

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 34, "An Act to add a new Title XVI to Part II of the Penal Code of Guam relative to Youth Correction", was on the 28th day of June, 1965, duly and regularly passed.

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Agana, Guam 96910

V.C. Reyes

VICENTE C. REYES
Vice Speaker

ATTESTED:

Antonio S. N. Duenas
ANTONIO S. N. DUENAS
Legislative Secretary

This Act was received by the Governor this 8th
day of July, 1965 at 4:50 o'clock P. M.

/s/ Rudolph G Sablan

DENVER DICKERSON
Secretary of Guam

APPROVED:

/s/ Denver Dickerson

DENVER DICKERSON
Acting Governor of Guam

DATED: 8-2-65
3:10 P.M.

Public Law 8-49

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EIGHTH GUAM LEGISLATURE
1965 (FIRST) REGULAR SESSION

Bill No. 34
Substitute Committee Bill
on the Committee on Judiciary

Introduced by Committee on Rules
by request of the Governor in
accordance with Section 6 (b)
of the Organic Act of Guam.

AN ACT TO ADD A NEW TITLE XVI TO PART II OF THE PENAL CODE OF
GUAM RELATIVE TO YOUTH CORRECTION.

1 Be it enacted by the People of the territory of Guam, That a new Title XVI
2 is hereby added to Part II of the Penal Code of Guam to read as follows:

3 " Title XVI

4 YOUTH CORRECTION ACT

5 Section 1725. Title. This title shall be known as the Youth Correction Act.

6 Section 1726. Definitions. Unless the context otherwise requires, the
7 definitions set forth in this section govern the construction of this title:

8 (a) "Board" means the Territorial Parole Board.

9 (b) "Department" means the Department of Public Safety.

10 (c) "Director" means the Director of the Department of Public Safety.

11 (d) "Youth Offender" means a person of at least eighteen years of age and
12 under the age of twenty-five at the time of conviction. It also means any person
13 certified by the juvenile court for prosecution under Section 255 of the Code of
14 Civil Procedure. It shall not mean a person convicted of an offense punishable by
15 death or life imprisonment.

16 (e) "Committed Youth Offender" is one committed for treatment hereunder
17 to the custody of the Director pursuant to Subsection 1730 (b) of this title.

18 (f) "Treatment" means corrective and preventive guidance and training
19 designed to protect the public by correcting the antisocial tendencies of youth
20 offenders.

21 (g) "Conviction" means the judgment on a verdict or finding of guilty or a
22 plea of guilty, or a plea of nolo contendere.

23 Section 1727. Duties of Board members: meetings.

24 The Board shall hold stated meetings to consider problems of treatment and correction,
25 to consult with, and make recommendations to the Director with respect to general

1 treatment and correction policies for committed youth offenders, and to enter orders
2 directing the release of such youth offenders conditionally under the supervision and
3 the unconditional discharge of such youth offenders, and take such further action and
4 enter such other orders as may be necessary or proper to carry out the purposes of
5 this title.

6 Section 1728. Officers and employees. The Governor shall appoint such
7 supervisory and other officers and employees as may be necessary to carry out the
8 purposes of this title. The probation officers shall perform such duties with
9 respect to youth offenders on conditional release as the Board shall request.

10 Section 1729. Rules of Board. The Board shall, with the approval of the
11 Governor, make such rules as it deems necessary to carry out the intent of the pro-
12 visions of this title and to enable it to exercise the powers and perform the duties
13 conferred upon it.

14 Section 1730. Sentence.

15 (a) If a court is of the opinion that the youth offender does not
16 need commitment, it may suspend the imposition or execution of sentence and place the
17 youth offender on probation.

18 (b) If the court shall find that a convicted person is a youth
19 offender, and the offense is punishable by imprisonment under applicable provisions
20 of law other than this subsection, the court may, in lieu of the penalty of imprison-
21 ment otherwise provided by law, sentence the youth offender to the custody of the
22 Director for treatment and supervision pursuant to this title until discharged by the
23 Board as provided in Subsection 1737 (c) of this title, or

24 (c) If the court shall find that the youth offender will not
25 derive benefit from treatment under Subsection (b), then the court may sentence the
26 youth offender under any other applicable penalty provision.

27 (d) If the court desires additional information as to whether a
28 youth offender will derive benefit from treatment under Subsection (b), it may order
29 that he be committed to the custody of the Director for observation and study. Within
30 sixty days from the date of the order, or such additional period as the court may
31 grant, the Director shall report to the court his findings.

1 Section 1731. Treatment. Committed youth offenders not conditionally
2 released shall undergo treatment in a correctional institution providing the
3 essential varieties of treatment.

4 Section 1732. Certificate as to availability of facilities. No youth
5 offender shall be committed to the Director under this title until the Director
6 shall certify to the court that proper and adequate treatment facilities and personnel
7 have been provided.

8 Section 1733. Provision of facilities. The Director may with the
9 approval of the Board contract with appropriate public or private agency not under
10 his control for the custody, care, subsistence, education treatment, and training of
11 committed youth offenders within Guam.

