

MINA BENTE OCHO NA LIHESLATURAN GUÅHAN  
2005 (FIRST) REGULAR SESSION

BILL NO. 25(EC).

INTRODUCED BY:

F. B. AGUON, JR. 

AN ACT TO ADD A NEW ITEM (e) TO §63724.3 OF CHAPTER 63, DIVISION 3, ARTICLE 7 OF TITLE 10 OF THE GUAM CODE ANNOTATED, DESIGNATING THE GUAM NATIONAL GUARD COUNTER-DRUG PROGRAM AS A LAW ENFORCEMENT ENTITY FOR THE PURPOSE OF CARRYING OUT ASSET FORFEITURE LAWS, THUS PROVIDING RESOURCES NECESSARY TO FURTHER SUPPORT THE PROGRAM'S TREMENDOUS EFFORTS TOWARD THE EDUCATION, PREVENTION, AND ELIMINATION OF ILLEGAL DRUGS ON THE ISLAND.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent.

3 I Liheslaturan Guahan finds that the National Guard Counter -Drug  
4 Program is a congressionally funded program administered through the  
5 National Guard Bureau. Each state and territory's National Guard unit has  
6 such a program whose purposes are (1) to support federal and state law  
7 enforcement authorities in drug eradication and (2) to support state  
8 programs in drug demand reduction education among youth.

9 I Liheslaturan Guahan further finds that the Guam National Guard  
10 Counter-Drug Program currently employs approximately 15 full-time  
11 Guard personnel and has a budget of about One Million Dollars

1 (\$1,000,000.00). Aside from assisting law enforcement agencies in drug  
2 interdiction, Guam's Counter-Drug Program activities include conducting  
3 assembly lectures at Guam's schools both public and private. The  
4 program's work with law enforcement and the island's youth has been  
5 exceptional and noteworthy but more significantly at no cost to the people  
6 of Guam.

7 I Liheslaturan Guahan further finds that Guam's Counter-Drug  
8 Program currently has no legal authority to participate in the Federal Asset  
9 Sharing Program. The Federal Asset Sharing Program is the sharing of  
10 federally forfeited property obtained through criminal asset forfeiture with  
11 participating state and local law enforcement agencies, and is authorized  
12 both in Federal Law and National Guard Regulation (NGR) 500-2. Asset  
13 forfeiture can be used to purchase equipment and supplies and for Law  
14 Enforcement and National Guard Counter-Drug training in support of the  
15 Counter-Drug mission. The Department of Justice and the Department of  
16 Treasury require that participants in the Federal Asset Sharing Program be  
17 recognized as a state law enforcement agency. The Guam National Guard  
18 Counter-Drug Program currently is not so recognized under Guam Code  
19 Annotated Title 10, Chapter 63 and as a result has missed opportunities to  
20 share in the disbursement of federally forfeited assets.

21 Therefore, it is the intent of I Liheslaturan Guahan to amend Title 10,  
22 Chapter 63 of the Guam Code Annotated to designate the Guam National

1 Guard Counter-Drug Program as a law enforcement entity for the purpose  
2 of carrying out Federal Asset Forfeiture Laws.

3 **Section 2. Guam National Guard Counter-Drug Program**  
4 **Participation in Federal Asset Forfeitures.**

5 A new item (e) is hereby added to §63724.3 of Chapter 63, Division 3,  
6 Article 7 of Title 10 of the Guam Code Annotated to read as follows:

7 “(e). When participating in counter drug support operations, to the  
8 extent authorized by 32 U. S. C. 112, applicable regulations of the National  
9 Guard Bureau and the Guam National Guard Counter-Drug Support Plan,  
10 the Guam National Guard Counter-Drug Program is hereby designated as  
11 a law enforcement entity solely for the purpose of carrying out federal asset  
12 forfeiture laws. Any funds or assets acquired through said participation  
13 shall be applied specifically toward enhancing the Counter-Drug  
14 Program’s ability to effectively carry out its mission, and may also be used  
15 to further support other local law enforcement entities in their counter-  
16 drug activities.

17 The Guam National Guard Counter-Drug Program coordinator, or an  
18 authorized program designee, shall provide an annual asset forfeiture  
19 inventory report to I Maga’Lahen Guahan and I Liheslaturan Guahan no  
20 later than thirty (30) days upon the conclusion of each fiscal year. The  
21 written report shall entail a list of assets presented to the Program within  
22 the fiscal year, as provided through its participation in the Federal Asset  
23 Sharing Program.

1           **Section 3. Severability Clause.**

2           If any provision of this Act or its application to any person or  
3 circumstances is held invalid, the invalidity shall not affect other  
4 provisions or applications of this Act which can be given effect without the  
5 invalid provision or application, and to this end the provisions of this Act  
6 are severable.