



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY  
ACKNOWLEDGMENT RECEIPT  
Received By J. Allie  
Time 11:10  
Date 12-6-95

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  
VICE-SPEAKER TED S. NELSON  
Received by  
Cathy nm  
Print Name Initial  
Date: 12-6-95 Time: 10:00 am

Dear Speaker Nelson:


Enclosed please find a copy of Amended Bill No. 263, "AN ACT TO ADD A NEW §80.30.1, A NEW §80.31.1, AND A NEW §67.62.1 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO MANDATORY SENTENCING FOR THE POSSESSION OF 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 METHAMPHETAMINE, OTHERWISE KNOWN AS "ICE", IN THE TERRITORY OF GUAM AND TO PROTECT THE YOUTH OF GUAM FROM THE DANGERS OF THIS ILLEGAL SUBSTANCE", which I have signed into law today as **Public Law No. 23-58**.

This legislation addresses the very, very serious problem our community is facing with the use of the drug "ice", or methamphetamine, throughout all socioeconomic sectors. It zeros in on this drug specifically.

Bill No. 263 provides for a mandatory penalty for persons caught in possession of "ice". The mandatory penalty is a minimum of 3 years and a maximum of 5 years in prison. First-time offenders have a slightly lesser mandatory sentence of a prison term of up to 3 years. First-time offenders are also subject to a fine of \$5,000, community service of 150 hours, and probation of 5 years. The penalties for first-time offenders are designed to impress upon the individual offender that the use of "ice" must be eliminated from that offender's behavior, hopefully forever.

The devastating effect of the drug "ice" on the families of Guam is sad, indeed. What may start as curiosity or even an innocent attempt to "lose weight" is observed to lead to loss of jobs, broken families, violence, loss of health, and tragic deaths. We must do whatever we can to discourage the use of this dangerous drug.

Very truly yours,



Carl T. C. Gutierrez

Attachment

**230890**

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 263 (LS), "AN ACT TO ADD A NEW §80.30.1, A NEW §80.31.1, AND A NEW §67.62.1 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO MANDATORY SENTENCING FOR THE POSSESSION OF 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 METHAMPHETAMINE, OTHERWISE KNOWN AS 'ICE', IN THE TERRITORY OF GUAM AND TO PROTECT THE YOUTH OF GUAM FROM THE DANGERS OF THIS ILLEGAL SUBSTANCE," 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. 23-58

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 263 (LS)

As amended by the Committee on  
Judiciary, Criminal Justice and  
Environmental Affairs

Introduced by:

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

AN ACT TO ADD A NEW §80.30.1, A NEW §80.31.1, AND  
A NEW §67.62.1 TO TITLE 9, GUAM CODE  
ANNOTATED, RELATIVE TO MANDATORY  
SENTENCING FOR THE POSSESSION OF  
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 METHAMPHETAMINE, OTHERWISE

KNOWN AS 'ICE', IN THE TERRITORY OF GUAM AND  
TO PROTECT THE YOUTH OF GUAM FROM THE  
DANGERS OF THIS ILLEGAL SUBSTANCE.

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

2           **Section 1. Legislative Findings.** The abuse of methamphetamine,  
3 otherwise known as "ice", was virtually unheard of in Guam seven years ago.  
4 Today, it has become a major problem in the Territory. "Ice" is virtually  
5 colorless and odorless, and consequently difficult to detect. It is easily  
6 manufactured and may indeed be under manufacture in the Territory, making  
7 interdiction more difficult. It has potent and lasting effect per dose, making it  
8 relatively inexpensive in comparison with other controlled substances and  
9 thus more attractive to younger and less-affluent abusers. "Ice" is highly  
10 addictive psychologically. Its effects include feelings of euphoria and  
11 invincibility, a highly stimulated and agitated state, an inability to sleep or  
12 rest for extended periods of time, and in some cases hallucinations. Side  
13 effects and health complications can arise from the high degree of stimulation  
14 that occurs, as well as lifestyle effects which can result in cardiovascular and  
15 other health difficulties. Judgment can be highly impaired while under the  
16 influence of "ice". The Legislature finds that the abuse of "ice" is a  
17 contributing factor to many crimes, including burglary and robbery, assaults,  
18 and even murder. "Ice" has made a negative contribution to the deterioration  
19 of families through the diversion of family financial resources to support drug  
20 habits, loss of property, loss of employment, and even cases of severe spousal  
21 abuse and abuse of children.

22           The Legislature believes that Guam is in great risk from the rapidly  
23 increasing abuse of "ice", and that the youth of Guam are in particular danger  
24 of severe harm from the abuse of this substance. As a consequence,

1 extraordinary measures are in order to stem, as quickly as possible, the abuse  
2 of this substance, which threatens to reach highly dangerous proportions.

3 **Section 2.** A new §67.62.1 is added to Title 9, Guam Code Annotated, to  
4 read:

5 **"§67.62.1. No Conditional Discharge & Dismissal permitted for**  
6 **offenses involving Methamphetamine.** The provisions of 9 GCA §67.62, shall  
7 not apply in the case of a violation defined as a third degree felony in 9 GCA  
8 §67.52, that involves the controlled substance known as methamphetamine."

