

*I Mina'Trentai Dos Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
<b>302-32 (COR)</b>	Brant T. McCreddie	AN ACT TO REPEAL § 73127 AND TO REPEAL AND REENACT § 73130 OF CHAPTER 73 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING FINES AND PENALTIES FOR INDIVIDUALS WHO MAKE FALSE STATEMENTS TO A GUAM CUSTOMS OFFICER.	3/31/14 9:48 a.m.	03/31/14	Committee on the Guam U. S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary	4/28/14 9 a.m.	5/28/14 3:56 p.m.	<b>Fiscal Note Request 04/01/14 Fiscal Note Received 4/22/14</b>



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I Mina'Trentai Dos Na Liheslaturan Guahan | 32ND GUAM LEGISLATURE*



**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

**Speaker  
Judith T. Won Pat, Ed.D.**  
Committee Member

**Senator  
Rory J. Respicio**  
Committee Member

**Senator  
Thomas C. Ada**  
Committee Member

**Senator  
Dennis G. Rodriguez, Jr.**  
Committee Member

**Senator  
V. Anthony Ada**  
Committee Member

**Senator  
Michael Limtiaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

MAY 27 2014

**The Honorable Judith T. Won pat, Ed.D.**

Speaker

*I Mina'Trentai Dos Na Liheslaturan Guahan*

155 Hesler Place

Hagåtña, Guam 96910

**VIA: The Honorable Rory J. Respicio**  
Chairperson, Committee on Rules

**RE: Committee Report on Bill No. 302-32 (COR), as Amended by the Committee**

2014 MAY 27 PM 3:56

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 302-32 (COR) – An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer.

Committee votes are as follows:

- 6 TO DO PASS
- \_\_\_\_\_ TO NOT PASS
- 2 TO REPORT OUT ONLY
- \_\_\_\_\_ TO ABSTAIN
- \_\_\_\_\_ TO PLACE IN INACTIVE FILE

Respectfully,

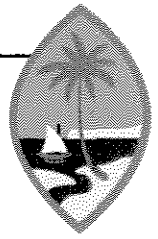
**SENATOR FRANK B. AGUON, JR.**  
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
*I Mina'Trentai Dos Na Liheslaturan Guahan | 32nd Guam Legislature*



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE*



**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

**Speaker  
Judith T. Won Pat, Ed.D.**  
Committee Member

**Senator  
Rory J. Respiclo**  
Committee Member

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Thomas C. Ada**  
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**Senator  
Dennis G. Rodriguez, Jr.**  
Committee Member

**Senator  
V. Anthony Ada**  
Committee Member

**Senator  
Michael Lintiac**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

## COMMITTEE REPORT

### ON

**BILL NO. 302-32 (COR), as Amended by the Committee,  
An Act to repeal § 73127 and to repeal and reenact §  
73130 of Chapter 73, Title 5 Guam Code Annotated  
relative to establishing fines and penalties for  
individuals who make false statements to a Guam  
Customs Officer.**

(Sponsored by Senator Brant T. McCreadie)



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE*



May 16, 2014

**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

**Speaker  
Judith T. Won Pat, Ed.D.**  
Committee Member

**Senator  
Rory J. Respicio**  
Committee Member

**Senator  
Thomas C. Ada**  
Committee Member

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Dennis G. Rodriguez, Jr.**  
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**Senator  
V. Anthony Ada**  
Committee Member

**Senator  
Michael Limtlaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

**MEMORANDUM**

**To: ALL MEMBERS**  
Committee on Guam U.S. Military Relocation, Homeland Security,  
Veterans Affairs, and Judiciary

**From: Senator Frank B. Aguon,**  
Committee Chairperson

**Subject: Committee Report on Bill No. 302-32 (COR)- as Amended by the Committee**

Transmitted herewith for your consideration is the Committee Report on Bill No. 302-32 (COR) - An act to repeal §73127 and to repeal and reenact §73130 of Chapter 73, Title 5 of Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 302-32 (COR)
- Copy of Bill No. 302-32 (COR), as Amended by the Committee
- Public Hearing Sign-in Sheet
- Referrai of the Bill No. 302-32 (COR)
- Notices of Public Hearing & Other Correspondence
- Copy of Public Hearing Agenda
- Related News Report

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

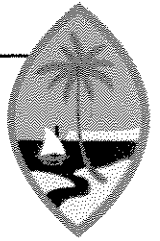
Si Yu'os Ma'ãse' !



COMMITTEE ON

# GUAM U.S. MILITARY RELOCATION VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



## COMMITTEE VOTING SHEET

Bill No. 302-32 (COR), as Amended by the Committee - An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer.

**Senator**  
**FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator**  
**Tina Muna-Barnes**  
Committee Vice Chairperson

**Speaker**  
**Judith T. Won Pat, Ed.D.**  
Committee Member

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**V. Anthony Ada**  
Committee Member

**Senator**  
**Michael Limtiaco**  
Committee Member

**Senator**  
**Thomas Morrison**  
Committee Member

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
AGUON, FRANK B. JR Committee Chairperson 5/19/14		✓				
MUNA BARNES, TINA ROSE Committee Vice Chairperson		✓				
SPEAKER WON PAT, JUDITH T. Ed.D. Committee Member						
RESPICIO, RORY J. Committee Member			✓ 5-21-14			
ADA, THOMAS C. Committee Member		✓				
RODRIGUEZ, DENNIS G. JR. Committee Member				✓ 5/14		
ADA, V. ANTHONY Committee Member			✓ 5/20			
LIMTIACO, MICHAEL Committee Member				5/20 ✓		
MORRISON, THOMAS Committee Member		✓				



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VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

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**COMMITTEE REPORT DIGEST**

**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

**Speaker  
Judith T. Won Pat, Ed.D.**  
Committee Member

**Senator  
Rory J. Resplcio**  
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Thomas C. Ada**  
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V. Anthony Ada**  
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**Senator  
Michael Limtiaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

**I. OVERVIEW**

Bill No. 302-32 (COR), was introduced on March 31, 2014, by Senator Brant T. McCreadie, and was subsequently referred by the Committee on Rules to the Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary on March 31, 2014.

**Public Notice Requirements**

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets for the April 28, 2014 hearing on April 18, 2014 (5-Day Notice), and again on April 23, 2014 (48-Hour Notice). Notices were also published in the Marianas Variety Newspaper for the April 28, 2014 hearing on April 18, 2014 and April 23, 2014.

**Senators Present**

Senator Frank B. Aguon, Jr., Chairperson  
Senator Brant T. McCreadie  
Senator Thomas Morrison  
Senator Aline A. Yamashita, Ph.D.  
Senator Christopher M. Duenas

**Appearing Before the Committee**

Pedro Leon Guerrero, Director, Guam Customs and Quarantine  
Ray Benevente, US Marines Corps / Sr. Consultant FCB Planners & Consulting Services  
Raffaele Sgambelluri, Chief, Guam Customs and Quarantine Agency  
Major Paul Toves, Guam Customs and Quarantine  
Basil O'Mallan, Chief Prosecutor, the Office of the Attorney General

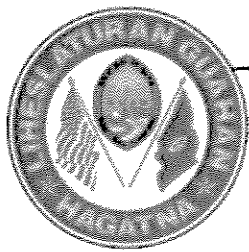
The public hearing was Called-to-Order at 9:00 AM.

**II. SUMMARY OF TESTIMONY & DISCUSSION**

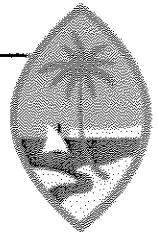
***Senator Frank B. Aguon, Jr.***

The Committee on Guam Military Relocation, Veterans Affairs, Homeland Security, and Judiciary. I'd like to, before I highlight the agenda, welcome my colleagues who have joined us this morning thus far. To my immediate right is Senator Brant McCreadie. To my immediate left is Senator Tommy Morrison and to his immediate left is Senator Aline Yamashita. Thank you very much Senators for joining us this morning.

On the agenda, which are several pieces of legislation. One is Bill no. 301, and we'll highlight them as we proceed with the overall discussion, and that is relative to the crime of unsworn falsification. Bill no. 302-32 (COR), which is relative to establishing fines and penalties for individuals who make false statements to a Guam Customs officer. Bill no. 317-32 (LS) relative to the crime of phishing. P-H-I-S-H-I-N-G. And Bill no. 318 is relative to creating the "Computer Protection Act". And then finally, we will close out the discussion this morning

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with Bill 319-32 (LS) relative to creating "Computer Spyware Protection Act". And just for the information of the public, in compliance with the public notification requirement, the initial notice was sent out to all the Senators, as well as, the stakeholders on the 18<sup>th</sup> of April. It was in print again on the 18<sup>th</sup> of April. With the second notification of public hearing sent out on the 23<sup>rd</sup> of April to all the stakeholders and then, finally, a print on the 23<sup>rd</sup> in regards to the agenda for this morning's discussion.

We will proceed to Bill no. 302, which is the second item of the agenda, which is relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer. I would like to also, in addition to those individuals that were named a little earlier (Mr. Pedro Leon Guerrero, Mr. Paul Toves, and Mr. Ray Benevente), Mr. Vincent Perez also has signed in and Mr. Ralph Sgambelluri. I apologize; I didn't mention your name a little earlier. But, Mr. Sgambelluri has also signed in on behalf of Customs and Quarantine. So, Senator McCreadie, if you could provide your comments and we could proceed with the discussion. Thank you.

**Senator Brant T. McCreadie**

Thank you Mr. Chair and thank you Guam Customs for attending today's hearings. Bill 302 sets fines and penalties for individuals who make false statements to Guam Customs officers. The bill makes it a violation to make a false, written or verbal, statement or knowingly omit a statement of truth upon questioning and examination by a Guam Customs officer. The bill sets graduated fines at five hundred dollars (\$500) for the first offense, one thousand dollars (\$1000) for the second offense, and ten thousand dollars (\$10,000) for the third offense and any subsequent offense or violation therefore.

The intent of the bill is to limit prohibited items from being brought into Guam. Now, I just want to make it clear that 47.30 of trafficking of counterfeiting goods on 9 GCA states that goods bearing counterfeit mark in the position of a person who intends personal use are permitted. So, we are not going after the person who brings in something from an international destination to Guam. What we're doing is we are going after the people who bring it into our commerce and intend to resale these products. This bill was drafted after, like I said, several meetings with Guam Customs and Quarantine. I appreciate the agency's assistance in drafting this bill and I look forward to continued cooperation of this bill. I understand there's some amendments that we need to put in and, like I said earlier, I'm amendable to anything that makes the bill better. I look forward to working with Guam Customs. Thank you.

**Senator Frank B. Aguon, Jr.**

Thank you very much Senator McCreadie. Mr. Leon Guerrero just do me a favor, and everyone, as you provide your testimony, identify yourself for the record. Because obviously, when it comes to the transcribing, I need to ensure my people have the opportunity to identify who you are. Mr. Leon Guerrero, please proceed.

**Pedro Leon Guerrero**

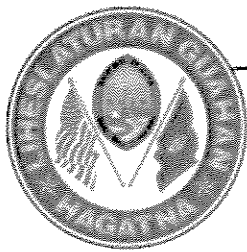
Thank you Mr. Chairman. (Reads testimony verbatim)

**Senator Frank B. Aguon, Jr.**

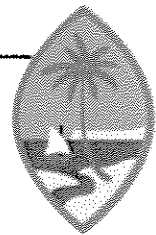
Thank you very much Mr. Leon Guerrero for your testimony this morning. Anyone else on the panel would like to provide testimony? Ralph? Mr. Sgambelluri? Ray? Please, just identify yourself for the record and proceed.

**Ray Benevente**

Good morning Senators. My name is Ray Benevente. I'm with FCB Planning, where I am a consultant for import clearance. As a former Customs officer of twenty five years, I worked with all the ports of entry – from the Port to Navy to Andersen. One of

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my duties with Customs was to do internal affairs, special investigator for National Marine Fishery, White Collar Crime Task Force. Now, I am a food safety and a pre-entry consultant for foreign goods.

We fully support the bill being addressed today. But, we do have some concerns with some of the clients I represent. One is, are these fines on the spot or will they be addressed before the cargo is released? Basically, will these fines hold up the cargo? You know, as people, small businesses order their cargo; it takes two to three weeks. Now, there's going to be a delay because of the fine. We fully support Customs in addressing the non-invoice cargo items trying to enter Guam. But, at the same time it must fully address to the public and to the business community how all these things are giving to come out. Recent tourist arrivals of Russian and Chinese, are the Customs' officers well versed in translations? Is there communication differences? Is the intent of the passenger where they false declare? Is that an automatic fine? If he doesn't mark the documentation as Customs form, is that subject to penalty? These are just some of the aspects that we look at in the private industry and in the business community. Of a more detailed and of a more public SOP (standard operating procedure) on how this thing will affect industry, at the same time, affect the cargo. Again, we support this bill and we look forward to the implementation. Thank you.

**Senator Frank B. Aguon, Jr.**

Thank you very much Mr. Benevente for your testimony this morning. I would like to, before I recognize Mr. Sgambelluri, I'd like to recognize Ms. Barbara Tayama, from Customs has signed in, and also Mr. Ben Pangelinan, from Customs and Quarantine. Thank you very much folks. If you would like to provide testimony, you're more than welcome to join us at the front panel. And I'd like to also recognize the arrival of Senator Chris Duenas. Senator Duenas, thank you for joining us this morning. Mr. Sgambelluri.

