

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

Bill No. 162 ^{LS} (EE)

Introduced by:

F.T. Ishizaki
F. F. Blas, Jr. *ff*
A. B. Delacruz, Sr. *AB*
RAY TENORCO *RT*

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AN ACT TO AMEND SUBSECTION (a), (b), and (c)
OF §18201 OF ARTICLE 2 OF CHAPTER 18 OF
TITLE 16 OF THE GUAM CODE ANNOTATED,
RELATIVE TO THE IMPLIED CONSENT
PROVISIONS OF THE SAFE STREETS ACT.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds that the
3 current implied consent provisions provided for in Guam's laws have been a hindrance on
4 law enforcement officers who process arrests for Driving Under the Influence ("DUI") due
5 to the testing option provided in Guam's Safe Streets Act. It is in the public interest to
6 remove the option for the testing of blood, urine, and/or breath by any person who is
7 suspected of DUI. Law enforcement officers are trained to recognize indicators displayed
8 by persons under the influence of alcohol or controlled substances, and to determine which
9 test should be administered to accurately determine the category, and to what level of
10 influence a person is under. Inappropriate testing would result in loss or inaccurate
11 collection of evidence, which would severely hamper the probability of successful
12 prosecution by the government.

13 It is the intent of *I Liheslatura* to remove the provision in law that allows a person

1 suspected of DUI the option to determine which test will be used in establishing the alcohol
2 and/or controlled substance content.

3 **Section 2. Safe Streets Act.** Subsections (a), (b), and (c) of §18201 of Article 2 of
4 Chapter 18 of Title 16 of the Guam Code Annotated is hereby *amended* to read:

5 **§ 18201. Implied Consent of Driver of Motor Vehicle to Submit to Blood or**
6 **Urine, or Breath Testing to Determine Alcohol or Controlled Substances Content**
7 **of Blood and Urine.**

8 (a) Any person who drives, operates, or is in actual physical control of a
9 motor vehicle on ~~the public highways or roadways~~ of Guam shall be deemed to
10 have given consent to up to two (2) chemical tests of the person's a blood, urine,
11 and/or breath ~~test~~ for the purpose of determining the person's the alcohol or
12 controlled substance content of within the person's blood, urine, and/or breath.

13 (b) The ~~blood, urine, and/or breath tests~~ chemical test(s) shall be
14 administered at the request of the ~~peace officer~~ arresting police officer having
15 ~~reasonable~~ probable cause to believe the person driving, operating or in actual
16 physical control of a motor vehicle ~~upon the public highways or roadways on Guam~~
17 is under the influence of alcohol or controlled substances only after: (1) a lawful
18 arrest, and (2) the person has been informed by a ~~peace~~ police officer or an
19 appropriate law enforcement officer of the sanctions that may result from his or her
20 refusal to be tested.

21 (c) If there is probable cause to believe that a person is in violation of §18102
22 of this Chapter, then the ~~person~~ arresting police officer or any other appropriate law
23 enforcement officer shall determine which chemical test(s) shall be used in order to
24 determine the measurable amount of alcohol and/or controlled substance(s) in that
25 person's blood, urine, or breath. ~~shall have the option of using a blood or urine, or~~
26 ~~breath test for the purpose of determining the alcohol or controlled substance~~
27 ~~content of that person's blood or urine.~~

28 **Section 4. Severability.** *If* any provision of this Law or its application to any

1 person or circumstance is found to be invalid or contrary to law, such invalidity shall *not*
2 affect other provisions or applications of this Law which can be given effect without the
3 invalid provisions or application, and to this end the provisions of this Law are severable.