

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
298-32 (COR)	Brant T. McCreddie V. Anthony Ada T.A. Morrison	AN ACT TO AMEND §§ 67.401.4 AND 67.401.9 OF CHAPTER 67, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO PUNISHMENT FOR THE DELIVERY, DISPENSING, MANUFACTURING AND IMPORTATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE "METHAMAPHETAMINE INCARCERATION REFORM ACT OF 2014".	3/26/14 10:35 a.m.	03/26/14	Committee on the Guam U. S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary	04/03/14 9 a.m.	5/5/14 9:21 a.m.	Fiscal Note Request 3/28/14 Fiscal Note Waived 4/22/14 Fiscal Note Received 5/23/14
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	5/9/2014	AN ACT TO AMEND SUBSECTIONS (a) AND (b) AND ADD A NEW SUBSECTION (o) TO § 67.401.4 AND TO AMEND SUBSECTION (b) AND ADD A NEW SUBSECTION (e) TO § 67.401.9 OF CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PUNISHMENT FOR THE DELIVERY, DISPENSING, MANUFACTURING, AND IMPORTATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE "METHAMPHETAMINE INCARCERATION REFORM ACT OF 2014.".	5/12/14	2:43 p.m.	5/22/2014			As amended by the Committee on Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs and Judiciary.



COMMITTEE ON RULES

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

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
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Legislative Secretary
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Senator
Michael E.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

May 23, 2014

Memorandum

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

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

Subject: **Fiscal Note**

Hafa Adai!

Attached please find the fiscal note for the bill number listed below.
Please note that the fiscal note is issued on the bill as introduced.

FISCAL NOTE:

Bill No. 298-32(COR)

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 MAY 23 AM 11:53 A

**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

MAY 22 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.: 298-32(COR).

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. 298-32 (COR)**

AN ACT TO AMEND §§ 67.401.4 AND 67.401.9 OF CHAPTER 67, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO PUNISHMENT FOR THE DELIVERY, DISPENSING, MANUFACTURING AND IMPORTATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE "METHAMAPHETAMINE INCARCERATION REFORM ACT OF 2014".

Department/Agency Appropriation Information	
Dept./Agency Affected: Corrections	Dept./Agency Head: Jose A. San Agustin, Director
Department's General Fund (GF) appropriation(s) to date:	20,111,228
Department's Other Fund (Specify) appropriation(s) to date: Corrections Revolving Fund and Safe Street Fund	951,661
Total Department/Agency Appropriation(s) to date:	\$21,062,889

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$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
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	1/	\$0	1/	1/	1/	1/
Correction Revolving Fund	1/	\$0	1/	1/	1/	1/
Total	1/	\$0	1/	1/	1/	1/

1. Does the bill contain "revenue generating" provisions? / / Yes /x/ No
If Yes, see attachment
2. 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
3. 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
4. Will the enactment of this Bill require new physical facilities? /x/ Yes / / No
5. 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: <u>Diana E. Pobre</u> Date: _____	Director: <u>John A. Rios</u> Date: <u>MAY 23 2014</u>
Diana E. Pobre, Budget Analyst III	John A. Rios, Director

Footnotes: 1/ See attached comments

COMMENTS ON BILL NO. 298-32 (COR)

Bill 298-32 (COR) is cited as the “Methamphetamine Incarceration Reform Act of 2014” and intends to amend the current laws relative to punishment for the delivery, dispensing, manufacturing and importation of controlled substances. It proposes to amend §67.401.4. Prison Terms for Drug Offenders and §67.401.9. Importation and Exportation Penalties, of Chapter 67, Title 9 Guam Code Annotated, relative to increasing the term of imprisonment from “*not less than 10 years no more than 20 years*” to “*not less than 20 years no more than 30 years*”.

If Bill 298-32 (COR) is enacted, it will cause an additional impact on the Department of Corrections (DOC) relative to the *cost per prisoner* to care and incarcerate for an additional 10 years. Based on DOC FY2015 Budget Request and review of all prisoner associated costs (i.e. meals, medical, dental etc.), *the cost per prisoner* to incarcerate on-island is \$7,357 per month or \$88,284 annually.

Based on the Guam Police Department’s Arrest Blotter, there were eight (8) arrests for drug offenses for the month of March. If this number of arrests is used as a monthly average, the total for the year will be 96 arrests. If 50% of the 96 arrests are convicted and sentenced as proposed by Bill 298-32 (COR), the estimated impact is \$353,136 per month or \$4,237,632 annually (48 prisoners x \$7,357 = \$353,136 x 12 = \$4,237,632). The estimated fiscal impact for a 10 year period is \$42,376,320 (\$4,237,632 annual cost x 10 additional years).

FY 15 Budget Request:

	General Fund	Special Fund	Total		
Contractual	600,000	898,014	1,498,014		2,496.69
Supplies & Mat.	72,400	204,000	276,400		460.67
Foods	<u>2,640,000</u>	<u>-</u>	<u>2,640,000</u>		<u>4,400.00</u>
Total	3,312,400	1,102,014	4,414,414		7,357.36
Individual	5,520	1,837	7,357		
Annual cost	529,920	176,352	706,272		
10 yrs. Cost	5,299,200	1,763,520	7,062,720		

Based on current inmate population of 600 7,357.00 individual cost annually

Based on PROA Arrest blotter, 8 were arrested within a month, for a year it give a total of 96 if all are convicted:

Additional annual cost:

96 inmates x \$7,357 = \$706,272 (annually) 706272

For 10 Yrs. = 7,062,720

The Arrest Blotter

The PROA Newsletter is committed to providing the latest information about how your tax dollars are spent. Every week we send out a call for any and all information about the work GovGuam agencies are doing to improve government services, to fight poverty, and to build for a sustainable future for Guam. It is with this mission we present to you the arrest blotter provided by the Guam Police Department, showing you a part of what Guam police officers are doing to respond to alleged criminal activity. All information listed below is from the GPD Arrest Blotter, and these arrests are all listed without convictions.

Classification (data from March 9 through March 15)

Driving Under the Influence	3	Family Violence	1
Public Drunkenness	1	Criminal Sexual Conduct	4
Open Container	1	Aggravated Assault	1
Criminal Mischief	1	Assault	4
Home Invasion	1	Terrorizing	4
Warrant of Arrest	1	Robbery	4
Possession Schedule II Controlled Substance	5	Theft of Property	1
Fraudulent Use of Credit Card	1	Retail Theft	1
Fraudulent Use of License Plate	1	Burglary	1
Transfer of Firearm ID without firearm ID	2		

March 2, 2014

ALDAN, Franklin Felipe was confined for aggravated assault and family violence.

FRIO, Diogenes N. was confined for DUI, DUI with .08% BAC or more with injuries and reckless driving.

March 3, 2014

AUNU, Elias was booked and confined for disorderly conduct, public drunkenness and resisting arrest.

DAMIAN, Kurt Anderson was booked and confined for home invasion, robbery, burglary, assault, family violence, theft, theft of a motor vehicle, eluding a police officer, resisting arrest, possession of a schedule II controlled substance and fraudulent use of a license plate.

QUINATA, Roque John C. was booked and confined for assault, family violence and criminal mischief.

CARBON, Ranjet was booked and confined for aggravated assault, disorderly conduct, use of a deadly weapon in the commission of a felony and consumption of alcohol underage.

CRUZ, Tony Joe was booked and confined for assault, family violence and terrorizing.

TOUCHER, Michael Stuart was booked and released for assault and public drunkenness.

LIYON, Matthew Tamangdad was booked and released for fraudulent use of a license plate.

VILLANUEVA, Alyssa Lynn was booked and released for retail theft.

MUNA, Isa Daelyn was booked and released for retail theft.

March 4, 2014

CASTANEDA, Pedro Salas was booked and confined for DUI, DUI with .08% BAC or more.

CHA, In was booked and confined for DUI and lane straddling.

SONYI, Fiveten was booked and confined for aggravated assault, public drunkenness and disorderly conduct.

SALAS, Nathan Andrew Tenorio was booked and confined for assault, criminal mischief and family violence.

TOSIMA, Liniana was booked and confined for family violence, assault, criminal mischief and underage drinking.

AGUON, Emmanuel John Cruz was booked and confined for family violence and assault.

Eubanks, Travis Kika Reyes was booked and confined for DUI, underage drinking and disobeying a red traffic light.

MARTINEZ, Rafael Fejerang was booked and confined for family violence, assault, and

unauthorized use of a motor vehicle.

KOMIS, NP was booked and released for assault, public drunkenness and resisting arrest.

GATCHALIAN, Rickylando Mariano was booked and released for underage drinking.

March 5, 2014

METRA, Raul Qulalan was booked and confined for family violence and assault.

PALIK, Kilafwa Renny was booked and confined for imprudent driving, DUI, DUI with .08% BAC or more.

ROSARIO, Jr. Rudy Toves was booked and confined for disorderly conduct, public drunkenness, resisting arrest, assault, aggravated assault and family violence.

FLORES, Jr. Rome Felipe was booked and confined for importation of a schedule II controlled substance.

GONZALES, Jonathan France was booked and confined for terrorizing and family violence.

QUERRY, John Dean was booked and confined for possession of a schedule II controlled substance.

RECHIM, Joseph Tanaor was booked and confined for assault and family violence.

ECAL, Joanne was booked and released for theft by deception.

BLAS, Derek Nicolas was confined for two counts of family violence, two counts of assault, aggravated assault and resisting arrest.

ECAL, Joanne M. was booked and released for theft by deception.

QUERRY, John Dean was confined for possession of a schedule II controlled substance.

RECHIM, Joseph D. was confined for family violence and assault.

March 6, 2014

BLAS, Derek Nicolas was booked and confined for family violence, assault, aggravated assault and resisting arrest.

CHONG, Edward Jinyuc was booked and confined for possession and distribution of a schedule II controlled substance.

DEROUEN, Jr. David Ignace was booked and confined for illegal transfer of a firearm without a valid ID and illegal possession of a firearm without a valid ID.

BORJA, Barbie Ann Babauta was booked and released for theft of property (pocket picking).

ACOSTA, Bienvenido Dacanoy was booked and released for unregistered and illegal transfer of a firearm without a valid firearms ID.

The Arrest Blotter

The PROA Newsletter is committed to providing the latest information about how your tax dollars are spent. Every week we send out a call for any and all information about the work GovGuam agencies are doing to improve government services, to fight poverty, and to build for a sustainable future for Guam. It is with this mission we present to you the arrest blotter provided by the Guam Police Department, showing you a part of what Guam police officers are doing to respond to alleged criminal activity. All information listed below is from the GPD Arrest Blotter, and these arrests are all listed without convictions.

Classification (data from February 16 through February 22)			
Driving Under the Influence	11	Disorderly Conduct	2
Assault on a Police Officer	1	Fraudulent use of a license plate	1
Public Drunkenness	1	Criminal Sexual Conduct	2
Criminal Mischief	1	Terrorizing	2
Burglary	1	Robbery	1
Open Container	5	Aggravated Assault	2
Possession Schedule II Controlled Substance	3	Possession of a Firearm w/o Firearms ID	3
Transfer of a Firearms w/o a Firearms ID	1	Assault	6
Rioting	1		

February 1, 2014

MENDIOLA, Anthony Raymond Cruz was confined for robbery, theft of property, criminal facilitation, theft by threatening, conspiracy to commit robbery, theft by receiving stolen property, guilt established by complicity and use of a deadly weapon in the commission of a felony.

MENDIOLA, Frankie Cruz was confined for robbery, conspiracy, guilt established by complicity, criminal facilitation and theft by receiving stolen property.

RAYPHAND, Pete Orem was confined for imprudent driving, DUI, DUI with .08% BAC or more and DUI with .08% BAC or more with injuries.

TAJERON, Patrick David was booked and released for theft of property.

TOPASNA, Vincent Paul Cruz was booked and released for reckless driving, eluding a police officer and possession of illegal substance with intent to distribute.

February 2, 2014

SALAS Jr., Ysmael Anthony was confined for DUI, no valid driver's license, expired vehicle registration, no proof of insurance and failure to yield.

SUMANG Jr., Ides was confined for DUI, DUI with .08% BAC or more, leaving accident scene with injuries and property damage, and driving without a driver's license.

February 3, 2014

AGUON, Vincent Edward was confined for two counts of criminal sexual conduct, two counts of jurisdiction over an adult, two counts of custodial interference and two counts of child abuse.

APIMWAR, Ronny was confined for DUI and drinking in a motor vehicle while driving.

BABAUTA, Joseph Glenn was confined for possession of schedule II substance.

HEAM, Jonathan was confined for assault and family violence.

LAGUNA, Rico Ildali Nachu was confined for no display license plate light, failure to comply, no valid driver's license and no display of registration.

CRUZ, Brandon Cal was confined for assault and family violence.

QUINTANILLA, Francisco was confined for assault, family violence, child abuse and terrorizing.

SAPIO, Dennis was confined for assault and family violence.

February 4, 2014

ARNOLD, Ryan James was confined for rioting, aggravated assault, criminal mischief, jurisdiction over an adult, disorderly conduct, underage consumption of alcohol, public drunkenness, resisting arrest and guilt established by complicity.

PANGELINAN, Francisco Jose was confined for possession of schedule II controlled substance.

SUDA, Lorann was booked and released for obstruction of government functions, resisting arrest and hindering apprehension.

UNTALAN, Antonio was confined for rioting, criminal mischief, criminal facilitation, aggravated assault and five counts jurisdiction over an adult.

UNULO, Kay JR was confined for violation of a court order, assault and public drunkenness.

SERASTIAN, Aumu was confined for public drunkenness, disorderly conduct and obstructing government functions.

MADEUS, Bruno was booked and released for burglary and theft by receiving.

