



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 12-5-97

Time: 1630

Rec'd by: [Signature]

Print Name: harlene Duenas

DEC 05 1997

Refer to
Legislative Secretary

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>4:58pm</u>
Date	<u>12-5-97</u>

Dear Speaker Unpingco:

Enclosed please find a copy of Bill No. 240 (LS), "AN ACT TO ADD A NEW SUBSECTION (n) TO §34.70 OF CHAPTER 34 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE MANDATORY REVOCATION OF A LICENSE OR INSTRUCTION PERMIT OF ANY DRIVER AS A PENALTY FOR THE DEFACEMENT OF PROPERTY.", which I have signed into law today as **Public Law No. 24-113.**

This legislation amends the current penalties for vandalism and defacement of property -- graffiti. Bill 240 sends a clear, unmistakable message to those who still do not appreciate our community's displeasure at the proliferation of graffiti on our island.

Our Administration will vigorously enforce this new provision. I commend the bill's sponsor, Senator Ben Pangelinan, for recognizing the deterrent that a driver's license revocation for defacement of property will have, especially on a young person. We will promote this new information in our island's schools and throughout our community. More importantly, through the Department of Public Works, the Department of Parks and Recreation, and the Department of Youth Affairs, we will expand the current efforts to eradicate graffiti by focusing new resources on this problem in our community.

Grffiti is a symptom of a breakdown in values, and a lack of respect for our island. A recent television report showed young people rationalizing

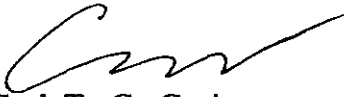
00568

their graffiti-defacing actions as some form of new artwork. This is not "art". Artists do not do their best work in the middle of the night on someone else's property.

We have found that graffiti is many times perpetrated by gang members, and it must be dealt with as a symptom of lawlessness. I am especially disturbed by the lack of respect that is reflected by those who would "tag" the Archbishop Flores Memorial in Tamuning or the statue of Pope John Paul II in the heart of Agana-- what does it mean for our community when a criminal element will deface some of our most revered public figures?

To Guam's young people, I say: Some of you may find graffiti amusing, but, believe me, our community stopped laughing a long, long time ago. We are all tired of it. I call on the many young people who are equally offended by the defacement of our home to help us combat this menace. **You**, the youth, can exert peer pressure to counter this scourge. Let's spread the message that graffiti is offensive to all of us. Let's work together to clean it up. And let's help each other enforce the laws to deal with those few who are responsible for tens of thousands of dollars of damage to our island.

Very truly yours,


Carl T. C. Gutierrez
Governor of Guam

00560


Attachment

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

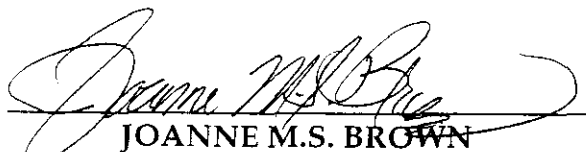
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 240 (LS) "AN ACT TO ADD A NEW SUBSECTION (n) TO §34.70 OF CHAPTER 34 OF TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE MANDATORY REVOCATION OF A LICENSE OR INSTRUCTION PERMIT OF ANY DRIVER AS A PENALTY FOR THE DEFAACEMENT OF PROPERTY," was on the 21st day of November, 1997, duly and regularly passed.



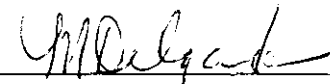
ANTONIO R. UNPINGCO
Speaker

Attested:



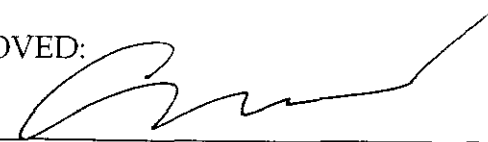
JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 25th day of November, 1997, at
3:15 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T.C. GUTIERREZ
Governor of Guam

Date: 12-5-97

Public Law No. 24-113

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 240 (LS)

As amended by the Author and amended
by the Committee on Judiciary, Public
Safety and Consumer Protection, and as
further amended on the Floor.

