



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

DEC 05 1995

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

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>Heefin</u>
Time	<u>11:10</u>
Date	<u>12-6-95</u>

Dear Speaker Nelson:

Enclosed please find a copy of Amended Bill No. 115 (LS), "AN ACT TO AMEND SUBSECTION (a) OF §2107, TO REPEAL AND REENACT SUBSECTION (b) OF §2107, AND TO AMEND §§2704 AND 2705, ALL OF TITLE 10, GUAM CODE ANNOTATED, PERTAINING TO THE INCREASE OF CERTAIN PENALTIES FOR WELFARE AND FOOD STAMP FRAUD", which I have **signed** into law today as **Public Law No. 23-57**.

The legislation increases the penalties from a misdemeanor to a felony of the third degree for obtaining public assistance payments through fraud; for willfully failing to report a change in status affecting a person's eligibility for public assistance; or for knowingly obtaining or otherwise taking prohibited actions with food stamp coupons or authorization-to-participate cards for food stamps. It also applies these increased penalties to amounts in question of \$100, whereas prior to this legislation the misdemeanor penalty applied only to amounts in question of \$500 or more.

It is intended that these increased penalties and the new applicability of penalties to smaller amounts in question will have a deterrent effect on persons who try to obtain public funds when they are really not in need and are not eligible.

Very truly yours,

  
Carl T. C. Gutierrez

Attachment

**230889**

Office of	
VICE-SPEAKER TED S. NELSON	
Received by	<u>Cathy</u>
Print Name	<u>Jm</u>
Initial	
Date	<u>12-6-95</u>
Time	<u>10:00am</u>

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 115 (LS), "AN ACT TO AMEND SUBSECTION (a) OF §2107, TO REPEAL AND REENACT SUBSECTION (b) OF §2107, AND TO AMEND §§2704 AND 2705, ALL OF TITLE 10, GUAM CODE ANNOTATED, PERTAINING TO THE INCREASE OF CERTAIN PENALTIES FOR WELFARE AND FOOD STAMP FRAUD," was on the 22nd day of November, 1995, duly and regularly passed.




\_\_\_\_\_  
DON PARKINSON  
Speaker

Attested:



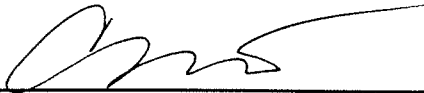
\_\_\_\_\_  
JUDITH WON PAT-BORJA  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 29th day of November,  
1995, at 4:55 o'clock P.M.



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

APPROVED:



\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 12-5-95

Public Law No. 23-57

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 115 (LS)  
As amended by the Author

Introduced by:

M. C. Charfauros  
A. L. G. Santos  
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  
T. S. Nelson  
S. L. Orsini  
V. C. Pangelinan  
D. Parkinson  
J. T. San Agustin  
F. E. Santos  
A. R. Unpingco  
J. Won Pat-Borja

AN ACT TO AMEND SUBSECTION (a) OF §2107, TO REPEAL AND REENACT SUBSECTION (b) OF §2107, AND TO AMEND §§2704 AND 2705, ALL OF TITLE 10, GUAM CODE ANNOTATED, PERTAINING TO THE INCREASE OF CERTAIN PENALTIES FOR WELFARE AND FOOD STAMP FRAUD.

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

1           **Section 1.** Subsection (a) of §2107 of Title 10, Guam Code Annotated, is  
2 hereby amended to read as follows:

3           "**§2107. Frauds: Penalties.** (a) Any person who, by means of a  
4 willfully false statement or representation, or by impersonation or  
5 other fraudulent device, obtains or attempts to obtain, or aids or abets  
6 any other person to obtain, public assistance to which he is not justly  
7 entitled, or a larger amount of assistance than that to which he is justly  
8 entitled, or any recipient who buys or disposes of real property or any  
9 person who knowingly aids or abets a recipient in the purchase or sale  
10 of real property without the consent of the Director, in order to qualify  
11 for public assistance, shall be guilty of a felony of the third degree."

12           **Section 2.** Subsection (b) of §2107 of Title 10, Guam Code Annotated, is  
13 hereby repealed and reenacted to read as follows:

14           "**(b) Reporting Change of Status.** A person receiving assistance  
15 under this Subchapter who willfully fails to report to the Department a  
16 change in his status which affects his eligibility, within ten (10) days of  
17 that change, is guilty of a misdemeanor."

18           **Section 3.** §2704 of Title 10, Guam Code Annotated, is hereby amended  
19 to read as follows:

20           "**§2704. Reporting Change of Status.** A person receiving  
21 assistance under §2702 of this Subchapter who willfully fails to report to  
22 the Department a change in his status which affects his eligibility or the  
23 amount of payment for which he is eligible, within ten (10) days of that  
24 change, is guilty of a felony of the third degree."

