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

November 13, 2013

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

OFFICE OF THE GOVERNOR
CENTRAL FILES
J. Dela Rosa
RECEIVED BY
TIME 11:28 a.m. DATE 11/15/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 35-32(COR), 74-32(LS), 75-32(LS), 91-32(COR), 94-32(COR), 98-32(LS), 99-32(LS), 108-32(COR), 112-32(COR), 116-32(COR), 133-32(COR), 134-32(COR), 140-32(COR), 141-32(COR), 143-32(COR), 145-32(LS), 150-32(COR), 153-32(COR), 154-32(COR), 156-32(COR), 157-32(COR), 158-32(COR), 160-32(COR), 161-32(COR), 162-32(LS), 165-32(COR), 170-32(LS), 176-32(COR), 189-32(COR), 193-32(COR), 194-32(COR), 195-32(COR), 196-32(COR), 200-32(COR), 205-32(COR), 210-32(COR), 211-32(COR) and 217-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 12, 2013.

Sincerely,

Tina Rose Muña Barnes
Legislative Secretary

Enclosures (38)

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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 **Bill No. 99-32 (LS), "AN ACT TO AMEND SUBSECTION (a) OF § 80.60 OF ARTICLE 4, CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING MINIMUM SENTENCES FOR CRIMES",** was on the 12th day of November 2013, 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'lahen Guåhan* this 15th day of Nov., 2013, at 11:29 o'clock A.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 99-32 (LS)
As amended on the Floor.

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

AN ACT TO *AMEND* SUBSECTION (a) OF § 80.60 OF ARTICLE 4, CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING MINIMUM SENTENCES FOR CRIMES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that, over time, past legislatures have set minimum sentences in the criminal code for a broad spectrum of crimes and offenses. Additionally, as the criminal code has been amended and expanded over time, the language regarding minimum sentencing has become muddled. *I Liheslaturan Guåhan* further finds that clarification of minimum

mandatory sentencing is needed to protect the people's interest in the sentencing of convicted persons.

Therefore, it is the intent of *I Liheslaturan Guåhan* to clarify what "minimum" means by amending §80.60 of Article 4, Chapter 80, Title 9, Guam Code Annotated.

Section 2. Subsection (a) of §80.60 of Article 4, Chapter 80, Title 9, Guam Code Annotated, is hereby *amended* to read:

"**§ 80.60. Standards for Imposing or Withholding Probation.**

(a) When Sentence May *Not* Require Prison Term. The court, in its discretion, may make disposition with respect to any person who has been convicted of a crime without imposing a sentence of imprisonment, *unless* a minimum term is made mandatory by a provision of the Guam Code Annotated.

Minimum, wherever it appears in this Code, means, for purposes of imposing punishment upon a person convicted of a crime, that the court *shall* impose the entire term of confinement, the full amount of the fine and the complete requirement of community service prescribed by law. The court *shall not* suspend in full or in part any punishment described as minimum, specifically, the crimes enumerated in the habitual offender statute (PL 32-049, codified as §80.50 of Article 2 of this Chapter 9), and all other violent offenses that carry a minimum punishment.

When used for the purpose of describing or requiring a sentence of incarceration imposed pursuant to this Code, the terms "minimum," "mandatory," "minimum mandatory," "mandatory minimum," "minimum sentence of," "a sentence of no less than," "a sentence of at least," and any derivative thereof, *shall* be construed as being synonymous."

Section 3. Effective Date. This Act *shall* be effective upon enactment.

Section 4. Severability. *If* any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.