9 **Section 3.** A new §80.30.1 is added to Title 9, Guam Code Annotated, to  
10 read:

11 **"§80.30.1. Mandatory sentencing for persons convicted of a third-**  
12 **degree felony relative to the possession of Methamphetamine.** Except as  
13 stipulated in 9 GCA §80.31.1, the court shall impose a sentence of  
14 imprisonment of no less than three (3) years and no more than five (5) years,  
15 and a fine of fifteen thousand dollars (\$15,000), on persons convicted of a  
16 third-degree felony under the provisions of 9 GCA §67.52, when the  
17 controlled substance the person is convicted of possessing is the substance  
18 known as methamphetamine. Sentence in these cases shall also include  
19 mandatory community service of no less than one hundred and fifty (150)  
20 hours, mandatory enrollment and attendance in a drug rehabilitation  
21 program at the Department of Mental Health and Substance Abuse, and a  
22 mandatory term of probation of five (5) years."

23 **Section 4.** A new §80.31.1 is added to Title 9, Guam Code Annotated, to  
24 read:

25 **"§80.31.1. Mandatory sentencing for first-time offenders convicted of a**  
26 **third-degree felony relative to the possession of Methamphetamine.** In cases  
27 where 9 GCA §80.30.1, is applicable to the sentencing of a person, a person

1 who has not been previously convicted of a felony relative to the possession  
2 of any controlled substance and has been convicted of a felony for the first  
3 time relative to possession of methamphetamine shall be sentenced to a term  
4 of imprisonment of no more than three (3) years and a fine of five thousand  
5 dollars (\$5,000). Sentence in these cases must also include mandatory  
6 community service of no less than one hundred and fifty (150) hours,  
7 mandatory enrollment and attendance in a drug rehabilitation program at  
8 the Department of Mental Health and Substance Abuse or any other drug  
9 rehabilitation program approved by the Superior Court, and a mandatory  
10 term of probation of five (5) years."

11 **Section 5. Drug Treatment and Enforcement Fund.** All fines collected  
12 by the Superior Court of Guam under the provisions of 9 GCA §80.30.1, and 9  
13 GCA §80.31.1, shall be placed in a special fund maintained by the Department  
14 of Administration separately from the General Fund to be called the "Drug  
15 Treatment and Enforcement Fund". Funds so placed shall be used exclusively  
16 for the support of drug treatment and education programs in the Territory of  
17 Guam, as well as support of law enforcement efforts, subject to  
18 appropriation for those purposes by the Guam Legislature.

# TWENTY-THIRD GUAM LEGISLATURE

1995 (FIRST) Regular Session

Date: 11/22/95

## VOTING SHEET

Bill No. 263

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



PL 23-08

✓

# 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

September 22, 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. 263**, wishes to report back to the Legislature with its recommendation to pass **Bill No. 263 as amended by the Committee** -"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."

The voting record is as follows:

TO PASS	<u>8</u>
NOT TO PASS	<u>3</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. CHARFAUROS

# 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

September 25, 1995

### MEMORANDUM

TO: Members

FROM: Chairman

SUBJECT: Committee Report - **Bill No. 263** as amended by the Committee - "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."

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 263; Bill 263, as amended by the Committee
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.






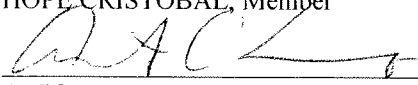



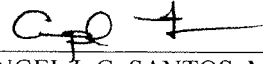

  
MARK C. CHARFAUROS

Attachments.

**COMMITTEE ON JUDICIARY, CRIMINAL JUSTICE AND ENVIRONMENTAL  
AFFAIRS**

**23rd Guam Legislature  
VOTING RECORD**

**Bill No. 263**, as amended by the Committee, - "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."

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

*Handwritten signature: Ted Neudorfer*

COMMITTEE ON JUDICIARY, CRIMINAL  
JUSTICE AND ENVIRONMENTAL  
AFFAIRS

*Twenty-Third Guam Legislature*

COMMITTEE REPORT

on

Bill No. 263

as amended by the Committee

“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.”

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. Charles Stake, Chief Prosecutor, Department of Law, **written.**  
Mr. Calvin Holloway, Attorney General, Department of Law, **written.**  
Mr. Anthony Sanchez, Administrative Director, Superior Court of Guam, **written.**

## II. SUMMARY OF TESTIMONY

Mr. Charles Stake, Chief Prosecutor, Department of Law, testified in support of Bill 263. He suggested that some amendments be made to the Bill. Specifically, he suggested that on Page 2 line 30-31 - delete "Crystal Methamphetamine" and add "any Controlled Substance"; written; **attached**.

Mr. Anthony Sanchez, Administrative Director, Superior Court of Guam, testified in support of Bill 263. He stated that Bill 263 echoes the call of Presiding Judge Lamorena's call for stricter penalties for crimes involving the use of ice, or Crystal Methamphetamine; written, **attached**.

### III. FINDING AND RECOMMENDATION

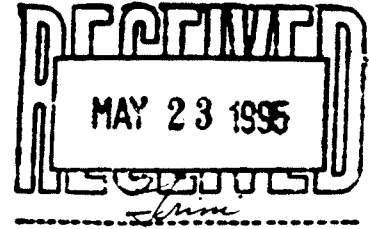
The Committee finds that Bill 263 is essential because "ICE" has become an epidemic on Guam, destroying the lives of people in all segments of our society. The Committee finds that the abuse of "ICE" is a contributing factor to many crimes, including burglary, robbery, assaults and even murder. Ice can also be attributed to the deterioration and breakdown of the family. The Committee further finds that in order to succeed in the war on ice, we must explore and employ all available resources to combat the spread of this drug, especially amongst the youth.

