33. Section 1240 of Title V, Part III of the
21 Code of Civil Procedure is hereby repealed and a new
22 Section 1240 is enacted in lieu thereof to read as follows:

23 "Section 1240. Jurisdiction: procedure. The
24 Superior Court of Guam shall have jurisdiction over
25 all actions for condemnation of private property
26 for public use by the government of Guam. The
27 procedure in such actions will be governed by the
28 appropriate provisions of the Rules of the
29 Superior Court."

30 Section 34. Section 1381, Chapter XII, Title VIII,
31 Part III of the Code of Civil Procedure is hereby amended
32 to read as follows:

1 "Section 1381. Appeal to Supreme Court. An
2 appeal may be taken to the Supreme Court in the
3 following cases:

4 1. From an order granting or refusing an
5 adjudication of insolvency and, in the latter case,
6 from the order fixing the amount of costs, expenses,
7 damages, and attorney's fees allowed the debtor;

8 2. From an order made at the hearing of any
9 account of an assignee, allowing or rejecting a
10 creditor's claim in whole or in part, when the
11 amount in dispute exceeds Three Hundred Dollars
12 (\$300.00);

13 3. From an order allowing or denying a claim
14 for property not belonging to the insolvent pre-
15 sented under Section 1340 of this Code;

16 4. From an order settling an account of an
17 assignee;

18 5. From an order against or in favor of setting
19 apart homestead or other property claimed as exempt
20 from execution;

21 6. From an order granting or refusing a dis-
22 charge to the debtor.

23 The provisions of this Code shall govern appeals
24 under this Title, except that when an assignee has
25 given an official undertaking and appeals from a
26 judgment or order in insolvency, his official under-
27 taking stands in the place of an undertaking on
28 appeal, and the sureties thereon are liable on
29 such undertaking: provided, however, that an inter-
30 locutory appeal shall not stay proceedings unless
31 a written undertaking be entered into on the part

1 of the appellant, with at least two sureties, in
2 such amount as the court may direct, but not less
3 than double the value of the property involved, to
4 the effect that if the order appealed from be
5 affirmed, or the appeal dismissed, appellant will
6 pay all costs and damages which the adverse party
7 may sustain by reason of the appeal and the stay
8 of proceedings."

9 Section 35. Section 1240, Article IV, Chapter XXI,
10 Division III of the Probate Code of Guam is hereby amended
11 to read as follows:

12 "Section 1240. Appealable orders. An appeal may
13 be taken to the Supreme Court from an order granting
14 or revoking letters testamentary or of administra-
15 tion; admitting a will to probate or revoking the
16 probate thereof; setting aside an estate claimed
17 not to exceed One Thousand Five Hundred Dollars
18 (\$1,500.00) in value; setting apart property as a
19 homestead or claimed to be exempt from execution;
20 confirming a report of an appraiser or appraisers
21 in setting apart a homestead; granting or modify-
22 ing a family allowance; directing or authorizing
23 the sale or conveyance or confirming the sale of
24 property; settling an account of an executor or
25 administrator or trustee, or instructing or appoint-
26 ing a trustee; directing or allowing the payment
27 of a debt, claim, legacy or attorney's fees;
28 determining heirship or the persons to whom dis-
29 tribution should be made or trust property should
30 pass; distributing property; or refusing to make
31 any order heretofore mentioned in this section;

1 or fixing an inheritance tax or determining that
2 none is due."

3 Section 36. Section 1630, Chapter XIV, Division IV
4 of the Probate Code of Guam is hereby amended to read
5 as follows:

6 "Section 1630. Appealable orders. An appeal
7 may be taken to the Supreme Court from an order
8 granting or revoking letters of guardianship;
9 settling an account of a guardian; or refusing to
10 make any order heretofore mentioned in this section."

11 Section 37. Section 1005, Title II, Chapter I of the
12 Government Code of Guam is hereby amended to read as
13 follows:

14 "Section 1005. Presiding Officer. At the
15 commencement of the first regular session of each
16 new Guam Legislature, the Chief Justice of Guam,
17 or in his absence, an Associate Justice of the
18 Supreme Court, shall upon the convening of the
19 Legislature, sit as Presiding Officer until the
20 election of a permanent Presiding Officer."