12 Section 1734. Classification studies and reports. The correctional (2.)
13 Institution shall make a complete study of each committed youth offenders, including
14 a mental and physical examination, to ascertain his personal traits, his capabilities,
15 pertinent circumstances of his school, family life, any previous delinquency or
16 criminal experience, any mental or physical defect or other factor contributing to his
17 delinquency. In the absence of exceptional circumstances, such study shall be com-
18 pleted within a period of thirty (30) days. The institution shall promptly forward
14 to the Director and to the Board a report of its findings with respect to the youth
15 offender and its recommendations as to his treatment. At least one member of the
16 Board shall, as soon as practicable after commitment, interview the youth offender,
17 review all reports concerning him, and make such recommendations to the Director and
18 to the Board as may be indicated.

19 Section 1735. Powers of Director as to placement of youth offenders.

20 (a) On receipt of the report and recommendations from the correct-
21 ional institution, the Director may with the approval of the Board —

- 22 (1) Release the committed youth conditionally under
23 supervision; or
24 (2) Allocate and direct the transfer of the committed youth
25 offender to an agency or institution for treatment; or
26 (3) Order the committed youth offender confined and afforded
27 treatment under such conditions as he believes best
28 designed for the protection of the public

1 (4) Transfer at any time a committed youth offender from
2 one agency or institution to any other agency or
3 institution.

4 Section 1736. Reports concerning offenders. The Director shall cause
5 periodic examinations and re-examinations to be made of all committed youth offenders
6 and shall report to the Board as to each such offender as the Board may require.

7 The probation officers and supervisory agents shall likewise report to the
8 Board respecting youth offenders under their supervision as the Board may direct.

9 Section 1737. Release of youth offenders.

10 (a) The Board may at any time after reasonable notice to the
11 Director release conditionally under supervision a committed youth offender. When,
12 in the judgment of the Director, a committed youth offender should be released con-
13 ditionally under supervision, he shall so report and recommend to the Board.

14 (b) The Board may discharge a committed youth offender uncondition-
15 ally at the expiration of one year from the date of conditional release.

16 (c) A youth offender committed under Section 1736 (b) of this title
17 shall be released conditionally under supervision on or before the expiration of four
18 years from the date of his conviction, /

19 (d) Any other provision of law notwithstanding, a youth offender
20 shall be discharged unconditionally on or before the expiration of the maximum sentence
21 provided by law for the offense for which the youth offender is convicted or certified
22 for prosecution.

23 Section 1738. Revocation of Board orders. The Board may revoke or modify
24 any of its previous orders respecting a committed youth offender except an order of
25 unconditional discharge.

26 Section 1739. Supervision of released youth offenders. Committed Youth
27 offenders permitted to remain at liberty under supervision or conditionally released
28 shall be under the supervision of the probation officers, supervisory agents appointed
29 by the Governor, and voluntary supervisory agents approved by the Board. The Board is
30 authorized to encourage the formation of voluntary organizations composed of member who
31 will serve without compensation as voluntary supervisory agents and sponsors. The powers
32 and duties of voluntary supervisory agents and sponsors shall be limited and defined by
33 regulations adopted by the Board.

1 Section 1740. Apprehension of released offenders. If, at any time before the
2 unconditional discharge of a committed youth offender, the Board is of the opinion
3 that such youth offender will be benefited by further treatment in an institution
4 or other facility the Board may direct his return to custody or if necessary may issue
5 a warrant for the apprehension and return to custody of such youth offender and
6 cause such warrant to be executed by a probation officer an appointed supervisory
7 agent, or any officer of the Department. Upon return to custody, such youth offender
8 shall be given an opportunity to appear before the Board. The Board may then at its
9 discretion revoke the order of conditional release.

10 Section 1741. Certificate setting aside conviction. Upon the unconditional
11 discharge by the Board of a committed youth offender before the expiration of the
12 maximum sentence imposed upon him, the conviction shall be automatically set aside
13 and the Board shall issue to the youth offender a certificate to that effect.

14 Section 1742. Applicable date. This title shall apply to offenses committed
15 before its enactment.

16 Section 1743. Relationship to probation, juvenile delinquency and parole
17 statutes.

18 (a) Nothing in this title shall limit or affect the power of a court to suspend
19 the imposition or execution of any sentence and place a youth offender on probation
20 or be construed in any way amend, repeal, or affect the provisions of Chapter III of
21 Title VII of Part II of the Penal Code of Guam.

22 (b) Nothing in this title shall be construed in any wise to amend, repeal, or
23 affect the provisions of Title V of the Code of Civil Procedure, or limit the juris-
24 diction of the Juvenile Court in the administration and enforcement of that title.

25 (c) Nothing in this title shall be construed as repealing or modifying the
26 duties, powers, or authority of the Territorial Parole Board with the respect to the
27 parole of prisoners not held to be committed youth offenders."