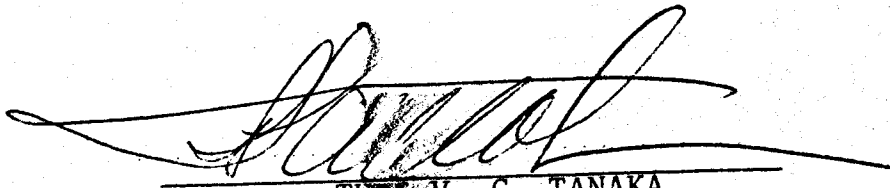


SIXTEENTH GUAM LEGISLATURE  
1981 (FIRST) Regular Session

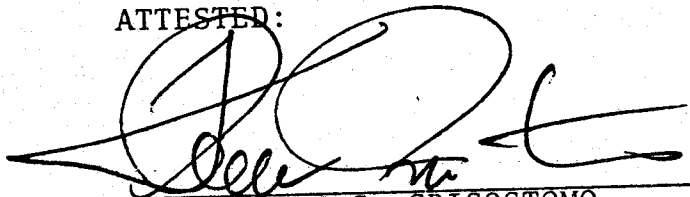
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 192, "An Act to implement alternative community service in the courts of Guam," was on the 16th day of November 1981, duly and regularly passed.



THOMAS V. C. TANAKA  
Speaker

ATTESTED:



THOMAS C. CRISOSTOMO  
Legislative Secretary

This Act was received by the Governor this 30th day of November, 1981, at 4:32 o'clock P.M.



SHERRILL FRANCISCO  
Assistant Staff Officer  
Governor's Office

APPROVED:



PAUL M. CALVO  
Governor of Guam

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

P.L. 16-51

SIXTEENTH GUAM LEGISLATURE  
1981 (FIRST) Regular Session

Bill No. 192

(As Substituted by the  
Committee on Criminal  
Justice)

Introduced by: P. F. Perez, Jr., A. C. Lamorena III

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AN ACT TO IMPLEMENT ALTERNATIVE COMMUNITY  
SERVICE IN THE COURTS OF GUAM.

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

2 Section 1. A new Article 6 is added to Chapter 80 of the  
3 Criminal and Correctional Code (9 GCA) to read:

4 "Article 6

5 Alternative Community Service

6 Section 80.90. Definitions. As used in this Article:

7 (a) 'Alternative Community Service' means repayment of  
8 the general public for the expenses incurred incidental to  
9 the crime. Repayment shall be by donation of time by doing  
10 public service work at entities or for persons so as to  
11 benefit the general public which includes: charitable  
12 agencies, governmental subdivisions, educational  
13 institutions, the handicapped, the elderly, the ecology,  
14 the church of the offender's choice, and any other  
15 agencies that the sentencing judge deems reasonably  
16 rehabilitative to the offender, however, no work service  
17 shall result in gain to any private individual or corpora-  
18 tion, other than the defendant.

19 (b) 'Self-Improvement and Rehabilitative Programs'  
20 shall include, but are not limited to, educational and  
21 vocational school, classes in public or private schools,  
22 alcohol education/alcohol treatment, alcoholic anonymous  
23 meetings, vocational/health education and rehabilitation,  
24 employment counseling or any other self-improvement  
25 activities that the sentencing judge deems reasonable  
26 rehabilitative and beneficial to the offender.

1           Section 80.91. In lieu of or in addition to a fine,  
2 confinement, or probation, a judge in any felony case where force  
3 or violence is not an element of the offense of which the  
4 defendant stands convicted, or in any misdemeanor, petty  
5 misdemeanor, or violation case, including juvenile cases, but  
6 excluding every case in which the offense of which the defendant  
7 stands convicted carries a mandatory sentence of confinement,  
8 may impose a sentence that contains any or all of the following  
9 elements:

10           (a) Restitution as provided for in Chapter 80 of the  
11 Criminal and Correctional Code.

12           (b) Alternative community service; or

13           (c) Participation in a self-improvement and  
14 rehabilitative program.

15           This provision shall not apply to any case in which the  
16 crime of which the defendant stands convicted is punishable by  
17 fine only.

18           Section 80.92. Any sentence imposed under this article  
19 shall contain the time necessary for the completion of the  
20 sentence and shall include the penalties of a fine or confinement  
21 that will be imposed in the event that such sentence is not  
22 completed. In the event that the offender fails to complete a  
23 sentence imposed under this article the sentencing judge shall  
24 give proportional credit for any portion of such sentence  
25 completed by deducting part of the fine or confinement, or in  
26 all cases where fine and confinement have been stated as a  
27 penalty, the percentage shall be deducted from both the fine  
28 and the term of confinement.

1           Section 80.93. The territory of Guam and its political  
2 subdivisions shall not be liable in any way for any personal  
3 injury, civil damages, worker's compensation or unemployment  
4 compensation as a result of any injury while the person is  
5 doing alternative community service. All work service sentences  
6 imposed hereunder shall be deemed public service without  
7 monetary compensation and shall not be deemed employment by  
8 any of the cooperating agencies, individuals or non-profit  
9 corporations that receive the work service.

10           Section 80.94. (a) Any credit for community service  
11 against the fine imposed shall be given at any hourly rate that  
12 equals or exceeds the minimum wage prevailing in the territory  
13 of Guam.

14           (b) Restitution to a crime victim shall be either in  
15 monetary payment for damages and should not exceed the  
16 actual amount lost, or the offender may repay the crime  
17 victim by repairing the damages with the consent and agree-  
18 ment of the crime victim; or the offender may repay the  
19 crime victim with the consent and agreement of the crime  
20 victim.

21           (c) In the event that there is a dispute between the  
22 crime victim and the offender as to the amount of the loss,  
23 the judge shall set an amount that adequately and fairly  
24 compensates the crime victim, however, the crime victim  
25 may pursue his claim in a civil action, or be mutually  
26 agreed upon arbitration under the provisions of Sections  
27 2110 through 2120 inclusive of the Civil Procedure Code  
28 of Guam, and any decision rendered by such court or  
29 arbitrator shall be binding upon the offender, the  
30 sentencing judge, and the crime victim. The amount of  
31 restitution set by the sentencing judge hereunder shall not  
32 limit whatever other civil remedies the crime victim may  
33 have.

1           (d) The sentencing judge shall give consideration to  
2 any community service that benefits the public and is  
3 beneficial to the offender. Any charity, governmental  
4 agency or public cause that qualifies for a tax deduction to  
e any donor under United States income tax laws shall be  
6 deemed beneficial to the public."

7           Section 2. Item (3.5) of 9 GCA Section 80.10 is amended to  
8 read:

9           "(3.5) to alternative community service or to self-  
10 improvement and rehabilitative programs."