

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

FEB 09 2016

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

3316-1357
Office of the Speaker
Judith T. Won Pat, Ed.D

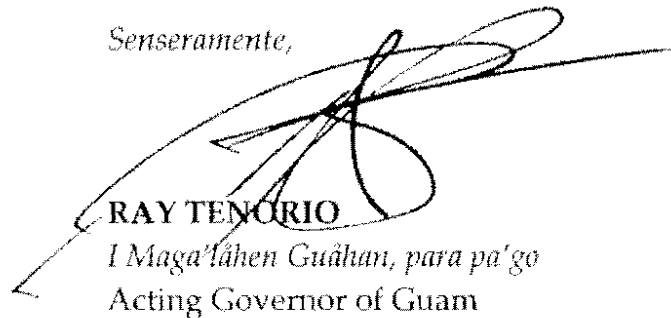
Date: 02-11-16
Time: 9:45 AM
Received By: [Signature]

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2016 FEB 11 AM 11:00

Dear Madame Speaker:

Transmitted herewith is Bill No. 215-33 (COR) "AN ACT TO ADD A NEW SUBSECTION (c) TO § 67.412 OF ARTICLE 4, CHAPTER 67 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO RECOGNIZING THE SUCCESSFUL REHABILITATION AND TREATMENT OF INDIVIDUALS CONVICTED AS FIRST OFFENDERS IN DRUG CASES BETWEEN 1995 AND 2005" which was lapsed into law on February 4, 2016, as Public Law 33-122.

Senseramente,


RAY TENORIO
I Maga'láhen Guåhan, para pa'go
Acting Governor of Guam

1357

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

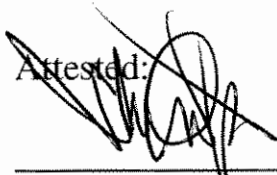
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN

This is to certify that **Substitute Bill No. 215-33 (COR), "AN ACT TO ADD A NEW SUBSECTION (c) TO § 67.412 OF ARTICLE 4, CHAPTER 67 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO RECOGNIZING THE SUCCESSFUL REHABILITATION AND TREATMENT OF INDIVIDUALS CONVICTED AS FIRST OFFENDERS IN DRUG CASES BETWEEN 1995 AND 2005,"** was on the 20th day of January 2016, duly and regularly passed.



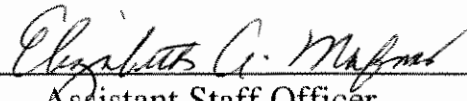
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 22nd day of January,
2016, at 5:17 o'clock P.M.




Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: FEB 04 2016

OFFICE OF THE GOVERNOR
CENTRAL FILES


RECEIVED BY
TIME 5:17 PM DATE 1/22/16

Public Law No. 33-122

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 215-33 (COR)

As substituted by the Committee on
the Guam U.S. Military Relocation,
Public Safety and Judiciary; and
amended on the Floor.

Introduced by:

B. J.F. Cruz
R. J. Respicio
Mary Camacho Torres
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
James V. Espaldon
Brant T. McCreddie
Tommy Morrison
T. R. Muña Barnes
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO ADD A NEW SUBSECTION (c) TO § 67.412
OF ARTICLE 4, CHAPTER 67 OF TITLE 9, GUAM
CODE ANNOTATED, RELATIVE TO RECOGNIZING
THE SUCCESSFUL REHABILITATION AND
TREATMENT OF INDIVIDUALS CONVICTED AS
FIRST OFFENDERS IN DRUG CASES BETWEEN 1995
AND 2005.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Supreme Court of Guam promulgated Administrative Rule 05-03,

1 “Regarding the Creation of Collaborative Therapeutic Drugs Courts as Courts of
2 Record for the Superior Court of Guam” on December 29, 2005, and by doing so,
3 adopted the policy that those criminal defendants who were charged with
4 possession of user-quantity substances would be treated as persons in need of drug
5 rehabilitation treatment.

6 The Guam Adult and Juvenile Drug Courts began its practices as early as
7 1995, but were not made official courts of record until 2005. In January 2003, the
8 Superior Court of Guam received a federal grant to implement a “Drug Court,”
9 with cooperation from the Office of Attorney General, the Public Defender
10 Services Corporation, and members of the Guam Bar Association, and Drug Court
11 defendants were offered the choice of counseling and drug treatment in order to
12 resolve their offense under 9 GCA Chapter 67, and have their cases end in
13 expungement pursuant to the expungement laws of Guam. Prior to Administrative
14 Rule 05-03, all drug possession cases were assigned to a single judge.

15 The Superior Court of Guam has estimated that nearly five hundred (500)
16 individuals completed the counseling and drug treatment components of the
17 Therapeutic Drug Courts prior to its establishment as courts of record of the
18 Judiciary of Guam. Many of these individuals have become productive members of
19 our community but have experienced employment challenges resulting from their
20 drug conviction as far back as twenty (20) years ago. Many who completed the
21 same drug treatment currently required of Drug Court defendants wish similar
22 treatment, and there is no other way to cleanse their records except under the
23 expungement statute, which does not contain legal guidance for expungement in
24 such situations.

25 It is the intent of *I Liheslaturan Guåhan* to authorize persons who completed
26 drug treatment prior to the 2005 Administrative Order creating the Drug Treatment
27 Courts, and were not convicted of any other drug offense, violent misdemeanor, or

1 felony, to request expungement of their case. This would allow such individuals to
2 be treated equitably with those who committed the exact same offenses after the
3 December 29, 2005 order creating drug courts, and to recognize and reward
4 individuals for their successful rehabilitation into the community.

5 **Section 2.** A new Subsection (c) is *added* to § 67.412 of Article 4, Chapter
6 67 of Title 9, Guam Code Annotated, to read as follows:

7 “(c) A person may seek expungement if he or she has successfully
8 completed drug treatment consistent with the treatment in the drug court
9 program set forth in this Section and § 67.413 and sustained a conviction
10 under this Chapter from the Superior Court between January 1, 1995 and
11 December 31, 2005. Such persons must not have been previously convicted
12 of an offense under this Title 9, and otherwise meet all criteria for
13 participation in the current drug court program as set forth in this Section
14 and § 67.413, and must not have been convicted since the drug conviction of
15 a felony or a misdemeanor involving violence. Any application for
16 expungement pursuant to the participation in the drug treatment options
17 between January 1, 1995 and December 31, 2005, *shall* be filed in the
18 original criminal case file number in the same way as adjudications pursuant
19 to Subsection (b) of this Section are currently handled, and all such requests
20 for expungement *shall* be assigned to the Presiding Judge of the Superior
21 Court of Guam.”