



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OFFICE OF THE SPEAKER	
Date:	10/18/95
Time:	2:00P
Received By:	[Signature]
Print Name:	WASS J. MADRIZ

OCT 18 1995

The Honorable Ted S. Nelson
Acting Speaker
Twenty-Third Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

OFFICE of VICE-SPEAKER TED S. NELSON	
Print Name:	Robert Tenorio
Initial:	[Signature]
Date:	10/18/95
Time:	2:30

Via: Office of Speaker Don Parkinson

Dear Speaker Nelson:

Enclosed please find a copy of Bill No. 356 (LS), "AN ACT TO AMEND SUBSECTION (f) OF §5.55 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE DEFINITION OF 'PEACE OFFICER' FOR THE CUSTOMS AND QUARANTINE AGENCY", which I have signed into law today as **Public Law No. 23-44**.

This amendment to the definition of "peace officer" is necessary to conform to the change in the customs function of the territory from a division in the Department of Commerce to a separate agency. The amendment is also necessary to accommodate retaining retired customs officers on an interim basis within the Customs and Quarantine Agency.

Bolstering the contingent of customs officers at our ports of entry is a part of our "War on Drugs" effort to stem the flow of illegal drugs, such as "ice", into our territory.

Very truly yours,

[Signature]
Carl T. C. Gutierrez

Attachment
230675

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By:	[Signature]
Time:	3:50
Date:	10/18/95

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

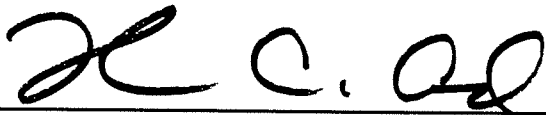
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 356 (LS), "AN ACT TO AMEND SUBSECTION (f) OF §5.55 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE DEFINITION OF "PEACE OFFICER" FOR THE CUSTOMS AND QUARANTINE AGENCY," was on the 12th day of October, 1995, duly and regularly passed.



TED S. NELSON
Acting Speaker

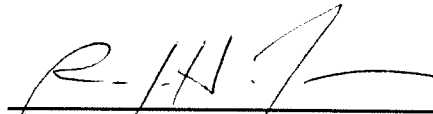
Attested:



THOMAS C. ADA

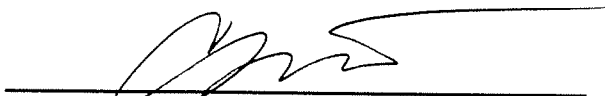
Senator and Acting Legislative Secretary

This Act was received by the Governor this 13th day of October,
1995, at 2:26 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 10-18-95

Public Law No. 23-44

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

Bill No. 356 (LS)

Introduced by:

T. S. Nelson
M. C. Charfauros
A. R. Unpingco
T. C. Ada
J. P. Aguon
E. Barrett-Anderson
A. C. Blaz
J. S. Brown
F. P. Camacho
H. A. Cristobal
M. Forbes
A. C. Lamorena V
C. Leon Guerrero
L. Leon Guerrero
S. L. Orsini
V. C. Pangelinan
D. Parkinson
J. T. San Agustin
A. L. G. Santos
F. E. Santos
J. Won Pat-Borja

AN ACT TO AMEND SUBSECTION (f) OF §5.55 OF
TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO
AMENDING THE DEFINITION OF "PEACE OFFICER"
FOR THE CUSTOMS AND QUARANTINE AGENCY.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**
2 **Section 1.** Subsection (f) of §5.55 of Title 8, Guam Code Annotated, is
3 amended to read:

1 "(f) Customs and Quarantine Officers of the Customs and Quarantine
2 Agency, and those persons under the service of the Agency whom the Director
3 of Customs specifically designates."

