



*Territory of Guam*  
*Territorion Guam*

ABO  
1/31-91

OFFICE OF THE GOVERNOR  
PESINAN I MAGA LAHI  
AGANA GUAM 96910

JAN 28 1991

The Honorable Joe T. San Agustin  
Speaker, Twentieth Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 799, which I have signed into law this  
date as Public Law No. 20-227.

Sincerely,

*Joseph F. Ada*  
JOSEPH F. ADA  
Governor

Attachment



Commonwealth Now!


TWENTIETH GUAM LEGISLATURE  
1990 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 799 (LS), "AN ACT TO ADD A NEW CHAPTER 58A TO TITLE 10, GUAM CODE ANNOTATED, TO LICENSE AND REGULATE BURGLARY AND ROBBERY ALARMS," was on the 19th day of December, 1990, duly and regularly passed.

  
JOE T. SAN AGUSTIN  
Speaker

Attested:

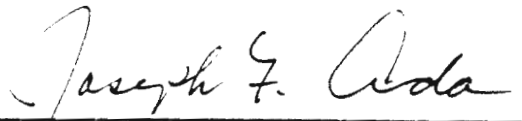
  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 31<sup>st</sup> day of December,  
1990, at 11:05 o'clock A.m.



Assistant Staff Officer  
Governor's Office

APPROVED:

  
JOSEPH F. ADA  
Governor of Guam

Date: JAN 28 1991

Public Law No. 20-227

TWENTIETH GUAM LEGISLATURE  
1989 (FIRST) Regular Session

Bill No. 799  
As further substituted by the  
Committee on Rules.

Introduced by:

H. D. Dierking  
T. S. Nelson  
E. D. Reyes  
J. P. Aguon  
E. P. Arriola  
J. G. Bamba  
M. Z. Bordallo  
C. T. C. Gutierrez  
P. C. Lujan  
G. Mailloux  
D. Parkinson  
F. J. A. Quitugua  
F. R. Santos  
J. T. San Agustin  
D. F. Brooks  
E. R. Duenas  
E. M. Espaldon  
M. D. A. Manibusan  
M. C. Ruth  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT TO ADD A NEW CHAPTER 58A TO TITLE 10,  
GUAM CODE ANNOTATED, TO LICENSE AND  
REGULATE BURGLARY AND ROBBERY ALARMS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2 Section 58200. A new Chapter 58A is added to Title 10, Guam Code  
3 Annotated, to read:  
4 "Chapter 58A  
5 Burglary and Robbery Alarms  
6 §58201. Purpose and definitions. The public has purchased  
7 burglary and robbery alarm systems which either mechanically

1 malfunction or are not operated properly by their users, causing an  
2 increase in false alarm reports which require immediate responses from  
3 the Guam Police Department, thus needlessly diverting limited police  
4 resources. The purpose of this Chapter is to set forth regulations governing  
5 the use of burglary and robbery alarm systems, to require permits  
6 therefor, to establish fees, and to provide penalties for violations of the  
7 provisions of this Chapter.

8 (a) 'Alarm system' means any mechanical or electrical device  
9 which is designed or used for the detection of a fire or an unauthorized  
10 entry into a building, structure, or facility, or for alerting others of the  
11 commission of an unlawful act within a building, structure, or facility, or a  
12 combination thereof, and which emits a sound or transmits a signal or  
13 message when activated. Alarm systems include, but are not limited to,  
14 direct dial telephone devices, audible alarms and proprietor alarms.  
15 Devices which are not designed or used to register alarms that are audible,  
16 visible, or perceptible outside of the protected building, structure, or  
17 facility are not included within this definition, nor are auxiliary devices  
18 installed by the telephone company to protect telephone systems which  
19 might be damaged or disrupted by the use of an alarm system.

20 (b) 'Audible alarm' means that type of alarm system which, when  
21 activated, emits an audible alarm.

22 (c) 'False alarm' means an alarm signal necessitating response by  
23 the Guam Police Department or the Guam Fire Department where an  
24 emergency situation does not exist.

25 (d) 'Notice' means written notice, given by personal service upon  
26 the addressee, or given by the United States mail, postage prepaid,  
27 addressed to the person to be notified at his last known address. Service  
28 of such notice shall be effective upon the completion of personal service or  
29 upon the placing of the same in the custody of the United States Postal  
30 Service.

31 (e) 'Permittee' means any person, firm, partnership, association, or  
32 corporation who or which shall be granted a permit, as provided in this  
33 Chapter, and his or its agents and representatives.

34 (f) 'Person' means natural person, firm, partnership, association or  
35 corporation.

36 (g) 'Police Chief' means the Chief of Police of Guam.

1           §58202. Permit required.

2           (a) Alarm system. No person shall install an alarm system one  
3 hundred twenty (120) or more days after the the enactment of this  
4 Chapter without first applying for and receiving an alarm permit therefor  
5 in accordance with the provisions of this Chapter.