February 5, 2014

GUZMAN, Rudy Munoz was confined for nine counts of first

degree criminal sexual conduct, twenty-three counts of second degree criminal sexual conduct, twenty-three counts of child abuse, twenty-three counts of family violence, ten counts of assault and one count of terrorizing.

MARTINEZ, Mitch Bronson was confined for terrorizing, family violence and use of a deadly weapon in the commission of a felony.

REYES, Kenneth Michael was confined for reckless driving, permitting concealment, possession of a firearm without a valid ID, possession of a firearm without a firearm registration, weapons law violations and possession of a schedule II controlled substance.

BUCKEA, Andy (John Doe) was confined for criminal mischief and public drunkenness.

EILIDER, Joseph Kenster was booked and released for criminal mischief.

MASARU, Maxen K. was confined for possession of a schedule II controlled substance, resisting arrest and burglary.

TOPASNA, Johnathan Brent Barcinas was booked and released for assault.



I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

May 12, 2014

The Honorable Edward J.B. Calvo
I Maga'lahren Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 34-32(COR), 78-32 (COR), 131-32 (COR), 203-32 (COR), 216-32 (LS), 220-32 (LS), 227-32 (COR), 264-32 (COR), 267-32 (COR), 275-32 (COR), 279-32 (LS), 282-32 (COR), 296-32 (COR), 297-32 (COR), 298-32 (COR), 308-32 (COR) and 328-32 (COR) which was passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on May 9, 2014.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosure (20)

OFFICE OF THE GOVERNOR
CENTRAL FILES
RECEIVED BY
TIME 2:43 pm DATE 5/12/14

FILE COPY

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

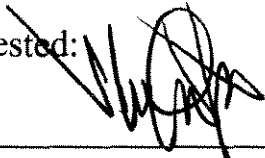
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Bill No. 298-32 (COR), "AN ACT TO AMEND SUBSECTIONS (a) AND (b) AND ADD A NEW SUBSECTION (o) TO § 67.401.4 AND TO AMEND SUBSECTION (b) AND ADD A NEW SUBSECTION (e) TO § 67.401.9 OF CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PUNISHMENT FOR THE DELIVERY, DISPENSING, MANUFACTURING, AND IMPORTATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE "METHAMPHETAMINE INCARCERATION REFORM ACT OF 2014," was on the 9th day of May, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 12th day of May,
2014, at 2:43 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

107
108

I MINA'TRENTAI DOS NA LIHESLATURAN GUÁHAN
2014 (SECOND) Regular Session

Bill No. 298-32 (COR)

As amended by the Committee on Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs and Judiciary.

Introduced by:

Brant T. McCreadie
V. Anthony Ada
Tommy Morrison
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO AMEND SUBSECTIONS (a) AND (b) AND ADD A NEW SUBSECTION (o) TO § 67.401.4 AND TO AMEND SUBSECTION (b) AND ADD A NEW SUBSECTION (e) TO § 67.401.9 OF CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PUNISHMENT FOR THE DELIVERY, DISPENSING, MANUFACTURING, AND IMPORTATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE "METHAMPHETAMINE INCARCERATION REFORM ACT OF 2014."

- 1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**
- 2 **Section 1. Short Title.** This Act *shall* be cited as the "*Methamphetamine*
- 3 *Incarceration Reform Act of 2014.*"

1 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that drugs, and in particular, extremely addictive drugs such as cocaine, heroin and
3 methamphetamine, have had an extremely negative impact on our community.
4 They have destroyed families, increased crime and placed an extreme burden on
5 government services. Many of the crimes committed on Guam, such as burglary,
6 theft, and even assault, have drug use and abuse as a causative circumstance. More
7 must be done to limit, and hopefully eliminate, the importation and distribution of
8 these deadly substances on Guam. Increasing the sentences for individuals who
9 manufacture, distribute or import controlled substances, or attempt to do so, will
10 serve as a deterrent to potential criminals.

11 Therefore, it is the intent of *I Liheslaturan Guåhan* to set increased
12 sentences for those offenders who choose to import controlled substances into
13 Guam, as well as those who bring in controlled substances with the intent to
14 deliver, dispense or manufacture by amending §67.401.4 and §67.401.9 of Chapter
15 67, Title 9, Guam Code Annotated.

16 **Section 3.** Subsection (a) of §67.401.4 of Chapter 67, Title 9, Guam Code
17 Annotated, is hereby *amended* to read:

18 “(a) If he is guilty of an offense pursuant § 67.401.1(b)(1) of this
19 Act, he *shall* be sentenced to imprisonment for *not less than* twenty (20) *nor*
20 *more than* thirty (30) years, and may, in addition, be fined *not more than*
21 Fifty Thousand Dollars (\$50,000). The sentence *shall* include a special
22 parole term of *not less than* three (3) years, in addition to such term of
23 imprisonment. Imposition or execution of such sentence *shall not* be
24 suspended, and probation *shall not* be granted. Parole or work release *shall*
25 *not* be granted to the offender until he has served *at least* twenty (20) years
26 of his sentence of imprisonment.”

27 **Section 4.** Subsection (b) of §67.401.4 of Chapter 67, Title 9, Guam Code

1 Annotated, is hereby *amended* to read:

2 “(b) If he is guilty of an offense pursuant to § 67.401.1(b)(1) of this
3 Act and if he has been convicted on one (1) or more felonies under any
4 provision of this Act, any law of the United States relating to controlled
5 substances, or for any offense under state or foreign law relating to narcotic
6 drugs listed in Schedule I as per Appendix A of this Act or Schedule II as
7 per Appendix B of this Act which offense would be a felony under this Act
8 and one (1) or more of the convictions are final, he *shall* be sentenced to a
9 term of life imprisonment without the possibility of parole, and may, in
10 addition, be fined *not more than* One Hundred Thousand Dollars
11 (\$100,000).”

12 **Section 5.** Subsection (o) of §67.401.4 of Chapter 67, Title 9, Guam Code
13 Annotated, is hereby *added* to read:

14 “(o) Sentences in these cases *shall* also include mandatory
15 participation in a drug rehabilitation program at the Department of
16 Corrections.”

17 **Section 6.** Subsection (b) of § 67.401.9 of Chapter 67, Title 9, Guam Code
18 Annotated, is hereby *amended* to read:

19 “(b) (1) In the case of an offense under Subsection (a) of this
20 Section involving a controlled substance listed in Schedules I, II, III,
21 IV or V of this Act which is a narcotic, the person guilty of such an
22 offense *shall* be imprisoned *not less than* twenty (20) years *nor more*
23 *than* thirty (30) years, and may, in addition, be fined *not more than*
24 Fifty Thousand Dollars (\$50,000). The sentence *shall* include a
25 special parole term of *not less than* three (3) years, in addition to such
26 terms of imprisonment.

27 (2) If he is guilty of an offense under Subsection (a) of this

1 Section, and if he has been convicted on one (1) or more felonies
2 under any provision of this Act, any law of the United States relating
3 to controlled substances, or for any offense under state or foreign law
4 relating to narcotic drugs listed in Schedule I as per Appendix A of
5 this Act, or Schedule II as per Appendix B of this Act, which offense
6 would be a felony under this Act, and one (1) or more of the
7 convictions are final, he *shall* be sentenced to a term of life
8 imprisonment without the possibility of parole, and may, in addition,
9 be fined *not more than* One Hundred Thousand Dollars (\$100,000).

10 (3) In the case of an offense under Subsection (a) of this
11 Section with respect to a controlled substance other than a narcotic
12 drug listed in Schedules I, II, III, IV or V of this Act, the person guilty
13 of such offense *shall* be imprisoned for *not less than* three (3) years
14 *nor more than* ten (10) years, and may, in addition, be fined *not more*
15 *than* Fifteen Thousand Dollars (\$15,000). The sentence *shall*, in
16 addition to such term of imprisonment, include:

17 (A) a special parole term of *not less than* two (2) years
18 if such controlled substance is listed in Schedules I, II or III of
19 this Act; or

20 (B) a special parole term of *not less than* one (1) year
21 if such controlled substance is listed in Schedule IV of this
22 Act.”

23 **Section 7.** Subsection (e) of §67.401.9 of Chapter 67, Title 9, Guam Code
24 Annotated, is hereby *added* to read:

25 “(e) Sentences in these cases shall also include mandatory
26 participation in a drug rehabilitation program at the Department of
27 Corrections.”

1 **Section 8. Effective Date.** This Act *shall* be effective upon enactment.

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

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Bill No. 298-32 (COR)

Speaker Antonio R. Unipingco Legislative Session Hall

As amended by the Committee on Guam U.S.
Military Relocation, Homeland Security, Veteran's
Affairs, and Judiciary.

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

15

Yea

Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

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

Bill No. 298-32 (COR)

As amended by the Committee on Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs and Judiciary.

*

Introduced by:

Brant T. McCreadie
V. Anthony Ada
Tommy Morrison

AN ACT TO AMEND SUBSECTIONS (a) AND (b) AND ADD A NEW SUBSECTION (o) TO § 67.401.4 AND TO AMEND SUBSECTION (b) AND ADD A NEW SUBSECTION (e) TO § 67.401.9 OF CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PUNISHMENT FOR THE DELIVERY, DISPENSING, MANUFACTURING, AND IMPORTATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE "METHAMPHETAMINE INCARCERATION REFORM ACT OF 2014."

772

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

2 **Section 1. Short Title.** This Act *shall* be cited as the "*Methamphetamine*
3 *Incarceration Reform Act of 2014.*"

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
5 that drugs, and in particular, extremely addictive drugs such as cocaine, heroin and
6 methamphetamine, have had an extremely negative impact on our community.
7 They have destroyed families, increased crime and placed an extreme burden on
8 government services. Many of the crimes committed on Guam, such as burglary,
9 theft, and even assault, have drug use and abuse as a causative circumstance. More

1 must be done to limit, and hopefully eliminate, the importation and distribution of
2 these deadly substances on Guam. Increasing the sentences for individuals who
3 manufacture, distribute or import controlled substances, or attempt to do so, will
4 serve as a deterrent to potential criminals.

5 Therefore, it is the intent of *I Liheslaturan Guåhan* to set increased
6 sentences for those offenders who choose to import controlled substances into
7 Guam, as well as those who bring in controlled substances with the intent to
8 deliver, dispense or manufacture by amending §67.401.4 and §67.401.9 of Chapter
9 67, Title 9, Guam Code Annotated.

10 **Section 3.** Subsection (a) of §67.401.4 of Chapter 67, Title 9, Guam Code
11 Annotated, is hereby *amended* to read:

12 “(a) If he is guilty of an offense pursuant § 67.401.1(b)(1) of this
13 Act, he *shall* be sentenced to imprisonment for *not less than* twenty (20) *nor*
14 *more than* thirty (30) years, and may, in addition, be fined *not more than*
15 Fifty Thousand Dollars (\$50,000). The sentence *shall* include a special
16 parole term of *not less than* three (3) years, in addition to such term of
17 imprisonment. Imposition or execution of such sentence *shall not be*
18 suspended, and probation *shall not be* granted. Parole or work release *shall*
19 *not be* granted to the offender until he has served *at least* twenty (20) years
20 of his sentence of imprisonment.”

21 **Section 4.** Subsection (b) of §67.401.4 of Chapter 67, Title 9, Guam Code
22 Annotated, is hereby *amended* to read:

23 “(b) If he is guilty of an offense pursuant to § 67.401.1(b)(1) of this
24 Act and if he has been convicted on one (1) or more felonies under any
25 provision of this Act, any law of the United States relating to controlled
26 substances, or for any offense under state or foreign law relating to narcotic
27 drugs listed in Schedule I as per Appendix A of this Act or Schedule II as

1 per Appendix B of this Act which offense would be a felony under this Act
2 and one (1) or more of the convictions are final, he *shall* be sentenced to a
3 term of life imprisonment without the possibility of parole, and may, in
4 addition, be fined *not more than* One Hundred Thousand Dollars
5 (\$100,000).”

6 **Section 5.** Subsection (o) of §67.401.4 of Chapter 67, Title 9, Guam Code
7 Annotated, is hereby *added* to read:

8 “(o) Sentences in these cases *shall* also include mandatory
9 participation in a drug rehabilitation program at the Department of
10 Corrections.”

11 **Section 6.** Subsection (b) of § 67.401.9 of Chapter 67, Title 9, Guam Code
12 Annotated, is hereby *amended* to read:

13 “(b) (1) In the case of an offense under Subsection (a) of this
14 Section involving a controlled substance listed in Schedules I, II, III,
15 IV or V of this Act which is a narcotic, the person guilty of such an
16 offense *shall* be imprisoned *not less than* twenty (20) years *nor more*
17 *than* thirty (30) years, and may, in addition, be fined *not more than*
18 Fifty Thousand Dollars (\$50,000). The sentence *shall* include a
19 special parole term of *not less than* three (3) years, in addition to such
20 terms of imprisonment.

21 (2) If he is guilty of an offense under Subsection (a) of this
22 Section, and if he has been convicted on one (1) or more felonies
23 under any provision of this Act, any law of the United States relating
24 to controlled substances, or for any offense under state or foreign law
25 relating to narcotic drugs listed in Schedule I as per Appendix A of
26 this Act, or Schedule II as per Appendix B of this Act, which offense
27 would be a felony under this Act, and one (1) or more of the

1 convictions are final, he *shall* be sentenced to a term of life
2 imprisonment without the possibility of parole, and may, in addition,
3 be fined *not more than* One Hundred Thousand Dollars (\$100,000).

4 (3) In the case of an offense under Subsection (a) of this
5 Section with respect to a controlled substance other than a narcotic
6 drug listed in Schedules I, II, III, IV or V of this Act, the person guilty
7 of such offense *shall* be imprisoned for *not less than* three (3) years
8 *nor more than* ten (10) years, and may, in addition, be fined *not more*
9 *than* Fifteen Thousand Dollars (\$15,000). The sentence *shall*, in
10 addition to such term of imprisonment, include:

11 (A) a special parole term of *not less than* two (2) years
12 if such controlled substance is listed in Schedules I, II or III of
13 this Act; or

14 (B) a special parole term of *not less than* one (1) year
15 if such controlled substance is listed in Schedule IV of this
16 Act.”

