



OFFICE OF THE GOVERNOR
TERRITORY OF GUAM

DEC 30 1996


The Honorable Sonny L. Orsini
Acting Legislative Secretary
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Dear Mr. Legislative Secretary:

Enclosed please find a copy of Governor's message and copy of Bill No. 313 (LS), "AN ACT TO AMEND §§80.37, 86.10, 86.50, 86.55, 86.65, 86.71, and 86.95 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINAL INJURIES COMPENSATION COMMISSION", which I have signed into law today as **Public Law No. 23-132**.

Governor's message and copy of the public law have also been delivered to the Office of the Speaker.

Very truly yours,


Madeleine Z. Bordallo
Acting Governor of Guam

Attachments

231604

Rec: Rachael
12/30/96
4:21 PM

VOTING SHEET

Bill No. 313
 Resolution No. _____
 Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>ABSENT/ OUT DURING ROLL CALL</u>
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, MARK				✓
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith				✓

TOTAL 19 0 0 2

CERTIFIED TRUE AND CORRECT:

 Recording Secretary



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

RECEIVED
LEGISLATIVE SECRETARIAT

DEC 30 1996

OFFICE OF THE SPEAKER	
Date:	<u>12-30-96</u>
Time:	<u>4:06 pm</u>
Received By:	<u>Amores</u>
Print Name:	<u>Arlene B. Tores</u>

The Honorable Don Parkinson
Speaker
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Enclosed please find a copy of Bill No. 313 (LS), "AN ACT TO AMEND §§80.37, 86.10, 86.50, 86.55, 86.65, 86.71, and 86.95 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINAL INJURIES COMPENSATION COMMISSION", which I have **signed** into law today as **Public Law No. 23-132**.

This legislation amends the current law relative to the Criminal Injuries Compensation Commission in several ways. First, it provides for a mandatory fine of not less than \$1,000 and not more than \$5,000 to be imposed on persons who commit felonies with deadly weapons. This fine is in addition to the term of imprisonment already provided in the law.

Second, this legislation entitles relatives of an **injured** victim, as well as relatives of a **deceased** victim, to be included in compensation for criminal injuries.

Third, the legislation clarifies that compensation is to be given to natural persons, and not to corporations, who are legal persons.

Fourth, the legislation lists additional crimes for which victims are eligible to receive compensation. These additional crimes are:

1. driving under the influence of alcohol and controlled substances;

RECEIVED
12/31/96
5:00 am

2. conviction involving a child, as long as the child is under the age of 16 and was injured as a result of an accident involving a person driving under the influence of alcohol and controlled substances;
3. vehicular negligence with injury to a person other than the driver;
4. vehicular homicide
5. drinking while driving a motor vehicle provided a person other than the driver was injured as a result of the drinking and driving;
6. stalking.


Fifth, the legislation repeals the prohibition currently in the law which prevents a spouse from claiming compensation due to the crime of the other spouse or person within the household.

Sixth, the legislation gives the Criminal Injuries Compensation Commission the authority to accept donations and seek funds to compensate victims.

This legislation was submitted by the Office of the Attorney General to strengthen the Criminal Injuries Compensation law so that more funding can be attained and more victims of crimes can be compensated. I am pleased to make this legislation a reality.

Copies of Governor's message and the public law have also been delivered to the Office of the Legislative Secretary.

Very truly yours,


Madeleine Z. Bordallo
Acting Governor of Guam

Attachment

231599

TWENTY-THIRD GUAM LEGISLATURE
1996 (SECOND) Regular Session

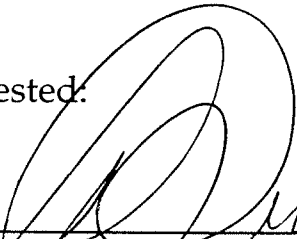
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 313 (LS), "AN ACT TO AMEND §§80.37, 86.10, 86.50, 86.55, 86.65, 86.71, AND 86.95 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINAL INJURIES COMPENSATION COMMISSION," was on the 23rd day of December, 1996, duly and regularly passed.



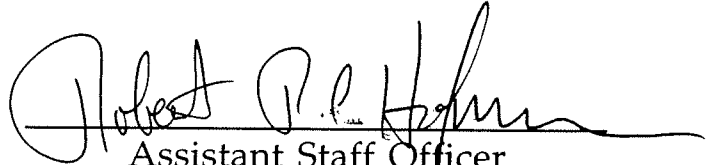
DON PARKINSON
Speaker

Attested:



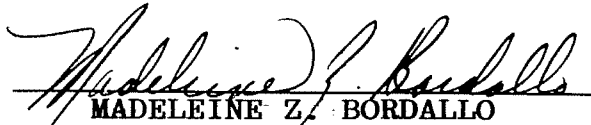
SONNY LUJAN ORSINI
Senator and Acting Legislative Secretary

This Act was received by the Governor this 23rd day of December,
1996, at 4:55 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



MADELEINE Z. BORDALLO
Acting Governor of Guam

Date: 12/30/96

Public Law No. 23-132

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) REGULAR SESSION

Bill No. 313 (LS)

Introduced by:

M. C. Charfauros
J. Won Pat-Borja
A. L. G. Santos
T. S. Nelson
H. A. Cristobal

AN ACT TO AMEND §§80.37, 86.10, 86.50, 86.55, 86.65,
86.71, AND 86.95 OF TITLE 9, GUAM CODE
ANNOTATED, RELATIVE TO THE CRIMINAL INJURIES
COMPENSATION COMMISSION.

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

2 **Section 1. Legislative Findings.** The Legislature finds that the Criminal
3 Injuries Compensation Commission (CICC) was reinstated on March 21,
4 1990 pursuant to Public Law 20-155. The Legislature finds that CICC has
5 benefited from the cooperation of federal agencies administering federal
6 grants pertaining to the CICC. The Legislature further finds that
7 amendments to various sections of Guam law are necessary to bring Guam's
8 CICC up to federal standards. Such amendments would increase Guam's
9 eligibility for federal funds, including grants associated with the Victims of
10 Crime Act (VOCA) of 1984. The intent of this Legislature is to comply and
11 adhere to various federal grant funds criteria to increase the effectiveness of
12 CICC in accomplishing its objectives.

13 **Section 2.** Section 80.37 of Title 9, Guam Code Annotated, is hereby
14 amended to read:

1 “§80.37. **Deadly Weapons Used in Felonies; Sentence.** Whoever
2 unlawfully possesses or uses a deadly weapon in the commission of a felony
3 punishable under the laws of Guam shall, in addition to the punishment
4 imposed for the commission of such felony, be imprisoned for a term of not
5 less than five (5) years nor more than twenty-five (25) years, and shall be
6 fined not less than one thousand dollars (\$1,000), but not more than five-
7 thousand (\$5,000), which fine shall be payable to the Criminal Injuries
8 Compensation fund. The sentence shall include a special parole term of not
9 less than three (3) years in addition to such term of imprisonment. No person
10 convicted and sentenced hereunder shall be eligible for parole or probation
11 until he shall have served at least five (5) years in prison. No person convicted
12 or sentenced hereunder shall be eligible to participate in any work release
13 program until he shall have served at least five (5) years. The term required to
14 be imposed by this Section shall not run concurrently with any term of
15 imprisonment imposed for the commission of any other felony.”

16 **Section 3.** Section 86.10 of Title 9, Guam Code Annotated, is hereby
17 amended to read:

18 “§86.10 **Definitions.** As used in this Chapter:

19 (a) *Child* means an unmarried person who is under eighteen
20 (18) years of age and includes a stepchild or an adopted child;

21 (b) *Commission* means the Criminal Injuries Compensation
22 Commission established by this Chapter;

23 (c) *Dependents* means relatives of a deceased or injured victim
24 who were wholly or partially dependent upon the victim’s income at
25 the time of the victim’s death or injury and includes the child of the
26 victim born after the victim’s injury or death;

1 (d) *Injury* means actual bodily harm and, in respect of a victim,
2 includes pregnancy, and mental or nervous shock;

3 (e) *Person* means a natural person;

4 (f) *Private citizen* means any natural person other than a peace
5 officer who is actively engaged in the performance of his duties;

6 (g) *Relative* means a victim's spouse, parent, grandparent,
7 stepfather, stepmother, child, grandchild, brother, sister, half-
8 brother, half-sister or spouse's parents; and

9 (h) *Victim* means a person who is injured or killed by any act or
10 omission of any other person coming within the description of any of
11 the crimes specified in Section 86.55 of this Chapter."

12 **Section 4.** Section 86.50 of Title 9, Guam Code Annotated, is amended
13 to read:

14 "§86.50 **Eligibility for Compensation.** (a) In the event any person is
15 injured or killed by any act or omission of any other person coming within the
16 criminal jurisdiction of Guam after September 30, 1980, which act or omission
17 is within the description of the crimes enumerated in Section 86.55, the
18 Commission may, in its discretion, upon an application, order the payment of
19 compensation in accordance with this Chapter:

20 (1) To or for the benefit of the victim;

21 (2) To any person responsible for the maintenance of the
22 victim, where that person has suffered pecuniary loss or
23 incurred expenses as a result of the victim's injury or death;

24 (3) In the case of the death of the victim, to or for the
25 benefit of any one or more of the dependents of the deceased
26 victim; or

1 (4) To a parent of an adult deceased victim, or to an adult
2 son or daughter of a deceased victim, where the parent or
3 adult son or daughter has incurred expenses on account of
4 hospital, medical, funeral and burial expenses as a result of the
5 victim's injury and death.

6 (b) For the purposes of this Chapter, a person shall be deemed
7 to have intentionally committed an act or omission notwithstanding
8 that by reason of age, insanity, drunkenness or otherwise he was
9 legally incapable of forming a criminal intent.

10 (c) In determining whether to make an order under this
11 Section, the Commission may consider any circumstances it
12 determines to be relevant, and the Commission shall consider the
13 behavior of the victim, and whether, because of provocation or
14 otherwise, the victim bears any share of responsibility for the crime
15 that caused his injury or death and the Commission shall reduce the
16 amount of compensation in accordance with its assessment of the
17 degree of such responsibility attributable to the victim.

