



FIFTH GUAM LEGISLATURE
1960 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 377, "An Act to repeal Section 682, Part II of the Penal Code of Guam, to add a new Section 682, Part II of the Penal Code of Guam, to amend Title XIII, Part II of the Penal Code of Guam, to add a new Title XV to Part II of the Penal Code of Guam, to amend Section 7101(3), Chapter 2, Title VIII of the Government Code of Guam to provide for grand juries", was on the 6th day of August, 1960, duly and regularly passed.


A. B. WON PAT
Speaker

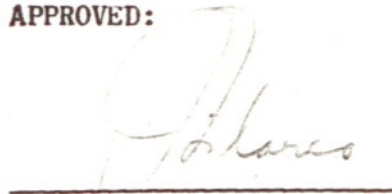
ATTESTED:


V. B. BAMBA
Legislative Secretary

This Act was received by the Governor this 16th day
of August, 1960 at 4:30 o'clock P. M.


MANUEL F. L. GUERRERO
Assistant Secretary of Guam

APPROVED:


JOSEPH FLORES
Governor of Guam

DATED: SEP 6 1960
4:30 P.M.

PUBLIC LAW 5-138
FIFTH GUAM LEGISLATURE
1960 (SECOND) Regular Session
G. L. 377

AN ACT TO REPEAL SECTION 682, PART II OF THE PENAL CODE OF GUAM, TO ADD A NEW SECTION 682, PART II OF THE PENAL CODE OF GUAM, TO AMEND TITLE XIII, PART II OF THE PENAL CODE OF GUAM, TO ADD A NEW TITLE XV TO PART II OF THE PENAL CODE OF GUAM, TO AMEND SECTION 7101(3), CHAPTER 2, TITLE VIII OF THE GOVERNMENT CODE OF GUAM TO PROVIDE FOR GRAND JURIES.

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

Section 1. Section 682, Part II of the Penal Code of Guam is hereby repealed.

Section 2. A new Section 682 is hereby added to Part II of the Penal Code of Guam to read as follows:

"Section 682. Public offenses, how prosecuted.

An offense which may be punished by death shall be prosecuted by indictment. Any other offense shall be prosecuted by information except:

(1) Offenses tried in Police Court.

(2) All misdemeanors for which jurisdiction have been conferred upon a special court or to persons having limited judicial powers."

Section 3. Title XIII, Part II of the Penal Code of Guam, is hereby amended to read as follows:

"TITLE XIII

JURIES: TRIAL BY JURY

Section 1571. Trial by Jury. Any person accused by information or indictment of a felony in the District Court of Guam shall be entitled to a trial by jury, and

the Federal Rules of Criminal Procedure heretofore or hereafter promulgated shall be applicable thereto.

Section 1572. Qualifications. Any citizen of the United States who has attained the age of 21 years and who has resided anywhere within the territory of Guam for a period of six months, immediately prior to jury service, is competent to serve as a grand or petit juror, unless:

(1) He has been convicted in a state, territorial or Federal court of record of a crime punishable by imprisonment for more than one year and his civil rights have not been restored by pardon or amnesty;

(2) He is unable to read, write, speak and understand the English language;

(3) He is incapable, by reason of mental or physical infirmities, to render efficient jury service;

(4) He is incompetent to serve as a grand or petit juror by any law of the territory of Guam.

Section 1573. Exemptions. The following persons shall be exempt from jury service:

(1) Members in active service of the armed forces of the United States;

(2) Members of the Fire or Police Department of the territory of Guam or employees of government contractors engaged in providing internal security

protection or fire protection by such contractors;

(3) Public officers of the executive, legislative or judicial branches of the government of the United States or of the government of Guam who are actively engaged in the performance of official duties.

Section 1574. Exclusion or excuse from service.

(a) The district judge, for good cause, may excuse or exclude from jury service any person called as a juror.

(b) Any class or group of persons may, for the public interest, be excluded from the jury panel or excused from service as jurors by order of the district judge based on a finding that such jury service would entail undue hardship, extreme inconvenience or serious obstruction or delay in the fair and impartial administration of justice.

