


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

Bill No. 234(LS)

Introduced by:

A. B. Palacios, Sr. 

AN ACT TO AMEND SUBSECTION (a) OF §34116, DIVISION 2, CHAPTER 34, ARTICLE 1, TITLE 10, GUAM CODE ANNOTATED, BY ADDING ITEMS (1), (2), (3) AND (4), AND TO ADD A NEW §34116.1 TO DIVISION 2, CHAPTER 34, ARTICLE 1, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE IMPOSITION OF MANDATORY FINES ON OWNERS OF IMPOUNDED DOGS AND TO ESTABLISH A STRAY DOG REVOLVING FUND.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that the problem of stray dogs, together with the many ill-effects which it produces,
3 continue to plague all the municipalities of Guam, especially those with high housing
4 and population densities.

5 *I Liheslaturan Guåhan* also finds that these uncontrolled and stray dogs can be
6 the source of serious danger to the safety of children walking to and from the bus
7 stops. Additionally, they are the immediate cause of health hazards by overturning
8 garbage cans and scattering the contents of household waste containers.

9 *I Liheslaturan Guåhan* further finds that, in accordance with the current
10 provisions of law, “any dog that is not wearing a current tag in accordance with

1 §34106 of Title 10 of the Guam Code Annotated or any dog that is running at large
2 shall be apprehended and impounded and disposed of in accordance with
3 departmental regulations.”

4 *I Liheslaturan Guåhan* further finds that the current statute, to include
5 governmental rules and regulations, lack the necessary provisions to hold dog owners
6 accountable for their negligent conduct.

7 Therefore, it is the intent of *I Liheslaturan Guåhan* to make owners of dogs
8 more accountable for the problems created by stray dogs, and to establish fines for
9 initial and repeated violations by the same dog and owner, by adding items (1), (2),
10 (3) and (4) to §34116, Chapter 34, Article 1, Division 2, Title 10, Guam Code
11 Annotated.

12 **Section 2.** Subsection (a) of §34116, Chapter 34, Article 1, Division 2, Title
13 10, Guam Code Annotated, is hereby amended by adding Items (1), (2), (3) and (4),
14 to read:

15 **“§34116. Dog running at large, impoundment, holding period,
16 sterilization and adoption.** (a) It shall be unlawful for any dog owner to
17 [~~willfully~~] negligently allow a dog owned by him to run at large.

18 (1) the owner of any impounded dog shall pay an initial fine
19 of One Hundred Fifty Dollars (\$150.00) in addition to the costs of all
20 applicable requirements, such as vaccination, licensing and per diem
21 fee of impoundment.

22 (2) the owner of the same dog impounded a second time
23 shall pay a fine of Two Hundred Fifty Dollars (\$250.00) in addition to
24 other applicable costs.

25 (3) the owner of the same dog impounded a third time, shall
26 pay a fine of Five Hundred Dollars (\$500.00), which will remain as

1 the mandatory fine for every violation thereafter, in addition to other
2 applicable costs.

3 **Section 3.** §34116.1 is hereby added to Chapter 34, Article 1, Division 2,
4 Title 10, Guam Code Annotated, to read:

5 **“§34116.1. Establishment of a Stray Dog Revolving Fund.**

6 Notwithstanding any provision of law or any departmental rules and
7 regulations to the contrary, there shall be established within the Department
8 of Agriculture a Stray Dog Revolving Fund, which shall be utilized by the
9 Department to purchase any equipment and supplies for the effective
10 implementation and enforcement of §34116 of this Title. All income and
11 revenues collected from the imposition of fines, including all such revenues
12 from the vaccination, licensing and upkeep of dogs, shall be deposited to
13 this Stray Dog Revolving Fund.”

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

Bill No. 234 (LS)
As Substituted by the Author

Introduced by:

A. B. Palacios, Sr.



AN ACT TO AMEND SUBSECTION (a) OF §34116, AND TO ADD NEW SECTIONS 34125 AND 34126 TO ARTICLE 1, CHAPTER 34, DIVISION 2, TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO THE IMPOSITION OF MANDATORY FINES ON OWNERS OF IMPOUNDED DOGS AND TO ESTABLISH A STRAY DOG REVOLVING FUND.

BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that the problem of stray dogs continue to plague all the municipalities of Guam
3 posing serious danger to the safety of children walking to and from the bus stop,
4 health hazards by overturning garbage cans and scattering the contents of household
5 waste containers throughout the area. Current do not adequately hold owners of stray
6 dogs accountable for their negligence.

7 Therefore, it is the intent of *I Liheslaturan Guåhan* to make owners of stray
8 dogs more accountable for the problems created by their pet and to establish fines for
9 initial and repeated violations by the same owner and dog, by amending §34116.(a),
10 and adding new sections 34125 and 34126 to Chapter 34, Article 1, Division 2, Title
11 10, Guam Code Annotated.

1 **Section 2.** Subsection (a) of §34116, Article 1, Chapter 34, Division 2, Title
2 10 Guam Code Annotated, is hereby amended to read:

3 “**§34116. Dog running at large, impoundment, holding period,**
4 **sterilization and adoption.** (a) It shall be unlawful for any dog owner to
5 ~~willfully~~ negligently allow a dog owned by him to run at large.”

6 **Section 3.** A new §34125 of Article 1, Chapter 34, Division 2, Title 10
7 Guam Code Annotated, is hereby added to read:

8 “**§34125. Penalties for Violation of §34116.(a).** Notwithstanding the
9 provisions of §34124, violations of §34116.(a) shall be charged a stray dog
10 enforcement fee in the amount of One Hundred Fifty Dollars (\$150.00) in
11 addition to the costs of all applicable requirements, such as vaccination,
12 licensing and per diem fee of impoundment for first offense, prior to release of
13 the dog.

14 (2) the owner of the same dog impounded a second time
15 shall be charged a stray dog enforcement fee in the amount of Two
16 Hundred Fifty Dollars (\$250.00) in addition to other applicable costs,
17 prior to release of the dog.

18 (3) the owner of the same dog impounded a third time, shall
19 be charged a stray dog enforcement fee in the amount of Five
20 Hundred Dollars (\$500.00), which will remain as the mandatory fine
21 for every violation thereafter, in addition to other applicable costs,
22 prior to release of the dog.”

23 **Section 4.** A new §34126 is hereby added to Article 1, Chapter 34,
24 Division 2, Title 10 Guam Code Annotated, to read as follows:

25 “**§34126. Establishment of the “Stray Dog Revolving Fund.”**
26 There shall be established within the Department of Agriculture a restricted
27 fund account called the “Stray Dog Revolving Fund,” which shall be

1 utilized by the Department to purchase equipment and supplies for the
2 effective implementation and enforcement of §34116 of this Title.
3 Notwithstanding the provision of §34123 of this Article, all fees and
4 revenues collected by the Department of Agriculture pursuant to §34125
5 shall be deposited into the “Stray Dog Revolving Fund.” The Department
6 of Agriculture shall administer the funds and shall establish procedures for
7 the collection of the fees.”

8 **Section 5. Effective date.** This Act shall be effective on January 1,
9 2006.