6           (b) Audible alarm requirements. Every person maintaining an  
7 audible alarm shall post a notice containing the name(s) and telephone  
8 number(s) of the person(s) to be notified to render repairs or service and  
9 secure the premises during any hour of the day or night that the alarm  
10 system is activated. Such notice shall be posted near the alarm in such a  
11 position as to be legible from the ground level adjacent to the building  
12 where the alarm system is located.

13           §58203. Exemptions. The provisions of this Chapter are not  
14 applicable to alarm systems installed in Guam on the effective date of this  
15 Chapter or to modifications thereto, to audible alarms affixed to motor  
16 vehicles, to alarms installed on owner occupied dwellings, to alarm systems  
17 on premises belonging to the government of Guam, or any of its agencies or  
18 instrumentalities, or to a public utility whose only duty is to furnish  
19 telephone service pursuant to tariffs filed with the Public Utilities  
20 Commission.

21           §58204. Permit procedures.

22           (a) Application for permit. Applications for all permits  
23 required hereunder shall be filed with the Police Chief, who shall prescribe  
24 the form of the application and request such information as is necessary to  
25 evaluate and act upon the permit application. The application for alarm  
26 systems shall require the name, address and telephone number of the  
27 person who will render service or repairs during any hour of the day or  
28 night. Such applications shall be approved or disapproved within seven  
29 (7) days.

30           (b) Standards, regulations, requirements, and duties. The  
31 Police Chief may prescribe minimum standards and regulations for the  
32 construction and maintenance of all alarm systems, which regulations shall  
33 include a definition of "emergency situation" for purposes of the definition  
34 of "false alarm" as set out in Subsection (c) of §58201 of this Chapter. All  
35 systems and devices shall meet or exceed such standards and regulations  
36 before permits may be issued under this Chapter.

1 (c) Inspection allowed. The Police Chief may require  
2 inspection and approval of all alarm systems installed within Guam,  
3 pursuant to §58212 of this Chapter.

4 §58205. Suspension and revocation of permits. If at any time it  
5 shall come to the attention of the Police Chief that the holder of a permit  
6 issued under this Chapter has violated any provisions of this Chapter, or  
7 has failed or refused to pay the false alarm prevention fee as provided in  
8 §58206, the Police Chief may revoke the permit.

9 If an alarm permit is to be revoked, as provided under this Chapter,  
10 the Police Chief shall give the permittee fifteen (15) days' notice of his  
11 intention to revoke said permit by notice to the permittee to the address  
12 set forth on the permit application. Upon failure of the permittee to cause  
13 the system to be repaired or to be properly used and operated within said  
14 fifteen (15) day period, to pay the false alarm prevention fee, the permit  
15 shall be revoked at the expiration of said fifteen (15) day period and the  
16 alarm system may not thereafter be used until a new permit is issued.

17 §58206. False alarm; prevention payment.

18 (a) When emergency alarms, messages, signals or notices are  
19 received by the Guam Police Department that evidence a failure to comply  
20 with the requirements of this Chapter or a permit issued under it, the  
21 Police Chief is authorized to demand that the owner or lessee of the alarm  
22 system initiating such alarms, messages, signals, or notices, or his  
23 representative, correct the violation or repair the defective system within  
24 fifteen (15) days or disconnect the alarm system until it is made to comply  
25 with said requirements.

26 (b) The owner or lessee of any alarm system shall be assessed a  
27 fee of Fifty Dollars (\$50) for each false alarm in excess of twelve (12) and a  
28 fee of One Hundred Dollars (\$100) for such false alarms in excess of  
29 twenty-four (24) for a calendar year period, to be paid to the Treasurer of  
30 Guam for deposit in the General Fund, such fee to be paid within forty-five  
31 (45) days of its assessment.

32 (c) An alarm permit may be suspended or revoked as provided in  
33 §58205, or in the event of failure to pay the false alarm fees.

1 (d) Exceptions:

2 (1) A thirty (30) day adjustment period to correct  
3 mechanical problems will be allowed for any new,  
4 improved or replaced alarm system.

5 (2) If the permittee shows that any false alarm (i) is the  
6 result of conditions beyond his control and not the result  
7 of negligence of himself or any of his employees, and (ii)  
8 that he neither knew of the defect in the alarm system  
9 nor in the exercise of due care should have known of  
10 such defect, such false alarm shall not be deemed a 'false  
11 alarm' as used in this Chapter.

12 §58207. Repair. After any false alarm caused by a malfunction of  
13 the alarm system, the permittee shall promptly cause the alarm system to  
14 be repaired.

15 §58208. Testing alarm. A permittee shall notify the Guam Police  
16 Department prior to any service, test, repair, maintenance, adjustment,  
17 alterations, or installations of systems which would normally result in a  
18 police response to an alarm. Any alarm activated where such prior notice  
19 has been given shall not constitute a false alarm.

20 §58209. Prohibitions. It shall be unlawful to install or use an  
21 alarm system which upon activation emits a sound similar to sirens in use  
22 on emergency vehicles.

