



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Refer to  
Legislative Secretary


OCT 08 1998


The Honorable Antonio R. Unpingco  
Speaker  
Mina'Bente Kuáttro na Liheslaturan Guåhan  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Speaker Unpingco:

Enclosed please find Bill No. 67 (COR), "AN ACT TO AMEND §§80.70(a) AND 80.72(a) OF ARTICLE 5, CHAPTER 80 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROMOTING GREATER TRUTH IN SENTENCING IN GUAM.", which was vetoed and overridden by I Mina'Bente Kuáttro na Liheslaturan Guåhan, the Legislature, on October 2, 1998. This legislation is now designated as **Public Law No. 24-270**.

Very truly yours,


  
Carl T. C. Gutierrez  
I Maga'lahaen Guåhan  
Governor of Guam

OFFICE OF THE LEGISLATIVE SECRETARY  
ACKNOWLEDGMENT RECEIPT  
Received By:   
Time: 1:00pm  
Date: 10.8.98

Attachment: copy attached for signed or overridden bill  
original attached for vetoed bill

cc: The Honorable Joanne M. S. Brown  
Legislative Secretary

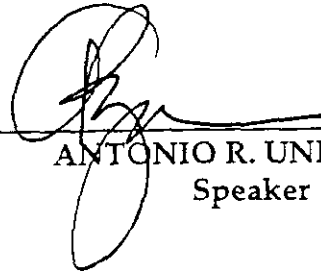
01045

Office of the Speaker  
ANTONIO R. UNPINGCO  
Date: 10-8-98  
Time: 11:00  
Rec'd by:   
Print Name: Chabrown

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

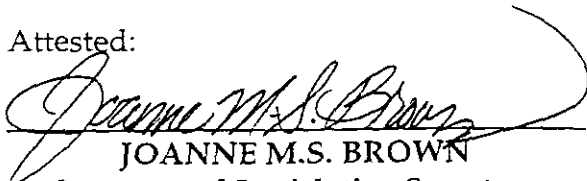
This is to certify that Bill No. 67 (COR), "AN ACT TO AMEND §§80.70(a) AND 80.72(a) OF ARTICLE 5, CHAPTER 80 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROMOTING GREATER TRUTH IN SENTENCING IN GUAM," returned without approval of *I Maga'lahaen Guahan*, was reconsidered by *I Liheslaturan Guahan* and after such consideration, did agree, on the 2<sup>nd</sup> day of October, 1998, to pass said bill notwithstanding the veto of *I Maga'lahaen Guahan* by a vote of fifteen (15) members.



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ANTONIO R. UNPINGCO  
Speaker

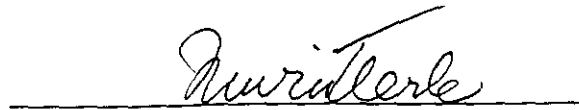
Attested:



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JOANNE M.S. BROWN  
Senator and Legislative Secretary

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This Act was received by *I Maga'lahaen Guahan* this 7<sup>th</sup> day of October  
1998, at 4:05 o'clock P.M.



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Assistant Staff Officer  
*Maga'lahaen's* Office

1 completion of two-thirds (2/3) of his fixed sentence or thereafter in  
2 accordance with the provisions of this Article, provided that in the  
3 case of an offender sentenced to a term of imprisonment for the  
4 commission of a violent crime, such offender may be released  
5 conditionally on parole upon completion of eighty-five percent (85%)  
6 of his fixed sentence or thereafter in accordance with the provisions  
7 of this Article. Nothing in this Section shall be construed as limiting  
8 or mitigating in any fashion the discretionary or mandatory  
9 imposition of a sentence of life imprisonment without parole for any  
10 offense, as may be detailed elsewhere in this Title or the laws of  
11 Guam.

12 For the purposes of this Section, a violent crime is defined as  
13 one (1) or more of the following:

- 14 1. aggravated murder, as defined in 9 GCA §16.30;
- 15 2. murder, as defined in 9 GCA §16.40;
- 16 3. manslaughter, as defined in 9 GCA §16.50, and when  
17 such manslaughter is not involuntary;
- 18 4. aggravated assault, as defined in 9 GCA §19.20, and when  
19 it is a felony in the first degree;
- 20 5. kidnapping, as defined in 9 GCA §22.20, and when it is a  
21 felony in the first degree;
- 22 6. first degree criminal sexual conduct, as defined in 9 GCA  
23 §25.15;
- 24 7. second degree criminal sexual conduct, as defined in 9  
25 GCA §25.20;

- 1           8.     aggravated arson, as defined in 9 GCA §34.20;
- 2           9.     first degree robbery, as defined in 9 GCA §40.10; or
- 3           10.    second degree robbery, as defined in 9 GCA §40.20.”

4           **Section 2.** Section 80.72(a) of Article 5, Chapter 80 of Title 9 of the  
5 Guam Code Annotated is hereby amended to read as follows:

6           **“Section 80.72(a).       Exception for Parole Eligibility.**

7           (a)    Unless otherwise provided by law, every person confined  
8 in a Guam penal or correctional institution shall be eligible for release  
9 on parole at any time after the service of two-thirds (2/3) of his or her  
10 fixed sentence or after a greater time set by the Court, which shall  
11 state reasons therefor, provided that in the case of an offender  
12 sentenced to a term of imprisonment for the commission of a violent  
13 crime, such offender may be released conditionally on parole upon  
14 completion of eighty-five percent (85%) of his or her fixed sentence or  
15 after a greater time set by the Court, which shall state reasons  
16 therefor, or in the case of a person sentenced to life imprisonment,  
17 after such person has been confined for twenty-five (25) years.  
18 Nothing in this Section shall be construed as limiting or mitigating in  
19 any fashion the discretionary or mandatory imposition of a sentence  
20 of life imprisonment without parole for any offense, as may be  
21 detailed elsewhere in this Title or the laws of Guam.

