



*Territory of Guam*  
*Territorion Guam*

OFFICE OF THE GOVERNOR  
UFISINAN I MAGA'LAHI  
AGANA, GUAM 96910 U.S.A.

OFFICE OF THE SPEAKER  
DATE: 4/5/94  
TIME: 10:10am  
RECD BY: Famy JV

MAR 31 1994

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

Dear Mr. Speaker:

A handwritten signature, possibly 'J. San Agustin', and the initials 'fi:' are written in the right margin.

Transmitted herewith is Bill No. 640 which I have signed into law this date as  
Public Law 22-100.

Sincerely yours,

A handwritten signature of Joseph F. Ada in cursive script.

JOSEPH F. ADA  
Governor of Guam

220607

Attachment




Commonwealth Now!

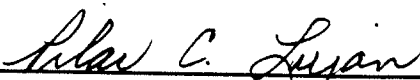
TWENTY-SECOND GUAM LEGISLATURE  
1994 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 640 (LS), "AN ACT TO REPEAL AND REENACT §31.65 OF TITLE 9, GUAM CODE ANNOTATED, ON THE JUVENILE CURFEW," was on the 14th day of March, 1994, duly and regularly passed.

  
\_\_\_\_\_  
JOE T. SAN AGUSTIN  
Speaker

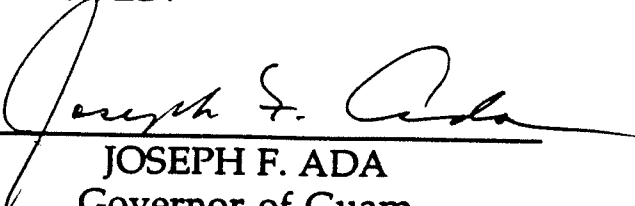
Attested:

  
\_\_\_\_\_  
PILAR C. LUJAN  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 21<sup>st</sup> day of March,  
1994, at 11:12 o'clock A.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
JOSEPH F. ADA  
Governor of Guam

Date: MAR 31 1994

Public Law No. 22-100

TWENTY-SECOND GUAM LEGISLATURE  
1993 (FIRST) Regular Session

Bill No. 640 (LS)

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

Introduced by:

E. P. Arriola  
T. C. Ada  
J. P. Aguon  
M. Z. Bordallo  
H. D. Dierking  
C. T. C. Gutierrez  
P. C. Lujan  
T. S. Nelson  
V. C. Pangelinan  
D. Parkinson  
E. D. Reyes  
J. T. San Agustin  
F. E. Santos  
D. L. G. Shimizu  
J. G. Bamba  
A. C. Blaz  
D. F. Brooks  
F. P. Camacho  
M. D. A. Manibusan  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT TO REPEAL AND REENACT §31.65 OF TITLE 9,  
GUAM CODE ANNOTATED, ON THE JUVENILE  
CURFEW.

1           **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**  
2           **Section 1. Legislative findings.** The Legislature finds that there has  
3 been an increase in Guam in juvenile gang activity and in general an increase

1 in the incidence of juvenile criminal activity, particularly during the evening  
2 hours. The Legislature further finds that (i) it has a legitimate governmental  
3 interest in protecting children and the community, in reducing the incidence of  
4 juvenile criminal activity and in enforcing parental control over juveniles,  
5 and (ii) a more up-to-date and effective curfew law which can be enforced is  
6 required to promote these interest.

7 The Legislature also finds that a curfew law should only contain  
8 reasonable restrictions on the personal rights of juveniles, taking into account  
9 the legitimate nocturnal pursuits of minors in public places. At the same time  
10 an effective curfew law should also penalize those adult persons, firms and  
11 businesses which allow or permit minors to violate a reasonable curfew.

12 Section 2. §31.65 of Title 9, Guam Code Annotated, is repealed and  
13 reenacted to read:

14 "§31.65. Curfew. A curfew applicable to minors is established  
15 and shall be enforced as follows:

16 (a) Definition of minor. The term "minor" shall mean any  
17 unemancipated person below the age of seventeen (17) years, but  
18 does not include any person in the Armed Forces of the United  
19 States, or a married person.

