

LOURDES A. LEON GUERRERO  
GOVERNOR



JOSHUA F. TENORIO  
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN  
OFFICE OF THE GOVERNOR OF GUAM

**Transmitted via email to: [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org)**

August 11, 2023

**HONORABLE THERESE M. TERLAJE**

*Speaker*

*I Mina'trentai Siette Na Liheslaturan Guåhan*

37<sup>th</sup> Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

**Re: Bill No. 144-37 (LS) - AN ACT TO AMEND § 70.20 OF ARTICLE 1, CHAPTER 70, AND §§ 161.10, 161.30, 161.50(a), 161.55, AND 161.30 OF CHAPTER 161, ALL OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING VICTIM CONFIDENTIALITY, REPORTING, AND RESTITUTION UNDER THE CRIMINAL INJURIES COMPENSATION LAW**

*Håfa Adai* Madame Speaker,

The Criminal Injuries Compensation Program ("CICP") is a victim compensation program administered by the Criminal Injuries Compensation Commission ("CICC"). The Program aims to alleviate some of the financial burden that victims of crime often experience. Through the CICP, victims and their families may be eligible to receive financial assistance for crime-related expenses regardless of whether a conviction is attained against their assailant.

Bill No. 144-37 (LS) amends the Compensation for Damages from Criminal Activities law, the law that governs the CICP, by mandating the protection of victim information submitted as part of the Program's application process. The bill also expands the list of crimes for which victims may be compensated to include vehicular homicide and hit and run with injuries and further authorizes that, where the CCIP paid costs to victims prior to adjudication of their assailant's criminal case, such costs may be reimbursed to the CICC from amounts courts later order a defendant to pay as restitution.

The CICP is vitally important for victims and their families, who would otherwise struggle with the financial burden caused by the criminal acts committed against them while waiting for final adjudication of their assailant's criminal case.

To: Therese M. Terlaje, *Speaker*, 37<sup>th</sup> Guam Legislature  
Fr: Lourdes A. Leon Guerrero, *Governor of Guam*  
Date: August 11, 2023  
Re: Bill No. 144-37 (LS)

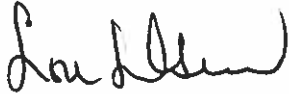
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On behalf of our community, Lt. Governor Josh Tenorio and I extend our gratitude to the CICC for its continued advocacy for victims of crime on our island.

For these reasons, I sign Bill No. 144-37 (LS) into law as ***Public Law No. 37-40***.

*Senseramente,*



**LOURDES A. LEON GUERRERO**

*Maga 'hāgan Guåhan*

Governor of Guam

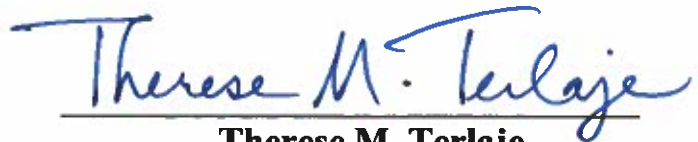
Enclosure: Bill No. 144-37 (LS) nka P.L. 37-40

cc via email: *Honorable Joshua F. Tenorio, Sigundo Maga 'lāhen Guåhan*, Lt. Governor of Guam  
Compiler of Laws

***I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**


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

This is to certify that **Bill No. 144-37 (LS), "AN ACT TO AMEND § 70.20 OF ARTICLE 1, CHAPTER 70, AND §§ 161.10, 161.30, 161.50(a), 161.55, AND 161.130 OF CHAPTER 161, ALL OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING VICTIM CONFIDENTIALITY, REPORTING, AND RESTITUTION UNDER THE CRIMINAL INJURIES COMPENSATION LAW,"** was on the 28<sup>th</sup> day of July 2023, duly and regularly passed.




**Therese M. Terlaje**  
**Speaker**


Attested:

  
**Amanda L. Shelton**  
**Legislative Secretary**

This Act was received by *I Maga'hågan Guåhan* this 31st day of July,  
2023, at 1:09 o'clock P.M.