17 **Section 7.** Subsection (e) of §67.401.9 of Chapter 67, Title 9, Guam Code
18 Annotated, is hereby *added* to read:

19 “(e) Sentences in these cases shall also include mandatory
20 participation in a drug rehabilitation program at the Department of
21 Corrections.”

22 **Section 8. Effective Date.** This Act *shall* be effective upon enactment.

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



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

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



April 21, 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

Senator
Dennis G. Rodriguez, Jr.
Committee Member

Senator
V. Anthony Ada
Committee Member

Senator
Michael Limtiaco
Committee Member

Senator
Thomas Morrison
Committee Member

The Honorable Judith T. Won Pat, Ed.D.

Speaker
I Mina'Trentai Dos Na Liheslaturan Guahan
155 Hesler Place
Hagatna, Guam 96910

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

RE: Committee Report on Bill No. 298-32 (COR), as Amended by the Committee

2014 MAY -5 AM 9:11 P

Dear Speaker Won Pat:

Transmitted herewith is the Committee Report on Bill No. 298-32 (COR), as Amended by the Committee- An Act to amend §§ 67.401.4 and 67.401.9 of Chapter 67, Title 9 Guam Code Annotated relative to punishment for the Delivery, Dispensing, Manufacturing and Importation of Controlled Substances, which may be cited as the "Methamphetamine Incarceration Reform Act of 2014."

Committee votes are as follows:

- 5 TO DO PASS
- _____ TO NOT PASS
- 3 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



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 Limtlaco
Committee Member

Senator
Thomas Morrison
Committee Member

COMMITTEE REPORT

BILL NO. 298-32 (COR)

**Introduced by: Brant T. McCreadie,
V. Anthony Ada, Tommy A. Morrison
As Amended by the Committee**

**An Act to amend §§ 67.401.4 and
67.401.9 of Chapter 67, Title 9 Guam
Code Annotated relative to punishment
for the Delivery, Dispensing,
Manufacturing and Importation of
Controlled Substances, which may be
cited as the "Methamphetamine
Incarceration Reform Act of 2014."**



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

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



April 21, 2014

MEMORANDUM

**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

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

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

Subject: Committee Report on Bill No. 298-32 (COR), as Amended by the Committee

Transmitted herewith for your consideration is the Committee Report on Bill No. 298-32 (COR), as Amended by the Committee - An Act to amend §§ 67.401.4 and 67.401.9 of Chapter 67, Title 9 Guam Code Annotated relative to punishment for the Delivery, Dispensing, Manufacturing and Importation of Controlled Substances, which may be cited as the "Methamphetamine Incarceration Reform Act of 2014."

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 298-32 (COR), as Introduced
- Copy of Bill No. 298-32 (COR), as Amended by the Committee
- Public Hearing Sign-in Sheet
- Referral of the Bill No. 298-32 (COR)
- Notices of Public Hearing
- Copy of Public Hearing Agenda

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'äse' !



COMMITTEE ON

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

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



COMMITTEE VOTING SHEET

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

Bill No. 298-32 (COR), as Amended by the Committee - An Act to amend §§ 67.401.4 and 67.401.9 of Chapter 67, Title 9 Guam Code Annotated relative to punishment for the Delivery, Dispensing, Manufacturing and Importation of Controlled Substances, which may be cited as the "Methamphetamine Incarceration Reform Act of 2014."

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 4/24/14		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MUNA BARNES, TINA ROSE Committee Vice Chairperson		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SPEAKER WON PAT, JUDITH T. Ed.D. Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RESPICIO, RORY J. Committee Member		<input type="checkbox"/>	<input checked="" type="checkbox"/> 4-29-14	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADA, THOMAS C. Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RODRIGUEZ, DENNIS G. JR. Committee Member		<input type="checkbox"/>	<input checked="" type="checkbox"/> 4/29	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ADA, V. ANTHONY Committee Member		<input type="checkbox"/>	<input checked="" type="checkbox"/> 4-30	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LIMTIACO, MICHAEL Committee Member		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MORRISON, THOMAS Committee Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



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

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



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. Respicio**
Committee Member

**Senator
Thomas C. Ada**
Committee Member

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

**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

I. OVERVIEW

Bill No. 298-32 (COR) was introduced on March 26, 2014, by Senator Brant T. McCreddie, 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 26, 2014.

The Committee on Guam US Military Relocation, Veterans' Affairs, Homeland Security and Judiciary convened a public hearing on Bill No. 298-32 (COR) on April 3, 2014 at 9:00AM in / *Liheslatura's* Public Hearing Room.

Public Notice Requirements

Public Hearing notices were disseminated via e-mail to all senators and all main media broadcasting outlets for the April 3, 2014 hearing on March 27, 2014 (5-Day Notice), and again on March 31, 2014 (48-Hour Notice). Notices were also published in the Marianas Variety Newspaper for the April 3, 2014 hearing on March 27, 2014 and March 31, 2014.

Senators Present

Senator Frank B. Aguon, Jr., Chairperson
Senator Brant T. McCreddie
Senator Vicente (ben) C. Pangelinan
Senator V. Anthony Ada
Senator Christopher M. Duenas
Senator Thomas C. Ada

Appearing Before the Committee

Gary Hickenbottom, Disabled Veteran
Fred Bordallo, Chief Guam Police Department
Phil Tydingco, Chief Deputy Attorney General of Guam

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

II. TRANSCRIPTION OF TESTIMONY & DISCUSSION

Senator Frank B. Aguon, Jr.

"We are proceeding on to bill number 298 which is relative to punishments for the delivery, dispensing, manufacturing, and importation of control substances which maybe cited as the Methamphetamine Incarceration Reform Act of 2014. If I can invite the following individuals to the front please, Mr. Gary you're here already, Fred Bordallo Chief of Police and Mr. Phil Tydingco. Mr. Hickenbottom if you can proceed, just identify yourself for the record."

**Mr. Gary Hickenbottom**

"The stronger we can make the punishments for these drug related crimes the better and the one thing that I saw in the quick read was, we have a situation here on Guam, you didn't list marijuana, marijuana is a dangerous drug and I know we have policies, we've got headaches going when you're looking at medical marijuana here. I think that your gonna find that if you watch what's happening in Colorado and Washington it's gonna become a nightmare, because traffic stops or police officers cannot determine the amount of marijuana that's with in a system so they can't say they're impaired or not. These people out there are gonna cause a lot of crime and damage and injuries to other people. SO marijuana is not something to play with it's a dangerous drug and should be included in this legislation. Now when, if we wanna go and play with medical marijuana that's a different issue but your gonna see already that California is funding it's a joke, it's a nightmare and it really needs to be tightly, tightly controlled and I just because there was a young man whoever died recently and they put a bill in his name that's great but just because one person has an illness and died saying he wants marijuana doesn't mean marijuana is good for everybody. Marijuana is a dangerous drug it's a gateway drug. It's what starts everybody on every other drug, so we have to put it in there and give them the same kind of punishments and we have to be extremely careful when you go and look at medical marijuana issues. So I strongly support this but I would like to see it improved, strengthened, you know and, I don't know how would you deal with someone who is always stoned can you give him a ticket, can you write him a ticket for being DWA or no, see that's what they're finding in Washington, you got the people driving all over the state you know drunk and there stopping them. They give a ticket for drunk but if there on marijuana you don't know how to determine how stoned they are yup and it's happening in Colorado to, so it's a major issue."

Senator Frank B. Aguon, Jr.

"Thank You very much for your testimony this morning Mr. Hickenbottom. If you can please excuse me I missed the sponsor of the bill highlighting the purpose of this measure Sentor Mc Creadie."

Senator Brant T. McCreadie

"Thank Mr. Chairman, good morning panel Bill 298-32 also known as Methamphetamine Incarceration Reform Act of 2014 Increases the penalties for those who import or posses substantial amounts of Methamphetamine also known as the drug ice with the intent of distribution, delivery or manufacturing additionally it does establish a mandatory sentence for imprisonment for anyone who is convicted of the second offense this bill also requires that the consequences of bringing substantial quantities of methamphetamines and other drugs be printed on the customs form filled out by every incoming passenger to Guam. Every day we open the newspaper and watch the T.V. and we see that people are being arrested for the second, third, fourth, and fifth times in some cases after so many chances to re-enter society when do we say enough is enough increasing punishment for the worst offenders is a sign that we will no longer tolerate any person who brings these substances into Guam to ruin are families, are individual, and our community. Mr. Chairman the Guam Uniform Controlled Substance Tactic chapter 67 and after reviewing this with the construction of our legislation we found that chapter 67 needs to be entirely re-written this

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

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



piece of legislation that I believe takes care of a huge problem that's plaguing our island but I do believe it's a cumbersome process that we need to make sure we work together so I continue to ask for your patience Mr. Chairman as we take this bill through the process that I'm working closely with the Attorney General's Office in trying to re-write this chapter and trying to make sure this bill has the proper teeth in it that will have the effect on people trying to bring ice into our island as well as the Police department. So thank you for allowing me to speak on this and I hope for the support and the confidence in moving this through and having a piece of responsibility with this legislation, thank you."

Senator Frank B. Aguon, Jr.

"Thank you very much Senator Mc Creadie, Chief Brodallo."

Mr. Fred Bordallo

"Good Morning on behalf of the Guam Police Department we hereby do support this legislation Bill 298-32 a bill to increase in concentration for these Methamphetamine dealers and it sends a strong message, you know to the community in terms of the problem of distribution on ice and the implication of it, the impact on it, as a matter of fact we, we have seen that with this problem with Crystal Meth and how the dealers have imported it in and distributed out and sell it and take advantage of individuals who are consuming it leads to not only violent crimes but property crimes. I wouldn't bet that, your house that was burglarized Senator Pangelinan has a connection to an individual who probably has a problem with the drug ice. We have seen the frequency of it, it's not only just affecting adult offenders but some of our youth now are exposed in these households, even when I used to be a member of the drug unit, we come into a place and we are in the middle of a control buy or buy bust operation when we take the ice dealer down and in another room is where several kids are in just to keep them busy while a drug deal is going down with some Crystal Meth and certainly with some of the relapse's coming out onto the street again after they've been or you know arrested for drug offenses of dealing, this sends a strong message and I have had an opportunity not only as a police officer but working corrections to see some of the longer time that they are spending behind bars and going through the correction system as adult offenders, that the crime isn't gonna pay for them, because now they'll have a longer sentence for the cost and damage they did in dealing ice in our community, thank you."

Senator Frank B. Aguon, Jr

"Thank you very much Chief Bordallo, Mr. Tydingco."

Mr. Phil Tydingco

"Good morning again Mr. Chairman and Honorable Senators on behalf of Attorney General Rapadas and the Office of the Attorney General we support the Bill, we support the efforts made by the Senator and every other supporting authors in wanting to improve the chapter 67 the drug statutes in title 9 in fact, we were making with Senator Mc Creadie, we see that's as an opportunity to address the not simply this specific section but also most of chapter 67



COMMITTEE ON

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

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

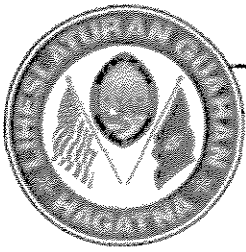


there are some problems with the statute for example the definition of narcotic drugs in the statute presently does not include methamphetamines so there are just basic stuff like that, that we need to address so we see this as an opportunity to keep working with Senator Mc Creadie and this body to update and improve chapter 67 and perhaps expand the scope of this bill to address some of the other problems and so it's my understanding that we wish to continue that and that's my input and I was wondering if I could be excused I have twelve o' clock to get tom unless there are important questions."

Senator Frank B. Aguon, Jr.

"Thank you very much Mr. Tydingco unless there's any questions for the Deputy Chief Attorney General or Chief Bordallo any final comments, Senators then this concludes discussion on this particular legislation and once again the committee will continue to receive testimony on this and all the other measures that were entertained today for subsequent ten days from today's date and also for the information of the public because of the nature of some of these provisions what we would also do is keep the option of a continuing hearing within the ten day time line so that in fact we will continue to keep the public informed so thank you very much for your testimonies and Senators thank you very much for joining us today, this concludes are hearing. "

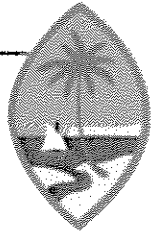
Public Hearing adjourned at 11:44AM.



COMMITTEE ON

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

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



III. WRITTEN TESTIMONIES

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 3, 2014 October 2013 at 9:00AM:

1. Tasi Taitano, Private Citizen

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. 298-32 (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. 298-32 (COR)

Introduced by:

Brant T. McCreadie
V. Anthony Ada
T.A. Morrison



AN ACT TO AMEND §§ 67.401.4 AND 67.401.9 OF
CHAPTER 67, TITLE 9 GUAM CODE ANNOTATED
RELATIVE TO PUNISHMENT FOR THE
DELIVERY, DISPENSING, MANUFACTURING AND
IMPORTATION OF CONTROLLED SUBSTANCES,
WHICH MAY BE CITED AS THE
“METHAMAPHETAMINE INCARCERATION
REFORM ACT OF 2014”.

2014 MAR 26 AM 10:35



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

2 **Section 1. Short Title.** This act shall be cited as the “*Methamphetamine*
3 *Incarceration Reform Act of 2014*”.