25           **Section 4.** §2705 of Title 10, Guam Code Annotated, is hereby amended  
26 to read as follows:

27           "**§2705. Penalties.** A person is guilty:

1 (a) of a felony of the third degree if he knowingly makes a  
2 false statement for the purpose of influencing the action of the  
3 Department in connection with its responsibilities under the  
4 Federal Food Stamp Act of 1977, with respect to the certification  
5 of households applying for participation in the food stamp  
6 program and the issuance under such program of food stamp  
7 coupons to households;

8 (b) of a misdemeanor if he knowingly uses, transfers,  
9 acquires, alters or possesses food stamp coupons or  
10 authorization-to-participate cards in any manner not authorized  
11 by the Federal Food Stamp Act of 1977 or the Federal or  
12 territorial regulations issued pursuant to this Act and the face  
13 value of the food stamp coupons or the authorization-to-  
14 participate card is One Hundred Dollars (\$100) or less;

15 (c) of a felony of the third degree if he knowingly uses,  
16 transfers, acquires, alters or possesses food stamp coupons or  
17 authorization-to-participate cards in any manner not authorized  
18 by the Federal Food Stamp Act of 1977, or the Federal or  
19 territorial regulations issued pursuant to this Act and the face  
20 value of the food stamp coupons or the authorization-to-  
21 participate card exceeds One Hundred Dollars (\$100);

22 (d) of a felony of the third degree if he knowingly uses,  
23 transfers, acquires, alters or possesses blank authorization-to-  
24 participate card of the Department in any manner not authorized  
25 by the Department;

26 (e) of a felony of the third degree if he knowingly  
27 counterfeits, forges or alters any authorization-to-participate

1 card issued by the Department in connection with its  
2 responsibilities under the Federal Food Stamp Act of 1977; or

3 (f) of a felony of the third degree if he knowingly alters,  
4 publishes or puts into circulation any counterfeited, forged or  
5 altered authorization-to-participate cards."



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>D</u>
Time	<u>12:10</u>
Date	<u>6/29/95</u>

JUN 27 1995

The Honorable Ted S. Nelson  
Acting Speaker  
Twenty-Third Guam Legislature  
424 West O'Brien Drive  
Julale Center - Suite 222  
Agana, Guam 96910

OFFICE OF THE CLERK	
Date:	<u>June 28, 1995</u>
Time:	<u>3:45 pm</u>
Received By:	<u>Phil Roberto</u>
Print Name:	<u>Phil Roberto</u>

Via: Office of Speaker Don Parkinson

Dear Speaker Nelson:

*Carl T. C. Gutierrez*

Enclosed please find a copy of Bill No. 179 (LS), "AN ACT TO ADD NEW §§60515 THROUGH 60519 TO TITLE 21, GUAM CODE ANNOTATED, TO ALLOW FOR THE INTRODUCTION OF THE 1993 GEODETIC NETWORK", which I have signed into law today as **Public Law No. 23-31**.

This bill provides for a new and modern system for surveying land on Guam. There are, however, two errors in its passage which cannot be corrected by the Compiler of Laws, and I am requesting that these errors be corrected in future sessions of the Legislature. A draft bill is attached for this purpose which specifies the corrections.

Very truly yours,

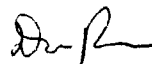
*Carl T. C. Gutierrez*  
Carl T. C. Gutierrez

Attachment  
**230528**

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 179 (LS), "AN ACT TO ADD NEW §§60515 THROUGH 60519 TO TITLE 21, GUAM CODE ANNOTATED, TO ALLOW FOR THE INTRODUCTION OF THE 1993 GUAM GEODETIC NETWORK," was on the 6th day of June, 1995, duly and regularly passed. The Bill received twenty votes to pass, with one member off-island.



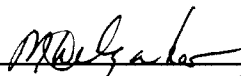
\_\_\_\_\_  
DON PARKINSON  
Speaker

Attested:



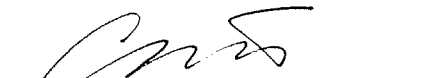
\_\_\_\_\_  
JUDITH WON PAT-BORJA  
Senator and Legislative Secretary

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This Act was received by the Governor this 16 day of June,  
1995, at 10:30 o'clock A.M.



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

APPROVED:



\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 6-27-95

Public Law No. 23-31



TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 179 (LS)

Introduced by

V. C. Pangelinan  
A. L. G. Santos  
T. S. Nelson

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

AN ACT TO ADD NEW §§60515 THROUGH 60519  
TO TITLE 21, GUAM CODE ANNOTATED, TO  
ALLOW FOR THE INTRODUCTION OF THE 1993  
GUAM GEODETIC NETWORK.

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

2 **Section 1. Legislative intent.** Since 1963, surveys have been done  
3 according to the 1963 Guam Geodetic Triangulation Network system. The  
4 Department of Land Management has contracted with the South Australian

1 Government for satellite surveying of new primary, secondary, and  
2 tertiary control stations. Upon completion of the surveying, a new geodetic  
3 system will be in place to replace the 1963 network.

4 It is the intent of the Guam Legislature that this new system must  
5 have legislation to protect the marked primary, secondary, and tertiary  
6 control points that will be established.

7 **Section 2.** A new 21 GCA §60515 is added to read:

8 “§60515. Establishment of the 1993 Guam Geodetic Network.

9 (a) The Director shall progressively replace the 1963 Guam  
10 Geodetic Network with the 1993 Guam Geodetic Network.

11 (b) For this purpose, appropriate monumentation that is  
12 intended for the establishment of the 1993 Guam Geodetic Network  
13 shall be erected by the Director, or may be designated by him, as  
14 primary, secondary and tertiary network marks and shall be referred  
15 to as the 1993 Guam Geodetic Network for use in locating and  
16 describing land within the territory.

17 (c) The 1993 Guam Geodetic Network shall be established to  
18 control the standards prescribed in the Federal Geodetic Control  
19 Committee’s (FGCC) publication Geometric Geodetic Accuracy  
20 Standards and Specifications for Using GPS Relative Positioning  
21 Techniques, Version 5.0 (Reprinted 1 August 1989) and as updated as  
22 necessary.”

