


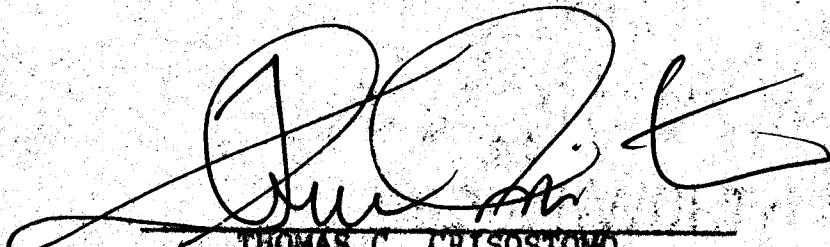
SIXTEENTH GUAM LEGISLATURE  
1982 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

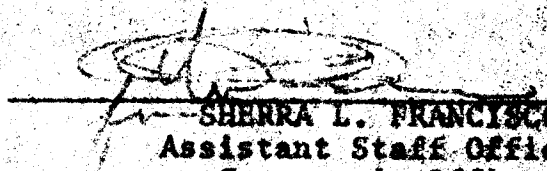
This is to certify that Bill No. 346, "An Act to add new Sections 70.41, 70.42 and 70.43 to Title 9 of the Guam Code Annotated to prohibit criminal trespass and unlawful discharge of firearms and for other purposes", was on the 14th day of April 1982, duly and regularly passed.

  
THOMAS V. C. TANAKA  
Speaker


ATTESTED:

  
THOMAS C. CRISOSTOMO  
Legislative Secretary

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This Act was received by the Governor this 26th day of April, 1982, at 10:36 o'clock A. M.

  
SHERRA L. FRANCISCO  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
PAUL M. CALVO  
Governor of Guam

DATED: 5/4/80  
P.L. 16-79

SIXTEENTH GUAM LEGISLATURE  
1981 (SECOND) Regular Session

Bill No. 346  
(As Amended by the Committee  
on Criminal Justice)

Introduced by: J. I. Leon Guerrero, T. V. C. Tanaka,  
J. H. Underwood

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C. A. Kasperbauer  
P. F. Perez, Jr.  
A. C. Lamorena III  
F. F. Blas

AN ACT TO ADD NEW SECTIONS 70.41, 70.42 AND  
70.43 TO TITLE 9 OF THE GUAM CODE ANNOTATED  
TO PROHIBIT CRIMINAL TRESPASS AND UNLAWFUL  
DISCHARGE OF FIREARMS AND FOR OTHER PURPOSES.

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

2 Section 1. A new Section 70.41 is added to Title 9 of the  
3 Guam Code Annotated to read:

4 "Section 70.41. A person commits a misdemeanor if, he  
5 without the written permission of the owner or of the  
6 owner's agent or of the person in lawful possession:

7 (a) Maliciously tears down, damages, mutilates  
8 or destroys any sign, signboard or notice placed upon,  
9 or affixed to any property that belongs to the govern-  
10 ment of the territory, which sign, signboard or notice  
11 is intended to indicate or designate a road or highway  
12 or is intended to designate speed limits or a traffic  
13 hazard or is intended to direct travelers from one  
14 point to another or is intended to advise of prohibited  
15 entry or relates to fires, fire control, trespassing or  
16 other matters involving the protection of the property;

17 (b) Wilfully opens, tears down or otherwise  
18 destroys any fence on the land of another or wilfully  
19 removes, injures, cuts or tampers with any lock or any  
20

1 locked gate or any locked chain or any other locked  
2 barrier on any road, track or trail leading into lands  
3 of another or maliciously tears down, mutilates or  
4 destroys any sign, signboard or other notice forbidding  
5 shooting on public or private property; or

6 (c) Enters any lands, whether unenclosed or  
7 enclosed by fence, for the purpose of injuring any  
8 property or property rights or with the intention  
9 of interfering with, obstructing or injuring any  
10 lawful business or occupation carried on by the  
11 owner of such land, his agent or by the person in  
12 lawful possession; or