Introduced by:

V. C. Pangelinan
L. Leon Guerrero
J. Won Pat-Borja
T. C. Ada
F. B. Aguon, Jr.
E. Barrett-Anderson
A. C. Blaz
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
A. L.G. Santos
F. E. Santos
A. R. Unpingco

**AN ACT TO ADD A NEW SUBSECTION (n) TO
§34.70 OF CHAPTER 34 OF TITLE 9 OF THE GUAM
CODE ANNOTATED, RELATIVE TO THE
MANDATORY REVOCATION OF A LICENSE OR
INSTRUCTION PERMIT OF ANY DRIVER AS A**

PENALTY FOR THE DEFAACEMENT OF
PROPERTY.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** The members of the Guam
3 Legislature recognize the necessity and significance of preserving our culture
4 to benefit and enrich the future generations of our Island. Further, it is of
5 considerable importance that our environment and its physical attributes be
6 defended and supported against the presence of vandalism and the
7 defacement of property.

8 Alarming statistics from the Guam Police Department find that there
9 were 2,336 cases of vandalism reported in 1996. Of the reported 1996 cases of
10 vandalism and defacement of property, Guam's public and private schools
11 have also fallen victim to one hundred seventeen (117) of those cases.

12 Thousands of dollars are spent annually to recover from the damages
13 resulting from graffiti. It is therefore the intent of the Guam Legislature to
14 enact stricter penalties for individuals involved in vandalism and the
15 defacement of property.

16 **Section 2.** A new Subsection (n) is hereby added to §34.70 of Chapter 34
17 of Title 9 of the Guam Code Annotated to read as follows:

18 “(n) In addition to any punishment ordered under Subsection (f),
19 (g), (h), (i) and (j), the court shall immediately, upon conviction of an
20 offender charged with the defacement of property, revoke the license or
21 instruction permit of any driver in violation of this Section subject to a
22 period of time described hereafter:

23 (a) after one (1) conviction, three (3) months;

24 (b) after a second or subsequent conviction, six (6) months
25 for each conviction.

1 Any person who was convicted of any offense as described in this
2 Act upon being eligible to receive a license or instruction permit, shall
3 not be eligible to receive a license or instruction permit until the entire
4 penalty period has elapsed.

5 Any prior convictions resulting in the revocation of a driver's
6 license or instruction permit shall not run concurrently with any
7 existing or subsequent suspension, revocation, cancellation or denial
8 which is provided for by law."

9 **Section 3. Effective Date.** This Subsection shall take effect thirty (30)
10 days after enactment into law. The Department of Revenue and Taxation, the
11 Department of Education, the Department of Youth Affairs, the Department
12 of Parks and Recreation, the Department of Public Works and other agencies
13 that may be affected, shall develop and implement, a public education
14 campaign to promote this new provision.



PL 24-113

Senator
Elizabeth Barrett-Anderson
Chairperson

Senator
John C. Salas
Vice-Chairman

Senator
Anthony C. Blaz
Member

Senator
Joanne M.S. Brown
Member

Senator
Mark Forbes
Member

Senator
Edwardo J. Cruz, M.D.
Member

Senator
Vicente C. Pangelinan
Member

Senator
Frank Blas Aguon, Jr.
Member

Committee on Judiciary, Public Safety and Consumer Protection

Twenty-Fourth Guam Legislature



August 27, 1997

SPEAKER ANTONIO R. UNPINGCO
Twenty-Fourth Guam Legislature
155 Hesler St.
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Judiciary, Public Safety and Consumer Protection, to which was referred **Bill No. 240**, wishes to report back to the Legislature with its recommendation **TO DO PASS Bill 240 AS AMENDED.**

The voting record is as follows:

<u>7</u>	TO PASS
_____	NOT TO PASS
_____	ABSTAIN
_____	TO PLACE IN INACTIVE FILE

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

Your attention to this matter is greatly appreciated.