21 Section 38. Section 2620, Chapter XII, Title III,
22 Government Code of Guam, is hereby amended to read as
23 follows:

24 "Section 2620. Appeal from judgment. Any party
25 aggrieved by the judgment of the Superior Court may
26 appeal therefrom to the Supreme Court, as in other
27 cases of appeal thereto from the Superior Court.
28 During the pendency of proceedings on appeal,
29 and until final determination thereof the person
30 declared elected by the Superior Court shall be
31 entitled to the office in like manner as if no
32 appeal had been taken."

1 Section 39. Section 4106, Chapter II, Title V,
2 Government Code of Guam, is hereby amended by striking
3 out the following:

4 "Chief Judge of the Island Court \$ 25,000.00
5 Judge of the Island Court \$ 22,000.00
6 Judge of the Police Court \$ 16,000.00"

7 Section 40. Section 6500.11 of Chapter VI, Title VII,
8 Government Code of Guam, is hereby amended to read as
9 follows:

10 "Section 6500.11. Action against the government
11 of Guam. A claimant may institute an action in
12 contract or tort, for money damages only, against
13 the government of Guam in the Superior Court of
14 Guam, provided that:

15 (a) The claimant has been notified by re-
16 gistered mail that his claim has been rejected,
17 in whole or in part; or

18 (b) Six (6) months have elapsed since the
19 date of filing the claim under Section 6500.03 of
20 this Chapter."

21 Section 41. Section 28001, Chapter I, Title XXIX,
22 Government Code of Guam, is hereby amended to read as
23 follows:

24 "Section 28001. Same: examiners. The Attorney
25 General, the Chairman, Committee on Judiciary of the
26 Legislature and the President of the Guam Bar
27 Association shall constitute a committee of
28 examiners of the council to consider applications
29 for admission to the bar of Guam. The Attorney
30 General shall be chairman of the committee of
31 examiners. The committee of examiners shall have
32 power:

1 (1) To examine all applicants for admission
2 to the practice of law in Guam;

3 (2) To certify to the Supreme Court of Guam
4 for admission to the practice of law those appli-
5 cants who fulfill the requirements provided in
6 this Title;

7 (3) To take and hear verbal or written evidence
8 pertaining to any proceedings of the committee;

9 (4) To administer oaths and affirmations in
10 its proceedings;

11 (5) To compel by subpoena, the attendance of
12 witnesses and the production of books, papers and
13 documents pertaining to its proceedings; and

14 (6) In certifying an applicant to the Supreme
15 Court of Guam, to certify both to the applicant's
16 moral qualifications and his legal training and
17 qualifications."

18 Section 42. Section 28002, Chapter I, Title XXIX,
19 Government Code of Guam, is hereby repealed and a new
20 Section 28002 is enacted in lieu thereof to read as
21 follows:

22 "Section 28002. Same: conditions. No person
23 shall practice law in Guam without having been
24 admitted to practice by the Supreme Court of Guam.
25 The Supreme Court may admit persons who have been
26 certified as qualified by the committee of examiners
27 of the Judicial Council. To be certified by the
28 Supreme Court for admission to the practice of law
29 an applicant, unless he qualifies under Section
30 28002.1, must meet the following minimum requirements,
31 which are expressly made conditions precedent to
32 such certification:

1 1. He must have resided in Guam for not
2 less than three (3) months next preceding certi-
3 fication;

4 2. He must be at least twenty-one (21) years
5 of age;

6 3. He must be of good moral character;

7 4. He shall have not been convicted in any
8 court of a felony or of any crime involving
9 moral turpitude;

10 5. Before commencing the study of law, he shall
11 have completed at least two (2) years of college
12 work or have reached the age of twenty-five (25)
13 years; and

14 6. He shall have either (a) graduated from a
15 law school accredited by the American Bar Association,
16 or (b) studied law diligently and in good faith for
17 a period of at least ten (10) years in an office
18 and under the perceptorship of a locally-admitted
19 attorney (which attorney must have graduated from
20 a law school accredited by the American Bar
21 Association) and been actually employed full time
22 by such attorney; and

23 7. He must have passed a final bar examination
24 given by the committee of examiners or its authorized
25 designee. Such examination shall be given at least
26 twice a year."