18 (d) An order may be made under this Section whether or not
19 any person is prosecuted for or convicted of a crime arising out of an
20 act or omission described in Subsection (a) of this Section; provided,
21 that an arrest has been made or such act or omission has been
22 reported to the police without undue delay. No order may be made
23 under this Section unless the Commission finds that:

24 (1) The act or omission did occur; and

25 (2) The injury or death of the victim resulted from the act
26 or omission.

1 (e) Upon application from either the Attorney General or the
2 Chief of Police, the Commission may suspend proceedings under this
3 Chapter for such period as it deems desirable on the ground that a
4 prosecution for a crime arising out of the act or omission has been
5 commenced or is imminent, or that release of the investigation
6 report would be detrimental to the public interest.

7 (f) If a resident of Guam is a victim of a crime as defined in
8 Section 86.55 of this Chapter, but the crime occurred outside the
9 boundaries of this Territory, the resident has the same rights under
10 the provisions of this Chapter as if the crime had occurred within this
11 Territory upon a showing that the state, territory, country or
12 political subdivision of a country in which the crime occurred does
13 not have a crime victim's compensation law which covers the injury
14 or death suffered by the resident."

15 **Section 5.** Section 86.55 of Title 9, Guam Code Annotated, is amended
16 to read:

17 "§86.55 **Violent Crimes.** (a) The crimes to which this Chapter
18 applies are the following:

19 (1) Aggravated Murder (Criminal and Correctional
20 Code, Section 16.30);

21 (2) Murder (Criminal and Correctional Code, Section
22 16.40);

23 (3) Manslaughter (Criminal and Correctional Code,
24 Section 16.50);

25 (4) Aggravated Assault (Criminal and Correctional
26 Code, Section 19.20);

1 (5) Assault (Criminal and Correctional Code, Section
2 19.30);

3 (6) Kidnapping (Criminal and Correctional Code,
4 Section 22.20);

5 (7) Felonious Restraints (Criminal and Correctional
6 Code, Section 22.20);

7 (8) Child Stealing (Criminal and Correctional Code,
8 Section 22.40);

9 (9) Custodial Interference (Criminal and Correctional
10 Code, Section 22.50);

11 (10) Criminal Sexual Conduct in the First Degree
12 (Criminal and Correctional Code, Section 25.15);

13 (11) Criminal Sexual Conduct in the Second Degree
14 (Criminal and Correctional Code, Section 25.20);

15 (12) Criminal Sexual Conduct in the Third Degree
16 (Criminal and Correctional Code, Section 25.25);

17 (13) Criminal Sexual Conduct in the Fourth Degree
18 (Criminal and Correctional Code, Section 25.30);

19 (14) Assault with Intent to Commit Criminal Sexual
20 Conduct (Criminal and Correctional Code, Section 25.35);

21 (15) Driving under the Influence of Alcohol and
22 Controlled Substances (Title 16, Guam Code Annotated,
23 Section 18102);

24 (16) Conviction Involving a Child (Title 16, Guam Code
25 Annotated, Section 18109), provided a child under the age of
26 sixteen (16) was injured as a result of an accident in which the

1 vehicle operated by the person charged with the above
2 violation was involved;

3 (17) Vehicular Negligence with Injury to a person other
4 than the Driver (Title 16, Guam Code Annotated, Section
5 18110);

6 (18) Vehicular Homicide (Title 16, Guam Code
7 Annotated, Section 18111);

8 (19) Drinking While Driving a Motor Vehicle upon any
9 Highway (Title 16, Guam Code Annotated, Section 18119),
10 provided a person other than the driver was injured as a result
11 of such drinking and driving;

12 (20) Stalking (Criminal and Correctional Code, Section
13 19.70).

14 (b) For the purpose of this Chapter, the operation of a motor
15 vehicle, boat or aircraft that results in an injury or death shall not
16 constitute a crime, unless the injuries were intentionally inflicted
17 through the use of such vehicle, boat or aircraft or unless the conduct
18 constitutes a violation of Title 16, Guam Code Annotated, Section
19 18101, et seq. (The Safe Streets Act).

20 (c) Any fine imposed pursuant to Section 80.50 of this title upon
21 conviction of any of the crimes specified in Subsection (a) of this
22 Section shall be paid into the Criminal Injuries Compensation Fund
23 established by Section 86.95 of this Chapter."

24 **Section 6.** Section 86.65 of Title 9, Guam Code Annotated, is hereby
25 repealed in its entirety.

1 **Section 7.** A new Section 86.71 is added to Title 9, Guam Code
2 Annotated, to read:

3 **"86.71. Fines imposed on offenders.** Whenever a fine is imposed
4 upon an offender and such fine is to be deposited into the Criminal
5 Injuries Compensation Fund and such fine is not to be deposited into the
6 fund within one hundred eighty (180) days of the imposition of
7 Sentence, the Commission may institute a civil action in Superior Court
8 or the federal court system against the offender to recover the amount
9 of such fine, provided, however, the offender is not in the process of
10 seeking judicial review of such conviction. The statutes of limitation for
11 commencing such civil action shall be tolled while the offender is absent
12 from Guam or incarcerated in any facility whatsoever. Any recovery
13 from the offender, excluding costs and attorney fees, shall be deposited
14 into the Criminal Injuries Compensation Fund."

15 **Section 8.** Section 86.95 of Title 9, Guam Code Annotated, is hereby
16 amended to read:

17 **"§86.95. Criminal Injuries Compensation Fund; When**
18 **Payment Authorized.** (a) There is hereby established a Criminal
19 Injuries Compensation Fund (the "Fund") separate and apart from
20 other funds of the government of Guam, from which the
21 Commission may make payments as provided in Subsection (b) of
22 this Section. The Attorney General shall be the certifying officer of
23 the Fund, and all payments therefrom shall be paid by the Attorney
24 General upon order of the Commission.

25 (b) The Commission shall have the authority to seek and accept
26 on behalf of, and in the name of, the Criminal Injuries Compensation

1 Fund from any government or agency thereof, or any person, natural or
2 legal, advisory services, grant-in-aid, gifts, donations or money and
3 other property for the benefit of the Fund; provided, however, that any
4 such grants-in-aid, gifts, donations or other assistance shall not involve
5 any obligation on the part of the Criminal Injuries Compensation Fund.

6 (c) Where the Commission has made an award pursuant to this
7 Chapter, the Commission shall make such payments from the Fund to
8 or on behalf of the victim, or to or for the benefit of one or more of the
9 dependents of a deceased victim, or to or for the benefit of other
10 persons who have suffered pecuniary loss or incurred expenses on
11 account of hospital, medical, funeral and burial expenses as a result of
12 the victim's injury or death. Payments made pursuant to this Section
13 shall not exceed the total amount of the award."

PL 23-132 ✓

Senator Mark C. Charfauros

Chairman

Committee on Judiciary, Criminal Justice and Environmental Affairs
Twenty-Third Guam Legislature

Tel.: (671) 472-3342/3/5

Fax: (671) 472-3440

October 27, 1995

SPEAKER DON PARKINSON
Twenty-Third Guam Legislature
155 Hesler St.
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Judiciary, Criminal Justice and Environmental Affairs to which was referred **Bill No. 313**, wishes to report back to the Legislature with its recommendation to pass **Bill No. 313 As amended by the Committee** "AN ACT TO AMEND CHAPTER 86 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINAL INJURIES COMPENSATION COMMISSION."


The voting record is as follows:

TO PASS	<u>9</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.

Attachments


MARK C. CHARFAUROS

● Senator Mark C. Charfauros ●
Chairman
Committee on Judiciary, Criminal Justice and Environmental Affairs
Twenty-Third Guam Legislature

Tel.: (671) 472-3342/3/5

Fax: (671) 472-3440

September 27, 1995

MEMORANDUM

TO: Members

FROM: Chairman

SUBJECT: Committee Report - **Bill No. 313 As amended by the Committee** "AN ACT TO AMEND CHAPTER 86 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINAL INJURIES COMPENSATION COMMISSION."

Transmitted herewith for your information and action is the Committee on Judiciary, Criminal Justice and Environmental Affairs' Report on the subject Bill.

The narrative report is accompanied by the following:

1. Original Bill 313; Bill 313 As amended by the Committee
2. Committee Voting Sheet;
3. Testimony and Sign-in Sheet
4. Public Hearing Notice.

Should you have any questions on the narrative report or the accompanying documents, I would be most happy to answer any of them.

Please take the appropriate action on the attached voting sheet and return the documents to my office for transmittal to the other members.



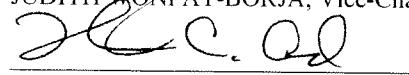

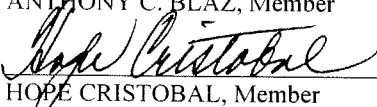
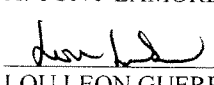
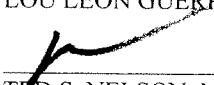

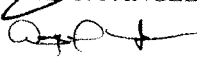
Your attention and cooperation in this matter is greatly appreciated.


MARK C. CHARFAUROS

Attachments.