**Raffaele Sgambelluri**

Good morning Mr. Chair. My name is Ralph Sgambelluri. I'm the Chief of Guam Customs and Quarantine. I'm in support of this bill. But, there's some added information that I'd like to provide the Senators. That in the event a fine is imposed; I just prefer not just the fine to be imposed because the person could just pay the fine and just walk out paying the fine. I recommend that you put in a part of the bill that, if they do not fill the form out and refuse to fill the form out just to declare themselves, that they may be obstructing government operation. Because, in my experience as a Customs officer at the field, some individuals will come in and arrive in the airport or up in the military installations that refuse to fill the form out completely. And that is the problem. Not just declaring the goods, but, just to declare themselves arriving into Guam. I think the penalty is fine. But, to obstruct your government operation, not to fill the form out is a tremendous thing that has to be looked at. Not just imposing the fine, that you may be arrested, you shall be arrested if you don't fill the form out. Because there are passengers that do not want to fill the form out completely. Not even put their name or nothing. But, eventually they do after waiting and waiting at the airport.

**Senator Brant T. McCreadie**

So, when you say currently this statute, the Customs statute does not allow you guys or give you the mandate to arrest someone who refuses to fill out the form? What happens if they don't fill it out?

**Raffaele Sgambelluri**

They just do not depart the airport.

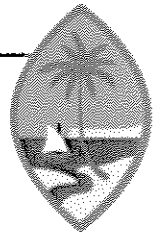
**Senator Brant T. McCreadie**

You can't depart the airport?



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**Raffaele Sgambelluri**

No, you have to fill the form out. But, there is no penalty.

**Senator Brant T. McCreadie**

So, what you're saying is you rather them be arrested or threatened to be arrested before they fill it out?

**Raffaele Sgambelluri**

If they're not cooperative.

**Senator Brant T. McCreadie**

Why would they not be cooperative?

**Raffaele Sgambelluri**

I can't answer that. That's a good question. My experience is that some people say I'm a US citizen and do not prefer to fill the form out. And most of the people who are refusing the form are US citizen not foreign travelers. I would like to defer back to Mr. Benevente in regards to the individuals that are coming in from Russia and are newly arrival industry. We've met with the airlines, the Russian Airlines, and they are going back to their travel agencies that provide forms to provide all the information about Guam. What the expectations of Guam Customs and what's required upon arriving to Guam about declaring their goods. Mostly, they are bringing in food produced for their own consumption. So, we've already delivered that information to the airlines. And they're going back to every travel agency that's dealing with this industry back there coming to Guam. We're working together with them. So, hopefully they will be not bringing in any other prohibited items to Guam; food products.

**Senator Frank B. Aguon, Jr.**

Thank you Mr. Sgambelluri. Mr. Toves, would you like to provide any comments? Please identify yourself for the record and proceed.

**Major Paul Toves**

Major Paul Toves, Guam Customs and Quarantine. Good morning Senators. Now, just to talk a little bit more about what Chief Sgambelluri was discussing. I believe that by making the declaration form a requirement, as well as, presenting themselves before Customs for inspection, pretty much opens up the venue through which if that they fail to do or refuse to do so, then they become subject to penalty, such as, obstruction of government operations. I believe that within the language it may be already address that. But, of course, it is a very important concern that we need to explore further. And to make sure that sequence of application of law is correct or not. Because, if not, then it may need to be specifically added to the language of the bill as well. Now, getting in so far as Mr. Ray Benevente's question concerning the processes and the application of the fee and things like that. That's the reason behind our need to include the requirement for promulgation of regulations and through that we'll be able to address all the concerns regarding how it's going to be levied when it becomes due and how it's going to be adjudicated. Thank you.

**Senator Frank B. Aguon, Jr.**

Thank you very much Mr. Toves. I'd like to yield to the sponsor of the legislation first for opening up any follow-up questions.

**Senator Brant T. McCreadie**

Thank you and I'm totally amendable to adding whatever type of language make this bill passable. Thank you for your concerns Mr. Benevente. I just wanted to make some clarifications on Mr. Leon Guerrero's testimony earlier. When you talked about

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the fines and you wanted some, I guess, jurisdiction over, instead of setting a fine at one thousand dollars (\$1000), and five thousand dollars (\$5000), and ten thousand dollars (\$10,000) or five hundred (\$500), a thousand (\$1000), and ten thousand (\$10,000). You wanted some leeway there? Did you just want to add from zero to five hundred? And zero to one thousand? And zero to ten thousand? Do you believe that maybe after the second one, when we're facing the third offense, that maybe that should be a mandated fine without the zero to ten thousand? I mean, I think, you're right when you say we maybe we should give the leeway from the first fine and possibly the second one, but, on the third one, don't you think that was enough offenses?

***Pedro Leon Guerrero***

Yes Senator. You know, for me, especially with the adjudication process. I'm sure that somebody is going to be fined ten thousand dollars (\$10,000); they want their day with the director to either try to convince the official that for some weird reason it didn't happen and the stars were aligned wrong or whatever. But, you know, should the reason warrant something other than the max. We would just want leeway to be able. I do agree with you that at the third, kind of like a third strike, we're back again. I think having that opportunity depending on the severity of what they're bringing in and their motives and what not that was the only reason for the range.

***Senator Brant T. McCreadie***

And you feel just putting a zero to five hundred? Or?

***Pedro Leon Guerrero***

Or a zero to five hundred and then the next one five hundred one, you know.

***Senator Brant T. McCreadie***

Two hundred fifty to one thousand and maybe five hundred to ten thousand on the next one.

***Raffaele Sgambelluri***

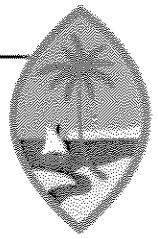
Senator, maybe in regards to the third strike, is that we have something in place right now, I think its bill, I mean public law twenty, twenty five, the broken seal violation. After the third offense the individuals that are in violation, they will not be able to hold a business license. In regards, to their importation of... And Major Paul will expand on that in regards to that bill. I mean that law.

***Major Paul Toves***

Major Paul Toves. Yes, we do have a statute on the books regarding fines and it's for companies that break the seal on containers. That law is very stringent just like this one is. It only gives one particular fine, which is a \$25,000 fine. You lose your business license and so forth. Even for the first offense there's no scheduled penalties and, because of that, it became a very difficult decision to make as to whether or not fine a company \$25,000 and do all of that. Knowing that it could just put out a business, even though the violation may have been unintentional or just some uninformed. So, that's where we learned the need for having a schedule of offenses. That it works better. Then that goes ahead and gives us the means to apply a fine schedule without destroying a person, depending on the circumstance. Now, if it was completely intentional and the violation was serious, then, that's when we still have that flexibility to administer the max. But if it's just someone who didn't understand the form correctly or was just didn't want to declare their mango, for instance. Then we have a way to mitigate that at a lower rate perhaps. And maybe perhaps provide them with a way to think about it twice the next time they come into Guam.

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**Senator Brant T. McCreadie**

How would you approach the language barrier that Mr. Benevente spoke about earlier and will that language barrier and the new influx of different origins of tourists coming to our island? Do we find that, maybe; some people don't fill out the declaration form because they don't understand?

**Major Paul Toves**

That remains a very high possibility. We do have the forms that are prepared in all the different languages that we deal with as they come into Guam. So, if they're not able to read their language and we begin to... That's part of our questioning; do you understand what you've read you're not supposed to bring in? We do it as a second tier to the declaration itself. So, we try to ascertain as much as possible whether or not the person actually understood what's being required of them. And perhaps, in those situations, is where we would apply the fine if we then discover it after we've given them those opportunities to declare it.

**Senator Brant T. McCreadie**

I just... Mr. Chair, one last statement. I just want to make sure that we give the traveler every opportunity to declare. Whatever he or she is carrying that's deemed illegal within the law that we're presenting. So, that's my main focus. I don't want this to be a blanket for Customs to be able to say everybody is now a suspect. You know, rather than just be able to give you two or three opportunities, clearances, to tell me what you have or what you don't have.

**Major Paul Toves**

That's absolutely fair expectation, I think. Even from a Customs enforcement standpoint, we do see this everyday where perhaps there may be a language barrier or even an understanding barrier and, as much as possible, if it becomes a language issue, we do try to elicit the assistance of anybody else working within the airport. Whether it be through our own customs officials, who might speak the language, or the airlines, or even immigrations. Just to ensure that whatever we're trying to accomplish that the person who we're servicing does understand what's being expected of them.

**Senator Brant T. McCreadie**

Alright, thank you guys for your hard work. And Mr. Benevente, I'll definitely make sure we address those concerns. And Mr. Leon Guerrero, as well, we'll work together to find the best solution for this.

**Pedro Leon Guerrero**

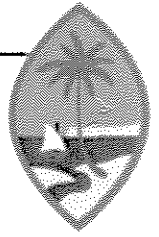
Senators, if I may, add one thing on the Russian visitors you brought up, which is a very good point and we've been working with, like Chief said, with the airlines, with the airport, and what not. The truth of the matter, as we know, is we want our Russian visitors to bring a lot of money in and spend it in our island. And we try to really explain to them that the point in the bottom about the \$10,000 dollars, you know, to declare... it's just to declare it. So, that should something happen to them, in the future; somebody rob them. At least there's a basis that they did, in fact, bring these amounts of money. So, we're doing our best to do that. And as we're getting, as the business is maturing, that communication is getting better. It is a challenge and these are really good hard working tourists coming to Guam for R&R. And we certainly appreciate that they bring their money and to spend it and we just want to really try to explain to them that's not a violation and it's not a bad thing, it's a good thing. We just need them to declare that they're having it. We're working that every day, sir.

**Senator Frank B. Aguon, Jr.**

Thank you very much Senator McCreadie. Just to follow-up on a couple of the questions. You know, in terms of applying fines and penalties, I know that we would like, to the greatest extent possible, empower these agencies to provide some citations.

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I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



But, I think, we also need to understand the nature of where that border or that line should be drawn on, so to speak. Because every individual rightfully should have an appeals process, which is what Mr. Benevente alluded to a little earlier. So, I guess, my follow-up question would be, in terms of rules and regulations, because this is an issue that we discussed previously in a roundtable discussion. What is your process? Can you give us some definitive timelines? Because that can be tied in with this particular proposal and then we can proceed.

**Major Paul Toves**

Yes, Senator. The rules and regulations process basically entails a public hearing and holding meetings with the public.

**Senator Frank B. Aguon, Jr.**

But, where are you in the formulation of proposed fees? Because, I know, that in a previous roundtable discussion we had discussed about updating some of the fees, updating some of the citations. So that, in fact, it can be redirected back to Customs and Quarantine for eventual usage. So, where are you with the formulation of that? I understand the entire process and I believe our people understand the process about the AAA being able to formulate it, being able to go out to public hearings, having the Chief Executive sign off on it and then forwarding it to the legislature. My question is, because Mr. Leon Guerrero had alluded to, we also need to work on our rules and regulations and gives us six months. So, we can be able to finalize that. So, my question is, in terms of the formulation of those rules and regulations and adjusting fees, which was discussed previously, where are you with finalizing that before you out to a public hearing?

**Major Paul Toves**

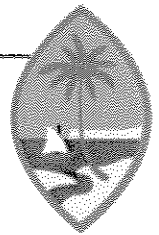
Okay, well right now, we were just focusing on should this bill become a law and the typical processes involved with the administrative adjudication law. I feel that we have a lot of material already and some ideas to what we feel is necessary for the appeals process and how about going about doing it. Similar, pretty much, to the traffic courts, how they do it. We're planning to, probably, to go with the citation format. And based on that they'd have a date to appear and, of course, we'll hold the appeals at that point in time. I don't think it will be a lengthy process, because, after the director will have the final say as far as listening to what the circumstances are surrounding the information and the level of the fine. And from there, he may mitigate it or just hold fast to what it says.

**Senator Frank B. Aguon, Jr.**

So, what I'm hearing right now, is that it's still in the formative stages and it's still in the idea, conception stages? Rather than the actual written document, then its first, second, third draft and then to be presented directly? Because, Mr. Leon Guerrero is absolutely right. If, in fact, we are going to move forward with this, there are other components that have to be in place. And one is the appeals process. Because, you mentioned, very similar to the traffic court, you can schedule a date. In many instances you're dealing with small businesses. They don't have a day. They don't have a week out. They don't have two weeks out and then they're going to receive their merchandise. Its either they go through an appeals process in an expeditious fashion, with all due consideration on the part of the director, and our law enforcement officers, our Customs and Quarantine. And then they're given the opportunity to say yay, nay, sorry your products, your products are going to be confined, confiscated, and disposed of properly. So, that's really where this whole issue about adjusting the fines, adjusting the citations, being able to create a mechanism. So, that there's an appeals process in place and these individuals or these business owners have an opportunity to immediately access or, at least, within a reasonable time. Immediately access an appeals process that if there's any questions. The reality is if you're a second offender, third time offender, fourth time offender, then all discretion is at the law enforcement level and the director. If you're an initial, so called, less offense, then in that case that individual should be given the opportunity to at least an expeditious...

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**Major Paul Toves**

At this point in time, sir, I think that even in our brainstorming discussions, really we didn't have, we're really not looking at stopping the goods if they're not regulated. We're not looking at stopping the goods pending the assessment of the fine and the appeal of it. We're going to continue to allow that into commerce. Now, if there was a serious intent to circumvent the laws of customs or even taxation for those things, for that matter, or even at the offense level, if it's the third or fourth, that's when it might become subject to detaining the merchandise until the appeals process is cleared. All those particulars really do need to be discussed thoroughly especially with your office, as well as, the business community. And through the input and what would be amenable middle point that's acceptable to everybody, that's probably the process we'll adopt. That's one of the reasons why I can't say exactly what it's going to be right now. But, we're leaning to, like we said in previous public hearings, you know we are Customs and we enforce regulations and laws. But, we are very sensitive to the commerce of the island. So, with that said, you know, we will be weighing those things seriously with the business community.

