

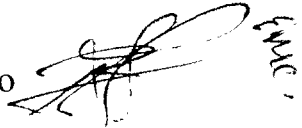
I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

2008 APR -4 PM 3:49
EMC

Bill No. 260 (EC)

Introduced by:

Ray Tenorio



**AN ACT TO ADD A NEW ARTICLE 4A CHAPTER 67 OF
9GCA RELATIVE TO THE USE OF A MINOR IN A DRUG
OPERATION.**

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

2

3 **Section 1.** A new Article 2 is hereby *added* to Chapter 4 of 5GCA to read:

4

5

Article 4A

6

Use of a Minor in a Drug Operation.

7

8 **Section §4A101. Short Title.** This Article shall be known and may cited as the
9 Use of a Minor in Drug Operations Act.

10

11 **Section §4A102. Use of a minor.** It is unlawful for any individual Eighteen (18)
12 or more years of age knowingly or intentionally to solicit, induce, encourage,
13 intimidate, employ, hire, or use an individual under Eighteen (18) years of age to
14 unlawfully transport, carry, sell, give away, prepare for sale, or peddle any
15 controlled substance.

16

17 **Section §4A103. First offense penalty.** A person who violates Section 2 is guilty
18 of a second degree felony and upon conviction is punishable by a mandatory term

1 of incarceration in a correctional facility of not less than Ten (10) years and not
2 more than Twenty (20) years and a fine of up to Three Hundred Thousand Dollars
3 (\$300,000).

4
5 **Section §4A104. Second offense penalty.** An individual who violates §4A102 of
6 this Article after a previous conviction under that section is punishable by a
7 mandatory term of incarceration in a correctional facility of not less than twenty
8 (20) years and not more than life and a fine of up to Five Hundred Thousand
9 Dollars (\$500,000).

10
11 **Section §4A105. Ignorance of Age is Not a Defense.** It is not a defense to a
12 violation of this Article that the accused did not know the age of the individual
13 protected under this Article.

14
15 **Section §4A106. Mandatory sentence.** Notwithstanding any other provision of
16 this Chapter (Guam Uniform Controlled Substance Act), with respect to an
17 individual who is found to have violated this Article, adjudication of guilt or
18 imposition of sentence may not be suspended, deferred, or withheld; nor may the
19 individual be eligible for parole before serving the mandatory term of
20 incarceration prescribed by this Article.

21
22 **Section §4A107. Severability clause.** If any provision of this Article, or its
23 application to any person or circumstance, is held invalid, that determination shall
24 not affect the provisions or applications of this Article that can be given effect
25 without the invalid provision or application, and to that end the provisions of this
26 Article are severable.