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
5 drugs, and in particular, extremely addictive drugs such as Cocaine, Heroin and
6 Methamphetamine, have had an extremely negative impact on our community. They
7 have destroyed families, increased crime and placed an extreme burden on
8 government services. Many of the crimes committed on Guam, such as burglary, theft
9 and even assault have drug use and abuse as a causative circumstance. More must be
10 done to limit, and hopefully eliminate, the importation and distribution of these deadly
11 substances on Guam. Increasing the sentences for individuals who manufacture,
12 distribute or import controlled substances, or attempt to do so will serve as a deterrent
13 to potential criminals.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to set increased sentences
2 for those offenders who choose to import controlled substances into Guam as well as
3 those who bring in controlled substances with the intent to deliver, dispense or
4 manufacture by amending §67.401.4 and §67.401.9 of Chapter 67, Title 9 Guam Code
5 Annotated.

6 **Section 4.** §67.401.4 of Chapter 67, Title 9 Guam Code Annotated is hereby
7 *amended* to read:

8 **“§ 67.401.4. Prison Terms for Drug Offenders.**

9 Any person who is convicted of an offense pursuant to § 67.401.1 of this
10 Act shall be sentenced as follows:

11 (a) If he is guilty of an offense pursuant § 67.401.1(b)(1) of this
12 Act, he shall be sentenced to imprisonment for not less than ~~ten (10)~~
13 twenty (20) nor more than ~~twenty (20)~~ thirty (30) years and may, in
14 addition, be fined not more than Fifty Thousand Dollars (\$50,000.00). The
15 sentence shall include a special parole term of not less than three (3) years
16 in addition to such term of imprisonment. Imposition or execution of such
17 sentence shall not be suspended and probation shall not be granted. Parole
18 or work release shall not be granted to the offender until he has served at
19 least ~~ten (10)~~ twenty (20) years of his sentence ~~or~~ of imprisonment.

20 (b) If he is guilty of an offense pursuant to § 67.401.1(b)(1) of this
21 Act and if he has been convicted on one (1) or more felonies under any
22 provision of this Act, any law of the United States relating to controlled
23 substances or for any offense under state or foreign law relating to
24 narcotic drugs listed in Schedule I as per Appendix A of this Act or
25 Schedule II as per Appendix B of this Act which offense would be a
26 felony under this Act and one (1) or more of the convictions are final, he

1 shall be sentenced to a term of imprisonment which shall not be less than
2 fifteen (15) years and which may be up to life imprisonment without the
3 possibility of parole, and may, in addition, be fined not more than One
4 Hundred Thousand Dollars (\$100,000.00). The sentence, if for a term of
5 years, shall include a special parole term of not less than six (6) years in
6 addition to such term of imprisonment. Imposition of execution of such
7 sentence shall not be suspended, and probation shall not be granted.
8 Parole or work release shall not be granted to the offender until he has
9 served at least fifteen (15) years of his sentence of imprisonment.

10 (c) If he is guilty of an offense pursuant to § 67.401.1(a) of this Act
11 committed while he was released on bail pursuant to Chapter 40 of Title 8
12 of the Guam Code Annotated, Criminal Procedure, on a charge of
13 violating § 67.401.1(a), he shall be sentenced to a term of imprisonment
14 which shall not be less than fifteen (15) years and which may be up to life
15 imprisonment and, in addition, may be fined not more than One Hundred
16 Thousand Dollars (\$100,000.00). The sentence, if for a term of years,
17 shall include a special parole term of not less than six (6) years in addition
18 to such term of imprisonment. Imposition or execution of such sentence
19 shall not be suspended and probation shall not be granted. Parole or work
20 release shall not be granted to the offender until he has served at least
21 fifteen (15) years of sentence of imprisonment.

22 (d) The imposition of a minimum term of imprisonment and the
23 prohibitions against suspension of sentence and granting of probation and
24 requirement for service of a minimum term of imprisonment prior to
25 granting parole as prescribed by Subsections (a), (b) and (c) of this
26 Section shall not apply in the case of a person whom the court determines

1 violated § 67.401.1(a) of this Act for the primary purpose of enabling him
2 to obtain a narcotic drug which he requires for his personal use because of
3 his addiction to such drug.

4 (e) If he is guilty of an offense involving a controlled substance
5 listed in Schedule I or II of this Act which is not a narcotic drug or a
6 controlled substance listed in Schedule III of this Act he shall be
7 sentenced to a term of imprisonment of not more than five (5) years and
8 may be fined not more than Fifteen Thousand Dollars (\$15,000.00). The
9 sentence shall include a special parole term of not less than two (2) years
10 in addition to such term of imprisonment. Imposition or execution of such
11 sentence shall not be suspended and probation shall not be granted.

12 (f) If he is guilty of an offense involving a controlled substance
13 listed in Schedule I or II of this Act which is not a narcotic drug or a
14 controlled substance in Schedule III of this Act and if he has been
15 convicted of one (1) or more prior offenses punishable under the
16 provisions of Subsection (e) of this Section, a felony under any provision
17 of this Act, any law of the United States, a state or foreign jurisdiction
18 relating to narcotic drugs, marijuana, or depressant or stimulant
19 substances and one (1) or more of the convictions are final, he shall be
20 sentenced to a term of imprisonment of not more than ten (10) years and,
21 in addition, may be fined not more than Thirty Thousand Dollars
22 (\$30,000.00). The sentence shall include a special parole term of at least
23 two (2) years in addition to such term of imprisonment. Imposition or
24 execution of such sentence shall not be suspended and probation shall not
25 be granted. Parole or work release shall not be granted to the offender
26 until he has served at least ten (10) years of his sentence of imprisonment.

1 (g) If he is guilty of an offense involving a controlled substance
2 listed in Schedule IV of this Act he shall be sentenced to a term of
3 imprisonment of not more than three (3) years and may, in addition, be
4 fined not more than Ten Thousand Dollars (\$10,000.00). The sentence
5 shall include a special parole term of not less than one (1) year in addition
6 to such term of imprisonment. Imposition or execution of such sentence
7 shall not be suspended and probation shall not be granted.

8 (h) If he is guilty of an offense involving a controlled substance
9 listed in Schedule IV of this Act and if he has been convicted of a felony
10 under a provision of this Act; or a law of the United States, a state or
11 foreign jurisdiction relating to narcotic drugs, marijuana, or depressant or
12 stimulant substances, and such convictions are final, then he shall he
13 sentenced to a term of imprisonment of not more than six (6) years and, in
14 addition, may be fined not more than Twenty Thousand Dollars
15 (\$20,000.00). The sentence shall include a special parole term of at least
16 two (2) years in addition to such term of imprisonment. Imposition or
17 execution of such sentence shall not be suspended and probation shall not
18 be granted.

19 (i) If he is guilty of an offense involving a controlled substance
20 listed in Schedule V of this Act he shall be sentenced to a term of
21 imprisonment of not more than one (1) year or a fine of not more than
22 Five Thousand Dollars (\$5,000.00), or both. Imposition or execution of
23 such sentence shall not be suspended and probation shall not be granted.

24 (j) If he is guilty of an offense involving a controlled substance
25 listed in Schedule V of this Act and if he has been convicted of a felony
26 under a provision of this Act, or a law of the United States, a state or

1 foreign jurisdiction relating to narcotic drugs, marijuana, or depressant or
2 stimulant substances, and such convictions are final, then he shall be
3 sentenced to a term of imprisonment of not more than two (2) years or a
4 fine of not more than Ten Thousand Dollars (\$10,000.00), or both.
5 Imposition or execution of such sentence shall not be suspended and
6 probation shall not be granted.

7 (k) Notwithstanding the provisions of this Section, any person who
8 is guilty of an offense pursuant to § 67.401.1(a) of this Act by distributing
9 less than one (1) pound of marijuana for no remuneration shall be
10 sentenced as provided in § 67.412 of this Act.

11 (l) A special parole term imposed under the provisions of §67.407
12 of this Act may be revoked if its terms and conditions are violated. In such
13 circumstances the original term of imprisonment shall be increased by the
14 period of the special parole term and the resulting new term of
15 imprisonment shall not be diminished by the time which was spent on
16 special parole. A person whose special parole term has been revoked may
17 be required to serve all or part of the remainder of the new term of
18 imprisonment. A special parole term provided for in § 67.407 of this Act
19 shall be, in addition to, and not in lieu of, any other parole provided for by
20 law.

21 (m) The Court may, in its sole discretion and after consultation with
22 the Attorney General, reduce the minimum sentence of imprisonment by
23 not more than twenty percent (20%) of the minimum term established by
24 law of a person sentenced pursuant to Subsections (a), (b) or (c) of this
25 Section if it finds such person was a pusher and if such person offers
26 credible and necessary evidence as to the identity of his supplier,

1 supervisor or as to the source of his supply of drugs. As used in this
2 Subsection, "pusher" means a person not engaged in a continuing criminal
3 enterprise as defined in § 67.409 of this Act and who sells controlled
4 substances in such a manner that the majority of the sales are to ultimate
5 users of said controlled substances.

6 (n) If the person is guilty of possession under § 67.401.2(b)(1)
7 within the Drug-Free School Zone, the person may be sentenced to a
8 maximum of three (3) years of imprisonment, which sentence shall not be
9 suspended nor shall the person be placed on probation, nor shall the
10 person be eligible for parole until completion of the mandatory term of
11 incarceration.

12 (o) Sentences in these cases shall also include mandatory
13 participation in a drug rehabilitation program at the Department of
14 Corrections."

15 **Section 4.** §67.401.9 of Chapter 67, Title 9 Guam Code Annotated is hereby
16 *amended* to read:

17 **"§67.401.9. Importation and Exportation Penalties.**

18 (a) Any person who:

19 (1) contrary to §§ 67.601 or 67.602 of this Act, knowingly or
20 intentionally imports or exports a controlled substance; or

21 (2) contrary to § 67.604 of this Act, knowingly or intentionally brings or
22 possesses on board a vessel or aircraft a controlled substance; or

23 (3) contrary to § 67.608 of this Act, manufacturers who distribute a
24 controlled substance shall be punished as provided in § 67.401.9(b).

25 (b) (1) In the case of an offense under Subsection (a) of this Section
26 involving a controlled substance listed in Schedules I, II, III, IV or V of this Act

1 which is a narcotic, the person guilty of such an offense shall be imprisoned not
2 less than ~~ten (10)~~ twenty (20) years nor more than ~~twenty (20)~~ thirty (30) years
3 and may, in addition, be fined not more than Fifty Thousand Dollars
4 (\$50,000.00). The sentence shall include a special parole term of not less than
5 three (3) years in addition to such terms of imprisonment.

6 (2) If he is guilty of an offense under Subsection (a) of this Section
7 and if he has been convicted on one (1) or more felonies under any provision of
8 this Act, any law of the United States relating to controlled substances or for
9 any offense under state or foreign law relating to narcotic drugs listed in
10 Schedule I as per Appendix A of this Act or Schedule II as per Appendix B of
11 this Act which offense would be a felony under this Act and one (1) or more of
12 the convictions are final, he shall be sentenced to a term of life imprisonment
13 without the possibility of parole, and may, in addition, be fined not more than
14 One Hundred Thousand Dollars (\$100,000.00).

15 ~~(2)~~ (3) In the case of an offense under Subsection (a) of this Section with
16 respect to a controlled substance other than a narcotic drug listed in Schedules I,
17 II, III, IV or V of this Act, the person guilty of such offense shall be imprisoned
18 for not less than three (3) years nor more than ten (10) years and may, in
19 addition, be fined not more than Fifteen Thousand Dollars (\$15,000.00). The
20 sentence shall, in addition to such term of imprisonment, include:

21 (A) a special parole term of not less than two (2) years if such
22 controlled substance is listed in Schedules I, II or III of this Act, or

23 (B) a special parole term of not less than one (1) year if such
24 controlled substance is listed in Schedule IV of this Act.

25 (c) The minimum term of imprisonment prescribed by Subsection (b)(1)
26 of this Section shall not apply in the case of a person whom the Court

1 determines violated Subsection (a)(1) of this Section for the primary purpose of
2 enabling him to obtain a narcotic drug which he requires for his personal use
3 because of his addiction to such drug. The Court shall take into consideration
4 the amount of the controlled substance imported in determining if the offender's
5 primary purpose is importation or exportation for his own use.

6 (d) In the case of any sentence under this Section, imposition or execution
7 of such sentence shall not be suspended and probation shall not be granted nor
8 shall parole or work release be granted until the person has served the minimum
9 term of imprisonment.

10 A special parole term imposed under this Section or § 67.411 of this Act
11 may be revoked if its terms and conditions are violated. In such circumstances,
12 the original term of imprisonment shall be increased by the period of the special
13 parole term and the resulting new term of imprisonment shall not be diminished
14 by the time which was spent on special parole. A person whose special parole
15 term has been revoked may be required to serve all or part of the remainder of
16 the new term of imprisonment. The special term provided for in this Section
17 and in § 67.411 of this Act is in addition to and not in lieu of any other parole
18 provided for by law.

19 (e) Sentences in these cases shall also include mandatory participation in
20 a drug rehabilitation program at the Department of Corrections."

21 **Section 5.** The Director of Customs shall include in a prominent location of
22 the Guam Customs Declaration form the following:

23 "Pursuant to §67.401.4 & §67.401.9 of Chapter 67, Title 9 Guam Code
24 Annotated, any person who is found guilty of manufacturing, delivering or possessing
25 with intent to manufacture, deliver or dispense controlled substances as identified in
26 Guam law; or found guilty of importing a controlled substance, shall be sentenced to a

1 minimum of 20 years and maximum of 30 years for the first offense, and shall be
2 sentenced to LIFE IMPRISONMENT WITHOUT PAROLE for a subsequent
3 offense.”

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

7 **Section 7. Severability.** *If* any provision of this Law or its application to any
8 person or circumstance is found to be invalid or contrary to law, such invalidity shall
9 *not* affect other provisions or applications of this Law which can be given effect
10 without the invalid provisions or application, and to this end the provisions of this
11 Law are severable.

