



Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
UFISINAN I MAGA'LAHI
AGANA, GUAM 96913 U.S.A.

Received by [Signature]
12/30/94
6:00 pm

DEC 23 1994

The Honorable Joe T. San Agustin
Speaker, 22nd Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

I hereby transmit to you Substitute Bill No. 628 which I have signed into law as P.L. 22-149.

I strongly believe in this legislation which provides penalties against those found guilty of damaging public or private property. In recent years we have all been witness to the increase of graffiti and its effect. It is my hope that this law will help deter vandalism and preserve the visual beauty of Guam for our people and our visitors.

However, Mr. Speaker, it is important to note that the Attorney General's office has determined that Substitute Bill No. 628 may be in conflict with existing law. It would be advisable to look more closely into the specific details of the bill and the method of implementation.

Thank you and si Yu'os ma'ase.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph F. Ada".

JOSEPH F. ADA
Governor
220916

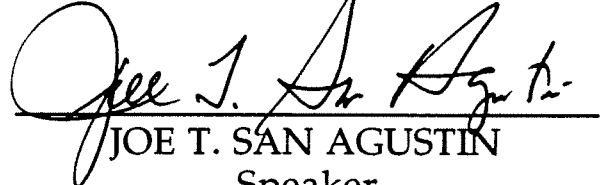


Commonwealth Now!

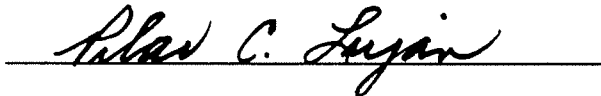
TWENTY-SECOND GUAM LEGISLATURE
1994 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 628 (LS), "AN ACT TO AMEND SUBSECTION (c) OF §34.50, TO ADD A NEW SUBSECTION (c) TO §34.60, ALL OF TITLE 9, GUAM CODE ANNOTATED, TO PROVIDE PENALTIES FOR PERSONS FOUND GUILTY OF DAMAGING, DESTROYING, REMOVING, OR DEFACING PUBLIC OR PRIVATE PROPERTY AND TO CITE THE ACT AS THE DON'T MESS WITH GUAM, ANTI-GRAFFITI ACT OF 1994; AND TO AMEND §46107, TITLE 17, GUAM CODE ANNOTATED, ON THE SPELLING OF THE WORD "CHAMORRO," was on the 9th day of December, 1994, duly and regularly passed.

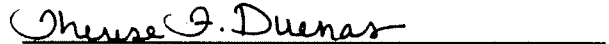

JOE T. SAN AGUSTIN
Speaker

Attested:

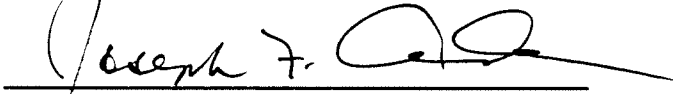


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 19th day of December, 1994, at
4:37 o'clock P.M.


Thelma G. Duenas
Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of Guam

Date: DEC 24 1994

Public Law No. 22-149

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 628 (LS)

As amended by the Committee on Youth,
Senior Citizens & Cultural Affairs and
as further substituted on the floor

Introduced by:

E. P. Arriola
M. Z. Bordallo
P. C. Lujan
C. T. C. Gutierrez
T. C. Ada
J. P. Aguon
H. D. Dierking
T. S. Nelson
V. C. Pangelinan
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 AMEND SUBSECTION (c) OF §34.50, TO ADD A NEW SUBSECTION (c) TO §34.60, ALL OF TITLE 9, GUAM CODE ANNOTATED, TO PROVIDE PENALTIES FOR PERSONS FOUND GUILTY OF DAMAGING, DESTROYING, REMOVING, OR DEFACING PUBLIC OR PRIVATE PROPERTY AND TO CITE THE ACT AS THE DON'T MESS WITH GUAM, ANTI-GRAFFITI ACT OF 1994; AND TO AMEND §46107, TITLE 17, GUAM CODE ANNOTATED, ON THE SPELLING OF THE WORD "CHAMORRO".

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

2 **Section 1.** Subsection (c) of §34.50 of Title 9, Guam Code Annotated, is
3 hereby amended to read:

4 "(c) he intentionally damages, destroys, removes or defaces
5 the property of another."