Sincerely,


ELIZABETH BARRETT-ANDERSON
Chairperson

Attachments

**COMMITTEE ON JUDICIARY, PUBLIC SAFETY AND
C O N S U M E R P R O T E C T I O N
T W E N T Y - F O U R T H G U A M L E G I S L A T U R E**

173 ASPINALL AVENUE, ADA PLAZA CENTER SUITE 108A, AGANA, GUAM 96910

SENATOR ELIZABETH BARRETT-ANDERSON
Chairperson

SENATOR JOHN C. SALAS
Vice-Chairperson

SPEAKER ANTONIO R. UNPINGCO
Ex-Officio Member

VOTING SHEET

BILL 240. As Amended. An act to add subsection (n) to Title 9 GCA §34.70 relative to the mandatory revocation of a license or instruction permit of any driver as penalty for the defacement of property.

<u>COMMITTEE MEMBERS</u>	<u>TO PASS</u>	<u>NOT PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>	<u>INITIAL</u>
1). Sen. Elizabeth Barrett-Anderson Chairperson	✓				EB
2). Sen. John C. Salas Vice-Chairperson	✓				JS
3). Sen. Frank B. Aguon, Jr. Member	✓				FBA 9/10/11
4). Sen. Anthony C. Blaz Member	✓				
5). Sen. Joanne M.S. Brown Member					
6). Sen. Edwardo J. Cruz M.D. Member	✓				EJC
7). Sen. Mark Forbes Member	✓				MF
8). Sen. Vicente C. Pangelinan Member	✓				VP
9). Speaker Antonio Unpingco Ex-Officio Member	✓				AU

TWENTY FOURTH GUAM LEGISLATURE
Committee on Judiciary, Public Safety and Consumer Protection
ELIZABETH BARRETT-ANDERSON, CHAIRPERSON

Committee Report
on

Bill No. 240: AN ACT TO ADD SUBSECTION (N) TO TITLE 9
GCA §34.70 RELATIVE TO THE MANDATORY REVOCATION
OF A LICENSE OR INSTRUCTION PERMIT OF ANY DRIVER
AS PENALTY FOR THE DEFACEMENT OF PROPERTY.

I. Overview

The Committee on Judiciary, Public Safety and Consumer Protection held a public hearing on Thursday, June 19, 1997 at 9:30 a.m. on Bill No. 275. at the Legislative public hearing room. Public Notice was announced in the June 13, 15 & 19, 1997 issues of the Pacific Daily News.

Committee Members Present:

Senator Elizabeth Barrett-Anderson, Chairperson
Senator Edwardo J. Cruz M.D.
Senator Frank B. Aguon
Senator Vicente Pangelinan

Providing Public Testimony on the Bill:

Joseph T. Duenas, **oral/written** (Attachment "A")
Margaret E. Bean, **written** (Attachment "B")
Joseph P. Mafnas, **written** (Attachment "C")

Purpose:

The stated purpose of the bill is to address the alarming increase in cases of vandalism and defacement of property by mandating the revocation of the driver's license or instruction permit of any person convicted of certain offenses under the anti-graffiti laws in 9 GCA Chapter 34.

Relationship to Existing Law:

Section 2 adds a Subsection (n) to 9 GCA 34.70 to provide that the court shall immediately, upon the conviction of an offender or receipt of record showing

that the offender has committed a defacement of property, revoke the license or permit for:

- (1) after one conviction, three months;
- (2) after a second or subsequent conviction, six months for each conviction.

Any previous revocations shall not run concurrently with any existing or subsequent suspension, revocation, cancellation or denial provided by law.

II. Summary of Testimony

MR. JOSEPH T. DUENAS, DIRECTOR DEPARTMENT OF REVENUE AND TAXATION

Mr. Duenas, Director of the Department of Revenue and Taxation, testified that he supported the concept of Bill 240; however, he was concerned about enforcing the provisions contained in the Bill. Mr. Duenas questioned the notification process and appropriations to fund the program. Mr. Duenas stated that more work needs to go into how the program will be administered, he offered his Department's assistance in fine tuning the Bill.