**Senator Frank B. Agnon, Jr.**

Just understand at least, with all due respect to the sponsor of the legislation, I would like to ensure that if we're going to increase the fines, that there is an identified appeals process in place. Now, if we, in the interim, provide something in this legislation, so that, in fact, every individual or every citizen coming off that plane, regardless as to whether they're returning home or they're visitors, understand that the law is on their side, in terms of giving them that opportunity to access an appeals process. Then, in the interim, we will provide that. I just would hate to see us increasing the fine to \$1000 or \$500 and then the discretion, no offense to anyone here in our law enforcement, Customs and Quarantine, but, for someone to have that direct discretionary authority and then appeals process not be laid out, in terms of how that individual can get himself or herself off a red list or red flag list. Because we always have to be sensitive to the customers. The customers are our people in the community and also our visitors. I just wanted to share that with you.

I really appreciate the encouragement to amend the law and making it mandatory that, in fact, everyone declare. Because keeping someone unnecessarily at the airport for extended period of time, because that's what you do right now before you let them leave the airport. I think it's a process, an unnecessary process. So, reinforcing the existing code, providing that additional leverage on your part and getting you some additional resources with an appeals process in place, certainly, I think, is part of a very good discussion. Senator Yamashita?

**Senator Aline A. Yamashita, Ph.D.**

Thank you very much Mr. Chair. Welcome to all of you to your legislature. So, as a part of the rules and regulations promulgation, what I would also hope is that you structure a formal awareness package. So, that anybody who is planning on doing business with our island, whether it's through travel agencies or travel websites, when they go there they'll see what the rules are, what the consequences are of not following the rules, and the appeals process, the whole thing. Perhaps, when they file their business privilege tax, their GRTs, we give them another reminder. It's got to be consistent. The idea that you're reaching out to the travel agencies, I think is excellent. But, we need to do the same thing for all of our businesses, everyone who is doing commerce with us. We do it with the Guam Hotel and Restaurant Association, with the Chamber, with everybody who imports, all of our wholesalers. And so, we develop a formal program and then when you do your public hearing, that would be a part, it's a whole prevention part of it. And so, what makes it understandable, accessible, what needs to be changed. And so, then that way, as much as possible, we don't have anyone who says, "But, we didn't know". Right? But, we didn't know. We help them know. And then, through your promulgation process, they can make it even better. And then, I think, that it's complete. So, it's your prevention, then it's your intervention. Then, it's your judgment. And then, it's an appeals process. And then, it's a final statement like that. Thanks.

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So then, you know, hopefully we can get our invasive species all tied into this, as well. And, you know, we just merge everything, cause it seems like we're promulgation more and more rules these days. But, if we can, weave everything together, it can be even better. Thank you, Mr. Chair.

**Senator Frank B. Agnon, Jr.**

Thank you very much Senator Yamashita. Anybody else have any questions or inquiries? If not, gentlemen, thank you very much for your testimony this morning. I'd like to open the panel discussion to John B. Mendiola, who has signed up in favor. If, in fact, you would like to provide testimony. If not, then you signed in. Mr. Basil O'Mallan, from the Attorney General's Office? Please, are you going to provide testimony?

**Chief Prosecutor Basil O'Mallan**

No. We will provide testimony later. But, we are in support of the bill.

**Senator Frank B. Agnon, Jr.**

So, for the record, Mr. O'Mallan – Attorney O'Mallan, is in support of the legislation from the Attorney General's Office and they will be providing subsequent written testimony. Thank you very much Mr. O'Mallan. With that in mind, Bill No. 302-32 (COR) has been publicly heard and the committee will continue to receive public testimony over the course of the next ten days and then it will close out on the committee report. So, we invite the public to provide testimony, should they desire to do so.

The public hearing was adjourned at 9:47 AM.

III. The following individuals submitted written testimonies to the Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary before or after the scheduled Public Hearing on April 28, 2014 at 9:00 AM:

1. Pedro Leon Guerrero, Director, Guam Customs and Quarantine

**IV. FINDINGS & RECOMMENDATIONS**

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary hereby submits these findings and reports out Bill No. 302-32 (COR) by the Committee on Guam US Military Relocation, Homeland Security, Veteran's Affairs and Judiciary, with a recommendation TO PASS

***MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2014 (SECOND) Regular Session**

Bill No. 300.32/002.1

Introduced by:

Brant T. McCreadie 

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2014 MAR 31 AM 9:48

**AN ACT TO REPEAL § 73127 AND TO REPEAL  
AND REENACT § 73130 OF CHAPTER 73 TITLE 5  
GUAM CODE ANNOTATED RELATIVE TO  
ESTABLISHING FINES AND PENALTIES FOR  
INDIVIDUALS WHO MAKE FALSE STATEMENTS  
TO A GUAM CUSTOMS OFFICER.**

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

**2 Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
**3** the Guam Customs and Quarantine Agency has been diligently working to ensure that  
**4** prohibited items, including illegal drugs, do not pass our borders. However, under  
**5** current Guam law, the Guam Customs and Quarantine Agency does not have the  
**6** ability to cite individuals who make false declarations or false statement to a Customs  
**7** officer. Instituting fines will have the primary effect of reducing the number of  
**8** prohibited things that cross our borders, as well as the secondary effect of increasing  
**9** revenue for the Customs and Quarantine Agency.

**10** Therefore, it is the intent of *I Liheslaturan Guåhan* to discourage and properly  
**11** punish those who make false declarations and/or false statements to a Customs Officer  
**12** by instituting graduated fines by repealing §73127 and by repealing and reenacting  
**13** §73130 of Chapter 73, Title 5 Guam Code Annotated.

**14 Section 2.** §73127 of Chapter 73, Title 5 Guam Code Annotated is hereby  
**15** *repealed:*

1           ~~“§ 73127. Declaration.~~

2           ~~Any article not included in the declaration and entry as made, and, before~~  
3 ~~examination of the baggage was begun, not mentioned in writing by such~~  
4 ~~person, if written declaration and entry was required, or orally if written~~  
5 ~~declaration and entry was not required, shall be subject to forfeiture and such~~  
6 ~~person shall be liable to a penalty equal to the value of such article.~~

7           **Section 3.** §73130 of Chapter 73, Title 5 Guam Code Annotated is hereby  
8 *repealed and reenacted* to read:

9           ~~“§ 73130. False Swearing Statements Prohibited.~~

10           ~~Any person who shall intentionally swear falsely on an examination~~  
11 ~~before the Collector of Customs shall be guilty of a misdemeanor, and if he is~~  
12 ~~the owner, importer or consignee, the merchandise shall be forfeited or the~~  
13 ~~value thereof may be recovered from such person.~~

14           Any person who intentionally makes a false statement, either written or  
15 verbal, or who knowingly omits a statement of truth on an examination and  
16 questioning before a customs officer shall be guilty of a violation. Violation of  
17 this section shall be punishable by seizure and forfeiture of any prohibited  
18 merchandise, cargo, or baggage in addition to a fine of five hundred dollars  
19 (\$500.00) for the first violation, one thousand dollars (\$1,000.00) for the second  
20 violation and ten thousand dollars (\$10,000.00) for the third and all subsequent  
21 violations. All fines collected pursuant to this section shall be deposited into the  
22 Customs, Agriculture and Quarantine Inspection Services Fund.”

23           **Section 4.** The Director of Customs shall include in a prominent location of  
24 the Guam Customs Declaration form the following:

25           **“FALSE WRITTEN AND/OR VERBAL STATEMENTS PROHIBITED.**



1 Pursuant to §73130 of Chapter 73, Title 5 Guam Code Annotated, any person  
2 who is found guilty of making a false statement or omits a statement of truth to a  
3 Customs officer shall be subject to a fine of \$500.00 for the first offense, \$1,000.00  
4 for the second offense and \$10,000.00 for the third and all subsequent offenses in  
5 addition to the seizure and forfeiture of prohibited merchandise, cargo or baggage.”

6 **Section 5. Effective Date.** This act shall be effective immediately upon  
7 enactment. The Director of Customs shall have one hundred twenty (120) days to  
8 comply with Section 4 of this act.

9 **Section 6. Severability.** *If* any provision of this Law or its application to any  
10 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
11 *not* affect other provisions or applications of this Law which can be given effect  
12 without the invalid provisions or application, and to this end the provisions of this  
13 Law are severable.

***MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN***  
**2014 (SECOND) Regular Session**

**Bill No. 302-32(COR)**

As Amended Committee on the  
Guam US Military Relocation, Homeland Security,  
Veteran's Affairs and Judiciary

Introduced by:

Brant T. McCreadie

**AN ACT TO REPEAL AND REENACT § 73127 ~~AND,~~  
TO REPEAL AND REENACT § 73130 AND TO ADD A  
NEW § 73130.1, § 73130.2 AND § 73130.3 TO ~~OF~~  
CHAPTER 73 TITLE 5 GUAM CODE ANNOTATED  
RELATIVE TO ESTABLISHING FINES AND  
PENALTIES FOR INDIVIDUALS WHO MAKE  
FALSE STATEMENTS TO A GUAM CUSTOMS  
OFFICER.**

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

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3 the Guam Customs and Quarantine Agency has been diligently working to ensure that  
4 prohibited items, including illegal drugs, do not pass our borders. However, under  
5 current Guam law, the Guam Customs and Quarantine Agency does not have the  
6 ability to cite individuals who make false declarations or false statement to a Customs  
7 officer. Instituting fines will have the primary effect of reducing the number of  
8 prohibited things that cross our borders, as well as the secondary effect of increasing  
9 revenue for the Customs and Quarantine Agency.

10       Therefore, it is the intent of *I Liheslaturan Guåhan* to discourage and properly  
11 punish those who make false declarations and/or false statements to a Customs Officer  
12 by instituting graduated fines by repealing §73127 and by repealing and reenacting  
13 §73130 of Chapter 73, Title 5 Guam Code Annotated.

1 Section 2. §73127 of Chapter 73, Title 5 Guam Code Annotated is hereby  
2 *repealed and reenacted* to read:

3 “§ 73127. Declaration.

4 Any article not included in the declaration and entry as made, and, before  
5 examination of the baggage was begun, not mentioned in writing by such  
6 person, if written declaration and entry was required, or orally if written  
7 declaration and entry was not required, shall be subject to forfeiture and such  
8 person shall be liable to a penalty equal to the value of such article.

9 **§73127. Customs Inspection and Declaration Required.**

10 Any person entering the Territory of Guam is required to present  
11 themselves to customs for inspection, and are further required to complete a  
12 customs declaration as to their entry and the articles for which they are entering  
13 into Guam. Any person and/or article not included in the declaration and entry  
14 as made, and before examination was begun, not mentioned in writing by such  
15 person, if written declaration and entry was required, or orally if written  
16 declaration and entry was not required, shall be subject to the provisions as set  
17 forth under §73130 of this Chapter.

18 Section 3. §73130 of Chapter 73, Title 5 Guam Code Annotated is hereby  
19 *repealed and reenacted* to read:

20 “§ 73130. **Non-Compliance and False Swearing Statements**  
21 **Prohibited.**

22 Any person who shall intentionally swear falsely on an examination  
23 before the Collector of Customs shall be guilty of a misdemeanor; and if he is  
24 the owner, importer or consignee, the merchandise shall be forfeited or the  
25 value thereof may be recovered from such person.

1           Any person who fails to present themselves to Customs for inspection, or  
2 fails to file a customs declaration when required, or who intentionally makes a  
3 false statement, either written or verbal, or who knowingly omits a statement of  
4 truth on an examination and questioning before a customs officer shall be guilty  
5 of a violation. A violation under this Section does not preclude the responsible  
6 person from being held liable for any other administrative or criminal action that  
7 may likewise be applicable.” ~~Violation of this section shall be punishable by~~  
8 ~~seizure and forfeiture of any prohibited merchandise, cargo, or baggage in~~  
9 ~~addition to a fine of five hundred dollars (\$500.00) for the first violation, one~~  
10 ~~thousand dollars (\$1,000.00) for the second violation and ten thousand dollars~~  
11 ~~(\$10,000.00) for the third and all subsequent violations. All fines collected~~  
12 ~~pursuant to this section shall be deposited into the Customs, Agriculture and~~  
13 ~~Quarantine Inspection Services Fund.”~~

14           Section 4. §73130.1 of Chapter 73, Title 5 Guam Code Annotated is hereby  
15 added to read:

16           “§ 73130.1. Same: Fines.

17           A violation of this Chapter shall be punishable by seizure and forfeiture  
18 of any merchandise, cargo, or baggage in addition to a fine ranging from:

- 19           a. one hundred dollars (\$100.00 to five hundred dollars (\$500.00) for the  
20           first violation;
- 21           b. five hundred dollars (\$500.00) to one thousand dollars (\$1000.00) for  
22           the second violation; and
- 23           c. one thousand dollars (\$1,000.00) to ten thousand dollars (\$10,000.00)  
24           for the third and all subsequent violations.

1           Within the ranges for each violation category above, the Director of  
2 Customs may adjust the fine amount to be levied on a case-by-case basis as  
3 may be deemed appropriate.

4           All fines collected pursuant to this section shall be deposited into the  
5 Customs, Agriculture, and Quarantine Inspection Services Fund.”

6           Section 5. § 73130.2 of Chapter 73, Title 5 Guam Code Annotated is hereby  
7 added to read:

8           **“§ 73130.2. Penalties for Non-Payment or Late Payment of Fines.**

9           Any person failing to pay a fine levied pursuant to this Chapter the due  
10 date shall be subject to an interest penalty of fifteen percent (15%) of the  
11 outstanding fine per annum. Continued failure to pay will subject the  
12 responsible person to further administrative and/or criminal proceedings as may  
13 be allowed by law, to include the recovery of any costs incurred as a result of  
14 doing so.”

15           Section 6. § 73130.3 of Chapter 73, Title 5 Guam Code Annotated is hereby  
16 added to read:

17           **“§ 73130.3. Promulgation of Rules and Regulations.**

18           The Director of Customs shall promulgate rules and regulations to govern  
19 the processes and requirements for the application and administration of fines  
20 and penalties identified under § 73130, § 73130.1 and § 73130.2 of this  
21 Chapter, as well as the processes and requirements for the appeal and  
22 adjudication of any fines levied thereunder. No fines and penalties authorized  
23 pursuant to § 73130, § 73130.1 and § 73130.2 of this Chapter shall be levied  
24 until such time that the required rules and regulations have been officially  
25 approved and adopted pursuant to Chapter 9, Title 5 Guam Code Annotated.”

