

I Mina'trentai Siette Na Lihelaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
340-37 (LS)	Dwayne T.D. San Nicolas William A. Parkinson Roy A. B. Quinata Joe S. San Agustin	AN ACT TO AMEND § 73117 OF ARTICLE 1, CHAPTER 73, DIVISION 7, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO STRENGTHENING THE REGULATIONS ON ILLEGAL ENTRY INTO GUAM.	8/16/24 3:43 p.m.						

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

Bill No. 340-37 (LS)

Introduced by:

Dwayne T.D. San Nicolas
William A. Parkinson
Roy A.B. Quinata
Joe S. San Agustin

**AN ACT TO AMEND § 73117 OF ARTICLE 1, CHAPTER 73,
DIVISION 7, TITLE 5, GUAM CODE ANNOTATED, RELATIVE
TO STRENGTHENING THE REGULATIONS ON ILLEGAL
ENTRY INTO GUAM.**

BE IT ENACTED BY THE PEOPLE OF GUAM.

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that

the regulations around illegal entry into our island are quite lax and that our island has no local regulations that are stringent enough to address this critical issue that is steadily rising. As reported by the Guam Customs and Quarantine Agency (CQA), the number of unauthorized entries into Guam is increasing, with a total of about one hundred eighteen (118) individuals captured trying to enter our island illegally since 2022. According to many reports of unauthorized entry into our island, the perpetrators would go through the immigration process in the Commonwealth of the Northern Mariana Islands (CNMI) and then enter Guam illegally outside the designated points of entry of the island. Because many of the perpetrators have gone through the proper U.S. immigration process in the CNMI, our CQA officers do not have the legal authority to arrest these unauthorized individuals when they arrive in Guam and can only charge them with failure to acquire clearance requirements and

1 failure to deliver a manifest to a customs officer, both of which are minor infractions
2 and are only considered as misdemeanors. Under 5 GCA § 73133, these violations
3 only result in a “fine of not more than Two Thousand Dollars (\$2,000) or
4 imprisonment for one (1) year, or both.” In order to deter these unauthorized
5 individuals from entering our island, it is necessary to enact a legislation bolstering
6 the strength of our laws to prosecute those who enter our island illegally.

7 With this, *I Liheslaturan Guåhan* intends to enact a legislation to make it
8 illegal to enter Guam without going through the proper process and to give CQA
9 officers the power to arrest those who illegally enter our island. This legislation will
10 deter and address the issue of Chinese nationals and other undocumented individuals
11 arriving in the shores of Guam and illegally entering our island by empowering our
12 customs officers and to make the punishment match the magnitude of the violation.

13 **Section 2.** § 73117 of Article 1, Chapter 73, Division 7, Title 5, Guam Code
14 Annotated *shall* be amended to read as follows:

15 **“§ 73117. Unloading Penalties.**

16 (a) If any passengers, merchandise, or baggage are unloaded from
17 any vessel, aircraft, or contrivance arriving from outside of Guam without a
18 permit or authorization and clearance from Customs authorities, the master of
19 such vessel, crew members, and every other person, including passengers,
20 who knowingly ~~is concerned or who aids therein, or~~ in unloading, removing,
21 or otherwise securing such passenger, passengers, merchandise, or baggage,
22 shall each be guilty of a ~~violation~~ felony and, upon conviction thereof, may
23 be imprisoned for not more than five (5) years and fined not less than Twenty
24 Five Thousand Dollars (\$25,000) per violation for each passenger so unladed,
25 and such merchandise or baggage shall be subject to forfeiture.

1 (b) If any passengers, merchandise, or baggage are unloaded from
2 any vessel, aircraft, or contrivance arriving from outside of Guam without a
3 permit or authorization and clearance from Customs authorities at any place
4 other than a designated port of entry, the master of such vessel, crew members,
5 and every other person, including passengers, who knowingly aids therein in
6 unloading, removing, or otherwise securing such passenger, passengers,
7 merchandise, or baggage, shall each be guilty of a felony and, upon conviction
8 thereof, may be imprisoned for not more than five (5) years and fined not less
9 than Twenty Five Thousand Dollars (\$25,000) per violation for each
10 passenger so unladed, and such merchandise or baggage shall be subject to
11 forfeiture.”

12 **Section 3. Severability.** *If any of the provisions of this Act or the application*
13 *thereof to any person or circumstance is held invalid, such invalidity shall not affect*
14 *any other provision or application of this Act which can be given effect without the*
15 *invalid provision or application, and to this end the provisions of this Act are*
16 *severable.*

17 **Section 4. Effective Date.** This Act shall become effective upon enactment.