

**MINA' TRENTAI TRES NA LIHESLATURAN GUÅHAN**  
**2016 (SECOND) Regular Session**

Bill No. 232-33 (LS)

Introduced by:

Brant McCreadie

*James V. Espaldon*  
*X. ANTHONY ADA*  
*Frank F. Blas, Jr.*

**AN ACT TO AMEND §74108 OF CHAPTER 74, TITLE 11 GUAM CODE ANNOTATED RELATIVE TO INCREASING THE CIVIL PENALTIES FOR SCRAP METAL BUSINESSES WHO FAIL TO PROPERLY FOLLOW REPORTING REQUIREMENTS AS PER GUAM LAW.**

*Mary C. Torres*  
*Demis S. Rodriguez*

2016 JAN 19 AM 11:23

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3 Public Law 29-70 greatly increased the reporting requirements for scrap metal  
4 businesses in an effort to curb the rash of copper wire and other non-ferrous metals  
5 thefts occurring in our community. However, *I Liheslaturan Guåhan* further finds that  
6 scrap metal dealers have failed to properly maintain records of non-ferrous metal  
7 transactions. More stringent civil penalties are required to detract scrap metal  
8 businesses from failing to report all non-ferrous metal property purchases as required  
9 by Guam law.

10       Therefore, it is the intent of *I Liheslaturan Guåhan* to amend §74108 of Chapter  
11 74, Title 11 Guam Code Annotated to increase the civil penalties for scrap metal  
12 businesses who fail to comply with reporting requirements.

13 **Section 2.** §74108 of Chapter 74, Title 11 Guam Code Annotated is hereby *amended*  
14 to read:

1           “§ 74108. Civil Penalties.

2           (a) Each violation of the requirements of this Chapter shall be punishable,  
3           upon conviction, by a fine of not ~~more~~ less than ~~One Thousand Dollars~~  
4           ~~(\$1,000.00)~~ One Hundred Thousand Dollars (\$100,000) and the permanent  
5           revocation of a scrap metal business’ business license.

6           ~~(b) Within two (2) years of being convicted of a violation of any of the~~  
7           ~~requirements of this Chapter, each subsequent violation shall be punishable,~~  
8           ~~upon conviction, by a fine of not more than Two Thousand Dollars~~  
9           ~~(\$2,000.00).”~~

10          **Section 3. Deposit of Fines.** Subsection (a) of § 77134 of Chapter 77, Title  
11          10, Guam Code Annotated is *amended* to read:

12          “(a) The Chief of Police may prescribe in accordance with the Administrative  
13          Adjudication Law fees to be charged and collected by the Department that are directly  
14          related to the need of the agency to recover administrative costs in servicing the  
15          public. These fees and fines imposed under § 74108 of Chapter 74, Title 11, Guam  
16          Code Annotated shall be deposited in a special account known as the ‘Police Services  
17          Fund,’ established separate and apart from the General Fund to be administered by the  
18          Director of Administration for the benefit of the Guam Police Department. The Guam  
19          Legislature shall make appropriations from the ‘Police Services Fund’ for the purpose  
20          of funding the general operational needs of the Guam Police Department on a fiscal  
21          year basis. These funds, once appropriated to the Department, are not subject to the  
22          transfer authority of the Governor.”

23          **Section 4. Effective Date.** This Act shall be effective immediately upon  
24          enactment.

25          **Section 5. Severability.** *If* any provision of this Law or its application to any  
26          person or circumstance is found to be invalid or contrary to law, such invalidity shall

- 1 *not* affect other provisions or applications of this Law which can be given effect
- 2 without the invalid provisions or application, and to this end the provisions of this
- 3 Law are severable.