(c) No citizen shall be excluded from service as a grand or petit juror on account of race or color.

Section 1575. Manner of drawing; jury commissioners and their compensation. The names of grand and petit jurors shall be publicly drawn from a box containing the names of not less than three hundred qualified persons at the time of each drawing.

The jury box shall, from time to time, be refilled by the clerk of the District Court, or his deputy, and a jury commissioner appointed by the court with the

Such jury commissioner shall be a citizen of good standing. He shall receive \$10 per day for each day necessarily employed in the performance of his duties.

The jury commissioner and the clerk of the District Court, or his deputy, shall alternately place one name in the jury box until the box shall contain at least three hundred names or such larger number as the court determines.

Section 1576. Talesmen from bystanders. (a) Whenever sufficient petit jurors are not available, the court may require the United States Marshal to summon a sufficient number of talesmen from the bystanders.

Section 1577. Summoning Jurors. When a court orders a grand or petit jury to be drawn, the clerk, or his deputy, shall issue summons for the required number of jurors and deliver them to the United States Marshal for service.

Each person drawn for jury service may be served personally or by registered or certified mail addressed to such person at his usual residence or business address.

Such service shall be made by the marshal, who shall attach to his return the addressee's receipt for the registered or certified summons, where service is made by mail.

Section 1578. Disqualification of marshal or deputy. Whenever the United States Marshal or his deputy is, in the opinion of the court, disqualified to summon grand or petit jurors, the court may appoint some disinterested person who shall take an oath to perform such duty truly and impartially.

Section 1579. Frequency of service. A petit juror may be challenged on the ground that he has been summoned and served as a petit juror within one year prior to the challenge.

Section 1580. Fees. Jurors shall receive the following fees for actual attendance at the place of trial and for the time necessarily occupied in going to and from such place, at the beginning and end of such service or at any time during the same: \$7.00 per day, except that any juror required to attend more than thirty days in hearing one case may be paid, in the discretion and upon the certification of the district judge, a per diem fee not exceeding \$10.00 for each day in excess of thirty days which he is required to hear such case.

For the distance necessarily traveled to and from a juror's residence by the shortest practicable route in going to and returning from the place of service, at the beginning and at the end of the term of service, and for all additional necessary daily transportation expense: 7 cents per mile, except that if daily travel

appears impracticable, subsistence of \$7.00 per day shall be allowed. Whenever in any case the jury is ordered to be kept together and not to separate, the cost of subsistence during such period shall be paid upon the order of the court in lieu of the foregoing subsistence allowance."

Section 4. A new Title XV is hereby added to Part II of the Penal Code of Guam to read as follows:

"TITLE XV

GRAND JURY

Section 1700. Procedure of Grand Jury. The Federal Rules of Criminal Procedure heretofore or hereafter promulgated shall be applicable to the grand jury.

Section 1701. Number of Grand Jurors; summoning additional jurors. Every grand jury impaneled before the District Court shall consist of not less than sixteen nor more than twenty-three persons. If less than sixteen of the persons summoned attend, they shall be placed on the grand jury, and the court shall order the marshal to summon, either immediately or for a day fixed, from the jury list, and not from the bystanders, a sufficient number of persons to complete the grand jury. Whenever a challenge to a grand juror is allowed, and there are not in attendance other jurors sufficient to complete the grand jury, the court shall make a like order to the marshal to summon a sufficient number of persons for that purpose.

Section 5. Item (3) of Section 7101, Chapter 2, Title VIII of the Government Code of Guam, is hereby amended to read as follows:

"(3) Draw all informations, conduct grand jury proceedings, conduct on behalf of the government of Guam all civil actions in which the government is a party or interested, prosecute all recognizances forfeited in the courts and all actions for the recovery of debts, fines, penalties, and forfeitures accruing to the government of Guam."

Section 6. This Act is an urgency measure, and shall take effect for offenses with regard to which criminal proceedings are instituted on or after the first day of the fourth month following approval of this Act by the Governor.

Approved September 6, 1960.