23 §58210. Limitation on liability. The government of Guam is under  
24 no obligation or duty to any permittee or an other person by reason of any  
25 provision of this Chapter, or the exercise of any privilege by any permittee  
26 under it, including, but not limited to, any delay in transmission of an  
27 alarm message to any emergency unit or damage cause by delay in  
28 responding to any alarm by any officer, employee or agent.

29 §58211. Application of Chapter. Any person who, one hundred  
30 twenty (120) days after the effective date of this Chapter, installs an alarm  
31 system which requires a permit under this Chapter shall apply for a  
32 permit, as provided in this Chapter.

33 §58212. Right of entry. Upon twenty-four (24) hours notice to the  
34 permittee, the Guam Police Department shall have the right, and is hereby

1 authorized and empowered, to enter or go on or about any building or  
2 premises during regular business hours and days for the purpose of  
3 inspecting an alarm system; provided, that such right of inspection shall  
4 not be used as a subterfuge to search any premises for contraband nor to  
5 search for evidence of any crime or violation not related to the installation  
6 and operation of an alarm.

7 §58213. Violation: penalties. Any person violating any of the  
8 provisions of this Chapter shall be deemed guilty of a violation.





**PILAR C. LUJAN**  
SENATOR • LEGISLATIVE SECRETARY  
CHAIRMAN - *Committee on Judiciary and Criminal Justice*

December 12, 1990

The Honorable Joe T. San Agustin  
Speaker, 20th Guam Legislature  
155 Hesler St.  
Agana, Guam 96910

VIA: Chairperson, Committee on Rules

Dear Mr. Speaker:

The Committee on Judiciary and Criminal Justice, to which was referred **Bill No. 799**, wishes to report its findings and recommendations for passage.

The Committee voting record is as follows:

To Pass:	11
Not to Pass:	0
To Report Out Only:	0
To Place in Inactive File:	0
Off Island:	1

A copy of the Committee Report and all pertinent documents are attached for your information.

Sincerely,

PILAR C. LUJAN  
Committee Chairman



# Twentieth Guam Legislature

163 Chalan Santo Papa Street  
Agana, Guam 96910

## Committee on Judiciary and Criminal Justice

VOTE SHEET ON: BILL NO. 799

<u>COMMITTEE MEMBER</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>TO PLACE IN INACTIVE FILE</u>
<i>P. C. Lujan</i> Senator Pilar C. Lujan Chairman	✓			
<i>F. R. Santos</i> Senator Francisco R. Santos Vice Chairman	✓			
<i>E. Arriola</i> Senator Elizabeth P. Arriola	✓			
<i>M. Z. Bordallo</i> Senator Madeleine Z. Bordallo	✓			
<i>H. Dierking</i> Senator Herminia D. Dierking	✓			
<i>G. Mailloux</i> Senator Gordon Mailloux	✓			
<i>T. S. Nelson</i> Senator Ted S. Nelson	✓			
<i>E. D. Reyes</i> Senator Edward D. Reyes	✓			
<i>J. T. San Agustin</i> Speaker Joe T. San Agustin	✓			
<i>E. R. Duenas</i> Senator Edward R. Duenas	✓			
<i>Martha C. Ruth</i> Senator Martha C. Ruth	11/2/90 MR			
<i>off-island</i> Senator Antonio R. Unpingco				

TWENTIETH GUAM LEGISLATURE  
1989 (FIRST) Regular Session

Bill No. 799 (1989)

Introduced by:

Committee on Rules *W. H. ...*  
At the request of the Governor  
*T. S. ...*

*act*

AN ACT TO ADD A NEW CHAPTER 58A TO  
10 G.C.A. TO LICENSE AND REGULATE  
BURGLARY AND ROBBERY ALARMS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2 Section 58200. A new Chapter 58A is added to 10 G.C.A.  
3 to read:  
4 "Chapter 58A  
5 Burglary and Robbery Alarms."  
6 Section 58201. Definitions.  
7 Purpose. The public has purchased burglary and robbery  
8 alarm systems which either mechanically malfunction or are  
9 not operated properly by their users, causing an increase  
10 in false alarm reports which require an immediate response  
11 from the Guam Police Department, thus needlessly diverting  
12 limited police resources. The purpose of this Chapter is  
13 to set forth regulations governing the use of burglary and  
14 robbery alarm systems, require permits therefor, establish  
15 fees, and provide penalty for violations of provisions of  
16 this Chapter.  
17 (a) 'Alarm System' means any mechanical or electrical  
18 device which is designed or used for the detection of an  
19 unauthorized entry into a building, structure or facility,  
20 or for alerting others of the commission of an unlawful act

1 within a building, structure or facility, or both, and which  
2 emits a sound or transmits a signal or message when actuated.  
3 Alarm systems include, but are not limited to, direct dial  
4 telephone devices, audible alarms and proprietor alarms.  
5 Devices which are not designed or used to register alarms  
6 that are audible, visible, or perceptible outside of the  
7 protected building, structure or facility are not included  
8 within this definition nor are auxiliary devices installed  
9 by the telephone company to protect telephone company systems  
10 which might be damaged or disrupted by the use of an alarm  
11 system.

