



Territory of Guam
Territorion Guam

3-6-91

OFFICE OF THE GOVERNOR
CRISIAN MAGALAHI
AGANA GUAM 96910 USA

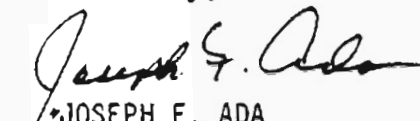
JAN 30 1991

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

Dear Mr. Speaker:

Transmitted herewith is Bill No. 1313, which I have signed in to law this
date as Public Law No. 20-230.

Sincerely,


JOSEPH F. ADA
Governor

Attachment

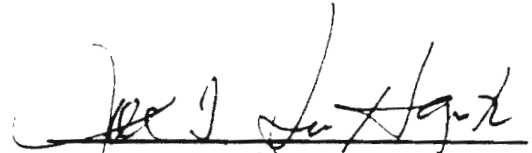


Commonwealth Now!

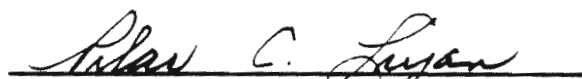
TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

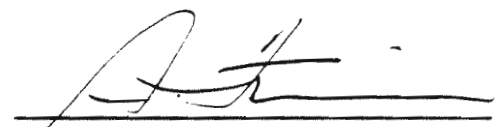
This is to certify that Substitute Bill No. 1313 (LS), "AN ACT TO ADD NEW SUBITEMS (6) AND (7) TO SUBPARAGRAPH (a) OF §67.80, TITLE 9, GUAM CODE ANNOTATED, ON ADDITIONAL ITEMS SUBJECT TO FORFEITURE FOR VIOLATION OF LAW," was on the 28th day of December, 1990, duly and regularly passed.


JOE T. SAN AGUSTIN
Speaker

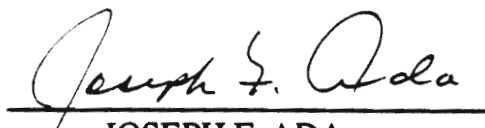
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 11th day of January,
1990, at 10:30 o'clock A.m.


Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: JAN 30 1991

Public Law No. 20-230

TWENTIETH GUAM LEGISLATURE
1990 (SECOND) REGULAR SESSION

BILL NO. 1313 (LS)

As substituted by the Committee
on Judiciary and Criminal Justice
and as further substituted by the
Committee on Rules.

Introduced by:

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

AN ACT TO ADD NEW SUBITEMS (6) AND (7) TO SUBPARAGRAPH
(a) OF §67.80, TITLE 9, GUAM CODE ANNOTATED, ON ADDITIONAL
ITEMS SUBJECT TO FORFEITURE FOR VIOLATION OF LAW.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. New subitems (6) and (7) are added to subparagraph (a)
3 of §67.80 of Title 9, Guam Code Annotated, to read:
4 "(6) All moneys, negotiable instruments, securities, or other
5 things of value furnished or intended to be furnished by any person

1 in exchange for a controlled substance in violation of this Act, all
2 proceeds traceable to such an exchange, and all moneys, negotiable
3 instruments, securities used or intended to be used to facilitate any
4 violation of this Act, shall be forfeited to the criminal justice agency
5 making the seizure;

6 (7) All firearms which are visible, carried during or used in
7 furtherance of a violation of this Act."