23 **Section 3.** A new 21 GCA §60516 is added to read:

24 “§60516. 1993 Guam Geodetic Datum and Map Grid.

25 (a) The 1993 Guam Geodetic Network shall adopt the North  
26 American Datum of 1983 (NAD83 Geodetic Datum) as the  
27 Coordinate Reference System.

1 (b) The Guam Map Grid, with the following parameters, shall  
2 be adopted for surveying application in Guam:

3 Central Meridian and

4 Longitude of Origin 144°45' East Longitude

5 Latitude of Origin 13°30' North Latitude

6 Easting of Origin 100,000 Meters

7 Northing of Origin 200,000 Meters

8 Central Scale Factor 1.000000.

9 **Section 4.** A new 21 GCA §60517 is added to read:

10 "§60517. Proclaimed Survey Areas.

11 (a) The Director shall declare areas of Guam where the 1993  
12 Guam Geodetic Network has been established as Proclaimed Survey  
13 Areas.

14 (b) The Director shall make notification of the declaration of  
15 Proclaimed Survey Areas by advertising in the local newspaper and  
16 advising the Guam Board of Registration for Professional Engineers,  
17 Architects and Land Surveyors.

18 (c) When carrying out a survey of land boundaries in a  
19 Proclaimed Survey Area, surveyors shall connect to a minimum of  
20 three 1993 Guam Geodetic Network marks.

21 (d) If the Territorial Surveyor, based upon reasonable grounds,  
22 questions a survey plan as to form and accuracy, which includes  
23 definition of boundaries, as shown on a survey plan in a Proclaimed  
24 Survey Area, by reason of the survey not being carried out in  
25 accordance with this law or regulations issued under this law, the  
26 Territorial Surveyor may require the surveyor responsible to  
27 undertake additional work, or to provide additional information in

1 relation to the survey in order for the Territorial Surveyor to verify  
2 the survey plan as to form and accuracy, including definition of the  
3 boundaries. The Territorial Surveyor shall not approve the plan until  
4 satisfied that the requirements of this law are met.

5 (e) The surveyor must comply with any such requirement  
6 within fourteen (14) days or such longer period as allowed by the  
7 Territorial Surveyor.

8 (f) The Territorial Surveyor shall approve or disapprove, in  
9 writing, all survey plans within forty-five (45) days of submission.  
10 Failure of the Territorial Surveyor to disapprove in writing a survey  
11 plan submitted shall deem such plan approved. Such approval shall  
12 not waive the rights of the property owners or the surveyor to  
13 challenge such approval in any manner prescribed by law.”

14 **Section 5.** A new 21 GCA §60518 is added to read:

15 “§60518. Extension of the 1993 Guam Geodetic Network.

16 (a) Subdivisions of land in Proclaimed Survey Areas carried out  
17 pursuant to Chapter 62, Title 21, Guam Code Annotated (Subdivision  
18 Law) shall comply with these requirements.

19 (b) The Territorial Planner shall forward a copy of all tentative  
20 plans of subdivisions to the Territorial Surveyor.

21 (c) The Territorial Surveyor shall indicate, on the tentative plans  
22 of subdivisions in Proclaimed Survey Areas, the locations of new  
23 marks to be included in the 1993 Guam Geodetic Network and return  
24 a copy of the tentative plan to the surveyor.

25 (d) The marks shall be placed by the surveyor carrying out the  
26 subdivision at the completion of all major site works to the  
27 specifications set by the Territorial Surveyor. The Territorial Surveyor

1 shall be advised when the marks have been placed. The subdivision  
2 map shall not be approved until the marks are placed by the surveyor  
3 and certified to by the Territorial Surveyor or his designee.

4 (e) The surveyor shall relate all marks placed pursuant to this  
5 section, and all 1993 Guam Geodetic Network marks located on a  
6 survey, in both distance and direction to the closest boundary corner.

7 (f) The Territorial Surveyor shall connect the marks to the 1993  
8 Guam Geodetic Network and recover any cost from the surveyor or  
9 the developer carrying out the subdivision."

10 **Section 6.** A new 21 GCA §60519 is added to read:

11 "§60519. Protection of 1993 Guam Geodetic Network Marks.

12 (a) A person must not, without the approval of the Territorial  
13 Surveyor, destroy or damage a 1993 Guam Geodetic Network mark.  
14 A penalty of \$5,000 will be incurred if a person destroys or damages a  
15 1993 Guam Geodetic Network mark.

16 (b) Where a person proposes to carry out any work in a  
17 Proclaimed Survey Area likely to destroy or damage a 1993 Guam  
18 Geodetic Network mark, that person shall give notice to the  
19 Territorial Surveyor, who shall take all necessary steps to safeguard  
20 the mark, and the proposed work shall not commence until such  
21 steps have been taken.

22 (c) The cost of any work carried out by the Territorial Surveyor  
23 pursuant to subsection (b) above shall be recovered from the person  
24 carrying out the work.

25 (d) When the Court finds a person guilty of willfully destroying  
26 or damaging a 1993 Guam Geodetic Network mark, in addition to the  
27 punishment imposed by the Court, the person shall pay the

- 1 Territorial Surveyor the full cost of replacing and re-coordinating the
- 2 mark, in addition to the penalty stated above.”

