


THIRD GUAM LEGISLATURE
1955 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

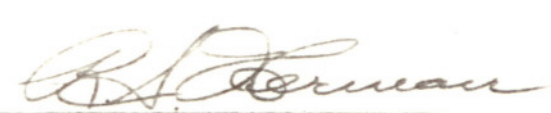
This is to certify that Bill No. 34, "An Act to amend Section 780 of the Penal Code, and Section 7101 of the Government Code of Guam, relating to the duties of the Island Attorney", on this 8th day of February, 1955, was duly and regularly passed.


F. B. LEON GUERRERO
Speaker

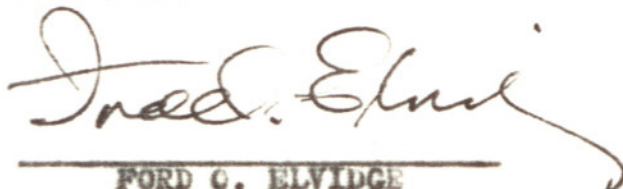
ATTESTED:


A. S. N. DUENAS
Legislative Secretary

This Act was received by the Governor this 10th day
of February, 1955, at 2:41 o'clock P.M.


R. S. HERMAN
Secretary of Guam

APPROVED:


FORD Q. ELVIDGE
Governor of Guam

Dated: FEB 21 1955

P.h. 3-8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

THIRD GUAM LEGISLATURE
1955 (FIRST) Regular Session

Bill No. 34

Introduced by _____
Committee on Judiciary,
by request

An Act to amend Section 780 of the
Penal Code, and Section 7101 of the
Government Code of Guam, relating to
the duties of the Island Attorney.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. Section 7101 of the Government Code of Guam is
hereby amended to read as follows:

"Section 7101. Duties. The Island Attorney is
the public prosecutor and, by himself or a deputy, shall:

(1) Conduct on behalf of the government of Guam
the prosecution of all offenses against the laws of Guam
which are prosecuted in the District Court or the Island
Court and, when directed by the Attorney General, the
prosecution of those offenses which are prosecuted in
the Police Court;

(2) Institute proceedings for the arrest of persons
charged with or reasonably suspected of offenses under
the laws of Guam, when he has information that any such
offenses have been committed; and for that purpose,
when not engaged in criminal proceedings in the courts
or in civil cases on behalf of the government of Guam,
may attend preliminary investigations before the
Director of Public Safety or before any magistrate in
cases of arrest;

(3) Draw all informations, conduct on behalf of
the government of Guam all civil actions in which the
government is a party or interested, prosecute all
recognisances forfeited in the courts and all actions

1 for the recovery of debts, fines, penalties, and for-
2 feitures accruing to the government of Guam;

3 (4) Deliver receipts for money or property received
4 by him in his official capacity and file duplicates
5 thereof with the Director of Finance;

6 (5) As soon as practical after the receipt of any
7 money in his official capacity, turn the money over to
8 the Director of Finance, and on the first Monday of each
9 month file with the Director of Finance, an account,
10 verified by his oath, of all moneys received by him in
11 his official capacity for the Government of Guam during
12 the preceding month;

13 (6) Be diligent in protecting the rights and proper-
14 ties of the government of Guam; and

15 (7) Perform such other duties as are required by law
16 or assigned to him by the Attorney General."

17 Section 2. Section 780 of the Penal Code is hereby amended to
18 read as follows:

19 "Section 780. Preliminary investigation. How, when
20 and where conducted. Powers of the Director of Public
21 Safety, Island Attorney to attend. (a) The conduct of
22 the preliminary investigation as to procedure, time, and
23 place lie within the discretion of the Director of Public
24 Safety of Guam.

25 (b) For the purpose of investigating public offenses,
26 the Director of Public Safety of Guam shall have the power
27 to summon witnesses before him for questioning but shall
28 provide government transportation to persons so summoned
29 from outlying districts.

30 (c) Whenever any person accused of a public offense
31 is brought before the Director of Public Safety for in-
32 vestigation, such person:

1 (1) Shall be informed of the accusation against
2 him.

3 (2) Shall be informed that any statement he may
4 make, may be used against him.

5 (3) Shall not be compelled to be a witness against
6 himself.

7 (d) Whenever the investigation indicates that a
8 felony has been committed triable in the courts of Guam,
9 the Director of Public Safety shall notify the Island
10 Attorney. The Island Attorney or his deputy shall then
11 attend such investigation by the Department of Public
12 Safety.

13 (e) The statements of the complainant and witnesses
14 need not be reduced to writing and need not be under
15 oath except that the Director of Public Safety shall
16 require the complainant and may require other witnesses
17 to make statements under oath and to subscribe them, of
18 the facts within their knowledge. For the purpose of
19 administering oaths, the Director of Public Safety may
20 call upon any magistrate or clerk who is authorized by
21 law to administer oaths. No charge shall be made for
22 administering oaths."

23 Section 3. This Act is an urgency measure and shall take effect
24 upon its approval by the Governor.
25
26
27
28
29
30
31
32