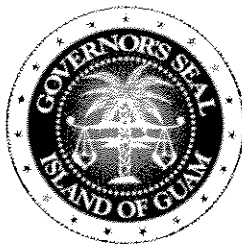


*I Mina'Trentai Dos Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>216-32 (LS), P.L. 32-152</b>	Judith T. Won Pat, Ed.D., T.R. Muña Barnes Aline A. Yamashita, Ph.D.	AN ACT RELATIVE TO ENACTING PRINCIPLES OF BALANCED AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER	10/31/13 9:51 a.m.		Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations	1/15/14 2:30 p.m.	4/9/14 8:47 a.m.	<b>Fiscal Note Received 2/18/14</b>
	<b>DATE PASSED</b>	<b>TITLE</b>	<b>TRANSMITTED</b>		<b>DUE DATE</b>	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	<b>PUBLIC LAW NO.</b>	<b>NOTES</b>
	5/9/2014	AN ACT TO ADD A NEW § 5134 TO CHAPTER 5 OF TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO ENACTING PRINCIPLES OF BALANCED APPROACH AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER.	5/12/14	2:43 p.m.	5/22/2014	5/21/2014	32-152	<b>As substituted by the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land; and amended on the Floor.</b>



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam.*

MAY 23 2014

32-14-1672


Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Dos Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

2014 MAY 27 AM 8:55  
5.23.14  
4.45 PM  
Received

Dear Madame Speaker:

Transmitted herewith is Bill No. 216-32 (LS) "AN ACT TO ADD A NEW § 5134 TO CHAPTER 5 OF TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO ENACTING PRINCIPLES OF BALANCED APPROACH AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER" which I signed into law on May 21, 2014 as Public Law 32-152.

*Senseramente,*

  
RAYMOND S. TENORIO  
*I Maga'låhen Guåhan, para pa'go*  
Acting Governor of Guam

1672

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN*  
2013 (FIRST) Regular Session

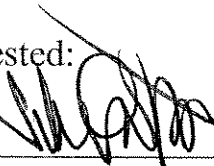
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÁHAN*

This is to certify that Substitute Bill No. 216-32 (LS), "AN ACT TO ADD A NEW § 5134 TO CHAPTER 5 OF TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO ENACTING PRINCIPLES OF BALANCED APPROACH AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER," was on the 9<sup>th</sup> day of May, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.  
Speaker

Attested:



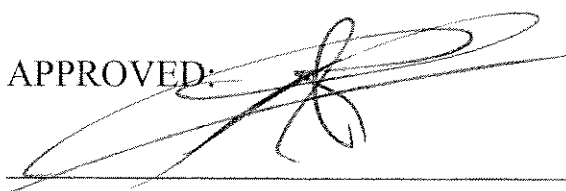
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guáhan* this 12<sup>th</sup> day of May,  
2014, at 2:43 o'clock P.M.



Assistant Staff Officer  
*Maga'lahaen's* Office

APPROVED:



RAYMOND S. TENORIO  
Acting Governor of Guam

Date: MAY 21 2014

Public Law No. 32-152

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2013 (FIRST) Regular Session

**Bill No. 216-32 (LS)**

As substituted by the Committee on Aviation,  
Ground Transportation, Regulatory Concerns,  
and Future Generations.

Introduced by:

Judith T. Won Pat, Ed.D.  
T. R. Muña Barnes  
Aline A. Yamashita, Ph.D.  
T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
B. J.F. Cruz  
Chris M. Dueñas  
Michael T. Limtiaco  
Brant T. McCreddie  
Tommy Morrison  
Vicente (ben) C. Pangelinan  
R. J. Respicio  
Dennis G. Rodriguez, Jr.  
Michael F. Q. San Nicolas

**AN ACT TO *ADD* A NEW § 5134 TO CHAPTER 5 OF  
TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO  
ENACTING PRINCIPLES OF BALANCED APPROACH  
AND RESTORATIVE JUSTICE IN THE JUVENILE  
CRIMINAL JUSTICE SYSTEM BETWEEN THE  
VICTIM AND OFFENDER.**

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

2        **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that it is the policy of Guam that the principles of a Balanced Approach and  
4 Restorative Justice be included in shaping how the juvenile criminal justice system  
5 responds to persons charged with or convicted of criminal offenses. These

1 principles have always been embedded within Guam’s juvenile justice system. The  
2 policy goal is a community response to a juvenile’s wrongdoing at its earliest  
3 onset, and a type and intensity of sanction tailored to each instance of wrongdoing.