27 Section 43. Section 28002.1, Chapter I, Title XXIX,
28 Government Code of Guam is hereby repealed and a new
29 Section 28002.1 is enacted in lieu thereof to read as
30 follows:

31 "Section 28002.1. Same: same: persons admitted

1 in other jurisdiction. An applicant who is a
2 member in good standing before the highest court
3 of any state or territory of the United States, or
4 of the District of Columbia, may be certified to
5 the Supreme Court for admission to the practice of
6 law by compliance with the following minimum re-
7 quirements which are expressly made conditions
8 precedent to such certification:

9 1. He must have resided in Guam for not less
10 than three (3) months next preceding certification;

11 2. He must be at least twenty-one (21) years
12 of age;

13 3. He must be of good moral character;

14 4. He shall not have been convicted in any
15 court of a felony or of any crime involving moral
16 turpitude; and

17 5. He must have passed a final bar examination
18 given by the committee of examiners or its authorized
19 designee. Such examination shall be given at least
20 twice a year."

21 Section 44. Section 28005, Chapter I, Title XXIX,
22 Government Code of Guam is hereby amended to read as
23 follows:

24 "Section 28005. Same: discipline and dis-
25 barment. (a) The committee of examiners of the
26 Judicial Council shall have the authority, after
27 hearing, to certify to the Supreme Court that any
28 attorney admitted to the practice of law in Guam
29 should be suspended or disbarred from practicing
30 law in Guam. A hearing to determine whether or not
31 such certification should be made to the Supreme

1 Court shall be held by the committee upon the
2 written complaint of any person which alleges a
3 specific violation of one of the subsections of
4 Section 28004 or any act involving moral
5 turpitude.

6 (b) Upon receiving such a certification the
7 Supreme Court shall take appropriate action to dis-
8 bar or suspend the attorney from practicing or
9 otherwise discipline him."

10 Section 45. Section 28006, Chapter I, Title XXIX,
11 Government Code of Guam is hereby amended to read as
12 follows:

13 "Section 28006. Appeal. (a) Any applicant for
14 admission to the practice of law may appeal to the
15 Supreme Court from the refusal of the committee of
16 examiners of the Judicial Council to certify him
17 for admission to the practice of law.

18 (b) Any complaining witness and any attorney
19 defendant may appeal to the Supreme Court from the
20 action of the committee of examiners of the Judicial
21 Council in a disciplinary proceeding under Section
22 28005."

23 Section 46. Section 808, Chapter II, Title III, Part
24 II of the Penal Code of Guam is hereby repealed and a new
25 Section 808 is enacted in lieu thereof to read as follows:

26 "Section 808. Who are magistrates. The follow-
27 ing persons are magistrates:

- 28 1. Chief Justice of Guam
- 29 2. Associate Justices of the Supreme Court
- 30 3. Judge of the District Court of Guam
- 31 4. Presiding Judge of the Superior Court
- 32 5. Judges of the Superior Court."

1 Section 47. Section 1050 of Chapter VI, Title V,
2 Part II of the Penal Code of Guam is hereby repealed in
3 its entirety.

4 Section 48. Section 1382 of Chapter VII, Title IX,
5 Part II of the Penal Code of Guam is hereby amended to
6 read as follows:

7 "Section 1382. When action may be dismissed. The
8 court, unless good cause to the contrary is shown,
9 must order the prosecution to be dismissed in the
10 following cases:

11 1. When a person has been held to answer for
12 a public offense and an information is not filed
13 against him within 15 days after being so held;

14 2. If a defendant, whose trial has not been
15 postponed upon his application, is not brought to
16 trial within 60 days after the filing of the
17 information."

18 Section 49. Section 1474, Chapter I, Title XI, Part
19 II of the Penal Code of Guam is hereby amended to read as
20 follows:

21 "Section 1474. Application for, how made.
22 Application for a writ is made by petition to the
23 Superior Court and signed either by the party for
24 whose relief it is intended, or by some person on
25 his behalf, and must specify:

26 1. That the person in whose behalf the writ
27 is applied for is imprisoned or restrained of his
28 liberty, the officer or person by whom he is so
29 confined or restrained, and the place where,
30 naming all the parties, if they are known, or
31 describing them, if they are not known;

1 2. If the imprisonment is alleged to be
2 illegal, the petition must also state in what the
3 alleged illegality consists;

4 3. The petition must be verified by the oath
5 or affirmation of the party making the application."