1            **Section 7.** The Director of Customs shall include in a prominent location of the  
2 Guam Customs Declaration form the following:

3            **“FALSE WRITTEN AND/OR VERBAL STATEMENTS PROHIBITED.**

4            Pursuant to § 73130, § 73130.1 and § 73130.2 of Chapter 73, Title 5 Guam  
5 Code Annotated, any person who fails to present themselves to Customs for  
6 inspection, or fails to submit a completed Customs Declaration form or is found guilty  
7 of making a false statement or omits a statement of truth to a Customs officer shall be  
8 subject to a fine ranging from one hundred dollars (\$100.00 to five hundred dollars  
9 (\$500.00) for the first violation, five hundred dollars (\$500.00) to one thousand  
10 dollars (\$1,000.00) for the second violation, and one thousand dollars (\$1,000.00) to  
11 ten thousand dollars (\$10,000.00) for the third and all subsequent violations in  
12 addition to the seizure and forfeiture of any merchandise, cargo, or baggage so  
13 omitted.” ~~of \$500.00 for the first offense, \$1,000.00 for the second offense and~~  
14 ~~\$10,000.00 for the third and all subsequent offenses in addition to the seizure and~~  
15 ~~forfeiture of prohibited merchandise, cargo or baggage.”~~

16            **Section 5. Effective Date.** This act shall be effective 180 days ~~immediately~~  
17 upon enactment. ~~The Director of Customs shall have one hundred twenty (120) days~~  
18 ~~to comply with Section 4 of this act.~~

19            **Section 6. Severability.** *If* any provision of this Law or its application to any  
20 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
21 *not* affect other provisions or applications of this Law which can be given effect  
22 without the invalid provisions or application, and to this end the provisions of this  
23 Law are severable.

**COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS' AFFAIRS HOMELAND  
SECURITY & JUDICIARY**

*I Mina'Trentai Dos na Liheslaturan Guahan | 32<sup>nd</sup> Guam Legislature*



**SENATOR FRANK B. AGUON, JR  
CHAIRMAN**

**Monday, April 28, 2014 @ 9:00A.M.**

**Bill No. 302-32 (COR)** – An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer. **(Sponsored by Senator Brant T. McCreadie)**

NAME ( Please Print )	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
VINCENT SUPPERZ					x	
Rosemary Ramirez	CEQ	9756202			✓	

**COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS' AFFAIRS HOMELAND  
SECURITY & JUDICIARY**

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NAME ( Please Print )	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
ROBERT A. LEON GUARDIA	GUAM CUSTOMS & BORDER SERVICE	475-6202	✓	✓	✓	
P. TOMES	w	w			✓	
FRANK BENTIVEGA	FEB PHOENIX	988-4243	✓		✓	



**COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS' AFFAIRS HOMELAND  
SECURITY & JUDICIARY**

*I Mina'Trentai Dos na Liheslaturan Guahan* | 32<sup>nd</sup> Guam Legislature



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NAME ( Please Print )	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
Barbra Tzumo	CGA	697-0403			X	
Ben R. Ponzelini	CGA	898-1279			X	

**COMMITTEE ON GUAM US MILITARY RELOCATION, VETERANS' AFFAIRS HOMELAND  
SECURITY & JUDICIARY**

*I Mina'Trentai Dos na Liheslaturan Guahan* | 32<sup>nd</sup> Guam Legislature



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<b>NAME ( Please Print )</b>	<b>Agency/Organization</b>	<b>Contact Number</b>	<b>Oral Testimony</b>	<b>Written Testimony</b>	<b>In Favor</b>	<b>Not In Favor</b>
<i>Johanna Mendola</i>	<i>CQA</i>	<i>898-6901</i>			<input checked="" type="checkbox"/>	
<i>Basil O'Malley</i>	<i>DAG</i>				<input checked="" type="checkbox"/>	



# CUSTOMS & QUARANTINE AGENCY, GUAHAN

Guam's First Line of Defense • Protecting Our Island, Our People, Our Resources

*Director's Office*

*Director – Pedro A. Leon Guerrero, Jr.  
Chief of Customs – Raffaele M.J. Sgambelluri*

April 28, 2014

CQA-DIR-106-14

The Honorable Frank B. Aguon, Jr., Senator  
32<sup>nd</sup> Guam Legislature  
Chairman, Committee on the Guam U.S. Military Relocation,  
Homeland Security, Veterans Affairs, and Judiciary  
Suite 104  
155 Hesler Street  
Hagåtña, Guam 96910

***RE: Written Testimony on Bill 302-32***

Dear Senator Aguon,

Buenas yan Hafa Adail Thank you for the opportunity to provide written testimony on Bill 302-32 "An act to repeal §73127 and to repeal and reenact §73130 of Chapter 73, Title 5, Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer". On behalf of the men and women of Customs, I would like to express our support of Bill 302-32, and would like to suggest additional language for consideration.

The Customs and Quarantine Agency is a relatively new agency of the Government of Guam. Although the function of customs enforcement has been around since the 1950's, the Agency only recently came into its own right in 1994, and has relied primarily on its original statutes that were developed at that time. Over 60 years has passed since then, and many changes have taken place in the field of customs enforcement in terms of our responsibilities, our services, and our capabilities. With changes that include an ever growing global trade environment, better import and export services, more sophisticated transportation technologies, and unfortunately, more sophisticated methods of smuggling as well, the Agency has become ever more challenged to meet our mission mandates.

One of the greatest challenges we face is not just the importation of controlled items, but more importantly, having to expend valuable resources towards dealing with persons who fail to declare, or even worse, who conceal regulated items from customs inspection. The impact of false declarations has had a profound effect upon the agency in terms increased manpower

costs, the costs associated with meeting the extra service demands, and the costs of diverting limited resources away from areas they are needed most.

With over 1 million passengers arriving each year, together with as much as 16,000 vessels and aircraft, 2.4 billion pounds of cargo, and 1 million parcels and letters, voluntary compliance with the customs laws by importers and travelers alike has become increasingly vital to not only our customs enforcement programs, but also towards the safety of our community and resources. The need for statutes that compel truthfulness to customs and impose sanctions for failing to do so are definitely needed for our island. Not only will it create a positive incentive for importers to declare their items subject to inspection, but it allows customs to focus more attention on those persons with subversive motives, provides additional resources that support the customs border protection programs, and provides funding needed to store and dispose the regulated items discovered.

For these reasons, the Guam Customs and Quarantine Agency recognizes the need to update its customs statutes, and just as importantly, to institute a fines and penalties program for violations of the customs and other import laws. Although this bill may not encompass all that is needed, it definitely is a step in the right direction on where customs should be in the near future. To this end, we would like to offer some additional suggestions to perhaps further improve upon the scope and coverage of this bill. For instance:

1. We highly recommend keeping, but amending, §73127 being that the declaration remains an important element within the Customs clearance process. We would like to amend the language of this subsection to include that "... persons entering Guam are required to complete a customs declaration, and are required to present themselves and their goods to customs for inspection...". As transportation capabilities to smugglers have become more and more accessible and readily available, the capability for these persons to circumvent the customs inspection process are ever more so possible. These additions will address these problems;
2. We would also like to propose that the amended §73130 be separated into two provisions. The first portion should address making the failure to comply with these requirements and false statements a violation of law. The second provision should identify the penalties for those violations respectively;
3. Insofar as penalties in the second provision, we propose that a range of fines for each offense level be used rather than a set amount. Doing so will provide greater flexibility to assign a fine amount that is commensurate with the seriousness and extent of the violation at each offense level;
4. As an added provision, we would like to suggest the inclusion of penalty provisions for the failure to pay, or late payment of, the fines. The penalties may include an interest penalty, as well as collection and/or attorney fees as may be allowed by law;
5. We would also like to suggest that a provision be included whereby the Director is required to promulgate rules and regulations governing the application and administration of the fines, as well as regulations for the appeal and adjudication of fines levied thereunder. Because these provisions are an inherent part of levying and

adjudicating the fines, we suggest that a clause be included whereby the fines authorized under these statutes will not be implemented until such time that the regulations are promulgated and approved; and lastly,

6. We would also like to suggest that the effective date be adjusted to six months in order to afford the Director of Customs enough time to promulgate the required rules and regulations through the Administrative Adjudication process.

Overall, we support Bill 302-32, and have included, as an attachment, suggested language for the revisions identified above. With these adjustments, not only will we be able to retain the original scope of the bill, but we will also be able to fully incorporate other pressing issues facing customs today. What might seem like a small step to improve our statutory authorities here, in actuality, will be a giant leap in building a stronger and more effective customs enforcement program at our borders. In this regard, we fully support this bill with amendments, and kindly urge our senators to support this bill as well. If you should have any questions or would like to discuss this matter further, please contact me at 475-6202 where I can be of service. Thank you again for the opportunity to provide input on Bill 302-32.

Sincerely,



PEDRO A. LEON GUERRERO, JR.  
Director of Customs

attachment

Section 2, §73127 of Chapter 73, Title 5 Guam Code Annotated is hereby repealed.

~~“§ 73127. Declaration.~~

~~Any article not included in the declaration and entry as made, and before examination of the baggage was begun, not mentioned in writing by such person, if written declaration and entry was required, or orally if written declaration and entry was not required, shall be subject to forfeiture and such person shall be liable to a penalty equal to the value of such article.~~

Section 3, §73130 of Chapter 73, Title 5 Guam Code Annotated is hereby repealed and reenacted to read:

“§ 73130. False Swearing Statements Prohibited.

~~Any person who shall intentionally swear falsely on an examination before the Collector of Customs shall be guilty of a misdemeanor; and if he is the owner, importer or consignee, the merchandise shall be forfeited or the value thereof may be recovered from such person.~~

Any person who intentionally makes a false statement, either written or verbal, or who knowingly omits a statement of truth on an examination and questioning before a customs officer shall be guilty of a violation. Violation of this section shall be punishable by seizure and forfeiture of any prohibited merchandise, cargo, or baggage in addition to a fine of five hundred dollars (\$500.00) for the first violation, one thousand dollars (\$1,000.00) for the second violation and ten thousand dollars (\$10,000.00) for the third and all subsequent violations. All fines collected pursuant to this section shall be deposited into the Customs, Agriculture and Quarantine Inspection Services Fund.”

Recommend this section be kept and amended to read as follows:

§73127. Customs Inspection and Declaration Required

Any person entering the Territory of Guam from a place outside is required to present themselves to customs for inspection, and are further required to complete a customs declaration as to their entry and the articles for which they are entering into Guam. Any person and/or article not included in the declaration and entry as made, and before examination was begun, not mentioned in writing by such person, if written declaration and entry was required, or orally if written declaration and entry was not required, shall be subject to the provisions as set forth under §73130 of this Chapter.

Recommend this section be separated into two and that proposed language be further amended to read as follows:

§731XX. Non-Compliance and False Statements Prohibited

Any person who fails to present themselves to customs for inspection, or fails to file a customs declaration when required, or who makes a false statement, either written or verbal, or who knowingly omits a statement of truth on an examination and questioning before a customs officer shall be guilty of a violation. A violation under this section does not preclude the responsible party from being held liable for any other administrative or criminal action that may likewise be applicable.

§731XX. Same: Fines

A violation of this chapter shall be punishable by seizure and forfeiture of any merchandise, cargo, or baggage in addition to a fine ranging from:

- a. one hundred dollars (\$100.00 to five hundred dollars (\$500.00) for the first violation;
- b. five hundred and one dollars (\$501.00) to one thousand dollars (\$1000.00) for the second violation; and
- c. one thousand and one dollars (\$1,001.00) to ten thousand dollars (\$10,000.00) for the third and all subsequent violations.

Within the ranges for each violation category above, the Director of Customs is authorized to adjust the fine amount to be levied on a case by case basis as may be deemed appropriate.

All fines collected pursuant to this section shall be deposited into the Customs, Agriculture, and Quarantine Inspection Services Fund”

§731XX. Penalties for Non-Payment or Late Payment of Fines

Any person failing to pay a fine levied pursuant to this chapter at the time it becomes due shall be subject to an interest penalty of fifteen percent (15%) of the outstanding fine per annum. Continued failure to pay will subject the responsible party to further administrative and/or criminal proceedings as may be allowed by law, to include the recovery of any costs incurred as a result of doing so.

Recommend that §731XX be added to the language of the bill and to read as follows:

**§731XX. Promulgation of Rules and Regulations**

The Director of Customs is hereby required to promulgate rules and regulations to govern the processes and requirements for the application and administration of fines identified under §731XX of this Chapter, as well as the processes and requirements for the appeal and adjudication of any fines levied thereunder. No fines authorized pursuant to §731XX shall be levied until such time that the required rules and regulations have been officially approved and adopted pursuant to the Administrative Adjudication Law.

**Section 4.** The Director of Customs shall include in a prominent location of the Guam Customs Declaration form the following:

**"FALSE WRITTEN AND/OR VERBAL STATEMENTS PROHIBITED.**

Pursuant to §73130 of Chapter 73, Title 5 Guam Code Annotated, any person who is found guilty of making a false statement or omits a statement of truth to a Customs officer shall be subject to a fine of \$500.00 for the first offense, \$1,000.00 for the second offense and \$10,000.00 for the third and all subsequent offenses in addition to the seizure and forfeiture of prohibited merchandise, cargo or baggage."