Accordingly, the Committee on Judiciary, Criminal Justice and Environmental Affairs, to which was referred **Bill No. 263**, does hereby submit its findings and recommendation to the Twenty-Third Guam Legislature **TO DO PASS Bill No. 263** as amended by the Committee, -"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."



# COMMITTEE ON RULES

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



May 23, 1995

## MEMORANDUM

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

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

**SUBJECT:** Referral - Bill No. 263

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.

  
FRANCIS E. SANTOS

Attachment



TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 263  
Introduced by:

M. Forbes  
A.C. LAMORENA  
M. C. Charfauros

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.

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

2 Section 1. **Legislative findings.** The abuse of crystal methamphetamine  
3 otherwise known as "ice", was virtually unheard of in Guam seven years ago.  
4 Today, it has become a major problem in the Territory . "Ice" is virtually colorless  
5 and odorless, and consequently difficult to detect. It is easily manufactured and may  
6 indeed be under manufacture in the Territory, making interdiction more difficult.  
7 It has potent and lasting effect per dose, making it relatively inexpensive in  
8 comparison with other controlled substances and thus more attractive to younger  
9 and less-affluent abusers. "Ice" is highly addictive psychologically. Its effects include  
10 feelings of euphoria and invincibility, a highly stimulated and agitated state, an  
11 inability to sleep or rest for extended periods of time, and in some cases  
12 hallucinations. Side effects and health complications can arise from the high degree  
13 of stimulation that occurs, as well as lifestyle effects which can result in cardio-  
14 vascular and other health difficulties. Judgment can be highly impaired while  
15 under the influence of "ice". The Legislature finds that the abuse of "ice" is a  
16 contributing factor to many crimes, including burglary and robbery, assaults and  
17 even murder. "Ice" has made a negative contribution to the deterioration of  
18 families through the diversion of family financial resources to support drug habits,

1 loss of property, loss of employment and even cases of severe spousal abuse and  
2 abuse of children.

3 The Legislature believes that Guam is in great risk from the rapidly increasing  
4 abuse of "ice", and that the youth of Guam are in particular danger of severe harm  
5 from the abuse of this substance. As a consequence, extraordinary measures are in  
6 order to stem, as quickly as possible, the abuse of this substance, which threatens to  
7 reach highly dangerous proportions.

8 Section 2. A new section § 67.62.1. is added to 9 GCA to read:

9 **"§ 67.62.1. No Conditional Discharge & Dismissal permitted for offenses**  
10 **involving Crystal Methamphetamine.** The provisions of § 67.62., 9 GCA, shall not  
11 apply in the case of a violation defined as a third degree felony in § 67.52., 9 GCA  
12 that involves the controlled substance known as crystal methamphetamine."

13 Section 3. A new § 80.30.1. is added to 9 GCA to read:

14 **"§ 80.30.1. Mandatory sentencing for persons convicted of a third-degree**  
15 **felony relative to the possession of Crystal Methamphetamine.** Except as stipulated  
16 in § 80.31.1., 9 GCA, the court shall impose a sentence of imprisonment of no less  
17 than three (3) years and no more than five (5) years, and a fine of fifteen thousand  
18 dollars (\$15,000), on persons convicted of a third-degree felony under the provisions  
19 of § 67.52., 9 GCA, when the controlled substance the person is convicted of  
20 possessing is the substance known as crystal methamphetamine. Sentence in these  
21 cases shall also include mandatory community service of no less than one hundred  
22 and fifty (150) hours, mandatory enrollment and attendance in a drug rehabilitation  
23 program at the Department of Mental Health and Substance Abuse and a mandatory  
24 term of probation of five (5) years. "

25 Section 4. A new § 80.31.1. is added to 9 GCA to read:

26 **"§ 80.31.1. Mandatory sentencing for first-time offenders convicted of a**  
27 **third-degree felony relative to the possession of Crystal Methamphetamine.**  
28 In cases where § 80.30.1., 9 GCA is applicable to the sentencing of a person, a person  
29 who has not been previously convicted of a felony relative to the possession of  
30 crystal methamphetamine and has been convicted of a felony for the first time  
31 relative to possession of crystal methamphetamine shall be sentenced to a term of  
32 imprisonment of no less than six (6) months and no more than three (3) years and a  
33 fine of five thousand dollars (\$5,000). Sentence in these cases must also include  
34 mandatory community service of no less than one hundred and fifty (150) hours,  
35 mandatory enrollment and attendance in a drug rehabilitation program at the  
36 Department of Mental Health and Substance Abuse and a mandatory term of  
37 probation of five (5) years. "

1           Section 5.    **Drug Treatment and Enforcement Fund.** All fines collected by  
2 the Superior Court of Guam under the provisions of § 80.30.1., 9 GCA and § 80.31.1.,  
3 9 GCA shall be placed in a special fund maintained by the Department of  
4 Administration separately from the General Fund to be called the "Drug Treatment  
5 and Enforcement Fund". Funds so placed shall be used exclusively for the support  
6 of drug treatment and education programs in the Territory of Guam, as well as  
7 support of law enforcement efforts, subject to appropriation for those purposes by  
8 the Guam Legislature."