TWENTY-THIRD GUAM LEGISLATURE
1995 (FIRST) Regular Session

Date: 10/12/95

VOTING SHEET

Bill No. 356

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.				✓
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou				✓
NELSON, Ted S.	✓			
ORSINI, Sonny L.				✓
PANGELINAN, Vicente C	✓			
PARKINSON, Don				✓
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith				✓

TOTAL

16 0 0 5*

CERTIFIED TRUE AND CORRECT:

Recording Secretary

** Off Island.*

PL 23-44

Senator Mark C. Chareauros

Chairman

Committee on Judiciary, Criminal Justice and Environmental Affairs
Twenty-Third Guam Legislature

Tel.: (671) 472-3342/3/5

Fax: (671) 472-3440

October 10, 1995

SPEAKER DON PARKINSON
Twenty-Third Guam Legislature
155 Hesler St.
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Judiciary, Criminal Justice and Environmental Affairs to which was referred **Bill No. 356**, wishes to report back to the Legislature with its recommendation to pass **Bill No. 356** - "AN ACT TO AMEND SUBSECTION (f) OF §5.55 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE DEFINITION OF "PEACE OFFICER" FOR THE CUSTOMS AND QUARANTINE AGENCY."

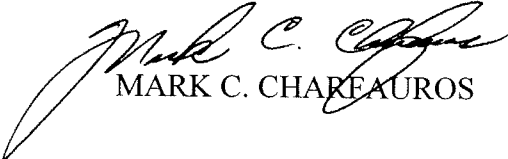
The voting record is as follows:

TO PASS	<u>9</u>
NOT TO PASS	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.

Attachments


MARK C. CHAREAUROS

Senator Mark C. Chareauros

Chairman

Committee on Judiciary, Criminal Justice and Environmental Affairs Twenty-Third Guam Legislature

Tel.: (671) 472-3342/3/5

Fax: (671) 472-3440

September 26, 1995

MEMORANDUM

TO: Members

FROM: Chairman

SUBJECT: Committee Report - **Bill No. 356** - "AN ACT TO AMEND SUBSECTION (f) OF §5.55 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE DEFINITION OF "PEACE OFFICER" FOR THE CUSTOMS AND QUARANTINE AGENCY."

Transmitted herewith for your information and action is the Committee on Judiciary, Criminal Justice and Environmental Affairs' Report on the subject Bill.

The narrative report is accompanied by the following:

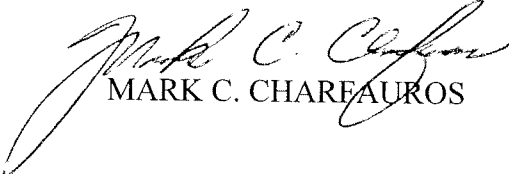
1. Original Bill 356;
2. Committee Voting Sheet;
3. Testimony and Sign-in Sheet
4. Public Hearing Notice.

Should you have any questions on the narrative report or the accompanying documents, I would be most happy to answer any of them.

Please take the appropriate action on the attached voting sheet and return the documents to my office for transmittal to the other members.

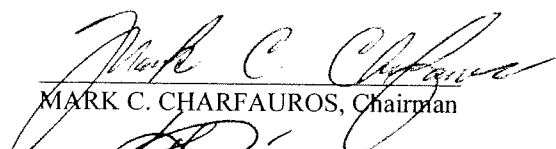
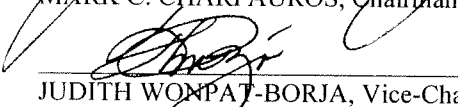

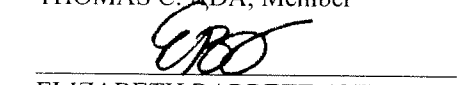
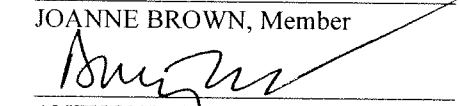



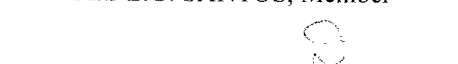
Your attention and cooperation in this matter is greatly appreciated.

Attachments.


MARK C. CHAREAUROS

**COMMITTEE ON JUDICIARY, CRIMINAL JUSTICE AND
ENVIRONMENTAL AFFAIRS
23rd Guam Legislature
VOTING RECORD**

Bill No. 356- "AN ACT TO AMEND SUBSECTION (f) OF §5.55 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE DEFINITION OF "PEACE OFFICER" FOR THE CUSTOMS AND QUARANTINE AGENCY."