13 (d) Enters any lands under cultivation or  
14 enclosed by fence, belonging to, or occupied by, any  
15 other or enters upon uncultivated and unenclosed lands  
16 belonging to, or occupied by, any other where signs  
17 forbidding trespass are displayed at intervals not  
18 less than three to the mile along all exterior bounda-  
19 ries on all roads and trails entering such lands:

20 (1) For the purpose of hunting, shooting,  
21 killing or destroying any animal or bird upon  
22 such lands; or

23 (2) Discharges any firearms upon such land  
24 or lands; or

25 (3) Refuses or fails to leave such lands  
26 immediately upon being requested to leave by the  
27 owner of such land, his agent or by the person in  
28 lawful possession; or

29 (4) Tears down, mutilates or destroys any  
30 sign, signboard or notice forbidding entry on  
31 such lands.

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(e) Enters upon any lands declared closed to public entry by the government where such closed lands are posted with notices declaring such closure at intervals not greater than one mile along the exterior boundaries or along roads and trails passing through such lands declaring the lands closed to public entry or stating 'no trespassing'. The Director of the Department of Land Management, in compliance with the Administrative Adjudication Act, is authorized to designate as closed to public entry and post 'no trespassing' signs on any portion or portions of property belonging to the government upon his determination that such designation is reasonably necessary for the purpose of public safety, preservation of government property, conservation of resources, fire prevention, safety of adjoining property owners or prevention of nuisances."

Section 2. A new Section 70.42 is added to Title 9 of the Guam Code Annotated to read:

"Section 70.42. A person commits a misdemeanor who wilfully discharges a firearm:

(a) At any occupied dwelling, building or other structure;

(b) At any utility pole, or line or device for transmittal of power or communications of any kind;

(c) At any sign, signboard or notice placed upon or affixed to any property belonging to the government of the territory."

1 Section 3. A new Section 70.43 is added to Title 9 of the  
2 Guam Code Annotated to read:

3 "Section 70.43. A person commits a misdemeanor who  
4 wilfully discharges a firearm within fifty (50) yards of  
5 any occupied dwelling, building or other structure without  
6 the prior consent of the owner thereof or his agent or of  
7 the person in lawful possession thereof, with the exception  
8 of the discharge of firearms at a properly constructed  
9 shooting range approved by the Director of the Department  
10 of Public Safety or by a peace officer in pursuit of his  
11 duty as a peace officer."

12 Section 4. Subsection (e) of Section 8900 of the Govern-  
13 ment Code is amended to read:

14 "(e). The terms 'director' and 'department' mean the  
15 Director of Public Safety and the Department of Public  
16 Safety, respectively."

17 Section 5. New Subsections (f) and (g) are added to Section  
18 8900 of the Government Code to read:

19 "(f) 'Body armor' means a commercially available,  
20 soft, lightweight material with penetration resistance equal  
21 to or greater than that of eighteen (18) layers of KEVLAR.

22 "(g) 'Restricted bullet' means a bullet that, as  
23 determined by the Director, when fired from a pistol or  
24 revolver with a barrel five inches (5") or less in length,  
25 is capable of penetrating body armor."

26 Section 6. A new Section 8907.1 is added to the Government  
27 Code to read:

28 "Section 8907.1. Any person who imports, manufactures  
29 or sells a restricted bullet on Guam, except as specifically  
30 authorized by the Director for purposes of public safety  
31 shall be guilty of a felony of the third degree and if the  
32 person holds a business license or is registered under the

1 provisions of this Chapter, such business license and such  
2 registration shall be subject to revocation."

3 Section 7. A new Section 8907.2 is added to the Government  
4 Code to read:

5 "Section 8907.2. Any person who possesses or carries  
6 a restricted bullet not in accordance with the regulations  
7 promulgated by the Director shall be guilty of a felony of  
8 the third degree."