6,

TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session

ROLL CALL SHEET

Bill No. 1313

Date: 12/28/90

Resolution No. _____

QUESTION: _____

| | AYE | NAY | NOT VOTING | ABSENT |
|--------------------|-----|-----|---------------|--------|
| J. P. Aguon | ✓ | | | |
| E. P. Arriola | | | | ✓ |
| J. G. Bamba | ✓ | | | |
| M. Z. Bordallo | | | | ✓ |
| D. F. Brooks | ✓ | | | |
| H. D. Dierking | ✓ | | | |
| E. R. Duenas | ✓ | | | |
| E. M. Espaldon | ✓ | | | |
| C. T. C. Gutierrez | ✓ | | | |
| P. C. Lujan | ✓ | | | |
| G. Mailloux | ✓ | | | |
| M. D. A. Manibusan | | | | ✓ |
| T. S. Nelson | | | | ✓ |
| D. Parkinson | | | | ✓ |
| F. J. A. Quitugua | ✓ | | | |
| E. D. Reyes | ✓ | | | |
| M. C. Ruth | ✓ | | | |
| J. T. San Agustin | ✓ | | | |
| F. R. Santos | ✓ | | | |
| T. V. C. Tanaka | ✓ | | | |
| A. R. Unpingco | ✓ | | | |

16 0 0 5



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. 1313**, wishes to report its findings and recommendations for passage of **Substitute Bill No. 1313**.

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: SUBSTITUTE BILL NO. 1313

| COMMITTEE MEMBER | TO PASS | NOT TO PASS | TO REPORT OUT ONLY | TO PLACE IN INACTIVE FILE |
|--|---------------|-------------|--------------------|---------------------------|
| <u>Pilar C. Lujan</u> Senator Pilar C. Lujan Chairman | ✓ | | | |
| <u>F.R. Santos</u> Senator Francisco R. Santos Vice Chairman | ✓ | | | |
| <u>E. Arriola</u> Senator Elizabeth P. Arriola | ✓ | | | |
| <u>Madelaine Z. Cordallo</u> Senator Madelaine Z. Cordallo | ✓ | | | |
| <u>B. Dierking</u> Senator Berninia D. Dierking | ✓ | | | |
| <u>Gordon Mailloux</u> Senator Gordon Mailloux | ✓ | | | |
| <u>Ted S. Neison</u> Senator Ted S. Neison | ✓ | | | |
| <u>E. Reyes</u> Senator Edward D. Reyes | ✓ | | | |
| <u>Joe T. San Agustin</u> Speaker Joe T. San Agustin | ✓ | | | |
| <u>E. Duenas</u> Senator Edward R. Duenas | ✓ | | | |
| <u>Martha C. Ruth</u> Senator Martha C. Ruth | ✓ 12/12/90 | | | |
| <u>Antonio R. Unpingco</u> Senator Antonio R. Unpingco | | | | |

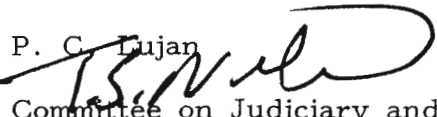
TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session

Bill No. 1313 (LS)

Introduced by:

P. C. Lujan

As Substituted by the:


Committee on Judiciary and
Criminal Justice

AN ACT TO ADD NEW SUBSECTIONS (a)(6)
AND (a)(7) TO §67.80 CHAPTER 67 OF
TITLE 9 GUAM CODE ANNOTATED
RELATING TO ITEMS SUBJECT TO
FORFEITURE FOR VIOLATION ACT.

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

2 Section 1. New Subsections (a)(6) and (a)(7) are added to Section 67.80
3 of Chapter 67 of Title 9 Guam Code Annotated to read:

4 "§67.80(a)(6). All moneys, negotiable instruments, securities, or
5 other things of value furnished or intended to be furnished by any person
6 in exchange for a controlled substance in violation of this chapter, all
7 proceeds traceable to such an exchange, and all moneys, negotiable
8 instruments, securities used or intended to be used to facilitate any
9 violation of this chapter, shall be forfeited to the criminal justice agency
10 making the seizure.

11 §67.80(a)(7). All firearms which are visible, carried during or used
12 in furtherance of a violation of this chapter."