6 **Section 2.** A new subsection (c) is hereby added to §34.60 of Title 9,
7 Guam Code Annotated, to read:

8 "(c) Any person, including any juvenile under the jurisdiction of
9 the Juvenile Court, convicted under subsection (c) of §34.50, Title 9,
10 Guam Code Annotated, is guilty of a misdemeanor and shall be
11 punishable by a fine of not more than One Thousand Dollars
12 (\$1,000), per violation plus the responsibility of repainting or
13 refurbishing the property so damaged, destroyed, removed, or
14 defaced at such persons expense, under the supervision of the
15 affected property owner, and the Mayor of the municipality in which
16 the offense was committed, or a court representative, and in
17 addition, perform a minimum of one hundred eighty (180) but not to
18 exceed perform to three hundred sixty (360) hours of community
19 service. Furthermore, parents or guardians of any minor convicted
20 under this subsection shall also be responsible for providing
21 supervision."

22 **Section 3.** A new §34.70 is hereby added to Title 9, Guam Code
23 Annotated, to read:

24 "**§34.70. Reporting purchases made by minors.** Every person,
25 firm or corporation which sells, gives, or in any way furnishes, to
26 another person who is under the age of eighteen (18) years, any
27 spray paint can, or any other preparation to spray paint, must record

1 such transaction in writing and furnish such records to the Guam
2 Police Department at the end of each month."

3 **Section 4. Title.** The first four sections of this Act may be cited as the
4 "Don't Mess With Guam, Anti-Graffiti Act of 1994".

5 **Section 5.** §46107 of Title 17, Guam Code Annotated, is amended to
6 read:

7 **"§46107. Standardization.** The Commission shall develop a
8 standard orthographic system to be used by all government agencies in
9 documents, signs, and material printed in the Chamorro language. In
10 order to facilitate implementation and minimize costs, only material,
11 documents and signs done after availability of the standard
12 orthography need conform to it. The standard orthography shall retain
13 the spelling of the word "Chamorro" and shall also be used in all
14 Chamorro names of streets, places, buildings, facilities, and
15 geographical areas in Guam. The Commission shall distribute
16 information on the standard orthography to all agencies and review all
17 use of Chamorro in such documents, signs and materials for external
18 publication. Materials which are for internal use need not be reviewed
19 by the Commission."

Bill No. 628

12/9/94

Resolution No. _____

(Date)

Question: _____

Senators	Aye	No	Declined to Vote	Required to vote	Excused from voting	ABSENT/OUT DURING ROLL CALL
Ada, Thomas C.	✓					
AGUON, John P.	✓					
ARRIOLA, Elizabeth P.	✓					
BAMBA, George J.	✓					
BLAZ, Anthony C.	✓					
BORDALLO, Madeleine Z.						✓
BROOKS, Doris F.	✓					
CAMACHO, Felix P.	✓					
DIERKING, Hermina D.	✓					
GUTIERREZ, Carl T. C.	✓					
LUJAN, Pilar C.	✓					
MANIBUSAN, M. D. A.	✓					
NELSON, Ted S.	✓					
PANGELINAN, Vicente C.	✓					
PARKINSON, Don	✓		✗		TT	
REYES, Edward D.	✓					
SAN AGUSTIN, Joe T.	✓					
SANTOS, Francis E.	✓					
SHIMIZU, David L. G.	✓					
TANAKA, Thomas V. C.	✓					
UNPINGCO, Antonio R.	✓					

TOTAL

20					1
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Twenty-Second Guam Legislature

Senator Pilar Cruz Lujan
Legislative Secretary

Chairperson - Committee on Judiciary and Criminal Justice

May 12, 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. 628 **AN ACT TO AMEND §34.50 (c) TO §34.60 TO AMEND SUBSECTION (b) OF §34.60, ALL IN TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING PENALTIES FOR PERSONS FOUND GUILTY OF DAMAGING, DESTROYING, REMOVING, OR DEFACING PUBLIC OR PRIVATE PROPERTY AND TO CITE THE ACT AS THE DON'T MESS WITH GUAM, ANTI GRAFFITI ACT OF 1994** wishes to report its findings and recommendation for passage of **Substitute Bill No. 628**.

