CHAPTER 161
COMPENSATION FOR DAMAGES FROM CRIMINAL ACTIVITIES

SOURCE: P.L. 27-138:4 (Dec. 30, 2004) amended and moved Chapter 86 of Title 9 Guam Code Annotated to this title and chapter.

2026 NOTE: Pursuant to 5 GCA § 1510, I Maga'hågan/Maga'låhen Guåhan means the "Governor of Guam."

2013 NOTE: All references in this chapter to Title 9, Chapter 86 have been altered to reflect the chapter's current location in this title.

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§ 161.10. Definitions.

As used in this Chapter:

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

(b) "Commission" means the Criminal Injuries Compensation Commission established by this Chapter;

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

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

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

(f) "Person" means a natural person;

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

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

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

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.10; amended by P.L. 23-132:3 (Dec. 30, 1996); amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004). Amended by P.L. 37-040:3 (Aug. 11, 2023).

§ 161.15. Creation of the Criminal Injuries Compensation Commission.

(a) There is, within the government of Guam, a Criminal Injuries Compensation Commission (Commission) which shall be comprised of five (5) members appointed by I Maga'hågan/Maga'låhen Guåhan with the advice and consent of I Liheslaturan Guåhan. Annually, the members shall elect a chairperson of the Commission.

(b) In the absence of a quorum resulting from a vacancy, the Attorney General, or her/his Chief Deputy, are hereby granted the same powers and authority as the Commission under this Chapter to carry out the purposes and requirements of this Chapter.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.15; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004). Amended by P.L. 32-034:1 (May 10, 2013).

2024 NOTE: Subsection designations added and modified pursuant to the authority of 1 GCA § 1606.

§ 161.20. Tenure and Compensation of Members.

The term of office of each member of the Commission shall be four (4) years or until her/his successor is appointed, except that the terms of office of the members first taking office shall expire as designated by I Maga'hågan/Maga'låhen Guåhan at the time of appointment as follows: one (1) at the end of one (1) year, one (1) at the end of two (2) years, one (1) at the end of three (3) years, and two (2) at the end of four (4) years. Any member appointed to fill the vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed, shall be appointed for the remainder of the term. A vacancy in the Commission shall not affect its powers. If any member of the Commission is unable to act because of absence, illness or other sufficient cause, I Maga'hågan/Maga'låhen Guåhan may make a temporary appointment, and such appointee shall have all the powers and duties of a regular member of the Commission for the period of their appointment.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.20; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004).

§ 161.25. Powers and Procedures of Commission.

Upon an application made to the Commission under this Chapter, the Commission shall fix a time and place for a hearing on such application and shall cause notice thereof to be given to the applicant. The

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Commission may hold such hearings, sit and act at such times and places, and take such testimony as the Commission may deem advisable. Any three (3) members shall constitute a quorum. The concurring vote of three (3) members shall be necessary to take any action. Any member of the Commission may administer oaths or affirmations to witnesses appearing before the Commission. The Commission shall have such powers of subpoena and compulsion of attendance of witnesses and production of documents and of examination of witnesses as are conferred upon the Superior Court. Subpoena shall be issued under the signature of the Chairman. The Superior Court may, upon the application of the Commission, enforce the attendance and testimony of any witness and the production of any documents so subpoenaed. Subpoena and witness fees and mileage shall be the same as in criminal cases in the Superior Court, and shall be payable from funds appropriated for expenses of administration.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.25; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004).

§ 161.30. Hearings and Evidence.

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

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.30; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004). Subsection (b) amended and subsection (e) added by P.L. 37-040:4 (Aug. 11, 2023).

§ 161.35. Medical Examination.

The Commission may appoint an impartial licensed physician to examine any person making application under this Chapter, and the fees for the examination shall be paid from funds appropriated for expenses of administration.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.35 amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004).

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§ 161.40. Attorney Fees.

(a) The Commission may, as part of any order entered under this Chapter, determine and allow reasonable attorney fees, which if the award of compensation is more than One Thousand Dollars ($1,000.00) shall not exceed fifteen percent (15%) of the award, to be paid out of but not in addition to the award, to the attorneys representing the applicant; provided, that the amount of the attorney fees shall not, in any event, exceed the award of compensation remaining after deducting that portion thereof for expenses actually incurred by the claimant.

(b) Any attorney who charges, demands, receives or collects for services rendered in connection with any proceedings under this Chapter any amount in excess of that allowed under this Section, if any compensation is paid, shall be fined not more than Two Thousand Dollars ($2,000.00).

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.40; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004).

§ 161.45. Reconsideration by Commission; Judicial Review.

