

TWELFTH GUAM LEGISLATURE
1974 (SECOND) Regular Session

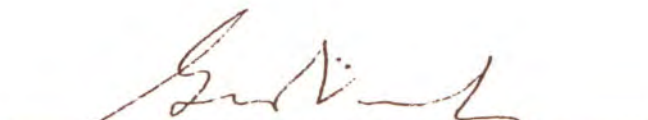
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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 897, "An Act to amend the Independent Special Prosecutor Act of 1974 to include within the jurisdiction of the Independent Special Prosecutor members of the Legislature", was on the 11th day of September, 1974, duly and regularly passed by the Legislature.


F. T. RAMIREZ
Speaker

ATTESTED:


G. M. BAMBA
Legislative Secretary

This Act was received by the Governor this 19th day
of September, 1974 at 11:02 o'clock a.M.

/s/ RICHARD D. MAGEE

RICHARD D. MAGEE, Acting
Attorney General of Guam

APPROVED:

CARLOS G. CAMACHO
Governor of Guam

DATED: _____

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TWELFTH GUAM LEGISLATURE
1974 (SECOND) Regular Session

Bill No. 897
Substitute Bill

Introduced by

R. F. Taitano
F. T. Ramirez
F. G. Lujan
F. R. Santos
J. U. Torres
E. S. Terlaje
J. R. Ducnas
P. J. Bordallo
G. R. Salas

AN ACT TO AMEND THE INDEPENDENT SPECIAL
PROSECUTOR ACT OF 1974 TO INCLUDE WITHIN
THE JURISDICTION OF THE INDEPENDENT
SPECIAL PROSECUTOR MEMBERS OF THE LEGIS-
LATURE.

1 WHEREAS, the Attorney General of Guam has stated publicly
2 that he will not prosecute officials of the government of Guam
3 for alleged crimes committed thereby; and

4 WHEREAS, it is the desire of the Legislature, therefore,
5 to include all officials of the government of Guam within the
6 jurisdiction of the Prosecutor established by the Independent
7 Prosecutor Act of 1974; now therefore

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

9 Section 1. Subsections (a) and (b) of Section 2 of the
10 Independent Special Prosecutor Act of 1974 are hereby amended
11 to read as follows:

12 "(a) Serious allegations of illegal acts of high
13 officials of the Executive and Legislative Branches of
14 the government of Guam cannot under present extraordinary
15 circumstances be fully and properly investigated and pro-
16 secuted by the Executive Branch itself.

17 (b) Public confidence in the integrity of the terri-
18 tory's criminal justice system cannot be maintained if the
19 investigation of such allegations and prosecution of
20 illegal acts by high officials of the Executive and
21 Legislative Branches of the government are carried out

1 under the authority of the Executive Branch itself,
2 Section 2. Section 5 of the Independent Special Prosecutor
3 Act of 1974 is hereby amended to read as follows:

4 "Section 5. Duties. The Special Prosecutor is
5 authorized and directed and shall have exclusive juris-
6 diction, to investigate, as he deems appropriate, and
7 prosecute against and in the name of the government of
8 Guam:

9 (1) Offenses alleged to have been committed
10 by any Governor, Lieutenant Governor, member of the
11 Legislature, or gubernatorial appointee, or members
12 of the staff and employees of any of the aforementioned
13 persons while such person is holding any such office;
14 and

15 (2) Offenses relating to or arising out of
16 any such matters, including offenses alleged to have
17 been committed by close relatives of such executive
18 officers or members of the Legislature."

19 Section 3. Subsection (c)(1) of Section 16 of the
20 Independent Special Prosecutor Act of 1974 is hereby amended
21 to read as follows:

22 "The "(c)(1) In addition to any other civil or criminal
23 relief against interference with the performance of his
24 duties to which the Special Prosecutor appointed under
25 this Act may be entitled, he may bring an action for
26 injunctive relief against any interference, or threatened
27 interference, with the performance of his duties or with
28 his exclusive jurisdiction under this Act, or against
29 failure to cooperate with him as required by this Act,
30 by any officer of the executive or legislative depart-
31 ments of the government of Guam. Any defense to such
32 action which challenges the authority of the Special

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Prosecutor under the laws of Guam, or otherwise calls
into question the legality of this Act shall be interposed
within twenty (20) days of the filing of the complaint."