







MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 38 (EC)

Introduced by:

R. Tenorio 
B. J. Cruz 
J.M.S Brown 
Judy Won Pa 
Adolpho Palacios 
L. Kasperbauer 

**AN ACT TO ADD A NEW §43.31 TO CHAPTER 43
OF ARTICLE 1, TITLE 9, GUAM CODE
ANNOTATED, RELATIVE TO ESTABLISHING A
SPECIAL ALLEGATION TO BE KNOWN AS A
"CRIME AGAINST THE COMMUNITY".**

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

2 **Section 1. Short Title.** This Act shall be known as the "*Crime Against*
3 *the Community Act*".

4 **Section 2. Legislative Statement of Intent.** Most crimes adversely
5 affect one or more persons within our community and are not to be tolerated.
6 However, committing crimes that affect the community as a whole are
7 particularly heinous. These types of crimes may include the theft of
8 government property or services that result in a threat to the public health or
9 public safety. The theft of government property (i.e.: a generator used to
10 sustain the operation of a water pump after a typhoon), damaging property
11 (i.e.: cutting open a water bladder placed at a school) or using services for
12 purposes not related to the original intent for which the property or services

1 were provided and any other action(s) that result in a denial of government
2 property or services necessary to sustain life, can cause far-reaching negative
3 consequences. It is the intent of *I Liheslaturan Guåhan* that any person who is
4 charged with the theft of any government property or services whether
5 owned, leased, or borrowed, or the denial of the same, shall have the special
6 allegation "*Crime Against the Community*" added to the charge sheet.

7 **Section 3. A new §43.31 is added to Chapter 43 of Article 1, Title 9,**
8 **Guam Code Annotated.** A new §43.31 is added to Chapter 43 of Article 1,
9 Title 9, Guam Code Annotated to read:

10 **"§43.31. Crime against the Community; Defined and Punishment**
11 **Classified. (a)** A person is guilty of a *crime against the community* if he
12 unlawfully takes or obtains or exercises unlawful control over government-
13 owned, leased, or borrowed property necessary for the delivery of public
14 services;

15 **(b)** A person is guilty of a *crime against the community* if he unlawfully
16 takes or obtains or exercises unlawful control over government-owned,
17 leased, or borrowed property or services that result in a threat to the public
18 health and safety;

19 **(c)** A person is guilty of a *crime against the community* if he unlawfully
20 takes or obtains or exercises unlawful control over government-owned,
21 leased, or borrowed property or services for purposes not related to the
22 original intent for which the property or services were provided;

1 (d) A person is guilty of a *crime against the community* if he unlawfully
2 performs any other action(s) that result in a denial of government property or
3 services.”

4 (e) A *crime against the community* constitutes a felony of the third
5 degree and the court shall impose a sentence of imprisonment of a minimum
6 term of one (1) year and may impose a maximum sentence of imprisonment of
7 up to three (3) years; the minimum term imposed shall not be suspended nor
8 may probation be imposed in lieu of the minimum term nor shall parole or
9 work release be granted before completion of the minimum term. In addition
10 to imprisonment, the court shall include, as part of the penalty, a mandatory
11 sentence of five hundred (500) hours of community service to be performed
12 upon completion of the prison sentence.”