9 Section 8. The sum of Five Hundred Ten Thousand Dollars  
10 (\$510,000) is hereby appropriated to the Department of Youth  
11 Affairs for the purpose of administering a Summer Youth Intern-  
12 ship Program for college and junior and senior high school  
13 students subject to the following conditions:

14 (a) Employment of youth shall be within the branches of  
15 the government of Guam or in any duly licensed and registered  
16 firm complying with all fair labor laws existing in and for the  
17 territory of Guam.

18 (b) Employment of an eligible youth shall be in an area  
19 that will be meaningful to the youth's development of a career.

20 (c) Employment shall be for a person aged fifteen (15) to  
21 twenty-five (25), provided, however, that the student is  
22 currently registered as a student in a recognized college,  
23 university or junior or senior high school within the United  
24 States or Guam.

25 (d) Trainees who are enrolled in college shall be paid the  
26 sum of Three Dollars (\$3.00) per hour, and trainees who are  
27 enrolled in junior or senior high school shall be paid Two  
28 Dollars and Seventy-Five Cents (\$2.75) per hour. Provided, how-  
29 er, no trainee shall be paid for more than thirty-five (35) hours  
30 per week. Payment shall be made only for work performed from  
31 June 7, 1982 through August 21, 1982. Student trainees shall not  
32 be members of the Government Guam Retirement Fund.

1 (e) The government shall reimburse participating private  
2 employers fifty per cent (50%) of the wages paid to the trainee,  
3 provided, however, that reimbursement shall not be provided for  
4 work in excess of thirty-five (35) hours per week, per trainee,  
5 and that reimbursement shall cover work performed in the period  
6 of June 7, 1982 through August 21, 1982.

7 (f) The Department of Youth Affairs shall not expend any  
8 of this appropriation for administrative expenses.

9 Section 9. The Department of Youth Affairs shall establish  
10 procedures, rules and regulations to implement the provisions of  
11 this program not inconsistent with the conditions prescribed  
12 above. This section is not subject to the provisions of the  
13 Administrative Adjudication Act.

14 Section 10. The Director of the Department of Youth Affairs  
15 shall submit a report to the Legislature not later than Septem-  
16 ber 30, 1982, which shall be limited to, a detailed statement  
17 of expenditures under each program, a review and evaluation of  
18 the Guam Summer Youth Employment Program under the department's  
19 sponsorship and recommendations for improving the program.

20 Section 11. One-half of the appropriation made in Section 8  
21 of this Act shall come from the General Fund and one-half from  
22 the Tourist Attraction Fund, notwithstanding any law to the  
23 contrary.



1 Section 12. Section (d), Part XXXIV of Section 3 of  
 2 Public Law 16-44 relative to the Department of Public Health and  
 3 Social Services is hereby amended to read as follows:

4 "PART XXXIV

5 DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES

|                               | Item &<br>Subtotal | TOTAL     | APPROPRIATION FROM |          |           |
|-------------------------------|--------------------|-----------|--------------------|----------|-----------|
|                               |                    |           | General            | Cash     | Federal   |
|                               |                    |           | Fund               | Fund     | Fund      |
| 6 (d) For Crippled Children's |                    |           |                    |          |           |
| 7 Services, funded in         |                    |           |                    |          |           |
| 8 part by a grant under       |                    |           |                    |          |           |
| 9 CFDA No. 13.211             |                    |           |                    |          |           |
| 10                            |                    |           |                    |          |           |
| 11 1. Personnel               |                    |           |                    |          |           |
| 12 Services <sup>7/</sup>     |                    |           |                    |          |           |
|                               | \$98,902           |           | \$49,451           |          | \$49,451  |
|                               | (4.0 FTE)          |           | (2.0 FTE)          |          | (2.0 FTE) |
| 15                            |                    |           |                    |          |           |
| 16 2. Operating               |                    |           |                    |          |           |
| 17 Expenses                   |                    |           |                    |          |           |
|                               | 66,699             |           | 6,450              | 26,899   | 23,350    |
| 18                            |                    |           |                    |          |           |
|                               |                    | \$165,601 | \$55,901           | \$26,899 | \$82,801  |

19 (The cash fund appropriation made in this section shall be  
 20 from the Guam Territorial Lottery Fund.)".

