



Office of the Governor of Guam

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Felix P. Camacho  
Governor

Michael W. Cruz, M.D.  
Lieutenant Governor

15 MAY 2008

2008 MAY 19 AM 9:30 JF

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

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 95(LS), "AN ACT TO AMEND §20118 OF TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE DEFINITION OF A STATUS OFFENDER, AND TO ADD A NEW §21009 TO TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING VALID COURT ORDER PROVISIONS" which I signed into law on May 9, 2008 as **Public Law 29-74**.

*Sinseru yan Magåhet,*

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

Attachment: copy of Bill

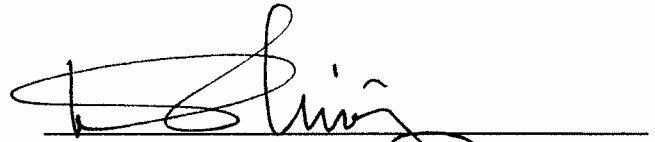
cc: The Honorable Tina Rose Muña Barnes,  
Senator and Legislative Secretary

29-08-0392  
Office of the Speaker  
Judith T. Won Pat, Ed. D.  
Date 5/15/08  
Time 9:30  
Received by [Signature]

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. 95 (LS), "AN ACT TO AMEND §20118 OF TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE DEFINITION OF A STATUS OFFENDER, AND TO ADD A NEW §21009 TO TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING VALID COURT ORDER PROVISIONS," was on the 25<sup>th</sup> day of April, 2008, duly and regularly passed.

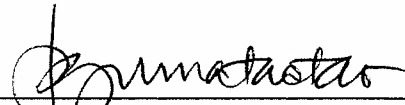


DR. DAVID L.G. SHMIZU  
Acting Speaker

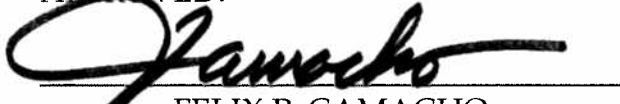
Attested:

  
TINA ROSE MUÑA BARNES  
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 28 day of April, 2008, at  
4:20 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: 9 MAY 2008

Public Law No. 29-74

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

**Bill No. 95 (LS)**

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

Introduced by:

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

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**AN ACT TO *AMEND* §20118 OF TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE DEFINITION OF A STATUS OFFENDER, AND TO *ADD* A NEW §21009 TO TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING VALID COURT ORDER PROVISIONS.**

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

2       **Section 1.** §20118 of Title 19, Guam Code Annotated, is hereby *amended* to  
3 read:

4               “§20118. **Deinstitutionalization of Status Offenders.** There is  
5 hereby established within the Department a Deinstitutionalization of Status  
6 Offender Program (the Program) which *shall* ensure that children are *not*

1 placed in secured correctional or detention facilities for offenses that would  
2 *not* be considered criminal *if* committed by an adult.

3 A Status Offender is a juvenile offender who has been charged with *or*  
4 adjudicated for conduct which would *not*, under the laws of Guam and the  
5 laws of the United States applicable to Guam, be a crime *if* committed by an  
6 adult (28 CFR 31.304(h)).

7 (a) The Department, through the Program, *shall* provide alternative  
8 placements for youths who either, (1) are status offenders, *or* (2) have been  
9 identified as “at risk” or referred for services by any government *or* private  
10 agency as abuse *or* neglect victims.

11 (b) Such alternative placements may be provided in a Department  
12 facility separate and apart from the Youth Correctional Facilities *or* in  
13 private organizations on a contractual basis, and *shall* include, but *not* be  
14 limited to, any of the following: shelters; therapeutic foster homes;  
15 casework and counseling; psychological evaluation; family reconstruction;  
16 outreach; information and referral; drug and alcohol assessments; crisis  
17 intervention; individual and group therapy; and support services and  
18 prevention programs at all levels. The services must be provided in a  
19 comprehensive and holistic approach focusing on the family and the  
20 troubled youth; provided, that such services *shall* be administered by bona  
21 fide, certified professionals in social work or related disciplines.

22 (c) In the Program, special attention *shall* be placed on the  
23 development and implementation of services to those children who have  
24 committed status offenses and who have been referred to the Family Court,  
25 *or* who are in violation of §21009 of Title 19, Guam Code Annotated.

26 (d) The Department *shall* annually cause an independent review of the  
27 Program to be conducted by persons *not* affiliated with the Department, and

1       *shall*, itself, annually review the Program to determine the extent to which  
2       optimum services have been provided. The Department *shall* within thirty  
3       (30) days after receipt of the independent review, but in no event, *later than*  
4       March 1st of each year, submit a copy to *I Liheslatura*.”

5       **Section 2.** A new §21009, Title 19, Guam Code Annotated, is hereby *added*  
6       to read:

7               **“§21009. Valid Court Order Provisions.** No status offender *shall*  
8       be placed in the Department’s Youth Correctional Facilities, a secure  
9       juvenile detention facility *or* juvenile holding facility as a means *or* form of  
10      punishment except following a finding that the child has violated a valid  
11      court order.

12              (a) For purposes of this Act, a valid court order is a court order  
13      given by a judge to a child who was brought before the court and made  
14      subject to the order, and who received, before the issuance of the order, the  
15      full due process rights guaranteed to such child by the Constitution of the  
16      United States. (42U.S.C. 5603, Section 103(16)).

17              (b) An accused status offender *shall* not be held in the  
18      Department's Youth Correctional Facility longer than twenty-four (24)  
19      hours prior to and twenty-four (24) hours after an initial court appearance,  
20      excluding Saturdays, Sundays and statutory state holidays, except under the  
21      following circumstances: a status offender may be held either in the  
22      Department’s Youth Correctional Facilities; Cottage Homes, which is the  
23      Department’s non-secured juvenile detention facilities; *or* the youth’s own  
24      home for violating a valid court order pursuant to the criteria as established  
25      by the federal Juvenile Justice and Delinquency Prevention Act of 2002, and  
26      any subsequent amendments thereto. Runaways, who are *not* residing on

1           Guam, may be detained pending return to their home state *or* island,  
2           whichever the case may be.

3           (c)    A valid court order must be in force and that a report by the  
4           Department states that remanding the youth, pursuant to §21008(c) of this  
5           Act, is necessary to justify holding a youth in secured detention longer than  
6           seventy-two (72) hours.”