20 (b) Time limits. It is illegal for any minor to be or remain upon  
21 any of the alleys, streets or places of business and amusement,  
22 including parks, playgrounds or other public places or grounds in  
23 Guam between the hours of 10:00 p.m. in the evening to 5:00 a.m. of  
24 the following day.

25 (c) Exceptions. The prohibition set out in subsection (b) of this  
26 section shall not apply (i) to any minor who is accompanied by a  
27 guardian, parent or other person charged with the care and custody

1 of such minor, or other person responsible person over eighteen (18)  
2 years of age, or (ii) to any minor who is travelling internationally or  
3 inter-island or between his or her home or place of residence and to a  
4 theater, or to his or her place of employment, or to where a church,  
5 municipal, school or university function is being held.

6 (d) **Responsibility of adults.** It is illegal for any parent,  
7 guardian or other person charged with the care and custody of any  
8 minor to allow or permit such minor to be in or upon any of the  
9 streets, alleys, places of business or amusement or other public places  
10 within the curfew hours set by subsection (b) of this section except as  
11 otherwise provided in subsection (c) of this section. Persons found  
12 guilty of violating this subsection (d) shall be fined Five Hundred  
13 Dollars (\$500), and each violation shall constitute a separate offense.

14 (e) **Enforcement.** Any peace officer while on duty is  
15 empowered to arrest any minor who violates any of the provisions  
16 of subsection (b) of this section. Upon arrest, the minor shall be  
17 returned to the custody of the parent, guardian or other person  
18 charged with the care and custody of the minor. The fines collected  
19 pursuant to any violation of this section shall be earmarked for  
20 village recreational facilities."

21 **Section 3. Title.** This Act may be cited or referred to as the "Juvenile  
22 Curfew Act of 1994".

**TWENTY-SECOND GUAM LEGISLATURE**

1994 (SECOND) Regular Session

Date: 3/14/94

**VOTING SHEET**

(AS REVISED)

Bill No. 640

Resolution No. \_\_\_\_\_

Question: \_\_\_\_\_

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>ABSENT/ OUT DURING ROLL CALL</u>
ADA, Thomas C.	✓			
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.	✓			
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
CAMACHO, Felix P.	✓			
DIERKING, Herminia D.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MANIBUSAN, Marilyn D. A.	✓			
NELSON, Ted S.	✓			
PANGELINAN, Vicente C.	✓			
PARKINSON, Don	✓			
REYES, Edward D.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francis E.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL 21 \_\_\_\_\_

Twenty-Second Guam Legislature

Senator Pilar Cruz Lujan

*Legislative Secretary*

Chairperson - Committee on Judiciary and Criminal Justice

March 8, 1994

Honorable Joe T. San Agustin  
Speaker, Twenty-Second Guam Legislature  
155 Hesler St.  
Agana, Guam

VIA: Chairperson, Committee on Rules

Dear Mr. Speaker:

The Committee on Judiciary and Criminal Justice, to which was referred Bill No.640, wishes to report its findings and recommendation for passage of **Substitute Bill No. 640.**

The Committee voting record is as follows:

<u>10</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>0</u>	ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE
<u>1</u>	TO REPORT OUT ONLY

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

Sincerely,

  
PILAR C. LUJAN

# Profile on Substitute Bill No. 640

Short Title: "Juvenile Curfew Act."

Main Sponsor(s): Senator Elizabeth P. Arriola.

Date Introduced: Wednesday, September 15, 1993.

Committee Referral: To the Committee on Judiciary and Criminal Justice on Tuesday, September 21, 1993

Public Hearing: Friday, January 14, 1994.

Official Title: "AN ACT TO REPEAL AND REENACT §31.65 OF TITLE 9, GUAM CODE ANNOTATED, TO PROVIDE FOR ENFORCEMENT OF AND TO INSTITUTE PENALTIES AGAINST PERSONS FOUND VIOLATING THE CURFEW LAW; AND TO CITE THE ACT AS THE JUVENILE CURFEW ACT OF 1994."

