


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

FILE COPY

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 260 (EC)**, "AN ACT TO *ADD* A NEW ARTICLE 4A, CHAPTER 67 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE USE OF A MINOR IN A DRUG OPERATION," was on the 23rd day of December, 2008, duly and regularly passed.



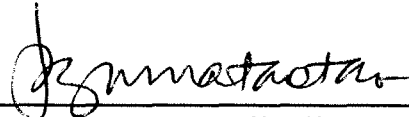
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 31 day of Dec, 2008, at
3:10 o'clock P.M.



Assistant Staff Officer
***Maga'lahaen's* Office**

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

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

Bill No. 260 (EC)

As amended by the Author.

Introduced by:

Ray Tenorio
Frank F. Blas, Jr.
Edward J.B. Calvo
B. J.F. Cruz
James V. Espaldon
Mark Forbes
Judith P. Guthertz, DPA
Frank T. Ishizaki
J. A. Lujan
Tina Rose Muña Barnes
A. B. Palacios, Sr.
v. c. pangelinan
R. J. Respicio
Dr. David L.G. Shimizu
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW ARTICLE 4A, CHAPTER 67 OF
TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE
USE OF A MINOR IN A DRUG OPERATION.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

**Section 1. A new Article 4A is hereby *added* to Chapter 67 of Title 9,
Guam Code Annotated, to read:**

“ARTICLE 4A

Use of a Minor in a Drug Operation.

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

1 **§4A102. Use of a Minor.** It is unlawful for any individual eighteen
2 (18) *or* more years of age knowingly *or* intentionally to solicit, induce,
3 encourage, intimidate, employ, hire, *or* use an individual under eighteen (18)
4 years of age to unlawfully transport, carry, sell, give away, prepare for sale, *or*
5 peddle any controlled substance.

6 **§4A103. First Offense Penalty.** A person who violates §4A102 is
7 guilty of a second degree felony and upon conviction is punishable by a
8 mandatory term of incarceration in a correctional facility of *not less than* ten
9 (10) years and *not more than* twenty (20) years and a fine of up to Three
10 Hundred Thousand Dollars (\$300,000).

11 **§4A104. Second Offense Penalty.** An individual who violates
12 §4A102 of this Article after a previous conviction under that Section is
13 punishable by a mandatory term of incarceration in a correctional facility of *not*
14 *less than* twenty (20) years and *not more than* life and a fine of up to Five
15 Hundred Thousand Dollars (\$500,000).

16 **§4A105. Ignorance of Age is Not a Defense.** It is *not* a defense to a
17 violation of this Article that the accused did *not* know the age of the individual
18 protected under this Article.

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

1 **§4A107. Severability Clause.** *If* any provision of this Article, or its
2 application to any person or circumstance, is held invalid, that determination
3 shall *not* affect the provisions or applications of this Article that can be given
4 effect without the invalid provision or application, and to that end the
5 provisions of this Article are severable.”