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. \_\_\_\_\_

Introduced by:

\_\_\_\_\_ by request of the Governor in accordance with the Organic Act of Guam.

AN ACT TO CORRECT ERRORS IN §60515 OF TITLE 21, GUAM CODE ANNOTATED, ENACTED IN PUBLIC LAW 23-31.

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

2 Section 1. **Addition of the word "Triangulation" in reference to 1963 Guam**  
3 **Geodetic Triangulation Network.** Subsection (a) of §60515 of Title 21, Guam Code  
4 Annotated, enacted in Public Law 23-31, is amended to read:

5 "(a) The Director shall progressively replace the 1963 Guam Geodetic Triangulation  
6 Network with the 1993 Guam Geodetic Network."

7 Section 2. **Reversal of phrase in Subsection (c) of §60515 of Title 21, Guam**  
8 **Code Annotated.** Subsection (c) of §60515 of Title 21, Guam Code Annotated,  
9 enacted in Public Law 23-31, is amended to read:

10 "(c) The 1993 Guam Geodetic Network shall be established to ~~{control the}~~ the  
11 control standards prescribed in the Federal Geodetic Control Committee's (FGCC)  
12 publication Geometric Geodetic Accuracy Standards and Specifications for Using  
13 GPS Relative Positioning Techniques, Version 5.0 (Reprinted 1 August 1989) and as  
14 updated as necessary."

**TWENTY-THIRD GUAM LEGISLATURE**

1995 (FIRST) Regular Session

6

Date: 11/22/95

**VOTING SHEET**

Bill No. 115

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

Question: on the passage

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 19 0 0 2

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Recording Secretary



P ✓ 23-57

✓

# Senator Mark C. Charfauros

Chairman

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

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

Fax: (671) 472-3440

June 5, 1995

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

Dear Mr. Speaker:

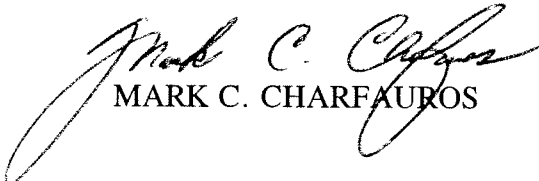
The Committee on Judiciary, Criminal Justice and Environmental Affairs to which was referred **Bill No. 115**, wishes to report back to the Legislature with its recommendation to pass **Bill No.115** - "AN ACT TO AMEND SECTION (a) OF SECTION 2107, TO REPEAL AND REENACT SUBSECTION (b) TO SECTION 2107, TO AMEND SECTION 2704 AND 2705 ALL OF TITLE 10, GCA, PERTAINING TO THE INCREASE OF CERTAIN PENALTIES FOR WELFARE AND FOOD STAMP FRAUD."

The voting record is as follows:

TO PASS	<u>12</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.

  
MARK C. CHARFAUROS

Attachments

Senator Mark C. Charfauros

Chairman

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

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

Fax: (671) 472-3440

May 22 1995

MEMORANDUM

TO: Members

FROM: Chairman

SUBJECT: Committee Report - **Bill No. 115** - "AN ACT TO AMEND SECTION (a) OF SECTION 2107, TO REPEAL AND REENACT SUBSECTION (b) TO SECTION 2107, TO AMEND SECTION 2704 AND 2705 ALL OF TITLE 10, GCA, PERTAINING TO THE INCREASE OF CERTAIN PENALTIES FOR WELFARE AND FOOD STAMP FRAUD."

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 115; Bill 115 as amended by the author;
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.

  
MARK C. CHARFAUROS

Attachments.

COMMITTEE ON JUDICIARY, CRIMINAL  
JUSTICE AND ENVIRONMENTAL  
AFFAIRS

*Twenty-Third Guam Legislature*

COMMITTEE REPORT

on

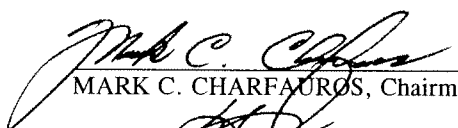
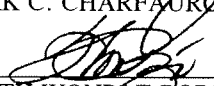

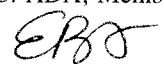
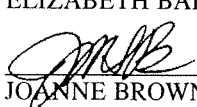
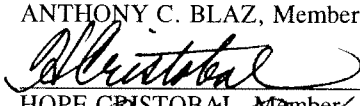
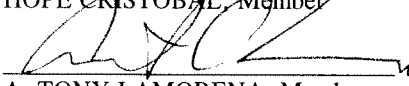
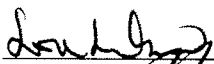
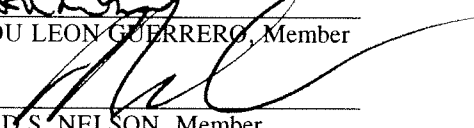
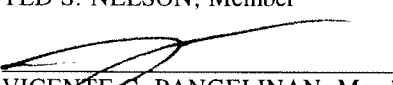
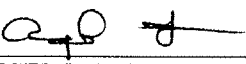

Bill No. 115

"AN ACT TO AMEND SUBSECTION (a) OF SECTION 2107, TO REPEAL AND REENACT SUBSECTION (b) TO SECTION 2107, TO AMEND SECTION 2704 AND 2705 ALL OF TITLE 10, GCA, PERTAINING TO THE INCREASE OF CERTAIN PENALTIES FOR WELFARE AND FOOD STAMP FRAUD."