Co-Sponsor(s):

Recommendation: To do pass as substituted.

## **Committee Findings**

1. The previous statute, in terms of enforcement, was unenforceable because of the issue of constitutionality.
2. The proposed statute, should be able to pass constitutional muster.
3. This is similar to an Iowa statute that has already been litigated at the state court level and the Supreme Court.
4. The Supreme Court has recognized the legitimate interest by the states and the territories in controlling the activities of minor.
5. The definition of the legal age should be changed from 16 to 17 years and below with the exception of married minors and those persons serving in the Armed Forces.



# COMMITTEE ON JUDICIARY AND CRIMINAL JUSTICE

## REPORT ON SUBSTITUTE BILL NO. 640

AN ACT TO REPEAL AND REENACT §31.65 OF TITLE 9, GUAM CODE ANNOTATED, TO PROVIDE FOR ENFORCEMENT OF AND TO INSTITUTE PENALTIES AGAINST PERSONS FOUND VIOLATING THE CURFEW LAW; AND TO CITE THE ACT AS THE JUVENILE CURFEW ACT OF 1994.

Introduced by Senator Elizabeth P. Arriola

### **Preface:**

The Committee on Judiciary and Criminal Justice, to which was referred Bill No. 640, "AN ACT TO REPEAL AND REENACT §31.65 OF TITLE 9, GUAM CODE ANNOTATED PERTAINING TO JUVENILE CURFEW," conducted a public hearing on Friday, January 14, 1994, at 1:55 p.m. in the Legislative Public Hearing Room. Committee members present Senator Pilar C. Lujan, Committee Chairperson, and Senator Francis E. Santos. Also in attendance were Senators Felix P. Camacho, Doris F. Brooks, and Elizabeth P. Arriola.

### **Notification:**

Letters were sent to the Governor, the Chief Prosecutor office of the Attorney General, the Chief of Police, the members of the Mayors' Council, the Guam Youth Congress, the Committee members and the newsmedia. The general public was notified via the Legislative Weekly Calendar and a paid notice.

## **Testimony:**

At this time, the Chairperson called on Mayors Antonio Babauta and Greg Borja, Ms. Paula Ulloa, and Atty. Frances Tydingco-Gatewood to present testimony on Bill No. 640.

Stating that this legislation is long overdue, Agat Mayor Antonio Babauta testified in support of Bill No. 640. Next, Santa Rita Mayor Greg Borja, Chairman of the Mayors' Council Legislative and Financial Affairs Committee, also testified in support and recommended that the legislation be passed.

Representing the Youth Congress was Ms. Paula Ulloa, Vice Chairperson of the Committee on Judiciary and Criminal Justice. The Youth Congress finds the intent of the legislation to be beneficial to the people of Guam. However, certain sections must be addressed before being reported out to the floor by the Committee. Ms. Ulloa suggested that the definition of the term "minor," as used in the context of Bill 640, be changed to "legal age" and defined to include "those persons below the age of seventeen (17) except those persons serving in the Armed Forces or a married person.

Representing the Department of Law was Atty. Frances Tydingco-Gatewood. At the outset, she informed the Committee that the previous statute, in terms of enforcement, was not enforced because of the statute's constitutionality. However, Tydingco-Gatewood went on to say that the proposed statute, according to the Solicitor's Office, should be able to pass constitutional muster. This, she said, is similar to an Iowa statute that has already been litigated at the state court level and the Supreme Court.

Concluding her testimony, Atty. Tydingco-Gatewood informed the Committee that the Supreme Court has recognized the legitimate interest by the states and the territories in controlling the activities of minor.

## **Adjournment:**

There being no further questions, the Chairperson taking into consideration the comments presented, adjourned the Committee hearing on Bill No. 640.

## **Findings and Section Analysis:**

Please refer to page entitled "Profile on Substitute Bill No. 640."