MS. MARGARET E. BEAN, DEPUTY, FAMILY DIVISION DEPARTMENT OF LAW

Ms. Bean submitted testimony that she did not believe that the Bill was effective in deterring or punishing people for defacement of property. Ms. Bean's testimony indicates that it has been her experience that restitution including the painting of walls is a more effective deterrent. Finally, Ms. Bean's testimony indicated that she believes that there is no correlation between licensing people to drive and defacing property.

MR. JOSEPH P. MAFNAS, CHIEF OF POLICE (ACTING) GUAM POLICE DEPARTMENT

Mr. Mafnas submitted written testimony supporting the intent of the Bill. Mr. Mafnas' testimony indicated that the Legislature should consider increasing the fines associated with the offense in question.

SENATOR EDUARDO CRUZ

Senator Cruz stated that the enforcement of the provisions of Bill 240 would entail the Guam Police Department's involvement with the program. Senator Cruz further expressed that he felt that more officers were needed on the streets.

SENATOR VICENTE PANGELINAN

Senator Pangelinan stated that this Bill would work the same way that a drunk driver's license is revoked, based on a conviction and court order.

III. Findings and recommendations

The Committee on Judiciary, Public Safety and Consumer Protection finds support for the passage of Bill No.240 as amended. The Committee on Judiciary, Public Safety and Consumer Protection presents its findings with the recommendation **TO DO PASS** Bill No. 240 as amended.

REVENUE AND TAXATION

JOSEPH T. DUENAS, Director
CARL E. TORRES, Deputy DirectorGOVERNMENT OF GUAM

June 18, 1997

Senator Elizabeth Barrett-Anderson
Chairperson
Committee on Judiciary, Public Safety
and Consumer Protection
Twenty-Fourth Guam Legislature

Re : Bill No. 240 - Relative to revoking a Driver's License or Permit for the
Defacement of Property

Dear Senator Barrett-Anderson:

My name is Joseph T. Duenas. I am the Director of the Department of Revenue and Taxation. I want to thank you for the opportunity to comment on Bill 240.

Surely no one questions that the island must find new and innovative ways to address the graffiti and vandalism problems and its effect on our island. There have been attempts by this august forum to address this issue in the immediate past. Various civic groups and non-profit organizations have attempted to rid our community of graffiti and limit vandalism. These actions, although laudable, have not seemed to limit or prevent this activity.

Statistics prepared by the Guam Police Department indicate that youth and our young citizens seem to be in the forefront of this problem. The community is frustrated and continually calls for stricter penalties. However, I am not sure punitive measures by themselves will adequately address this problem. There is no one solution to this problem but the proposed legislation may be a step in the right direction. It will provide officials with the appropriate tools to seriously address the problem. Driving is a privilege that has great meaning in our culture. It provides a means for our youth to show independence and importance in the eyes of their peers. As a result the privilege of obtaining a driver's license and operating a motor vehicle has significant meaning to our youth. Any limitation, suspension or revocation of that privilege could be an enormous tool in changing or correcting unacceptable behavior. For this reason I fully support the concept of this measure.

However, Bill 240 as drafted does not provide a means of enforcing the provisions provided. Is the accused entitled to an administrative hearing on the suspension or is this a part of the sentence to be enforced by the Court? Can it be reasonably

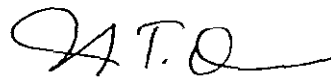
Senator Elizabeth Barrett-Anderson, Chairperson
Committee on Judiciary, Public Safety
and Consumer Protection
Bill 240
Page 2

expected that our courts will be able to properly administer this provision? That the division of Motor Vehicle be notified concerning convictions? No money is appropriated to modify present software programs to assist in enforcement of this provision. Nor does the law adequately address how the provisions are to be administered. Should administrative measures be considered in suspending or revoking the driver's license or training permit?

Although I support the essence of what the legislature is attempting to accomplish, much more work needs to go into how this is going to be administered and how the additional responsibilities placed on the Division of Motor Vehicle and other departments throughout the government will be funded. To state as public policy that certain actions will be taken if one is found guilty of actions made unlawful by our laws but not to provide adequate means of carrying out the stated policy would be unacceptable. In the long run we, as a society, will create a negative attitude if we make declarations that we are not willing to carry out. We would be better off ignoring the problem altogether than recognizing it and naming consequences we are unwilling to pay to achieve. It sends a message to our youthful offenders that we do not have the wherewithal to enforce our community standards.