4 **Section 2.** A new § 5134 is hereby *added* to Chapter 5 of Title 19, Guam  
5 Code, to read as follows:

6 **“§ 5134. Balanced Approach and Restorative Justice Goals**  
7 **and Objectives.**

8 (a) Goal. The goal of this Chapter is to promote a balanced  
9 juvenile justice system in Guam to protect and safeguard the rights of those  
10 injured, whether it be the community or any victim of crime, to impose  
11 offender accountability for violations of law, and to equip juvenile offenders  
12 with the rehabilitation and skills needed to live responsibly and productively.

13 (b) Objectives. The objectives of Balanced Approach and  
14 Restorative Justice are:

15 (1) to resolve conflicts and disputes by means of a non-  
16 adversarial community process;

17 (2) to repair damage caused by criminal acts to the  
18 community in which they occur, and to address wrongs inflicted on  
19 individual victims; and

20 (3) to reduce the risk of an offender committing a more  
21 serious crime in the future that would require a more intensive and  
22 more costly sanction, such as incarceration.

23 (c) This Section *shall* be interpreted and construed as to effectuate  
24 the following purposes:

25 (1) to respond to a juvenile offender’s needs in a manner that  
26 is consistent with:

27 (A) prevention of repeated criminal behavior;

- (B) restoration of the community and victim;
- (C) protection of the public; and
- (D) development of the juvenile into a productive citizen;

(2) to protect citizens from juvenile crimes;

(3) to hold each juvenile offender directly accountable for the offender's conduct;

(4) to provide swift and consistent consequences for crimes committed by juveniles;

(5) to require parental or guardian participation in the juvenile justice process;

(6) to create an expectation that parents will be held responsible for the conduct and needs of their children;

(7) to ensure that victims, witnesses, parents, foster parents, guardians, juvenile offenders, and all other interested parties are treated with dignity, respect, courtesy, and sensitivity throughout all legal proceedings;

(8) to allow for the prosecuting authority to have the ability to divert juveniles from the formal juvenile justice process through informal early intervention, as warranted, and when consistent with the protection of the public;

(9) consistent with the protection of the public interest, to provide for juveniles who commit delinquent acts an early, individualized assessment and action plan for the juvenile offender, in order to prevent further criminal behavior through programs of supervision, care and rehabilitation which provide a balanced attention to the protection of the community, the imposition of

1 accountability for offenses committed, and the development of  
2 competencies so that the juvenile will become more capable of  
3 becoming a more productive and responsible member of the  
4 community; and

5 (10) to review and evaluate regularly and independently the  
6 effectiveness of programs and services under this Section.

7 (d) The Law Revision Commission on Juvenile Justice, established  
8 by Executive Order No. 2008-14, *shall* develop and employ restorative  
9 justice approaches whenever feasible and responsive to specific criminal acts  
10 involving juveniles *not* involving serious crimes against persons or property,  
11 crimes involving criminal sexual conduct, or serious family violence. It is  
12 further the intent of *I Liheslaturan Guåhan* that the Balanced Approach and  
13 Restorative Justice Programs are *not* mandatory programs, and any program  
14 that is instituted which requires a victim's participation *shall* be offered *only*  
15 to victims of a crime who voluntarily agree to participate in the Program.  
16 The Program is designed to encourage participation from the community,  
17 including victims *only* when they so choose, and judicial and law  
18 enforcement officials must ensure that the juvenile justice system hold all  
19 offenders accountable for damages caused to communities and victims, and  
20 ensure that programs are designed to assist in restoring offenders to the law-  
21 abiding community.