12 (b) 'Applicant' means a person, firm, or corporation  
13 who or which files an application for a permit as provided  
14 in this Chapter.

15 (c) 'Audible Alarm' means that type of alarm system  
16 which, when activated, emits an audible alarm.

17 (d) 'Territory' means the Territory of Guam.

18 (e) 'Day' means calendar day.

19 (f) 'False Alarm' means an alarm signal necessitating  
20 response by the Guam Police Department where an emergency  
21 situation does not exist.

22 (g) 'Treasurer' means the Treasurer of Guam.

23 (h) 'Notice' means written notice, given by personal  
24 service upon the addressee, or given by the United States  
25 mail, postage prepaid, addressed to the person to be notified  
26 at his last known address. Service of such notice shall be  
27 effective upon the completion of personal service, or upon  
28 the placing of the same in the custody of the United States  
29 Postal Service.

30 (i) 'Permittee' means any person, firm, partnership,  
31 association, or corporation who or which shall be granted  
32 a permit, as provided herein, and his or its agents and  
33 representatives.

1 (j) 'Person' means natural person, firm, partnership,  
2 association or corporation.

3 (k) 'Police Chief' means the Chief of Police of the  
4 Territory of Guam.

5 (l) 'Proprietor Alarm' means an alarm which is not  
6 serviced by an alarm business.

7 (m) 'Subscriber' means any person who purchases, leases,  
8 contracts for or otherwise obtains an alarm system or for  
9 the servicing or maintenance of an alarm system from an alarm  
10 business.

11 (n) 'Signal Channel' means a telephone line or other  
12 method of transmitting signals other than by the use of a  
13 telephone, which signal channels shall be caused to be installed  
14 and used by the permittee for the purpose of delivering a  
15 signal to the monitor as herein defined.

16 (o) 'Standards, Regulations, Requirements, and Duties'  
17 The Chief of Police may prescribe minimum standards and  
18 regulations for the construction and maintenance of all alarm  
19 systems. All devices shall meet or exceed such standards  
20 and regulations before permits may be issued pursuant to this  
21 Chapter. The Chief of Police may require inspection and  
22 approval of all alarm systems installed within the Territory.

23 Section 58202. Permit Required.

24 (a) Alarm System. No person shall install or use an  
25 alarm system without first applying for and receiving an alarm  
26 permit therefore in accordance with the provisions of this  
27 Chapter.

28 (b) Audible Alarm Requirements. Every person,  
29 corporation, or business maintaining an audible alarm shall  
30 post a notice containing the name(s) and telephone number(s)  
31 of the person(s) to be notified to render repairs or service  
32 and secure the premises during any hour of the day or night  
33 that the alarm system is actuated. Such notice shall be posted

1 near the alarm in such a position as to be legible from the  
2 ground level adjacent to the building where the alarm system  
3 is located.

4 Section 58203. Exemptions. The provisions of this Chapter  
5 are not applicable to audible alarms affixed to motor vehicles,  
6 audible alarms installed on owner-occupied dwellings or to  
7 a public utility whose only duty is to furnish telephone service  
8 pursuant to tariffs filed with the Guam Public Utilities  
9 Commission.

10 Section 58204. Permit Procedures: Application Forms.  
11 Applications for all permits required hereunder shall be filed  
12 with the Director of Revenue and Taxation. The Director of  
12 Revenue and Taxation shall prescribe the form of the application  
14 and request such information as is necessary to evaluate and  
15 act upon the permit application. The application for alarm  
16 systems shall require the name, address and telephone number  
17 of the person who will render service or repairs during any  
18 hour of the day or night.

19 Section 58205. Suspension and Revocation of Permits.  
20 If at any time it shall come to the attention of the Chief  
21 of Police that the holder of a permit issued under this Chapter  
21 has violated any provisions of this Chapter, rules, or  
23 regulations made pursuant to this Chapter including, but not  
24 limited to, false alarms which exceed the numbers permitted  
25 pursuant to section 58206 of this Chapter or has failed or  
26 refused to pay the false alarm prevention fee as provided  
27 in said section, the Chief of Police may revoke the permit.

28 If an alarm permit is to be revoked, as provided hereunder,  
29 the Chief of Police shall give the permittee fifteen (15)  
30 days' notice of his intention to revoke said permit by personal  
31 service or by certified mail addressed to permittee at the  
32 address set forth on the permit application. Upon failure  
33 of the permittee to cause the system to be repaired or to

1 be properly used and operated within said fifteen (15) day  
2 period, to pay the false alarm prevention fee, the permit  
3 shall be revoked at the expiration of said fifteen (15) day  
4 period and the alarm system may not thereafter be used until  
5 a new permit is issued.