**COMMITTEE ON JUDICIARY, CRIMINAL JUSTICE AND
ENVIRONMENTAL AFFAIRS
23rd Guam Legislature
VOTING RECORD**

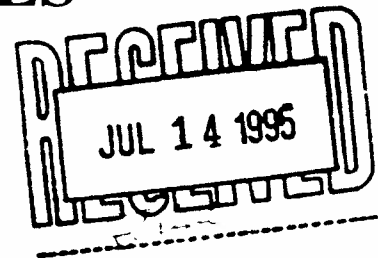
Bill No. 313 As amended by the Committee "AN ACT TO AMEND CHAPTER 86 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINAL INJURIES COMPENSATION COMMISSION."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK C. CHARFAUROS, Chairman	✓	—	—	—
 JUDITH WONPAT-BORJA, Vice-Chairperson	✓	—	—	—
 THOMAS C. ADA, Member	✓	—	—	—
 ELIZABETH BARRETT-ANDERSON, Member	✓	—	—	—
_____ JOANNE BROWN, Member	—	—	—	—
_____ ANTHONY C. BLAZ, Member	—	—	—	—
 HOPE CRISTOBAL, Member	✓	—	—	—
_____ A. TONY LAMORENA, Member	—	—	—	—
 LOU LEON GUERRERO, Member	✓	—	—	—
 TED S. NELSON, Member	✓	—	—	—
 VICENTE C. PANGELINAN, Member	✓	—	—	—
 ANGEL L.G. SANTOS, Member	✓	—	—	—
_____ DON PARKINSON, Ex-Officio Member	—	—	—	—



COMMITTEE ON RULES

Twenty-Third Guam Legislature
155 Hesler St., Agana, Guam 96910



July 13, 1995

MEMORANDUM

TO: Chairman, Committee on Judiciary, Criminal Justice
and Environmental Affairs

FROM: Acting Chairman, Committee on Rules

SUBJECT: Referral - Bill No. 313

The above Bill is referred to your Committee as the principal committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.


JOHN P. AGUON

Attachment:

COMMITTEE ON JUDICIARY, CRIMINAL
JUSTICE AND ENVIRONMENTAL
AFFAIRS

Twenty-Third Guam Legislature

COMMITTEE REPORT

on

Bill No. 313

As amended by the Committee

"AN ACT TO AMEND CHAPTER 86 OF TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO THE CRIMINAL INJURIES COMPENSATION COMMISSION."

SEPTEMBER 20, 1995

I. OVERVIEW

The Committee on Judiciary, Criminal Justice and Environmental Affairs scheduled a public hearing on September 20, 1995 at 9:30 a.m. at the Legislative Public Hearing Room. Public notice was announced on the September 19, 1995 issue of the PDN. Members present were:

Senator Mark C. Charfauros, Chairman
Senator Ben Pangelinan
Senator Ted Nelson
Senator Judith WonPat-Borja
Senator Hope Cristobal
Senator Angel L.G. Santos
Senator Tom Ada
Senator Lou Leon Guerrero
Senator Alberto Lamorena

Senator Mark Forbes, nonmember

Appearing before the Committee to testify on the bill were:

Mr. James S. Brooks, Attorney, **written.**

Mr. Charles D. Stake, Chief Prosecutor, Department of Law; **oral, written.**

Mr. Anthony Sanchez, Administrative Director, Superior Court of Guam; **oral, written.**

Mr. Robert Jahier, former Chairman, Criminal Injuries Compensation Commission (CICC); **oral.**

Ms. Gloria J. Duenas Cruz, former Vice Chairperson, CICC; **oral.**

Ms. Joan Glang, former member, CICC; **oral.**

Mr. Vance J.I. Guerena, Attorney General's Office; **oral.**

II. SUMMARY OF TESTIMONY

Mr. James S. Brooks, Attorney, testified in favor of Bill 313, and suggested further amendments; **written, attached.**

Mr. Charles D. Stake, Chief Prosecutor, Department of Law, testified in support of Bill 313; **written, attached.**

Mr. Anthony Sanchez, Administrative Director, Superior Court of Guam, testified in support of Bill 313; **written, attached.**

Mr. Robert Jahier, former Chairman of the Criminal Injuries Compensation Commission, testified in support of Bill 313. He stated that Bill 313 would amend current statutes which exclude several individuals that are victims of violent crime from receiving compensation. He stated that because of the exclusions, the Commission is unable to meet federal guidelines for federal assistance. He stated that the changes that would be made by Bill 313 would allow the Commission to obtain federal funding.

Ms. Gloria J. Duenas Cruz, former Vice Chairperson, CICC, testified in support of Bill 313. As a minor correction, she stated that than should be added to line 16 of page 1.

Ms. Joan Glang, former member, CICC, testified in support of Bill 313. She stated that stalking was supposed to be included in this bill, but the Office of the Attorney General did not recommend such an inclusion. As a private citizen, Ms. Glang asked that stalking be included because of the emotional injury that normally accompanies such a crime, especially when it involves domestic or family violence.

Mr. Vance J.I. Guarena, Attorney General's Office, testified in support of Bill 313. He stated that some of the Commission members met with federal officials, and an understanding reached was that the federal government would refund the Commission at least forty percent of the Commission's payments. He stated that this would mean that the Commission would be able to compensate more victims as the funds were received. He further stated that Bill 313 is necessary to qualify for these funds. He stated that there is a two year waiting period upon which the funds would be released, and further stated that the passage of this legislation would need to be executed before the two year period begins. He stated that Bill 313 would include vehicular crimes on the list where victims may be compensated by the Commission. He also pointed out that Section 6 of Bill 313, which

repealed Section 86.6 of Title 9 GCA, would allow family members of violent crimes to be compensated, therefore including family or domestic violence as a crime whereupon the victim may be compensated by the Commission. Explaining Section 9, he stated that fines associated with vehicular offenses would be earmarked for the Commission. However, he also stated that there might be a conflict with some of these fines, which are currently earmarked for the Judicial Building Fund.

III. FINDING AND RECOMMENDATION

The Committee finds that Bill 313 is necessary to comply with federal standards in order to be eligible for additional federal funds. The Committee finds that Bill 313 adds several crimes to the list whereupon victims may be compensated, including certain vehicular crimes and domestic violence offenses. The Committee further finds that some amendments to the original Bill 313 are necessary, including the deletion of Section 9, which is necessary because of possible conflicts with traffic-related fines. The Committee finds that Stalking should also be considered as a crime whereupon the victim can be assisted by the Criminal Injuries Compensation Commission (CICC). The Committee finds that Bill 313 as amended would benefit victims of various violent crimes by allowing additional funds to be available for assistance.

Accordingly, the Committee on Judiciary, Criminal Justice and Environmental Affairs, to which was referred **Bill No. 313**, does hereby submit its findings and recommendation to the Twenty-Third Guam Legislature **TO DO PASS Bill No. 313 As amended by the Committee** "AN ACT TO AMEND CHAPTER 86 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINAL INJURIES COMPENSATION COMMISSION."

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) REGULAR SESSION

Bill No. 317

Introduced by:

M.C. Charfauros
J.W.P. Borja
A.L.G. Santos

AN ACT TO AMEND CHAPTER 86 OF TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO THE CRIMINAL INJURIES COMPENSATION COMMISSION.

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

1 **SECTION 1. Legislative Findings.** The Legislature finds that the Criminal Injuries
2 Compensation Commission (CICC) was reinstated on March 21, 1990 pursuant to Public
3 Law 20-155. The Legislature finds that CICC has benefited from the cooperation of federal
4 agencies administering federal grants pertaining to the CICC. The Legislature further finds
5 that amendments to various sections of Guam law are necessary to bring Guam's CICC up to
6 federal standards. Such amendments would increase Guam's eligibility for federal funds,
7 including grants associated with the Victims of Crime Act (VOCA) of 1984. The intent of this
8 Legislature is to comply and adhere to various federal grant funds criteria to increase the
9 effectiveness of CICC in accomplishing its objectives.

10 **SECTION 2.** Section 80.37 of Title 9, Guam Code Annotated is hereby amended to
11 read:

12 **"§80.37. Deadly Weapons Used in Felonies; Sentence.** Whoever unlawfully possesses
13 or uses a deadly weapon in the commission of a felony punishable under the laws of Guam shall,
14 in addition to the punishment imposed for the commission of such felony, be imprisoned for a
15 term of not less than five (5) years nor more than twenty-five (25) years, and shall be fined not
16 less than one thousand dollars (\$1,000), but not more five-thousand (\$5,000), which fine shall be
17 payable to the Criminal Injuries Compensation fund. The sentence shall include a special parole
18 term of not less than three (3) years in addition to such term of imprisonment. No person
19 convicted and sentenced hereunder shall be eligible for parole or probation until he shall have
20 served at least five (5) years in prison. No person convicted or sentenced hereunder shall be

1 eligible to participate in any work release program until he shall have served at least five (5)
2 years. The term required to be imposed by this Section shall not run concurrently with any term
3 of imprisonment imposed for the commission of any other felony.”

4 **SECTION 3.** Section 86.10 of Title 9, Guam Code Annotated is hereby amended to
5 read:

6 “**§86.10 Definitions.** As used in this Chapter:

7 (a) *Child* means an unmarried person who is under eighteen (18) years of age and
8 includes a stepchild or an adopted child;

9 (b) *Commission* means the Criminal Injuries Compensation Commission established
10 by this Chapter;

11 (c) *Dependents* means ~~{such}~~ relatives of a deceased or injured victim who were
12 wholly or partially dependent upon ~~{his}~~ the victim's income at the time of ~~{his}~~ the victim's
13 death or injury ~~{or would have been so dependent but for the incapacity due to the injury from~~
14 ~~which the death resulted}~~ and includes the child of the victim born after ~~{his}~~ the victim's injury
15 or death;

16 (d) *Injury* means actual bodily harm and, in respect of a victim, includes pregnancy,
17 and mental or nervous shock;

18 {e} Person means a natural person:

19 ~~{e}~~ {f} *Private citizen* means any natural person other than a peace officer who is
20 actively engaged in the performance of his duties;

21 ~~{f}~~ {g} *Relative* means a victim's spouse, parent, grandparent, stepfather, stepmother,
22 child, grandchild, brother, sister, half-brother, half-sister or spouse's parents; and

23 ~~{g}~~ {h} *Victim* means a person who is injured or killed by any act or omission of any
24 other person coming within the description of any of the crimes specified in Section 86.55 of this
25 Chapter ~~{and}~~.”

26 ~~{h} Person means a natural person.~~

27 **SECTION 4.** Section 86.50 of 9 Guam Code Annotated is amended to read:

28 “**§86.50 Eligibility for Compensation.** (a) In the event any person is injured or killed by
29 any act or omission of any other person coming within the criminal jurisdiction of Guam after
30 September 30, 1980, which act or omission is within the description of the crimes enumerated in

1 Section 86.55, the Commission may, in its discretion, upon an application, order the payment of
2 compensation in accordance with this Chapter:

3 (1) To or for the benefit of the victim;

4 (2) To any person responsible for the maintenance of the victim, where that person has
5 suffered pecuniary loss or incurred expenses as a result of the victim's injury or death;

6 (3) In the case of the death of the victim, to or for the benefit of any one or more of the
7 dependents of the deceased victim; or

8 (4) To a parent of an adult deceased victim, or to an adult son or daughter of a
9 deceased victim, where the parent or adult son or daughter has incurred expenses on account of
10 hospital, medical, funeral and burial expenses as a result of the victim's injury and death.