MAY 22, 1995

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

**Bill No. 115- "AN ACT TO AMEND SECTION (a) OF SECTION 2107, TO REPEAL AND REENACT SUBSECTION (b) TO SECTION 2107, TO AMEND SECTION 2704 AND 2705 ALL OF TITLE 10, GCA, PERTAINING TO THE INCREASE OF CERTAIN PENALTIES FOR WELFARE AND FOOD STAMP FRAUD."**

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>INACTIVE FILE</u>
 MARK C. CHARFAUROS, Chairman	✓	—	—	—
 JUDITH WONPAT-BORJA, Vice-Chairman	✓	—	—	—
 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	✓	—	—	—

## I. OVERVIEW

The Committee on Judiciary, Criminal Justice and Environmental Affairs scheduled a public hearing on May 22, 1995 at 9:30 a.m. at the Legislative Public Hearing Room. Public notice was announced on the May 21, 1995 issue of the PDN. Members present were:

Senator Mark C. Charfauros, Chairman  
Senator Judith WonPat-Borja, Vice-Chairperson  
Senator Tom Ada  
Senator Ted S. Nelson  
Senator Ben Pangelinan  
Senator Joanne Brown  
Senator Tony Lamorena  
Senator Elizabeth Barrett-Anderson.

Appearing before the Committee to testify on the bill was:

Mr. Charles Stake, Dept. of Public Health and Social Services, **oral.**

## II. SUMMARY OF TESTIMONY

Mr. Charles Stake, of the Department of Public Health, testified in support of Bill 115. He stated that there are several ways to commit a crime in regards to welfare fraud and food stamps fraud. One is the applicant will lie on the application, and the other is that he gains resources after such application which would make him ineligible for the benefits, yet he fails to report such gains. Mr. Stake stated that the bill would fight welfare fraud and food stamp fraud by upgrading misdemeanor penalties to felony penalties. The advantage is it provides three year statute of limitations in which it conducts the investigation rather than misdemeanor statute of limitations which is one year. He further stated that the problem with the statute of limitations being one year is that the statutes on Guam runs from the date of commission of the crime, and not the date of discovery of the crime, so an offense won't be discovered until six months after the statute is already in effect. He stated that if you have a one year statute it makes it difficult for the investigator to complete an investigation. With the three year statute, it offers plenty of time to complete the investigation, which should lead to more successful prosecutions.

### III. FINDING AND RECOMMENDATION

The Committee finds that welfare and food stamp fraud have been on the rise in recent years. The Committee also finds that the need to successfully prosecute such crimes is necessary to deter the commission of such crimes. The Committee finds that increasing the penalties for these crimes should help investigators in relation to the statute of limitations, and provide a deterrent that should send a message to all welfare and food stamp abusers.

Accordingly, the Committee on Judiciary, Criminal Justice and Environmental Affairs, to which was referred **Bill No. 115**, does hereby submit its findings and recommendation to the Twenty-Third Guam Legislature **TO DO PASS Bill No. 115** "AN ACT TO AMEND SECTION (a) OF SECTION 2107, TO REPEAL AND REENACT SUBSECTION (b) TO SECTION 2107, TO AMEND SECTION 2704 AND 2705 ALL OF TITLE 10, GCA, PERTAINING TO THE INCREASE OF CERTAIN PENALTIES FOR WELFARE AND FOOD STAMP FRAUD."







# COMMITTEE ON RULES

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

February 3, 1995

## MEMORANDUM

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

**FROM:** Chairman, Committee on Rules

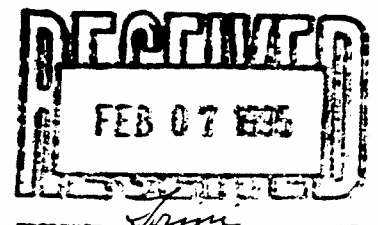
**SUBJECT:** Referral - Bill No. 115

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



● ●  
**TWENTY-THIRD GUAM LEGISLATURE**  
**1995 (FIRST) REGULAR SESSION**

Bill No. 115

Introduced by:

M.C. Charfauros 

A.L.G. Santos 



AN ACT TO AMEND SUBSECTION (a) OF §2107, TO REPEAL AND REENACT  
SUBSECTION (b) TO §2107, TO AMEND §§2704 AND 2705 ALL OF TITLE 10, GUAM  
CODE ANNOTATED, PERTAINING TO THE INCREASE OF CERTAIN PENALTIES FOR  
WELFARE AND FOOD STAMP FRAUD.

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

2 SECTION 1. Subsection (a) of §2107 of Title 10, Guam Code Annotated, is hereby amended  
3 to read as follows:

4 "§2107. **Frauds; Penalties.** (a) Any person who, by means of a willfully false  
5 statement or representation, or by impersonation or other fraudulent device, obtains  
6 or attempts to obtain, or aids or abets any other person to obtain, public assistance to  
7 which he is not justly entitled, or a larger amount of assistance than that to which he  
8 is justly entitled, or any recipient who buys or disposes of real property in the  
9 purchase of sale of real property without the consent of the Director, in order to  
10 qualify for public assistance, shall be guilty of a [~~misdemeanor~~] **felony of third**  
11 **degree.**"

12 Section 2. Subsection (b) of Title 10, Guam Code Annotated is hereby repealed and reenacted  
13 to read as follows:

14 "(b). **Reporting Change of status.** A person receiving assistance under this subchapter

1 who willfully fails to report to the Department a change in his status which affects is eligible.  
2 within ten (10) days of that change, is guilty of a felony of the third degree."