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

Bill No. 298-32(COR)

Introduced by:
as Amended by the Committee on
Guam U.S. Military Relocation,
Homeland Security, Veterans Affairs,
and Judiciary

Brant T. McCreadie
V. Anthony Ada
T.A. Morrison

**AN ACT TO AMEND §§ 67.401.4 AND 67.401.9 OF
CHAPTER 67, TITLE 9 GUAM CODE ANNOTATED
RELATIVE TO PUNISHMENT FOR THE
DELIVERY, DISPENSING, MANUFACTURING AND
IMPORTATION OF CONTROLLED SUBSTANCES,
WHICH MAY BE CITED AS THE
“*METHAMAPHETAMINE INCARCERATION
REFORM ACT OF 2014*”.**

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

2 **Section 1. Short Title.** This act shall be cited as the “*Methamphetamine*
3 *Incarceration Reform Act of 2014*”.

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
5 drugs, and in particular, extremely addictive drugs such as Cocaine, Heroin and
6 Methamphetamine, have had an extremely negative impact on our community. They
7 have destroyed families, increased crime and placed an extreme burden on
8 government services. Many of the crimes committed on Guam, such as burglary, theft
9 and even assault have drug use and abuse as a causative circumstance. More must be
10 done to limit, and hopefully eliminate, the importation and distribution of these deadly
11 substances on Guam. Increasing the sentences for individuals who manufacture,

1 distribute or import controlled substances, or attempt to do so will serve as a deterrent
2 to potential criminals.

3 Therefore, it is the intent of *I Liheslaturan Guåhan* to set increased sentences
4 for those offenders who choose to import controlled substances into Guam as well as
5 those who bring in controlled substances with the intent to deliver, dispense or
6 manufacture by amending §67.401.4 and §67.401.9 of Chapter 67, Title 9 Guam Code
7 Annotated.

8 **Section 4.** §67.401.4 of Chapter 67, Title 9 Guam Code Annotated is hereby
9 *amended* to read:

10 **“§ 67.401.4. Prison Terms for Drug Offenders.**

11 Any person who is convicted of an offense pursuant to § 67.401.1 of this
12 Act shall be sentenced as follows:

13 (a) If he is guilty of an offense pursuant § 67.401.1(b)(1) of this
14 Act, he shall be sentenced to imprisonment for not less than ~~ten (10)~~
15 twenty (20) nor more than ~~twenty (20)~~ thirty (30) years and may, in
16 addition, be fined not more than Fifty Thousand Dollars (\$50,000.00). The
17 sentence shall include a special parole term of not less than three (3) years
18 in addition to such term of imprisonment. Imposition or execution of such
19 sentence shall not be suspended and probation shall not be granted. Parole
20 or work release shall not be granted to the offender until he has served at
21 least ~~ten (10)~~ twenty (20) years of his sentence ~~or~~ of imprisonment.

22 (b) If he is guilty of an offense pursuant to § 67.401.1(b)(1) of this
23 Act and if he has been convicted on one (1) or more felonies under any
24 provision of this Act, any law of the United States relating to controlled
25 substances or for any offense under state or foreign law relating to
26 narcotic drugs listed in Schedule I as per Appendix A of this Act or

1 Schedule II as per Appendix B of this Act which offense would be a
2 felony under this Act and one (1) or more of the convictions are final, he
3 shall be sentenced to a term of ~~imprisonment which shall not be less than~~
4 ~~fifteen (15) years and which may be up to life imprisonment~~ without the
5 possibility of parole, and may, in addition, be fined not more than One
6 Hundred Thousand Dollars (\$100,000.00). ~~The sentence, if for a term of~~
7 ~~years, shall include a special parole term of not less than six (6) years in~~
8 ~~addition to such term of imprisonment. Imposition of execution of such~~
9 ~~sentence shall not be suspended, and probation shall not be granted.~~
10 ~~Parole or work release shall not be granted to the offender until he has~~
11 ~~served at least fifteen (15) years of his sentence of imprisonment.~~

12 (c) If he is guilty of an offense pursuant to § 67.401.1(a) of this Act
13 committed while he was released on bail pursuant to Chapter 40 of Title 8
14 of the Guam Code Annotated, Criminal Procedure, on a charge of
15 violating § 67.401.1(a), he shall be sentenced to a term of imprisonment
16 which shall not be less than fifteen (15) years and which may be up to life
17 imprisonment and, in addition, may be fined not more than One Hundred
18 Thousand Dollars (\$100,000.00). The sentence, if for a term of years,
19 shall include a special parole term of not less than six (6) years in addition
20 to such term of imprisonment. Imposition or execution of such sentence
21 shall not be suspended and probation shall not be granted. Parole or work
22 release shall not be granted to the offender until he has served at least
23 fifteen (15) years of sentence of imprisonment.

24 (d) The imposition of a minimum term of imprisonment and the
25 prohibitions against suspension of sentence and granting of probation and
26 requirement for service of a minimum term of imprisonment prior to

1 granting parole as prescribed by Subsections (a), (b) and (c) of this
2 Section shall not apply in the case of a person whom the court determines
3 violated § 67.401.1(a) of this Act for the primary purpose of enabling him
4 to obtain a narcotic drug which he requires for his personal use because of
5 his addiction to such drug.

6 (e) If he is guilty of an offense involving a controlled substance
7 listed in Schedule I or II of this Act which is not a narcotic drug or a
8 controlled substance listed in Schedule III of this Act he shall be
9 sentenced to a term of imprisonment of not more than five (5) years and
10 may be fined not more than Fifteen Thousand Dollars (\$15,000.00). The
11 sentence shall include a special parole term of not less than two (2) years
12 in addition to such term of imprisonment. Imposition or execution of such
13 sentence shall not be suspended and probation shall not be granted.

14 (f) If he is guilty of an offense involving a controlled substance
15 listed in Schedule I or II of this Act which is not a narcotic drug or a
16 controlled substance in Schedule III of this Act and if he has been
17 convicted of one (1) or more prior offenses punishable under the
18 provisions of Subsection (e) of this Section, a felony under any provision
19 of this Act, any law of the United States, a state or foreign jurisdiction
20 relating to narcotic drugs, marijuana, or depressant or stimulant
21 substances and one (1) or more of the convictions are final, he shall be
22 sentenced to a term of imprisonment of not more than ten (10) years and,
23 in addition, may be fined not more than Thirty Thousand Dollars
24 (\$30,000.00). The sentence shall include a special parole term of at least
25 two (2) years in addition to such term of imprisonment. Imposition or
26 execution of such sentence shall not be suspended and probation shall not

1 be granted. Parole or work release shall not be granted to the offender
2 until he has served at least ten (10) years of his sentence of imprisonment.

3 (g) If he is guilty of an offense involving a controlled substance
4 listed in Schedule IV of this Act he shall be sentenced to a term of
5 imprisonment of not more than three (3) years and may, in addition, be
6 fined not more than Ten Thousand Dollars (\$10,000.00). The sentence
7 shall include a special parole term of not less than one (1) year in addition
8 to such term of imprisonment. Imposition or execution of such sentence
9 shall not be suspended and probation shall not be granted.

10 (h) If he is guilty of an offense involving a controlled substance
11 listed in Schedule IV of this Act and if he has been convicted of a felony
12 under a provision of this Act; or a law of the United States, a state or
13 foreign jurisdiction relating to narcotic drugs, marijuana, or depressant or
14 stimulant substances, and such convictions are final, then he shall he
15 sentenced to a term of imprisonment of not more than six (6) years and, in
16 addition, may be fined not more than Twenty Thousand Dollars
17 (\$20,000.00). The sentence shall include a special parole term of at least
18 two (2) years in addition to such term of imprisonment. Imposition or
19 execution of such sentence shall not be suspended and probation shall not
20 be granted.

21 (i) If he is guilty of an offense involving a controlled substance
22 listed in Schedule V of this Act he shall be sentenced to a term of
23 imprisonment of not more than one (1) year or a fine of not more than
24 Five Thousand Dollars (\$5,000.00), or both. Imposition or execution of
25 such sentence shall not be suspended and probation shall not be granted.

26 (j) If he is guilty of an offense involving a controlled substance

1 listed in Schedule V of this Act and if he has been convicted of a felony
2 under a provision of this Act, or a law of the United States, a state or
3 foreign jurisdiction relating to narcotic drugs, marijuana, or depressant or
4 stimulant substances, and such convictions are final, then he shall be
5 sentenced to a term of imprisonment of not more than two (2) years or a
6 fine of not more than Ten Thousand Dollars (\$10,000.00), or both.
7 Imposition or execution of such sentence shall not be suspended and
8 probation shall not be granted.

9 (k) Notwithstanding the provisions of this Section, any person who
10 is guilty of an offense pursuant to § 67.401.1(a) of this Act by distributing
11 less than one (1) pound of marijuana for no remuneration shall be
12 sentenced as provided in § 67.412 of this Act.

13 (l) A special parole term imposed under the provisions of §67.407
14 of this Act may be revoked if its terms and conditions are violated. In such
15 circumstances the original term of imprisonment shall be increased by the
16 period of the special parole term and the resulting new term of
17 imprisonment shall not be diminished by the time which was spent on
18 special parole. A person whose special parole term has been revoked may
19 be required to serve all or part of the remainder of the new term of
20 imprisonment. A special parole term provided for in § 67.407 of this Act
21 shall be, in addition to, and not in lieu of, any other parole provided for by
22 law.

23 (m) The Court may, in its sole discretion and after consultation with
24 the Attorney General, reduce the minimum sentence of imprisonment by
25 not more than twenty percent (20%) of the minimum term established by
26 law of a person sentenced pursuant to Subsections (a), (b) or (c) of this

1 Section if it finds such person was a pusher and if such person offers
2 credible and necessary evidence as to the identity of his supplier,
3 supervisor or as to the source of his supply of drugs. As used in this
4 Subsection, "pusher" means a person not engaged in a continuing criminal
5 enterprise as defined in § 67.409 of this Act and who sells controlled
6 substances in such a manner that the majority of the sales are to ultimate
7 users of said controlled substances.

8 (n) If the person is guilty of possession under § 67.401.2(b)(1)
9 within the Drug-Free School Zone, the person may be sentenced to a
10 maximum of three (3) years of imprisonment, which sentence shall not be
11 suspended nor shall the person be placed on probation, nor shall the
12 person be eligible for parole until completion of the mandatory term of
13 incarceration.

14 (o) Sentences in these cases shall also include mandatory
15 participation in a drug rehabilitation program at the Department of
16 Corrections."

17 **Section 4.** §67.401.9 of Chapter 67, Title 9 Guam Code Annotated is hereby
18 *amended* to read:

19 **"§67.401.9. Importation and Exportation Penalties.**

20 (a) Any person who:

21 (1) contrary to §§ 67.601 or 67.602 of this Act, knowingly or
22 intentionally imports or exports a controlled substance; or

23 (2) contrary to § 67.604 of this Act, knowingly or intentionally brings or
24 possesses on board a vessel or aircraft a controlled substance; or

25 (3) contrary to § 67.608 of this Act, manufacturers who distribute a
26 controlled substance shall be punished as provided in § 67.401.9(b).

1 (b) (1) In the case of an offense under Subsection (a) of this Section
2 involving a controlled substance listed in Schedules I, II, III, IV or V of this Act
3 which is a narcotic, the person guilty of such an offense shall be imprisoned not
4 less than ~~ten (10)~~ twenty (20) years nor more than ~~twenty (20)~~ thirty (30) years
5 and may, in addition, be fined not more than Fifty Thousand Dollars
6 (\$50,000.00). The sentence shall include a special parole term of not less than
7 three (3) years in addition to such terms of imprisonment.

8 (2) If he is guilty of an offense under Subsection (a) of this Section
9 and if he has been convicted on one (1) or more felonies under any provision of
10 this Act, any law of the United States relating to controlled substances or for
11 any offense under state or foreign law relating to narcotic drugs listed in
12 Schedule I as per Appendix A of this Act or Schedule II as per Appendix B of
13 this Act which offense would be a felony under this Act and one (1) or more of
14 the convictions are final, he shall be sentenced to a term of life imprisonment
15 without the possibility of parole, and may, in addition, be fined not more than
16 One Hundred Thousand Dollars (\$100,000.00).

17 ~~(2)~~ (3) In the case of an offense under Subsection (a) of this Section with
18 respect to a controlled substance other than a narcotic drug listed in Schedules I,
19 II, III, IV or V of this Act, the person guilty of such offense shall be imprisoned
20 for not less than three (3) years nor more than ten (10) years and may, in
21 addition, be fined not more than Fifteen Thousand Dollars (\$15,000.00). The
22 sentence shall, in addition to such term of imprisonment, include:

23 (A) a special parole term of not less than two (2) years if such
24 controlled substance is listed in Schedules I, II or III of this Act, or

25 (B) a special parole term of not less than one (1) year if such
26 controlled substance is listed in Schedule IV of this Act.

1 (c) The minimum term of imprisonment prescribed by Subsection (b)(1)
2 of this Section shall not apply in the case of a person whom the Court
3 determines violated Subsection (a)(1) of this Section for the primary purpose of
4 enabling him to obtain a narcotic drug which he requires for his personal use
5 because of his addiction to such drug. The Court shall take into consideration
6 the amount of the controlled substance imported in determining if the offender's
7 primary purpose is importation or exportation for his own use.

8 (d) In the case of any sentence under this Section, imposition or execution
9 of such sentence shall not be suspended and probation shall not be granted nor
10 shall parole or work release be granted until the person has served the minimum
11 term of imprisonment.

12 A special parole term imposed under this Section or § 67.411 of this Act
13 may be revoked if its terms and conditions are violated. In such circumstances,
14 the original term of imprisonment shall be increased by the period of the special
15 parole term and the resulting new term of imprisonment shall not be diminished
16 by the time which was spent on special parole. A person whose special parole
17 term has been revoked may be required to serve all or part of the remainder of
18 the new term of imprisonment. The special term provided for in this Section
19 and in § 67.411 of this Act is in addition to and not in lieu of any other parole
20 provided for by law.