11 (b) For the purposes of this Chapter, a person shall be deemed to have intentionally
12 committed an act or omission notwithstanding that by reason of age, insanity, drunkenness or
13 otherwise he was legally incapable of forming a criminal intent.

14 (c) In determining whether to make an order under this Section, the Commission may
15 consider any circumstances it determines to be relevant, and the Commission shall consider the
16 behavior of the victim, and whether, because of provocation or otherwise, the victim bears any
17 share of responsibility for the crime that caused his injury or death and the Commission shall
18 reduce the amount of compensation in accordance with its assessment of the degree of such
19 responsibility attributable to the victim.

20 (d) An order may be made under this Section whether or not any person is prosecuted for
21 or convicted of a crime arising out of an act or omission described in Subsection (a) of this
22 Section; provided, that an arrest has been made or such act or omission has been reported to the
23 police without undue delay. No order may be made under this Section unless the Commission
24 finds that:

25 ~~(a)~~ (1) The act or omission did occur; and

26 ~~(b)~~ (2) The injury or death of the victim resulted from the act or omission.

27 (e) Upon application from either the Attorney General or the Chief of Police, the
28 Commission may suspend proceedings under this Chapter for such period as it deems desirable
29 on the ground that a prosecution for a crime arising out of the act or omission has been
30 commenced or is imminent, or that release of the investigation report would be detrimental to the

1 public interest.

2 (f) If a resident of Guam is a victim of a crime as defined in Section 86.55 of this
3 Chapter, but the crime occurred outside the boundaries of this Territory, the resident has the
4 same rights under the provisions of this Chapter as if the crime had occurred within this Territory
5 upon a showing that the state, territory, country or political subdivision of a country in which the
6 crime occurred does not have a crime victim's compensation law which covers the injury or
7 death suffered by the resident."

8 SECTION 5. Section 86.55 of 9 Guam Code Annotated is amended to read:

9 "**§86.55 Violent Crimes.** (a) The crimes to which this Chapter applies are the following
10 ~~{and no other}~~:"

11 (1) Aggravated Murder (Criminal and Correctional Code, Section 16.30);

12 (2) Murder (Criminal and Correctional Code, Section 16.40);

13 (3) Manslaughter (Criminal and Correctional Code, Section 19.20);

14 (4) Aggravated Assault (Criminal and Correctional Code, Section 19.20);

15 (5) Assault (Criminal and Correctional Code, Section 19.30);

16 (6) Kidnapping (Criminal and Correctional Code, Section 22.20);

17 (7) Felonious Restraints (Criminal and Correctional Code, Section 22.20);

18 (8) Child Stealing (Criminal and Correctional Code, Section 22.40);

19 (9) Custodial Interference (Criminal and Correctional Code, Section 22.50);

20 (10) Criminal Sexual Conduct in the First Degree (Criminal and Correctional Code,

21 Section 25.15);

22 (11) Criminal Sexual Conduct in the Second Degree (Criminal and Correctional Code,

23 Section 25.20);

24 (12) Criminal Sexual Conduct in the Third Degree (Criminal and Correctional Code,
25 Section 25.25);

26 (13) Criminal Sexual Conduct in the Fourth Degree (Criminal and Correctional Code,
27 Section 25.30);

28 (14) Assault with Intent to Commit Criminal Sexual Conduct (Criminal and
29 Correctional Code, Section 25.35);

30 (15) Driving under the Influence of Alcohol and Controlled Substances (Title 16

1 Guam Code Annotated, Section 18102):

2 (16) Conviction Involving a Child (16 Guam Code Annotated, Section 18109),
3 provided a child under the age of sixteen (16) was injured as a result of an accident in which the
4 vehicle operated by the person charged with the above violation was involved;

5 (17) Vehicular Negligence with Injury to a person other than the Driver (Title 16,
6 Guam Code Annotated, Section 18110):

7 (18) Vehicular Homicide (Title 16, Guam Code Annotated, Section 18111):

8 (19) Drinking While Driving a Motor Vehicle upon any Highway (Title 16, Guam
9 Code Annotated, Section 18119), provided a person other than the driver was injured as a result
10 of such drinking and driving.

11 (b) For the purpose of this Chapter, the operation of a motor vehicle, boat or aircraft that
12 results in an injury or death shall not constitute a crime, unless the injuries were intentionally
13 inflicted through the use of such vehicle, boat or aircraft or unless the conduct constitutes a
14 violation of Title 16 Guam Code Annotated Section 18101, et seq (The Safe Streets Act).

15 (c) Any fine imposed pursuant to Section 80.50 of this title upon conviction of any of the
16 crimes specified in Subsection (a) of this Section shall be paid into the Criminal Injuries
17 Compensation Fund established by Section 86.95 of this Chapter.”

18 **SECTION 6.** Section 86.65 of Title 9, Guam Code Annotated is hereby repealed in its
19 entirety.

20 **SECTION 7.** A new Section 86.71 is added to Title 9, Guam Code Annotated to read:

21 **“86.71 Fines imposed on offenders.** Whenever a fine is imposed upon an offender and
22 such fine is to be deposited into the Criminal Injuries Compensation Fund and such fine is not to
23 be deposited into the fund within one hundred eighty (180) days of the imposition of Sentence,
24 the Commission may institute a civil action in Superior Court or the federal court system against
25 the offender to recover the amount of such fine, provided, however, the offender is not in the
26 process of seeking judicial review of such conviction. The statutes of limitation for commencing
27 such civil action shall be tolled while the offender is absent from Guam or incarcerated in any
28 facility whatsoever. Any recovery from the offender, excluding costs and attorney fees, shall be
29 deposited into the Criminal Injuries Compensation Fund.”

30 **SECTION 8.** Section 86.95 of Title 9, Guam Code Annotated is hereby amended to

1 read:

2 **“§86.95 Criminal Injuries Compensation Fund; When Payment Authorized.**

3 (a) There is hereby established a Criminal Injuries Compensation Fund (the “Fund”)
4 separate and apart from other funds of the Government of Guam, from which the Commission
5 may make payments as provided in Subsection (b) of this Section. The Attorney General shall be
6 the certifying officer of the Fund, and all payments therefrom shall be paid by ~~him~~ the Attorney
7 General upon order of the Commission.

8 (b) The Commission shall have the authority to seek and accept on behalf of, and in the
9 name of, the Criminal Injuries Compensation Fund from any government or agency thereof, or
10 any person, advisory services, grant-in-aid, gifts, donations or money and other property for the
11 benefit of the Fund; provided, however, that any such grants-in-aid, gifts, donations or other
12 assistance shall not involve any obligation on the part of the Criminal Injuries Compensation
13 Fund.

14 ~~(b)~~ (c) Where the Commission has made an award pursuant to this Chapter, the
15 Commission shall make such payments from the Fund to or on behalf of the victim, or to or for
16 the benefit of one or more of the dependents of a deceased victim, or to or for the benefit of other
17 persons who have suffered pecuniary loss or incurred expenses on account of hospital, medical,
18 funeral and burial expenses as a result of the victim’s injury or death. Payments made pursuant to
19 this Section shall not exceed the total amount of the award.

20 **SECTION 9.** A new Section 18125 is added to Title 16, Guam Code Annotated to read:

21 **“§18125. Fines payable to Criminal Injuries Compensation Fund.** Notwithstanding
22 any other provisions of law, all fines imposed by Article 1 of this Chapter shall be payable into
23 the Criminal Injuries Compensation Fund.”

**TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) REGULAR SESSION**

Bill No. 313

As amended by the Committee on Judiciary,
Criminal Justice and Environmental Affairs

Introduced by:

M.C. Charfauros

J.W.P. Borja

A.L.G. Santos



AN ACT TO AMEND CHAPTER 86 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE
TO THE CRIMINAL INJURIES COMPENSATION COMMISSION.

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

1 **SECTION 1. Legislative Findings.** The Legislature finds that the Criminal Injuries
2 Compensation Commission (CICC) was reinstated on March 21, 1990 pursuant to Public Law
3 20-155. The Legislature finds that CICC has benefited from the cooperation of federal agencies
4 administering federal grants pertaining to the CICC. The Legislature further finds that
5 amendments to various sections of Guam law are necessary to bring Guam's CICC up to federal
6 standards. Such amendments would increase Guam's eligibility for federal funds, including
7 grants associated with the Victims of Crime Act (VOCA) of 1984. The intent of this Legislature
8 is to comply and adhere to various federal grant funds criteria to increase the effectiveness of
9 CICC in accomplishing its objectives.

10 **SECTION 2.** Section 80.37 of Title 9, Guam Code Annotated is hereby amended to read:

11 **"§80.37. Deadly Weapons Used in Felonies; Sentence.** Whoever unlawfully possesses
12 or uses a deadly weapon in the commission of a felony punishable under the laws of Guam shall,
13 in addition to the punishment imposed for the commission of such felony, be imprisoned for a
14 term of not less than five (5) years nor more than twenty-five (25) years, and shall be fined not
15 less than one thousand dollars (\$1,000), but not more than five-thousand (\$5,000), which fine
16 shall be payable to the Criminal Injuries Compensation fund. The sentence shall include a special
17 parole term of not less than three (3) years in addition to such term of imprisonment. No person
18 convicted and sentenced hereunder shall be eligible for parole or probation until he shall have
19 served at least five (5) years in prison. No person convicted or sentenced hereunder shall be
20 eligible to participate in any work release program until he shall have served at least five (5)

1 years. The term required to be imposed by this Section shall not run concurrently with any term
2 of imprisonment imposed for the commission of any other felony.”

