



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

MAY 23 2014

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

32-14-1692
Judith T. Won Pat, Ed.D.
Date 5.29.14
Time 4:03 PM
Received by: [Signature]
2014 MAY 29 PM 4:28

Dear Madame Speaker:

Transmitted herewith is Bill No. 282-32 (COR) "AN ACT TO ADD A NEW SUBSECTION (e) TO § 37.10 AND TO AMEND § 37.20, ALL 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" which I signed into law on May 23, 2014 as Public Law 32-162.

Senseramente,

RAYMOND S. TENORIO
I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

1602

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. 282-32 (COR)**, "AN ACT TO *ADD* A NEW SUBSECTION (e) TO § 37.10, AND TO *AMEND* § 37.20, ALL 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*," 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:



RAYMOND S. TENORIO
Acting Governor of Guam

Date: MAY 23 2014

Public Law No. 32-162

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

Bill No. 282-32 (COR)

As amended by the Committee on Guam U.S. Military Relocation,
Homeland Security, Veterans Affairs, and Judiciary;
and further amended on the Floor.

Introduced by:

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

**AN ACT TO *ADD* A NEW SUBSECTION (e) TO § 37.10,
AND TO *AMEND* § 37.20, ALL 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.*”**

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

2 **Section 1. Short Title.** This Act *shall* be cited as the “*Safer Schools Act of*
3 *2014.*”

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guáhan* finds
5 that Guam’s schools have been the unfortunate targets of burglaries, and while past

1 Legislatures have made great efforts in passing legislation to properly secure our
2 schools and its property, brazen criminals continue to burglarize schools.

3 Therefore, it is the intent of *I Liheslaturan Guåhan* to establish appropriate
4 punishment for those who burglarize schools by amending §§ 37.10 and 37.20 of
5 Chapter 37, Title 9, Guam Code Annotated.

6 **Section 3.** A new Subsection (e) is hereby *added* to § 37.10 of Chapter 37,
7 Title 9, Guam Code Annotated, to read:

8 “(e) School means any public or private educational facility, including
9 institutions of higher learning, which *shall* encompass all instructional, non-
10 instructional, sports and extra curricular buildings and facilities.”

11 **Section 4.** § 37.20 of Chapter 37, Title 9, Guam Code Annotated, is hereby
12 *amended* to read:

13 “§ 37.20. **Burglary: Defined, Punishment Classified.**

14 (a) A person is guilty of burglary if he enters or surreptitiously
15 remains in any habitable property, building, or a separately secured or
16 occupied portion thereof, or if he enters or surreptitiously remains in any
17 *School* as defined in § 37.10(e) of this Chapter, with intent to commit a
18 crime therein, *unless* the premises are at the time open to the public or the
19 defendant is licensed or privileged to enter, or a person is guilty of
20 burglary if he enters or surreptitiously remains in any motor vehicle,
21 semi-trailer, trailer, truck tractor, vehicle combination, motor bus, motor
22 truck, or vehicle, with intent to commit a crime therein. It is an
23 affirmative defense to prosecution for burglary that the property, or
24 building, or motor vehicle was abandoned.

25 (b) Burglary is a felony of the second degree. In the case of
26 burglary as a felony of the second degree, the court *shall* impose a

1 sentence of imprisonment of a minimum term of five (5) years, and may
2 impose a maximum term of *up to* ten (10) years; the minimum term
3 imposed *shall not* be suspended nor may probation be imposed in lieu of
4 the minimum term nor shall parole or work release be granted before
5 completion of the minimum term. The sentence *shall* include a special
6 parole term of *not less than* three (3) years, in addition to such term of
7 imprisonment. Provided, however, that in the case of an offender not
8 previously convicted of a felony, the court may sentence the offender to
9 *not more than* five (5) years imprisonment as a third degree felony
10 conviction, and the provisions of this Subsection prohibiting probation,
11 suspension, parole or work release *shall not* be applicable to such
12 offender.

13 (c) A second or subsequent offense of burglary to a school *shall*
14 be a felony of the first degree. In the case of a second or subsequent
15 conviction of burglary committed to a school as a felony of the first
16 degree, the court *shall* impose a sentence of imprisonment of a minimum
17 term of ten (10) years, and may impose a maximum term of *up to* twenty
18 (20) years; the minimum term imposed *shall not* be suspended nor may
19 probation be imposed in lieu of the minimum term nor shall parole or
20 work release be granted before completion of the minimum term. The
21 sentence *shall* include a special parole term of *not less than* three (3)
22 years in addition to such term of imprisonment. However, if the offender
23 is under the age of eighteen years the court *shall* have the discretion to
24 suspend all or a portion of the minimum sentence, and may encourage the
25 Balanced Approach Restorative Justice Process.”

26 **Section 5. Effective Date.** This Act *shall* be effective upon enactment.

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