



Judiciary of Guam

Guam Criminal Law and Procedure Review Commission
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CHAIRMAN

ANDREW SERGE QUENGA
EXECUTIVE DIRECTOR

HON. ROBERT J. TORRES
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA, III
PRESIDING JUDGE

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION (CLRC)

PLENARY MEETING | Thursday, December 07, 2023

In-person: Honorable Joaquin V.E. Manibusan Sr. Memorial Courtroom, Guam Judicial Center
via Videoconference (Zoom) and via Live-streamed on the Judiciary of Guam YouTube Channel

MINUTES

I. CALL TO ORDER

The meeting was called to order by Chairman Quan at 12:00 p.m.

II. PROOF OF DUE NOTICE OF MEETING

Chairman Quan noted that public notices of the meeting were published pursuant to the Open Government Law and are included in the meeting packet.

III. DETERMINATION OF QUORUM/ROLL CALL

Management Officer Valerie Cruz called the roll:

CLRC Members:

Hon. Jonathan R. Quan, Present, Judiciary of Guam

Hon. Maria T. Cenzon, Present on Zoom

Hon. Anita A. Sukola, Present on Zoom

Atty. William Bucky Brennan, Present on Zoom, Law Office in Hagatna

DOC Director Fred Bordallo or Designee Maj. Antone Aguon, (Present via Zoom after Roll Call)

Chief of Police Stephen Ignacio or Designee Maj. Manny Chong, Present via Zoom

Atty. Joseph McDonald, (No response during Roll Call)

Atty. Randall Cunliffe, (later indicated presence via Zoom after Roll Call)

Mr. Monty McDowell, Present via Zoom, Office in Harmon

Atty. Stephen Hattori or Designee Atty. John Morrison, Present, Judiciary of Guam

AG Douglas Moylan or Designee Asst. AG Steven Coaty, Present, Judiciary of Guam

Atty. Michael Phillips, (No response during Roll Call)

Ms. Valerie Reyes, (No response during Roll Call)

Atty. Christine Tenorio, (No response during Roll Call)

Atty. Phillip Tydingco, Present, Judiciary of Guam

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Ex-Officio, Non-Voting Members:

Executive Director Andrew S. Quenga, Present, Judiciary of Guam
Compiler of Laws Geraldine Cepeda, Present, Judiciary of Guam

Chairman Quan acknowledged a quorum present.

IV. DISPOSAL OF MINUTES: Approval of October 05, 2023 Fifth Plenary Meeting Minutes

Chairman Quan indicated that the approval of the minutes of the Plenary Meeting on October 05, 2023 will be tabled until the next Plenary Meeting.

V. OLD BUSINESS

A. Membership Update

Chairman Quan greeted new members: Judge Maria Cenzone, Assistant Attorney General Steven Coaty and GPD Major Manny Chong.

Director Quenga introduced the CLRC's new staffers Rennae Meno and Gloria Cruz who are available to assist subcommissions in the research of statutes and other legal materials.

B. Third Quarter Report

Director Quenga reported that the Third Quarter Report was submitted and is available online and encouraged members to review it as it contains recommended changes from previous plenary meetings.

C. Subcommittee on Criminal Procedure: Continued Discussion of Chapters Presented at the August 31, 2023 Plenary Meeting for Consideration and Approval

Subcommission Chair Judge Sukola introduced Director Quenga to give the presentation.

Director Quenga continued the discussion of chapters presented at the August 31, 2023 Plenary Meeting.

Director Quenga noted that chapters involving corrections and law enforcement were referred to other subcommissions: Chapter 71 was referred to Crimes Against Persons; Chapters 80-82 and 84-88 were referred to DOCO; Chapters 89 and 93 were referred to both DOCO and Crimes Against Persons.

Director Quenga focused on 9 GCA §§ 71.20, 81.10 and 82.20, which were tabled for further discussion at the August 31 Plenary Meeting.