3 **SECTION 3.** Section 86.10 of Title 9, Guam Code Annotated is hereby amended to
4 read:

5 **“§86.10 Definitions.** As used in this Chapter:

6 (a) *Child* means an unmarried person who is under eighteen (18) years of age and
7 includes a stepchild or an adopted child;

8 (b) *Commission* means the Criminal Injuries Compensation Commission established
9 by this Chapter;

10 (c) *Dependents* means ~~[such]~~ relatives of a deceased or injured victim who were
11 wholly or partially dependent upon ~~[his]~~ the victim's income at the time of ~~[his]~~ the victim's
12 death or injury ~~[or would have been so dependent but for the incapacity due to the injury from~~
13 ~~which the death resulted]~~ and includes the child of the victim born after ~~[his]~~ the victim's injury
14 or death;

15 (d) *Injury* means actual bodily harm and, in respect of a victim, includes pregnancy,
16 and mental or nervous shock;

17 (e) Person means a natural person;

18 ~~[(e)]~~ (f) *Private citizen* means any natural person other than a peace officer who is
19 actively engaged in the performance of his duties;

20 ~~[(f)]~~ (g) *Relative* means a victim's spouse, parent, grandparent, stepfather, stepmother,
21 child, grandchild, brother, sister, half-brother, half-sister or spouse's parents; and

22 ~~[(g)]~~ (h) *Victim* means a person who is injured or killed by any act or omission of any
23 other person coming within the description of any of the crimes specified in Section 86.55 of this
24 Chapter ~~[and].~~”

25 ~~[(h) Person means a natural person.]~~

26 **SECTION 4.** Section 86.50 of 9 Guam Code Annotated is amended to read:

27 **“§86.50 Eligibility for Compensation.** (a) In the event any person is injured or killed by
28 any act or omission of any other person coming within the criminal jurisdiction of Guam after
29 September 30, 1980, which act or omission is within the description of the crimes enumerated in
30 Section 86.55, the Commission may, in its discretion, upon an application, order the payment of

1 compensation in accordance with this Chapter:

2 (1) To or for the benefit of the victim;

3 (2) To any person responsible for the maintenance of the victim, where that person has
4 suffered pecuniary loss or incurred expenses as a result of the victim's injury or death;

5 (3) In the case of the death of the victim, to or for the benefit of any one or more of the
6 dependents of the deceased victim; or

7 (4) To a parent of an adult deceased victim, or to an adult son or daughter of a
8 deceased victim, where the parent or adult son or daughter has incurred expenses on account of
9 hospital, medical, funeral and burial expenses as a result of the victim's injury and death.

10 (b) For the purposes of this Chapter, a person shall be deemed to have intentionally
11 committed an act or omission notwithstanding that by reason of age, insanity, drunkenness or
12 otherwise he was legally incapable of forming a criminal intent.

13 (c) In determining whether to make an order under this Section, the Commission may
14 consider any circumstances it determines to be relevant, and the Commission shall consider the
15 behavior of the victim, and whether, because of provocation or otherwise, the victim bears any
16 share of responsibility for the crime that caused his injury or death and the Commission shall
17 reduce the amount of compensation in accordance with its assessment of the degree of such
18 responsibility attributable to the victim.

19 (d) An order may be made under this Section whether or not any person is prosecuted for
20 or convicted of a crime arising out of an act or omission described in Subsection (a) of this
21 Section; provided, that an arrest has been made or such act or omission has been reported to the
22 police without undue delay. No order may be made under this Section unless the Commission
23 finds that:

24 ~~{(a)}~~ (1) The act or omission did occur; and

25 ~~{(b)}~~ (2) The injury or death of the victim resulted from the act or omission.

26 (e) Upon application from either the Attorney General or the Chief of Police, the
27 Commission may suspend proceedings under this Chapter for such period as it deems desirable
28 on the ground that a prosecution for a crime arising out of the act or omission has been
29 commenced or is imminent, or that release of the investigation report would be detrimental to the
30 public interest.

1 (f) If a resident of Guam is a victim of a crime as defined in Section 86.55 of this Chapter,
2 but the crime occurred outside the boundaries of this Territory, the resident has the same rights
3 under the provisions of this Chapter as if the crime had occurred within this Territory upon a
4 showing that the state, territory, country or political subdivision of a country in which the crime
5 occurred does not have a crime victim's compensation law which covers the injury or death
6 suffered by the resident."

7 **SECTION 5.** Section 86.55 of 9 Guam Code Annotated is amended to read:

8 “**§86.55 Violent Crimes.** (a) The crimes to which this Chapter applies are the following
9 ~~{and no other}~~”:

- 10 (1) Aggravated Murder (Criminal and Correctional Code, Section 16.30);
- 11 (2) Murder (Criminal and Correctional Code, Section 16.40);
- 12 (3) Manslaughter (Criminal and Correctional Code, Section ~~[19.20]~~ 16.50);
- 13 (4) Aggravated Assault (Criminal and Correctional Code, Section 19.20);
- 14 (5) Assault (Criminal and Correctional Code, Section 19.30);
- 15 (6) Kidnapping (Criminal and Correctional Code, Section 22.20);
- 16 (7) Felonious Restraints (Criminal and Correctional Code, Section 22.20);
- 17 (8) Child Stealing (Criminal and Correctional Code, Section 22.40);
- 18 (9) Custodial Interference (Criminal and Correctional Code, Section 22.50);
- 19 (10) Criminal Sexual Conduct in the First Degree (Criminal and Correctional Code,
- 20 Section 25.15);
- 21 (11) Criminal Sexual Conduct in the Second Degree (Criminal and Correctional Code,
- 22 Section 25.20);
- 23 (12) Criminal Sexual Conduct in the Third Degree (Criminal and Correctional Code,
- 24 Section 25.25);
- 25 (13) Criminal Sexual Conduct in the Fourth Degree (Criminal and Correctional Code,
- 26 Section 25.30);
- 27 (14) Assault with Intent to Commit Criminal Sexual Conduct (Criminal and
- 28 Correctional Code, Section 25.35);
- 29 (15) Driving under the Influence of Alcohol and Controlled Substances (Title 16
30 Guam Code Annotated, Section 18102);

1 (16) Conviction Involving a Child (16 Guam Code Annotated, Section 18109),
2 provided a child under the age of sixteen (16) was injured as a result of an accident in which the
3 vehicle operated by the person charged with the above violation was involved;

4 (17) Vehicular Negligence with Injury to a person other than the Driver (Title 16,
5 Guam Code Annotated, Section 18110);

6 (18) Vehicular Homicide (Title 16, Guam Code Annotated, Section 18111);

7 (19) Drinking While Driving a Motor Vehicle upon any Highway (Title 16, Guam
8 Code Annotated, Section 18119), provided a person other than the driver was injured as a result
9 of such drinking and driving;

10 (20) Stalking (Criminal and Correctional Code, Section 19.70).

11 (b) For the purpose of this Chapter, the operation of a motor vehicle, boat or aircraft that
12 results in an injury or death shall not constitute a crime, unless the injuries were intentionally
13 inflicted through the use of such vehicle, boat or aircraft or unless the conduct constitutes a
14 violation of Title 16 Guam Code Annotated Section 18101, et seq (The Safe Streets Act).

15 (c) Any fine imposed pursuant to Section 80.50 of this title upon conviction of any of the
16 crimes specified in Subsection (a) of this Section shall be paid into the Criminal Injuries
17 Compensation Fund established by Section 86.95 of this Chapter.”

18 **SECTION 6.** Section 86.65 of Title 9, Guam Code Annotated is hereby repealed in its
19 entirety.

20 **SECTION 7.** A new Section 86.71 is added to Title 9, Guam Code Annotated to read:

21 **“86.71 Fines imposed on offenders.** Whenever a fine is imposed upon an offender and
22 such fine is to be deposited into the Criminal Injuries Compensation Fund and such fine is not to
23 be deposited into the fund within one hundred eighty (180) days of the imposition of Sentence,
24 the Commission may institute a civil action in Superior Court or the federal court system against
25 the offender to recover the amount of such fine, provided, however, the offender is not in the
26 process of seeking judicial review of such conviction. The statutes of limitation for commencing
27 such civil action shall be tolled while the offender is absent from Guam or incarcerated in any
28 facility whatsoever. Any recovery from the offender, excluding costs and attorney fees, shall be
29 deposited into the Criminal Injuries Compensation Fund.”

30 **SECTION 8.** Section 86.95 of Title 9, Guam Code Annotated is hereby amended to

1 read:

2 **“§86.95 Criminal Injuries Compensation Fund; When Payment Authorized.**

3 (a) There is hereby established a Criminal Injuries Compensation Fund (the “Fund”)
4 separate and apart from other funds of the Government of Guam, from which the Commission
5 may make payments as provided in Subsection (b) of this Section. The Attorney General shall be
6 the certifying officer of the Fund, and all payments therefrom shall be paid by ~~him~~ the Attorney
7 General upon order of the Commission.

8 (b) The Commission shall have the authority to seek and accept on behalf of, and in the
9 name of, the Criminal Injuries Compensation Fund from any government or agency thereof, or
10 any person, natural or legal, advisory services, grant-in-aid, gifts, donations or money and other
11 property for the benefit of the Fund; provided, however, that any such grants-in-aid, gifts,
12 donations or other assistance shall not involve any obligation on the part of the Criminal Injuries
13 Compensation Fund.

14 ~~{(b)}~~ (c) Where the Commission has made an award pursuant to this Chapter, the
15 Commission shall make such payments from the Fund to or on behalf of the victim, or to or for
16 the benefit of one or more of the dependents of a deceased victim, or to or for the benefit of other
17 persons who have suffered pecuniary loss or incurred expenses on account of hospital, medical,
18 funeral and burial expenses as a result of the victim’s injury or death. Payments made pursuant to
19 this Section shall not exceed the total amount of the award.