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK C. CHARFAUROS, Chairman	✓	---	---	---
 JUDITH WONPAT-BORJA, Vice-Chairperson	✓	---	---	---
 THOMAS C. ADA, Member	✓	---	---	---
 ELIZABETH BARRETT-ANDERSON, Member	✓	---	---	---
JOANNE BROWN, Member	---	---	---	---
 ANTHONY C. BLAZ, Member	✓	---	---	---
HOPE CRISTOBAL, Member	---	---	---	---
A. TONY LAMORENA, Member	---	---	---	---
 LOU LEON GUERRERO, Member	✓	---	---	---
 TED S. NELSON, Member	✓	---	---	---
 VICENTE C. PANGELINAN, Member	✓	---	---	---
ANGEL L.G. SANTOS, Member	---	---	---	---
 DON PARKINSON, Ex-Officio Member	✓	---	---	---

COMMITTEE ON JUDICIARY, CRIMINAL
JUSTICE AND ENVIRONMENTAL
AFFAIRS

Twenty-Third Guam Legislature

COMMITTEE REPORT

on

Bill No. 356

"AN ACT TO AMEND SUBSECTION (f) OF §5.55 OF TITLE 8, GUAM CODE
ANNOTATED, RELATIVE TO AMENDING THE DEFINITION OF "PEACE OFFICER"
FOR THE CUSTOMS AND QUARANTINE AGENCY."

SEPTEMBER 20, 1995

I. OVERVIEW

The Committee on Judiciary, Criminal Justice and Environmental Affairs scheduled a public hearing on September 20, 1995 at 9:30 p.m. at the Legislative Public Hearing Room. Public notice was announced on the September 19, 1995 issue of the PDN. Members present were:

Senator Mark C. Charfauros, Chairman

Senator Ben Pangelinan

Senator Ted Nelson

Senator Judith WonPat-Borja

Senator Hope Cristobal

Senator Angel L.G. Santos

Senator Tom Ada

Senator Lou Leon Guerrero

Senator Alberto Lamorena

Senator Mark Forbes, nonmember.

Appearing before the Committee to testify on the bill were:

Mr. John Quinata, Director, Customs and Quarantine Agency, **written.**

II. SUMMARY OF TESTIMONY

Mr. John Quinata, Director, Customs and Quarantine Agency, testified in support of Bill 356. He stated that employees at the Customs and Quarantine Agency are very dedicated public servants who work long hours, but they need help. He further stated that the Agency has 13% less manpower than last year due to retirements. He stated that it is necessary to amend the current law because they need more uniform officers immediately; written; **attached**.

III. FINDING AND RECOMMENDATION

The Committee finds that Bill 356 is essential because “ICE” has become an epidemic that has destroyed the lives of people in all segments of our society. The Committee finds that the use of ice is on the rise. Within the first few months the agency has confiscated over 9 million dollars worth of this appallingly addictive drug. The Committee finds that only 5% of this drug is being detected and confiscated.

The Committee finds that the Customs and Quarantine Agency has a severe manpower shortage that must be alleviated immediately. The Committee further finds that Bill 356 will allow the Agency to take immediate action on minimizing such a shortage.

Accordingly, the Committee on Judiciary, Criminal Justice and Environmental Affairs, to which was referred **Bill No. 356**, does hereby submit its findings and recommendation to the Twenty-Third Guam Legislature **TO DO PASS Bill No. 356**, "AN ACT TO AMEND SUBSECTION (f) OF §5.55 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE DEFINITION OF “PEACE OFFICER” FOR THE CUSTOMS AND QUARANTINE AGENCY.”

ORAL TESTIMONY OF
JOHN M. QUINATA, DIRECTOR OF CUSTOMS
ON BILL 356
September 20, 1995

AN ACT TO AMEND THE DEFINITION OF "PEACE OFFICER" UNDER
TITLE 8, CHAPTER 5, SUBSECTION 5.55(F), OF THE GUAM CODE
ANNOTATED

Good morning Chairman Charfauros and members of this committee, my name's John Quinata, and I'm the Director of the Customs and Quarantine Agency.