## **Recommendation:**

The Committee on Judiciary and Criminal Justice, to which was referred Bill No. 640, "AN ACT TO REPEAL AND REENACT §31.65 OF TITLE 9, GUAM CODE ANNOTATED, TO PROVIDE FOR ENFORCEMENT OF AND TO INSTITUTE PENALTIES AGAINST PERSONS FOUND VIOLATING THE CURFEW LAW; AND TO CITE THE ACT AS THE JUVENILE CURFEW ACT OF 1994," has had the same under consideration, and now wishes to report back the same with the recommendation to do pass.

TWENTY SECOND GUAM LEGISLATURE  
1993 (FIRST) Regular Session

Bill No. 640 (LS)

As substituted by the Committee on  
Judiciary and Criminal Justice  
March 1, 1994

Introduced by:

E. P. Arriola

---

AN ACT TO REPEAL AND REENACT §31.65 OF  
TITLE 9, GUAM CODE ANNOTATED, TO  
PROVIDE FOR ENFORCEMENT OF AND TO  
INSTITUTE PENALTIES AGAINST PERSONS  
FOUND VIOLATING THE CURFEW LAW; AND  
TO CITE THE ACT AS THE JUVENILE CURFEW  
ACT OF 1994.

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

3 **Section 1. Legislative Findings:** The Legislature finds that there has  
4 been an alarming increase in juvenile gang activity and in general an  
5 increase in the incidence of juvenile criminal activity, particularly during  
6 the evening hours. The Legislature also finds that it has legitimate  
7 governmental interests in protecting children and the community, in  
8 reducing the incidence of juvenile criminal activity and in enforcing  
9 parental control over juveniles. A more up to date and effective curfew  
10 law which can be be enforced is required to promote these interests. The  
11 Legislature further finds that a curfew law should only contain reasonable  
12 restrictions on the personal rights of juveniles taking into account the  
13 legitimate nocturnal pursuits of minors in the public eye. At the same time,

1 the Legislature further finds that in order for any curfew law to be  
2 effective, penalties must be instituted and applied against those adult  
3 persons, firms and businesses which allows and encourages minors to  
4 violate the curfew laws.

5 Section 2. §31.65 of Title 9, Guam Code Annotated is hereby  
6 repealed and reenacted to read as follows:

7 **"§31.65. Curfew. (a)** A curfew applicable to minors is hereby  
8 established and shall be enforced as follows:

9 **(b) Definition.** The term "minor" shall mean, in this section,  
10 any unemancipated person below the age of seventeen (17) years of  
11 age. The term "minor" does not include any person in the Armed  
12 Forces of the United States, or a married person.

13 **(c) Time Limits.** It is illegal for any minor to be or remain  
14 upon any of the alleys, streets or public places or places of business  
15 and amusement, including parks, playgrounds or other public places  
16 or grounds between the hours of 10:00 p.m. and 6:00 a.m. of the  
17 following day.

18 **(d) Exceptions.** The restriction provided by subsection (c)  
19 shall not apply to any minor that is accompanied by a guardian,  
20 parent or other person charged with the care and custody of such  
21 minor, or other responsible person over eighteen (18) years of age,  
22 nor shall the restriction apply to any minor who is traveling  
23 internationally, or between his home or place of residence and a  
24 theater, his place of employment, or where a church, municipal,  
25 school or university function is being held.

26 **(e) Responsibility of Adults.** It is illegal for any parent,  
27 guardian or other person charged with the care and custody of any

1 minor to allow or permit such minor to be in or upon any of the  
2 streets, alleys, streets or public places or places of business and  
3 amusement, including parks, playgrounds or other public places or  
4 grounds as set forth within the curfew, except as otherwise set forth  
5 in paragraph (d). Persons found guilty of violating the provisions  
6 contained herein shall be subject to a fine of Five Hundred Dollars  
7 (\$500) and that each violation shall constitute a separate offense.