22           For the purposes of this Section, a violent crime is defined as  
23 one or more of the following:

- 24           1.     aggravated murder, as defined in 9 GCA §16.30;
- 25           2.     murder, as defined in 9 GCA §16.40;

- 1           3.    manslaughter, as defined in 9 GCA §16.50, and when  
2 such manslaughter is not involuntary;
- 3           4.    aggravated assault, as defined in 9 GCA §19.20, and when  
4 it is a felony in the first degree;
- 5           5.    kidnapping, as defined in 9 GCA §22.20, and when it is a  
6 felony in the first degree;
- 7           6.    first degree criminal sexual conduct, as defined in 9 GCA  
8 §25.15;
- 9           7.    second degree criminal sexual conduct, as defined in 9  
10 GCA §25.20;
- 11          8.    aggravated arson, as defined in 9 GCA §34.20;
- 12          9.    first degree robbery, as defined in 9 GCA §40.10; or
- 13          10.   second degree robbery, as defined in 9 GCA §40.20.”



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

Refer to  
Legislative Secretary

MAY 06 1998

Office of the Speaker  
ANTONIO R. UNPINGCO

Date: 5-7-98  
Time: 4:42 pm  
Rec'd by: [Signature]  
Print Name: FRGDSDEIBAU

The Honorable Antonio R. Unpingco  
Speaker  
Mina'Bente Kuattro na Liheslaturan Guåhan  
Twenty-Fourth Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY  
ACKNOWLEDGMENT RECEIPT  
Received By [Signature]  
Time 9:59 am  
Date 5-7-98

Dear Speaker Unpingco:

Enclosed please find Bill No. 67 (COR), "AN ACT TO AMEND §§80.70(a) AND 80.72(a) OF ARTICLE 5, CHAPTER 80 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROMOTING GREATER TRUTH IN SENTENCING IN GUAM.", which I have vetoed.

*Déja vu.* This legislation has been seen before. On July 19, 1996, the Mina'Bente Tres na Liheslaturan Guåhan, the Twenty-Third Guam Legislature, passed Bill No. 604, identical to Bill No. 67 except for the addition of one sentence.

Bill No. 67 is vetoed for the same reasons as Bill No. 604 was vetoed. This is **not** a bill to promote "greater truth in sentencing!" The title is a misnomer. Bill No. 67 is a bill to make parole unavailable until 85% of an offender's sentence has been served. Right now, the truth in our sentencing laws is that parole is unavailable until 2/3 of an offender's sentence has been served.

The veto message of Bill No. 604 is attached to explain, once again, what the concept "truth in sentencing" means. This concept is applied to jurisdictions where the jury imposes a sentence. On Guam, the judge imposes the sentence, not the jury. "Truth in sentencing" is not applicable.

This bill might have been intended to lock up offenders for longer periods of time. When a judge sentences an offender, however, the judge decides an appropriate time of incarceration for the offender, and then renders a sentence which gives the result the judge wants to achieve.

If this bill does actually result in longer periods of incarceration for offenders, there is no appropriation or other mechanism in the bill to provide for a larger prison, or to pay for the expenses of housing offenders for an additional 19% of their sentences. Also, since all offenders, no matter how long the period spent in a prison, will eventually return to society, no provision is made for this inevitable transition.

Very truly yours,



Carl T. C. Gutierrez  
I Maga'láhen Guåhan  
Governor of Guam

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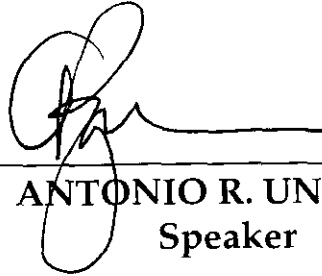
Attachment:     copy attached for signed bill  
                  original attached for vetoed bill

cc:     The Honorable Joanne M. S. Brown  
          Legislative Secretary

MINA'BENTE KUATTRO NA LIHESLATURAN GUAHAN  
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUAHAN

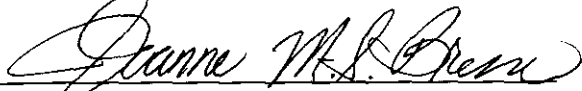
This is to certify that Bill No. 67 (COR), "AN ACT TO AMEND §§80.70(a) AND 80.72(a) OF ARTICLE 5, CHAPTER 80 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROMOTING GREATER TRUTH IN SENTENCING IN GUAM," was on the 27<sup>th</sup> day of April, 1998, duly and regularly passed.



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ANTONIO R. UNPINGCO  
Speaker

Attested:



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JOANNE M.S. BROWN  
Senator and Legislative Secretary

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This Act was received by *I Maga'lahaen Guahan* this 28<sup>th</sup> day of April, 1998,  
at 5:00 o'clock P.M.



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Assistant Staff Officer  
Governor's Office

APPROVED:



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CARL T. C. GUTIERREZ  
*I Maga'lahaen Guahan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_