

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

Bill No. 425-31 (COR)

Introduced by:

Adolpho B. Palacios, Sr. 

2012 FEB 17 AM 11:30 AM

**AN ACT TO AMEND §53108 OF 5GCA, RELATIVE TO
DAILY FINES FOR ENCROACHMENT VIOLATIONS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds that Public Law 10-40 was signed into law on March 22, 1969 by
4 Governor Manuel F.L. Guerrero. Public Law 10-40 set the daily fine for
5 unlawful encroachment at Ten Dollars (\$10.00) per day and no subsequent
6 law has amended the daily fine in the intervening forty-three (43) years
7 since its enactment.

8 *I Liheslaturan Guåhan* finds that this fine does not serve the same
9 deterrent effect that it did in 1969 and that its effectiveness would be
10 greatly enhanced if the fine is updated appropriately to reflect current
11 conditions.

12 Therefore, it is the intent of *I Liheslaturan Guåhan* to adjust the daily
13 fine for unlawful encroachment from Ten Dollars (\$10.00) to One Hundred
14 Dollars (\$100.00) per day for the first (1st) offense, not to exceed Five
15 Hundred Dollars (\$500.00) for the second (2nd) offense, and not to exceed

1 One Thousand Dollars (\$1,000.00) for the third (3rd) and subsequent
2 offenses, by amending §53108 of 5GCA.

3 **Section 2. Removal by Department.** §53108 of 5GCA is hereby
4 *amended*, to read:

5 **“§ 53108. Removal by Department.**

6 The Department may remove any encroachment on the failure
7 of the owner to comply with the notice provided for in this Chapter.
8 The owner shall be liable for all expenses of such removal and, in
9 addition thereto, ~~the sum of~~ shall pay a fine of One Hundred Ten
10 Dollars (\$100.00) for the first (1st) offense, not to exceed Five Hundred
11 Dollars (\$500.00) for the second (2nd) offense, and not to exceed One
12 Thousand Dollars (\$1,000.00) for the third (3rd) and subsequent
13 offenses for each day such encroachment remains after the expiration
14 of five (5) days from the service of the notice.”

15 **Section 3. Effective Date.** This Act shall be effective upon enactment.