6 Section 58206. False Alarm; Prevention Payment.

7 (a) When emergency alarms, messages, signals or notices  
8 are received by the Police Department that evidence a failure  
9 to comply with the requirements of this Chapter or a permit  
10 issued hereunder, the Chief of Police is authorized to demand  
11 that the owner or lessee of the alarm system initiating such  
12 alarms, messages, signals, or notices, or his representative,  
13 disconnect the alarm system until it is made to comply with  
14 said requirements.

15 (b) The owner or lessee of any alarm system shall be  
16 assessed a fee of Fifty Dollars (\$50.00) for each false alarm  
17 in excess of three (3) for a twelve (12) month period, paid  
18 to the Treasurer of Guam for deposit in the general fund.

19 (c) An alarm permit may be suspended or revoked as  
20 provided in section 58205, in addition to the payment of the  
21 prevention payment as provided in this section, or in the  
22 event of failure to pay the false alarm fees.

23 (d) Exceptions

24 (1) A thirty (30) day adjustment period to correct  
25 mechanical problems will be allowed for any  
26 new, improved or replaced alarm system.

27 (2) If the user shows that any false alarm (i) the  
28 result of conditions beyond his control and  
29 not the result of negligence of himself or any  
30 of his employees, and (ii) that he neither knew  
31 of the defect in the alarm system nor in the  
32 exercise of due care should have known of such  
33 defect, such false alarm shall not be deemed

1 a 'false alarm' as used in this Chapter.

2 Section 58207. Repair. After any false alarm caused  
3 by a malfunction of the alarm system, an alarm system permittee  
4 shall cause the alarm system to be repaired so as to eliminate  
5 such malfunction before reactivating the alarm. A person  
6 shall not reactivate such alarm until such repairs have been  
7 made.

8 Section 58208. Testing Alarm. Permittee shall notify  
9 the Guam Police Department in writing twenty-four (24) hours  
10 prior to any service, test, repair, maintenance, adjustment,  
11 alterations, or installations of systems which would normally  
12 result in a police response, which might activate a false  
13 alarm. Any alarm activated where such prior notice has been  
14 given shall not constitute a false alarm.

15 Section 58209. Prohibitions. It shall be unlawful to  
16 install or use an alarm system which upon activation emits  
17 a sound similar to sirens in use on emergency vehicles or  
18 for civil defense purposes.

19 Section 58210. Limitation on Liability. The territory  
20 of Guam is under no obligation or duty to any permittee or  
21 any other person by reason of any provision of this Chapter,  
22 or the exercise of any privilege by any permittee hereunder  
23 including, but not limited to, any defects in a police or  
24 fire alarm system, any delay in transmission of an alarm message  
25 to any emergency unit or damage caused by delay in responding  
26 to any alarm by any officer, employee or agent.

27 Section 58211. Application of Chapter. Any person who,  
28 on the effective date of this Chapter, possesses, has installed,  
29 or uses an alarm system which requires a permit under this  
30 Chapter shall apply for a permit, as provided in this Chapter,  
31 within one hundred twenty (120) days after the effective date  
32 of this Chapter.

33 Section 58212. Right of Entry. The enforcing authority



1 shall have the right, and is hereby authorized and empowered,  
2 to enter or go on or about any building or premises during  
3 regular business hours and days for the purpose of inspecting  
4 the alarm system.

5 Section 58213: Violation: Penalties. Any person violating  
6 any of the provisions of this Chapter shall be deemed guilty  
7 of a violation.

8 Section 58214. The provisions of the Administrative  
9 Adjudication Law do not apply to actions taken by the Chief  
10 of Police pursuant to Sections 58205 and 58206.

## COMMITTEE REPORT ON BILL NO. 799

BILL NO. 799 - AN ACT TO ADD A NEW CHAPTER 58A TO G.C.A. TO LICENSE AND REGULATE BURGLARY AND ROBBERY ALARMS.

### PREFACE

The Judiciary and Criminal Justice Committee convened at 9:00 a.m., Wednesday, February 21, 1990, in the Legislative Session Hall at Agana, Guam to hear the testimony on Bill 799. Committee members in attendance alongside Chairwoman Pilar C. Lujan were Senators Elizabeth P. Arriola and Antonio Unpingco.

### OVERVIEW

The cost of burglary and/or robbery alarm systems that have mechanically malfunctioned or are not properly operated by their users have been borne by the public and have diverted the resources of vital Guam Police Department resources.

The bill states that "no person shall install or use an alarm system without first applying for and receiving an alarm permit." The provisions of the chapter are not applicable to audible alarms affixed to motor vehicles, audible alarms installed on owner occupied dwellings or to a public utility.

The owner or lessee of any alarm system shall be assessed a fee of \$50.00 for each false alarm in excess of 3 for a 12 month period paid to the Treasurer of Guam for deposit in the general fund.

The bill also states, "the territory of Guam is under no obligation or duty to...any defects in a police or fire alarm system."

Any person who possesses or has installed an alarm system of this type must apply for a permit within 120 days after the effective date of this chapter.