Recommend that Section 4 be amended to read as follows:

The Director of Customs shall include in a prominent location of the Guam Customs Declaration Form the following:

**"FALSE WRITTEN AND/OR VERBAL STATEMENTS PROHIBITED.**

Pursuant to §731XX of Chapter 73, Title 5 Guam Code Annotated, any person who fails to present themselves to Customs for inspection, or fails to submit a completed Customs Declaration Form, or is found guilty of making a false statement or omits a statement of truth to a customs officer shall be subject to a fine ranging from one hundred dollars (\$100.00 to five hundred dollars (\$500.00) for the first violation, five hundred dollars (\$500.00) to one thousand dollars (\$1000.00) for the second violation, and one thousand dollars (\$1,000.00) to ten thousand dollars (\$10,000.00) for the third and all subsequent violations in addition to the seizure and forfeiture of any merchandise, cargo, or baggage so omitted.

**Section 5. Effective Date.** This act shall be effective immediately upon enactment. The Director of Customs shall have one hundred twenty (120) days to comply with Section 4 of this act.

Recommend that Section 5 to be amended to reflect the effective date to be six months after enactment

**Section 6. Severability.** If any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
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Senator  
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CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
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Member

Senator  
Michael R.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamañhita  
Member

April 25, 2014

## Memorandum

To: **Rennae Meno**  
*Clerk of the Legislature*

From: **Senator Rory J. Respicio**  
*Majority Leader & Rules Chair*

Subject: **Fiscal Notes**

*Hafa Adai!*

Attached please find the fiscal notes for the bill numbers listed below.  
Please note that the fiscal notes are issued on the bills as introduced.

### FISCAL NOTES:

- Bill No. 212-32(COR)
- Bill No. 302-32(COR)
- Bill No. 311-32(LS)
- Bill No. 315-32(LS)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*

2014 APR 25 AM 10:54  
*W*



**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**  
GOVERNOR

**JOHN A. RIOS**  
DIRECTOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR

**JOSE S. CALVO**  
DEPUTY DIRECTOR

**APR 23 2014**

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Dos na Liheslaturan Guåhan  
The 32nd Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 212-32(COR), 302-32(COR),  
311-32(LS), and 315-32(LS).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

  
JOHN A. RIOS  
Director

Enclosures

cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 302-32 (COR)**

**AN ACT TO REPEAL § 73127 AND TO REPEAL AND REENACT § 73130 OF CHAPTER 73 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING FINES AND PENALTIES FOR INDIVIDUALS WHO MAKE FALSE STATEMENTS TO A GUAM CUSTOMS OFFICER.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Customs and Quarantine Agency	Dept./Agency Head: Pedro A. Leon Guerrero, Jr., Director
Department's General Fund (GF) appropriation(s) to date:	
Department's Other Fund (Specify) appropriation(s) to date: Customs, Agriculture and Quarantine Inspection Services Fund	5,891,803
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>55,891,803</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Approp. (Bills 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Customs, Agriculture and Quarantine Inspection Service Fund	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions?  
If Yes, see attachment: /x/ Yes    // No
- Is amount appropriated adequate to fund the intent of the appropriation?  
If no, what is the additional amount required? \$ \_\_\_\_\_ /x/ N/A    // Yes    // No
- Does the Bill establish a new program/agency?  
If yes, will the program duplicate existing programs/agencies?  
Is there a federal mandate to establish the program/agency? // Yes    /x/ No  
// Yes    // No  
// Yes    /x/ No
- Will the execution of this Bill require new physical facilities? /x/ Yes    // No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason:  
/x/ Requested agency comments not received as of the due date    // Other: /x/ Yes    // No

Analyst: John A. Rios Date: \_\_\_\_\_ Director: John A. Rios Date: APR 23 2014  
 Deputy Director: \_\_\_\_\_ Budget Analyst III

Footnotes: If necessary, include them here.

**Bureau of Budget & Management Research**  
**Attachment to Fiscal Note No. 302-32 (COR)**  
**(for revenue generating provisions)**

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	\$0	\$0	\$0	\$0	\$0
Customs, Agriculture and Quarantine Inspection Service Fund I/	\$179,400	\$179,400	\$179,400	\$179,400	\$179,400
<b>Total</b>	<b>\$179,400</b>	<b>\$179,400</b>	<b>\$179,400</b>	<b>\$179,400</b>	<b>\$179,400</b>

**Comments:**

Footnotes: I/ The bill if enacted will generate additional revenues for the Customs, Agriculture and Quarantine Inspection Services Fund (CAQISF) due to monetary penalties or fines applied to persons who intentionally make a false statement, either written or verbal, or who knowingly omits a statement of truth on an examination and questioning before a custom officer. Such person shall be guilty of a violation. A violation shall be punishable by seizure and forfeiture of any prohibited merchandise, cargo or baggage in addition to a fine of five hundred dollars (\$500.00) for the first violation, one thousand dollars (\$1,000.00) for the second violation, and ten thousand dollars (\$10,000.00) for the third and all subsequent violations. All fines collected shall be deposited into the CAQISF. The anticipated impact collectable for just the first offense based on the monthly average of passengers arriving into Guam of 119,576, and if one fourth of one percent (.0025%) which is equal to 299 passengers violate the law, the anticipated fines collectable annually is \$1,794,000 (119,576 passengers x .0025 = 299 violators x \$500 fine = \$149,500 x 12 mos. = \$1,794,000).



**COMMITTEE ON RULES**

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Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Alina Y. ...  
Member

April 1, 2014

VIA E-MAIL  
[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

John A. Rios  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 301-32 (COR) and 302-32(COR)

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio  
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

<b>Bill Nos.</b>	<b>Sponsors</b>	<b>Title</b>
<b>301-32 (COR)</b>	Brant T. McCreadie	AN ACT TO AMEND § 52.30 OF CHAPTER 52 TITLE 9 GUAM CODE ANNOTATED RELATIVE TO THE CRIME OF UNSWORN FALSIFICATION.
<b>302-32 (COR)</b>	Brant T. McCreadie	AN ACT TO REPEAL § 73127 AND TO REPEAL AND REENACT § 73130 OF CHAPTER 73 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING FINES AND PENALTIES FOR INDIVIDUALS WHO MAKE FALSE STATEMENTS TO A GUAM CUSTOMS OFFICER.



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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Senator  
Michael F.Q. San Nicolas  
Member

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER


Senator  
Aline Yamashita  
Member

March 31, 2014

### MEMORANDUM

To: **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

From: **Senator Rory J. Respicio**   
*Chairperson of the Committee on Rules*

Subject: **Referral of Bill No. 302-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 302-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

*I Mina'Trentai Dos Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
302-32 (COR)	Brant T. McCreadie	AN ACT TO REPEAL § 73127 AND TO REPEAL AND REENACT § 73130 OF CHAPTER 73 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING FINES AND PENALTIES FOR INDIVIDUALS WHO MAKE FALSE STATEMENTS TO A GUAM CUSTOMS OFFICER.	3/31/14 9:48 a.m.	03/31/14	Committee on the Guam U. S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary			



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## FIRST NOTICE - Public Hearing on Monday, April 28, 2014 at 9:00 AM

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Office of Sen. Frank B. Aguon, Jr. <committee@frankaguonjr.com>

Fri, Apr 18, 2014 at 9:33 AM

To: phnotice@guamlegislature.org

Cc: "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>, "Senator Frank B. Aguon, Jr. Legislative Policy" <policy@frankaguonjr.com>, Senator Aguon Communications <media@frankaguonjr.com>

April 18, 2014

### MEMORANDUM

TO: All Honorable Senators/Media/Stakeholders

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

SUBJECT: **FIRST NOTICE** of Public Hearing on Monday, April 28, 2014 at 09:00 AM

*Buenas yan Hafa Adai!*

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, April 28, 2014 at 09:00 AM in *I Liheslaturan Guåhan's* Public Hearing Room, Hagåtña, on the following:

**Bill No. 301-32 (COR)** – An Act to amend § 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification. (Sponsored by Senator Brant T. McCreadie)

**Bill No. 302-32 (COR)** – An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer. (Sponsored by Senator Brant T. McCreadie)

**Bill No. 317-32 (LS)** - An Act to Add a New Article 4 to Chapter 46 of 9GCA relative to the Crime of Phishing. (Sponsored by Senator Tommy Morrison)

**Bill No. 318-32 (LS)** - An Act to Add a New Article 5 to Chapter 46, Title 9, Guam Code Annotated relative to Creating the "Computer Protection Act." (Sponsored by Senator Tommy Morrison)

**Bill No. 319-32 (LS)** - An Act to Add a New Article 3 to Chapter 46, Title 9, Guam Code Annotated relative to creating the "Computer Spyware Protection Act." (Sponsored by Senator Tommy Morrison)

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3(4863), or via email to aguon4guam@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services; please contact Fred "Rico" Taitague via email at committee@frankaguonjr.com\_ or Matt Topasna via email at policy@frankaguonjr.com\_ or please contact the office directly at 477-GUM1/2.

*Si Yu'os Ma'åse!*



—  
**Thanks!**

**Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary**

Office of Senator Frank B. Aguon, Jr.

155 Hesler PL Suite 104, Hagåtña, Guam 96910

Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) GUM3 (4863)

aguon4guam@gmail.com | www.frankaguonjr.com

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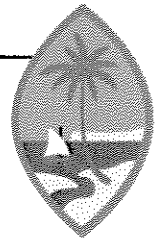
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**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

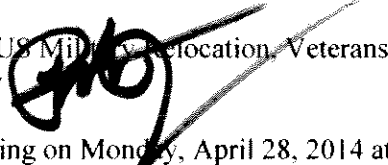
*I MINA'TRENTAI DOS NA LIHESLATURAN GUĀHAN | 32ND GUAM LEGISLATURE*



April 18, 2014

**MEMORANDUM**

TO: **All Honorable Senators/Media/Stakeholders**

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs,  
Homeland Security and Judiciary 

SUBJECT: **FIRST NOTICE** of Public Hearing on Monday, April 28, 2014 at 09:00AM

***Buenas yan Hafa Adai!***

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, April 28, 2014 at 09:00 AM in *I Liheslaturan Guāhan's* Public Hearing Room, Hagåtña, on the following:

- **Bill No. 301-32 (COR)** – An Act to amend § 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification. (**Sponsored by Senator Brant T. McCreadie**)
- **Bill No. 302-32 (COR)** – An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer. (**Sponsored by Senator Brant T. McCreadie**)
- **Bill No. 317-32 (LS)** - An Act to Add a New Article 4 to Chapter 46 of 9GCA relative to the Crime of Phishing. (**Sponsored by Senator Tommy Morrison**)
- **Bill No. 318-32 (LS)** - An Act to Add a New Article 5 to Chapter 46, Title 9, Guam Code Annotated relative to Creating the "Computer Protection Act." (**Sponsored by Senator Tommy Morrison**)
- **Bill No. 319-32 (LS)** - An Act to Add a New Article 3 to Chapter 46, Title 9, Guam Code Annotated relative to creating the "Computer Spyware Protection Act." (**Sponsored by Senator Tommy Morrison**)

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3(4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guāhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services; please contact Fred "Rico" Taitague via email at [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com) or Matt Topasna via email at [policy@frankaguonjr.com](mailto:policy@frankaguonjr.com) or please contact the office directly at 477-GUM1/2.

***Si Yu'os Ma'āse!***

cc: Clerks  
MIS  
Sgt-at-Arms

**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

**Speaker  
Judith T. Won Pat, Ed.D.**  
Committee Member

**Senator  
Rory J. Respicio**  
Committee Member

**Senator  
Thomas C. Ada**  
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**Senator  
Dennis G. Rodriguez, Jr.**  
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**Senator  
V. Anthony Ada**  
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**Senator  
Michael Limtlaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member



**OFFICE OF SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam US Military Relocation,  
Homeland Security, Veterans Affairs and Judiciary  
Mina' Trentai Dos Na Liheslaturan Guahan | 32nd Guam Legislature

**MONDAY, APRIL 28, 2014**  
**Public Hearing at 09:00 AM**  
**Roundtable on Draft SEIS at 6:00 PM**

**AGENDA**

**Bill No. 301-32 (COR)** - An Act to amend § 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification.

**Bill No. 302-32 (COR)** - An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer 2nd Public Hearing.

**Bill No. 317-32 (LS)** - An Act to Add a New Article 4 to Chapter 46 of 9GCA relative to the Crime of Phishing.

**Bill No. 318-32 (LS)** - An Act to Add a New Article 5 to Chapter 46, Title 9, Guam Code Annotated relative to Creating the "Computer Protection Act."

**Bill No. 319-32 (LS)** - An Act to Add a New Article 3 to Chapter 46, Title 9, Guam Code Annotated relative to creating the "Computer Spyware Protection Act."

**ROUNDTABLE on Draft SEIS at 6:00 PM**

Draft Supplemental Environmental Impact Statement (DSEIS) - Discussions on the Key Differences Between the 2010 Final (EIS) and the 2014 Draft SEIS (DSEIS); SEIS Timeline; Public Meeting Schedule to allow maximum public participation during the comment period.

