

711 44 0000
711 44 0000

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 103-30 (COR), "AN ACT TO AMEND §§ 51202(a) AND 51207 OF ARTICLE 2, CHAPTER 51 OF TITLE 10, GUAM CODE ANNOTATED; AND TO AMEND §3401.1.(h)(4) OF TITLE 16 OF THE GUAM CODE ANNOTATED, RELATIVE TO DOUBLING THE PENALTIES FOR LITTERING FOR VIOLATORS THAT DISCARD CIGARETTES FROM VEHICLES WHEN THE FIRE DANGER RATING IS HIGH"**, was on the 3rd day of May, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 5th day of May, 2010, at
4:00 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURAN GUÁHAN
2009 (FIRST) Regular Session

Bill No. 103 (COR)

As substituted by the Committee on Rules,
Natural Resources, and Federal, Foreign, &
Micronesian Affairs, and amended on the Floor.

Introduced by:

Telo Taitague
Judith T. Won Pat, Ed.D.
Adolpho B. Palacios, Sr.
T. C. Ada
V. Anthony Ada
F. B. Aguon, Jr.
F. F. Blas, Jr.
E. J.B. Calvo
B. J.F. Cruz
J. V. Espaldon
Judith P. Guthertz, DPA
T. R. Muña Barnes
v. c. pangelinan
R. J. Respicio
Ray Tenorio

**AN ACT TO *AMEND* §§ 51202(a) AND 51207 OF
ARTICLE 2, CHAPTER 51 OF TITLE 10, GUAM CODE
ANNOTATED; AND TO *AMEND* §3401.1.(h)(4) OF
TITLE 16 OF THE GUAM CODE ANNOTATED,
RELATIVE TO DOUBLING THE PENALTIES FOR
LITTERING FOR VIOLATORS THAT DISCARD
CIGARETTES FROM VEHICLES WHEN THE FIRE
DANGER RATING IS HIGH.**

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

2 **Section 1.** §51202(a) of Article 2, Chapter 51 of Title 10, Guam Code
3 Annotated, is hereby *amended* to read as follows:

4 “(a) *Apprehending Officers* shall mean any designated individual
5 with the Department of Parks and Recreation, the Department of
6 Agriculture, the Guam Environmental Protection Agency, the Department of
7 Public Health and Social Services, the Department of Public Works, all
8 village mayors and assistant mayors, any peace officer in the Guam Police
9 Department, including the C.A.P.E. volunteers, the A.B. Won Pat
10 International Airport Authority Police, the Port Authority of Guam Police,
11 and the Guam Fire Department’s uniformed personnel.”

12 **Section 2.** §51207 of Article 2, Chapter 51 of Title 10, Guam Code
13 Annotated, is hereby *amended* to read as follows:

14 **“§51207. Penalties.**

15 (a) Littering *shall* be punishable by a fine of *not less than* Two
16 Hundred Dollars (\$200.00), nor more than One Thousand Dollars
17 (\$1,000.00) . Any person convicted of a second or subsequent litter offense
18 shall also be required by the Court to pick up and remove litter from a
19 public place under the supervision of the Superior Court of Guam’s
20 Probation Office, or its designee, or as the Court shall otherwise provide, for
21 a period of *not less than* eight (8) hours for each offense, but in *no* case
22 shall the amount of litter collected be *less than* five hundred (500) pounds.

23 Any person convicted of any litter offense may also be required by
24 the Court to pay the cost of removing the litter they caused. The Superior
25 Court of Guam shall transfer all money collected to pay fines imposed under
26 this Section to the Guam Environmental Protection Agency for use in the

1 Litter and Defacement Control Revolving Fund established by § 51204 of
2 Title 10 of the Guam Code Annotated. Any peace officer, as that term is
3 defined by 8 GCA §5.55, may issue a citation for a litter offense.

4 (b) A person charged with a first violation may avoid a court
5 hearing by posting bail in the amount of the minimum fine or paying such
6 prescribed fine as the Traffic Court Division of the Superior Court shall
7 prescribe.

8 (c) When the risk of fire is determined to be high, in accordance
9 with the provisions of 10GCA §63704, any person convicted of a violation
10 of this Chapter for discarding a cigarette, lit or unlit, from a moving or
11 stationary motor vehicle, during the time the risk of fire is determined to be
12 high, *shall* be subject to two (2) times the fine and/or community service
13 penalties prescribed herein this Section.

14 Any person convicted of violating this Section *shall not* be relieved
15 from any charges that may arise as a consequence of a violation of this
16 Section.”

17 **Section 3.** §3401.1.(h)(4) of Chapter 3, Title 16 of the Guam Code
18 Annotated is *amended* to read as follows:

19 “(4) obtain a certificate from the Chief of Police demonstrating the
20 completion of a required course of instruction and training that includes
21 training in measures to avoid dangerous confrontations with violators of this
22 Section. In addition, training *shall* include the enforcement of litter control
23 laws. The course of instruction and training *shall* be at *no* cost to the
24 volunteer. Retired “*uniformed personnel*” are exempted from this
25 subsection.”

1 **Section 4. Effective Date.** The effective date of Section 2 of this Act
2 *shall* be thirty (30) days following the date of enactment. In the interim, law
3 enforcement officers *shall* advise violators of the increased penalties that will be
4 enforced upon the effective date. Sections 1 and 3 *shall* be effective upon
5 enactment.