### CONTENT OF BILL

Bill 799 is an act to add a new chapter 58A to 10 G.C.A. to license and regulate burglary and robbery alarms.

### TESTIMONY

Chief-of-Police Adolf Sgambelluri provided written testimony stating the bill was "quite comprehensive and provides for an inspection and enforcement mechanism."

He stated that the bill would assign the costs of false

alarms to "where it rightfully belongs, i.e. to companies which make a profit from providing security alarm systems."

Jordan Kaye of Pacific Security Alarm provided oral testimony in favor of the legislation, but had several recommendations relating to technical experience of inspectors, standards for the time allotted for penalty, and fixed fees.

Glenn Hemp also of Pacific Security Alarm provided oral testimony concurring with Kaye and supplementing it by discussing the sounds that different alarm systems make and those made by emergency vehicles.

### COMMITTEE FINDINGS

According to the oral testimony of Jordan Kaye, the committee found that not just any patrol officer of GPD could inspect an alarm system.

The system must be inspected by a person who is technically qualified. Kaye recommended that the qualifications should include 4 years experience in electrical systems, specifically fire/burglar alarms, and passing a specialty test drawn up by the contractors.

Kaye's testimony included the standard of time in assessing punitive measures for false alarms. Kaye recommended a standard of 4 false alarms in a 6 month period; a shortened standard. Kaye states that things can go wrong with an alarm system stretching to a year with major power outages or a major surge could cause the alarm to activate itself.

Kaye mentioned that fixed fees should be established within the bill for the alarm systems. The prices vary from a simple \$300 system to one that can exceed costs of \$50,000. Kaye said that if prices on alarms systems were arbitrarily made, prices would get out of hand.

It would be a burden to notify the police in writing when conducting a system check of the alarm, according to Glenn Hemp, also of Pacific Security Alarm.

Hemp said that a majority of false alarms are actually caused by individual users who either fail to push or press their right code to disarm the system and then proceeds into their own building which sets off the alarm.

Chief of Police Adolf Sgambelluri wrote in his testimony that at issue was "who should pay for false alarms?"

He wrote that the bill would assign fines to those companies which make a profit from providing security alarms systems.

He added that the 3 false alarms within a 12 month period is a generous standard.

#### CONCLUSIONS AND RECOMMENDATIONS

In the survey and assessment of Bill 799, the Judiciary and Criminal Justice Committee concludes the following:

- (1) THAT there always exists the necessity to show that the criminal justice system is strong, effective, and efficient; and, further,
- (2) THAT the licensing and regulation of burglary alarms systems will enhance the deterrant of the criminal justice system.

**THE COMMITTEE, BASED ON THE AFOREMENTIONED FINDINGS AND CONCLUSIONS, RECOMMENDS THAT:**

- (1) Bill 799 be passed at the soonest date possible to strengthen efforts in protecting and serving the public; and,
- (2) Bill 799 be passed into law so that the Guam codes be updated in regards to burglary and robbery system and would provide for a more safe and secure Guam.

#### ATTACHMENTS

- (1) Bill 799 as introduced
- (2) Written testimony by Chief-of-Police



JOSEPH F. ADA  
 Governor of Guam  
 RANK F. BLAS  
 Lieutenant Governor

Government of Guam  
**GUAM POLICE DEPARTMENT**

287 West O'Brien Drive  
 Agana, Guam 96910  
 U.S. Territory of Guam



**COLONEL A.P. SGAMBELLURI**  
 Chief of Police

FEB 20 1990

Senator Pilar C. Lujan  
 Chairperson, Committee on Justice  
 Judiciary and Criminal Justice  
 Twentieth Guam Legislature  
 Agana, Guam 96910

Dear Senator Lujan:

The adoption of this bill would provide a much needed licensing procedure for the installation of burglary alarms and would provide for suspension and revocation of those licenses if the alarm did not meet the standards provided for in the bill. The bill is quite comprehensive and provides for an inspection and enforcement mechanism. The bill will not, however, be unduly burdensome for a private citizen as it exempts audible alarms installed in owner occupied dwellings and motor vehicles.

The issue addressed by this bill is, "Who should pay for false alarms?" Should the cost be absorbed by security alarm companies which provide the service by profit or should the cost be absorbed by the entire tax paying population as is currently the practice? Currently, security alarm companies have no monetary incentive to minimize the number of false alarms within their systems. Thus the cost of all false alarms is absorbed by the general population of the Territory. The bill would change this policy determination and assign the cost of false alarms where it rightfully belongs, i.e. to companies which make a profit from providing security alarm systems. NB however that at §58206(b) the bill allows each security alarm system three false alarms within a twelve (12) month period. I submit that this provision is a generous one.

In closing, I urge the prompt consideration of this bill.

Sincerely,

A. P. SGAMBELLURI

GEN-0046-89

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	8:05 a.m.