20 ~~{SECTION 9. A new Section 18125 is added to Title 16, Guam Code Annotated to read:~~
21 ~~———“§18125. Fines payable to Criminal Injuries Compensation Fund. Notwithstanding~~
22 ~~any other provisions of law, all fines imposed by Article 1 of this Chapter shall be payable into~~
23 ~~the Criminal Injuries Compensation Fund.”}~~



SUPERIOR COURT OF GUAM

OFFICE OF THE ADMINISTRATIVE DIRECTOR

GUAM JUDICIAL CENTER
120 WEST O'BRIEN DRIVE
AGANA, GUAM 96910



ANTHONY P. SANCHEZ
ADMINISTRATIVE DIRECTOR

TELEPHONE: (671) 475-3544
FACSIMILE: (671) 477-3184

September 20, 1995

The Honorable Mark Charfauros
Chairman & Senator
Committee on Judiciary, Criminal Justice and Environmental Affairs
Twenty Third Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Chairman:

I would like to extend support for the intent of Bill 263 which echoes the Presiding Judge Alberto C. Lamorena, III call for stricter penalties for crimes involving the use of "ice" or crystal methamphetamine -- which he delivered in his 1995 State of the Judiciary address. As you know the epidemic of "ice" and other drugs, as well as the efforts that have been launched to remove it from our shores is a battle that must be fought on all fronts. I thank your committee in advance for its efforts and concerns in this regards. I look forward to the finalized form of the legislation and any other laws or bills that will contribute to ending this terrible drug's hold on our people and the effects it is having on our community.

In addition, the Superior Court supports Bill 300 which would amend Public Law 22-116. The protection of victims is a paramount concern for the Guam Crime Commission. In addition, this bill will prevent our government from losing 5-10% of the Edward Byrne's Drug Grant money and other Federal monies whose compliance requires the testing outlined in the bill.

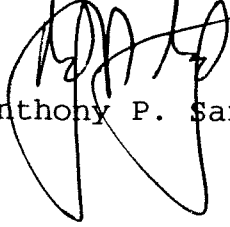
Likewise the amendments to the Criminal Injuries Compensation Commission contained in Bill #313 take into account DUI cases, increase the overall fines, and broaden the scope of restitution in compensating victims in line with existing Federal standards. Criminal acts effect lives long after a case is resolved within the Judicial system. Compensation for injuries of victims in any form will assist an individuals or families' return to a normal life.

The Honorable Mark Charfauros
Page Two

In addition the new amendments raises our standards to the national level, which makes Guam eligible for additional Federal funding and grants.

Should you have any questions, concerns or input please feel free to contact me at your convenience.

Sincerely,



Anthony P. Sanchez

cc: Presiding Judge
Judicial Council

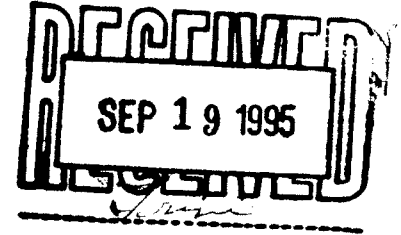


Calvin E. Holloway, Sr.
Attorney General

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Chief Deputy Attorney General

Office of the Attorney General
Territory of Guam

Phone: (671) 475-3324
Telefax: (671) 472-2493



September 19, 1995

The Honorable Mark C. Charfauros
Chairman, Committee on Judiciary, Criminal
Justice and Environmental Affairs
Twenty-Third Guam Legislature
Ada's Commercial & Professional Center
138 East Marine Drive, Suite 101C-Annex
Agana, Guam 96910

Re: Bill Nos. 263, 295, 300, 313, and 363

Dear Senator Charfauros:

Hafa Adai!

Thank you for your letter of September 13, 1995, concerning the Public Hearing on Wednesday, September 20, 1995, regarding subject bills.

Mr. Charles Stake, our Chief Prosecutor will testify on those bills which concern our Prosecution Division...Bill Nos. 263, 295, 300, and 313. Mr. Eric Heisel will provide testimony on Bill No. 363. Our written comments on each of the subject bills is enclosed.

If there are any questions, please call me.

With thanks in anticipation of your consideration.

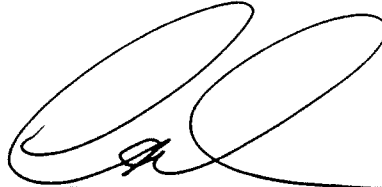


Commonwealth Now!

Ltr. to Sen. Mark Charfauros
September 19, 1995
Page 2

Dangkolo Na Agradesimento - Thank You Very Much!

With best regards,



CALVIN E. HOLLOWAY, SR.
Attorney General

Enclosures

cc: Chief Prosecutor, Prosecution Division
Eric Heisel, Assistant Attorney General, Civil Division

senmacha.of5
CEH.jrc



Commonwealth Now!



GOVERNMENT OF GUAM
AGANA GUAM 96910

September 18, 1995

Intra-Department Memorandum

To: Attorney General *[Signature]* 9/19/95
Via: Chief Deputy Attorney General *[Signature]* 9/19/95
From: Chief Prosecutor
Subject: Comments on Bills 263, 295, 300 and 313

RECEIVED
SEP 18 1995
Armen
ATTORNEY GENERAL'S OFFICE

Set out below, please find the comments you requested on Bills 263, 295, 300, and 313.

Bill No. 263

p. 2, LL: 30-31 I would seek to have the exception read:

"and has been convicted of a felony for the first time relative to the possession of ~~crystal methamphetamine~~ any controlled substance"

p. 2, L: 33 A mandatory fine of \$5,000.00 may work against one of the concerns noted in the findings, the economic hardship that ice use causes families. There should be a hardship exception which the court can apply at its discretion.

Page 3- I like the idea of fines going into a drug treatment and enforcement fund. It should be noted that the drug that contributes most to crime on Guam is alcohol. It may be appropriate to suggest that, if the legislature is serious about curbing crime and substance abuse, that the alcohol tax be increased and the additional revenues placed in this fund.

This Bill, **Bill No. 295**, and the entirety 9 GCA Chapter 67, would benefit from several broad ranging provisions:

A section that clarifies that residual amounts of controlled substances qualify for purposes of "possession".

A provision that equates use with possession, by including in the definition of possession, the possession



Intra-Dept. Memo A.G.

Subj: Comments on Bills 263, 295, 300 and 313

September 18, 1995

Page 2

in one's bloodstream of the drug (or a similar formula). The statute could make the presence of metabolites (in blood or urine) expressly admissible as evidence of possession in the bloodstream. This could also be accomplished by having a provision that directly penalizes USE of controlled substances.

Bill No. 295

As noted above, this Bill would be improved by a provision making clear that knowing use necessarily incorporates knowing possession. This would have a significant impact on the sanctions imposed on folks who test positive. Rather than the administrative provisions discussed in section 88.40, they could also be prosecuted. Prisoners would be liable for Possession and for Promoting Prison Contraband. Folks on Parole or Probation could be processed for revocation as well as outright prosecution. It is important that the Bill NOT limit sanctions imposable so as to preclude prosecution.

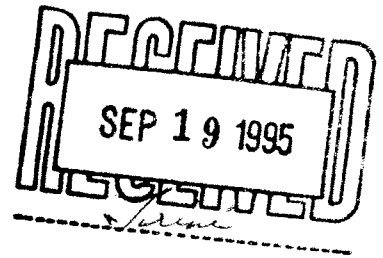
Consideration should be given to adding a provision that mandates urine testing for all persons ARRESTED for any felony. [This last idea flows from a federal program goal from some years back. It's constitutionality should be researched before it receives serious consideration. It may be possible to institute such a program if it is appropriately limited and the legislation is carefully worded.]

Bill No. 300 This provision should be enacted post haste.

Bill No. 313 This Bill looks good on its face. Its intent is to comply with federal grant requirements and we support this objective.

Submitted for your information.


CHARLES D. STAKE



BROOKS & BROOKS, P C

Suite, 101, 259 Martyr Street, Agana, Guam 96910

Telephone (671) 472-6849

Facsimile (671) 477-5790

18 September 1995

Honorable Mark C Charfauros
Chairperson, Committee on Judiciary, Criminal
Justice and Environmental Affairs
23rd Guam Legislature
Agana, Guam 96910

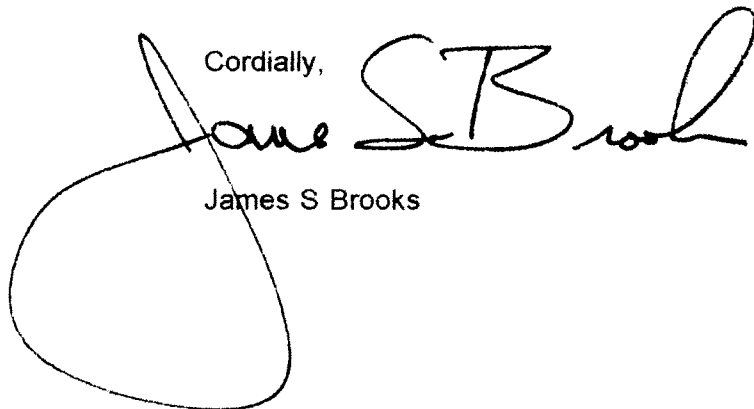
Dear Senator:

Reference Bill 313:

Consideration of Section 2 of this measure affords the Legislature an opportunity to deter such violence as that which took the lives of Petronia Bagalea and Jan Rubenstein by increasing the mandatory imprisonment of any person who uses a deadly weapon in the commission of a felony.

Enclosed is a draft of the language that I would like to see incorporated into 8 GCA 80.37. It not only increases the penalty in the event that any person is injured or killed during the commission of a felony, it also eliminates the requirement that the perpetrator be unlawfully in possession of a deadly weapon. Regardless of whether a person possesses a deadly weapon lawfully or unlawfully, the strictest sanction should apply if that person uses the deadly weapon to commit a felony.