COMMITTEE ON JUDICIARY AND CRIMINAL JUSTICE

Committee Report On Substitute Bill 1313

AN ACT TO ADD NEW SUBSECTIONS (a) (6) AND (a) (7) TO §67.80
CHAPTER 67 OF TITLE 9 GUAM CODE ANNOTATED RELATING TO ITEMS
SUBJECT TO FORFEITURE FOR VIOLATION ACT.

PREFACE

The Judiciary and Criminal Justice Committee convened at 9:00 a.m.,
Wednesday, April 11, 1990, in the temporary Legislative Session Hall at Agana,
Guam to hear testimony on Bill 1313.

Committee members in attendance, alongside Chairwoman Pilar C. Lujan
were Elizabeth P. Arriola, Ted S. Nelson, Edward D. Reyes, and Edward R. Duenas.
Also present to join the Committee was Senator Don Parkinson.

OVERVIEW

Unlike most mainland communities where convicted drug offenders have
assets seized and forfeited to the government, our island's asset and forfeiture
statute does not take into consideration the tremendous assets acquired and vast
financial empires built by drug traffickers.

In anticipation of potential drug traffickers constructing such an empire on
island, Judiciary and Criminal Justice Committee Chairwoman Pilar C. Lujan
introduced Bill 1313 to seize illegal fruits borne out of such trafficking.

The bill calls for any money, negotiable instruments, securities, or other
things of value, or traceable proceeds furnished or intended to be furnished by any
person in exchange for a controlled substance to be subject to seizure and forfeiture
by the government.

COMMITTEE FINDINGS

Attorney General Elizabeth Barrett-Anderson submitted written testimony in
full support of the measure. (ATTACHMENT I)

Pointing out that items forfeited under existing statutes are "subject to
disposition by the Governor," the Attorney General recommended that items seized
under this particular section be forfeited "to the criminal justice agency making the
seizure, such as the Guam Police Department, the Department of Commerce, or the
Attorney General's Office."

Guam Police Department Chief Adolf Sgambelluri submitted written
testimony (ATTACHMENT II) registering no objections to the measure.

COMMITTEE RECOMMENDATIONS

Taking into account the Attorney General's recommendation, the Committee suggests modification to the measure by allowing forfeiture to the seizing authority. The Substitute Bill should add a new §67.80 (a) (8) to read

"§67.80 (a) (8) Any property subject to forfeiture under the ensuing two subsections may be seized by the criminal justice agency upon process issued by the Superior Court."

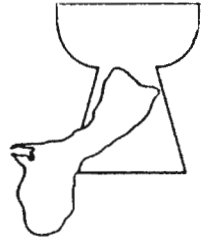
THE COMMITTEE, BASED ON THE AFOREMENTIONED FINDINGS,
RECOMMENDS THAT:

- (1) Substitute Bill 1313 be passed at the soonest date possible to strengthen efforts in protecting and serving the public; and
- (2) Substitute Bill 1313 be passed into law since it would help to curtail the enjoyment of illegal profits by convicted offenders.



SENATOR

HERMINIA D. DIERKING
TWENTIETH GUAM LEGISLATURE



COMMITTEES:

March 16, 1990

CHAIRPERSON
Rules

MEMORANDUM

TO: Chairperson, Committee on Judiciary & Criminal Justice
FROM: Chairperson, Committee on Rules
SUBJECT: Referral - Bill No. 1313

VICE-CHAIRPERSON
Ways & Means
Energy, Utilities &
Consumer Protection
General Governmental
Operations

The above Bill is referred to your Committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting.