22 (e) When developing the procedures relating to the Balanced  
23 Approach and Restorative Justice Program, the Law Revision Commission  
24 on Juvenile Justice *shall* also consider including a provision or procedure  
25 relating to "Victim and Community Involvement in Sentencing". The  
26 "Victim and Community Involvement in Sentencing" provision should  
27 include, but is *not* limited to, a provision that provides the following: "A

1 Family Court Judge, when considering the disposition or sentence to be  
2 imposed against a juvenile offender whose case has been referred and court-  
3 ordered to the Balanced Approach and Restorative Justice Program, may  
4 permit the victim and the offender to submit a proposed disposition or  
5 sentence for the court's review based upon a negotiated agreement between  
6 the victim and the offender, or between the offender and the community if  
7 there is no victim. Any negotiated agreement made by the parties *shall* be  
8 submitted to the assigned Family Court Judge by the facilitator or mediator  
9 handling the Balanced Approach and Restorative Justice Program. The court  
10 may, with the consent of the victim and offender, impose the proposed  
11 disposition or sentence that has been determined by the negotiated  
12 agreement *if* the court determines and states on the record that such proposed  
13 disposition or sentence accomplishes the goals of restoring the victim and  
14 the community, and rehabilitation of the offender.

15 (f) All discussions that occur within a Balanced Approach and  
16 Restorative Justice process are confidential *unless*:

- 17 (1) participants agree to some level of disclosure;
- 18 (2) disclosure is required by law (eg. present child abuse); or
- 19 (3) such discussions reveal an actual or potential threat to a  
20 participant's safety."

21 **Section 3.** The provisions in this Act *shall* become effective upon  
22 enactment into law.





***I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
THIRTY-SECOND GUAM LEGISLATURE  
155 Hesler Place, Hagåtña, Guam 96910

May 12, 2014

The Honorable Edward J.B. Calvo  
*I Maga'lahren Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 34-32(COR), 78-32 (COR), 131-32 (COR), 203-32 (COR), 216-32 (LS), 220-32 (LS), 227-32 (COR), 264-32 (COR), 267-32 (COR), 275-32 (COR), 279-32 (LS), 282-32 (COR), 296-32 (COR), 297-32 (COR), 298-32 (COR), 308-32 (COR) and 328-32 (COR) which was passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on May 9, 2014.

Sincerely,

TINA ROSE MUÑA BARNES  
Legislative Secretary

Enclosure (20)

OFFICE OF THE GOVERNOR  
CENTRAL FILES  
*J. Dela-Rosa*  
RECEIVED BY  
TIME *2:43 pm* DATE *5/12/14*

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2013 (FIRST) Regular Session

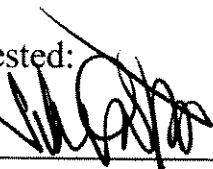
**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN***

This is to certify that **Substitute Bill No. 216-32 (LS), "AN ACT TO ADD A NEW § 5134 TO CHAPTER 5 OF TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO ENACTING PRINCIPLES OF BALANCED APPROACH AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER,"** was on the 9<sup>th</sup> day of May, 2014, duly and regularly passed.




Judith T. Won Pat, Ed.D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 12<sup>th</sup> day of May,  
2014, at 2:43 o'clock P.M.



Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

EDWARD J.B. CALVO  
*I Maga'lahaen Guåhan*

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

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

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN*  
2013 (FIRST) Regular Session

**Bill No. 216-32 (LS)**

As substituted by the Committee on Aviation,  
Ground Transportation, Regulatory Concerns,  
and Future Generations.

Introduced by:

Judith T. Won Pat, Ed.D.  
T. R. Muña Barnes  
Aline A. Yamashita, Ph.D.  
T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
B. J.F. Cruz  
Chris M. Dueñas  
Michael T. Limtiaco  
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Vicente (ben) C. Pangelinan  
R. J. Respicio  
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18 community in which they occur, and to address wrongs inflicted on  
19 individual victims; and

20 (3) to reduce the risk of an offender committing a more  
21 serious crime in the future that would require a more intensive and  
22 more costly sanction, such as incarceration.

