GUAM CODE ANNOTATED

TITLE 8

CRIMINAL PROCEDURE

UPDATED THROUGH P.L. 38-141
(SEPTEMBER 1, 2026)

COL 2026-10-26

TITLE 8
CRIMINAL PROCEDURE

SOURCE: Enacted by P.L. 13-186 (Sept. 2, 1976) as the Criminal Procedure Code of Guam. Codified in Title 8 Guam Code Annotated by P.L. 15-104:7 (Mar. 5, 1980) and amended as indicated herein.

2007 COMMENT: Prior to being placed in the Guam Code Annotated, criminal procedure statutes were published in 1977 in a hard-bound publication entitled "Criminal Procedure and P.L. 13-187" by the Compiler of Laws. The 1977 publication contained an introduction statement that explained the general intent of Criminal Procedure Code as it existed at the time. The 1977 introduction is included here in its entirety:

[1977] INTRODUCTION

The two laws contained in this Volume are, together with the Criminal and Correctional Code, a product of the Guam Law Revision Commission, which was established by P.L. 12-93. Public Law 13-187 is a law which amends the general laws of Guam to conform with the terminology and sentencing structure of the Criminal and Correctional Code and the Criminal Procedure Code. Most particularly, P.L. 13-187 brings the myriad of separate sentences found throughout the laws of Guam in no set pattern into conformity with the criminal classifications and sentences established by the new Codes.

The Criminal Procedure Code (P.L. 13-186) supersedes Part II of the Penal Code of Guam and existing, court-adopted, Rules of Criminal Procedure. The Law Revision Commission, having observed the interaction (and confusion) between Part II of the Penal Code and the Rules of Criminal Procedure, decided that all major criminal rules should be in statutory form. Thus, these Rules are intended to wholly supersede existing Rules of Criminal Procedure. It is for this reason that no "Rules of Criminal Procedure" adopted by the Court have been attached to this Volume. Those rules which the Court may adopt have not yet been adopted.

Even a cursory examination will reveal that the Criminal Procedure Code, as adopted, makes significant changes. Yet this Code is not designed to cause a revolution in Criminal Procedure, only rapid evolution. Special attention should be directed towards the areas of pre-trial release, grand jury proceedings, preliminary examinations, depositions and discovery. The purpose and effect of these changes is explained in the Notes following the pertinent sections. Most of the significant changes in substance are based upon comparable provisions in the more recent federal rules or legislation and on standards proposed by the American Bar Association Project on (Minimum) Standards for Criminal Justice.

The original comments and cross-references to sources of this and the other Codes in the series were prepared by the Executive Director of the Law Revision Commission before passage of the Codes. I have added, deleted and modified these comments and notes where necessary to reflect the law as actually passed by the Legislature. It was the expressed desire of the Commission that such comments accompany the publication of these Codes.

The various penal sections of law occurring throughout the laws of Guam were enacted separately from each other and from the Penal Code. Thus, each act has tended to set its own penalties without reference to a general system of sentences. Public Law 13-187 amends these penalty sections, among others, to provide each crime with a penalty which conforms to the standard classification found in the Criminal and Correctional Code, namely felonies, felonies by degree, misdemeanor, petty misdemeanor and violation. Individual sentences have been eliminated. The Table of Contents for P.L. 13-187 reflects the section amended, the subject matter of the section and the new penalty or other amendment, or repeal.

CHARLES H. TROUTMAN
Compiler

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NOTE TO ANNOTATIONS

In contrast to the Criminal and Correctional Code, this Code does not contain "Sources", "Cross-references" and "Comments." Unlike the Criminal & Correctional Code, the Criminal Procedure Code takes from sources which are already enacted as law or promulgated as court rules, either local court rules or the Federal Rules of Criminal Procedure. Thus, no new discussion of intent is needed in most cases. That is already available from the standard sources.

Therefore, following each Section of this Code will be a "Note" which will include any necessary commentary and the appropriate citation to the source and any cross-references. No comment or cross-referencing has been added to P.L. 13-187, as this part of the three laws is self-explanatory, amending the remainder of the Government Codes, Civil and Civil Procedure Codes to conform with the substantive revisions of the Criminal & Correctional Code and the Criminal Procedure Code.

ABBREVIATIONS USED

(1) Guam Penal Code is cited as "Guam PC § _____," or "G.P.C. § _____."

(2) Government Code of Guam is cited as "Govt. Code § _____."

(3) Civil Code of Guam is cited as "Civ. Code § _____."

(4) 1970 Code of Criminal Procedure cited as "Code Crim. Proc. § _____."

(5) 1970 Code of Civil Procedure cited as "Code Civ. Proc. § _____."

(6) Criminal and Correctional Code of 1977 cited as "Crim. & Corr. Code § _____."

(7) Criminal Procedure Code of 1977 cited as "Crim. Proc. Code § _____," or "CPC § _____."

(8) American Law Institute, Model Penal Code (Proposed Official Draft 1962) cited as "M.P.C. § _____."

(9) California Joint Legislative Committee for Revision of the Penal Code, Penal Code Revision Project (Tentative Drafts ## 1, 2, & 3 dated Sept. 1967, June 1968 & July 1969) cited as "Cal. § _____ (T.D. (1, 2, or 3), 196_)."

(10) California Joint Legislative Committee for Revision of the Penal Code, Penal Code Revision Project (Staff Draft entitled "The Criminal Code," 1971) cited as "Cal. § _____ (1971)."

(11) Massachusetts Criminal Law Revision Commission, Criminal Code of Mass. (Proposed 1972), cited as "Mass. ch. § _____."

(12) New Jersey Criminal Law Revision Commission, New Jersey Penal Code (Final Report, 1971) (two volumes) cited as "1 or 2 N.J. § _____."

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