The Committee voting record is as follows:

<u>11</u>	TO DO CONFIRM
<u>0</u>	NOT TO CONFIRM
<u>0</u>	ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

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

Sincerely,


PILAR C. LUJAN

**COMMITTEE ON JUDICIARY AND CRIMINAL JUSTICE
VOTE SHEET
ON BILL NO. 628**

"AN ACT TO AMEND §34.50 (c), TO ADD A NEW SUBSECTION (c) TO §34.60 TO AMEND SUBSECTION (b) of §34.60, ALL IN TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR PENALTIES FOR PERSONS FOUND GUILTY OF DAMAGING, DESTROYING, REMOVING, OR DEFACING PUBLIC OR PRIVATE PROPERTY AND TO CITE THE ACT AS THE DON'T' MESS WITH GUAM, ANTI GRAFFITI 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	✓	_____	_____	_____

Committee on Judiciary and Criminal Justice

Report on Bill No. 628

AN ACT TO AMEND §34.50 (c), TO ADD A NEW SUBSECTION (c) TO §34.60 TO AMEND SUBSECTION (b) of §34.60, ALL IN TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR PENALTIES FOR PERSONS FOUND GUILTY OF DAMAGING, DESTROYING, REMOVING, OR DEFACING PUBLIC OR PRIVATE PROPERTY AND TO CITE THE ACT AS THE DON'T' MESS WITH GUAM, ANTI GRAFFITI ACT OF 1994.

Introduced by Senator Elizabeth P. Arriola

Preface:

The Committee on Judiciary and Criminal Justice, to which was referred Bill No. 628, "AN ACT TO AMEND §34.50 (c), TO ADD A NEW SUBSECTION (c) TO §34.60 TO AMEND SUBSECTION (b) of §34.60, ALL IN TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR PENALTIES FOR PERSONS FOUND GUILTY OF DAMAGING, DESTROYING, REMOVING, OR DEFACING PUBLIC OR PRIVATE PROPERTY AND TO CITE THE ACT AS THE DON'T' MESS WITH GUAM, ANTI GRAFFITI ACT OF 1994," conducted a public hearing on Friday, January 14, 1994, at 1:30 p.m. in the Legislative Public Hearing Room. Committee members present were Senator Pilar C. Lujan, Chairperson and Senator Francis E. Santos. Also in attendance were Senators Elizabeth P. Arriola, Doris F. Brooks and Felix P. Camacho.

Notification:

Letters were sent to the Governor, the Chief of Police, the Attorney General, the Guam Visitors Bureau, the Youth Congress, the Committee members; the news media. The general public was notified via the Legislative Weekly Calendar and a paid notice.

Testimony and Discussion:

At this time, the Chairperson called on Mayors Antonio Babauta and Greg Borja, Mr. Rory Respicio and Ms. Polly Ulloa of the Youth Congress, and Ms. Frances Tydingco-Gatewood representing the Attorney general's Office to present testimony on Bill No. 628.

Stating that this legislation is long overdue, Agat Mayor Antonio Babauta testified in support of Bill No. 628. 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 Youth Speaker Rory Respicio and Ms. Polly Ulloa, Vice Chairperson of the Committee on Judiciary and Criminal Justice. The Youth Congress finds that the intent of the legislation to be beneficial to the people of Guam.

Youth Speaker Respicio went on to say that while the legislation seeks to address the graffiti problem by placing harsher penalties on individuals found guilty of damaging or defacing public or private property, the Youth Congress plans to host a graffiti painting party. This event said Speaker Respicio will send a clear message to the offenders that their peers do not think it's cool to trash others private property, and our public property.

At this time Attorney Frances Tydingco-Gatewood suggested to the Committee that technical corrections be made with regards to the defacement of public and private property and that the punishment provisions be consistent with those contained in §34.60.

Adjournment:

There being no further questions, the Chairperson taking into consideration the comments presented, adjourned the Committee hearing on Bill No. 628.

Findings and Section Analysis:

Please refer to page entitled "Profile on Bill No. 628."

Recommendation:

The Committee on Judiciary and Criminal Justice, to which was referred Bill No. 628, "AN ACT TO AMEND §34.50 (c), TO ADD A NEW SUBSECTION (c) TO §34.60 TO AMEND SUBSECTION (b) of §34.60, ALL IN TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR PENALTIES FOR PERSONS FOUND GUILTY OF DAMAGING, DESTROYING, REMOVING, OR DEFACING PUBLIC OR PRIVATE PROPERTY AND TO CITE THE ACT AS THE DON'T' MESS WITH GUAM, ANTI GRAFFITI ACT OF 1994," has had the same under consideration, and now wishes to report back the same with the recommendation to do pass.

Profile on Bill No. 628

Short Title: "DON'T' MESS WITH GUAM, ANTI GRAFFITI ACT OF 1994."