8 (f) **Responsibility of the Business Establishments.** It is illegal  
9 for any person, firm or corporation operating a place of business or  
10 amusement to allow or permit any minor to be in or upon any place  
11 of business or amusement operated by them within the curfew hours  
12 set forth in paragraph in (c) except as otherwise provided in  
13 paragraph (d). Persons, firms, or corporations found guilty of  
14 violating this paragraph shall be subject to a fine of Five Hundred  
15 Dollars (\$500) and that each violation shall constitute a separate  
16 offense.

17 (g) **Enforcement.** Any peace officer while on duty is hereby  
18 empowered to arrest any minor who violates any of the provisions  
19 of paragraphs (c) and (d). Upon arrest, the minor shall be returned  
20 to the custody of the parent, guardian or other person charged with  
21 the care and custody of the minor. All fines collected pursuant to any  
22 violation of this section shall be earmarked for village recreational  
23 facilities."

24 Section 3. Title. This Act may be cited or referred to as "The Juvenile  
25 Curfew Act of 1994."

TWENTY-SECOND GUAM LEGISLATURE

1993 (First) Regular Session

Bill No. 640(LS)

Introduced by:

E. P. Arriola *EPA*

AN ACT TO REPEAL AND REENACT CIVIL  
SECTION 31.65 OF TITLE 9 OF THE GUAM CODE  
ANNOTATED RELATIVE TO A JUVENILE CURFEW

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

1           **Section 1. Legislative Findings:** The Legislature finds  
2 that there has been an increase in juvenile gang activity and  
3 in general an increase in the incidence of juvenile criminal  
4 activity, particularly during the evening hours in the  
5 Territory of Guam. The Legislature finds that it has  
6 legitimate governmental interests in protecting children and  
7 the community, in reducing the incidence of juvenile criminal  
8 activity and in enforcing parental control over juveniles. A  
9 more up-to-date and effective curfew law which can be enforced  
10 is required to promote these interests.

11           The Legislature also finds that a curfew law-should only  
12 contain reasonable restrictions on the personal rights of  
13 juveniles taking into account the legitimate nocturnal pursuits  
14 of minors in public places. At the same time an effective  
15 curfew law should also penalize those adult persons, firms and  
16 businesses which allow or permit minors to violate a reasonable  
17 curfew.

1           Section 2. §31.65 of Title 9, Guam Code Annotated, is  
2 repealed and reenacted to read:

3           "§31.65. Curfew.

4           A curfew applicable to minors is established and shall be  
5 enforced as follows:

6           (a) **Definition.** The term "minor" shall mean, in  
7 this section, any unemancipated person below the age of sixteen  
8 (16) years of age. The term "minor" does not include any  
9 person in the Armed Forces of the United States, or a married  
10 person.

11           (b) **Time Limits.** It is a petty misdemeanor for any  
12 minor to be or remain upon any of the alleys, streets or public  
13 places or places of business and amusement, including parks,  
14 playgrounds or other public places or grounds in the Territory  
15 of Guam between the hours of 10:00 p.m. and 6:00 a.m. of the  
16 following day.

17           (c) **Exceptions.** The restriction provided by  
18 subsection (b) shall not apply to any minor that is accompanied  
19 by a guardian, parent or other person charged with the care and  
20 custody of such minor, or other responsible person over  
21 Eighteen (18) years of age, nor shall the restriction apply to  
22 any minor who is travelling internationally, interstate or  
23 between his home or place of residence and a theater, his or  
24 her place of employment, or where a church, municipal, school  
25 or university function is being held.



1                   (d) **Responsibility of Adults.** It is a petty  
2 misdemeanor for any parent, guardian or other person charged  
3 with the care and custody of any minor to allow or permit such  
4 minor to be in or upon any of the streets, alleys, places of  
5 business or amusement or other public places within the curfew  
6 hours set by subsection (b) except as otherwise provided in  
7 subsection (c). Persons found guilty of violating this  
8 subsection (d) shall be fined Five Hundred Dollars (\$500.00).  
9 Each violation of the provisions of this Section shall  
10 constitute a separate offense.

