clerks@guamlegislature.org

From: Speaker's Office <speaker@guamlegislature.org>
Sent: Friday, December 11, 2020 6:11 PM
To: Clerks Office
Cc: Rennae Meno
Subject: Messages and Communications
Attachments: GoG-Public Law No. 35-113.pdf; GoG-Public Law No. 35-114.pdf; GoG-Public Law No. 35-117.pdf; GoG-Public Law No. 35-116.pdf; GoG-Public Law No. 35-115.pdf

12/11/20	5:25 PM	12/11/20	Bill No. 408-35 (COR), signed into law as Public Law No. 35-113.	Office of the Governor of Guam	35GL-20-2496
12/11/20	5:25 PM	12/11/20	Substitute Bill No. 197-35 (LS), signed into law as Public Law No. 35-114	Office of the Governor of Guam	35GL-20-2497
12/11/20	5:25 PM	12/11/20	Substitute Bill No. 283-35 (COR), signed into law as Public Law No. 35-115.	Office of the Governor of Guam	35GL-20-2498
12/11/20	5:25 PM	12/11/20	Bill No. 401-35 (COR), signed into law as Public Law No. 35-116.	Office of the Governor of Guam	35GL-20-2499
12/11/20	5:25 PM	12/11/20	Bill No. 420-35 (LS), signed into law as Public Law No. 35-117.	Office of the Governor of Guam	35GL-20-250

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

December 11, 2020

35GL-20-2496
Speaker Tina Rose Muña B...

DEC 11 2020
Time 5:25 AM/P.M.
Received By: BZ

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: **Bill No. 408-35 (COR) – An Act to Amend § 4401(c) of Article 4, Chapter 4, Title 7, Guam Code Annotated, and to Amend § 40.50(a) of Chapter 40, Title 8, Guam Code Annotated, Relative to Expanding the Powers of the Superior Court of Guam Magistrates to Include the Authority to Preside Over Additional Non-Dispositive Hearings and to Modify Bail Conditions**

Dear Madame Speaker:

The job of ensuring that justice is fairly, efficiently, and effectively dispensed is the primary responsibility of our third, co-equal branch of government, the Judiciary. As a community, we welcome efforts to ensure that the Judiciary is equipped with the necessary tools to achieve this goal. This slight expansion to the powers and duties of the magistrates, to allow them to preside over non-dispositive motions proceedings, issue search and arrest warrants, take grand jury returns and solemnize marriages, will assist the Judiciary in managing its growing docket. In the more immediate term, it will assist with dispensing of any backlog that has resulted from temporary suspensions of proceedings while Guam has dealt with the public health emergency presented by COVID-19. For all these reasons, I have signed Bill No. 408-35 into law as ***Public Law No. 35-113***.

Senseramente,

Lou Leon Guerrero

LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam

Enclosure: Bill No. 408-35 (COR) *nka P.L. 35-113*

cc via email: *Sigundo Maga'låhen Guåhan*
Compiler of Laws

RICARDO J. BORDALLO GOVERNOR'S COMPLEX • HAGÅTÑA, GUAM 96910
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I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 408-35 (COR) "AN ACT TO *AMEND* § 4401(c) OF ARTICLE 4, CHAPTER 4, TITLE 7, GUAM CODE ANNOTATED, AND TO *AMEND* § 40.50(a) OF CHAPTER 40, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES TO INCLUDE THE AUTHORITY TO PRESIDE OVER ADDITIONAL NON-DISPOSITIVE HEARINGS AND TO MODIFY BAIL CONDITIONS,"** was on the 1st day of December 2020, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 1st day of December, 2020, at 4:30 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 12/11/2020

Public Law No. 35-113

2020-12263
RCVD AT CENTRAL FILES
DEC 1'20 PM 4:30
Jessica Cruz

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 408-35 (COR)
As amended by the Committee on Health,
Tourism, Historic Preservation, Land and Justice.

Introduced by: Therese M. Terlaje
William M. Castro
Régine Biscoe Lee
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Tina Rose Muña Barnes
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Jose "Pedo" Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* § 4401(c) OF ARTICLE 4, CHAPTER 4, TITLE 7, GUAM CODE ANNOTATED, AND TO *AMEND* § 40.50(a) OF CHAPTER 40, TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO EXPANDING THE POWERS OF THE SUPERIOR COURT OF GUAM MAGISTRATES TO INCLUDE THE AUTHORITY TO PRESIDE OVER ADDITIONAL NON-DISPOSITIVE HEARINGS AND TO MODIFY BAIL CONDITIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent and Findings. *I Liheslaturan Guåhan* finds that there are certain non-dispositive hearings over which Superior Court judges

currently preside which are appropriate for a magistrate to decide. The expansion of the statutory authority of the magistrates of the Superior Court of Guam will provide the courts with an efficient supplemental judicial resource to assist in expediting its workload.

Therefore, it is the intent of *I Liheslaturan Guåhan* to expand the powers of the Superior Court of Guam magistrates to allow them to perform additional duties, such as disposing of pretrial matters, issuing search warrants and warrants of arrest, performing marriages, and hearing bail redetermination motions. This additional authority will allow Superior Court judges to preside over criminal trials more efficiently and effectively and ensure the timely and fair adjudication of all matters before the Superior Court of Guam.

Section 2. § 4401(c) of Article 4, Chapter 4, Title 7, Guam Code Annotated, is hereby *amended* to read as follows:

"(c) As assigned by the Chief Justice, a magistrate *shall*:

(1) preside over and render decisions and judgments in small claims cases, traffic cases, change of name petitions, and collection cases, and may grant uncontested divorces in cases where there is a notarized consent on file;

(2) enter judgment upon confession of judgment or default judgment in a civil case when a party alleges a sum certain is due;

(3) preside over post-judgment collection proceedings in civil cases and restitution judgments in criminal cases, and issue writs of execution and other orders in such proceedings;

(4) preside over first appearances of criminal defendants and arraignments in criminal cases, set or modify bail and order pre-trial release conditions or detention, take pleas, including accepting guilty

pleas in misdemeanor cases, sentencing misdemeanants, and entering judgments accordingly;

(5) issue summons, issue bench warrants, and hear return of warrants in all cases;

(6) preside over any matters which may be heard by a Referee of the Superior Court of Guam;

(7) serve as a Special Master upon appointment by the Presiding Judge;

(8) serve as Judge *Pro Temporare* upon appointment by the Chief Justice;

(9) serve as a settlement judge in a civil or domestic case upon appointment by the Presiding Judge;

(10) conduct criminal trial setting hearings;

(11) preside over preliminary hearings in criminal cases, and render decisions and judgments over procedural and discovery motions in criminal matters;

(12) preside over initial scheduling conferences in civil matters, to include, but not limited to: initial pretrial conferences, case scheduling, discovery disputes, motions, and settlement efforts;

(13) preside over unlawful detainer proceedings;

(14) hear and determine any pretrial matter, other than case dispositive motions, and preside over status hearings in all matters;

(15) issue search warrants and issue arrest warrants in all cases;

(16) take grand jury returns; and

(17) solemnize marriages."

Section 3. § 40.50(a) of Chapter 40, Title 8, Guam Code Annotated, is hereby *amended* to read as follows:

"(a) A person for whom conditions of release are imposed pursuant to this Chapter, and who after twenty-four (24) hours from the time of release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the conditions reviewed by the Court. The conditions are to be reviewed by the judge or magistrate who imposed them, or by another judge. Unless the conditions of release are amended and the person is thereupon released, the judge or magistrate shall set forth in writing the reasons for requiring the conditions imposed."

Section 4. Effective Date. This Act shall be effective upon enactment.