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

Date Introduced: Tuesday, September 6, 1993.

Committee Referral: To the Committee on Judiciary and Criminal Justice on Tuesday, September 6, 1993.

Public Hearing: Friday, January 14, 1994.

Official Title: "AN ACT TO AMEND §34.50 (c), TO ADD A NEW SUBSECTION (c) TO §34.60 TO AMEND SUBSECTION (b) of §34.60, ALL IN TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING FOR PENALTIES FOR PERSONS FOUND GUILTY OF DAMAGING, DESTROYING, REMOVING, OR DEFACING PUBLIC OR PRIVATE PROPERTY AND TO CITE THE ACT AS THE DON'T' MESS WITH GUAM, ANTI GRAFFITI ACT OF 1994."

Co-Sponsor(s):

Recommendation: To do pass as reported by the Committee.

Committee Findings

1. With the rise in gang related activity, the community has had to endure increased appearance of unseemingly unsightly and at times offensive.

2. Although the vast majority of our people take pride in maintaining the beauty of our island, and the few that show utter disrespect for such values should be so punished.
3. The Youth Congress wholeheartedly supports the legislation they also suggested that programs be initiated to encourage the vandals to stop out of goodwill for the community. To best accomplish this, the Youth Congress will be sponsoring a graffiti paint over party to encourage the vandals to stop.
4. The Guam Visitors Bureau is highly supportive of legislation which furthers the government's commitment to providing continued maintenance and upkeep of our island. While beautification and maintenance of the island remain the Visitors Bureau's priority, the imposition of penalties and fines as well as the responsibility of repairing damaged property will send a message to the community - "Don't mess with Guam."

Committee Recommendation

Therefore, the Committee recommends that Bill No. 628 as reported by the Committee on Judiciary and Criminal Justice and further amended by the author, be acted on favorably by the members of the Legislature.

TWENTY SECOND GUAM LEGISLATURE
FIRST (1993) Regular Session

Bill No. 628 (LS)
As amended by the Author
April 29, 1994

Introduced by:

E. P. Arriola

M. G. Randall
P. K. Lujan

AN ACT TO AMEND §34.50 (c), TO ADD A NEW
SUBSECTION (c) TO §34.60 TO AMEND
SUBSECTION (b) of §34.60, ALL IN TITLE 9,
GUAM CODE ANNOTATED, RELATIVE TO
PROVIDING FOR PENALTIES FOR PERSONS
FOUND GUILTY OF DAMAGING,
DESTROYING, REMOVING, OR DEFACING
PUBLIC OR PRIVATE PROPERTY AND TO CITE
THE ACT AS THE DON'T' MESS WITH GUAM,
ANTI GRAFFITI ACT OF 1994.

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

2 Section 1. Subsection (c) of §34.50 of Title 9, Guam Code Annotated is
3 hereby amended to read as follows:

4 "(c). he intentionally damages, destroys, removes or defaces the
5 property of another."

6 Section 2. A new Subsection (c) is hereby added to §34.60 of Title 9,
7 Guam Code Annotated to read as follows:

8 "(c). Any person convicted under Subsection (c) §34.50 of Title 9,
9 Guam Code Annotated, is guilty of a misdemeanor and shall be
10 punishable by a fine of not more than One Thousand Dollars (\$1,000),

1 per violation plus the responsibility of repainting or refurbishing the
2 property so damaged, destroyed, removed, or defaced at his expense,
3 under the supervision of the affected property owner, and the Mayor of
4 the respective municipality, or court representative. Furthermore,
5 parents of guardians of any minor convicted under this section shall
6 also be responsible for providing supervision."

7 Section 3. Subsection (b) of §34.60 of Title 9, Guam Code Annotated is
8 hereby amended to read as follows:

9 "(b). A violation of subsection (a) [~~or (c)~~] of §34.50 is a third degree
10 felony if the defendant's conduct causes or is intended to cause
11 pecuniary loss in excess of Five Hundred Dollars (\$500), a misdemeanor
12 if the defendant's conduct causes or is intended to cause pecuniary loss
13 in excess of Fifty Dollars (\$50), and a petty misdemeanor if the
14 defendant's conduct causes or is intended to cause pecuniary loss in
15 excess of Twenty-Four Dollars (\$24). Otherwise, criminal mischief is a
16 violation.

