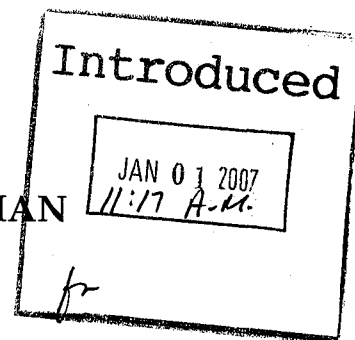


MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session



Bill No. 11(LS)

Introduced by:

J. T. Won Pat 

AN ACT TO ADD SECTIONS 18102.1 AND 18102.2, ARTICLE 1, CHAPTER 18, TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING THE GUAM POLICE DEPARTMENT TO ISSUE RESPONSIBILITY WARNINGS TO PERSONS ASSUMING CUSTODY OF PERSONS ARRESTED FOR DUI AND TO REQUIRING THE GUAM POLICE DEPARTMENT TO IMPOUND VEHICLES OF PERSONS ARRESTED FOR DUI.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Intent. It is the intent of *I Liheslaturan Guåhan* to
3 authorize Guam Police Department to impound the motor vehicles of those
4 charged with driving under the influence for a period of twelve (12)
5 hours. And to require Guam Police Department to issue responsibility
6 warnings to those arriving at law enforcement premises to pick up DUI
7 suspects, informing them of their potential civil and criminal liability if they
8 help the DUI offenders resume driving while still impaired.

9 Section 2. A new Section 18102.1 is hereby added to, Article 1, Chapter
10 18, Title 16, Guam Code Annotated to read as follows:

1 **“Section 18102.1. Written Statement of Potential Civil, Criminal**
2 **Liability for Permitting an Intoxicated Arrestee's Operation of Motor**
3 **Vehicle.** (a) Whenever a person is summoned by or on behalf of a person who
4 has been arrested for a violation of §18102 of this Chapter, in order to
5 transport or accompany the arrestee from the premises of a police station, the
6 Guam Police Department shall provide that person with a written statement
7 advising him of his potential criminal and civil liability for permitting or
8 facilitating the arrestee's operation of a motor vehicle while the arrestee
9 remains intoxicated. The person to whom the statement is issued shall
10 acknowledge, in writing, receipt of the statement or the Guam Police
11 Department shall record the fact that the written statement was provided, but
12 the person refused to sign an acknowledgment.

13 (b) The Attorney General shall establish the content and form of the written
14 statement and acknowledgment to be used by law enforcement agencies and
15 may issue directives to ensure the uniform implementation of this section.”

16 **Section 2.** A new Section 18102.2 is hereby added to, Article 1, Chapter
17 18, Title 16, Guam Code Annotated to read as follows:

18 **“Section 18102. 2. Impoundment of Vehicle Operated by Arrestee;**
19 **Conditions of Release; Fee for Towing, Storage.** (a) Whenever the driver of a
20 vehicle is arrested for a violation of §18102 of this Chapter, the vehicle is
21 subject to impoundment of the Guam Police Department. A vehicle
22 impounded pursuant to this section shall be impounded for a period of twelve
23 (12) hours after the time of arrest or until such later time as the arrestee
24 claiming the vehicle meets the conditions for release in subsection (c) of this
25 section.

1 (b) A vehicle impounded pursuant to this section may be released to a person
2 other than the arrestee prior to the end of the impoundment period only if:

3 (1) The vehicle is not owned or leased by the person under arrest and the
4 person who owns or leases the vehicle claims the vehicle and meets the
5 conditions for release in subsection d of this section; or

6 (2) The vehicle is owned or leased by the arrestee, the arrestee gives
7 permission to another person, who has acknowledged in writing
8 receipt of the statement required in § 18102.1 of this Chapter to operate
9 the vehicle and the conditions for release in subsection d of this section
10 are met.

11 (c) A vehicle impounded pursuant to this section shall not be released unless
12 the person claiming the vehicle:

13 (1) presents a valid operator's license, proof of ownership or lawful
14 authority to operate the motor vehicle, and proof of valid motor
15 vehicle insurance for that vehicle;

16 (2) is able to operate the vehicle in a safe manner and would not be in
17 violation of Title 16 of the Guam Code Annotated; and

18 (d) Pursuant to this section the Guam Police Department is authorized to
19 charge a reasonable fee for towing and storage of an impounded vehicle. The
20 Guam Police Department is further authorized to retain custody of the vehicle
21 until that fee is paid."

22 **Section 3. Effective Date.** This act shall become effective ninety (90) days
23 after enactment into public law.