The public hearing will be broadcasted on Docomo Pacific TV Channel 117 or GUDTV Channel 21. If you require any special accommodations, please contact the Office of Senator Frank B. Aguon, Jr. at 475-GUM172 (486172) or e-mail: committee@frankaguonjr.com, or policy@frankaguonjr.com

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## SECOND NOTICE - Public Hearing on Monday, April 28, 2014 at 9:00 AM

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Office of Sen. Frank B. Aguon, Jr. <committee@frankaguonjr.com>

Wed, Apr 23, 2014 at 12:06 PM

To: phnotice@guamlegislature.org

Cc: Guam Legislature Clerks Office <clerks@guamlegislature.org>, mis@guamlegislature.org, sgtarms@guamlegislature.org, "Office of Senator Frank B. Aguon, Jr." <admin@frankaguonjr.com>, "Senator Frank B. Aguon, Jr. Legislative Policy" <policy@frankaguonjr.com>, Senator Aguon Communications <media@frankaguonjr.com>

April 23, 2014

### MEMORANDUM

TO: All Honorable Senators/Media/Stakeholders

FROM: Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

SUBJECT: SECOND NOTICE of Public Hearing on Monday, April 28, 2014 at 09:00 AM

### *Buenas yan Hafa Adai!*

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, April 28, 2014 at 09:00 AM in *I Liheslaturan Guåhan's* Public Hearing Room, Hagåtña, on the following:

**Bill No. 301-32 (COR)** – An Act to amend § 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification. (**Sponsored by Senator Brant T. McCreadie**)

**Bill No. 302-32 (COR)** – An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer. (**Sponsored by Senator Brant T. McCreadie**)

**Bill No. 317-32 (LS)** - An Act to Add a New Article 4 to Chapter 46 of 9GCA relative to the Crime of Phishing. (**Sponsored by Senator Tommy Morrison**)

**Bill No. 318-32 (LS)** - An Act to Add a New Article 5 to Chapter 46, Title 9, Guam Code Annotated relative to Creating the "Computer Protection Act." (**Sponsored by Senator Tommy Morrison**)

**Bill No. 319-32 (LS)** - An Act to Add a New Article 3 to Chapter 46, Title 9, Guam Code Annotated relative to creating the "Computer Spyware Protection Act." (**Sponsored by Senator Tommy Morrison**)

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3(4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services; please contact Fred "Rico" Taitague via email at [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com) or Matt Topasna via email at [policy@frankaguonjr.com](mailto:policy@frankaguonjr.com) or please contact the office directly at 477-GUM1/2.

*Si Yu'os Ma'åse!*

—  
**Thanks!**

**Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary**

Office of Senator Frank B. Aguon, Jr.

155 Hesler PL Suite 104, Hagåtña, Guam 96910

Tel: (671) 475-GUM1/2 (4861/2)

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502K

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**Adam Bearce** <adam@guamlegislature.org>

Wed, Apr 23, 2014 at 12:13 PM

To: "Office of Sen. Frank B. Aguon, Jr." <committee@frankaguonjr.com>, Yong Pak <yong@guamlegislature.org>

Done

[Quoted text hidden]



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*



April 23, 2014

**MEMORANDUM**

**TO:** All Honorable Senators/Media/Stakeholders

**FROM:** Chairman, Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary

**SUBJECT:** **SECOND NOTICE** of Public Hearing on Monday, April 28, 2014 at 09:00AM

*Buenas yan Hafa Adai!*

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, April 28, 2014 at 09:00 AM in *I Liheslaturan Guåhan's* Public Hearing Room, Hagåtña, on the following:

- **Bill No. 301-32 (COR)** – An Act to amend § 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification. **(Sponsored by Senator Brant T. McCreadie)**
- **Bill No. 302-32 (COR)** – An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer. **(Sponsored by Senator Brant T. McCreadie)**
- **Bill No. 317-32 (LS)** - An Act to Add a New Article 4 to Chapter 46 of 9GCA relative to the Crime of Phishing. **(Sponsored by Senator Tommy Morrison)**
- **Bill No. 318-32 (LS)** - An Act to Add a New Article 5 to Chapter 46, Title 9, Guam Code Annotated relative to Creating the "Computer Protection Act." **(Sponsored by Senator Tommy Morrison)**
- **Bill No. 319-32 (LS)** - An Act to Add a New Article 3 to Chapter 46, Title 9, Guam Code Annotated relative to creating the "Computer Spyware Protection Act." **(Sponsored by Senator Tommy Morrison)**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3(4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services; please contact Fred "Rico" Taitague via email at [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com) or Matt Topasna via email at [policy@frankaguonjr.com](mailto:policy@frankaguonjr.com) or please contact the office directly at 477-GUM1/2.

*Si Yu'os Ma'åse!*

cc: Clerks  
MIS  
Sgt-at-Arms

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Committee Chairperson

**Senator  
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Thomas Morrison**  
Committee Member



**OFFICE OF SENATOR FRANK B. AGUON, JR.**

Chairman, Committee on Guam US Military Relocation,  
Homeland Security, Veterans Affairs and Judiciary  
Mina Trentai Dos Na Lihesiaturan Guahan | 32nd Guam Legislature

**MONDAY, APRIL 28, 2014**  
**Public Hearing at 09:00 AM**  
**Roundtable on Draft SEIS at 6:00 PM**

**AGENDA**

**Bill No. 301-32 (COR)** - An Act to amend § 52, 30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Fabrication.

**Bill No. 302-32 (COR)** - An Act to repeal § 33127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guaoi Customs Officer. 2nd Public Hearing.

**Bill No. 317-32 (LJ)** - An Act to Add a New Article 4 to Chapter 46 of 96CA relative to the Crime of Phishing.

**Bill No. 318-32 (LJ)** - An Act to Add a New Article 5 to Chapter 46, Title 9, Guam Code Annotated relative to Creating the "Computer Protection Act."

**Bill No. 319-32 (LJ)** - An Act to Add a New Article 3 to Chapter 46, Title 9, Guam Code Annotated relative to creating the "Computer System Protection Act."

**ROUNDTABLE on Draft SEIS at 6:00 PM**

Draft Supplemental Environmental Impact Statement (DSEIS) - Discussions on the Key Differences Between the 2010 Final EIS and the 2014 Draft SEIS (DSEIS); SEIS Timeline; Public Meeting Schedule to allow maximum public participation during the comment period.

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As of March 13, 2014**

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As of March 13, 2014**

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## Notified Stakeholders

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Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

**Speaker  
Judith T. Won Pat, Ed.D.**  
Committee Member

**Senator  
Rory J. Respicio**  
Committee Member

**Senator  
Thomas C. Ada**  
Committee Member

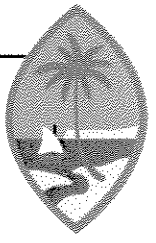
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Committee Member

**Senator  
V. Anthony Ada**  
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**Senator  
Michael Limtiaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

- **All Senators of Mina'Trentai Dos Na Liheslaturan Guahan**
- **Governor Eddie B. Calvo**
- **Congresswoman Madeleine Z. Bordallo**
- **Chief Justice Robert J. Torres, Jr.**
- **Special Assistant to the Governor on Military Buildup & Infrastructure**
  - Mark Calvo
- **Guam Customs & Quarantine Agency**
  - Pedro Leon Guerrero, Director
  - Raffaele J. M. Sgambelluri, Chief
- **Guam Homeland Security Advisor**
  - Ambrosio Constantino
- **Office of Veterans Affairs**
  - The Honorable John Unpingco, Esq.
- **Office of Civil Defense**
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**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*

April 18, 2014

**The Honorable Eddie Baza Calvo  
Governor of Guam**

513 West Marine Corps Drive  
Hagåtña, Guam 96910

*Sent via email to: [governor@guam.gov](mailto:governor@guam.gov)*

RE: Public Hearing scheduled for Monday, April 28, 2014 at 9:00AM

***Buenas yan Hafa Adai!***

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, April 28, 2014 beginning at 9:00am at I Liheslaturan Guåhan. Included on the agenda are the following bills:

- **Bill No. 301-32 (COR)** – An Act to amend § 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification.  
**(Sponsored by Senator Brant T. McCreadie)**
- **Bill No. 302-32 (COR)** – An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer.  
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**(Sponsored by Senator Tommy Morrison)**
- **Bill No. 319-32 (LS)** - An Act to Add a New Article 3 to Chapter 46, Title 9, Guam Code Annotated relative to creating the "Computer Spyware Protection Act."  
**(Sponsored by Senator Tommy Morrison)**

If you feel the above mentioned items impact your agency or organization, we encourage you to participate in this upcoming Public Hearing. The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3(4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services, please contact Fred "Rico" Taitague via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com) or Matt Topasna via email to [policy@frankaguonjr.com](mailto:policy@frankaguonjr.com) or please contact the office directly at 477-GUM1/2.

Respectfully,

**SENATOR FRANK B. AGUON, JR.**

Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
*I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature*

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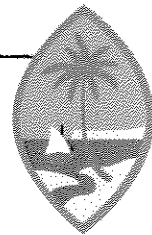
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GUAM U.S. MILITARY RELOCATION  
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I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE



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April 18, 2014

**The Honorable Madeleine Z. Bordallo**  
Congresswoman of Guam | Guam Delegate  
120 Father Dueñas Avenue Suite 107  
Hagåtña, Guam 96910  
Sent via email to: [madeleine.bordallo@mail.house.gov](mailto:madeleine.bordallo@mail.house.gov)

RE: Public Hearing scheduled for Monday, April 28, 2014 at 9:00AM

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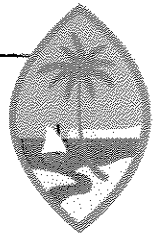
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April 18, 2014

**The Honorable Robert J. Torres, Jr.**  
**Chief Justice of Guam**  
Suite 300, Guam Judicial Center 120 West O'Brien Drive  
Hagåtña, Guam 96910  
*Sent via email to: [rjtorres@guamsupremecourt.com](mailto:rjtorres@guamsupremecourt.com)*

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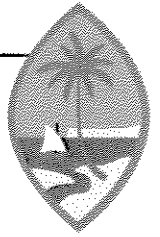
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April 18, 2014

**Mark Calvo**  
**Special Assistant to the Governor on Military Buildup and Infrastructure**  
513 West Marine Corps Drive  
Hagåtña, Guam 96910  
*Sent via email to: [mark.calvo@guam.gov](mailto:mark.calvo@guam.gov)*

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April 18, 2014

**Pedro A. Leon Guerrero, Jr.**  
**Director, Guam Customs and Quarantine Agency**  
770 East Sunset Boulevard Airport Road  
AB WonPat, Guam 96913  
*Sent via email to: [pedro.leonguerrero@cga.guam.gov](mailto:pedro.leonguerrero@cga.guam.gov)*

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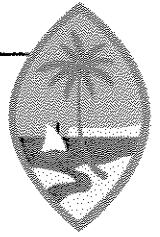
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April 18, 2014

**Raffaele Sgambelluri**  
Chief, Guam Customs and Quarantine Agency  
770 East Sunset Boulevard Airport Road  
AB WonPat, Guam 96913  
Sent via email to: [raffaele.sgambelluri@cga.guam.gov](mailto:raffaele.sgambelluri@cga.guam.gov)

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April 18, 2014

**Ambrosio Constantino**  
**Advisor, Guam Homeland Security**  
221B Chalan Palayso  
Agana Heights, Guam 96910  
*Sent via email to: [ambrosia.constantino@ghs.guam.gov](mailto:ambrosia.constantino@ghs.guam.gov)*

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April 18, 2014

**The Honorable John Unpingco, Esq.**  
**Administrator, Office of Veterans Affairs**

172 S. Marine Drive, Asan

Hagåtña, Guam 96910

*Sent via email to: [john.unpingco@gvao.guam.gov](mailto:john.unpingco@gvao.guam.gov)*

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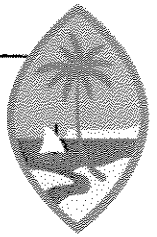
**Senator**  
**Michael LImtiaco**  
Committee Member

**Senator**  
**Thomas Morrison**  
Committee Member



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*



**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

**Speaker  
Judith T. Won Pat, Ed.D.**  
Committee Member

**Senator  
Rory J. Respicio**  
Committee Member

**Senator  
Thomas C. Ada**  
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**Senator  
V. Anthony Ada**  
Committee Member

**Senator  
Michael Limtiaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

April 18, 2014

**James T. McDonald**  
**Administrator, Office of Civil Defense**  
221B Chalan Palayso  
Agana Heights, Guam 96910  
*Sent via email to: [jim.mcdonald@ghs.guam.gov](mailto:jim.mcdonald@ghs.guam.gov)*

RE: Public Hearing scheduled for Monday, April 28, 2014 at 9:00AM

*Buenas yan Hafa Adai!*

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, April 28, 2014 beginning at 9:00am at I Liheslaturan Guåhan. Included on the agenda are the following bills:

- **Bill No. 301-32 (COR)** – An Act to amend § 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification.  
(Sponsored by Senator Brant T. McCreadie)
- **Bill No. 302-32 (COR)** – An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer.  
(Sponsored by Senator Brant T. McCreadie)
- **Bill No. 317-32 (LS)** - An Act to Add a New Article 4 to Chapter 46 of 9GCA relative to the Crime of Phishing.  
(Sponsored by Senator Tommy Morrison)
- **Bill No. 318-32 (LS)** - An Act to Add a New Article 5 to Chapter 46, Title 9, Guam Code Annotated relative to Creating the "Computer Protection Act."  
(Sponsored by Senator Tommy Morrison)
- **Bill No. 319-32 (LS)** - An Act to Add a New Article 3 to Chapter 46, Title 9, Guam Code Annotated relative to creating the "Computer Spyware Protection Act."  
(Sponsored by Senator Tommy Morrison)

If you feel the above mentioned items impact your agency or organization, we encourage you to participate in this upcoming Public Hearing. The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3(4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at I Liheslaturan Guåhan's website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services, please contact Fred "Rico" Taitague via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com) or Matt Topasna via email to [policy@frankaguonjr.com](mailto:policy@frankaguonjr.com) or please contact the office directly at 477-GUM1/2.