  
**Assistant Staff Officer**  
***Maga'håga's Office***

APPROVED:

  
**Lourdes A. Leon Guerrero**  
***I Maga'hågan Guåhan***

Date: 8/11/2023

Public Law No. 37-40

**2023-19651**  
**OFFICE OF THE GOVERNOR**  
**CENTRAL FILES**

  
TIME 1:09 pm

***I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN***  
**2023 (FIRST) Regular Session**

**Bill No. 144-37 (LS)**

As amended by the Committee on  
Health, Land, Justice, and Culture; and  
further amended on the Floor.

Introduced by:

Therese M. Terlaje  
Sabina Flores Perez  
Chris Barnett  
Jesse A. Lujan  
Roy A. B. Quinata  
Telo T. Taitague  
Joanne Brown  
Joe S. San Agustin  
Tina Rose Muña Barnes  
Frank Blas, Jr.  
Christopher M. Dueñas  
Thomas J. Fisher  
William A. Parkinson  
Dwayne T.D. San Nicolas  
Amanda L. Shelton

**AN ACT TO *AMEND* § 70.20 OF ARTICLE 1, CHAPTER 70, AND §§ 161.10, 161.30, 161.50(a), 161.55, AND 161.130 OF CHAPTER 161, ALL OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO ADDRESSING VICTIM CONFIDENTIALITY, REPORTING, AND RESTITUTION UNDER THE CRIMINAL INJURIES COMPENSATION LAW.**

**BE IT ENACTED BY THE PEOPLE OF GUAM:**

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that victims of crime who suffer injuries caused by violent crime deserve compensation. The intent of this legislation is to strengthen existing provisions of

1 the “Compensation for Damages from Criminal Activities Act” by clarifying  
2 eligibility criteria, supporting reimbursements to the Criminal Injuries  
3 Compensation Fund (Fund) from court-ordered restitution, and to maintain the  
4 confidentiality of records and information of victims of crime as required by local  
5 and federal laws and regulations, and federal program guidelines [“Violence Against  
6 Women Act” 42 U.S.C.A. §13925 (b)(2)(A); “Family Violence Prevention and  
7 Services Act” 42 U.S.C.A. § 10406 (c)(5)(B); “Victims of Crime Act” 28 CFR  
8 Chapter 1 Department of Justice, Subpart B, §94.115].

9       The Commission determined that vehicular homicide should be added to the  
10 list of compensable violent crimes. Currently the statute only allows compensation  
11 where the crime charged results from drunk driving. There is no rational basis to  
12 allow compensation for injuries resulting from drunk driving omission, but not  
13 felony vehicular homicide itself. Similarly, hit-and-run with injuries as a third-  
14 degree felony should be added based on the severity of the crime, and the fact that  
15 this crime is often difficult to solve, leaving victims and families without financial  
16 resources to cover their injuries or funeral expenses. The Commission has denied  
17 several of these claims based on ineligibility.

18       The Commission further seeks to update the restitution statutes to authorize  
19 judges to order a defendant to pay such sums of restitution to the Fund as  
20 reimbursement for compensation paid to the victim or eligible person prior to entry  
21 of a judge of conviction. The Guam Supreme Court held that in the absence of  
22 statutory authority, judges cannot order a defendant to pay restitution sums as  
23 reimbursement to the Fund where the victim or eligible person has been wholly or  
24 partially compensated for property damages prior to entry of a judgement of  
25 conviction [*People v. Reselap* 2022 Guam 2].

26       **Section 2.** § 70.20 of Article 1, Chapter 70, Title 8, Guam Code Annotated,  
27 is hereby *amended* to read:

1                   **“§ 70.20. Matters Not Subject to Discovery by Defendant.**

2                   Notwithstanding §§ 70.10 and 70.15, the prosecuting attorney shall not  
3 be required to disclose:

4                   (a) legal research or records, correspondence, reports or  
5 memoranda to the extent that they contain the opinions, theories or  
6 conclusions of the prosecuting attorney or members of his legal staff;

7                   (b) an informant's identity where his identity is a prosecution  
8 secret and a failure to disclose will not infringe the constitutional rights  
9 of the defendant. However, the identity of an informant may not be kept  
10 secret where the prosecuting attorney intends to call such person as a  
11 witness at the trial; and

12                   (c) confidential records under the Criminal Injuries  
13 Compensation Commission.”

