


I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN 2006 (Second) Regular Session

Bill No. 322 (4)

Introduced by:

J.M.S. Brown 

AN ACT TO AMEND TITLE 5 G.C.A. §60107 TO REVISE PROCEDURES FOR THE EFFECTIVE PROSECUTION OF VIOLATIONS OF GUAM'S NATURAL RESOURCE LAWS BY THE ISSUANCE OF CITATIONS AND TO PROVIDE THAT FINES AND PENALTIES SO RECOVERED SHALL BE DEPOSITED INTO THE WILDLIFE CONSERVATION FUND.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent: *I Liheslatura* finds that in order to
3 provide for an effective deterrence of violations of Guam's Natural Resource laws there is a
4 need to amend the current statutes on the subject. Therefore, it is the intent of *I Liheslaturan*
5 *Guåhan* to allow the provisions stated in Section 60107 of Chapter 60, Title 5 Guam Code
6 Annotated, apply to Chapter 63, Title 5 Guam Code Annotated.

7 Section 2: §60107 of Article 1, Chapter 60, Division 6 of Title 5 Guam Code
8 Annotated is amended to read:

9 §60107. Violation.

10 A. The Director of the Department of Agriculture, through the
11 Administrative Adjudication Law, is hereby authorized to enact schedules for penalties
12 and citations that:

- 13 (a) do not exceed One Thousand Dollars (\$1,000.00) per incident; and
14 (b) allow any peace officer on Guam to issue a citation for a violation of
15 Chapter 60 and Chapter 63 of Title 5 of the Guam Code Annotated, their supporting
16 regulations and Public Law 24-21 as is appropriate;

1 ~~A citation issued under Chapter 60 of Title 5 of the Guam Code Annotated~~
2 ~~must state the nature of the offense; the time and location of the offense; the fine assessed~~
3 ~~and deadline for payment. The citation shall also direct the recipient to either pay the~~
4 ~~specified fine or file an official intention to contest the citation at the Department of~~
5 ~~Agriculture by a specified date in the citation. The citation shall be in a form to be created~~
6 ~~by the Department. If the recipient submits the contest form prior to the specified deadline~~
7 ~~for payment, the Department shall transmit the form in question to the Superior Court of~~
8 ~~Guam. The Traffic Division of the Superior Court of Guam shall have jurisdiction over all~~
9 ~~such matters. The Traffic Division shall notify the person cited of the date and time the~~
10 ~~person's court appearance, and shall hear the case in accordance with its usual procedures.~~

11 B. A citation issued to an alleged violator under Chapters 60 and 63 of
12 Title 5 of the Guam Code Annotated, their supporting regulations and Public Law 24-21,
13 shall be accompanied by a notice to appear at the Traffic Court Division of the Superior
14 Court of Guam. Failure of the violator to appear as directed may subject the violator to
15 further penalties for contempt of court.

16 Violations of this article shall be prosecuted in the Traffic Court Division of the
17 Superior Court of Guam, which shall impose the penalties created herein. Parents and
18 legal guardians shall assume responsibility for any violations hereof committed by any
19 minors under their custody.

20 ~~———— All fines paid shall be deposited according to law. Nothing in this statute shall~~
21 ~~nullify or modify any civil powers, penalties or obligations granted by the law to the~~
22 ~~Department of Agriculture to punish offenses of the hunting and fishing laws of Guam,~~
23 ~~including the right to perform searches and seizures.~~

24
25 C. All monies collected by the court for fines and penalties imposed
26 hereunder shall be transferred to the Wildlife Conservation Fund as described in §63130 of

1 Article 1, Chapter 63, Division 6 of Title 5 of the Guam Code Annotated. The Superior
2 Court shall render a quarterly report to the Department of Agriculture reflecting
3 defendants' names, addresses and other identifying information regarding violators who
4 have been ordered to remit fines and penalties. The Superior Court shall create forms
5 approved by the Director of the Department of Agriculture to record violations, provide for
6 the administration of the prosecution of violators and establish an orderly, secure and
7 efficient procedure for the processing of Natural Resource Citations pursuant to subsection
8 (a) thereof.

9 The Director of the Department of Agriculture may enter into written
10 agreements with the Superior Court of Guam and other government of Guam Agencies
11 and create such ~~legal forms~~ Memoranda of Understanding as are necessary to effectuate the
12 purposes of this Act.

13 D. The Department of Agriculture may also create and establish
14 regulations for the purposes of this Act as is appropriate. The existing penalties as
15 described in §63129 of Chapter 63 of Title 5 of the Guam Code Annotated, Public Law 28-
16 107, and their supporting regulations to include Public Law 24-21 shall remain in effect
17 until ~~replaced by the new regulations~~ the schedule of penalties and citations is enacted.

18 E. Nothing in this statute shall nullify or modify any civil or criminal law
19 enforcement powers, penalties or obligations granted by federal or local law to the
20 Department of Agriculture to punish offenses of the hunting and fishing laws of Guam,
21 including but not limited to the right to perform searches and seizures, to make lawful
22 arrests and to seek and recover the forfeiture of instrumentalities employed by violators.