Let me assure the Legislature that our Department stands ready to work with the Legislature in fine tuning this legislation to make it an effective tool to address the community's goals of ridding the island of vandalism and graffiti.

Sincerely,



JOSEPH T. DUENAS

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CARL T.C. GUTIERREZ
Maga'lahi/Governor

MADELEINE Z. BORDALLO
Tinente Gubetnadora
Lieutenant Governor

"B"

UFISINAN HINIRAT ABUGAO
Tiritorian Guahan

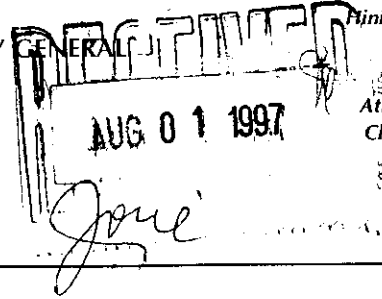
OFFICE OF THE ATTORNEY GENERAL
Territory of Guam

Dibision Familia
Family Division

CALVIN E. HOLLOWAY, SR.
Hinirat Abugao/Attorney General

GUS F. DIAZ
Atkadi, Sigundo Hinirat Abugao
Chief Deputy Attorney General

MARGARET E. BEAN
Sigundo Hinirat Abugao
Deputy Attorney General



July 31, 1997

The Honorable Elizabeth Barrett-Anderson
Chairperson
Committee on Judiciary, Public Safety and Consumer Protection
Twenty-Fourth Guam Legislature
Ada Plaza Center, Suite 108A
173 Aspinall Avenue
Agana, Guam 96910

Re: Bill No.240 Relative to License Revocation

Dear Senator Barrett-Anderson:

Buenas yan Saluda!

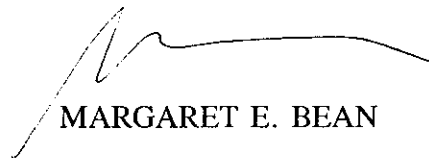
I have received a copy of Bill No. 240 which provides for the mandatory revocation of driver's licenses of any person who is convicted of defacement of property. If the person is under 16, it provides that they cannot get a license until the penalty period has elapsed.

I do not believe that this is an effective way to deter or punish people for defacement of property. In our experience in juvenile court, we have found it much more effective to require the offenders to pay for and paint the wall they have defaced. We have not seen repeat offenders.

I also believe there is no correlation between licensing people to drive and defacing property, unlike drunk driving laws. The logic is just not there.

Dangkolo' na Agradesimiento - Thank you very much!

Sincerely,



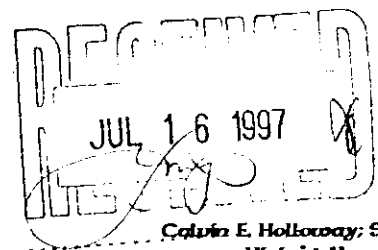
MARGARET E. BEAN

cc: Attorney General

COMMONWEALTH NOW!

238 Archbishop F.C. Flors St., Suite 701, Pacific News Building, Agana, GU 96910
Telephone: (671) 475-3360 Telefax: (671) 477-6118

DEPARTMENT OF LAW



Calvin E. Holloway, Sr.
Hiniñat Abugao
Attorney General

Carl T.C. Garberkez
Magañahi
Governor

Madeleine Z. Bordallo
Tiniente Gubernadora
Lt. Governor

Uñsinan Hiniñat Abugao
Tinitorian Guahan
Office of the Attorney General
Territory of Guam

Gus F. Diaz
Atkãdi, Sigundo Hiniñat Abugao
Chief Deputy Attorney General

July 16, 1997

The Honorable Elizabeth Barrett-Anderson
Chairperson
Committee on Judiciary, Public Safety and Consumer Protection
Twenty-Fourth Guam Legislature
Ada Plaza Center, Suite 108A
173 Aspinall Avenue, Agana, Guam 96910

SUBJECT : Bill No. 240, Relative to License Revocations

Dear Senator Barrett- Anderson:

Buenas yan Hafa Adai! Greetings from one of the busiest departments in the government.

