

**Guam Code Annotated
Applicable to
Department of Mental Health and Substance Abuse**

**9 GCA Crimes and Corrections
Chapter 80 Disposition of Offenders**

**9 GCA CRIMES AND CORRECTIONS
CH. 80 DISPOSITION OF OFFENDERS**

**CHAPTER 80
DISPOSITION OF OFFENDERS**

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**ARTICLE 1
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§ 80.00. Terms of Imprisonment Are Fixed Terms.

All terms of imprisonment specified in the Guam Codes imposed upon conviction of an offense shall be fixed terms, having a determined termination date set at the time of sentencing by the court, except as provided for extension of terms of imprisonment under §§ 80.32 and 80.36 of this Code.

SOURCE: Added by P.L. 14-143, eff. 10/01/78.

COMMENT: This Section was added to make sure that the former California system of indefinite terms of imprisonment was not implemented in Guam. This Chapter as originally enacted appeared to allow such indefinite terms.

§ 80.10. Types of Sentences Allowed.

(a) Unless otherwise provided by law, the court may suspend the imposition of sentence of a person who has been convicted of a crime in accordance with § 80.60, may order him to be committed in lieu of sentence in accordance with § 80.20 or may sentence him as follows:

- (1) to imprisonment for a term required by law;

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maximum sentence of ten years. *People v. Chargualaf*, 1990 WL 320350, D.C. Cr. 88-068A.

§ 80.30.1. Mandatory Sentencing for Persons Convicted of a Third-Degree Felony Relative to the Possession of Methamphetamine.

Except as stipulated in 9 GCA § 80.31.1, the court shall impose a sentence of imprisonment of no less than three (3) years and no more than five (5) years, and a fine of fifteen thousand dollars (\$15,000), on persons convicted of a third-degree felony under the provisions of 9 GCA § 67.52, when the controlled substance the person is convicted of possessing is the substance known as methamphetamine. Sentence in these cases shall also include mandatory community service of no less than one hundred and fifty (150) hours, mandatory enrollment and attendance in a drug rehabilitation program at the Department of Mental Health and Substance Abuse, and a mandatory term of probation of five (5) years.

SOURCE: Added by P.L. 23-58:3.

§ 80.31. Prison Terms for First Offenders.

In the cases to which § 80.30 is applicable as to the sentencing of the person, a person who has not previously been convicted of a criminal offense and has been convicted of a felony for the first time may be sentenced to imprisonment as follows:

(a) In the case of a felony of the first degree, the court shall impose a sentence of not less than three (3) years and not more than fifteen (15) years;

(b) In the case of a felony of the second degree, the court shall impose a sentence of not less than one (1) year and not more than eight (8) years; and

(c) In the case of a felony of the third degree, the court may impose a sentence of not more than three (3) years.

SOURCE: Added by P.L. 14-143, eff. 10/01/78.

§ 80.31.1. Mandatory Sentencing for First-Time Offenders Convicted of a Third-Degree Felony Relative to the Possession of Methamphetamine.

In cases where 9 GCA § 80.30.1, is applicable to the sentencing of a person, a person who has not been previously convicted of a felony relative to the possession of any controlled substance and has been convicted of a felony for the first time relative to possession of methamphetamine shall be

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sentenced to a term of imprisonment of no more than three (3) years and a fine of five thousand dollars (\$5,000). Sentence in these cases must also include mandatory community service of no less than one hundred and fifty (150) hours, mandatory enrollment and attendance in a drug rehabilitation program at the Department of Mental Health and Substance Abuse or any other drug rehabilitation program approved by the Superior Court, and a mandatory term of probation of five (5) years.

SOURCE: Added by P.L. 23-58:4.

§ 80.32. Extended Terms Allowed.

In the cases designated in §§ 80.38 and 80.42, a person who has been convicted of a felony may be sentenced to an extended term of imprisonment as follows:

(a) In the case of a felony of the first degree, for a sentence of life imprisonment;

(b) In the case of a felony of the second degree, the court may impose a sentence of not less than five (5) years and not more than twenty (20) years; or

(c) In the case of a felony of the third degree, the court may impose a sentence of not less than three (3) years and not more than ten (10) years.

SOURCE: Enacted 1977; repealed and reenacted by P.L. 14-143, eff. 10/01/78.

§ 80.33. Prison Terms for Drug Offenders.

[Repealed]

SOURCE: Added by P.L. 14-141, eff. 09/01/78. Repealed and reenacted by P.L. 24-149:2.

§ 80.33.1. Fines for Drug Offenses.

[Repealed]

SOURCE: Added by P.L. 14-141, eff. 09/01/78. Repealed and reenacted by P.L. 24-149:2.

§ 80.33.2. Additional Fines in Drug Offenses.

[Repealed]

SOURCE: Added by P.L. 14-141, eff. 09/01/78. Repealed and reenacted by P.L. 24-149:2.