(a) The Commission may, on its own motion or on the application of any person aggrieved by an order or decision of the Commission, reconsider the order or decision and revoke, confirm and verify the order or decision, based upon the findings of the Commission.

(b) Any person aggrieved by an order or decision of the Commission on the sole ground that the order or decision was in excess of the Commission's authority or jurisdiction, shall have a right of appeal to the Superior Court; provided, that the appeal is filed with the Commission within thirty (30) days after service of an original or a certified copy of such order or decision. Except as otherwise provided in this Section, orders and decisions of the Commission shall be conclusive and not subject to judicial review.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.45; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004).

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

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

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

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

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

(b) For the purposes of this Chapter, a person shall be deemed to have intentionally committed an act or omission, notwithstanding that by reason of age, insanity, drunkenness or otherwise, he or she was legally incapable of forming a criminal intent.

(c) In determining whether to make an order under this Section, the Commission may consider any circumstances it determines to be relevant, and the Commission shall consider the behavior of the victim,

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and whether, because of provocation or otherwise, the victim bears any share of responsibility for the crime that caused his or her injury or death, and the Commission shall reduce the amount of compensation in accordance with its assessment of the degree of such responsibility attributable to the victim.

(d) An order may be made under this Section whether or not any person is prosecuted for or convicted of a crime arising out of an act or omission described in Subsection (a) of this Section; provided, that an arrest has been made or such act or omission has been reported to the police without undue delay. No order may be made under this Section unless the Commission finds that:

(1) the act or omission did occur; and

(2) the injury or death of the victim resulted from the act or omission.

(e) Upon application from either the Attorney General or the Chief of Police, the Commission may suspend proceedings under this Chapter for such period as it deems desirable on the ground that a prosecution for a crime arising out of the act or omission has been commenced or is imminent, or that release of the investigation report would be detrimental to the public interest.

(f) If a resident of Guam is a victim of a crime as defined in § 161.55 of this Chapter, but the crime occurred outside the boundaries of Guam, the resident has the same rights under the provisions of this Chapter as if the crime had occurred within Guam upon a showing that the state, territory, country or political subdivision of a country in which the crime occurred does not have a crime victim's compensation law which covers the injury or death suffered by the resident.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.50; amended by P.L. 23-132:4 (Dec. 30, 1996); amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004). Subsection (a)(4) amended by P.L. 37-040:5 (Aug. 11, 2023).

§ 161.55. Violent Crimes.

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

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

(2) Murder (9 GCA § 16.40);

(3) Manslaughter (9 GCA § 16.50);

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

(5) Assault (9 GCA § 19.30);

(6) Kidnapping (9 GCA § 22.20);

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

(8) Child Stealing (9 GCA § 22.40);

(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);

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(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);

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

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

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

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

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

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

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

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.55; amended by P.L. 23-132:5 (Dec. 30, 1996). Subsection (a)(21) added, (c) repealed and reenacted by P.L. 24-014:45-46 (Mar. 21, 1997). Amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004). Amended by P.L. 34-139:1 (Dec. 12, 2018). Subsections (a)(27), (28) added and subsection (c) amended by P.L. 37-040:6 (Aug. 11, 2023).

CROSS REFERENCE: 8 GCA §161.10.

§ 161.60. Award of Compensation.

The Commission may order, only from available balances in the Criminal Injuries Compensation Fund, the payment of compensation under this Chapter for:

(a) expenses actually and reasonably incurred as a result of the injury or death of the victim;

(b) loss to the victim of earning power as a result of total or partial incapacity;

(c) pecuniary loss to the dependents of the deceased victim;

(d) pain and suffering to the victim; and

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(e) any other pecuniary loss directly resulting from the injury or death of the victim which the Commission determines to be reasonable and proper.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.60; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004).

2026 NOTE: 9 GCA § 86.65 entitled "Relationship to Offender" added by P.L. 20-155:2 (Mar. 21, 1990). Repealed by P.L. 23-132:6 (Dec. 30, 1996).

§ 161.70. Recovery from Offender.

Whenever any person is convicted of an offense that includes any crime enumerated in § 161.55 of this Chapter and an order for the payment of compensation is or has been made under this Chapter for injury or death resulting from the act or omission constituting such offense, the Commission may institute a derivative action in the Superior Court against the person or against any person liable at law on his or her behalf, in the name of the victim or such of his or her dependents as have been awarded compensation under this Chapter, for such damages as may be recoverable at common law by the victim or such dependents without reference to the payment of compensation. The court shall have jurisdiction to hear, determine and render judgment in any such action. The time of the occurrence of the act or omission until conviction of the offense and, thereafter, as long as the offender is in confinement for conviction of the offense, shall not constitute any part of the time limited for the commencement of the action by the Commission under the applicable statute of limitations. Any recovery in the action shall belong to the government of Guam; provided, that the Commission shall amend its order of compensation to provide for the payment of any portion of the recovery in excess of the amount of compensation prescribed in the order to any of the persons entitled to receive compensation under § 161.50 of this Chapter in such proportions and upon such terms as the Commission shall deem appropriate.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.70; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004).