3 **Section 3.** §2704 of Title 10, Guam Code Annotated, is hereby amended to read as follows:

4 §2704. **Reporting change of status.** A person receiving assistance under  
5 §2702 of this Subchapter who willfully fails to report to the Department a  
6 change in his status which affects his eligibility or the amount of payment for  
7 which he is eligible, within ten (10) days of that change, is guilty of a  
8 [~~misdemeanor~~] **felony of third degree.**"

9 **Section 4.** §2705 of Title 10, Guam Code Annotated, is hereby amended to read as follows:

10 §2705. Penalties. A person is guilty

11 (a) of a [~~misdemeanor~~] **felony of the third degree** if he knowingly  
12 makes a false statement for the purpose of influencing the action of the  
13 Department in connection with its responsibilities under the Federal Food  
14 Stamp Act of 1977, with respect to the certification of households applying for  
15 participation in the food stamp program and the issuance under such program  
16 of food stamp coupons to household;

17 (b) of a misdemeanor if he knowingly uses, transfers, acquires, alters  
18 or possesses food stamp coupons or authorization-to-participate cards in any  
19 manner not authorized by the Federal Food Stamp Act of 1977 or the Federal  
20 or territorial regulations issued pursuant to this Act and the face value of the  
21 food stamps or the authorization to participate is [~~Five Hundred Dollars~~  
22 ~~(\$500)~~] **One Hundred Dollars (\$100)** or less.

23 (c) of a felony **of the third degree** if he knowingly uses, transfers,  
24 acquires, alters or possesses food stamp coupons or authorization-to-  
25 participate cards in any manner not authorized by the Federal Food Stamp Act  
26 of 1977, or the Federal or territorial regulations issued pursuant to this Act and  
27 the face value of the food stamps or the authorization to participate is [~~Five~~  
28 ~~Hundred Dollars (\$500)~~] **One Hundred Dollars (\$100)**

29 (d) of a [~~misdemeanor~~] **felony of the third degree** if he knowingly  
30 uses, transfers, acquires, alters or possesses blank authorization-to-participate

1 card of the Department in any manner not authorized by the Department:

2 (e) of a felony **of the third degree** if he knowingly counterfeits, forges  
3 or alter any authorization-to-participate card issued by the Department in  
4 connection with its responsibilities under the Federal Food Stamp Act of 1977;  
5 **[and] or**

6 (f) of a felony **of the third degree** if he knowingly alters, publishes or  
7 puts into circulation any counterfeited, forged or altered authorization-to-  
8 participate cards."  
9

● ●

**TWENTY-THIRD GUAM LEGISLATURE**  
**1995 (FIRST) REGULAR SESSION**

Bill No. 115

as amended by the author

Introduced by:

M.C. Charfauros  
A.L.G. Santos

---

AN ACT TO AMEND SUBSECTION (a) OF §2107, TO REPEAL AND REENACT  
SUBSECTION (b) TO §2107, TO AMEND §§2704 AND 2705 ALL OF TITLE 10, GUAM  
CODE ANNOTATED, PERTAINING TO THE INCREASE OF CERTAIN PENALTIES FOR  
WELFARE AND FOOD STAMP FRAUD.

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

2 SECTION 1. Subsection (a) of §2107 of Title 10, Guam Code Annotated, is hereby amended  
3 to read as follows:

4 "§2107. **Frauds; Penalties.** (a) Any person who, by means of a willfully false  
5 statement or representation, or by impersonation or other fraudulent device, obtains  
6 or attempts to obtain, or aids or abets any other person to obtain, public assistance to  
7 which he is not justly entitled, or a larger amount of assistance than that to which he  
8 is justly entitled, or any recipient who buys or disposes of real property or any person  
9 who knowingly aides or abets a recipient in the purchase or sale of real property  
10 without the consent of the Director, in order to qualify for public assistance, shall be  
11 guilty of a [~~misdemeanor~~] **felony of third degree.**"

12 Section 2. Subsection (b) of Title 10, Guam Code Annotated is hereby repealed and reenacted  
13 to read as follows:

14 "(b). **Reporting Change of status.** A person receiving assistance under this subchapter

1 who willfully fails to report to the Department a change in his status which affects his  
2 eligibility, within ten (10) days of that change, is guilty of a ~~felony of the third degree~~  
3 misdemeanor."

4 **Section 3.** §2704 of Title 10, Guam Code Annotated, is hereby amended to read as follows:

5 §2704. **Reporting change of status.** A person receiving assistance under  
6 §2702 of this Subchapter who willfully fails to report to the Department a  
7 change in his status which affects his eligibility or the amount of payment for  
8 which he is eligible, within ten (10) days of that change, is guilty of a  
9 ~~[misdemeanor]~~ **felony of third degree.**"

10 **Section 4.** §2705 of Title 10, Guam Code Annotated, is hereby amended to read as follows:

11 §2705. Penalties. A person is guilty

12 (a) of a ~~[misdemeanor]~~ **felony of the third degree** if he knowingly  
13 makes a false statement for the purpose of influencing the action of the  
14 Department in connection with its responsibilities under the Federal Food  
15 Stamp Act of 1977, with respect to the certification of households applying for  
16 participation in the food stamp program and the issuance under such program  
17 of food stamp coupons to household;