21 (e) Sentences in these cases shall also include mandatory participation in
22 a drug rehabilitation program at the Department of Corrections.”

23 ~~Section 5. The Director of Customs shall include in a prominent location of~~
24 ~~the Guam Customs Declaration form the following:~~

25 ~~“Pursuant to §67.401.4 & §67.401.9 of Chapter 67, Title 9 Guam Code~~
26 ~~Annotated, any person who is found guilty of manufacturing, delivering or possessing~~

1 ~~with intent to manufacture, deliver or dispense controlled substances as identified in~~
2 ~~Guam law; or found guilty of importing a controlled substance, shall be sentenced to a~~
3 ~~minimum of 20 years and maximum of 30 years for the first offense, and shall be~~
4 ~~sentenced to LIFE IMPRISONMENT WITHOUT PAROLE for a subsequent~~
5 ~~offense.”~~

6 **Section 5 6. 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 7. 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.*

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

I Mina'Trentai Dos na Liheslaturan Guahan 132nd Guam Legislature



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

Thursday, April 3, 2014 @ 9:00AM

Bill No. 298-32 (COR) – An Act to amend §§67.401.4 and 67.401.9 of Chapter 37, Title 9 Guam Code Annotated relative to the punishment for the delivery, dispensing, manufacturing and importation of controlled substances, which may be cited as the “Methamphetamine Incarceration Act of 2014.”

NAME (Please Print)	Agency/Organization	Contact Number	Oral Testimony	Written Testimony	In Favor	Not In Favor
GRACE HICKENBOTTOM	Retired Disabled Veteran	727-8254			✓	
FUR BOUTON	GPS	475-8508	✓		✓	
PHIL TYDINGS	OAG					

Senator Frank B. Aguon, Jr
Chairperson of the Committee on Rules

Bill No. 298-32 (COR)
Thursday, April 3, 2014
09:00-10:00
Guam Legislature, Hagåtña, Guam, Public Hearing Room

Hafa Adai,

My name is Tasi C. Taitano and I am submitting this written testimony in favor of Bill 298-32 (COR), the Methamphetamine Incarceration Reform Act (MIRA) of 2014 to have stricter punishments for person(s) in possession of Methamphetamine with the intent to sell or distribute. I am also in favor of including Guam's law regarding illegal substances on the Guam Customs Declaration form to be acted on within 120 days of the passage of Bill 298-32.

According to a report for Fiscal 2013-2016 by Guam Bureau of Statistics and Plans a total of 34,557.43 grams of methamphetamine was seized in the year 2012 with an estimated value of \$25,916,656.00. In addition to that there were 188 drug abuse violations and 93 arrests due to the violation in 2012. As a citizen it is obvious that the prevalence of methamphetamine continues to be prominent in our community affecting the safety of every single person on the island of Guam.

I feel having stricter punishments will not only instill fear but also provide a safer community because those who participate in the act will serve life imprisonment without the possibility of parole. Although I believe in second chance "ice" is an illegal substance, and it has been the longest war fought to keep families safe. Second chances are being granted however violations continue to occur; this entails a portion about what the drug does to individuals.

Education of methamphetamines and the laws surrounding it is key to informing all about Guam's laws. Guam is an island accessible to people from all over the world, most especially the Asia Pacific region. Placing the law on the Guam Customs Declaration form would be one of the greatest informational tools to people who are traveling in and out of Guam.

I am absolutely for a safer and drug free community, therefore I am in favor of Bill 298-32 (COR), the Methamphetamine Incarceration Reform Act (MIRA) of 2014, zero tolerance on "ice".

Sincerely
Tasi C. Taitano

Resource: http://bsp.guam.gov/2013_JAG_Strategy.pdf



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
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Senator
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Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **BILL NO. 298-32 (COR)**, "AN ACT TO AMEND §§ 67.401.4 AND 67.401.9 OF CHAPTER 67, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO PUNISHMENT FOR THE DELIVERY, DISPENSING, MANUFACTURING AND IMPORTATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE "METHAMAPHETAMINE NCARCERATION REFORM ACT OF 2014." – on March 28, 2014. COR hereby certifies that BBMR confirmed receipt of this request March 28, 2014 at 8:32 A.M.

COR further certifies that a response to this request was not received. **Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on Bill 298-32 (COR) to be included in the committee report on said bill, is hereby waived.**

Certified by:

Senator Rory J. Respicio
Chairperson, Committee on Rules

May 5, 2014

Date



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
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Aline Yamashita
Member

March 28, 2014

VIA E-MAIL
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. 296-32 (COR) through 300-32(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

Bill Nos.	Sponsors	Title
296-32 (COR)	V. Anthony Ada A. A. Yamashita, Ph.D. C. M. Duenas T. A. Morrison R. J Respicio Brant T. McCreddie Michael F.Q. San Nicolas	AN ACT TO AMEND §60109 AND TO ADD A NEW §60109.1 TO CHAPTER 60 OF 10GCA RELATIVE TO CONCEALED FIREARMS LICENSING.
297-32 (COR)	Judith T. Won Pat, Ed.D., Vicente (ben) C. Pangelinan	AN ACT AMEND §1105 OF TITLE 9 GAR RELATIVE TO THE IMPORTATION OF CATTLE.
298-32 (COR)	Brant T. McCreddie V. Anthony Ada T.A. Morrison	AN ACT TO AMEND §§ 67.401.4 AND 67.401.9 OF CHAPTER 67, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO PUNISHMENT FOR THE DELIVERY, DISPENSING, MANUFACTURING AND IMPORTATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE "METHAMAPHETAMINE NCARCERATION REFORM ACT OF 2014"
299-32 (COR)	Michael F.Q. San Nicolas Aline A. Yamashita, Ph.D. Brant T. McCreddie V. Anthony Ada	AN ACT TO INCLUDE FOSTER CHILDREN IN THE GOVERNMENT OF GUAM GROUP HEALTH INSURANCE CONTRACT PROSPECTIVELY BY AMENDING §§4301 (a) AND (b), §4301.1(a), §4302, AND §4302.2(c), AND BY ADDING A NEW SUBSECTION (h) TO §4301.1, EACH OF ARTICLE 3, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED.
300-32 (COR)	B.J.F. CRUZ	AN ACT TO AMEND § 151004 OF CHAPTER 15 OF TITLE 17, GUAM CODE ANNOTATED; RELATIVE TO ALLOWING TRAINEES UNDER THE NURSING TRAINING PROGRAM TO AGREE TO ACCEPT EMPLOYMENT WITH A PRIVATE HOSPITAL ON GUAM AS A CONDITION OF SELECTION AND ENROLLMENT IN THE PROGRAM.



COMMITTEE ON RULES

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MINORITY LEADER


Senator
Aline Yamashita
Member

March 26, 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. 298-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 298-32(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*.

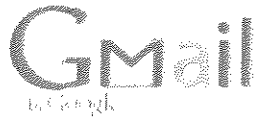
Should you have any questions, please feel free to contact our office at 472-7679.

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
298-32 (COR)	Brant T. McCreadie V. Anthony Ada T.A. Morrison	AN ACT TO AMEND §§ 67.401.4 AND 67.401.9 OF CHAPTER 67, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO PUNISHMENT FOR THE DELIVERY, DISPENSING, MANUFACTURING AND IMPORTATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE "METHAMAPHETAMINE INCARCERATION REFORM ACT OF 2014".	3/26/14 10:35 a.m.	03/26/14	Committee on the Guam U. S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary			



Senator Frank B. Aguon, Jr. Legislative Policy <policy@frankaguonjr.com>

FIRST NOTICE of Public Hearing on Thursday, April 3, 2014

Senator Frank B. Aguon, Jr. Legislative Policy <policy@frankaguonjr.com>

Wed, Mar 26, 2014 at 3:57 PM

To: phnotice@guamlegislature.org

March 26, 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 Thursday, April 3, 2014

Buenas yan Hafa Adai!

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing at 9:00AM, Thursday, April 3, 2014 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

Bill No. 280-32 (LS) - An Act to add a new Chapter 72 to 9GCA relative to bias-motivated crimes.

Bill No. 282-32 (COR) - An Act to amend §§37.10 and 37.20 of Chapter 37, Title 9 Guam Code Annotated relative to the crime of burglary in schools, which may be cited as the "Safer Schools Act of 2014."

Bill No. 296-32 (COR) - An Act to amend §60109 and to add a new §60109.1 to Chapter 60 of 10GCA relative to Concealed Firearms Licensing.

Bill No. 298-32 (COR)- An Act to amend §§67.401.4 and 67.401.9 of Chapter 67, Title 9 Guam Code Annotated relative to the punishment for the delivery, dispensing, manufacturing and importation of controlled substances, which may be cited as the "Methamphetamine Incarceration Reform Act of 2014."

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 to committee@frankaguonjr.com or Matt Topasna via email to policy@frankaguonjr.com or please contact the office directly at 477-GUM1/2.

Si Yu'os Ma'åse!



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

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



March 26, 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 Thursday, April 3, 2014

Buenas yan Hafa Adai!

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing at 9:00AM, Thursday, April 3, 2014 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

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Si Yu'os Ma'åse!

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
Committee Member

Senator
Dennis G. Rodriguez, Jr.
Committee Member

Senator
V. Anthony Ada
Committee Member

Senator
Michael Linticao
Committee Member

Senator
Thomas Morrison
Committee Member



Senator Frank B. Aguon, Jr. Legislative Policy <policy@frankaguonjr.com>

SECOND NOTICE: PUBLIC HEARING ON APRIL 3, 2014 @ 9AM

Senator Frank B. Aguon, Jr. Legislative Policy <policy@frankaguonjr.com>

Mon, Mar 31, 2014 at 10:20 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>

March 31, 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 Thursday, April 3, 2014

Buenas yan Hafa Adai!

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing at 9:00AM, Thursday, April 3, 2014 at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

Bill No. 280-32 (LS) - An Act to add a new Chapter 72 to 9GCA relative to bias-motivated crimes.

Bill No. 282-32 (COR) - An Act to amend §§37.10 and 37.20 of Chapter 37, Title 9 Guam Code Annotated relative to the crime of burglary in schools, which may be cited as the "Safer Schools Act of 2014."

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Bill No. 298-32 (COR)- An Act to amend §§67.401.4 and 67.401.9 of Chapter 67, Title 9 Guam Code Annotated relative to the punishment for the delivery, dispensing, manufacturing and importation of controlled substances, which may be cited as the "Methamphetamine Incarceration Reform Act of 2014."

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 to committee@frankaguonjr.com or Matt Topasna via email to policy@frankaguonjr.com or please contact the office directly at 477-GUM1/2.



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

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



March 31, 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 Thursday, April 3, 2014

Buenas yan Hafa Adai!

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing at 9:00AM, Thursday, April 3, 2014 at I Liheslaturan Guahan's Public Hearing Room in Hagåtña, on the following:

Bill No. 280-32 (LS) - An Act to add a new Chapter 72 to 9GCA relative to bias-motivated crimes.

Bill No. 282-32 (COR) - An Act to amend §§37.10 and 37.20 of Chapter 37, Title 9 Guam Code Annotated relative to the crime of burglary in schools, which may be cited as the "Safer Schools Act of 2014."

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Bill No. 298-32 (COR)- An Act to amend §§67.401.4 and 67.401.9 of Chapter 67, Title 9 Guam Code Annotated relative to the punishment for the delivery, dispensing, manufacturing and importation of controlled substances, which may be cited as the "Methamphetamine Incarceration Reform Act of 2014."

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 Guahan's website at www.guamlegislature.com. Individuals requiring special accommodations or services; please contact Fred "Rico" Taitague via email to committee@frankaguonjr.com or Matt Topasna via email to policy@frankaguonjr.com or please contact the office directly at 477-GUM1/2.

Si Yu'os Ma'åse!

cc: Clerks
MIS
Sgt.-at-Arms

Senator
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Senator
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Committee Member

Senator
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Committee Member



COMMITTEE ON

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

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



March 26, 2014

**Senator
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Committee Vice Chairperson

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V. Anthony Ada**
Committee Member

**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

To: THE HONORABLE Brant T. McCreadie

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. 298-32(COR) scheduled for Thursday, April 03, 2014 at 9:00AM

The Committee on Guam U.S. Military Relocation, Homeland Security, Veterans Affairs, and Judiciary will conduct a public hearing at on Thursday, April 03, 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. 298-32 (COR)— An act to amend §§ 67.401.4 and 67.401.9 of Chapter 67, Title 9 Guam Code Annotated relative to punishment for the delivery, dispensing, manufacturing and importation of controlled substances, which may be cited as the "Methamphetamine Incarceration Reform Act of 2014".

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'ãse' !



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

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



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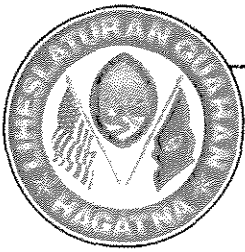
**Senator
V. Anthony Ada**
Committee Member

**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

Notified Stakeholders

- **All Senators of Mina'Trentai Dos Na Liheslaturan Guaha**
- **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**
 - James T. McDonald, Administrator
- **Office of the Attorney General**
 - Attorney General Leonardo G. Rapadas
- **Public Defender Service Corporation**
 - Eric D. Miller
- **Media Outlets**



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

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



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Committee Member

**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

March 27, 2014

The Honorable Eddie Baza Calvo
Governor of Guam
513 West Marine Corps Drive
Hagåtña, Guam 96910

Sent via email to governor@guam.gov

RE: Public Hearing scheduled for Thursday, April 3, 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 Thursday, April 3, 2014 beginning at 9:00am at *I Liheslaturan Guåhan*. Included on the agenda are the following bills:

- **Bill No. 280-32 (LS)** - An Act to add a new Chapter 72 to 9GCA relative to bias-motivated crimes.
- **Bill No. 282-32 (COR)** - An Act to amend §§37.10 and 37.20 of Chapter 37, Title 9 Guam Code Annotated relative to the crime of burglary in schools, which may be cited as the "Safer Schools Act of 2014."
- **Bill No. 296-32 (COR)** - An Act to amend §60109 and to add a new §60109.1 to Chapter 60 of 10GCA relative to Concealed Firearms Licensing.
- **Bill No. 298-32 (COR)**- An Act to amend §§67.401.4 and 67.401.9 of Chapter 67, Title 9 Guam Code Annotated relative to the punishment for the delivery, dispensing, manufacturing and importation of controlled substances, which may be cited as the "Methamphetamine Incarceration Reform Act of 2014."