As you already know, "ICE" has become an epidemic that is slamming our peaceful island community with tremendous force. It's a very powerful and highly addictive drug, and doesn't matter where you come from, who you are, or if you're young, or old. It's in our schools... our jobs... our families... everywhere you turn, the drug is damaging the lives of those we love, we care for, and depend on... and of those who we call friends. All it takes is once, and a person can be hooked for life. There's a tragedy happening right before our eyes ladies and gentlemen.... and its not going to get better if we don't make the right choices now.

Crime is up, murder is up, and drug use is up. 75% of all drug related crimes on Guam are attributed to the drug "ICE". This year alone, Customs has confiscated over 9 million dollars worth of this dreadfully addictive drug... more than what was confiscated in the last four years combined. But this is only the tip of the iceberg ladies and gentlemen, estimates reveal that only 5% of this drug is detected... despite encountering smugglers almost on a daily basis.

But don't be misled... the employees of the Customs Agency are very dedicated public servants... and they work very hard. They work long hours.. days and weeks at a time... and they perform their jobs very well... but we need help. For the past decade, we've operated with virtually the same staff level to meet an overall 130% increase in our workload... and the growth is continuing. Last year... we celebrated our one millionth visitor, this year... passenger arrivals are up by 27% ... and 36% for last month alone. What makes it even more difficult ladies and gentlemen... is that today... we have 13% less manpower than we did last year due to retirements... The bottom line, we need more uniformed officers NOW.

Certainly Guam's experiencing many important problems... there's problems with our schools... there's problems with our roads... there's problems with our power... but there's one thing I'm certain of... I'd rather see the lights go out in my house... than to see the lights go out in my children.. in my brother's children... or in your children.

Think about it ladies and gentlemen, the future of our children is in our hands, and they're depending on us to make the right choices. We definitely have a crisis here, and the Customs Agency... with your help... can make a very big difference.

That's why I come before you this morning to urge you to please... please give your support to Bill 356. By virtue of this bill, a difference can be made now... made by Officers with over 20 years of Customs experience... by officers who are fully knowledgeable and capable of enforcing Customs laws and mandates... by officers who have committed their lives to protecting our island, our people, and our children.... by officers who can provide the relief we desperately need... not in six months... not in one year... but today... and we need to give them our full support as "Peace Officers" under this bill.

Thank you... and I'll be pleased to answer any questions you may have.

JOHN M. QUINATA



Notice of Public Hearing

23rd Guam Legislature

Senator

Mark C. Charfauros

Chairman, Committee on Judiciary, Criminal Justice and
Environmental Affairs

Bill No. 263: AN ACT TO ADD A NEW §80.30.1, A NEW §80.31.1 AND A NEW §67.62.1 TO 9 GCA RELATIVE TO MANDATORY SENTENCING FOR THE POSSESSION OF CRYSTAL METHAMPHETAMINE, AND THE CREATION OF A SPECIAL FUND TO SUPPORT DRUG TREATMENT AND EDUCATION AND LAW ENFORCEMENT, FOR THE PURPOSES OF COMBATING THE INCREASING ABUSE OF CRYSTAL METHAMPHETAMINE, OTHERWISE KNOWN AS "ICE", IN THE TERRITORY OF GUAM AND TO PROTECT THE YOUTH OF GUAM FROM THE DANGERS OF THIS ILLEGAL SUBSTANCE;

Bill No. 295: AN ACT TO CREATE A NEW CHAPTER 88 TO 9 GCA RELATIVE TO ESTABLISHING A PROGRAM FOR SUBSTANCE ABUSE TESTING, ASSESSMENT AND TREATMENT FOR PERSONS CONVICTED AND INVOLVED IN THE GUAM JUSTICE SYSTEM, AS A MEANS OF REDUCING RECIDIVISM, ADDRESSING OFFENDERS AS A HIGH RISK GROUP, AND REDUCING SUBSTANCE ABUSE AND ITS DELETERIOUS EFFECTS IN THE TERRITORY OF GUAM;