§ 161.71. Fines Imposed on Offenders.

Whenever a fine is imposed upon an offender and such fine is to be deposited into the Criminal Injuries Compensation Fund, and such fine is not to be deposited into the fund within one hundred eighty (180) days of the imposition of sentence, the Commission may institute a civil action in Superior Court against the offender to recover the amount of such fine, provided, however, the offender is not in the process of seeking judicial review of such conviction. The statutes of limitation for commencing such civil action shall be tolled while the offender is absent from Guam or incarcerated in any facility whatsoever. Any recovery from the offender, excluding costs and attorney fees, shall be deposited into the Criminal Injuries Compensation Fund.

SOURCE: Added by P.L. 23-132:7 (Dec. 30, 1996) as 9 GCA § 86.71; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004).

§ 161.75. Eligibility for Compensation.

In the event a private citizen incurs injury or property damage in preventing the commission of a crime within Guam, in apprehending a person who has committed a crime within Guam, or in materially assisting a peace officer who is engaged in the prevention or attempted prevention of such a crime or the apprehension or attempted apprehension of such a person, the Commission may, in its discretion, upon an application, order the payment of compensation in accordance with this Chapter:

(a) to or for the benefit of the private citizen; or

(b) to any person responsible for the maintenance of the private citizen, where that person has suffered pecuniary loss or incurred expenses as a result of the private citizen's injury.

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SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.75; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004).

§ 161.80. Award of Compensation.

The Commission may order the payment of compensation under this Chapter for:

(a) expenses actually and reasonably incurred as a result of the injury of the private citizen;

(b) pain and suffering to the private citizen;

(c) loss to the private citizen of earning power as a result of total or partial incapacity; and

(d) pecuniary loss to the private citizen directly resulting from damage to his or her property.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.80; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004).

§ 161.85. Terms of Order.

Except as otherwise provided in this Chapter, any order for the payment of compensation under this Chapter may be made on such terms as the Commission deems appropriate. Without limiting the generality of the preceding sentence, the order may provide for apportionment of the compensation, for the holding of the compensation or any part thereof in trust, for the payment of the compensation in a lump sum or periodic installments, and for the payment of compensation for hospital, medical, funeral and burial expenses directly to the person who has provided such services. All such orders shall contain words clearly informing the claimant that all awards and orders for payments under this Chapter are subject to the making of an appropriation by I Liheslatura to pay the claim, except as otherwise provided in § 161.95 of this Chapter.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.85; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004).

§ 161.90. Limitations Upon Award of Compensation.

(a) No order for the payment of compensation shall be made under this Chapter unless the application has been made within eighteen (18) months after the date of injury, death or property damage, provided that upon a showing of good cause, the commission may consider applications filed beyond this time period. Good cause may include, but is not limited to, physical or mental incapacity, trauma resulting from the offense, fear of retaliation, hospitalization, inability to obtain necessary documentation, or other extraordinary circumstances beyond the applicant's control.

(b) Compensation for medical expenses may be awarded up to the amount of Twenty Thousand Dollars ($20,000.00) and compensation for all other purposes allowed under this Chapter shall not exceed Ten Thousand Dollars ($10,000.00).

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.90; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004). Subsection (a) amended by P.L. 38-141:2 (Sept. 1, 2026), applicable to pending victim applications pursuant to P.L. 38-141:3.

§ 161.95. Criminal Injuries Compensation Fund; When Payment Authorized.

(a) There is hereby established a Criminal Injuries Compensation Fund (Fund), separate and apart from other funds of the government of Guam, from which the Commission may make payments as provided in Subsection (b) of this Section. The Attorney General shall be the certifying officer of the Fund, and all payments therefrom shall be paid by the Attorney General upon order of the Commission. These funds shall not be transferred or used without the written approval of the Attorney General of Guam.

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(b) The Commission shall have the authority to seek and accept on behalf of, and in the name of, the Criminal Injuries Compensation Fund from any government or agency thereof, or any person, natural or legal, advisory services, grants-in-aid, gifts, donations or money and other property for the benefit of the Fund; provided, however, that any such grants-in-aid, gifts, donations or other assistance shall not involve any obligation on the part of the Criminal Injuries Compensation Fund.

