

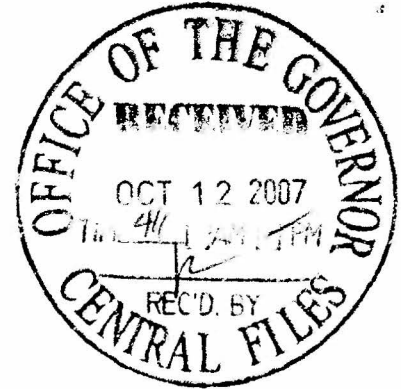


MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
TWENTY-NINTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

FILE COPY

October 11, 2007

The Honorable Felix P. Camacho
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 34(EC), 59(EC), 133(EC), 165(EC) and Substitute Bill Nos. 110(EC) & 146(EC) which were passed by *I Mina'Bente Nuebi Na Liheslaturan Guåhan* on October 10, 2007.

Sincerely,

RAY TENORIO

Senator and Secretary of the Legislature

Enclosures (6)

I MINA'BENTE NUEBI NA LIHESLATURAN GUĀHAN

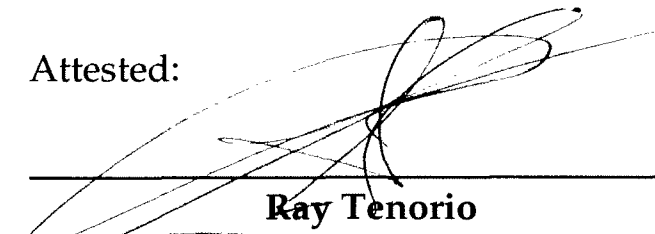
2007 (FIRST) Regular Session

FILE COPY


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

This is to certify that **Substitute Bill No. 110 (EC), "AN ACT TO REPEAL AND RE-ENACT §31.65 OF CHAPTER 31 OF TITLE 9 GCA, RELATIVE TO CURFEW HOURS FOR MINORS,"** was on the 10th day of October 2007, duly and regularly passed.

Attested:

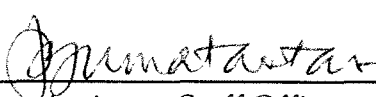


Ray Tenorio
Senator and Secretary of the Legislature



Edward J.B. Calvo
Acting Speaker

.....
This Act was received by *I Maga'lahen Guāhan* this 12 day of Oct, 2007, at 4:11 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahen Guāhan

Date: _____

Public Law No. _____

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

Bill No. 110 (EC)

As substituted by the Committee on
Criminal Justice, Public Safety & Youth
and amended on the Floor.

Introduced by:

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

**AN ACT TO REPEAL AND RE-ENACT §31.65 OF CHAPTER
31 OF TITLE 9 GCA, RELATIVE TO CURFEW HOURS FOR
MINORS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. §31.65 of Chapter 31 of Title 9 GCA is hereby *repealed* and *re-enacted* to read:

“§31.65. Curfew Hours for Minors. (a) Definitions. As used in this
Section:

(1) *Curfew Hours* means:

1 (A) 10:00 p.m. on any Sunday, Monday, Tuesday,
2 Wednesday, *or* Thursday until 6:00 a.m. of the following day; and

3 (B) 12:01 a.m. until 6:00 a.m. on any Saturday *or* Sunday.

4 (2) *Emergency* means an unforeseen combination of
5 circumstances or the resulting state that calls for immediate action. The
6 term includes, *but is not limited to*, a fire, a natural disaster, an automobile
7 accident, *or* any situation requiring immediate action to prevent serious
8 bodily injury *or* loss of life.

9 (3) *Establishment* means any privately-owned place of business
10 operated for a profit to which the public is invited, including, *but not*
11 *limited to*, any place of amusement *or* entertainment.

12 (4) *Guardian* means:

13 (A) a person who, under court order, is the guardian of the
14 person of a minor; or

15 (B) a public *or* private agency with whom a minor has been
16 placed by a court.

17 (5) *Minor* means any person under seventeen (17) years of age.

18 (6) *Operator* means any individual, firm, association, partnership,
19 *or* corporation operating, managing, *or* conducting any establishment. The
20 term includes the members *or* partners of an association *or* partnership and
21 the officers of a corporation.

