


**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN**  
**TWENTY-EIGHTH GUAM LEGISLATURE**  
**2005 (FIRST) Regular Session**

Bill No. 190 (EC)

Introduced by:

A. B. Palacios, Sr. 

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**AN ACT TO ADD A NEW SECTION §150.60 TO CHAPTER 150, TITLE 8  
GUAM CODE ANNOTATED RELATIVE TO FORFIETURE AND  
DISPOSAL OF PROPERTY USED IN A COMMISSION OF A CRIME.**

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

1           **Section 1. Legislative findings and intent.** *I Liheslaturan Guåhan* finds that current  
2 Guam laws are not adequate in providing for a timely disposal of property seized while used in  
3 violation of law or in the commission of a crime. While Title 8 Guam Code Annotated, Chapter  
4 150 and Title 19 Guam Administrative Rules, Chapter 1, Article 1, provides some guidance in the  
5 disposal of property held in custody, the process is cumbersome and time consuming, often times  
6 reduces the value of the property to “junk” property.

7           *I Liheslaturan Guåhan* further finds that delays caused by the current procedures have led to  
8 properties being stored at the Guam Police Department for periods in excess of 10 years occupying  
9 needed space. Moreover, this condition has placed an undue burden on police officials in that they  
10 must ensure adequate storage and preservation of these properties even during times of natural  
11 disasters.

12           *I Liheslaturan Guåhan* also finds that the same process as proposed in this Bill already  
13 exists for the Department of Agriculture under §63128, Article 1, Chapter 63, Division 6, Title 5

1 Guam Code Annotated and is an excellent model that can be applied to the Guam Police  
2 Department.

3 It is therefore the intent of *I Liheslaturan Guåhan* to amend the current laws, to provide for a  
4 more expeditious process to dispose of seized properties, that by their association to a crime, may  
5 not be returnable to the owner or to the person from whom the property is seized, and to permit the  
6 Guam Police Department to directly petition the Court for a judgment forfeiting the items seized  
7 and disposing them in manners prescribed by law.

8 **Section 2. A new section §150.60 is added to Chapter 150, Title 8 of the Guam Code**  
9 **Annotated, to read as follows:**

10 “§150.60. Notwithstanding the provisions of Chapter 150, Title 8 Guam Code Annotated and  
11 Article 1, Chapter 1, Title 19 Guam Administrative Rules, any type of property, instrument, device,  
12 or object including engines, motors firearm, or vehicles used in violation of law or in a commission  
13 of a crime shall be forfeited. Every person authorized to make an arrest for such violations of law  
14 shall seize and keep such property and report the seizure to the Chief of Police, Guam Police  
15 Department.

16 The Guam Police Department shall commence proceedings in the Superior Court by  
17 petitioning the court for a judgment forfeiting the items seized. Upon the filing of such petition, the  
18 clerk of court shall fix a time for a hearing and cause notices to be posted for fourteen (14) days in at  
19 least two (2) public places in the place where the court is held and in the Mayor’ s Office of the  
20 village wherein the person from whom the items were seized resides, setting forth the substance of  
21 the petition and the time and place fixed for its hearing. Upon proof that the items seized were used  
22 in violation of law or in the commission of a crime, the court shall order such items forfeited. Any  
23 article so forfeited shall be sold, used or destroyed by the Guam Police Department. The proceeds

1 from all such sales shall be deposited into the Guam Police Department “Local Asset Forfeiture  
2 Account (LAFAs)” and used in accordance with Chapter 79, Division 3, Title 10 GCA.”