14                   **Section 3.** § 161.10 of Chapter 161, Title 8, Guam Code Annotated, is  
15 hereby *amended* to read:

16                   **“§ 161.10. Definitions.**

17                   As used in this Chapter:

18                   (a) ‘Child’ means an unmarried person who is under eighteen (18)  
19 years of age and includes a stepchild or an adopted child;

20                   (b) ‘Commission’ means the Criminal Injuries Compensation  
21 Commission established by this Chapter;

22                   (c) ‘Confidential records’ means the name, contact information,  
23 medical records, statements of personal injuries or damages suffered as a  
24 result of a violent crime, or any information the disclosure of which would  
25 constitute an unwarranted invasion of personal privacy or a violation of local  
26 or federal laws;

1 (d) 'Dependents' means persons who were wholly or partially  
2 dependent upon the victim's income at the time of the victim's death or injury  
3 and includes the child of the victim born after the victim's injury or death;

4 (e) 'Injury' means actual bodily harm and, in respect of a victim,  
5 includes pregnancy, and mental or nervous shock;

6 (f) 'Person' means a natural person;

7 (g) 'Private citizen' means any natural person other than a peace  
8 officer who is actively engaged in the performance of his or her duties;

9 (h) 'Spouse' means a person (male or female) who is legally married  
10 to another person (male or female); provided, that no dissolution proceedings  
11 are pending; and

12 (i) 'Victim' means a person who is injured or killed by any act or  
13 omission of any other person coming within the description of any of the  
14 crimes specified in § 161.55 of this Chapter."

15 **Section 4.** § 161.30 of Chapter 161, Title 8, Guam Code Annotated, is  
16 hereby *amended* to read:

17 **"§ 161.30. Hearings and Evidence.**

18 (a) Where any application is made to the Commission, the applicant  
19 and the Commission's legal advisor shall be entitled to appear and be heard.  
20 Any other person may appear and be heard who satisfied the Commission that  
21 he or she has a substantial interest in the proceedings. In any case in which  
22 the person entitled to make an application is a child, the application may be  
23 made on his or her behalf by his or her parent or legal guardian. In any case  
24 in which the person entitled to make an application is mentally defective, the  
25 application may be made on his or her behalf by his or her guardian or such  
26 other individual authorized to administer the estate.

(b) All hearings shall be open to the public, except that the Commission is authorized to conduct closed meetings to adjudicate victim compensation. Where under this Chapter a person is entitled to appear and be heard by the Commission, that person may appear in person or by his or her attorney.

(c) Every person appearing under this Chapter shall have the right to produce evidence and to cross-examine witnesses. The Commission may receive as evidence any statement, document, information or matter that may, in the opinion of the Commission, contribute to its functions under this Chapter, whether or not such statement, document, information or matter would be admissible in a court of law.

(d) If any person has been convicted of any offense with respect to an act or omission on which a claim under this Chapter is based, proof of that conviction, unless an appeal against the conviction or a petition for a hearing in respect of the charge is pending or a new trial or rehearing has been ordered, shall be taken as conclusive evidence that the offense has been committed.

(e) Confidential records of a crime victim or eligible applicant are not subject to disclosure, inspection, publication, broadcasting, production, or reporting without the prior written consent of the victim or eligible applicant, except as compelled by statute, court mandate, or allowed by federal regulations.”

**Section 5.** § 161.50(a) of Chapter 161, Title 8, Guam Code Annotated, is hereby *amended* to read:

**“§ 161.50. Eligibility for Compensation.**

(a) In the event any person is injured or killed by any act or omission of any other person coming within the criminal jurisdiction of Guam after September 30, 1980, which act or omission is within the description of the



1 crimes enumerated in § 161.55, the Commission may, in its discretion, upon  
2 an application, order the payment of compensation in accordance with this  
3 Chapter:

4 (1) to or for the benefit of the victim;

5 (2) to any person responsible for the maintenance of the  
6 victim, where that person has suffered pecuniary loss or incurred  
7 expenses as a result of the victim's injury or death;

8 (3) in the case of the death of the victim, to or for the benefit  
9 of any one (1) or more of the dependents of the deceased victim; or

10 (4) to a spouse, to a parent of an adult deceased victim, or to  
11 an adult son or daughter of a deceased victim, where in the case of death  
12 of the victim, the spouse, the parent, or adult son or daughter has  
13 incurred expenses on account of hospital, medical, funeral, and burial  
14 expenses as a result of the victim's injury and death."