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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 | 32nd Guam Legislature



COMMITTEE ON

**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
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

March 27, 2014

The Honorable Madeleine Z. Bordallo
Congresswoman of Guam
120 Father Dueñas Avenue Suite 107
Hagåtña, Guam 96910

Sent via email to cecilia.blas@mail.house.gov

RE: Public Hearing scheduled for Thursday, April 3, 2014 at 9:00AM

Buenas yan Hafa Adai!

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I Mina'trentai Dos Na Liheslaturan Guåhan | 32nd Guam Legislature

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155 HESLER PLACE HAGATNA, GUAM 96910 | EMAIL: AGUON4GUAM@GMAIL.COM

WWW.FRANKAGUONJR.COM



COMMITTEE ON

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



March 27, 2014

**The Honorable Robert J. Torres
Chief Justice of Guam**

Suite 300, Guam Judicial Center 120 West O'Brian Dr.
Hagåtña, Guam 96910

Sent via email to rjtorres@guamsupremecourt.com

RE: Public Hearing scheduled for Thursday, April 3, 2014 at 9:00AM

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Committee Member

**Senator
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Committee Member

March 27, 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

RE: Public Hearing scheduled for Thursday, April 3, 2014 at 9:00AM

Buenas yan Hafa Aдай!

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March 27, 2014

Pedro A. Leon Guerrero, Jr.
Director, Guam Customs and Quarantine Agency
770 E. Sunset Blvd. Airport Rd.
AB Won Pat, Guam 96913

Sent via email to pedro.leonguerrero@cqa.guam.gov

RE: Public Hearing scheduled for Thursday, April 3, 2014 at 9:00AM

Buenas yan Hafa Adai!

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March 27, 2014

Raffaele Sgambelluri
Chief, Guam Customs and Quarantine Agency
770 E. Sunset Blvd. Airport Rd.
AB Won Pat, Guam 96913

Sent via email to raffaele.scambelluri@cqa.guam.gov

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Committee Member

March 27, 2014

Ambrosio Constantino
Advisor, Guam Homeland Security
221B Chalan Palasyo
Agana Heights, Guam 96910

Sent via email to ambrosio.constantino@ghs.guam.gov

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March 27, 2014

The Honorable John Unpingco
Administrator, Office of Veterans Affairs
172 S. Marine Drive
Asan, Guam 96932

Sent via email to john.unpingco@gvao.guam.gov

RE: Public Hearing scheduled for Thursday, April 3, 2014 at 9:00AM

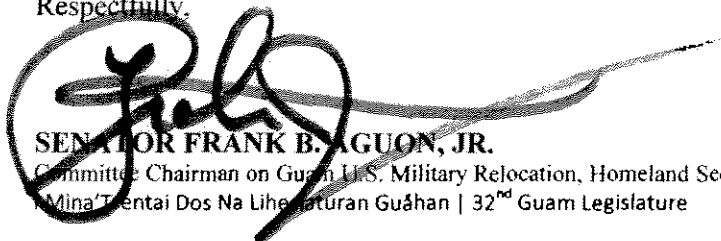
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March 27, 2014

James T. McDonald
Administrator, Office of Civil Defense
221B Chalan Palasyo
Agana Heights, Guam 96910

Sent via email to jim.mcdonald@ghs.guam.gov

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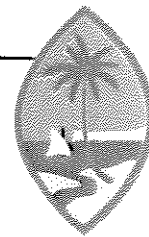
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COMMITTEE ON

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

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



March 27, 2014

The Honorable Leonardo G. Rapadas
Attorney General of Guam
237 W. O'Brian Dr.
Hagatna, Guam 96910

Sent via email to law@guamag.gov

RE: Public Hearing scheduled for Thursday, April 3, 2014 at 9:00AM

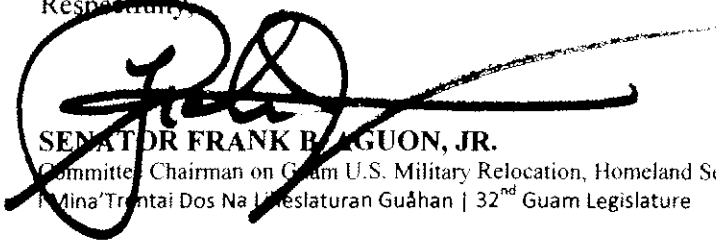
Buenas yan Hafa A dai!

The Committee on Guam US Military Relocation, Homeland Security, Veterans' Affairs and Judiciary has scheduled a public hearing on Thursday, April 3, 2014 beginning at 9:00am at *Liheslaturan Guåhan*. Included on the agenda are the following bills:

- **Bill No. 280-32 (LS)** - An Act to add a new Chapter 72 to 9GCA relative to bias-motivated crimes.
- **Bill No. 282-32 (COR)** - An Act to amend §§37.10 and 37.20 of Chapter 37, Title 9 Guam Code Annotated relative to the crime of burglary in schools, which may be cited as the "Safer Schools Act of 2014."
- **Bill No. 296-32 (COR)** - An Act to amend §60109 and to add a new §60109.1 to Chapter 60 of 10GCA relative to Concealed Firearms Licensing.
- **Bill No. 298-32 (COR)**- An Act to amend §§67.401.4 and 67.401.9 of Chapter 67, Title 9 Guam Code Annotated relative to the punishment for the delivery, dispensing, manufacturing and importation of controlled substances, which may be cited as the "Methamphetamine Incarceration Reform Act of 2014."

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. Copies of the aforementioned Bill(s) may be obtained at *Liheslaturan Guåhan*'s website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Fred "Rico" Taitague via email to committee@frankaguonjr.com or Matt Topasna via email to 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

PHONE: (671)475-GUM1/2 (4861/2) | FAX: (671)475-GUM3 (4863)
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Committee Vice Chairperson

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Committee Member

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

Senator
V. Anthony Ada
Committee Member

Senator
Michael Limtiaco
Committee Member

Senator
Thomas Morrison
Committee Member



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Committee Member

**Senator
Michael Limtiaco**
Committee Member

**Senator
Thomas Morrison**
Committee Member

March 27, 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

RE: Public Hearing scheduled for Thursday, April 3, 2014 at 9:00AM

Buenas yan Hafa Adai!

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 As of March 13, 2014

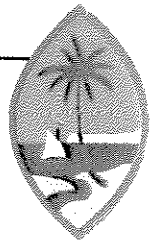
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PUBLIC HEARING

Thursday, April 3, 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. 280-32(LS)** – An Act to add a new Chapter 72 to 9GCA relative to biased motivated crimes. **(Sponsored by Senator V. Anthony Ada)**
 - **Bill No. 282-32 (COR)** – An Act to amend §§37.10 and 37.20 of Chapter 37, Title 9 Guam Code Annotated relative to the crime of burglary in schools, which may be cited as the “Safer Schools Act of 2014.” **(Sponsored by Senator Brant T. McCreadie)**
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- IV. Closing Remarks
- V. Adjournment



Mina Trentai Dos Na Liheslaturan Guahan
32nd Guam Legislature

OFFICE OF SENATOR FRANK B. AGUON, JR.

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

Public Hearing
THURSDAY, April 3, 2014 | 9:00AM

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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-GUM1/2 (4861/2) or e-mail
committee@frankaguonjr.com.

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THURSDAY MARCH 27 2014

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Mina Trentai Dos Na Liheslaturan Guahan
32nd Guam Legislature

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McCreadie Bill Boost Jail Time for Convicted "Ice" Dealers

Last Updated on Wednesday, 26 March 2014 13:06

Written by Kevin Kerrigan

Wednesday, 26 March 2014 09:37



Guam News - Guam News

Guam - Senator Brant McCreadie is proposing a new measure that would increase jail time for anyone convicted of possession and sale of crystal meth, commonly known as the drug "ice".

Bill #298 would establish a mandatory sentence of life imprisonment for anyone convicted of a second "ice" related offense and it requires that the penalty be printed on the Guam Customs form seen by every incoming passenger to the island.

[READ Bill #298 HERE](#)

The Senator says in a release that "ice" is "destroying our community" and its "vital that we properly punish those who bring this dangerous substance into our homes to destroy our families."

The bill also increases jail time for other addictive drugs, as well as Methamphetamine.

READ the release from Seantor McCreadie below:

Senator McCreadie introduces "Zero Tolerance" bill targeting Methamphetamine

FOR IMMEDIATE RELEASE

March 25, 2014

Senator Brant McCreadie today introduced Bill 298-32 (COR), the Methamphetamine Incarceration Reform Act (MIRA) of 2014, which greatly stiffens penalties for individuals who import or possess substantial amounts of Methamphetamine, also known as "Ice" with the intent of distribution, delivery or manufacturing.

"Illegal Drugs, and Methamphetamine in particular, has been the poison that is destroying our community," said Senator McCreadie. "It is vital that we properly punish those who bring this dangerous substance into our homes to destroy our families."

Bill 298-32 increases the sentences for those who are convicted of importing or possessing Methamphetamine with the intent to deliver, dispense or manufacture. Additionally, it establishes a mandatory sentence of life imprisonment for any person who is convicted of a second offense. The bill also requires that the consequences of bringing substantial quantities of Methamphetamine and other drugs be printed on the Customs form filled out by every incoming passenger to Guam.

Adds Senator McCreadie, "Taking a tough stance on Methamphetamine will also reduce the crimes that accompany it, which has the potential to reduce crime overall. By sending a strong message that we will accordingly punish those who bring in this horrible drug to damage our people, we can start to reduce the amount of drugs being brought in and used. Increasing punishment for the worst offenders is a sign that we will no longer tolerate any person who brings these substances into Guam."

Bill 298-32 also includes stiffer sentences for other addictive drugs in addition to Methamphetamine.

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COMMITTEE ON RULES

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VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

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Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

March 28, 2014

VIA E-MAIL

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. 296-32 (COR) through 300-32(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

Bill Nos.	Sponsors	Title
296-32 (COR)	V. Anthony Ada A. A. Yamashita, Ph.D. C. M. Duenas T. A. Morrison R. J Respicio Brant T. McCreadie Michael F.Q. San Nicolas	AN ACT TO AMEND §60109 AND TO ADD A NEW §60109.1 TO CHAPTER 60 OF 10GCA RELATIVE TO CONCEALED FIREARMS LICENSING.
297-32 (COR)	Judith T. Won Pat, Ed.D., Vicente (ben) C. Pangelinan	AN ACT AMEND §1105 OF TITLE 9 GAR RELATIVE TO THE IMPORTATION OF CATTLE.
298-32 (COR)	Brant T. McCreadie V. Anthony Ada T.A. Morrison	AN ACT TO AMEND §§ 67.401.4 AND 67.401.9 OF CHAPTER 67, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO PUNISHMENT FOR THE DELIVERY, DISPENSING, MANUFACTURING AND IMPORTATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE “METHAMAPHETAMINE NCARCERATION REFORM ACT OF 2014”
299-32 (COR)	Michael F.Q. San Nicolas Aline A. Yamashita, Ph.D. Brant T. McCreadie V. Anthony Ada	AN ACT TO INCLUDE FOSTER CHILDREN IN THE GOVERNMENT OF GUAM GROUP HEALTH INSURANCE CONTRACT PROSPECTIVELY BY AMENDING §§4301 (a) AND (b), §4301.1(a), §4302, AND §4302.2(c), AND BY ADDING A NEW SUBSECTION (h) TO §4301.1, EACH OF ARTICLE 3, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED.
300-32 (COR)	B.J.F. CRUZ	AN ACT TO AMEND § 151004 OF CHAPTER 15 OF TITLE 17, GUAM CODE ANNOTATED; RELATIVE TO ALLOWING TRAINEES UNDER THE NURSING TRAINING PROGRAM TO AGREE TO ACCEPT EMPLOYMENT WITH A PRIVATE HOSPITAL ON GUAM AS A CONDITION OF SELECTION AND ENROLLMENT IN THE PROGRAM.



COMMITTEE ON RULES

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MINORITY LEADER

Senator
Aline Yamashita
Member

March 26, 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. 298-32(COR)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 298-32(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. 298-32 (COR)

Introduced by:

Brant T. McCreadie
V. Anthony Ada
T.A. Morrison



**AN ACT TO AMEND §§ 67.401.4 AND 67.401.9 OF
CHAPTER 67, TITLE 9 GUAM CODE ANNOTATED
RELATIVE TO PUNISHMENT FOR THE
DELIVERY, DISPENSING, MANUFACTURING AND
IMPORTATION OF CONTROLLED SUBSTANCES,
WHICH MAY BE CITED AS THE
“METHAMAPHETAMINE INCARCERATION
REFORM ACT OF 2014”.**

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

2 **Section 1. Short Title.** This act shall be cited as the “*Methamphetamine*
3 *Incarceration Reform Act of 2014*”.