MEMBER:

Herminia D. Dierking
HERMINIA D. DIERKING

Enclosure

Economic Development

General, Foreign &
Legal Affairs

Health, Welfare &
Ecology

Judiciary & Criminal
Justice

Education

Tourism & Transportation

Youth, Senior Citizens,
Cultural Affairs &
Human Resources

| | |
|-----------------------|-----------------|
| OFFICE OF THE CLERK | |
| LEGISLATIVE SECRETARY | |
| Received by | <i>m. Ching</i> |
| Time | <i>11:35 AM</i> |
| Date | <i>3/21/90</i> |

202689

TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session

Introduced

MAR 15 '90

Bill No. 1313(Ls)

Introduced by:

P. C. Lujan 

AN ACT TO ADD NEW SUBSECTIONS (a)(6) AND
(a)(7) TO §67.80 CHAPTER 67 OF TITLE 9
GUAM CODE ANNOTATED RELATING TO ITEMS
SUBJECT TO FORFEITURE FOR VIOLATION ACT.

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

Section 1. New Subsections (a)(6) and (a)(7) are added to
Section 67.80 of Chapter 67 of Title 9 Guam Code Annotated to read:

"§67.80(a)(6) All moneys, negotiable instruments,
securities, or other things of value furnished or intended to be
furnished by any person in exchange for a controlled substance in
violation of this chapter, all proceeds traceable to such an
exchange, and all moneys, negotiable instruments, securities used
or intended to be used to facilitate any violation of this
chapter.

§67.80(a)(7) All firearms which are visible, carried during
or used in furtherance of a violation of this chapter."



Elizabeth Barrett-Anderson
Attorney General

Office of the Attorney General
Territory of Guam

Donald L. Paillette
Chief Deputy Attorney General

Phone: (671) 472-6841-4
Telefax: (671) 472-2493
Telex: (650) 697-5352

April 10, 1990

Senator Pilar C. Lujan
Chairwoman, Committee on Judiciary and
Criminal Justice
20th Guam Legislature
163 Chalan Santo Papa
Agana, Guam 96910

Re: Bill 1313 (LS)

Dear Madam Chairwoman and Members of the Committee:

We fully support and endorse Bill 1313(LS), an act to enhance our current forfeiture statutes by adding thereto forfeiture of moneys, negotiable instruments, securities, proceeds, and other things of value traceable to use and trafficking in drugs.

Under the present statute, items forfeited under Chapter 67, 9 GCA are subject to disposition by the Governor. We would encourage that items forfeited under Section 67.80 be forfeited to the criminal justice agency making the seizure, such as the Guam Police Department, the Department of Commerce, or the Attorney General's Office.

Sincerely,


ELIZABETH BARRETT-ANDERSON

cc: Governor



JOSEPH F. ADA
Governor of Guam
FRANK 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

APR 11 1990

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

Subject: Bill No. 1313 AN ACT TO ADD NEW SUBSECTIONS
(a) (6) AND (a) (8) TO §67.80
CHAPTER 67 OF TITLE 9 GUAM CODE
ANNOTATED RELATING TO ITEMS SUBJECT
TO FORFEITURE FOR VIOLATION ACT.

Dear Senator Lujan:

The Guam Police Department has no objections to Bill 1313.

Sincerely,


A.P. SGAMBELLURI

TWENTIETH GUAM LEGISLATURE
1990 (SECOND) Regular Session

Introduced

MAR 15 '90

Bill No. 1317 (LS)

Introduced by:

P. C. Lujan *PC*

AN ACT TO ADD NEW SUBSECTIONS (a)(6) AND
(a)(7) TO §67.80 CHAPTER 67 OF TITLE 9
GUAM CODE ANNOTATED RELATING TO ITEMS
SUBJECT TO FORFEITURE FOR VIOLATION ACT.

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

Section 1. New Subsections (a)(6) and (a)(7) are added to
Section 67.80 of Chapter 67 of Title 9 Guam Code Annotated to read:

"§67.80(a)(6) All moneys, negotiable instruments,
securities, or other things of value furnished or intended to be
furnished by any person in exchange for a controlled substance in
violation of this chapter, all proceeds traceable to such an
exchange, and all moneys, negotiable instruments, securities used
or intended to be used to facilitate any violation of this
chapter.

§67.80(a)(7) All firearms which are visible, carried during
or used in furtherance of a violation of this chapter."