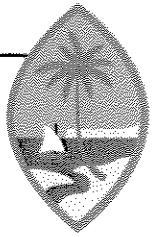
Respectfully,

**SENATOR FRANK B. AGUON, JR.**  
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
*I Mina'trentai Dos Na Liheslaturan Guåhan | 32<sup>nd</sup> Guam Legislature*



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*



April 18, 2014

**The Honorable Leonardo G. Rapadas**  
**Attorney General of Guam**  
237 W. O'Brien Drive  
Hagåtña, Guam 96910  
*Sent via email to: [law@guamag.gov](mailto:law@guamag.gov)*

RE: Public Hearing scheduled for Monday, April 28, 2014 at 9:00AM

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Respectfully,

**SENATOR FRANK B. AGUON, JR.**  
Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
*I Mina'Trentai Dos Na Liheslaturan Guåhan | 32<sup>nd</sup> Guam Legislature*

**Senator**  
**FRANK B. AGUON, JR.**  
Committee Chairperson

**Senator**  
**Tina Muna-Barnes**  
Committee Vice Chairperson

**Speaker**  
**Judith T. Won Pat, Ed.D.**  
Committee Member

**Senator**  
**Rory J. Respicio**  
Committee Member

**Senator**  
**Thomas C. Ada**  
Committee Member

**Senator**  
**Dennis G. Rodriguez, Jr.**  
Committee Member

**Senator**  
**V. Anthony Ada**  
Committee Member

**Senator**  
**Michael Limtiaco**  
Committee Member

**Senator**  
**Thomas Morrison**  
Committee Member



**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN | 32ND GUAM LEGISLATURE*



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**Senator  
V. Anthony Ada**  
Committee Member

**Senator  
Michael Limtiaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

April 18, 2014

**Eric D. Miller**  
Executive Director, Public Defender Service Corporation  
MVP Sinajana Commercial Bldg., Unit B  
Sinajana, Guam 96910  
*Sent via email to: [emiller@guampdsc.net](mailto:emiller@guampdsc.net)*

RE: Public Hearing scheduled for Monday, April 28, 2014 at 9:00AM

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The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Monday, April 28, 2014 beginning at 9:00am at I Liheslaturan Guåhan. Included on the agenda are the following bills:

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(Sponsored by **Senator Brant T. McCreadie**)
- **Bill No. 317-32 (LS)** - An Act to Add a New Article 4 to Chapter 46 of 9GCA relative to the Crime of Phishing.  
(Sponsored by **Senator Tommy Morrison**)
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If you feel the above mentioned items impact your agency or organization, we encourage you to participate in this upcoming Public Hearing. The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Frank B. Aguon, Jr., or via fax to 475-GUM3(4863), or via email to [aguon4guam@gmail.com](mailto:aguon4guam@gmail.com). Copies of the aforementioned Bill(s) may be obtained at I Liheslaturan Guåhan's website at [www.guamlegislature.com](http://www.guamlegislature.com). Individuals requiring special accommodations or services, please contact Fred "Rico" Taitague via email to [committee@frankaguonjr.com](mailto:committee@frankaguonjr.com) or Matt Topasna via email to [policy@frankaguonjr.com](mailto:policy@frankaguonjr.com) or please contact the office directly at 477-GUM1/2.

Respectfully,

**SENATOR FRANK B. AGUON, JR.**

Committee Chairman on Guam U.S. Military Relocation, Homeland Security, Veterans' Affairs, and the Judiciary  
I Mina'Trentai Dos Na Liheslaturan Guåhan | 32<sup>nd</sup> Guam Legislature



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**SPONSOR NOTIFICATION: Public Hearing for Bill No. 301-32(COR) and Bill No. 302-32(COR) scheduled for Monday, April 28, 2014 at 9:00AM**

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Office of Senator Frank Aguon, Jr. Admin <admin@frankaguonjr.com> Sat, Apr 12, 2014 at 10:02 AM  
To: Brant McCreddie <brantforguam@gmail.com>, Carleen Borja <carlaborja.73@gmail.com>  
Cc: "Senator Frank B. Aguon, Jr." <aguon4guam@gmail.com>, "Comm. on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary" <committee@frankaguonjr.com>, "Senator Frank B. Aguon, Jr. Legislative Policy" <policy@frankaguonjr.com>, Senator Aguon Communications <media@frankaguonjr.com>

April 12, 2014

-

To: THE HONORABLE Brant T. McCreddie

From: SENATOR FRANK B. AGUON JR.

Chairperson, Committee on Guam U.S. Military Relocation, Homeland Security, Veterans Affairs, and Judiciary

Subject: Public Hearing for Bill No. 301-32(COR) and Bill No. 302-32(COR) scheduled for Monday, April 28, 2014 at 9:00AM

***Buenas yan Hafa Adai!***

The Committee on Guam U.S. Military Relocation, Homeland Security, Veterans Affairs, and Judiciary will conduct a public hearing at on Monday, April 28, 2014 at 9:00AM at the Guam Legislature's Public Hearing Room, and among the items on the agenda is the following Bill of which you are the author:

- **Bill No. 301-32 (COR)**– An Act to amend § 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification.
- **Bill No. 302-32 (COR)**- An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer.

You may notify the appropriate government agencies, organizations, and persons who may wish to provide written and/or oral testimony on this bill. Thank you for your kind attention.

Si Yu'os Ma'åse' !

--

Thanks!

Office of Senator Frank B. Aguon, Jr.

Committee on Guam US Military Relocation, Veterans Affairs, Homeland Security and Judiciary

155 Hester PL Suite 104, Hagåtña, Guam 96910


Tel: (671) 475-GUM1/2 (4861/2)

Fax: (671) GUM3 (4863)

aguon4guam@gmail.com | www.frankaguonjr.com

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 **SPONSOR NOTIFICATION BILL NO. 301-32\_COR\_ and 302-32\_COR\_.pdf**  
503K



COMMITTEE ON

**GUAM U.S. MILITARY RELOCATION  
VETERANS' AFFAIRS | HOMELAND SECURITY | JUDICIARY**

*I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN | 32ND GUAM LEGISLATURE*



April 12, 2014

**Senator  
FRANK B. AGUON, JR.**  
Committee Chairperson

**To: THE HONORABLE Brant T. McCreddie**

**Senator  
Tina Muna-Barnes**  
Committee Vice Chairperson

**From: SENATOR FRANK B. AGUON JR.**  
Chairperson, Committee on Guam U.S. Military Relocation, Homeland Security, Veterans Affairs, and Judiciary

**Speaker  
Judith T. Won Pat, Ed.D.**  
Committee Member

**Subject: Public Hearing for Bill No. 301-32(COR) and Bill No. 302-32(COR)  
scheduled for Monday, April 28, 2014 at 9:00AM**

**Senator  
Rory J. Resplcio**  
Committee Member

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Thomas C. Ada**  
Committee Member

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**Senator  
Dennis G. Rodriguez, Jr.**  
Committee Member

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**Senator  
V. Anthony Ada**  
Committee Member

You may notify the appropriate government agencies, organizations, and persons who may wish to provide written and/or oral testimony on this bill. Thank you for your kind attention.

**Senator  
Michael Lintlaco**  
Committee Member

Si Yu'os Ma'åse' !

**Senator  
Thomas Morrison**  
Committee Member





**GUAM U.S. MILITARY RELOCATION  
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Committee Member

**Senator  
V. Anthony Ada**  
Committee Member

**Senator  
Michael Limtiaco**  
Committee Member

**Senator  
Thomas Morrison**  
Committee Member

**PUBLIC HEARING**

**Monday, April 28, 2014 at 9:00AM**

*I Liheslaturan Guahan's Public Hearing Room, Hagåtña*

**AGENDA**

- I. Call to Order
- II. Opening remarks/Announcements
- III. Items for discussion:
  - **Bill No. 301-32 (COR)** – An Act to amend § 52.30 of Chapter 52, Title 9 Guam Code Annotated relative to the Crime of Unsworn Falsification.  
(Sponsored by Senator Brant T. McCreadie)
  - **Bill No. 302-32 (COR)** – An Act to repeal § 73127 and to repeal and reenact § 73130 of Chapter 73, Title 5 Guam Code Annotated relative to establishing fines and penalties for individuals who make false statements to a Guam Customs Officer.  
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  - **Bill No. 318-32 (LS)** - An Act to Add a New Article 5 to Chapter 46, Title 9, Guam Code Annotated relative to Creating the "Computer Protection Act."  
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  - **Bill No. 319-32 (LS)** - An Act to Add a New Article 3 to Chapter 46, Title 9, Guam Code Annotated relative to creating the "Computer Spyware Protection Act."  
(Sponsored by Senator Tommy Morrison)
- IV. Closing Remarks
- V. Adjournment

# Bills to set fines for false statements

By Louella Losinio  
louella@mvguam.com  
Variety News Staff

SEN. Brant McCreadie has introduced two bills that set fines for making false statements to law enforcers.

Bill 302 sets fines for individuals who are cited for making false statements to officers with the Guam Customs and Quarantine Agency. It mandates that any person who makes a false statement, either written or verbal, to a customs officer, is guilty of a violation punishable by a fine of \$500 for the first offense, \$1,000 for a second offense and \$10,000.00 for the third and all subsequent offenses.

Under current Guam law, the customs agency does not have the ability to cite individuals who make false declarations.

The senator said instituting fines will have the primary effect of reducing the number of prohibited things that cross Guam's borders, as well as the secondary effect of increasing revenue for the customs agency.

McCreadie said the intent of the bill is to eventually eliminate prohibited items from entering Guam and gives the customs agency the mandate it needs to properly seize and eventually destroy illegal items.



Sen. Brant McCreadie has introduced two bills that set fines for making false statements to law enforcers. Variety file photo

The other measure, Bill 301, includes false or misleading verbal statements made to a peace officer as a punishable offense under the crime of unsworn falsification.

Under current law, the crime of unsworn falsification applies only to written false statements made to public servants as punishable under the law.

The bill would ensure that false verbal statements are also included in the statute.

According to the bill, police officers, customs officers and a whole range of public servants rely on interview and verbal questioning to obtain needed information in the performance of their official duties.

As it stands under current law,

the crime of unsworn falsification does not include a provision for a person who verbally misleads a public servant performing official duties.

By adding a provision that sets a punishment for verbal unsworn falsifications, McCreadie said Guam peace officers will have the ability to arrest those who verbally mislead them with the intent of committing an action against the welfare of the people of Guam.

McCreadie said he also believes that the bill will ensure those who knowingly mislead a public servant or peace officer through a verbally provided false statement are held accountable.

# Bills set fines for false statements

TUESDAY, 01 APR 2014 03:00AM BY LOUELLA LOSINIO | VARIETY NEWS STAFF HITS: 185



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Under current Guam law, the customs agency does not have the ability to cite individuals who make false declarations.

The senator said instituting fines will have the primary effect of reducing the number of prohibited things that cross Guam's borders, as well as the secondary effect of increasing revenue for the customs agency.

McCreadie said the intent of the bill is to eventually eliminate prohibited items from entering Guam and gives the customs agency the mandate it needs to properly seize and eventually destroy illegal items.

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Under current law, the crime of unsworn falsification applies only to written false statements made to public servants as punishable under the law.

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McCreadie said he also believes that the bill will ensure those who knowingly mislead a public servant or peace officer through a verbally provided false statement are held accountable.

# McCreadie Bill Would Impose Fines for Lying to Customs Officers

Written by News Release  
Monday, 31 March 2014 09:27



Guam News - Guam News

Guam - Senator Brant McCreadie has introduced a new measure which would impose a fine on anyone who makes a false statement to a Guam Customs Officer.

His Bill #302 would impose a \$500 dollar fine on anyone who makes a false verbal or written statement to a customs officer. The fine would be \$1,000 for a second offense and \$10,000 for a third offense.

[READ Bill #302 HERE](#)

A release states that Senator McCreadie's intent with this bill is "to eventually eliminate prohibited items from crossing into our island and gives the Guam Customs and Quarantine Agency the mandate it needs to properly seize and eventually destroy these items."

**READ Senator McCreadie's release below:**

*Senator McCreadie introduces bill that sets fines for false statements made to Guam Customs Officers*

*FOR IMMEDIATE RELEASE  
March 31, 2014*

*Senator Brant McCreadie today introduced Bill 302-32 (COR), which sets fines for individuals who are cited for making false statements to Guam Customs Officers.*

*Bill 302-32 mandates that any person who makes any false statement, either written or verbal, to a customs officer, is guilty of a violation punishable by a fine of \$500.00 for the first offense, \$1,000.00 for a second offense and \$10,000.00 for the third and all subsequent offenses.*

*Senator McCreadie believes that the intent of this bill is to eventually eliminate prohibited items from crossing into our island and gives the Guam Customs and Quarantine Agency the mandate it needs to properly seize and eventually destroy these items.*

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# Customs and Quarantine supports penalizing false declarations

TUESDAY, 29 APR 2014 03:00AM BY LOUELLA LOSINIO | VARIETY NEWS STAFF HITS: 254



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DURING the public hearing for Bill 302 yesterday, Guam Customs and Quarantine Agency officials lamented the impact of false declarations and their profound effect on the agency in terms of increased manpower costs, the costs associated with meeting the extra service demands, and the cost of diverting limited resources away from areas where they are needed most.

Pedro Leon Guerrero Jr., director of the agency, said many changes have occurred in the field of customs enforcement, in terms of responsibilities, services and capabilities.

These changes include an ever-growing global trade environment, better import and export services, more sophisticated transportation technologies, and, unfortunately, more sophisticated methods of smuggling.

One of the biggest challenges is having to extend valuable resources toward dealing with persons who fail to declare – or even worse, conceal – regulated items for customs inspection, officials said.

"With over 1 million passengers arriving each year, together with as much as 16,000 vessels and aircraft, 2.4 billion pounds of cargo and 1 million parcels and letters, voluntary compliance with customs laws by importers and travelers alike, has become increasingly vital to not only our customs enforcement programs but also toward the safety of our community and our resources," Leon Guerrero said.



Sen. Brant McCreadie introduced Bill 302 which provides for fines for those caught making verbal or written false statements to a Guam Customs and Quarantine Agency officer. Variety file photo

## **Needed**

He stressed that statutes compelling truthfulness to customs officers when being interviewed and imposing sanctions for being untruthful are needed for the island.

"Not only would it create a positive incentive for importers to declare their items subject to inspection but it allows customs to focus more attention on those persons with subversive motives, provides additional resources that support the customs border protection programs and provides funding needed to store and dispose of the regulated items discovered," he said.