6 Section 50. Section 1506, Chapter I, Title IX, Part
7 II of the Penal Code of Guam is hereby amended to read
8 as follows:

9 "Section 1506. Appeals in habeas corpus cases.
10 An appeal may be taken to the Supreme Court by the
11 Attorney General from a final order of the Superior
12 Court made upon the return of a writ of habeas
13 corpus discharging a defendant after his conviction,
14 in all criminal cases prosecuted by indictment or
15 information in a court of record."

16 Section 51. Section 1611, Chapter I, Title XIV, Penal
17 Code of Guam is hereby amended to read as follows:

18 "Section 1611. Rights of accused person;
19 application for writ of habeas corpus. No person
20 arrested upon such warrant shall be delivered over
21 to the agent whom the executive authority demanding
22 him shall have appointed to receive him unless he
23 shall first be taken forthwith before a judge of
24 the Superior Court of Guam, who shall inform him
25 of the demand made for his surrender and of the public
26 offense with which he is charged, and that he has
27 the right to demand and procure legal counsel; and
28 if the prisoner or his counsel shall state that he
29 or they desire to test the legality of his arrest,
30 the judge of such court shall fix a reasonable
31 time to be allowed within which to apply for a writ

1 of habeas corpus. When such a writ is applied for,
2 notice thereof, and of the time and place of hearing
3 thereon, shall be given to the Attorney General of
4 Guam, and to the said agent of the demanding state."

5 Section 52. Section 1618, Chapter I, Title XIV of
6 the Penal Code of Guam is hereby amended to read as
7 follows:

8 "Section 1618. Bail; in what cases; conditions
9 of bond. Unless the offense with which the prisoner
10 is charged is shown to be an offense punishable by
11 death or life imprisonment under the laws of the
12 state in which it was committed, the judge of the
13 Superior Court of Guam may admit the person
14 arrested to bail by bond or undertaking, with
15 sufficient sureties, and in such sum as he deems
16 proper, conditioned for his appearance before him
17 at a time specified in such bond or undertaking but
18 not later than thirty days after the examination
19 referred to in Section 1617 and for his surrender,
20 to be arrested upon the warrant of the Governor."

21 Section 53. Section 1619. Chapter I, Title XIV of
22 the Penal Code of Guam is hereby amended to read as
23 follows:

24 "Section 1619. Extension of time of commitment;
25 adjournment. If the accused is not arrested under
26 warrant of the Governor by the expiration of the
27 time specified in the warrant, bond or undertaking,
28 the judge of the Superior Court of Guam, may dis-
29 charge him or may recommit him for a further period
30 of sixty days, or for further periods not to ex-
31 ceed in the aggregate sixty days, or the judge

1 of the Superior Court may again take bail for his
2 appearance and surrender, as provided in Section
3 1618, but within a period not to exceed sixty days
4 after the date of such new bond or undertaking."

5 Section 54. Section 1620, Chapter I, Title XIV of
6 the Penal Code of Guam is hereby amended to read as
7 follows:

8 "Section 1620. Bail; when forfeited. If the
9 prisoner is admitted to bail, and fails to appear
10 and surrender himself according to the conditions
11 of his bond or undertaking, the judge of the
12 Superior Court of Guam, by proper order, shall
13 declare the bond forfeited and order his immediate
14 arrest without warrant if he be within Guam; re-
15 covery may be had on such bond or undertaking in
16 the name of the state as in the case of other
17 bonds or undertakings given by the accused in
18 criminal proceedings within Guam."

19 Section 55. General references. Except where an
20 act of the United States Congress specifically vests
21 jurisdiction of a cause in the District Court of Guam,
22 every reference in law, rule or regulation to the original
23 jurisdiction of the District Court of Guam, concerning
24 a matter arising under the laws of Guam, shall be read
25 and mean the Superior Court of Guam. Every reference to
26 the Appellate Division of the District Court in law, rule
27 or regulation shall be read and mean the Supreme Court of
28 Guam. Every reference in law, rule or regulation to the
29 Island Court shall be read and mean the Superior Court
30 of Guam.

31 Section 56: References: Presiding Judge. Every

1 reference in law, rule or regulation to the Chief Judge
2 of the Island Court of Guam shall be read and mean the
3 Presiding Judge of the Superior Court.

4 Section 57. Severability. If any section, subdivision
5 or clause of this Act shall be held to be unconstitutional
6 or invalid, such decision shall not affect the validity of
7 the remaining portions of this Act.

8 Section 58. Effective date. This Act shall take
9 effect on 1 July, 1974.