Cordially,



James S Brooks

Proposed amendment of Section 2 of Bill 313

1 Section 2. Section 80.37 of Title 9 of the Guam Code Annotated is amended to read:

2 "§ 80.37. **Deadly weapons used in felonies; sentence. (a) Armed but no injury or death**
3 **involved.** Whoever [~~lawfully~~] possesses or uses a deadly weapon in the commission of a felony
4 punishable under the laws of Guam shall, in addition to the punishment imposed for the
5 commission of such felony, be imprisoned for a term of not less than five (5) years nor more than
6 twenty-five (25) years, **and shall be fined not less than one thousand dollars (\$1,000), but not**
7 **more than five thousand dollars (\$5,000), which fine shall be paid to the Criminal Injuries**
8 **Compensation Fund.**

9 **(b) Armed and injury or death involved. Whoever possesses or uses a deadly weapon**
10 **in the commission of a felony punishable under the laws of Guam and as a result thereof any**
11 **person is injured or killed during the commission of the felony shall, in addition to the punishment**
12 **imposed for the commission of such felony, be imprisoned for a term of not less than fifteen (15)**
13 **years nor more than life without parole, and shall be fined not less than five thousand dollars**
14 **(\$5,000), but not more than twenty-five thousand dollars (\$25,000), which fine shall be paid to the**
15 **Criminal Injuries Compensation Fund.**

16 **(c) Any sentence imposed under paragraph (a) or (b)** shall include a special parole term
17 of not less than three (3) years in addition to such term of imprisonment. No person convicted
18 and sentenced [~~here~~]under paragraph **(a)** shall be eligible for parole or probation until he shall
19 have served at least five (5) years in prison. **No person convicted and sentenced under**
20 **paragraph (b) shall be eligible for parole or probation until he shall have served at least fifteen**
21 **(15) years in prison.** No person convicted or sentenced [~~here~~]under **paragraph (a)** shall be

1 eligible to participate in any work release program until he shall have served at least five (5)
2 years. No person convicted or sentenced under paragraph (b) shall be eligible to participate in
3 any work release program until he shall have served at least fifteen (15) years. A term required
4 to be imposed by this Section shall not run concurrently with any term of imprisonment imposed
5 for the commission of any other felony."

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

AUG 03 1995 **BBMR-F7**

Bill No. 313

Date Received: July 18, 1995

Amendatory Bill: Yes

Date Reviewed: August 1, 1995

Department/Agency Affected: Department of Law

Department/Agency Head: Calvin Holloway

Total FY Appropriation to Date: \$8,312,607

Bill Title (preamble): AN ACT TO AMEND CHAPTER 86 OF TITLE 9, GUAM CODE ANNOTATED RELATIVE TO THE CRIMINAL INJURIES FUND.

Change in Law: Amends Chapter 86 of Title 9 Guam Code Annotated

Bill's Impact on Present Program Funding:

Increase X Decrease _____ Reallocation _____ No Change _____

Bill is for:

Operations X Capital Improvement _____ Other _____

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
Public Safety	See attached comments.		

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL						
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? N/A -- IF NO, ADD'L AMOUNT REQUIRED \$ _____

AGENCY/PERSON/DATE CONTACTED: See attached comments.

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND						
OTHER						
TOTAL						

ANALYST Carlos P. Bordallo DATE 8/1/95

Carlos P. Bordallo

DIRECTOR Joseph E. Rivera

JOSEPH E. RIVERA

DATE AUG 03 1995

Comments on Bill

Section 1 of Bill 313 states the amendments, as proposed within the Bill, would bring Guam's current Criminal Injuries Compensation Committee (CICC) law up to federal standards and increase our eligibility for federal funds. Currently, the U.S. Department of Justice awarded \$228,000 for FY 1995 through the Crime Victims Assistance (CVA) grant to Guam. Such funds are administered through the Department of Law for victims of sexual assault, child abuse, domestic violence, and underserved victims of violent crimes.

It is not known whether the CVA grant or other grants/programs would be the recipients of increased eligibility and therefore a projected amount as to how much additional federal assistance may be generated is not available at this time. Additional positive fiscal impact is also entailed with proposed amendments to institute fines (from \$1,000 to \$5,000) for those who "unlawfully possess" or use a deadly weapon in the commission of a crime. At whatever level, any increase in funds via existing programs, new programs, or fines would be fiscally and socially beneficial when utilized to assist individuals or families that are (or may become) victims of such crimes as mentioned above.

Please note the Bill intends to revise Guam's CICC laws to conform with federal standards. Should this intention be fulfilled and result in more arrests/incarcerations, this would place additional burden on our limited financial resources and a more visible onus on certain government agencies (primarily GPD, DOC and Judicial).



Notice of Public Hearing

23rd Guam Legislature

Senator

Mark C. Charfauros

Chairman, Committee on Judiciary, Criminal Justice and
Environmental Affairs

Bill No. 263: AN ACT TO ADD A NEW §80.30.1, A NEW §80.31.1 AND A NEW §67.62.1 TO 9 GCA RELATIVE TO MANDATORY SENTENCING FOR THE POSSESSION OF CRYSTAL METHAMPHETAMINE, AND THE CREATION OF A SPECIAL FUND TO SUPPORT DRUG TREATMENT AND EDUCATION AND LAW ENFORCEMENT, FOR THE PURPOSES OF COMBATING THE INCREASING ABUSE OF CRYSTAL METHAMPHETAMINE, OTHERWISE KNOWN AS "ICE", IN THE TERRITORY OF GUAM AND TO PROTECT THE YOUTH OF GUAM FROM THE DANGERS OF THIS ILLEGAL SUBSTANCE;

Bill No. 295: AN ACT TO CREATE A NEW CHAPTER 88 TO 9 GCA RELATIVE TO ESTABLISHING A PROGRAM FOR SUBSTANCE ABUSE TESTING, ASSESSMENT AND TREATMENT FOR PERSONS CONVICTED AND INVOLVED IN THE GUAM JUSTICE SYSTEM, AS A MEANS OF REDUCING RECIDIVISM, ADDRESSING OFFENDERS AS A HIGH RISK GROUP, AND REDUCING SUBSTANCE ABUSE AND ITS DELETERIOUS EFFECTS IN THE TERRITORY OF GUAM;

Bill No. 300: AN ACT TO AMEND PUBLIC LAW 22-116 TO INCLUDE JUVENILES CONVICTED OF SEXUAL ASSAULT UPON ANOTHER PERSON TO UNDERGO MANDATORY TESTING FOR HIV OR OTHER SEXUAL DISEASES;

Bill No. 307 as substituted: AN ACT TO ADD A NEW SECTION 70.26 TO CHAPTER 70 OF TITLE 9 GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE USE OF MOTORIZED VESSELS IN AREAS WHERE NO RECREATIONAL WATER USE MASTER PLAN EXISTS;

Bill No. 313: AN ACT TO AMEND CHAPTER 86 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINAL INJURIES COMPENSATION COMMISSION;

Bill No. 316: AN ACT TO REQUIRE THE GUAM JUDICIAL COUNCIL TO ADOPT STANDARD JUDICIAL FORMS FOR PURPOSES OF FILING CIVIL AND CRIMINAL LITIGATIONS, SPECIAL PROCEEDINGS, PETITIONS, MOTIONS, NOTICES, ORDERS AND REQUESTS THAT MAY BE FILED IN COURT;

Bill No. 334: AN ACT TO REPEAL AND REENACT §8106 OF TITLE 7 GCA RELATIVE TO AUTHORIZING MARSHALS OF THE SUPERIOR COURT OF GUAM TO ISSUE TRAFFIC CITATIONS;

Bill No. 356: AN ACT TO AMEND SUBSECTION (f) OF §5.55 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE DEFINITION OF "PEACE OFFICER" FOR THE CUSTOMS AND QUARANTINE AGENCY;

Bill No. 363: AN ACT TO AMEND §3401.0(h) OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING GOVERNMENT SECURITY PERSONNEL TO ENFORCE STATUTES CONCERNING ACCESSIBLE PARKING FOR PERSONS WITH DISABILITIES;

Bill No. 364: AN ACT TO ADD A NEW SUBSECTION (H) TO SECTION 3339 AND AMEND SECTION 3315 ALL TO TITLE 16 GUAM CODE ANNOTATED RELATIVE TO TRAFFIC SIGNALS.

Date: Wednesday, September 20, 1995

Time: 9:30 a.m.

Place: Public Hearing Room,

Guam Legislature Temporary Bldg., Agana, Guam

The Public is invited to participate

AUG 03, 1995

7/12/95

2:43 P.M.
Jans

**TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) REGULAR SESSION**

Bill No. 313 (LS)

Introduced by:

M.C. Charfauros *MC*

J.W.P. Borja *JWB*

A.L.G. Santos *AS*

AN ACT TO AMEND CHAPTER 86 OF TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO THE CRIMINAL INJURIES COMPENSATION COMMISSION.

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

1 **SECTION 1. Legislative Findings.** The Legislature finds that the Criminal Injuries
2 Compensation Commission (CICC) was reinstated on March 21, 1990 pursuant to Public
3 Law 20-155. The Legislature finds that CICC has benefited from the cooperation of federal
4 agencies administering federal grants pertaining to the CICC. The Legislature further finds
5 that amendments to various sections of Guam law are necessary to bring Guam's CICC up to
6 federal standards. Such amendments would increase Guam's eligibility for federal funds,
7 including grants associated with the Victims of Crime Act (VOCA) of 1984. The intent of this
8 Legislature is to comply and adhere to various federal grant funds criteria to increase the
9 effectiveness of CICC in accomplishing its objectives.

10 **SECTION 2.** Section 80.37 of Title 9, Guam Code Annotated is hereby amended to
11 read:

12 **"§80.37. Deadly Weapons Used in Felonies; Sentence.** Whoever unlawfully possesses
13 or uses a deadly weapon in the commission of a felony punishable under the laws of Guam shall,
14 in addition to the punishment imposed for the commission of such felony, be imprisoned for a
15 term of not less than five (5) years nor more than twenty-five (25) years, and shall be fined not
16 less than one thousand dollars (\$1,000), but not more five-thousand (\$5,000), which fine shall be
17 payable to the Criminal Injuries Compensation fund. The sentence shall include a special parole
18 term of not less than three (3) years in addition to such term of imprisonment. No person
19 convicted and sentenced hereunder shall be eligible for parole or probation until he shall have
20 served at least five (5) years in prison. No person convicted or sentenced hereunder shall be

1 eligible to participate in any work release program until he shall have served at least five (5)
2 years. The term required to be imposed by this Section shall not run concurrently with any term
3 of imprisonment imposed for the commission of any other felony.”

