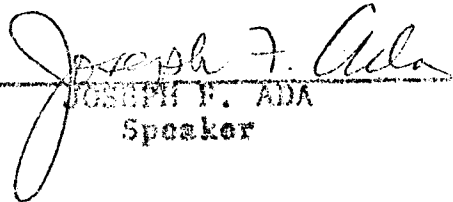


THIRTEENTH GUAM LEGISLATURE
1975 (FIRST) Regular Session

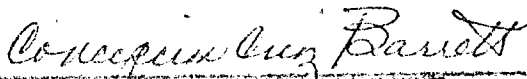
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 51, "An Act to repeal and reenact Section 135 of the Penal Code of Guam to prohibit the destroying or tampering with evidence and for other purposes", was on the 16th day of September, 1975, duly and regularly passed.



JOSEPH F. ADA
Speaker

ATTESTED:



CONCEPCION CRUZ BARRETT
Legislative Secretary

This Act was received by the Governor this 19th day of
September, 1975 at 9:25 o'clock A.M.

78/ Ruth F. Won-Pat

RUTH F. WON PAT
Assistant Staff Officer
Governor's Office

APPROVED:

78/ RICARDO J. BORDALLO

RICARDO J. BORDALLO
Governor of Guam

DATED: September 26, 1975
4:27 P.M.

P. L. 13-58

THIRTEENTH GUAM LEGISLATURE
1975 (FIRST) Regular Session

Bill No. 51

Introduced by J. M. Rivera

AN ACT TO REPEAL AND REENACT SECTION
135 OF THE PENAL CODE OF GUAM TO
PROHIBIT THE DESTROYING OR TAMPERING
WITH EVIDENCE AND FOR OTHER PURPOSES.

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

2 Section 1. Section 135 of the Penal Code of Guam is
3 hereby repealed and reenacted to read as follows:

4 "Section 135. Destroying or tampering with
5 evidence. Every person who, knowing that any book,
6 paper, record, instrument in writing, or other matter,
7 thing or object, is about to be produced in, or is
8 sought as, evidence upon any trial, inquiry, or
9 investigation whatever, authorized by law, wilfully
10 destroys, conceals, tampers with, or touches the same
11 without permission of the Department of Public Safety
12 or the prosecutor, with intent thereby to prevent it
13 from being produced, or used in evidence, is guilty
14 of a misdemeanor if the matter being investigated,
15 tried, or inquired into is a misdemeanor, or of
16 a felony if the matter being investigated, tried, or
17 inquired into is a felony."

18 Section 2. Section 47100.1 of the Government Code of
19 Guam is hereby amended to read as follows:

20 "Section 47100.1. Enforcement of Section 47100(c):
21 arrest; reward for information. (s) Any customs
22 officer may:

1 (1) make arrests of persons who violate the
2 prohibition contained in Subparagraph (c) of Section
3 47100; and

4 (2) make seizures of any controlled substance
5 imported into Guam in violation of Subparagraph (c)
6 of Section 47100.

7 (b) The Director of Commerce is hereby authorized to
8 award a reward of not more than One Thousand Dollars
9 (\$1,000) to any person who supplies to the Customs
10 Officers information leading to the arrest and con-
11 viction of any person or persons who violate the
12 prohibition contained in Subparagraph (c) of Section
13 47100. In determining the amount of such a reward,
14 the Director shall give due consideration to the type
15 and amount of the substance or substances involved in
16 the violation.

17 (c) Any person convicted of violating the prohibition
18 contained in Subparagraph (c) of Section 47100 shall
19 be subject to punishment according to Section 626.10
20 of the Penal Code of Guam."

21 Section 3. Section 626.10 of the Penal Code of Guam is
22 hereby amended to read as follows:

23 "Section 626.10. Trafficking offenses-penalties.

24 (a) Except as authorized by this Act, it
25 shall be unlawful for any person knowingly or
26 intentionally:

27 (1) to manufacture, deliver, or possess
28 with intent to manufacture, deliver or
29 dispense, a controlled substance; or

30 (2) to create, distribute, or possess with

1 intent to deliver, a counterfeit controlled
2 substance; or

3 (3) to import into Guam a controlled
4 substance in violation of Subparagraph (c) of
5 Section 47100 of the Government Code of Guam.

6 (b) Any person who violates Paragraph (a)
7 with respect to:

8 (1) a substance classified in Schedules I
9 or II which is a narcotic drug shall be sentenced
10 to a term of imprisonment for not more than ten
11 (10) years, a fine of not more than Ten Thousand
12 Dollars (\$10,000.00), or both;

13 (2) any other controlled substance classified
14 in Schedules I, II, or III shall be sentenced
15 to a term of imprisonment of not more than five
16 (5) years, a fine of not more than Five Thousand
17 Dollars (\$5,000), or both;

18 (3) a substance classified in Schedule IV
19 shall be sentenced to a term of imprisonment for
20 not more than two (2) years, a fine of not more
21 than One Thousand Dollars (\$1,000), or both;

22 (4) a substance classified in Schedule V
23 shall be sentenced to a term of imprisonment for
24 not more than one (1) year, a fine of not more
25 than One Thousand Dollars (\$1,000), or both."