Director Quenga presented updates and outlined proposed revisions in a PowerPoint presentation (Attachment 1 hereto) and the Subcommission's recommendations:

- **9 GCA Chapter 71 (The Guam Gun-Free School Zone Act of 2004)**

- § 71.20 (Definitions). Recommend striking subsection (c) as the term “concealed firearm” is not used in the chapter. Recommend not expanding the definition firearm to include airguns and other weapons after review of the legislative intent in PL 27-116 (which enacted Ch. 71) and DOE Board policies on deadly or dangerous weapons.
- §§ 71.30, 71.40 and 71.61. Recommend amending with non-substantive clarifications.
- § 71.50. Recommend amending to remove redundancy. Discussion and clarification regarding firearms on community college and university campuses, including exceptions for firing ranges and law enforcement.
- § 71.70. Recommend deleting the section as unnecessary. This definition of “loaded” firearm is unnecessary as there is no distinction to unloaded firearm.
- § 71.80. Recommend amending to delete outdated time requirements.
- §§ 71.81, 71.82 and 71.83. Recommend consolidation into one exemption section.
- **9 GCA Chapter 81 (Reduction of Sentences)**
 - § 81.10(a). Recommend amending to clarify that work inside DOC is included in work credit.
 - § 81.10(f). Tabled for further discussion by DOCO.
- **9 GCA Chapter 82 (Loss and Restoration of Rights Incident to Conviction or Imprisonment)**
 - § 82.20(a). Recommend amending to include “and physically incarcerated” to clarify that the disqualification from voting is limited to persons who are physically committed.

Chairman Quan summarized the recommendations as follows:

Chapter 71

§ 71.20 – Amend.

§ 71.30 – Amend.

§§ 71.40, 71.50 & 71.61 – Amend.

§ 71.70 – Repeal

§ 71.80 – Amend

§ 71.81, 71.82 & 71.83 – Amend (Consolidate)

§ 81.10(a) – Amend

§ 81.10(f) – Table

§ 82.20 – Amend

Chairman Quan called for a vote and without objection the recommendations were moved to the final reading file.

Judge Cenzone abstained from voting on amendments for which she was not present during discussions.

D. Subcommittee on Crimes Relating to Property: Continued Discussion of Chapters Presented at the August 31, 2023 Plenary Meeting for Consideration and Approval

Chairman Quan tabled this presentation to provide more time for review by the Subcommittee.

VI. NEW BUSINESS

A. Subcommittee on Drugs & Other Criminal Offenses: Presentation of Additional Recommendations for Discussion and Approval

Chairman Quan noted that Judge Cenzone will be taking the chair position for this subcommittee, but the presentation will be made by the Acting Chair Compiler of Laws Cepeda.

Acting Chair Cepeda presented a proposed new provision on Correctional Medical Clinics, 9 GCA § 90106, in a PowerPoint presentation (Attachment 2 hereto).

Acting Chair Cepeda noted this new provision was at the suggestion of former Chair Judge Elizabeth Barrett-Anderson based on her work with Atty Kat Fokas and covers health care at DOC. Acting Chair requested members to review the new section for discussion at the next Plenary Meeting.

Chairman Quan stated this section will be tabled to allow Judge Cenzone the opportunity to work with her subcommittee. We will await it being brought forward at the next plenary meeting.

B. Notice of Next Meeting: Thursday, February 08, 2024, Noon (Tentative)

Chairman Quan noted the next plenary meeting will be scheduled for Thursday, February 8, 2024 at 12 noon.

VII. Communications

None.

VIII. Public Comments

None.

IX. Adjournment

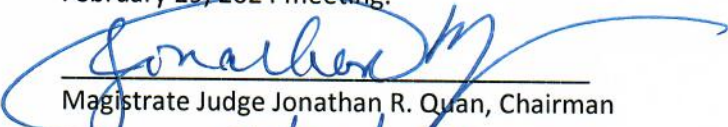
Chairman Quan adjourned the meeting without objection at.

Respectfully submitted this 29th day of February, 2024.



Andrew S. Quenga, Executive Director

As set out above, the minutes of the December 07, 2023 meetings were approved by the CLRC at the February 29, 2024 meeting.



Magistrate Judge Jonathan R. Quan, Chairman

Dated: 3/7/24