15 **Section 6.** § 161.55 of Chapter 161, Title 8, Guam Code Annotated, is  
16 hereby *amended* to read:

17 **"§ 161.55. Violent Crimes.**

18 (a) The crimes to which this Chapter applies are the following:

19 (1) Aggravated Murder (9 GCA § 16.30);

20 (2) Murder (9 GCA § 16.40);

21 (3) Manslaughter (9 GCA § 16.50);

22 (4) Aggravated Assault (9 GCA § 19.20);

23 (5) Assault (9 GCA § 19.30);

24 (6) Kidnapping (9 GCA § 22.20);

25 (7) Felonious Restraints (9 GCA § 22.30);

26 (8) Child Stealing (9 GCA § 22.40);

27 (9) Custodial Interference (9 GCA § 22.50);

- (10) Criminal Sexual Conduct in the First Degree (9 GCA § 25.15);
- (11) Criminal Sexual Conduct in the Second Degree (9 GCA § 25.20);
- (12) Criminal Sexual Conduct in the Third Degree (9 GCA § 25.25);
- (13) Criminal Sexual Conduct in the Fourth Degree (9 GCA § 25.30);
- (14) Assault with Intent to Commit Criminal Sexual Conduct (9 GCA § 25.35);
- (15) Driving While Impaired (9 GCA § 92102);
- (16) Driving While Impaired With Child On Board: Felony Punishment (9 GCA § 92109), provided a child under the age of sixteen (16) was injured as a result of an accident in which the vehicle operated by the person charged with the above violation was involved;
- (17) Vehicular Negligence: Bodily Injuries (9 GCA § 92108);
- (18) Vehicular Homicide While Driving Impaired: Felony Punishment (9 GCA § 92111);
- (19) Drinking While Driving a Motor Vehicle: Misdemeanor: Punishment (9 GCA § 92112);
- (20) Stalking (9 GCA § 19.70);
- (21) Family Violence (Third Degree Felony and Misdemeanor) and Violation of a Court Order (Misdemeanor) (9 GCA Chapter 30);
- (22) Solicitation of Children and Child Pornography (9 GCA Chapter 25A);
- (23) Robbery (9 GCA Chapter 40);

1 (24) Aggravated Arson and Arson (9 GCA §§ 34.20 and  
2 34.30);

3 (25) Home Invasion (9 GCA §§ 37.210 and 37.220);

4 (26) Carjacking (9 GCA §§ 37.310, 37.320, and 37.330);

5 (27) Hit and Run with Injuries - Failure to Stop Felony (16  
6 GCA § 3501(f); and

7 (28) Vehicular Homicide (9 GCA § 92110).

8 (b) For the purpose of this Chapter, the operation of a motor vehicle,  
9 boat, or aircraft that results in an injury or death shall not constitute a crime,  
10 unless the injuries were intentionally inflicted through the use of such vehicle,  
11 boat, or aircraft or unless the conduct constitutes a violation of 9 GCA §  
12 92101, et seq. (The Safe Streets Act).

13 (c) Any fine imposed pursuant to 9 GCA § 80.50 or for conviction  
14 of any crimes specified in Subsections (a)(1) through (14) and (20) through  
15 (28) of this Section shall be paid into the Criminal Injuries Compensation  
16 Fund established by § 161.95 of this Chapter. Any portion of restitution  
17 imposed pursuant to 9 GCA §§ 80.50, 26.06 or 34.70 shall be paid into the  
18 Criminal Injuries Compensation Fund as reimbursement to the Fund where  
19 the Commission has awarded compensation for damages to a victim or  
20 eligible person pursuant to § 161.50 of this Chapter prior to a judgement of  
21 conviction against the defendant.”

22 **Section 7.** § 161.130 of Chapter 161, Title 8, Guam Code Annotated, is  
23 hereby *amended* to read:

24 **“§ 161.130. Annual Report.**

25 The Attorney General shall, on behalf of the Commission, include in  
26 the Office of the Attorney General’s annual fiscal year budgetary submission  
27 to *I Liheslaturan Guåhan*, a report on vacant appointments to the

Commission, the number of applications received for the preceding calendar year, the category of crimes identified, the number and category of awards issued, and the number and category denied in the preceding calendar year, current balances in the Criminal Injuries Compensation Fund, and any specific request for appropriations to the Office of the Attorney General for administrative support of this Chapter.”