22 (7) *Parent* means a person who is:

23 (A) a natural parent, adoptive parent, *or* step-parent of
24 another person; or

25 (B) at least eighteen (18) years of age and authorized by a
26 parent *or* guardian to have the care and custody of a minor.

1 (8) *Public Place* means any place to which the public *or* a
2 substantial group of the public has access and includes, *but is not limited*
3 *to*, streets, highways, and the common areas of schools, hospitals,
4 apartment houses, office buildings, transport facilities, and shops.

5 (9) *Remain* means to:

6 (A) linger *or* stay; *or*

7 (B) fail to leave premises when requested to do so by a
8 peace officer *or* the owner, operator, *or* other person in control of
9 the premises.

10 (10) *Serious Bodily Injury* means bodily injury that creates a
11 substantial risk of death *or* that causes death, serious permanent
12 disfigurement, *or* protracted loss *or* impairment of the function of any
13 bodily member *or* organ.

14 (b) Offenses.

15 (1) A minor commits an offense *if* he remains in any public place
16 *or* on the premises of any establishment on Guam during curfew hours.

17 (2) A parent *or* guardian of a minor commits an offense *if* he
18 knowingly permits, *or* by insufficient control allows, the minor to remain
19 in any public place *or* on the premises of any establishment on Guam
20 during curfew hours.

21 (3) The owner, operator, *or* any employee of an establishment
22 commits an offense *if* he knowingly allows a minor to remain upon the
23 premises of the establishment during curfew hours.

24 (c) Defenses.

25 (1) It is a defense to prosecution under Subsection (b) that the
26 minor was:

27 (A) accompanied by the minor's parent *or* guardian;

1 (B) on an errand at the direction of the minor's parent *or*
2 guardian, without any detour *or* stop;

3 (C) engaged in an employment activity, *or* going to *or*
4 returning home from an employment activity, without any detour *or*
5 stop;

6 (D) involved in an emergency;

7 (E) on the sidewalk abutting the minor's residence *or*
8 abutting the residence of a next-door neighbor *if* the neighbor did
9 not complain to the police department about the minor's presence;

10 (F) attending *or* traveling to *or* returning home without
11 detour from an official school, religious, *or* other recreational
12 activity supervised by adults and sponsored by the government of
13 Guam, a civic organization, *or* another similar entity that takes
14 responsibility for the minor, *or* going to *or* returning home from,
15 without any detour *or* stop, an official school, religious, *or* other
16 recreational activity supervised by adults and sponsored by the
17 government of Guam, a civic organization, *or* another similar entity
18 that takes responsibility for the minor;

19 (G) exercising First Amendment rights protected by the
20 United States Constitution, such as the free exercise of religion,
21 freedom of speech, and the right of assembly; *or*

22 (H) married *or* had been married, enlisted in a branch of the
23 United States Armed Forces *or* the National Guard *or* had
24 disabilities of minority removed in accordance with Article 3 of
25 Chapter 4 of Title 19 GCA.

26 (2) It is a defense to prosecution under Subsection (b)(3) that the
27 owner, operator, *or* employee of an establishment promptly notified

1 the police department that a minor was present on the premises of
2 the establishment during curfew hours and refused to leave.

3 (d) Enforcement. Before taking any enforcement action under this
4 Section, a police officer *shall* ask the apparent offender's age and reason for
5 being in the public place. The officer *shall* not issue a citation, take into custody
6 *or* make an arrest under this Section unless the officer reasonably believes that an
7 offense has occurred and that, based on any response and other circumstances, no
8 defense in Subsection (c) is present.

9 (e) Penalties.

10 (1) A person who violates a provision of this Chapter is guilty of
11 a separate offense for each day *or* part of a day during which the violation
12 is committed, continued, *or* permitted. Each offense, upon conviction, is
13 punishable by a fine *not to exceed* Five Hundred Dollars (\$500).

14 (2) When required by §5104 of Title 19 GCA, as amended, the
15 Superior Court *shall* waive original jurisdiction over a minor who violates
16 Subsection (b)(1) of this Section and *shall* refer the minor to juvenile
17 court.”