This is to acknowledge receipt of your letter dated July 11, 1997, which was received by this office dated July 15, 1997, concerning your request on the above-cited subject.

I have forwarded your letter to Mr. Philipp Tydingco, Chief Prosecutor (Acting), Prosecution Division and Ms. Margaret Bean, Deputy, Family Division, for their review and response. By copy of this letter, I request that they respond to you on or before July 30, 1997.

With thanks in anticipation of your patience and understanding.

Dangkulo Na Agradesimiento - Thank you very much!

Sincero yan magahet,

GUS F. DIAZ
Attorney General (Acting)

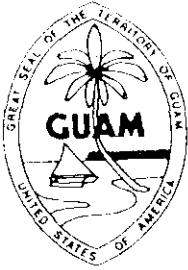
cc: Chief P Prosecutor, Prosecution Division
Deputy, Family Division

HEBANDLICREV:macp



Commonwealth Now!

"C"



**CARL T.C.
GUTIERREZ**
Governor of Guam

**MADELEINE Z.
BORDALLO**
Lieutenant Governor

Guam Police Department

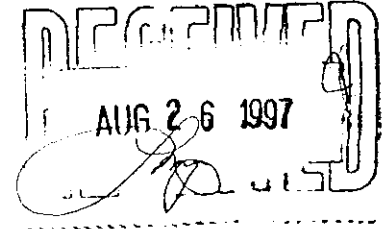
Government of Guam

Bldg. No. 233, Central Avenue, Tiyan, Guam 96913
Tel: (671) 475-8473 (Switchboard) • (671) 475-8509/8512/8514
Fax: (671) 472-4036



**JACK S.
SHIMIZU**
Chief of Police

AUG 18 1997



Honorable Elizabeth Barrett-Anderson
Chairperson, Committee on Judiciary;
Public Safety and Consumer Protection
Twenty-Fourth Guam Legislature
Ada Plaza Center
Suite 108A
173 Aspinall Avenue
Agana, Guam 96932

Subject: **Bill No. 240 "Amendment or Addition of Subsection (N) to Section 34.70 of Title 9 GCA Regarding Revocation or Suspension of License or Instruction Permit to Operate Motor Vehicle As Penalty for Graffiti"**

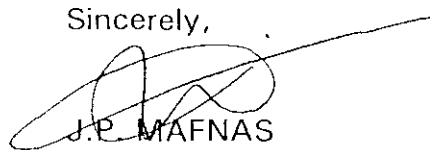
Dear Madame Chairperson:

The Guam Police Department supports the intent of Bill No. 240 of adding stricter penalties for those persons who vandalize or deface property with graffiti.

In addition to restricting such offenders' motor vehicle license or permits, perhaps the legislature would consider increasing the fines set therein the statute.

If you have any further questions, please do not hesitate to contact me at 475-8508, Captain Fred Sabian the Special Staff Assistant to the Chief of Police (SSA) at 475-8512, or GPD's Legal Advisor at 475-8516.

Sincerely,


J.P. MAFNAS
Acting

cc: Acting Deputy Chief of Police
GPD Legal Advisor

986/13AUG97/BILLS/GPDBILL.240

Drug Free Guam Para Todos

TWENTY-FOURTH GUAM LEGISLATURE

PUBLIC HEARING

SENATOR ELIZABETH BARRETT-ANDERSON

Chairperson, Committee on Judiciary, Public Safety and Consumer Protection

WITNESS SIGN-IN SHEET

Public Hearing Room 155 Hesler Street, Agana, Guam 96910

Thursday, June 19, 1997

Public Hearing on Bill No. 240

	NAME(Please print)	ORGANIZATION	My Testimony: Oral/Written	I am For Bill 240	I am Against Bill 240
1	<u>Joseph T. Duenas</u>	<u>R+T</u>	<u>Both</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	_____	_____	_____	_____	_____
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