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 263  
as amended by the Committee on  
Judiciary, Criminal Justice  
and Environmental Affairs.  
Introduced by:

M. Forbes  
A. C. Lamorena V  
M. C. Charfauros

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.

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

2 Section 1. **Legislative findings.** The abuse of crystal methamphetamine otherwise  
3 known as "ice", was virtually unheard of in Guam seven years ago. Today, it has become a major  
4 problem in the Territory . "Ice" is virtually colorless and odorless, and consequently difficult to  
5 detect. It is easily manufactured and may indeed be under manufacture in the Territory, making  
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8 and less-affluent abusers. "Ice" is highly addictive psychologically. Its effects include feelings  
9 of euphoria and invincibility, a highly stimulated and agitated state, an inability to sleep or rest  
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12 effects which can result in cardio-vascular and other health difficulties. Judgment can be highly  
13 impaired while under the influence of "ice". The Legislature finds that the abuse of "ice" is a  
14 contributing factor to many crimes, including burglary and robbery, assaults and even murder.

1 "Ice" has made a negative contribution to the deterioration of families through the diversion of  
2 family financial resources to support drug habits, loss of property, loss of employment and even  
3 cases of severe spousal abuse and abuse of children.

4 The Legislature believes that Guam is in great risk from the rapidly increasing abuse of "ice",  
5 and that the youth of Guam are in particular danger of severe harm from the abuse of this  
6 substance. As a consequence, extraordinary measures are in order to stem, as quickly as possible,  
7 the abuse of this substance, which threatens to reach highly dangerous proportions.

8 Section 2. A new section § 67.62.1. is added to 9 GCA to read:

9 "§ 67.62.1. **No Conditional Discharge & Dismissal permitted for offenses involving**  
10 **Crystal Methamphetamine.** The provisions of § 67.62., 9 GCA, shall not apply in the case of a  
11 violation defined as a third degree felony in § 67.52., 9 GCA that involves the controlled  
12 substance known as crystal methamphetamine."

13 Section 3. A new § 80.30.1. is added to 9 GCA to read:

14 "§ 80.30.1. **Mandatory sentencing for persons convicted of a third-degree felony**  
15 **relative to the possession of Crystal Methamphetamine.** Except as stipulated in § 80.31.1., 9  
16 GCA, the court shall impose a sentence of imprisonment of no less than three (3) years and no  
17 more than five (5) years, and a fine of fifteen thousand dollars (\$15,000), on persons convicted of  
18 a third-degree felony under the provisions of § 67.52., 9 GCA, when the controlled substance the  
19 person is convicted of possessing is the substance known as crystal methamphetamine. Sentence  
20 in these cases shall also include mandatory community service of no less than one hundred and  
21 fifty (150) hours, mandatory enrollment and attendance in a drug rehabilitation program at the  
22 Department of Mental Health and Substance Abuse and a mandatory term of probation of five (5)  
23 years. "

24 Section 4. A new § 80.31.1. is added to 9 GCA to read:

25 "§ 80.31.1. **Mandatory sentencing for first-time offenders convicted of a third-degree**  
26 **felony relative to the possession of Crystal Methamphetamine.**

27 In cases where § 80.30.1., 9 GCA is applicable to the sentencing of a person, a person who has not  
28 been previously convicted of a felony relative to the possession of [~~crystal methamphetamine~~] **any**  
29 **controlled substance** and has been convicted of a felony for the first time relative to possession of  
30 crystal methamphetamine shall be sentenced to a term of imprisonment of no less than six (6)

1 months and no more than (3) years and a fine of five thousand dollars (\$5,000). Sentence in  
2 these cases must also include mandatory community service of no less than one hundred and fifty  
3 (150) hours, mandatory enrollment and attendance in a drug rehabilitation program at the  
4 Department of Mental Health and Substance Abuse and a mandatory term of probation of five (5)  
5 years. "

6 Section 5. **Drug Treatment and Enforcement Fund.** All fines collected by the Superior  
7 Court of Guam under the provisions of § 80.30.1., 9 GCA and § 80.31.1., 9 GCA shall be placed  
8 in a special fund maintained by the Department of Administration separately from the General Fund  
9 to be called the "Drug Treatment and Enforcement Fund". Funds so placed shall be used  
10 exclusively for the support of drug treatment and education programs in the Territory of Guam, as  
11 well as support of law enforcement efforts, subject to appropriation for those purposes by the  
12 Guam Legislature."





# SUPERIOR COURT OF GUAM

OFFICE OF THE ADMINISTRATIVE DIRECTOR

GUAM JUDICIAL CENTER  
120 WEST O'BRIEN DRIVE  
AGANA, GUAM 96910



**ANTHONY P. SANCHEZ**  
ADMINISTRATIVE DIRECTOR

TELEPHONE: (671) 475-3544  
FACSIMILE: (671) 477-3184

September 20, 1995

The Honorable Mark Charfauros  
Chairman & Senator  
Committee on Judiciary, Criminal Justice and Environmental Affairs  
Twenty Third Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Mr. Chairman:

I would like to extend support for the intent of Bill 263 which echoes the Presiding Judge Alberto C. Lamorena, III call for stricter penalties for crimes involving the use of "ice" or crystal methamphetamine -- which he delivered in his 1995 State of the Judiciary address. As you know the epidemic of "ice" and other drugs, as well as the efforts that have been launched to remove it from our shores is a battle that must be fought on all fronts. I thank your committee in advance for its efforts and concerns in this regards. I look forward to the finalized form of the legislation and any other laws or bills that will contribute to ending this terrible drug's hold on our people and the effects it is having on our community.