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
5 drugs, and in particular, extremely addictive drugs such as Cocaine, Heroin and
6 Methamphetamine, have had an extremely negative impact on our community. They
7 have destroyed families, increased crime and placed an extreme burden on
8 government services. Many of the crimes committed on Guam, such as burglary, theft
9 and even assault have drug use and abuse as a causative circumstance. More must be
10 done to limit, and hopefully eliminate, the importation and distribution of these deadly
11 substances on Guam. Increasing the sentences for individuals who manufacture,
12 distribute or import controlled substances, or attempt to do so will serve as a deterrent
13 to potential criminals.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to set increased sentences
2 for those offenders who choose to import controlled substances into Guam as well as
3 those who bring in controlled substances with the intent to deliver, dispense or
4 manufacture by amending §67.401.4 and §67.401.9 of Chapter 67, Title 9 Guam Code
5 Annotated.

6 **Section 4.** §67.401.4 of Chapter 67, Title 9 Guam Code Annotated is hereby
7 *amended* to read:

8 **“§ 67.401.4. Prison Terms for Drug Offenders.**

9 Any person who is convicted of an offense pursuant to § 67.401.1 of this
10 Act shall be sentenced as follows:

11 (a) If he is guilty of an offense pursuant § 67.401.1(b)(1) of this
12 Act, he shall be sentenced to imprisonment for not less than ~~ten (10)~~
13 twenty (20) nor more than ~~twenty (20)~~ thirty (30) years and may, in
14 addition, be fined not more than Fifty Thousand Dollars (\$50,000.00). The
15 sentence shall include a special parole term of not less than three (3) years
16 in addition to such term of imprisonment. Imposition or execution of such
17 sentence shall not be suspended and probation shall not be granted. Parole
18 or work release shall not be granted to the offender until he has served at
19 least ~~ten (10)~~ twenty (20) years of his sentence ~~or~~ of imprisonment.

20 (b) If he is guilty of an offense pursuant to § 67.401.1(b)(1) of this
21 Act and if he has been convicted on one (1) or more felonies under any
22 provision of this Act, any law of the United States relating to controlled
23 substances or for any offense under state or foreign law relating to
24 narcotic drugs listed in Schedule I as per Appendix A of this Act or
25 Schedule II as per Appendix B of this Act which offense would be a
26 felony under this Act and one (1) or more of the convictions are final, he

1 shall be sentenced to a term of imprisonment which shall not be less than
2 fifteen (15) years and which may be up to life imprisonment without the
3 possibility of parole, and may, in addition, be fined not more than One
4 Hundred Thousand Dollars (\$100,000.00). The sentence, if for a term of
5 years, shall include a special parole term of not less than six (6) years in
6 addition to such term of imprisonment. Imposition of execution of such
7 sentence shall not be suspended, and probation shall not be granted.
8 Parole or work release shall not be granted to the offender until he has
9 served at least fifteen (15) years of his sentence of imprisonment.

10 (c) If he is guilty of an offense pursuant to § 67.401.1(a) of this Act
11 committed while he was released on bail pursuant to Chapter 40 of Title 8
12 of the Guam Code Annotated, Criminal Procedure, on a charge of
13 violating § 67.401.1(a), he shall be sentenced to a term of imprisonment
14 which shall not be less than fifteen (15) years and which may be up to life
15 imprisonment and, in addition, may be fined not more than One Hundred
16 Thousand Dollars (\$100,000.00). The sentence, if for a term of years,
17 shall include a special parole term of not less than six (6) years in addition
18 to such term of imprisonment. Imposition or execution of such sentence
19 shall not be suspended and probation shall not be granted. Parole or work
20 release shall not be granted to the offender until he has served at least
21 fifteen (15) years of sentence of imprisonment.

22 (d) The imposition of a minimum term of imprisonment and the
23 prohibitions against suspension of sentence and granting of probation and
24 requirement for service of a minimum term of imprisonment prior to
25 granting parole as prescribed by Subsections (a), (b) and (c) of this
26 Section shall not apply in the case of a person whom the court determines

1 violated § 67.401.1(a) of this Act for the primary purpose of enabling him
2 to obtain a narcotic drug which he requires for his personal use because of
3 his addiction to such drug.

4 (e) If he is guilty of an offense involving a controlled substance
5 listed in Schedule I or II of this Act which is not a narcotic drug or a
6 controlled substance listed in Schedule III of this Act he shall be
7 sentenced to a term of imprisonment of not more than five (5) years and
8 may be fined not more than Fifteen Thousand Dollars (\$15,000.00). The
9 sentence shall include a special parole term of not less than two (2) years
10 in addition to such term of imprisonment. Imposition or execution of such
11 sentence shall not be suspended and probation shall not be granted.

12 (f) If he is guilty of an offense involving a controlled substance
13 listed in Schedule I or II of this Act which is not a narcotic drug or a
14 controlled substance in Schedule III of this Act and if he has been
15 convicted of one (1) or more prior offenses punishable under the
16 provisions of Subsection (e) of this Section, a felony under any provision
17 of this Act, any law of the United States, a state or foreign jurisdiction
18 relating to narcotic drugs, marijuana, or depressant or stimulant
19 substances and one (1) or more of the convictions are final, he shall be
20 sentenced to a term of imprisonment of not more than ten (10) years and,
21 in addition, may be fined not more than Thirty Thousand Dollars
22 (\$30,000.00). The sentence shall include a special parole term of at least
23 two (2) years in addition to such term of imprisonment. Imposition or
24 execution of such sentence shall not be suspended and probation shall not
25 be granted. Parole or work release shall not be granted to the offender
26 until he has served at least ten (10) years of his sentence of imprisonment.

1 (g) If he is guilty of an offense involving a controlled substance
2 listed in Schedule IV of this Act he shall be sentenced to a term of
3 imprisonment of not more than three (3) years and may, in addition, be
4 fined not more than Ten Thousand Dollars (\$10,000.00). The sentence
5 shall include a special parole term of not less than one (1) year in addition
6 to such term of imprisonment. Imposition or execution of such sentence
7 shall not be suspended and probation shall not be granted.

8 (h) If he is guilty of an offense involving a controlled substance
9 listed in Schedule IV of this Act and if he has been convicted of a felony
10 under a provision of this Act; or a law of the United States, a state or
11 foreign jurisdiction relating to narcotic drugs, marijuana, or depressant or
12 stimulant substances, and such convictions are final, then he shall he
13 sentenced to a term of imprisonment of not more than six (6) years and, in
14 addition, may be fined not more than Twenty Thousand Dollars
15 (\$20,000.00). The sentence shall include a special parole term of at least
16 two (2) years in addition to such term of imprisonment. Imposition or
17 execution of such sentence shall not be suspended and probation shall not
18 be granted.

19 (i) If he is guilty of an offense involving a controlled substance
20 listed in Schedule V of this Act he shall be sentenced to a term of
21 imprisonment of not more than one (1) year or a fine of not more than
22 Five Thousand Dollars (\$5,000.00), or both. Imposition or execution of
23 such sentence shall not be suspended and probation shall not be granted.

24 (j) If he is guilty of an offense involving a controlled substance
25 listed in Schedule V of this Act and if he has been convicted of a felony
26 under a provision of this Act, or a law of the United States, a state or

1 foreign jurisdiction relating to narcotic drugs, marijuana, or depressant or
2 stimulant substances, and such convictions are final, then he shall be
3 sentenced to a term of imprisonment of not more than two (2) years or a
4 fine of not more than Ten Thousand Dollars (\$10,000.00), or both.
5 Imposition or execution of such sentence shall not be suspended and
6 probation shall not be granted.

7 (k) Notwithstanding the provisions of this Section, any person who
8 is guilty of an offense pursuant to § 67.401.1(a) of this Act by distributing
9 less than one (1) pound of marijuana for no remuneration shall be
10 sentenced as provided in § 67.412 of this Act.

11 (l) A special parole term imposed under the provisions of §67.407
12 of this Act may be revoked if its terms and conditions are violated. In such
13 circumstances the original term of imprisonment shall be increased by the
14 period of the special parole term and the resulting new term of
15 imprisonment shall not be diminished by the time which was spent on
16 special parole. A person whose special parole term has been revoked may
17 be required to serve all or part of the remainder of the new term of
18 imprisonment. A special parole term provided for in § 67.407 of this Act
19 shall be, in addition to, and not in lieu of, any other parole provided for by
20 law.

21 (m) The Court may, in its sole discretion and after consultation with
22 the Attorney General, reduce the minimum sentence of imprisonment by
23 not more than twenty percent (20%) of the minimum term established by
24 law of a person sentenced pursuant to Subsections (a), (b) or (c) of this
25 Section if it finds such person was a pusher and if such person offers
26 credible and necessary evidence as to the identity of his supplier,

1 supervisor or as to the source of his supply of drugs. As used in this
2 Subsection, "pusher" means a person not engaged in a continuing criminal
3 enterprise as defined in § 67.409 of this Act and who sells controlled
4 substances in such a manner that the majority of the sales are to ultimate
5 users of said controlled substances.

6 (n) If the person is guilty of possession under § 67.401.2(b)(1)
7 within the Drug-Free School Zone, the person may be sentenced to a
8 maximum of three (3) years of imprisonment, which sentence shall not be
9 suspended nor shall the person be placed on probation, nor shall the
10 person be eligible for parole until completion of the mandatory term of
11 incarceration.

12 (o) Sentences in these cases shall also include mandatory
13 participation in a drug rehabilitation program at the Department of
14 Corrections."

15 **Section 4.** §67.401.9 of Chapter 67, Title 9 Guam Code Annotated is hereby
16 *amended* to read:

17 **“§67.401.9. Importation and Exportation Penalties.**

18 (a) Any person who:

19 (1) contrary to §§ 67.601 or 67.602 of this Act, knowingly or
20 intentionally imports or exports a controlled substance; or

21 (2) contrary to § 67.604 of this Act, knowingly or intentionally brings or
22 possesses on board a vessel or aircraft a controlled substance; or

23 (3) contrary to § 67.608 of this Act, manufacturers who distribute a
24 controlled substance shall be punished as provided in § 67.401.9(b).

25 (b) (1) In the case of an offense under Subsection (a) of this Section
26 involving a controlled substance listed in Schedules I, II, III, IV or V of this Act

1 which is a narcotic, the person guilty of such an offense shall be imprisoned not
2 less than ~~ten (10)~~ twenty (20) years nor more than ~~twenty (20)~~ thirty (30) years
3 and may, in addition, be fined not more than Fifty Thousand Dollars
4 (\$50,000.00). The sentence shall include a special parole term of not less than
5 three (3) years in addition to such terms of imprisonment.

6 (2) If he is guilty of an offense under Subsection (a) of this Section
7 and if he has been convicted on one (1) or more felonies under any provision of
8 this Act, any law of the United States relating to controlled substances or for
9 any offense under state or foreign law relating to narcotic drugs listed in
10 Schedule I as per Appendix A of this Act or Schedule II as per Appendix B of
11 this Act which offense would be a felony under this Act and one (1) or more of
12 the convictions are final, he shall be sentenced to a term of life imprisonment
13 without the possibility of parole, and may, in addition, be fined not more than
14 One Hundred Thousand Dollars (\$100,000.00).

15 ~~(2)~~ (3) In the case of an offense under Subsection (a) of this Section with
16 respect to a controlled substance other than a narcotic drug listed in Schedules I,
17 II, III, IV or V of this Act, the person guilty of such offense shall be imprisoned
18 for not less than three (3) years nor more than ten (10) years and may, in
19 addition, be fined not more than Fifteen Thousand Dollars (\$15,000.00). The
20 sentence shall, in addition to such term of imprisonment, include:

21 (A) a special parole term of not less than two (2) years if such
22 controlled substance is listed in Schedules I, II or III of this Act, or

23 (B) a special parole term of not less than one (1) year if such
24 controlled substance is listed in Schedule IV of this Act.

25 (c) The minimum term of imprisonment prescribed by Subsection (b)(1)
26 of this Section shall not apply in the case of a person whom the Court

1 determines violated Subsection (a)(1) of this Section for the primary purpose of
2 enabling him to obtain a narcotic drug which he requires for his personal use
3 because of his addiction to such drug. The Court shall take into consideration
4 the amount of the controlled substance imported in determining if the offender's
5 primary purpose is importation or exportation for his own use.

6 (d) In the case of any sentence under this Section, imposition or execution
7 of such sentence shall not be suspended and probation shall not be granted nor
8 shall parole or work release be granted until the person has served the minimum
9 term of imprisonment.

10 A special parole term imposed under this Section or § 67.411 of this Act
11 may be revoked if its terms and conditions are violated. In such circumstances,
12 the original term of imprisonment shall be increased by the period of the special
13 parole term and the resulting new term of imprisonment shall not be diminished
14 by the time which was spent on special parole. A person whose special parole
15 term has been revoked may be required to serve all or part of the remainder of
16 the new term of imprisonment. The special term provided for in this Section
17 and in § 67.411 of this Act is in addition to and not in lieu of any other parole
18 provided for by law.

19 (e) Sentences in these cases shall also include mandatory participation in
20 a drug rehabilitation program at the Department of Corrections."

21 **Section 5.** The Director of Customs shall include in a prominent location of
22 the Guam Customs Declaration form the following:

23 "Pursuant to §67.401.4 & §67.401.9 of Chapter 67, Title 9 Guam Code
24 Annotated, any person who is found guilty of manufacturing, delivering or possessing
25 with intent to manufacture, deliver or dispense controlled substances as identified in
26 Guam law; or found guilty of importing a controlled substance, shall be sentenced to a

1 minimum of 20 years and maximum of 30 years for the first offense, and shall be
2 sentenced to LIFE IMPRISONMENT WITHOUT PAROLE for a subsequent
3 offense.”

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

7 **Section 7. Severability.** *If* any provision of this Law or its application to any
8 person or circumstance is found to be invalid or contrary to law, such invalidity shall
9 *not* affect other provisions or applications of this Law which can be given effect
10 without the invalid provisions or application, and to this end the provisions of this
11 Law are severable.