18 (b) of a misdemeanor if he knowingly uses, transfers, acquires, alters  
19 or possesses food stamp coupons or authorization-to-participate cards in any  
20 manner not authorized by the Federal Food Stamp Act of 1977 or the Federal  
21 or territorial regulations issued pursuant to this Act and the face value of the  
22 food stamp coupons or the authorization to participate card is [~~Five Hundred~~  
23 ~~Dollars (\$500)] **One Hundred Dollars (\$100)** or less.~~

24 (c) of a felony **of the third degree** if he knowingly uses, transfers,  
25 acquires, alters or possesses food stamp coupons or authorization-to-  
26 participate cards in any manner not authorized by the Federal Food Stamp Act  
27 of 1977, or the Federal or territorial regulations issued pursuant to this Act and  
28 the face value of the food stamp coupons or the authorization to participate  
29 card exceeds is [~~Five Hundred Dollars (\$500)] **One Hundred Dollars (\$100)**~~

30 (d) of a ~~[misdemeanor]~~ **felony of the third degree** if he knowingly

1 uses, transfers, acquires, alters or possesses blank authorization-to-participate  
2 card of the Department in any manner not authorized by the Department;

3 (e) of a felony **of the third degree** if he knowingly counterfeits, forges  
4 or alter any authorization-to-participate card issued by the Department in  
5 connection with its responsibilities under the Federal Food Stamp Act of 1977;  
6 **[and] or**

7 (f) of a felony **of the third degree** if he knowingly alters, publishes or  
8 puts into circulation any counterfeited, forged or altered authorization-to-  
9 participate cards."



**BUREAU OF BUDGET & MANAGEMENT RESEARCH**  
OFFICE OF THE GOVERNOR, Post Office Box 2968, Agaña, Guam 96918



**JOSEPH E. RIVERA**  
Director

MAY 22 1985

The Bureau requests that Bill No(s) 115 be granted a waiver pursuant to Public Law 12-229 for the following reasons:

The bill is administrative in nature and has no fiscal impact on the General Fund.

*Joseph E. Rivera*  
JOSEPH E. RIVERA  
Acting



## Notice of Public Hearing

**Senator Mark C. Charfauros**

Chairman

Committee on Judiciary, Criminal Justice and  
Environmental Affairs

Twenty-Third Guam Legislature

### Public Hearing

**Bill No. 85:** AN ACT TO CLARIFY THE QUALIFICATIONS FOR INCUMBENT GOVERNMENT ATTORNEYS TO TAKE THE BAR EXAMINATION.

**Bill No. 91:** AN ACT TO PROVIDE FOR THE DISQUALIFICATION OF OR ASSIGNMENT OF A DIFFERENT JUDGE OR REFEREE IN CASES WHERE PREJUDICE EXISTS OR IS CLAIMED, BY ADDING NEW SECTIONS 175.1, 175.2 & 175.3 TO CHAPTER II OF THE CIVIL PROCEDURE CODE.

**Bill No. 115 (as amended by the author):** AN ACT TO AMEND SUBSECTION (a) OF SECTION 2107, TO REPEAL AND REENACT SUBSECTION (b) TO SECTION 2107, TO AMEND SECTIONS 2704 AND 2705 ALL OF TITLE 10, GCA, PERTAINING TO THE INCREASE OF CERTAIN PENALTIES FOR WELFARE AND FOOD STAMP FRAUD.

**Bill No. 116:** AN ACT TO ESTABLISH A WHITE COLLAR CRIMES UNIT WITHIN THE DEPARTMENT OF LAWS PROSECUTION DIVISION.

**Bill No. 152:** AN ACT TO REPEAL AND REENACT THE SOLID WASTE MANAGEMENT AND LITTER CONTROL ACT, 10 GCA, CHAPTER 51.

**Bill No. 173:** AN ACT TO REPEAL AND REENACT SECTION 3209 (c) OF TITLE 16 GCA, RELATIVE TO REGULATING SUN SCREENING DEVICES ON MOTOR VEHICLES.

**Bill No. 193:** AN ACT TO ADD A NEW CHAPTER 48, TITLE XVII GCA, RELATIVE TO ESTABLISHING AND DESIGNATING "DRUG-FREE SCHOOL ZONES" THROUGHOUT GUAM'S SCHOOL, THROUGH PROHIBITING THE POSSESSION OF OR USE OF DRUGS WITHIN SUCH SPECIFIED AREAS IMMEDIATELY SURROUNDING THE SCHOOLS, FURTHER INSURING THE SAFETY OF SCHOOL CHILDREN; THIS PROVISION SHALL HEREBY BE DESIGNATED AS THE "DRUG-FREE SCHOOL ZONE". AND TO ADD A NEW SECTION 33.11 TO CHAPTER 80, TITLE IX, GCA, RELATIVE TO PUNISHMENT IMPOSED FOR DRUG OFFENSES IN CHAPTER 48, TITLE XVII.

**Bill No. 228 (as amended by the author):** AN ACT TO ADD SUBSECTION (qq) TO SECTION 1102, TO REPEAL AND REENACT SUBSECTION (c) OF SECTION 3209, TO ADD A NEW SUBSECTION (E) TO SECTION 3601 AND TO ADD A NEW SUBSECTION (F) TO SECTION 3603, TO TITLE 16, GCA RELATIVE TO THE APPLICATION OF SUN-SCREENING DEVICES ON THE WINDSHIELDS AND WINDOWS OF MOTOR VEHICLES AND TO PROVIDE PENALTIES THEREOF.