In addition, the Superior Court supports Bill 300 which would amend Public Law 22-116. The protection of victims is a paramount concern for the Guam Crime Commission. In addition, this bill will prevent our government from losing 5-10% of the Edward Byrne's Drug Grant money and other Federal monies whose compliance requires the testing outlined in the bill.

Likewise the amendments to the Criminal Injuries Compensation Commission contained in Bill #313 take into account DUI cases, increase the overall fines, and broaden the scope of restitution in compensating victims in line with existing Federal standards. Criminal acts effect lives long after a case is resolved within the Judicial system. Compensation for injuries of victims in any form will assist an individuals or families' return to a normal life.

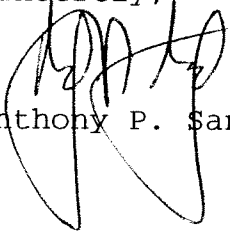


The Honorable Mark Charfauros  
Page Two

In addition the new amendments raises our standards to the national level, which makes Guam eligible for additional Federal funding and grants.

Should you have any questions, concerns or input please feel free to contact me at your convenience.

Sincerely,



Anthony P. Sanchez

cc: Presiding Judge  
Judicial Council

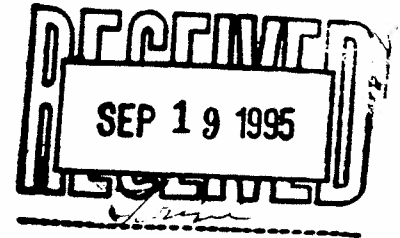


Calvin E. Holloway, Sr.  
*Attorney General*

Gus F. Diaz  
*Chief Deputy Attorney General*

Office of the Attorney General  
Territory of Guam

Phone: (671) 475-3324  
Telefax: (671) 472-2493



September 19, 1995

The Honorable Mark C. Charfauros  
Chairman, Committee on Judiciary, Criminal  
Justice and Environmental Affairs  
Twenty-Third Guam Legislature  
Ada's Commercial & Professional Center  
138 East Marine Drive, Suite 101C-Annex  
Agana, Guam 96910

Re: Bill Nos. 263, 295, 300, 313, and 363

Dear Senator Charfauros:

Hafa Adai!

Thank you for your letter of September 13, 1995, concerning the Public Hearing on Wednesday, September 20, 1995, regarding subject bills.

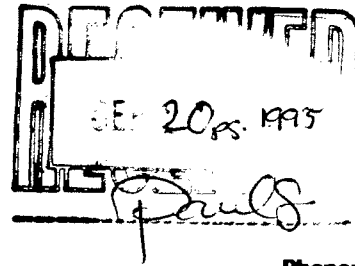
Mr. Charles Stake, our Chief Prosecutor will testify on those bills which concern our Prosecution Division...Bill Nos. 263, 295, 300, and 313. Mr. Eric Heisel will provide testimony on Bill No. 363. Our written comments on each of the subject bills is enclosed.

If there are any questions, please call me.

With thanks in anticipation of your consideration.



Commonwealth Now!



**Calvin E. Holloway, Sr.**  
*Attorney General*

**Gus F. Diaz**  
*Chief Deputy Attorney General*

**Office of the Attorney General  
Territory of Guam**

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September 19, 1995

The Honorable Mark C. Charfauros  
Chairman, Committee on Judiciary, Criminal Justice and Environmental Affairs  
Twenty-Third Guam Legislature  
Ada's Commercial & Professional Center  
138 East Marine Drive, Suite 101C-Annex  
Agana, Guam 96910

Re: Bill Nos. 263, 295, 300, 313, 363 and 316

Dear Senator Charfauros:

Hafa Adai!

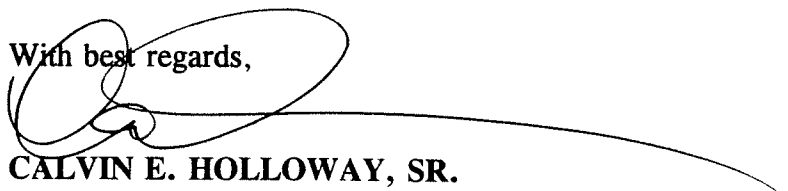
This is a follow-up to my earlier letter of today dated September 19, 1995, concerning the above bills. In addition to the bills commented on in my earlier letter, we would like to submit comments on Bill No. 316. Mr. Charles Troutman, Compiler of Laws, will appear before your honorable committee to provide testimony tomorrow morning on Bill No. 316. I have enclosed copies of his comments. In addition, I have provided copies of this correspondence to the other members of the Judicial Council.

If there are any questions, please call me.

With thanks in anticipation of your consideration.

Dangkolo Na Agradesimento - Thank You Very Much!