4 **SECTION 3.** Section 86.10 of Title 9, Guam Code Annotated is hereby amended to
5 read:

6 “**§86.10 Definitions.** As used in this Chapter:

7 (a) *Child* means an unmarried person who is under eighteen (18) years of age and
8 includes a stepchild or an adopted child;

9 (b) *Commission* means the Criminal Injuries Compensation Commission established
10 by this Chapter;

11 (c) *Dependents* means ~~[such]~~ relatives of a deceased or injured victim who were
12 wholly or partially dependent upon ~~[his]~~ the victim's income at the time of ~~[his]~~ the victim's
13 death or injury ~~[or would have been so dependent but for the incapacity due to the injury from~~
14 ~~which the death resulted]~~ and includes the child of the victim born after ~~[his]~~ the victim's injury
15 or death;

16 (d) *Injury* means actual bodily harm and, in respect of a victim, includes pregnancy,
17 and mental or nervous shock;

18 (e) Person means a natural person:

19 ~~[(e)]~~ (f) *Private citizen* means any natural person other than a peace officer who is
20 actively engaged in the performance of his duties;

21 ~~[(f)]~~ (g) *Relative* means a victim's spouse, parent, grandparent, stepfather, stepmother,
22 child, grandchild, brother, sister, half-brother, half-sister or spouse's parents; and

23 ~~[(g)]~~ (h) *Victim* means a person who is injured or killed by any act or omission of any
24 other person coming within the description of any of the crimes specified in Section 86.55 of this
25 Chapter ~~[and].~~”

26 ~~[(h) Person means a natural person.]~~

27 **SECTION 4.** Section 86.50 of 9 Guam Code Annotated is amended to read:

28 “**§86.50 Eligibility for Compensation.** (a) In the event any person is injured or killed by
29 any act or omission of any other person coming within the criminal jurisdiction of Guam after
30 September 30, 1980, which act or omission is within the description of the crimes enumerated in

1 Section 86.55, the Commission may, in its discretion, upon an application, order the payment of
2 compensation in accordance with this Chapter:

3 (1) To or for the benefit of the victim;

4 (2) To any person responsible for the maintenance of the victim, where that person has
5 suffered pecuniary loss or incurred expenses as a result of the victim's injury or death;

6 (3) In the case of the death of the victim, to or for the benefit of any one or more of the
7 dependents of the deceased victim; or

8 (4) To a parent of an adult deceased victim, or to an adult son or daughter of a
9 deceased victim, where the parent or adult son or daughter has incurred expenses on account of
10 hospital, medical, funeral and burial expenses as a result of the victim's injury and death.

11 (b) For the purposes of this Chapter, a person shall be deemed to have intentionally
12 committed an act or omission notwithstanding that by reason of age, insanity, drunkenness or
13 otherwise he was legally incapable of forming a criminal intent.

14 (c) In determining whether to make an order under this Section, the Commission may
15 consider any circumstances it determines to be relevant, and the Commission shall consider the
16 behavior of the victim, and whether, because of provocation or otherwise, the victim bears any
17 share of responsibility for the crime that caused his injury or death and the Commission shall
18 reduce the amount of compensation in accordance with its assessment of the degree of such
19 responsibility attributable to the victim.

20 (d) An order may be made under this Section whether or not any person is prosecuted for
21 or convicted of a crime arising out of an act or omission described in Subsection (a) of this
22 Section; provided, that an arrest has been made or such act or omission has been reported to the
23 police without undue delay. No order may be made under this Section unless the Commission
24 finds that:

25 ~~{(a)}~~ (1) The act or omission did occur; and

26 ~~{(b)}~~ (2) The injury or death of the victim resulted from the act or omission.

27 (e) Upon application from either the Attorney General or the Chief of Police, the
28 Commission may suspend proceedings under this Chapter for such period as it deems desirable
29 on the ground that a prosecution for a crime arising out of the act or omission has been
30 commenced or is imminent, or that release of the investigation report would be detrimental to the

1 public interest.

2 (f) If a resident of Guam is a victim of a crime as defined in Section 86.55 of this
3 Chapter, but the crime occurred outside the boundaries of this Territory, the resident has the
4 same rights under the provisions of this Chapter as if the crime had occurred within this Territory
5 upon a showing that the state, territory, country or political subdivision of a country in which the
6 crime occurred does not have a crime victim's compensation law which covers the injury or
7 death suffered by the resident."

8 **SECTION 5.** Section 86.55 of 9 Guam Code Annotated is amended to read:

9 **"§86.55 Violent Crimes.** (a) The crimes to which this Chapter applies are the following
10 ~~{and no other}~~:

11 (1) Aggravated Murder (Criminal and Correctional Code, Section 16.30);

12 (2) Murder (Criminal and Correctional Code, Section 16.40);

13 (3) Manslaughter (Criminal and Correctional Code, Section 19.20);

14 (4) Aggravated Assault (Criminal and Correctional Code, Section 19.20);

15 (5) Assault (Criminal and Correctional Code, Section 19.30);

16 (6) Kidnapping (Criminal and Correctional Code, Section 22.20);

17 (7) Felonious Restraints (Criminal and Correctional Code, Section 22.20);

18 (8) Child Stealing (Criminal and Correctional Code, Section 22.40);

19 (9) Custodial Interference (Criminal and Correctional Code, Section 22.50);

20 (10) Criminal Sexual Conduct in the First Degree (Criminal and Correctional Code,
21 Section 25.15);

22 (11) Criminal Sexual Conduct in the Second Degree (Criminal and Correctional Code,
23 Section 25.20);

24 (12) Criminal Sexual Conduct in the Third Degree (Criminal and Correctional Code,
25 Section 25.25);

26 (13) Criminal Sexual Conduct in the Fourth Degree (Criminal and Correctional Code,
27 Section 25.30);

28 (14) Assault with Intent to Commit Criminal Sexual Conduct (Criminal and
29 Correctional Code, Section 25.35);

30 (15) Driving under the Influence of Alcohol and Controlled Substances (Title 16

1 Guam Code Annotated, Section 18102);

2 (16) Conviction Involving a Child (16 Guam Code Annotated, Section 18109),
3 provided a child under the age of sixteen (16) was injured as a result of an accident in which the
4 vehicle operated by the person charged with the above violation was involved;

5 (17) Vehicular Negligence with Injury to a person other than the Driver (Title 16,
6 Guam Code Annotated, Section 18110);

7 (18) Vehicular Homicide (Title 16, Guam Code Annotated, Section 18111);

8 (19) Drinking While Driving a Motor Vehicle upon any Highway (Title 16, Guam
9 Code Annotated, Section 18119), provided a person other than the driver was injured as a result
10 of such drinking and driving.

11 (b) For the purpose of this Chapter, the operation of a motor vehicle, boat or aircraft that
12 results in an injury or death shall not constitute a crime, unless the injuries were intentionally
13 inflicted through the use of such vehicle, boat or aircraft or unless the conduct constitutes a
14 violation of Title 16 Guam Code Annotated Section 18101, et seq (The Safe Streets Act).

15 (c) Any fine imposed pursuant to Section 80.50 of this title upon conviction of any of the
16 crimes specified in Subsection (a) of this Section shall be paid into the Criminal Injuries
17 Compensation Fund established by Section 86.95 of this Chapter.”

18 **SECTION 6.** Section 86.65 of Title 9, Guam Code Annotated is hereby repealed in its
19 entirety.

20 **SECTION 7.** A new Section 86.71 is added to Title 9, Guam Code Annotated to read:

21 **“86.71 Fines imposed on offenders.** Whenever a fine is imposed upon an offender and
22 such fine is to be deposited into the Criminal Injuries Compensation Fund and such fine is not to
23 be deposited into the fund within one hundred eighty (180) days of the imposition of Sentence,
24 the Commission may institute a civil action in Superior Court or the federal court system against
25 the offender to recover the amount of such fine, provided, however, the offender is not in the
26 process of seeking judicial review of such conviction. The statutes of limitation for commencing
27 such civil action shall be tolled while the offender is absent from Guam or incarcerated in any
28 facility whatsoever. Any recovery from the offender, excluding costs and attorney fees, shall be
29 deposited into the Criminal Injuries Compensation Fund.”

30 **SECTION 8.** Section 86.95 of Title 9, Guam Code Annotated is hereby amended to

1 read:

2 **“§86.95 Criminal Injuries Compensation Fund; When Payment Authorized.**

3 (a) There is hereby established a Criminal Injuries Compensation Fund (the “Fund”)
4 separate and apart from other funds of the Government of Guam, from which the Commission
5 may make payments as provided in Subsection (b) of this Section. The Attorney General shall be
6 the certifying officer of the Fund, and all payments therefrom shall be paid by ~~him~~ the Attorney
7 General upon order of the Commission.

8 (b) The Commission shall have the authority to seek and accept on behalf of, and in the
9 name of, the Criminal Injuries Compensation Fund from any government or agency thereof, or
10 any person, advisory services, grant-in-aid, gifts, donations or money and other property for the
11 benefit of the Fund; provided, however, that any such grants-in-aid, gifts, donations or other
12 assistance shall not involve any obligation on the part of the Criminal Injuries Compensation
13 Fund.

14 ~~{(b)}~~ (c) Where the Commission has made an award pursuant to this Chapter, the
15 Commission shall make such payments from the Fund to or on behalf of the victim, or to or for
16 the benefit of one or more of the dependents of a deceased victim, or to or for the benefit of other
17 persons who have suffered pecuniary loss or incurred expenses on account of hospital, medical,
18 funeral and burial expenses as a result of the victim’s injury or death. Payments made pursuant to
19 this Section shall not exceed the total amount of the award.

20 **SECTION 9.** A new Section 18125 is added to Title 16, Guam Code Annotated to read:

21 **“§18125. Fines payable to Criminal Injuries Compensation Fund.** Notwithstanding
22 any other provisions of law, all fines imposed by Article 1 of this Chapter shall be payable into
23 the Criminal Injuries Compensation Fund.”