17 Section 4. A new Section _____ to Chapter ____ is hereby added to
18 Title 9, Guam Code Annotated is hereby amended to read as follows:

19 "**Section ____.** **Reporting purchases made by minors.** Every
20 person, firm or corporation which sells, or gives, or in any way
21 furnishes, to another person who is in fact, under the age of eighteen
22 (18) years, any spray paint can, or any other preparation of spray, must
23 record such transaction and furnish such records to the Guam Police
24 Department at the end of each month."

25 Section 5. Title. This Act may be cited or referred to as the "Don't Mess
26 With Guam, Anti-Graffiti Act of 1994."

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 628

Introduced by:

E. P.. Arriola ^{en}

M. S. Bernaldo M/S
P. C. LUJAN P/L

AN ACT TO AMEND CHAPTER 34 OF TITLE 9,
GUAM CODE ANNOTATED TO PROVIDE FOR
PENALTIES FOR PERSONS FOUND GUILTY OF
DAMAGING, DESTROYING, REMOVING OR
DEFACING PUBLIC OR PRIVATE PROPERTY,
AND TO CITE THE ACT AS THE DON'T MESS
WITH GUAM, ANTI-GRAFFITI ACT OF 1993.

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

3 Section 1. Paragraph (c) §34.50 of Title 9, Guam Code Annotated is
4 hereby amended to read as follows:

5 "(c) he intentionally damages, destroys, removes, or defaces
6 the property of another."

7 Section 2. A new Paragraph (c) is hereby added to Title 9, Guam
8 Code Annotated to read as follows:

9 "(c) Any person convicted under Paragraph (c) §34.50 of Title
10 9, Guam Code Annotated is guilty of a misdemeanor and shall be
11 punishable by a fine of not more than One Thousand Dollars
12 (\$1,000), per violation plus the responsibility of repainting or
13 refurbishing the property so damaged, destroyed, removed, or
14 defaced at his expense, under the supervision of the affected
15 property owner, and the Mayor of the respective municipality, or
16 court representative. Furthermore, parents or guardians of any
17 minor convicted under this section shall also be responsible for
18 providing supervision.

19 Section 3. This Act may be referred to or cited as the "DON'T MESS
20 WITH GUAM, ANTI-GRAFFITI ACT OF 1993."



September 7, 1993

Committees:

CHAIRPERSON:

Rules

MEMORANDUM

VICE CHAIRPERSON:

Ways & Means

TO: Chairperson, Committee on Judiciary and Criminal Justice

MEMBER:

FROM: Chairperson, Committee on Rules

Economic-Agricultural Development, and Insurance

SUBJ: Referral-Bill No. 628

Education

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. It is recommended you schedule a public hearing at your earliest convenience.

Electrical Power and Consumer Protection

Federal and Foreign Affairs

Herminia D. Dierking
HERMINIA D. DIERKING

General Governmental Operations and Micronesia Affairs

Health, Ecology and Welfare

Attachment

Judiciary and Criminal Justice

Tourism and Transportation

Youth, Senior Citizens and Cultural Affairs

OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT

Received By: [Signature]

Time:

Date: 9/7/93



NINETEENTH GUAM YOUTH CONGRESS

155 Hesler Street
Agana, Guam 96910
Tel: 472-3441 • Fax: 477-5632

Rep. Eileen Sablan
Vice Speaker

Rep. Rory Respicio
Speaker

Rep. Florence Dulla
Legislative Secretary

January 14, 1994

written testimony submitted by:

Rory Respicio
Speaker, 19th Guam Youth Congress

on

BILL 628

AMEND CHAPTER 34 OF TITLE 9, GUAM CODE ANNOTATED TO PROVIDE FOR PENALTIES FOR PERSONS FOUND GUILTY OF DAMAGING, DESTROYING, REMOVING OR DEFACING PUBLIC OR PRIVATE PROPERTY, AND TO CITE THE ACT AS THE DON'T MESS WITH GUAM, ANTI-GRAFFITI ACT OF 1993.

Madam Chair:

Thank you for inviting the Nineteenth Guam Youth Congress to present testimony this afternoon. It is your continuing actions, and the actions of the Guam Legislature, which supports my belief that Guam's young people have risen to be major players in policy which impact our youth. Please allow me, on behalf of the members of the Nineteenth Guam Youth Congress, to present testimony on Bill 628.