With best regards,

  
**CALVIN E. HOLLOWAY, SR.**  
Attorney General

Enclosure

cc: Presiding Judge, Superior Court of Guam  
Robert Torres, President, Guam Bar Association



GOVERNMENT OF GUAM  
AGAÑA, GUAM

September 19, 1995

MEMORANDUM

To: Attorney General  
From: Compiler of Laws  
Subject: Bill Relative to Judiciary Rules - Forms

Tomorrow, the Judiciary Committee will hear testimony on Bill No. 316, An Act to Require the Judicial Council . . . [to create Forms for Practice]. This Bill is unnecessary because the Guam Rules of Civil Procedure has contained standard forms since its adoption on Guam in 1969. Now, some of the subject matter described in this Bill are not suitable for forms. Temporary Restraining Orders are not actions *per se*, but are a part of an overall complaint. Likewise, TRO's are not *pro se* types of actions.

What is needed, really, is to restore the general rule-making power, which was inadvertently omitted when the Supreme Court was authorized. At the same time, it is completely inappropriate to make the rules subject to the Administrative Adjudication Law. Court Rules are not executive actions.

So, I suggest an amendment designed to keep the rules power in the Superior Court until there is a Supreme Court and then clarify the power in the Supreme Court.

§ \_\_\_\_\_. **Rules of Procedure.** Until such time as the Supreme Court of Guam is operative, the Judicial Council shall have the power to prescribe by general rules, the form of procedure, writs, pleadings and motions, and the practice and procedure of the courts of Guam in civil actions, and appeals there to the extent of the Superior Court's jurisdiction, and the practice and procedure in proceedings for the judicial review and enforcement of orders of administrative agencies, boards, commissions and officers.

Such rules shall not abridge, enlarge, or modify any substantive right and shall preserve the right of trial by jury as provided in the Organic Act and in Guam law.

Such rules shall not take effect until they shall have been reported to the Legislature by the Chairman of the Judicial Council, and until the expiration of 60 days after they have been thus reported.

Any rules heretofore prescribed by the Judicial Council shall remain in effect until amended or repealed in accordance with this section. Any rule may be annulled or amended by a law limited to the purpose.

After the Supreme Court of Guam has become operational, the authority to make rules for the Superior Court under this section shall vest in the Supreme Court.

The above section is derived from CCP §123 as amended by the Court Reorganization Act of 1974, which tried to create the first Supreme Court. I have made changes to reflect changes to the laws since that time. I have made reference to and provision for both the present structure and the Supreme Court. I have deleted a sentence in the second-to-last paragraph dealing with repealing laws in conflict with the rules. This section caused much confusion, and is no longer needed since Titles 6 and 7 have been amended to conform to the Rules, so there should be no conflict, though there will remain areas of difficulty. In any event, new rules should not repeal existing laws.

This section covers all of the concerns of Senator Pangelinan. The original section comes from the United States Code adopting the federal rule system. It contains far more guidance than does Senator Pangelinan's bill and, I believe, should be substituted for it.

If you wish, I will testify to this effect on Wednesday.

*CHT*

CHARLES H. TROUTMAN



GOVERNMENT OF GUAM  
AGANA, GUAM 96910

September 18, 1995

Intra-Department Memorandum

To: Attorney General *[Signature]* 9/19/95  
Via: Chief Deputy Attorney General *[Signature]* 9/19/95  
From: Chief Prosecutor  
Subject: Comments on Bills 263, 295, 300 and 313

RECEIVED  
SEP 18 1995  
*Carmer*  
ATTORNEY GENERAL'S OFFICE

Set out below, please find the comments you requested on Bills 263, 295, 300, and 313.

**Bill No. 263**

p. 2, LL: 30-31 I would seek to have the exception read:

"and has been convicted of a felony for the first time relative to the possession of ~~crystal methamphetamine~~ any controlled substance . . . ."

p. 2, L: 33 A mandatory fine of \$5,000.00 may work against one of the concerns noted in the findings, the economic hardship that ice use causes families. There should be a hardship exception which the court can apply at its discretion.

Page 3- I like the idea of fines going into a drug treatment and enforcement fund. It should be noted that the drug that contributes most to crime on Guam is alcohol. It may be appropriate to suggest that, if the legislature is serious about curbing crime and substance abuse, that the alcohol tax be increased and the additional revenues placed in this fund.

This Bill, Bill No. 295, and the entirety 9 GCA Chapter 67, would benefit from several broad ranging provisions:

A section that clarifies that residual amounts of controlled substances qualify for purposes of "possession".

A provision that equates use with possession, by including in the definition of possession, the possession



Intra-Dept. Memo to A.G.  
Subj: Comments on Bills 263, 295, 300 and 313  
September 18, 1995  
Page 2

in one's bloodstream of the drug (or a similar formula). The statute could make the presence of metabolites (in blood or urine) expressly admissible as evidence of possession in the bloodstream. This could also be accomplished by having a provision that directly penalizes USE of controlled substances.

**Bill No. 295**

As noted above, this Bill would be improved by a provision making clear that knowing use necessarily incorporates knowing possession. This would have a significant impact on the sanctions imposed on folks who test positive. Rather than the administrative provisions discussed in section 88.40, they could also be prosecuted. Prisoners would be liable for Possession and for Promoting Prison Contraband. Folks on Parole or Probation could be processed for revocation as well as outright prosecution. It is important that the Bill NOT limit sanctions imposable so as to preclude prosecution.