21 Section 13. Part XXXVII(M), Section 3 of Public Law 16-44  
 22 relative to the Department of Public Works is hereby amended as  
 23 follows:  
 24

25 "PART XXXVII

26 DEPARTMENT OF PUBLIC WORKS

|                 | Item &<br>Subtotal | TOTAL | APPROPRIATION FROM |      |         |
|-----------------|--------------------|-------|--------------------|------|---------|
|                 |                    |       | General            | Cash | Federal |
|                 |                    |       | Fund               | Fund | Fund    |
| 27              |                    |       |                    |      |         |
| 28 1. Personnel |                    |       |                    |      |         |
| 29 Services     |                    |       |                    |      |         |
|                 | \$4,057,865        |       | \$4,057,865        |      |         |
|                 | (276.3 FTE)        |       | (276.3 FTE)        |      |         |



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| Item &                | <u>APPROPRIATION FROM</u> |                |                |             |
|-----------------------|---------------------------|----------------|----------------|-------------|
|                       | <u>General</u>            | <u>Cash</u>    | <u>Federal</u> |             |
| <u>Subtotal</u>       | <u>TOTAL</u>              | <u>Fund</u>    | <u>Fund</u>    | <u>Fund</u> |
| 2. Operating Expenses | <u>173,139</u>            | <u>173,139</u> |                |             |
|                       | \$4,231,004               | \$4,231,004    |                | "           |

Section 14. Eight Thousand Dollars (\$8,000) is appropriated from the Territorial Highway Fund to the Department of Public Works for the manufacture of street signs for the municipality of Mangilao.

Any sum from the appropriation not expended by September 30, 1982 shall revert back to the Territorial Highway Fund.

Section 15. One Hundred Seven Thousand Dollars (\$107,000) is appropriated from the General Fund for lighting facilities in the Agat Little League Baseball Field.

DATE 4-14-82

SIXTEENTH GUAM LEGISLATURE

VOTING RECORD

BILL/RESOLUTION NO. 346

MAIN SPONSOR 9166

| SENATOR                   | AYE | NAY | NOT VOTING | ABSENT |
|---------------------------|-----|-----|------------|--------|
| BLAS, Frank F.            | ✓   |     |            |        |
| BORDALLO, Madeleine Z.    | ○   |     |            |        |
| CHARFAUROS, Edward T.     | ✓   |     |            |        |
| CRISOSTOMO, Thomas C.     | ✓   |     |            |        |
| DUENAS, Edward R.         | ✓   |     |            |        |
| GUTIERREZ, Carl T. C.     | OT  |     |            |        |
| KASPERBAUER, Carmen A.    | ✓   |     |            |        |
| LAMORENA, Alberto C., III | ✓   |     |            |        |
| LEON GUERRERO, Jose I.    | ✓   |     |            |        |
| MOYLAN, Kurt              | ○   |     |            |        |
| PEREZ, Peter F., Jr.      | ✓   |     |            |        |
| QUAN, John F.             | ✓   |     |            |        |
| QUITUGUA, Franklin J.     | ✓   |     |            |        |
| SAN AGUSTIN, Joe T.       | ✓   |     |            |        |
| SANTOS, Francisco R.      | ✓   |     |            |        |
| SUDO, Ramon Q.            | ✓   |     |            |        |
| TANAKA, Thomas V. C.      |     | ✓   |            |        |
| TORRES, Jess Q.           | ✓   |     |            |        |
| UMAGAT, Lloyd L.          | ✓   |     |            |        |
| UNDERWOOD, James H.       |     |     | ✓          |        |
| UNPINGCO, Antonio R.      | ✓   |     |            |        |

T O T A L

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