**Bill No. 248:** AN ACT TO AMEND SECTION 1112.1, CHAPTER 1 OF TITLE 12, RELATIVE TO RENAMING THE AIRPORT SECURITY FORCE TO AIRPORT POLICE.

**Bill No. 249:** AN ACT TO AMEND TITLE 12 GCA, SECTION 10111.1, RELATIVE TO RENAMING THE PORT AUTHORITY SECURITY FORCE TO PORT AUTHORITY POLICE.

**Bill No. 250:** AN ACT TO ADD A NEW SUBDIVISION (I) TO RULE 12, RULES OF CIVIL PROCEDURE, OF TITLE 7 GCA, RELATIVE TO SPECIAL MOTIONS.

**Bill No. 251:** AN ACT TO ADD A NEW SECTION 725 TO TITLE 1 GCA, TO DECLARE THE LEGISLATIVE DIRECTIVE THAT LAWS BE INTERPRETED ACCORDING TO THE NEEDS OF GUAM.

**Date:** Monday, May 22, 1995

**Time:** 9:30 a.m.

**Place:** Public Hearing Room  
Guam Legislature  
155 Hesler St. Agana

**The Public is invited to attend**

RECEIVED

MAR 13 1995

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) REGULAR SESSION

Bill No. 115 (L9)

Introduced by:

M.C. Charfauros *MC*  
A.L.G. Santos *AS*

AN ACT TO AMEND SUBSECTION (a) OF §2107, TO REPEAL AND REENACT  
SUBSECTION (b) TO §2107, TO AMEND §§2704 AND 2705 ALL OF TITLE 10, GUAM  
CODE ANNOTATED, PERTAINING TO THE INCREASE OF CERTAIN PENALTIES FOR  
WELFARE AND FOOD STAMP FRAUD.

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

**SECTION 1.** Subsection (a) of §2107 of Title 10, Guam Code Annotated, is hereby amended  
to read as follows:

"§2107. **Frauds; Penalties.** (a) Any person who, by means of a willfully false  
statement or representation, or by impersonation or other fraudulent device, obtains  
or attempts to obtain, or aids or abets any other person to obtain, public assistance to  
which he is not justly entitled, or a larger amount of assistance than that to which he  
is justly entitled, or any recipient who buys or disposes of real property in the  
purchase of sale of real property without the consent of the Director, in order to  
qualify for public assistance, shall be guilty of a [misdemeanor] **felony of third  
degree.**"

**Section 2.** Subsection (b) of Title 10, Guam Code Annotated is hereby repealed and reenacted  
to read as follows:

**(b). Reporting Change of status.** A person receiving assistance under this subchapter

1 who willfully fails to report to the Department a change in his status which affects is eligible,  
2 within ten (10) days of that change, is guilty of a felony of the third degree."

3 **Section 3.** §2704 of Title 10, Guam Code Annotated, is hereby amended to read as follows:

4 §2704. **Reporting change of status.** A person receiving assistance under  
5 §2702 of this Subchapter who willfully fails to report to the Department a  
6 change in his status which affects his eligibility or the amount of payment for  
7 which he is eligible, within ten (10) days of that change, is guilty of a  
8 [~~misdemeanor~~] **felony of third degree.**"

9 **Section 4.** §2705 of Title 10, Guam Code Annotated, is hereby amended to read as follows:

10 §2705. Penalties. A person is guilty

11 (a) of a [~~misdemeanor~~] **felony of the third degree** if he knowingly  
12 makes a false statement for the purpose of influencing the action of the  
13 Department in connection with its responsibilities under the Federal Food  
14 Stamp Act of 1977, with respect to the certification of households applying for  
15 participation in the food stamp program and the issuance under such program  
16 of food stamp coupons to household;

17 (b) of a misdemeanor if he knowingly uses, transfers, acquires, alters  
18 or possesses food stamp coupons or authorization-to-participate cards in any  
19 manner not authorized by the Federal Food Stamp Act of 1977 or the Federal  
20 or territorial regulations issued pursuant to this Act and the face value of the  
21 food stamps or the authorization to participate is [~~Five Hundred Dollars~~  
22 ~~(\$500)~~] **One Hundred Dollars (\$100)** or less.

23 (c) of a felony **of the third degree** if he knowingly uses, transfers,  
24 acquires, alters or possesses food stamp coupons or authorization-to-  
25 participate cards in any manner not authorized by the Federal Food Stamp Act  
26 of 1977, or the Federal or territorial regulations issued pursuant to this Act and  
27 the face value of the food stamps or the authorization to participate is [~~Five~~  
28 ~~Hundred Dollars (\$500)~~] **One Hundred Dollars (\$100)**

29 (d) of a [~~misdemeanor~~] **felony of the third degree** if he knowingly  
30 uses, transfers, acquires, alters or possesses blank authorization-to-participate

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card of the Department in any manner not authorized by the Department;

(e) of a felony **of the third degree** if he knowingly counterfeits, forges or alter any authorization-to-participate card issued by the Department in connection with its responsibilities under the Federal Food Stamp Act of 1977; **[and] or**

(f) of a felony **of the third degree** if he knowingly alters, publishes or puts into circulation any counterfeited, forged or altered authorization-to-participate cards."