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(6) to create an expectation that parents will be held responsible for the conduct and needs of their children;

(7) to ensure that victims, witnesses, parents, foster parents, guardians, juvenile offenders, and all other interested parties are treated with dignity, respect, courtesy, and sensitivity throughout all legal proceedings;

(8) to allow for the prosecuting authority to have the ability to divert juveniles from the formal juvenile justice process through informal early intervention, as warranted, and when consistent with the protection of the public;

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4 community; and

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- 19 (3) such discussions reveal an actual or potential threat to a  
20 participant's safety."

21 **Section 3.** The provisions in this Act *shall* become effective upon  
22 enactment into law.

# LEGISLATIVE SESSION

## I MINA'TRENTAI DOS NA LIHESLATURAN

### 2014 (SECOND) Regular Session

### Voting Sheet

Bill No. 216-32 (LS)

Speaker Antonio R. Unipingco Legislative Session Hall

As substituted by the Committee on Aviation,  
Ground Transportation, Regulatory Concerns, and  
Future Generations.

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

15

Yea

Nay

Not Voting/  
Abstained

Out During  
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:

  
 Clerk of the Legislature

I = Pass



***I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN***  
**2013 (FIRST) Regular Session**

**Bill No. 216-32 (LS)**

As substituted by the Committee on Aviation,  
Ground Transportation, Regulatory Concerns,  
and Future Generations.

\*

Introduced by:

Judith T. Won Pat, Ed.D.  
T. R. Muña Barnes  
Aline A. Yamashita, Ph.D.

**AN ACT TO *ADD* A NEW § 5134 TO CHAPTER 5 OF  
TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO  
ENACTING PRINCIPLES OF BALANCED APPROACH  
AND RESTORATIVE JUSTICE IN THE JUVENILE  
CRIMINAL JUSTICE SYSTEM BETWEEN THE  
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1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2           **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
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10 Code, to read as follows:

11                   **“§ 5134. Balanced Approach and Restorative Justice Goals**  
12                   **and Objectives.**

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3 injured, whether it be the community or any victim of crime, to impose  
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5 with the rehabilitation and skills needed to live responsibly and productively.

6 (b) Objectives. The objectives of Balanced Approach and  
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9 adversarial community process;

10 (2) to repair damage caused by criminal acts to the  
11 community in which they occur, and to address wrongs inflicted on  
12 individual victims; and

13 (3) to reduce the risk of an offender committing a more  
14 serious crime in the future that would require a more intensive and  
15 more costly sanction, such as incarceration.

16 (c) This Section *shall* be interpreted and construed as to effectuate  
17 the following purposes:

18 (1) to respond to a juvenile offender's needs in a manner that  
19 is consistent with:

20 (A) prevention of repeated criminal behavior;

21 (B) restoration of the community and victim;

22 (C) protection of the public; and

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24 citizen;

25 (2) to protect citizens from juvenile crimes;

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25 permit the victim and the offender to submit a proposed disposition or  
26 sentence for the court’s review based upon a negotiated agreement between  
27 the victim and the offender, or between the offender and the community if

1 there is no victim. Any negotiated agreement made by the parties *shall* be  
2 submitted to the assigned Family Court Judge by the facilitator or mediator  
3 handling the Balanced Approach and Restorative Justice Program. The court  
4 may, with the consent of the victim and offender, impose the proposed  
5 disposition or sentence that has been determined by the negotiated  
6 agreement *if* the court determines and states on the record that such proposed  
7 disposition or sentence accomplishes the goals of restoring the victim and  
8 the community, and rehabilitation of the offender.

9 (f) All discussions that occur within a Balanced Approach and  
10 Restorative Justice process are confidential *unless*:

- 11 (1) participants agree to some level of disclosure;
- 12 (2) disclosure is required by law (eg. present child abuse); or
- 13 (3) such discussions reveal an actual or potential threat to a  
14 participant's safety.”

15 **Section 3.** The provisions in this Act *shall* become effective upon  
16 enactment into law.