AUG 24 '89

TWENTIETH GUAM LEGISLATURE  
1989 (FIRST) Regular Session

Bill No. 799 (COR)

Introduced by:

Committee on Rules *W. Leung*  
At the request of the Governor

AN ACT TO ADD A NEW CHAPTER 58A TO  
10 G.C.A. TO LICENSE AND REGULATE  
BURGLARY AND ROBBERY ALARMS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2 Section 58200. A new Chapter 58A is added to 10 G.C.A.  
3 to read:

"Chapter 58A

Burglary and Robbery Alarms."

6 Section 58201. Definitions.

7 Purpose. The public has purchased burglary and robbery  
8 alarm systems which either mechanically malfunction or are  
9 not operated properly by their users, causing an increase  
10 in false alarm reports which require an immediate response  
11 from the Guam Police Department, thus needlessly diverting  
12 limited police resources. The purpose of this Chapter is  
13 to set forth regulations governing the use of burglary and  
14 robbery alarm systems, require permits therefor, establish  
15 fees, and provide penalty for violations of provisions of  
16 this Chapter.

17 (a) 'Alarm System' means any mechanical or electrical  
18 device which is designed or used for the detection of an  
19 unauthorized entry into a building, structure or facility,  
20 or for alerting others of the commission of an unlawful act

1 within a building, structure or facility, or both, and which  
2 emits a sound or transmits a signal or message when actuated.  
3 Alarm systems include, but are not limited to, direct dial  
4 telephone devices, audible alarms and proprietor alarms.  
5 Devices which are not designed or used to register alarms  
6 that are audible, visible, or perceptible outside of the  
7 protected building, structure or facility are not included  
8 within this definition nor are auxiliary devices installed  
9 by the telephone company to protect telephone company systems  
10 which might be damaged or disrupted by the use of an alarm  
11 system.

12 (b) 'Applicant' means a person, firm, or corporation  
13 who or which files an application for a permit as provided  
14 in this Chapter.

15 (c) 'Audible Alarm' means that type of alarm system  
16 which, when activated, emits an audible alarm.

17 (d) 'Territory' means the Territory of Guam.

18 (e) 'Day' means calendar day.

19 (f) 'False Alarm' means an alarm signal necessitating  
20 response by the Guam Police Department where an emergency  
21 situation does not exist.

22 (g) 'Treasurer' means the Treasurer of Guam.

23 (h) 'Notice' means written notice, given by personal  
24 service upon the addressee, or given by the United States  
25 mail, postage prepaid, addressed to the person to be notified  
26 at his last known address. Service of such notice shall be  
27 effective upon the completion of personal service, or upon  
28 the placing of the same in the custody of the United States  
29 Postal Service.

30 (i) 'Permittee' means any person, firm, partnership,  
31 association, or corporation who or which shall be granted  
32 a permit, as provided herein, and his or its agents and  
33 representatives.

1 (j) 'Person' means natural person, firm, partnership,  
2 association or corporation.

3 (k) 'Police Chief' means the Chief of Police of the  
4 Territory of Guam.

5 (l) 'Proprietor Alarm' means an alarm which is not  
6 serviced by an alarm business.

7 (m) 'Subscriber' means any person who purchases, leases,  
8 contracts for or otherwise obtains an alarm system or for  
9 the servicing or maintenance of an alarm system from an alarm  
10 business.

11 (n) 'Signal Channel' means a telephone line or other  
12 method of transmitting signals other than by the use of a  
13 telephone, which signal channels shall be caused to be installed  
14 and used by the permittee for the purpose of delivering a  
15 signal to the monitor as herein defined.

16 (o) 'Standards, Regulations, Requirements, and Duties'  
17 The Chief of Police may prescribe minimum standards and  
18 regulations for the construction and maintenance of all alarm  
19 systems. All devices shall meet or exceed such standards  
20 and regulations before permits may be issued pursuant to this  
21 Chapter. The Chief of Police may require inspection and  
22 approval of all alarm systems installed within the Territory.

23 Section 58202. Permit Required.

24 (a) Alarm System. No person shall install or use an  
25 alarm system without first applying for and receiving an alarm  
26 permit therefore in accordance with the provisions of this  
27 Chapter.

28 (b) Audible Alarm Requirements. Every person,  
29 corporation, or business maintaining an audible alarm shall  
30 post a notice containing the name(s) and telephone number(s)  
31 of the person(s) to be notified to render repairs or service  
32 and secure the premises during any hour of the day or night  
33 that the alarm system is actuated. Such notice shall be posted



1 near the alarm in such a position as to be legible from the  
2 ground level adjacent to the building where the alarm system  
3 is located.

4 Section 58203. Exemptions. The provisions of this Chapter  
5 are not applicable to audible alarms affixed to motor vehicles,  
6 audible alarms installed on owner occupied dwellings or to  
7 a public utility whose only duty is to furnish telephone service  
8 pursuant to tariffs filed with the Guam Public Utilities  
9 Commission.

