

I MINA'TRENTAI UNO NA LIHESLATURAN GUAHAN  
2011 (FIRST) Regular Session

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Bill No. 220-31 (COR)

Introduced by:

F. F. Blas, Jr.

V. A. Ada

A. C. Yamashita

M. Silva Taijeron

C. M. Duenas

S. A. Mabini

AN ACT TO AMEND “§67.407 OF ARTICLE 4,  
CHAPTER 67 OF TITLE 9 OF THE GUAM CODE  
ANNOTATED RELATIVE TO THE GUAM  
UNIFORM CONTROL SUBSTANCE ACT.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. §67.407 of Article 4, Chapter 67 of Title 9 of the Guam Code  
3 Annotated is hereby *amended* to read as follows:

4 “§67.407. Distribution to Individual Under Age 18 or to Pregnant  
5 Individual; Distribution Near Schools ~~or Colleges~~ or Drug Free School  
6 Zones; Penalties. (a) Any person who is at least eighteen (18) years of age  
7 who is found guilty of an offense pursuant to §67.401.1(a)(1) of this Act by  
8 distributing a substance listed in Schedule I or II as per Appendices A and B of  
9 this Act which is a narcotic drug to a person under eighteen (18) years of age or  
10 to a pregnant individual shall be sentenced to serve, in addition to the sentence  
11 prescribed by §67.401.4, a term of five (5) years imprisonment. Imposition or  
12 execution of such sentence shall not be suspended and probation shall not be

1 granted. Parole or work release shall not be granted until the offender has  
2 served the additional five (5) year sentence prescribed by this Subsection.

3 (b) Any person who is at least eighteen (18) years of age who is found  
4 guilty of an offense pursuant to §67.401.1(a)(1) of this Act by distributing a  
5 non-narcotic controlled substance listed in Schedule I or II as per Appendices A  
6 and B of this Act, or a substance listed in Schedules III, IV, or V as per  
7 Appendices C – E of this Act to a person under eighteen (18) years of age or to  
8 a pregnant individual shall be sentenced to serve, in addition to the sentence  
9 prescribed by §67.401.4, three (3) years of imprisonment. Imposition or  
10 execution of such sentence shall not be suspended and probation shall not be  
11 granted. Parole or work release shall not be granted until the offender has  
12 served the additional three (3) year sentence prescribed by this Subsection.

13 ~~(c) An individual shall not violate § 67.401.1(a)(1) of this Chapter by~~  
14 ~~distributing a substance listed in Schedule I or II as per Appendices A and B of~~  
15 ~~this Chapter which is a narcotic drug, in or on a school, or within the Drug Free~~  
16 ~~School Zone as herein defined. An individual who violates this Subsection shall~~  
17 ~~be sentenced to serve, in addition to the minimum sentence prescribed by §~~  
18 ~~67.401.4 of this Act, a term of five (5) years of Imprisonment. Any person who~~  
19 ~~is found guilty of an offense pursuant to §67.401.1(a)(1) of this Chapter by~~  
20 ~~distributing a substance listed in Schedule I or II as per Appendices A and B of~~  
21 ~~this A Chapter, which is a narcotic drug, in or on a school, or within the Drug~~  
22 ~~Free School Zone as defined herein, shall be sentenced to serve, in addition to~~  
23 ~~the sentence prescribed by §67.401.4 of this Act, a term of five (5) years~~  
24 ~~imprisonment.~~ Imposition or execution of such sentence shall not be suspended  
25 and probation shall not be granted. Parole or work release shall not be granted  
26 until the offender has served the additional five (5) years prescribed by this  
27 Subsection.

1           (d) ~~An individual shall not violate § 67.401.1(a)(1) of this Chapter by~~  
2 ~~distributing any non-narcotic controlled substance listed in Schedule I or II as~~  
3 ~~per Appendices A and B of this Chapter or a substance listed in Schedules III,~~  
4 ~~IV, or V as per Appendices C-E of this Chapter, or within the Drug Free School~~  
5 ~~Zone as herein defined. An individual who violates this Subsection shall be~~  
6 ~~sentenced to serve, in addition to the minimum sentence prescribed by~~  
7 ~~§67.401.4 of this Act, a term of three (3) years of Imprisonment. Any person~~  
8 ~~who is found guilty of an offense pursuant to §67.401.1(a)(1) of this Act by~~  
9 ~~distributing any non-narcotic controlled substance listed in Schedule I or II as~~  
10 ~~per Appendices A and B of this Chapter or a substance listed in Schedules III,~~  
11 ~~IV, or V as per Appendices C-E of this Chapter, in or on a school, or within the~~  
12 ~~Drug Free School Zone as defined herein, shall be sentenced to serve, in~~  
13 ~~addition to the sentence prescribed by § 67.401.4 of this Act, a term of three (3)~~  
14 ~~years imprisonment.~~ Imposition or execution of such sentence shall not be  
15 suspended and probation shall not be granted. Parole or work release shall not  
16 be granted until the offender has served the additional three (3) years prescribed  
17 by this Subsection.”

18       **Section 2. Severability.** *If any provision of this law or its application to any*  
19 *person or circumstance is found to be invalid or contrary to law, such invalidity shall*  
20 *not affect other provisions or applications of this law which can be given effect*  
21 *without the invalid provisions or applications, and to this end the provisions of this*  
22 *law are severable.*