11                   (e) **Responsibility of Business Establishments.** It  
12 is a petty misdemeanor for any person, firm or corporation  
13 operating a place of business or amusement to allow or permit  
14 any minor to be in or upon any place of business or amusement  
15 operated by them within the curfew hours set by subsection (b)  
16 except as otherwise provided in subsection (c). Persons,  
17 firms, or corporations found guilty of violating this  
18 subsection (e) shall be fined Five Hundred Dollars (\$500.00).  
19 Each violation of the provisions of this Section shall  
20 constitute a separate offense.

21                   (f) **Enforcement.** Any peace officer of the Territory  
22 of Guam while on duty is hereby empowered to arrest any minor  
23 who violates any of the provisions of subsections (b) and (c).  
24 Upon arrest, the minor shall be returned to the custody of the  
25 parent, guardian or other person charged with the care and

1 custody of the minor. The fines collected pursuant to any  
2 violation of this section shall be earmarked for  
3 Village Recreational Facilities."



September 21, 1993

**MEMORANDUM**

Committees:

CHAIRPERSON:

Rules

VICE CHAIRPERSON:

Ways & Means

MEMBER:

Economic-  
Agricultural  
Development,  
and Insurance

Education

Electrical  
Power and  
Consumer  
Protection

Federal and  
Foreign Affairs

General  
Governmental  
Operations and  
Micronesian Affairs

Health,  
Ecology and  
Welfare

Judiciary  
and  
Criminal Justice

Tourism and  
Transportation

Youth, Senior  
Citizens and  
Cultural Affairs

**TO:** Chairperson, Committee on Judiciary and Criminal Justice

**FROM:** Acting Chairperson, Committee on Rules

**SUBJECT:** Referral - Bill No. 640

The above Bill is referred to your Committee as the principle committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.

  
**CARL T.C. GUTIERREZ**

Attachment

OFFICE OF THE LEGISLATIVE SECRETARY  
AGENCY/DEPARTMENT/PROJECT  
Received By P. K. J. T.  
Time 3:20 PM.  
Date 9-22-93 #919



Government of Guam  
GUAM POLICE DEPARTMENT

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



JOSEPH F. ADA  
Governor of Guam

COLONEL A.P. SGAMBELLURI  
Chief of Police

FRANK F. BLAS  
Lieutenant Governor

JAN 14 1994

INSPECTOR B.A. LEON GUERRERO  
Chief of Staff

The Honorable Pilar C. Lujan  
Chairperson, Committee on Judiciary and  
Criminal Justice  
Twenty-Second Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Subject: Bill Nos. 628, 640, 669(LS) and 791

Dear Senator Lujan:

Bill No. 628

GPD fully supports "The Don't Mess With Guam Anti-Graffiti Act of 1993." With the rise of gang-related activity, our island community has had to endure the increased appearance of unseemly unsightly and offensive graffiti. Although the vast majority of our people on Guam take pride in maintaining the beauty of our island, those few who show utter disrespect for such values by destroying or defacing property with graffiti must be held criminally responsible for such acts and be required to repair, refurbish and/or repaint the property so damaged. GPD believes that Bill 628 begins to address this problem.

There are, however, some technical corrections which should be made to the language of Bill 628. First, subsection (c) of §34.30 of Title 9 G.C.A. should read to cover private and public property:

"(c) he intentionally damage, destroys, removes, or defrays the property of another or public property."

Secondly, Section 2 of Bill 628 beginning on line seven which sets forth the punishment should be referenced to §34.60 which sets out the punishments for the various forms of criminal mischief in §34.50 of Title 9 G.C.A.

Bill No. 640(LS)

GPD fully supports the newly proposed juvenile curfew law set forth in Bill 640(LS). Although it is troubling to think that Guam requires a law to force an awareness on parents or guardians of children to know the whereabouts of their children, there seems to be little choice given the rise of juvenile criminal activity.

DRUG FREE GUAM PARA TODOS  
472-8911 EXTS. 376 / 7 / 8 • FAX: (671) 472-4036



Commonwealth Now!

