

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

32-14-1693
Date: 5.29.14
Time: 4:03 PM
Received by: [Signature]
2014 MAY 29 PM 4:28 [Signature]

Dear Madame Speaker:

Transmitted herewith is 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 IMPORATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE "METHAMPHETAMINE INCARCERATION REFORM ACT OF 2014" which I signed into law on May 23, 2014 as Public Law 32-163.

Senseramente,

[Signature of Raymond S. Tenorio]

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

1693

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:



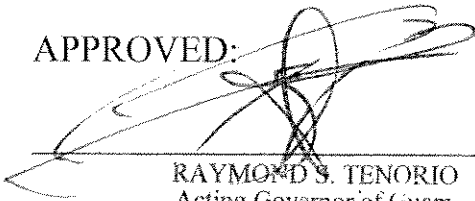
Tina Rose Muña Barnes
Legislative Secretary

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



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



RAYMOND S. TENORIO
Acting Governor of Guam

Date: MAY 23 2014

Public Law No. 32-163

I MINA'TRENTAI DOS NA LIHESLATURAN GUÂHAN
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.