



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

21 MAR 2008

2008 MAR 26 PM 1:30

The Honorable Judith T. Won Pat
Speaker
Mina' Bente Nuebi Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 131(EC), "AN ACT TO AMEND §50.38 OF CHAPTER 50 OF TITLE 8 GUAM CODE ANNOTATED, RELATIVE TO RECORDING GRAND JURY PROCEEDINGS" which I signed into law on March 19, 2008 as **Public Law 29-56**.

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

cc: The Honorable Tina Rose Muña Barnes,
Senator and Legislative Secretary

29-08-0208
RECEIVED
Office of speaker
3/24/08
3:36pm

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

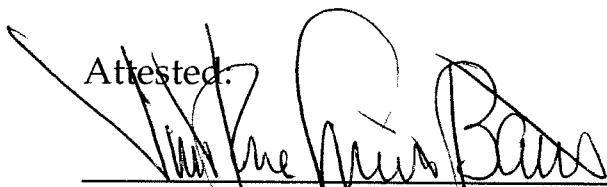
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 131 (EC), "AN ACT TO AMEND §50.38 OF CHAPTER 50 OF TITLE 8 GUAM CODE ANNOTATED, RELATIVE TO RECORDING GRAND JURY PROCEEDINGS," was on the 6th day of March, 2008, duly and regularly passed.



J. T. Won Pat
Speaker

Attested:

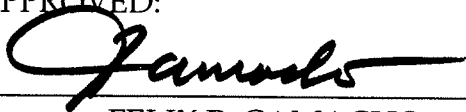


Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this _____ day of _____, 2008, at
_____ o'clock _____.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 19 MARCH 2008

Public Law No. 29-56

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

Bill No. 131 (EC)

As substituted by the Committee on
Public Safety, Criminal Justice & Youth
and amended.

Introduced by:

James V. Espaldon
Frank F. Blas, Jr.
Edward J.B. Calvo
B. J.F. Cruz
Mark Forbes
Judith Paulette Guthertz
Frank T. Ishizaki
J. A. Lujan
Tina Rose Muña Barnes
A. B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
David L.G. Shimizu
Ray Tenorio
J. T. Won Pat

**AN ACT TO *AMEND* §50.38 OF CHAPTER 50 OF TITLE 8
GUAM CODE ANNOTATED, RELATIVE TO RECORDING
GRAND JURY PROCEEDINGS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that trial proceedings can be expedited through the timely release of grand jury
4 proceedings. Judicial efficiency can be achieved in this digital age by updating the
5 current statute by allowing for the release of analog or digital recordings of the
6 proceedings rather than awaiting the tedious and time consuming process of
7 transcribing grand jury testimony. It is the intent of *I Liheslaturan Guåhan* to

1 allow that digital recordings be an acceptable form of record of grand jury
2 proceedings.

3 **Section 2.** §50.38. of Chapter 50 of Title 8 of the Guam Code Annotated is
4 *amended* to read as follows:

5 **“50.38. Recording Grand Jury Proceedings.** (a) In all grand jury
6 proceedings, the testimony taken and questions asked before the grand jury has
7 commenced its deliberation shall be recorded stenographically, or electronically,
8 including digital and/or analog formats. The prosecuting attorney and defendant, or
9 his attorney, may request a copy of the electronic, analog or digital recording of the
10 proceedings at any time after it is taken and the court shall order such record to be
11 prepared within a reasonable time after the request is made. After preparing the
12 electronic, analog or digital recording, the reporter shall certify it, file the original
13 with the clerk of the court and deliver one (1) copy each to the prosecuting attorney
14 and defendant or his attorney.

15 (b) Grand jury transcripts and recordings are *not* public documents. Upon
16 good cause shown, the court may restrict the distribution of the transcript or
17 recording to persons who are shown to have need of them, or delay its release to a
18 defendant if its release, *or* the release of any part of the transcript or recording may
19 prevent a fair and impartial trial or could cause danger to any witness whose
20 testimony appears within the transcript or recording or about whom a witness
21 testifies (except a defendant). Any transcript or recording or part thereof not
22 released by the court under this Subsection *shall* remain sealed until after the trial
23 has been completed, or may be released upon earlier order of the court. No person,
24 to whom a grand jury transcript or recording has been given, except for a witness
25 as to his own testimony, *shall* release its contents to any other person except a
26 client *or*, in the case of the prosecuting attorney, to any law enforcement agency.

1 (c) The Unified Judiciary *shall* create appropriate rules for digital or analog
2 formatting, storage media, security, archiving and dissemination of audio
3 transcripts.”