Letter to Senator Pilar C. Lujan  
Subject: Bill Nos. 628, 640(LS), 669 and 791  
Page 2 of 2

Bill No. 669

GPD fully supports Bill 669 which regulates the speed of large transport vehicles (i.e., gross weight of vehicle and load of ten thousand pounds or more). It takes very little common sense to know that large transport vehicles pose significantly more harm to others than ordinary vehicles when traveling at the posted speed limits. This bill will not only have an effect on large transport vehicle-related accidents, but requiring large transport vehicles to travel at maximum speeds which are lower than the maximum posted speeds for ordinary vehicles should lessen the wear and tear of our roadways.

Bill No. 791

GPD supports the intent of Bill 791. Section 3 of Bill 791 (amending §3419 of 11 G.C.A. Division 1) which prohibits the sale of liquor to minors and makes clear that businesses should request identification from purchasers of liquor who appear to be minors is greatly needed.

However, Section 2 of Bill 791 (amending §3418 of 11 G.C.A. Division 1) raises some concern for GPD even though the intent is commendable. First, determining what constitutes a "habitual or common drunkard" is anticipated to cause much argument between proprietors or licensees and police officers who attempt to enforce this law as well as much dispute in court. Secondly, the scheme of this section appears to intend that only citations (tickets) be issued even though a violation of this offense constitutes a felony in the third degree which often result in an arrest. Thirdly, is it fair to limit this offense to licensees and not include the persons who actually serve liquor (i.e., employees, waiters, waitresses, bartenders, managers, etc.)? And finally, will the existence of such a law (even if it is a criminal law) which imposes a legal duty upon hosts (businesses/licensees) to be diligent about avoiding the sale of liquor to common or habitual drunkards or obviously intoxicated persons create future civil lawsuits (i.e., social host responsibility; or village fiesta or fundraising activities where licenses are required to sell liquor may be impacted by such a law)? Perhaps Section 2 of this Bill requires much more study and evaluation.

Sincerely,

  
A.P. SGAMBELLURI



COMMITTEE ON JUDICIARY AND CRIMINAL JUSTICE  
VOTE SHEET  
ON SUBSTITUTE BILL NO. 640

"AN ACT TO REPEAL AND REENACT §31.65 OF TITLE 9,  
GUAM CODE ANNOTATED, TO PROVIDE FOR  
ENFORCEMENT OF AND TO INSTITUTE PENALTIES  
AGAINST PERSONS FOUND VIOLATING THE  
CURFEW LAW; AND TO CITE THE ACT AS THE  
JUVENILE CURFEW ACT OF 1994."

RECOMMENDATION TO DO PASS

COMMITTEE MEMBERS:	TODO PASS	NOT TO PASS	INACTIVE FILE:	ABSTAIN:
<u><i>P. C. Lujan</i></u> P. C. Lujan, Chairperson	✓	_____	_____	_____
<u><i>F. E. Santos</i></u> F. E. Santos, Vice-Chairperson	✓	_____	_____	_____
<u><i>J. T. San Agustin</i></u> J. T. San Agustin, Speaker & Ex-Officio	✓	_____	_____	_____
<u><i>A. C. Blaz</i></u> A. C. Blaz, Member	_____	_____	_____	_____
<u><i>M. Z. Bordallo</i></u> M. Z. Bordallo, Member	✓	_____	_____	_____
<u><i>H. D. Dierking</i></u> H. D. Dierking, Member	✓	_____	_____	_____
<u><i>C. T.C. Gutierrez</i></u> C. T.C. Gutierrez, Member	✓	_____	_____	_____
<u><i>V. C. Pangelinan</i></u> V. C. Pangelinan, Member	✓	_____	_____	_____
<u><i>D. Parkinson</i></u> D. Parkinson, Member	_____	_____	_____	_____
<u><i>T. V.C. Tanaka</i></u> T. V.C. Tanaka, Member	✓	_____	_____	_____
<u><i>A. R. Unpingco</i></u> A. R. Unpingco, Member	_____	_____	_____	_____