Bill No. 300: AN ACT TO AMEND PUBLIC LAW 22-116 TO INCLUDE JUVENILES CONVICTED OF SEXUAL ASSAULT UPON ANOTHER PERSON TO UNDERGO MANDATORY TESTING FOR HIV OR OTHER SEXUAL DISEASES;

Bill No. 307 as substituted: AN ACT TO ADD A NEW SECTION 70.26 TO CHAPTER 70 OF TITLE 9 GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE USE OF MOTORIZED VESSELS IN AREAS WHERE NO RECREATIONAL WATER USE MASTER PLAN EXISTS;

Bill No. 313: AN ACT TO AMEND CHAPTER 86 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINAL INJURIES COMPENSATION COMMISSION;

Bill No. 316: AN ACT TO REQUIRE THE GUAM JUDICIAL COUNCIL TO ADOPT STANDARD JUDICIAL FORMS FOR PURPOSES OF FILING CIVIL AND CRIMINAL LITIGATIONS, SPECIAL PROCEEDINGS, PETITIONS, MOTIONS, NOTICES, ORDERS AND REQUESTS THAT MAY BE FILED IN COURT;

Bill No. 334: AN ACT TO REPEAL AND REENACT §8106 OF TITLE 7 GCA RELATIVE TO AUTHORIZING MARSHALS OF THE SUPERIOR COURT OF GUAM TO ISSUE TRAFFIC CITATIONS;

Bill No. 356: AN ACT TO AMEND SUBSECTION (f) OF §5.55 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE DEFINITION OF "PEACE OFFICER" FOR THE CUSTOMS AND QUARANTINE AGENCY;

Bill No. 363: AN ACT TO AMEND §3401.0(h) OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING GOVERNMENT SECURITY PERSONNEL TO ENFORCE STATUTES CONCERNING ACCESSIBLE PARKING FOR PERSONS WITH DISABILITIES;

Bill No. 364: AN ACT TO ADD A NEW SUBSECTION (H) TO SECTION 3339 AND AMEND SECTION 3315 ALL TO TITLE 16 GUAM CODE ANNOTATED RELATIVE TO TRAFFIC SIGNALS.

Date: Wednesday, September 20, 1995

Time: 9:30 a.m.

Place: Public Hearing Room,

Guam Legislature Temporary Bldg., Agana, Guam

The Public is invited to participate



COMMITTEE ON RULES

Twenty-Third Guam Legislature
155 Hesler St., Agana, Guam 96910

September 5, 1995

MEMORANDUM

TO: Chairman, Committee on Judiciary, Criminal Justice
and Environmental Affairs

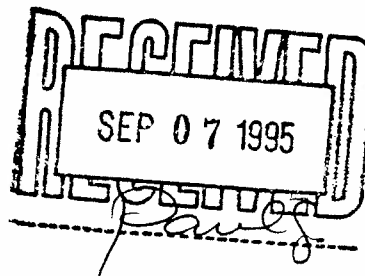
FROM: Chairman, Committee on Rules

SUBJECT: Referral - Bill No. 356

The above Bill is referred to your Committee as the principal 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.


SONNY LUJAN ORSINI

Attachment:



SEP 11 1995

TWENTY-THIRD GUAM LEGISLATURE
1995 (First) Regular Session

Bill No. 356 (LS)

Introduced by:

T. S. Nelson


AN ACT TO AMEND SUBSECTION (f) OF §5.55 OF TITLE 8, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE DEFINITION OF "PEACE OFFICER" FOR THE CUSTOMS AND QUARANTINE AGENCY.

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

3 **Section 1.** Subsection (f) of §5.55 pf Title 8, Guam
4 Code Annotated, is amended to read:

5 "(f) Customs and Quarantine Officers of the [~~Department~~
6 ~~of Commerce~~] Customs and Quarantine Agency, and those
7 persons under the service of the Agency whom the Director of
8 Customs specifically designates;"