Consideration should be given to adding a provision that mandates urine testing for all persons ARRESTED for any felony. [This last idea flows from a federal program goal from some years back. It's constitutionality should be researched before it receives serious consideration. It may be possible to institute such a program if it is appropriately limited and the legislation is carefully worded.]

**Bill No. 300** This provision should be enacted post haste.

**Bill No. 313** This Bill looks good on its face. Its intent is to comply with federal grant requirements and we support this objective.

Submitted for your information.

  
CHARLES D. STAKE

September 19, 1995

Memorandum (Intraoffice)

To: Attorney General

Via: Deputy, Litigation Division

From: Assistant Attorney General

Subject: Amendment to Accessible Parking Law

As you had requested, I am writing this memo to give you some background information on Bill No. 363.

As you know, I was largely responsible for piecing together the proposed legislation that ended up as Public Law No. 23-11, the Accessible Parking Law. While drafting it, I had numerous discussions with Ben Servino, who was then the director of the Governor's Commission on Persons with Disabilities. There were a few areas where we did not see eye to eye. For one thing, Ben wanted to include a provision in the law that would allow the deputization of certain individuals to issue traffic citations to vehicles illegally parked in accessible parking spaces. (As you recall, the word "handicapped" is verboten.) Our office decided not to include such a provision, largely because of the potentially complex liability issues that might arise. As I recall, the Guam Police Department was also against inclusion of such a provision, on similar grounds.

After our office was finished with the final draft of the legislation, we sent it to Ben. After that, several changes were made to the legislation, including the addition of 16 GCA §3401.1(h). Therefore, this provision was included without the blessing of this office.

Recently, Guam Community College has been conducting training pursuant to §3401.1(h) and certifying individuals to issue traffic citations. As you know, I conducted an overview of the Accessible Parking Law at one of the trainings on August 30. It was at that time that I realized that §3401.1 authorized certification of private employees only, those who work for private security businesses and those who work for certain, designated nonprofit organizations. Therefore, under the Accessible Parking Law, government security guards are not eligible for certification (unless they can be categorized as "law enforcement personnel," as the term is used in 16 GCA §3401.1(f)).



Memo to Attorney General  
September 19, 1995  
Page 2

When I followed up on this later, I learned that GCC has already certified some government of Guam security guards under the law. Since this was probably done improperly, I drafted the attached memo to the president of GCC. I advised Adolf Sgambelluri of this, and he suggested that the law should be amended to include government security guards.

Things obviously happened very quickly, because now we have Bill No. 363, which amends §3401.1(h) to include government security personnel within the categories of people who can be certified to issue these citations.

The bottom line is this: As long as §3401.1(h) is going to continue to be the law, for purposes of the Accessible Parking Law, it makes sense to include government security personnel. However, perhaps our office should continue to oppose §3401.1 in general, because of the potential liability problems. As you recall, members of the hotel association refused to attend the last certification training because it wants an opinion from this office regarding the extent of its liability in the event its security guards issue tickets under the new law. So, already, liability has become an issue in the private sector.

**FISCAL NOTE  
BUREAU OF BUDGET AND MANAGEMENT RESEARCH**

**BBMR-FZ**

Bill No. 263

Amendatory  YES  NO

Date Received 6/20/95

Date Reviewed 6/27/95

Department/Agency Affected: Superior Court (Judicial), Agencies in Area of Public Safety & Health

Department/Agency Head: Presiding Judge Alberto C. Lamorena, III

Total FY Appropriation to Date: \$14,929,760.00

**Bill Title (preamble)** : An act to add a new section 80.30.1, a new section 80.31.1, and a new section 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 purpose of combating the increasing abuse of crystal methamphetamine

**Change in Law:** Add new sections 80.30.1, 80.31.1 and 67.62.1

**Bill's Impact on Present Program Funding:**  
 Increase     Decrease     Reallocation     No Change

**Bill is for:**     Operations     Capital Improvement     Other ( )

**FINANCIAL/PROGRAM IMPACT**

PROGRAM CATEGORY	ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)		TOTAL
	GENERAL FUND	OTHER	
Public Safety/Public Health & Welfare	1/	1/	1/

FUND	ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)					TOTAL
	1st	2nd	3rd	4th	5th	
GENERAL FUND	_____	_____	_____	_____	_____	_____
OTHER	_____	_____	_____	_____	_____	_____
TOTAL	1/	_____	_____	_____	_____	_____

**FUNDS ADEQUATE TO COVER INTENT OF THE BILL? YES/NO-IF NO, ADD'L AMOUNT REQUIRED \$** \_\_\_\_\_  
**AGENCY/PERSON/DATE CONTACTED:** \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

FUND	ESTIMATED POTENTIAL MULTI-YEAR REVENUES					TOTAL
	1st	2nd	3rd	4th	5th	
GENERAL FUND	_____	_____	_____	_____	_____	_____
OTHER	_____	_____	_____	_____	_____	_____
TOTAL	_____	_____	_____	_____	_____	_____

**ANALYST** Christine Flores    **DATE** 6/30/95    **DIRECTOR** Francis Balajuste    **DATE** JUL 05 1995  
Christine Flores    Joseph E. Rivera Acting

**FOOTNOTES:** 1/ Please see attachment for comments.

The proposed legislation imposes harsher sentences, fines, mandatory community service as well as mandatory enrollment and attendance in a drug rehabilitation program specifically in the abuse of Crystal Methamphetamine. In addition, a Drug Treatment & Enforcement Fund, a special fund is to be maintained by DOA separately from the general fund. Based on the proposed legislation, the impact on the general fund/other fund cannot be quantified at this time. Agencies in the Program Areas of Public Health & Welfare and Public Safety definitely will be effected by this proposed legislation. The impact may initially be taxing on the General/Other Fund and ideally taper off due to the imposition of harsher sentences and fines.



