

EXECUTIVE DIRECTOR
Stephen P. Hattori



DEPUTY DIRECTOR
John P. Morrison
ADMINISTRATIVE DIRECTOR
Cathyann C. Gogue

PUBLIC DEFENDER SERVICE CORPORATION
(Kotperasion Setbision Defensot Pupbleku)

GOVERNMENT OF GUAM
779 Route 4
Sinajóna, Guam 96910
Tel: (671) 475-3100 ♦ Fax: (671) 477-5844

STAFF ATTORNEYS
Jocelyn M. Roden
Peter J. Sablan
William B. Jones
Zachary C. Taimonglo
William C. Bischof
Michael C. Brown
Renita Tainanao-Munoz
Alisha L. Molyneux
Brian P. Eggleston
Earl Anthony V. Espiritu
Kathleen A. Aguon
David J. Highsmith

March 31, 2024

Chairperson Senator Therese M. Terlaje
Committee on Health, Land, Justice, and Culture
I Mina'trentai Siette na Lehlslaturan Guahan
Hagatna, GU 96910

Re: Bill No. 183-37(COR)

Dear Chairperson Senator Terlaje and Committee Members:

Thank you for the opportunity to present written testimony on Bill No. 183-37(COR). I would like to be physically present to provide oral testimony on this important subject, but unfortunately I must be in court on the morning of April 1, 2024.

Bill No. 183-37 seeks to impose higher penalties on those who are convicted of committing acts of First and Second Degree Criminal Sexual Conduct against victims under the age of twelve (12) years of age. While I understand the desire to harshly punish those convicted of acts such as these, I feel that the laws we currently have are more than adequate for this purpose.

9 GCA §§ 80.37.3(a) and (c) currently provides a sentencing enhancement of five to twenty-five (5-25) years of incarceration in any case involving *vulnerable victims*, in addition to the sentence imposed for the underlying offense. Among other victim-classes, this includes minors who are under thirteen (13) years old. Considering the mandatory minimum sentence and minimum sentencing enhancement, in cases of First Degree Criminal Sexual Conduct, our current laws require a minimum punishment of at least twenty (20) years of incarceration and a maximum of life without the possibility of parole plus twenty-five (25) years if committed against a vulnerable victim. Significantly, 9 GCA §§ 80.37.3(a) and (c) currently protects a broader age-range than Bill No. 183-37 envisions, as the current sentencing enhancement protects those under thirteen (13) while Bill No. 183-37 protects only those who are twelve (12) or younger.

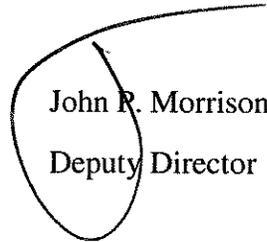
In practice, it has been my experience that our judges do not hesitate to impose lengthy sentences, far exceeding the mandatory minimums, when the circumstances call for it. In generally, we should all be in favor of maintaining judicial discretion in sentencing as our judicial officers sit through an entire trial, hear from individual victims at trial and sentencing hearings, read confidential pre-sentence reports, and then weigh sentencing factors before handing down a sentence. Judges are in the best position to determine if a defendant before them should be treated exactly like the defendant who appeared before them the day before or if the facts of the case merit a different disposition. At all times, judges consider a defendants likelihood or reoffending, particularly when considering pre-trial release and then at sentencing.

Finally, please consider the fact the Guam does not currently offer sex-offender treatment at the Department of Corrections, and does not currently employ a medical doctor, psychologist, or

psychiatrist on-staff. It almost goes without saying that the full development of these services and the presence of a professional staff are needed to help determine if individuals convicted of these crimes have been rehabilitated or continue to present as a danger. Currently, the best our judges can do is require sex-offender treatment if it becomes available.

Thank you very much for the chance to comment on Bill No. 183-37 and please do not hesitate to contact me if I can be of any assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "John P. Morrison", is written over the typed name. The signature is enclosed within a hand-drawn oval shape.

John P. Morrison
Deputy Director