✓ To report  
only

SEP 15 '93

TWENTY-SECOND GUAM LEGISLATURE

1993 (First) Regular Session

Bill No. 640 (LS)

Introduced by:

E. P. Arriola *epa*

AN ACT TO REPEAL AND REENACT CIVIL  
SECTION 31.65 OF TITLE 9 OF THE GUAM CODE  
ANNOTATED RELATIVE TO A JUVENILE CURFEW

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

1           Section 1. Legislative Findings: The Legislature finds  
2 that there has been an increase in juvenile gang activity and  
3 in general an increase in the incidence of juvenile criminal  
4 activity, particularly during the evening hours in the  
5 Territory of Guam. The Legislature finds that it has  
6 legitimate governmental interests in protecting children and  
7 the community, in reducing the incidence of juvenile criminal  
8 activity and in enforcing parental control over juveniles. A  
9 more up-to-date and effective curfew law which can be enforced  
10 is required to promote these interests.

11           The Legislature also finds that a curfew law should only  
12 contain reasonable restrictions on the personal rights of  
13 juveniles taking into account the legitimate nocturnal pursuits  
14 of minors in public places. At the same time an effective  
15 curfew law should also penalize those adult persons, firms and  
16 businesses which allow or permit minors to violate a reasonable  
17 curfew.



1           Section 2. §31.65 of Title 9, Guam Code Annotated, is  
2 repealed and reenacted to read:

3           "§31.65. Curfew.

4           A curfew applicable to minors is established and shall be  
5 enforced as follows:

6           (a) **Definition.** The term "minor" shall mean, in  
7 this section, any unemancipated person below the age of sixteen  
8 (16) years of age. The term "minor" does not include any  
9 person in the Armed Forces of the United States, or a married  
10 person.

11           (b) **Time Limits.** It is a petty misdemeanor for any  
12 minor to be or remain upon any of the alleys, streets or public  
13 places or places of business and amusement, including parks,  
14 playgrounds or other public places or grounds in the Territory  
15 of Guam between the hours of 10:00 p.m. and 6:00 a.m. of the  
16 following day.

17           (c) **Exceptions.** The restriction provided by  
18 subsection (b) shall not apply to any minor that is accompanied  
19 by a guardian, parent or other person charged with the care and  
20 custody of such minor, or other responsible person over  
21 Eighteen (18) years of age, nor shall the restriction apply to  
22 any minor who is travelling internationally, interstate or  
23 between his home or place of residence and a theater, his or  
24 her place of employment, or where a church, municipal, school  
25 or university function is being held.

1           (d) **Responsibility of Adults.** It is a petty  
2 misdemeanor for any parent, guardian or other person charged  
3 with the care and custody of any minor to allow or permit such  
4 minor to be in or upon any of the streets, alleys, places of  
5 business or amusement or other public places within the curfew  
6 hours set by subsection (b) except as otherwise provided in  
7 subsection (c). Persons found guilty of violating this  
8 subsection (d) shall be fined Five Hundred Dollars (\$500.00).  
9 Each violation of the provisions of this Section shall  
10 constitute a separate offense.

11           (e) **Responsibility of Business Establishments.** It  
12 is a petty misdemeanor for any person, firm or corporation  
13 operating a place of business or amusement to allow or permit  
14 any minor to be in or upon any place of business or amusement  
15 operated by them within the curfew hours set by subsection (b)  
16 except as otherwise provided in subsection (c). Persons,  
17 firms, or corporations found guilty of violating this  
18 subsection (e) shall be fined Five Hundred Dollars (\$500.00).  
19 Each violation of the provisions of this Section shall  
20 constitute a separate offense.

21           (f) **Enforcement.** Any peace officer of the Territory  
22 of Guam while on duty is hereby empowered to arrest any minor  
23 who violates any of the provisions of subsections (b) and (c).  
24 Upon arrest, the minor shall be returned to the custody of the  
25 parent, guardian or other person charged with the care and

1 custody of the minor. The fines collected pursuant to any  
2 violation of this section shall be earmarked for  
3 Village Recreational Facilities ."