I Mina'Trentai Dos Na Liheslaturan Received

Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
	Judith T. Won Pat, Ed.D., T.R. Muña Barnes Aline A. Yamashita, Ph.D.	AN ACT RELATIVE TO ENACTING PRINCIPLES OF BALANCED AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER	10/31/13 9:51 a.m.		Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations	1/15/14 2:30 p.m.	4/9/14 8:47 a.m.	**Fiscal Note Received 2/18/14**
	DATE PASSED	**TITLE**	**TRANSMITTED**		**DUE DATE**	**DATE SIGNED BY I MAGA'LAHEN GUAHAN**	**PUBLIC LAW NO.**	**NOTES**
216-32 (LS)	5/9/2014	AN ACT TO ADD A NEW § 5134 TO CHAPTER 5 OF TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO ENACTING PRINCIPLES OF BALANCED APPROACH AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER.	5/12/14	2:43 p.m.	5/22/2014			**As substituted by the Committee on Appropriations, Public Debt, Legal Affairs, Retirement, Public Parks, Recreation, Historic Preservation and Land; and amended on the Floor.**

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 **Substitute Bill No. 216-32 (LS), "AN ACT TO *ADD* A NEW § 5134 TO CHAPTER 5 OF TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO ENACTING PRINCIPLES OF BALANCED APPROACH AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER,"** was on the 9th day of May, 2014, 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 12th day of May, 2014, at 2:43 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

FILE COPY

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

Bill No. 216-32 (LS)
As substituted by the Committee on Aviation,
Ground Transportation, Regulatory Concerns,
and Future Generations.

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

AN ACT TO *ADD* A NEW § 5134 TO CHAPTER 5 OF TITLE 19, GUAM CODE ANNOTATED, RELATIVE TO ENACTING PRINCIPLES OF BALANCED APPROACH AND RESTORATIVE JUSTICE IN THE JUVENILE CRIMINAL JUSTICE SYSTEM BETWEEN THE VICTIM AND OFFENDER.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that it is the policy of Guam that the principles of a Balanced Approach and Restorative Justice be included in shaping how the juvenile criminal justice system responds to persons charged with or convicted of criminal offenses. These

principles have always been embedded within Guam's juvenile justice system. The policy goal is a community response to a juvenile's wrongdoing at its earliest onset, and a type and intensity of sanction tailored to each instance of wrongdoing.

Section 2. A new § 5134 is hereby *added* to Chapter 5 of Title 19, Guam Code, to read as follows:

"**§ 5134. Balanced Approach and Restorative Justice Goals and Objectives.**

(a) Goal. The goal of this Chapter is to promote a balanced juvenile justice system in Guam to protect and safeguard the rights of those injured, whether it be the community or any victim of crime, to impose offender accountability for violations of law, and to equip juvenile offenders with the rehabilitation and skills needed to live responsibly and productively.

(b) Objectives. The objectives of Balanced Approach and Restorative Justice are:

(1) to resolve conflicts and disputes by means of a non-adversarial community process;

(2) to repair damage caused by criminal acts to the community in which they occur, and to address wrongs inflicted on individual victims; and

(3) to reduce the risk of an offender committing a more serious crime in the future that would require a more intensive and more costly sanction, such as incarceration.

(c) This Section *shall* be interpreted and construed as to effectuate the following purposes:

(1) to respond to a juvenile offender's needs in a manner that is consistent with:

(A) prevention of repeated criminal behavior;

(B) restoration of the community and victim;

(C) protection of the public; and

(D) development of the juvenile into a productive citizen;

(2) to protect citizens from juvenile crimes;

(3) to hold each juvenile offender directly accountable for the offender's conduct;

(4) to provide swift and consistent consequences for crimes committed by juveniles;

(5) to require parental or guardian participation in the juvenile justice process;

(6) to create an expectation that parents will be held responsible for the conduct and needs of their children;

(7) to ensure that victims, witnesses, parents, foster parents, guardians, juvenile offenders, and all other interested parties are treated with dignity, respect, courtesy, and sensitivity throughout all legal proceedings;

(8) to allow for the prosecuting authority to have the ability to divert juveniles from the formal juvenile justice process through informal early intervention, as warranted, and when consistent with the protection of the public;

(9) consistent with the protection of the public interest, to provide for juveniles who commit delinquent acts an early, individualized assessment and action plan for the juvenile offender, in order to prevent further criminal behavior through programs of supervision, care and rehabilitation which provide a balanced attention to the protection of the community, the imposition of

accountability for offenses committed, and the development of competencies so that the juvenile will become more capable of becoming a more productive and responsible member of the community; and

(10) to review and evaluate regularly and independently the effectiveness of programs and services under this Section.

(d) The Law Revision Commission on Juvenile Justice, established by Executive Order No. 2008-14, *shall* develop and employ restorative justice approaches whenever feasible and responsive to specific criminal acts involving juveniles *not* involving serious crimes against persons or property, crimes involving criminal sexual conduct, or serious family violence. It is further the intent of *I Liheslaturan Guåhan* that the Balanced Approach and Restorative Justice Programs are *not* mandatory programs, and any program that is instituted which requires a victim's participation *shall* be offered *only* to victims of a crime who voluntarily agree to participate in the Program. The Program is designed to encourage participation from the community, including victims *only* when they so choose, and judicial and law enforcement officials must ensure that the juvenile justice system hold all offenders accountable for damages caused to communities and victims, and ensure that programs are designed to assist in restoring offenders to the law-abiding community.

(e) When developing the procedures relating to the Balanced Approach and Restorative Justice Program, the Law Revision Commission on Juvenile Justice *shall* also consider including a provision or procedure relating to "Victim and Community Involvement in Sentencing". The "Victim and Community Involvement in Sentencing" provision should include, but is *not* limited to, a provision that provides the following: "A

Family Court Judge, when considering the disposition or sentence to be imposed against a juvenile offender whose case has been referred and court-ordered to the Balanced Approach and Restorative Justice Program, may permit the victim and the offender to submit a proposed disposition or sentence for the court's review based upon a negotiated agreement between the victim and the offender, or between the offender and the community if there is no victim. Any negotiated agreement made by the parties *shall* be submitted to the assigned Family Court Judge by the facilitator or mediator handling the Balanced Approach and Restorative Justice Program. The court may, with the consent of the victim and offender, impose the proposed disposition or sentence that has been determined by the negotiated agreement *if* the court determines and states on the record that such proposed disposition or sentence accomplishes the goals of restoring the victim and the community, and rehabilitation of the offender.

(f) All discussions that occur within a Balanced Approach and Restorative Justice process are confidential *unless*:

(1) participants agree to some level of disclosure;

(2) disclosure is required by law (eg. present child abuse); or

(3) such discussions reveal an actual or potential threat to a participant's safety."

Section 3. The provisions in this Act *shall* become effective upon enactment into law.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Bill No. 216-32 (LS)
As substituted by the Committee on Aviation, Ground Transportation, Regulatory Concerns, and Future Generations.

Speaker Antonio R. Unipingco Legislative Session Hall

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				
TOTAL	15				
	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

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

Bill No. 216-32 (LS)
As substituted by the Committee on Aviation,
Ground Transportation, Regulatory Concerns,
and Future Generations.
*

Introduced by: Judith T. Won Pat, Ed.D.
T. R. Muña Barnes
Aline A. Yamashita, Ph.D.

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