## 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**

JUN 05 1995

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 263(LS)  
Introduced by:

M. Forbes  
A.C. LAMORENA  
M. C. Charfauros

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.

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

2 Section 1. **Legislative findings.** The abuse of crystal methamphetamine  
3 otherwise known as "ice", was virtually unheard of in Guam seven years ago.  
4 Today, it has become a major problem in the Territory . "Ice" is virtually colorless  
5 and odorless, and consequently difficult to detect. It is easily manufactured and may  
6 indeed be under manufacture in the Territory, making interdiction more difficult.  
7 It has potent and lasting effect per dose, making it relatively inexpensive in  
8 comparison with other controlled substances and thus more attractive to younger  
9 and less-affluent abusers. "Ice" is highly addictive psychologically. Its effects include  
10 feelings of euphoria and invincibility, a highly stimulated and agitated state, an  
11 inability to sleep or rest for extended periods of time, and in some cases  
12 hallucinations. Side effects and health complications can arise from the high degree  
13 of stimulation that occurs, as well as lifestyle effects which can result in cardio-  
14 vascular and other health difficulties. Judgment can be highly impaired while  
15 under the influence of "ice". The Legislature finds that the abuse of "ice" is a  
16 contributing factor to many crimes, including burglary and robbery, assaults and  
17 even murder. "Ice" has made a negative contribution to the deterioration of  
18 families through the diversion of family financial resources to support drug habits,

1 loss of property, loss of employment and even cases of severe spousal abuse and  
2 abuse of children.

3 The Legislature believes that Guam is in great risk from the rapidly increasing  
4 abuse of "ice", and that the youth of Guam are in particular danger of severe harm  
5 from the abuse of this substance. As a consequence, extraordinary measures are in  
6 order to stem, as quickly as possible, the abuse of this substance, which threatens to  
7 reach highly dangerous proportions.

8 Section 2. A new section § 67.62.1. is added to 9 GCA to read:

9 **"§ 67.62.1. No Conditional Discharge & Dismissal permitted for offenses**  
10 **involving Crystal Methamphetamine.** The provisions of § 67.62., 9 GCA, shall not  
11 apply in the case of a violation defined as a third degree felony in § 67.52., 9 GCA  
12 that involves the controlled substance known as crystal methamphetamine."

13 Section 3. A new § 80.30.1. is added to 9 GCA to read:

14 **"§ 80.30.1. Mandatory sentencing for persons convicted of a third-degree**  
15 **felony relative to the possession of Crystal Methamphetamine.** Except as stipulated  
16 in § 80.31.1., 9 GCA, the court shall impose a sentence of imprisonment of no less  
17 than three (3) years and no more than five (5) years, and a fine of fifteen thousand  
18 dollars (\$15,000), on persons convicted of a third-degree felony under the provisions  
19 of § 67.52., 9 GCA, when the controlled substance the person is convicted of  
20 possessing is the substance known as crystal methamphetamine. Sentence in these  
21 cases shall also include mandatory community service of no less than one hundred  
22 and fifty (150) hours, mandatory enrollment and attendance in a drug rehabilitation  
23 program at the Department of Mental Health and Substance Abuse and a mandatory  
24 term of probation of five (5) years. "

25 Section 4. A new § 80.31.1. is added to 9 GCA to read:

26 **"§ 80.31.1. Mandatory sentencing for first-time offenders convicted of a**  
27 **third-degree felony relative to the possession of Crystal Methamphetamine.**  
28 In cases where § 80.30.1., 9 GCA is applicable to the sentencing of a person, a person  
29 who has not been previously convicted of a felony relative to the possession of  
30 crystal methamphetamine and has been convicted of a felony for the first time  
31 relative to possession of crystal methamphetamine shall be sentenced to a term of  
32 imprisonment of no less than six (6) months and no more than three (3) years and a  
33 fine of five thousand dollars (\$5,000). Sentence in these cases must also include  
34 mandatory community service of no less than one hundred and fifty (150) hours,  
35 mandatory enrollment and attendance in a drug rehabilitation program at the  
36 Department of Mental Health and Substance Abuse and a mandatory term of  
37 probation of five (5) years. "

1           Section 5.    **Drug Treatment and Enforcement Fund.** All fines collected by  
2 the Superior Court of Guam under the provisions of § 80.30.1., 9 GCA and § 80.31.1.,  
3 9 GCA shall be placed in a special fund maintained by the Department of  
4 Administration separately from the General Fund to be called the "Drug Treatment  
5 and Enforcement Fund". Funds so placed shall be used exclusively for the support  
6 of drug treatment and education programs in the Territory of Guam, as well as  
7 support of law enforcement efforts, subject to appropriation for those purposes by  
8 the Guam Legislature."