

Sept. 6, 1950, ch. 896, Ch. VII, title I, 64 Stat. 694.

#### SUBCHAPTER IV—THE JUDICIARY

### § 1424. District Court of Guam; local courts; jurisdiction

#### (a) District Court of Guam; local courts

The judicial authority of Guam shall be vested in a court of record established by Congress, designated the "District Court of Guam," and such local court or courts as may have been or shall hereafter be established by the laws of Guam in conformity with section 1424-1 of this title.

#### (b) Jurisdiction

The District Court of Guam shall have the jurisdiction of a district court of the United States, including, but not limited to, the diversity jurisdiction provided for in section 1332 of title 28, and that of a bankruptcy court of the United States.

#### (c) Original jurisdiction

In addition to the jurisdiction described in subsection (b) of this section, the District Court of Guam shall have original jurisdiction in all other causes in Guam, jurisdiction over which is not then vested by the legislature in another court or other courts established by it. In causes brought in the district court solely on the basis of this subsection, the district court shall be considered a court established by the laws of Guam for the purpose of determining the requirements of indictment by grand jury or trial by jury.

(Aug. 1, 1950, ch. 512, §22, 64 Stat. 389; Aug. 27, 1954, ch. 1017, §1, 68 Stat. 882; June 4, 1958, Pub. L. 85-444, §§1, 2, 72 Stat. 178, 179; Nov. 6, 1978, Pub. L. 95-598, title III, §335, 92 Stat. 2680; Oct. 5, 1984, Pub. L. 98-454, title VIII, §§801, 803, title X, §1001, 98 Stat. 1741, 1743, 1745.)

#### AMENDMENTS

1984—Pub. L. 98-454 amended section generally, striking out language which directed that no provisions of any rules which authorized or required trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information be applicable to the District Court of Guam unless and until made so applicable by laws enacted by the Legislature of Guam, repealed that portion of section 1 of act Aug. 27, 1954, which had inserted such language originally, repealed section 335 of Pub. L. 95-598, which had amended this section, and transferred out of this section into sections 1424-1 to 1424-4, with amendments, the remaining provisions formerly set out in this section relating to the creation, jurisdiction, and rules governing procedure in the Guam judicial system.

1978—Subsec. (a). Pub. L. 95-598, §335(a), inserted "and a bankruptcy court".

Subsec. (b). Pub. L. 95-598, §335(b), substituted "section 2075 of title 28, in cases under title 11," for "section 53 of title 11, in bankruptcy cases;".

1958—Subsec. (a). Pub. L. 85-444 provided that the District Court of Guam shall have jurisdiction in all causes arising under the Constitution, treaties, and laws of the United States, regardless of the sum or value of the matter in controversy, and to insert the paragraph requiring appeals to the District Court to be heard and determined by an appellate division.

1954—Subsec. (b). Act Aug. 27, 1954, inserted provisions making it clear that trial by jury or the prosecution of offenses by indictment by a grand jury instead of by information shall not be required in the District

Court of Guam until so required by laws enacted by the Legislature of Guam; and defining the terms "attorney for the government", and "United States attorney", as used in the Federal Rules of Criminal Procedure, when applicable to cases arising under the laws of Guam.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Section 1005 of Pub. L. 98-454 provided that: "Titles VII, VIII, IX, and X of this Act [enacting sections 1424-1 to 1424-4, 1493, and 1613a of this title, repealing section 1400 of this title, amending this section and sections 1424b, 1561, 1611, 1612, 1613, 1614, 1615, 1617, 1694, and 1821 to 1824 of this title, and enacting provisions set out as notes under sections 1424b, 1612, and 1614 of this title and section 373 of Title 28, Judiciary and Judicial Procedure] shall become effective on the ninetieth day following their enactment [Oct. 5, 1984]."

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by section 335(b) of Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

Section 402(e) of Pub. L. 95-598, which provided a prospective effective date for the amendment of subsec. (a) by section 335(a) of Pub. L. 95-598, was repealed by section 1001 of Pub. L. 98-454.

#### EFFECTIVE DATE OF 1954 AMENDMENT

Section 2 of act Aug. 27, 1954, provided that: "The amendment made by section 1 [amending this section] shall be deemed to be in effect as of August 1, 1950."

#### SEPARABILITY

Section 4 of act Aug. 27, 1954, provided: "If any particular provision of this Act [amending this section and enacting provisions set out as notes under this section], or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby."

#### NONREVERSAL OF CONVICTIONS PRIOR TO AUGUST 27, 1954

Section 3 of act Aug. 27, 1954, provided: "No conviction of a defendant in a criminal proceeding in the District Court of Guam heretofore had shall be reversed or set aside on the ground that the defendant was not indicted by a grand jury or tried by a petit jury."

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1421i, 1424-1 of this title.

### § 1424-1. Local courts; composition; appellate court; jurisdiction; practice and procedure; qualifications and duties of judges

#### (a) Composition; establishment of appellate court

The local courts of Guam shall consist of such trial court or courts as may have been or may hereafter be established by the laws of Guam. On or after the effective date of this Act, the legislature of Guam may in its discretion establish an appellate court.

#### (b) Jurisdiction

The legislature may vest in the local courts jurisdiction over all causes in Guam over which any court established by the Constitution and laws of the United States does not have exclusive jurisdiction. Such jurisdiction shall be subject to the exclusive or concurrent jurisdiction conferred on the District Court of Guam by section 1424(b) of this title.