

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

32-13-170

Office of the Speaker
Judith T. Won Pat, Ed. D.

Date 3/6/13
Time 3:55 PM
Received by [Signature]

March 6, 2013

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

RE: Bill No. 40-32 – Public Law No. 32-005

Dear Madame Speaker:

Transmitted herewith is Bill No. 40-32, "AN ACT TO AMEND 58111 AND 58112 OF CHAPTER 58, AND 73110 OF CHAPTER 73, ALL OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE PENALTY RECLASSIFICATION FOR VIOLATIONS OF THE FIRE CODE", which I signed into law on March 6, 2013, as Public Law 32-005.

Senseramente,

EDDIE BAZA CALVO

Attachment: Copy of Bill

2013 MAR - 6 PM 4: 56

0170

I MINA 'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

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

This is to certify that **Substitute Bill No. 40-32 (COR), "AN ACT TO AMEND §§58111 AND 58112 OF CHAPTER 58, AND §73110 OF CHAPTER 73, ALL OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE PENALTY RECLASSIFICATION FOR VIOLATIONS OF THE FIRE CODE"**, was on the 22nd day of February, 2013, duly and regularly passed.

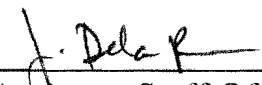


Judith T. Won Pat, Ed.D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 22nd day of Feb., 2013,
at 4:00 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: MARCH 06, 2013

Public Law No. 32-005

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 40-32 (COR)

As substituted by the Committee on Public Safety,
Infrastructure and Maritime Transportation; and amended on the Floor.

Introduced by:

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

AN ACT TO AMEND §§58111 AND 58112 OF CHAPTER 58, AND §73110 OF CHAPTER 73, ALL OF TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE PENALTY RECLASSIFICATION FOR VIOLATIONS OF THE FIRE CODE.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that §58111 (Penalty) of Chapter 58 (Fire Prevention), Title 10 GCA, and §73110
4 (Penalty) of Chapter 73 (Fire Prevention), Title 10 GCA, state that, “*Violation of*
5 *any provision of this Chapter [fire codes] is a misdemeanor.*”

1 *I Liheslaturan Guåhan* further finds that §30109(a) of Article 1, Chapter 30,
2 Title 5 GCA states: “*The Attorney General is the public prosecutor and, by*
3 *himself, a deputy or assistant shall: (a) Conduct on behalf of the Government of*
4 *Guam the prosecution of offenses against the laws of Guam which are prosecuted*
5 *in any of the courts of Guam, the District Court of Guam, and any appeals*
6 *therefrom.*”

7 *I Liheslatura Guåhan* also finds that on January 10, 2013, the Superior Court
8 of Guam issued a Decision and Order that in the absence of representation from the
9 Attorney General’s Office, citations issued under Chapter 58 and Chapter 73, Title
10 10 GCA that the “*Traffic Violations Bureau (TVB), Courts and Ministerial*
11 *Division of the Superior Court of Guam cease and desist from accepting Uniform*
12 *Summons and Citation complaints based on violations of any section of the*
13 *[Guam] Fire Code until such time as the inconsistencies between statute and rule*
14 *are resolved.*”

15 It is therefore the goal of *I Liheslatura* to rectify this situation by
16 reclassifying the violations of the Fire Code as civil offenses, with increasing
17 penalties for each recurrence.

18 **Section 2.** §58111 of Chapter 58, Title 10, Guam Code Annotated, is
19 hereby *amended* to read:

20 “**§58111. Penalty.**

- 21 (a) Violation of any provision of this Chapter is a civil violation.
- 22 (b) Each violation *shall* be subject to the following penalties:
 - 23 (1) First Offense *shall* be subject to a penalty of up to \$100;
 - 24 (2) Second Offense of the same fire code provision within a
25 12-month period *shall* be subject to a penalty of up to \$400, but not
26 less than \$100;

1 (3) Third Offense of the same fire code provision within a
2 12-month period *shall* be subject to a penalty of no less than \$1,000;

3 (4) Fourth Offense of the same fire code provision within a
4 12-month period *shall* be punishable as a misdemeanor and the
5 business license *shall* be suspended for up to 1 year or until the
6 violation has been cured.

7 (c) All fines shall be deposited into the Fire, Life and Medical
8 Emergency Fund ('FLAME') pursuant to §72106, Chapter 72, 10 GCA."

9 **Section 3.** §73110 of Chapter 73, Title 10, Guam Code Annotated, is
10 hereby *amended* to read:

11 **"§73110. Penalty.**

12 (a) Violation of any provision of this Chapter is a civil violation.

13 (b) Each violation *shall* be subject to the following penalties:

14 (1) First Offense *shall* be subject to a penalty of up to \$100;

15 (2) Second Offense of the same fire code provision within a 12-
16 month period *shall* be subject to a penalty of up to \$400 but not less
17 than \$100;

18 (3) Third Offense of the same fire code provision within a 12-
19 month period *shall* be subject to a penalty of no less than \$1,000;

20 (4) Fourth Offense of the same fire code provision within a 12-
21 month period *shall* be punishable as a misdemeanor and the business
22 license *shall* be suspended for up to 1 year or until the violation has
23 been cured.

24 (c) All fines *shall* be deposited into the Fire, Life and Medical
25 Emergency
26 Fund ('FLAME') pursuant to §72106, Chapter 72, 10 GCA."

1 **Section 4.** §58112 of Chapter 58, Title 10, Guam Code Annotated, is
2 hereby *amended* to read:

3 “**§58112. Fire Prevention Code.**

4 Inspection of premises and areas authorized by this Chapter *shall* be in
5 accordance with §73111 of Chapter 73, 10 GCA. ”

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

11 **Section 6. Effective Date.** This Act *shall* become effective upon
12 enactment.