(c) Where the Commission has made an award pursuant to this Chapter, the Commission shall make such payments from the Fund to or on behalf of the victim, or to or for the benefit of one (1) or more of the dependents of a deceased victim, or to or for the benefit of other persons who have suffered pecuniary loss or incurred expenses on account of hospital, medical, funeral and burial expenses as a result of the victim's injury or death. Payments made pursuant to this Section shall not exceed the total amount of the award.

(d) Initial payments of compensation awarded under this Chapter shall be remitted to the applicant no later than 30 days upon the approval of the claim.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.95; amended by P.L. 23-132:8 (Dec. 30, 1996); amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004). Subsection (d) added by P.L. 32-034:4 (May 10, 2013). Subsection (a) amended by 33-185:XIII:26 (Sept. 10, 2016).

§ 161.100. Recovery from Collateral Source.

(a) In determining the amount of compensation to be awarded under this Chapter, the Commission shall deduct amounts or benefits received or to be received from any source, whether from the offender or from any person on behalf of the offender, or from public or private funds, and which amounts or benefits result from or are in any manner, directly or indirectly, attributable to the injury or death which gave rise to the award; provided, that no deduction shall be made for death benefits received or to be received under any insurance policy covering the life of a deceased victim.

(b) Where compensation is awarded under this Chapter and the person receiving the same also receives any sum required to be, and that has not been deducted under Subsection (a) of this Section, he or she shall refund to the government of Guam the lesser of the sum or the amount of the compensation paid to him or her under this Chapter.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.100; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004).

§ 161.101. Sale of Recollections, Thoughts, and Feelings of Convicted Person.

(a) A person convicted of a crime shall not derive any profit from the sale of his or her recollections, thoughts, and feelings with regard to the offense committed by that person until the victim receives any restitution or compensation ordered for him or her against the defendant and expenses of incarceration are recovered as provided in Subsection (c) and until the escrow account created under Subsection (b) is terminated under Subsection (d).

(b) Upon the conviction of a defendant for a crime involving a victim, and after notice to any interested party, the Attorney General may petition the court in which the conviction occurred to order that defendant forfeit all or any part of proceeds received or to be received by the defendant, or the defendant's representatives or assignees, from contracts relating to the depiction of the crime or the defendant's recollections, thoughts, or feelings about the crime, in books, magazines, media entertainment, or live entertainment, as provided in this Section. The proceeds shall be held in escrow for a period of not more than five (5) years.

(c) During the existence of the escrow account, proceeds in the account shall be distributed in the following priority to satisfy the following:

(1) An order of restitution entered under Sections 24 and 25.

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(2) Any civil judgment in favor of the victim against that defendant.

(d) The balance remaining in the escrow account at the end of the escrow period shall be paid to the Criminal Injuries Compensation Fund.

SOURCE: Added by P.L. 27-138:4 (Dec. 30, 2004).

§ 161.105. Legal Advisor.

The Attorney General shall serve as legal advisor to the Commission.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.105; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004).

§ 161.110. Exemption from Execution.

No compensation payable under this Chapter shall, prior to actual receipt thereof by the person or beneficiary entitled thereto, or their legal representatives, be assignable or subject to execution, garnishment, attachment or other process whatsoever, including process to satisfy an order or judgment for support or alimony.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.110; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004).

§ 161.115. Survival and Abatement.

The rights of compensation created by this Chapter are personal and shall not survive the death of the person or beneficiary entitled thereto; provided, that if such death occurs after an application for compensation has been filed with the Commission, the proceeding shall not abate, but may be continued by the legal representative of the decedent's estate.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.115; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004).

§ 161.120. Rule-making Powers.

In the performance of its functions, the Commission may adopt, amend and repeal, pursuant to the Administrative Adjudication Law, rules and regulations, not inconsistent with this Chapter, prescribing the procedures for conducting its business, the procedures to be followed in the filing of applications and the proceedings under this Chapter and such other matters as the Commission deems appropriate.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.120; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004).

§ 161.125. Commission Staff.

Supervisory, administrative and clerical personnel necessary for the efficient functioning of the Commission may be appointed by the Attorney General. The Department of Law or Office of the Attorney General shall provide administrative support for the effective operation of the Commission.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.125; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004). Amended by P.L. 32-034:2 (May 10, 2013).

§ 161.130. Annual Report.

The Attorney General shall, on behalf of the Commission, include in the Office of the Attorney General's annual fiscal year budgetary submission 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

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any specific request for appropriations to the Office of the Attorney General for administrative support of this Chapter.

SOURCE: Added by P.L. 20-155:2 (Mar. 21, 1990) as 9 GCA § 86.130; amended and moved to this title and chapter by P.L. 27-138:4 (Dec. 30, 2004). Renamed and amended by P.L. 32-034:3 (May 10, 2013). Renamed and amended by P.L. 37-040:7 (Aug. 11, 2023).

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