Bill No. 628 seeks to address the graffiti problem by placing harsher penalties on individuals found guilty of damaging, destroying, removing or defacing public or private property. I commend the bill's author and, of course, Youth Congress' very own Advisor, Senator Elizabeth P. Arriola, for her vision in eradicating the rampant incidences of terrible acts of vandalism to our public and private properties.

The intent of Bill 628's seems promising, and the Youth Congress wholeheartedly supports the provisions thereof; however, we must also try to encourage vandals to stop out of goodwill and concern for the community, and not because of the consequences. To address the graffiti problem Youth Congress, in conjunction with Senator Arriola, plans to host a graffiti painting-over party. This event will send a clear message to the offenders that their "peers" do not think it's "cool" to trash others' private property, and "OUR" public property. Of course it would take a while for our young people to be pro-community, Bill 628 is an appropriate and adequate measure.

On behalf of the members of the 19th Guam Youth Congress, I thank you for affording me the opportunity to address your Committee. Again, I emphasize that the Youth Congress will provide contributive efforts to your Committee on Judiciary and Criminal Justice as we seek to answer some of our island's problems, particularly problems with vandalism. Together, we can and will make a difference!

Respectfully Submitted,


RORY RESPICIO



TESTIMONY BY

JOEY B. CEPEDA
General Manager

ON

BILL NO. 628
(The "Don't Mess With Guam, Anti-Graffiti Act of 1993")

BEFORE THE LEGISLATIVE COMMITTEE ON JUDICIARY AND CRIMINAL
JUSTICE

Legislative Public Hearing Room
Friday, 14 January 1994

Hafa Adai Madame Chairperson and members of the Committee on Judiciary and Criminal Justice. Thank you for the opportunity to present testimony in support of Bill No. 628, the **"Don't Mess With Guam, Anti-Graffiti Act of 1993."** The Bureau is highly supportive of any legislation which furthers the government's commitment to the maintenance and upkeep of our island paradise.

Beautification and maintenance of our island remain top items of priority and concern at the Guam Visitors Bureau, and are essential as the Bureau's promotion of Guam relies heavily on our image as a paradise. While the Bureau currently oversees major beautification and beach-cleaning programs, full and total community support and efforts are necessary to ensure continued satisfaction by our visitors. More importantly, however, beautification of Guam -- on a much larger scale -- instills a sense of pride, self-esteem and caring for our island by her residents. We believe that by imposing strict fines as well as adding the responsibility for repairing damaged property, we send a distinct message to the community -- "Don't Mess With Guam!"

Again, Madame Chairperson, on behalf of the Guam Visitors Bureau, I thank you for this opportunity.



Governor's Office Complex
P.O. Box 786
Agaña, Guam 96910

GOVERNMENT OF GUAM
AGANA, GUAM 96910



Office: (671) 472-6940
(671) 477-8461
Fax: (671) 477-8777

HONORABLE SENATOR PILAR C. LUJAN
TWENTY-SECOND GUAM LEGISLATURE
CHAIRPERSON - COMMITTEE ON JUDICIARY AND CRIMINAL JUSTICE

JANUARY 14, 1994 (FRIDAY)


GOOD AFTERNOON, MY NAME IS MAYOR GREGORIO M. BORJA, MAYOR OF SANTA RITA AND CHAIRMAN FOR LEGISLATIVE AND FINANCIAL AFFAIRS COMMITTEE, MAYORS' COUNCIL OF GUAM.

I WOULD LIKE TO EXTEND MY APPRECIATION TO THIS COMMITTEE IN ALLOWING US TO APPEAR BEFORE YOU AND THE OPPORTUNITY TO PROVIDE TESTIMONIES ON SEVERAL BILLS BEING HEARD BY YOUR COMMITTEE THIS AFTERNOON.

THE MAYORS' COUNCIL OF GUAM AND I AS CHAIRMAN, HAD ADDRESSED THESE BILLS AND FULLY SUPPORT BILL NO. 628 - "THE DON'T MESS WITH GUAM ANTI-GRAFFITI ACT". IF ENACTED INTO LAW, IT WILL PROVIDE FOR RESTITUTION BY THE RESPONSIBLE PERSON OR PERSONS BY REQUIRING THE VIOLATORS TO REPAINT, REPAIR, REFURBISH, OR REPLACED THE DEFACED DAMAGED OR REMOVED PROPERTY AT THEIR OWN EXPENSE. THIS WILL PROVIDE REPARATION TO THE GOVERNMENT OR PRIVATE PROPERTY OWNERS.