10 Section 58204. Permit Procedures: Application Forms.  
11 Applications for all permits required hereunder shall be filed  
12 with the Director of Revenue and Taxation. The Director of  
12 Revenue and Taxation shall prescribe the form of the application  
14 and request such information as is necessary to evaluate and  
15 act upon the permit application. The application for alarm  
16 systems shall require the name, address and telephone number  
17 of the person who will render service or repairs during any  
18 hour of the day or night.

19 Section 58205. Suspension and Revocation of Permits.  
20 If at any time it shall come to the attention of the Chief  
21 of Police that the holder of a permit issued under this Chapter  
21 has violated any provisions of this Chapter, rules, or  
23 regulations made pursuant to this Chapter including, but not  
24 limited to, false alarms which exceed the numbers permitted  
25 pursuant to section 58206 of this Chapter or has failed or  
26 refused to pay the false alarm prevention fee as provided  
27 in said section, the Chief of Police may revoke the permit.

28 If an alarm permit is to be revoked, as provided hereunder,  
29 the Chief of Police shall give the permittee fifteen (15)  
30 days' notice of his intention to revoke said permit by personal  
31 service or by certified mail addressed to permittee at the  
32 address set forth on the permit application. Upon failure  
33 of the permittee to cause the system to be repaired or to

1 be properly used and operated within said fifteen (15) day  
2 period, to pay the false alarm prevention fee, the permit  
3 shall be revoked at the expiration of said fifteen (15) day  
4 period and the alarm system may not thereafter be used until  
5 a new permit is issued.

6 Section 58206. False Alarm; Prevention Payment.

7 (a) When emergency alarms, messages, signals or notices  
8 are received by the Police Department that evidence a failure  
9 to comply with the requirements of this Chapter or a permit  
10 issued hereunder, the Chief of Police is authorized to demand  
11 that the owner or lessee of the alarm system initiating such  
12 alarms, messages, signals, or notices, or his representative,  
13 disconnect the alarm system until it is made to comply with  
14 said requirements.

15 (b) The owner or lessee of any alarm system shall be  
16 assessed a fee of Fifty Dollars (\$50.00) for each false alarm  
17 in excess of three (3) for a twelve (12) month period, paid  
18 to the Treasurer of Guam for deposit in the general fund.

19 (c) An alarm permit may be suspended or revoked as  
20 provided in section 58205, in addition to the payment of the  
21 prevention payment as provided in this section, or in the  
22 event of failure to pay the false alarm fees.

23 (d) Exceptions

24 (1) A thirty (30) day adjustment period to correct  
25 mechanical problems will be allowed for any  
26 new, improved or replaced alarm system.

27 (2) If the user shows that any false alarm (i) the  
28 result of conditions beyond his control and  
29 not the result of negligence of himself or any  
30 of his employees, and (ii) that he neither knew  
31 of the defect in the alarm system nor in the  
32 exercise of due care should have known of such  
33 defect, such false alarm shall not be deemed

1 a 'false alarm' as used in this Chapter.

2 Section 58207. Repair. After any false alarm caused  
3 by a malfunction of the alarm system, an alarm system permittee  
4 shall cause the alarm system to be repaired so as to eliminate  
5 such malfunction before reactivating the alarm. A person  
6 shall not reactivate such alarm until such repairs have been  
7 made.

8 Section 58208. Testing Alarm. Permittee shall notify  
9 the Guam Police Department in writing twenty-four (24) hours  
10 prior to any service, test, repair, maintenance, adjustment,  
11 alterations, or installations of systems which would normally  
12 result in a police response, which might activate a false  
13 alarm. Any alarm activated where such prior notice has been  
14 given shall not constitute a false alarm.

15 Section 58209. Prohibitions. It shall be unlawful to  
16 install or use an alarm system which upon activation emits  
17 a sound similar to sirens in use on emergency vehicles or  
18 for civil defense purposes.

19 Section 58210. Limitation on Liability. The territory  
20 of Guam is under no obligation or duty to any permittee or  
21 any other person by reason of any provision of this Chapter,  
22 or the exercise of any privilege by any permittee hereunder  
23 including, but not limited to, any defects in a police or  
24 fire alarm system, any delay in transmission of an alarm message  
25 to any emergency unit or damage caused by delay in responding  
26 to any alarm by any officer, employee or agent.

27 Section 58211. Application of Chapter. Any person who,  
28 on the effective date of this Chapter, possesses, has installed,  
29 or uses an alarm system which requires a permit under this  
30 Chapter shall apply for a permit, as provided in this Chapter,  
31 within one hundred twenty (120) days after the effective date  
32 of this Chapter.

33 Section 58212. Right of Entry. The enforcing authority

1 shall have the right, and is hereby authorized and empowered,  
2 to enter or go on or about any building or premises during  
3 regular business hours and days for the purpose of inspecting  
4 the alarm system.

5 Section 58213. Violation: Penalties. Any person violating  
6 any of the provisions of this Chapter shall be deemed guilty  
7 of a violation.

8 Section 58214. The provisions of the Administrative  
9 Adjudication Law do not apply to actions taken by the Chief  
10 of Police pursuant to Sections 58205 and 58206.