For these reasons, the agency recognizes the need to update its customs statutes and, just as importantly, institute a fines and penalties program for violation of customs and other import laws, according to Leon Guerrero.

As proposed by Bill 302, a measure authored by Sen. Brant McCreadie, those caught making verbal or written false statements to a Guam Customs and Quarantine Agency officer would be guilty of a violation punishable by a fine of \$500 for the first offense, \$1,000 for a second offense, and \$10,000 for the third and all subsequent offenses.

Under current Guam law, GCQA does not have the ability to cite individuals who make false declarations.

McCreadie said the intent of the bill is to eventually eliminate prohibited items from entering Guam and it gives the customs agency the mandate it needs to properly seize and eventually destroy illegal items.

# Crime legislation to be heard today

MONDAY, 28 APR 2014 03:00AM BY LOUELLA LOSINIO | VARIETY NEWS STAFF HITS: 52



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SEVERAL crime bills will be the subject of public hearings at the Guam Legislature today, including a set of measures which offer protection from Internet crimes and another set which seeks to introduce penalties for making false statements to law enforcers.

Sen. Frank Aguon, chairman of the judiciary committee, is to convene the public hearing at 9 a.m.

Among the bills to be heard are 301 and 302, introduced by Sen. Brant McCreadie, relative to making false statements to law enforcers.

As proposed by Bill 302, those caught making verbal or written false statements to a Guam Customs and Quarantine Agency officer would be guilty of a violation punishable by a fine of \$500 for the first offense, \$1,000 for a second offense and \$10,000 for the third and all subsequent offenses.

Under current Guam law, the customs agency does not have the ability to cite individuals who make false declarations.

McCreadie said the intent of the bill is to eventually eliminate prohibited items from entering Guam and gives the customs agency the mandate it needs to properly seize and eventually destroy illegal items.

## ***False verbal statement***

Bill 301 incorporates false or misleading verbal statements made to a peace officer as a punishable offense under the crime of unsworn falsification.

Under current law, the crime of unsworn falsification applies only to written false statements made to public servants as punishable and does not include a provision for a person who verbally misleads a public servant performing official duties.

According to the bill, police officers, customs agents and a range of public servants rely on interview and verbal questioning to obtain needed information in the performance of their official duties.

By adding a provision that sets a punishment for verbal unsworn falsifications, McCreadie said Guam peace officers will have the ability to arrest those who verbally mislead them with the intent of committing an action against the welfare of the people of Guam.

## ***Internet crime***

The committee will also hear Sen. Tommy Morrison's three measures seeking to protect Guam residents from Internet crimes.

Bill 317, the Anti-Phishing Act, punishes individuals who use deceptive means to steal bank account numbers, Social Security numbers and passwords through the Internet.

Phishing is the act of attempting to acquire information such as usernames, passwords and credit card details by masquerading as a trustworthy entity in an electronic communication.

The bill would make phishing a third-degree felony and fine criminals up to \$25,000 per violation. The bill would also allow victims to recover up to \$2 million in civil damages.

The second measure, Bill 318, The Computer Protection Act, would punish individuals who use computers and/or Internet connections of others for the purpose of spamming with the intent to deceive or mislead recipients or an electronic mail service provider as to the origin of the message.

The third piece of legislation, Bill 319, The Computer Spyware Protection Act, seeks to punish individuals who, without the knowledge or permission of the owner, place spyware on another person's computer. Spyware is used primarily for covertly tracking Internet users' movements on the Web and serving pop-up ads to users.

According to Morrison, the bills are necessary as Guam statute is currently limited in protecting Guam residents from these types of crimes.



# COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

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Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

April 25, 2014

## Memorandum

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

**To:** Rennae Meno  
*Clerk of the Legislature*

Senator  
Vicente (Ben) C. Pangelinan  
Member

**From:** Senator Rory J. Respicio  
*Majority Leader & Rules Chair*

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

**Subject:** Fiscal Notes

Senator  
Dennis G. Rodriguez, Jr.  
Member

*Hafa Adai!*

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Attached please find the fiscal notes for the bill numbers listed below.  
Please note that the fiscal notes are issued on the bills as introduced.

Legislative Secretary  
Tina Rose Muña Barnes  
Member

### FISCAL NOTES:

- Bill No. 212-32(COR)
- Bill No. 302-32(COR)
- Bill No. 311-32(LS)
- Bill No. 315-32(LS)

Senator  
Frank Blas Aguon, Jr.  
Member

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Senator  
Michael F.Q. San Nicolas  
Member

*Si Yu'os ma'åse'!*

Senator  
V. Anthony Ada  
Member  
MINORITY LEADER

Senator  
Aline Yamashita  
Member

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**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**  
GOVERNOR

**JOHN A. RIOS**  
DIRECTOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR

**JOSE S. CALVO**  
DEPUTY DIRECTOR

**APR 23 2014**

Senator Rory J. Respicio  
Chairperson, Committee on Rules  
I Mina'trentai Dos na Liheslaturan Guåhan  
The 32nd Guam Legislature  
155 Hesler Place  
Hagåtña, Guam 96932

*Hafa Adai* Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **212-32(COR), 302-32(COR), 311-32(LS), and 315-32(LS).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.

  
JOHN A. RIOS  
Director

Enclosures  
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research  
Fiscal Note of Bill No. 302-32 (COR)**

**AN ACT TO REPEAL § 73127 AND TO REPEAL AND REENACT § 73130 OF CHAPTER 73 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING FINES AND PENALTIES FOR INDIVIDUALS WHO MAKE FALSE STATEMENTS TO A GUAM CUSTOMS OFFICER.**

Department/Agency Appropriation Information	
Dept./Agency Affected: Customs and Quarantine Agency	Dept./Agency Head: Pedro A. Leon Guerrero, Jr., Director
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Specify) appropriation(s) to date: Customs, Agriculture and Quarantine Inspection Services Fund	5,891,803
<b>Total Department/Agency Appropriation(s) to date:</b>	<b>\$5,891,803</b>

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance <sup>1</sup>		\$0	\$0
FY 2013 Adopted Revenues	\$0	\$0	\$0
FY 2013 Appro. (P.L. 31-233)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Customs, Agriculture and Quarantine Inspection Service Fund	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>1/</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

- Does the bill contain "revenue generating" provisions? / x / Yes    // No  
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? / x / N/A    // Yes    // No  
If no, what is the additional amount required? \$ \_\_\_\_\_ / x / N/A
- Does the Bill establish a new program/agency? // Yes    / x / No  
If yes, will the program duplicate existing programs/agencies? / x / N/A    // Yes    // No  
Is there a federal mandate to establish the program/agency? // Yes    / x / No
- Will the enactment of this Bill require new physical facilities? / x / Yes    // No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / x / Yes    // No  
/ x / Requested agency comments not received as of the due date    // Other:

Analyst: Diana E. Pobre Date: \_\_\_\_\_ Director: John A. Rios Date: APR 25 2014  
Diana E. Pobre, Budget Analyst III    John A. Rios, Director

Footnotes: 1/ See attachment.

**Bureau of Budget & Management Research**  
**Attachment to Fiscal Note No. 302-32 (COR)**  
**(for revenue generating provisions)**

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	\$0	\$0	\$0	\$0	\$0
Customs, Agriculture and Quarantine Inspection Service Fund 1/	\$179,400	\$179,400	\$179,400	\$179,400	\$179,400
Total	\$179,400	\$179,400	\$179,400	\$179,400	\$179,400

**Comments:**

Footnotes: 1/ The bill if enacted will generate additional revenues for the Customs, Agriculture and Quarantine Inspection Services Fund (CAQISF) due to monetary penalties or fines applied to persons who intentionally make a false statement, either written or verbal, or who knowingly omits a statement of truth on an examination and questioning before a custom officer. Such person shall be guilty of a violation. A violation shall be punishable by seizure and forfeiture of any prohibited merchandise, cargo or baggage in addition to a fine of five hundred dollars (\$500.00) for the first violation, one thousand dollars (\$1,000.00) for the second violation, and ten thousand dollars (\$10,000.00) for the third and all subsequent violations. All fines collected shall be deposited into the CAQISF. The anticipated impact collectable for just the first offense based on the monthly average of passengers arriving into Guam of 119,576, and if one forth of one percent (.0025%) which is equal to 299 passengers violate the law, the anticipated fines collectable annually is \$1,794,000 (119,576 passengers x .0025 = 299 violators x \$500 fine = \$149,500 x 12 mos. = \$1,794,000).



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Aline Yamashita  
Member

April 1, 2014

VIA E-MAIL

[john.rios@bbmr.guam.gov](mailto:john.rios@bbmr.guam.gov)

**John A. Rios**  
**Director**  
**Bureau of Budget & Management Research**  
**P.O. Box 2950**  
**Hagåtña, Guam 96910**

**RE: Request for Fiscal Notes– Bill Nos. 301-32 (COR) and 302-32(COR)**

*Hafa Adai* Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

**Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

Attachment (1)

Cc: Clerk of the Legislature

<b>Bill Nos.</b>	<b>Sponsors</b>	<b>Title</b>
<b>301-32 (COR)</b>	Brant T. McCreadie	AN ACT TO AMEND § 52.30 OF CHAPTER 52 TITLE 9 GUAM CODE ANNOTATED RELATIVE TO THE CRIME OF UNSWORN FALSIFICATION.
<b>302-32 (COR)</b>	Brant T. McCreadie	AN ACT TO REPEAL § 73127 AND TO REPEAL AND REENACT § 73130 OF CHAPTER 73 TITLE 5 GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING FINES AND PENALTIES FOR INDIVIDUALS WHO MAKE FALSE STATEMENTS TO A GUAM CUSTOMS OFFICER.



## COMMITTEE ON RULES

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Senator  
Aline Yamashita  
Member

March 31, 2014

### MEMORANDUM

**To: Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From: Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

**Subject: Referral of Bill No. 302-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 302-32(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment

**MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2014 (SECOND) Regular Session**

**Bill No.** 300-32/0021

Introduced by:

Brant T. McCreadie 

---

**AN ACT TO REPEAL § 73127 AND TO REPEAL  
AND REENACT § 73130 OF CHAPTER 73 TITLE 5  
GUAM CODE ANNOTATED RELATIVE TO  
ESTABLISHING FINES AND PENALTIES FOR  
INDIVIDUALS WHO MAKE FALSE STATEMENTS  
TO A GUAM CUSTOMS OFFICER.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3 the Guam Customs and Quarantine Agency has been diligently working to ensure that  
4 prohibited items, including illegal drugs, do not pass our borders. However, under  
5 current Guam law, the Guam Customs and Quarantine Agency does not have the  
6 ability to cite individuals who make false declarations or false statement to a Customs  
7 officer. Instituting fines will have the primary effect of reducing the number of  
8 prohibited things that cross our borders, as well as the secondary effect of increasing  
9 revenue for the Customs and Quarantine Agency.

10 Therefore, it is the intent of *I Liheslaturan Guåhan* to discourage and properly  
11 punish those who make false declarations and/or false statements to a Customs Officer  
12 by instituting graduated fines by repealing §73127 and by repealing and reenacting  
13 §73130 of Chapter 73, Title 5 Guam Code Annotated.

14 **Section 2.** §73127 of Chapter 73, Title 5 Guam Code Annotated is hereby  
15 *repealed:*

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1           ~~“§ 73127. Declaration.~~

2           ~~Any article not included in the declaration and entry as made, and, before~~  
3 ~~examination of the baggage was begun, not mentioned in writing by such~~  
4 ~~person, if written declaration and entry was required, or orally if written~~  
5 ~~declaration and entry was not required, shall be subject to forfeiture and such~~  
6 ~~person shall be liable to a penalty equal to the value of such article.~~

7           **Section 3.** §73130 of Chapter 73, Title 5 Guam Code Annotated is hereby  
8 *repealed and reenacted* to read:

9           ~~“§ 73130. False Swearing Statements Prohibited.~~

10          ~~Any person who shall intentionally swear falsely on an examination~~  
11 ~~before the Collector of Customs shall be guilty of a misdemeanor; and if he is~~  
12 ~~the owner, importer or consignee, the merchandise shall be forfeited or the~~  
13 ~~value thereof may be recovered from such person.~~

14          Any person who intentionally makes a false statement, either written or  
15 verbal, or who knowingly omits a statement of truth on an examination and  
16 questioning before a customs officer shall be guilty of a violation. Violation of  
17 this section shall be punishable by seizure and forfeiture of any prohibited  
18 merchandise, cargo, or baggage in addition to a fine of five hundred dollars  
19 (\$500.00) for the first violation, one thousand dollars (\$1,000.00) for the second  
20 violation and ten thousand dollars (\$10,000.00) for the third and all subsequent  
21 violations. All fines collected pursuant to this section shall be deposited into the  
22 Customs, Agriculture and Quarantine Inspection Services Fund.”

23          **Section 4.** The Director of Customs shall include in a prominent location of  
24 the Guam Customs Declaration form the following:

25          **“FALSE WRITTEN AND/OR VERBAL STATEMENTS PROHIBITED.**



1 Pursuant to §73130 of Chapter 73, Title 5 Guam Code Annotated, any person  
2 who is found guilty of making a false statement or omits a statement of truth to a  
3 Customs officer shall be subject to a fine of \$500.00 for the first offense, \$1,000.00  
4 for the second offense and \$10,000.00 for the third and all subsequent offenses in  
5 addition to the seizure and forfeiture of prohibited merchandise, cargo or baggage.”

6 **Section 5. Effective Date.** This act shall be effective immediately upon  
7 enactment. The Director of Customs shall have one hundred twenty (120) days to  
8 comply with Section 4 of this act.

9 **Section 6. Severability.** *If* any provision of this Law or its application to any  
10 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
11 *not* affect other provisions or applications of this Law which can be given effect  
12 without the invalid provisions or application, and to this end the provisions of this  
13 Law are severable.