BILL NO. 640 - "RELATIVE TO JUVENILE CURFEW", WE FULLY SUPPORT THESE PROVISIONS EXCEPT THAT WE ARE RECOMMENDING THAT PART OF SECTION 2, SUBSECTION C, LINE 20, TO DELETE THE FOLLOWING AFTER THE WORD MINOR, OR OTHER RESPONSIBLE PERSON OVER EIGHTEEN (18) YEARS OF AGE.

THE MAYORS' COUNCIL OF GUAM SUPPORTS BILL NO. 669 AND 791, AND RECOMMEND ENACTMENT OF BOTH BILLS.


MAYOR GREGORIO M. BORJA
CHAIRMAN, LEGISLATIVE & FINANCE COMMITTEE



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

JAN 14 1994

FRANK F. BLAS
 Lieutenant Governor

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



NINETEENTH GUAM YOUTH CONGRESS

155 Hesler Street
Agana, Guam 96910
Tel: 472-3441 • Fax: 477-5632

Rep. Eileen Sablan
Vice Speaker

Rep. Rory Respicio
Speaker

Rep. Florence Dulla
Legislative Secretary

March 3, 1994

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

Dear Senator Lujan:

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGEMENT RECEIPT	
Received By	<i>[Signature]</i>
Time	<i>11:25</i>
Date	<i>3-3-94 # 2545</i>

Thank you for publicly hearing Bill 628--AN ACT TO AMEND CHAPTER 34 OF TITLE 9, GUAM CODE ANNOTATED TO PROVIDE FOR PENALTIES FOR PERSONS FOUND GUILTY OF DAMAGING, DESTROYING, REMOVING OR DEFACING PUBLIC OR PRIVATE PROPERTY, AND TO CITE THE ACT AS THE DON'T MESS WITH GUAM, ANTI-GRAFFITI ACT OF 1993--on Friday, January 14, 1994 before your legislative committee.

At that hearing you may recall the Youth Congress submitted written testimony in support of Bill No. 628 which seeks to address the graffiti problem by placing harsher penalties on individuals found guilty of damaging, destroying, removing or defacing public or private property.

You are indeed in a position to have this concept entertained in the next legislative session; therefore, I, on behalf of the Youth Congress, and the youth of our territory, humbly request your Committee on Judiciary and Criminal Justice to favorably report Bill 628 to the full legislature, and further request its placement on the session agenda of the next scheduled legislative session.

The Youth Congress will continue to address the graffiti problem and very shortly will host a graffiti painting-over party, and other activities which will encourage our youth to have a pro-community way of thinking.

Senator, thank you very much for your help. If you should have any question which I may be able to answer, please do not hesitate to ask.

Respectfully Submitted,

Rory Respicio
RORY J. RESPICIO

cc: Senator Elizabeth P. Arriola

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Introduced

Bill No. 628(LS)

SEP 07 '93

Introduced by:

E. P.. Arriola *epa*

AN ACT TO AMEND CHAPTER 34 OF TITLE 9,
GUAM CODE ANNOTATED TO PROVIDE FOR
PENALTIES FOR PERSONS FOUND GUILTY OF
DAMAGING, DESTROYING, REMOVING OR
DEFACING PUBLIC OR PRIVATE PROPERTY,
AND TO CITE THE ACT AS THE DON'T MESS
WITH GUAM, ANTI-GRAFFITI ACT OF 1993.

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

3 Section 1. Paragraph (c) §34.50 of Title 9, Guam Code Annotated is
4 hereby amended to read as follows:

5 "(c) he intentionally damages, **destroys, removes, or defaces**
6 the property of another."

7 Section 2. A new Paragraph (c) is hereby added to Title 9, Guam
8 Code Annotated to read as follows:

9 "(c) Any person convicted under Paragraph (c) §34.50 of Title
10 9, Guam Code Annotated is guilty of a misdemeanor and shall be
11 punishable by a fine of not more than One Thousand Dollars
12 (\$1,000), per violation plus the responsibility of repainting or
13 refurbishing the property so damaged, destroyed, removed, or
14 defaced at his expense, under the supervision of the affected
15 property owner, and the Mayor of the respective municipality, or
16 court representative. Furthermore, parents or guardians of any
17 minor convicted under this section shall also be responsible for
18 providing supervision.

19 Section 3. This Act may be referred to or cited as the "DON'T MESS
20 WITH GUAM, ANTI-GRAFFITI ACT OF 1993."