


SIXTEENTH GUAM LEGISLATURE
1982 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

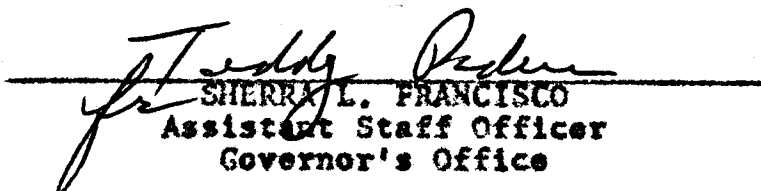
This is to certify that Substitute Bill No. 359, "An Act to provide for the expungement of juvenile and adult records", was on the 3rd day of March 1982, duly and regularly passed.


THOMAS V. C. TANAKA
Speaker


ATTESTED:


THOMAS C. CRISOSTOMO
Legislative Secretary

This Act was received by the Governor this 9th day of
MARCH, 1982, at 4:40 o'clock p. M.


SHERRY L. FRANCISCO
Assistant Staff Officer
Governor's Office

APPROVED:


PAUL M. CALVO
Governor of Guam

DATED: 3/10/82

P.L. 16-68

SIXTEENTH GUAM LEGISLATURE
1982 (SECOND) Regular Session

Bill No. 359

(As Substituted by the
Committee on Criminal Justice)

Introduced by: P. F. Perez, Jr.

AN ACT TO PROVIDE FOR THE EXPUNGEMENT OF
JUVENILE AND ADULT RECORDS.

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

2 Section 1. Section 271 of the Code of Civil Procedure is
3 amended to read:

4 "Section 271. (a) The court shall make and keep
5 records of all cases brought before it, and shall devise
6 and cause to be printed such forms for social and legal
7 records and such other papers as may be required. The
8 court's official records shall be open to inspection only
9 by order of the judge to persons having a legitimate
10 interest therein. All information obtained and social
11 records prepared in the discharge of official duty by any
12 employee of the court or by any employee of the government
13 of Guam at the request of the court shall be privileged
14 and shall not be disclosed directly, or indirectly to
15 anyone other than the judge or others entitled under this
16 Title to receive such information, unless and until other-
17 wise ordered by the judge.

18 (b) On motion, the court may order official juvenile
19 records of the court, and the police and Attorney General
20 reports and records in connection therewith to be expunged
21 when the subject of the report reaches the age of eighteen
22 (18) years."

1 Section 2. Section 271.1 of the Code of Civil Procedure
2 is repealed.

3 Section 3. A new Chapter XI is added to 8 GCA to read:

4 "CHAPTER XI

5 Expungement of Records

6 Section 11.10. The official records of the court,
7 Attorney General and the police reports in connection
8 therewith dealing with a violation or attempted violation
9 by an adult of territorial law or a regulation having the
10 force and effect of law shall be expunged when the subject
11 of the report is acquitted of the offense charged, when
12 the prosecuting attorney decides not to prosecute the
13 offense or when the time for commencing the criminal action
14 as prescribed by Chapter X of this Title has passed.

15 Section 11.11. Expungement, defined. As used in this
16 Act, expungement means the sealing of records to all persons
17 outside of the law enforcement agencies of Guam and federal
18 agencies entitled thereto and a refusal by such agencies to
19 admit the existence of such records to persons not entitled
20 to examine them."

21 Section 4. A new Section 9 GCA 70.45 is added to read:

22 "Section 70.45. A person is guilty of a misdemeanor
23 if he permits to be made public or reveals to any person
24 not entitled to review it any official record of the
25 court, Attorney General or any other entity of the govern-
26 ment of Guam which has been expunged in accordance with
27 Section 271 of the Code of Civil Procedure or Chapter XI
28 of 8 GCA."