



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

AUG 15 2002

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Aspinal Street
Hagåtña, Guam 96910

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 206 (COR) "AN ACT TO ADD CHAPTER 79 TO PART 2, DIVISION 3 OF TITLE 10, TO AMEND § 67.502.1(d) OF TITLE 9, TO AMEND § 18108 OF TITLE 16, AND TO AMEND § 69207 OF TITLE 10, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO CREATING THE SPECIAL ASSETS FORFEITURE FUND, AND FOR OTHER RELATED PURPOSES" which was vetoed and overridden. This legislation is now designated as **Public Law No. 26-120**.

Very truly yours,

Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

Attachments: original bill for vetoed legislation or
copy of bill for signed or overridden legislation
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco
Speaker

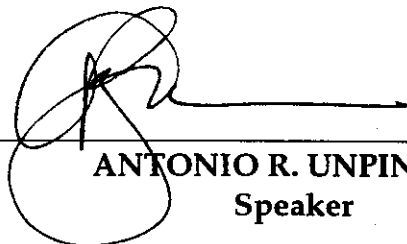
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OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	8:33
Date	8/16/02

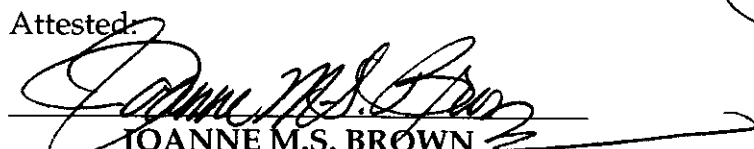
MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 206 (COR), "AN ACT TO ADD CHAPTER 79 TO PART 2, DIVISION 3 OF TITLE 10, TO AMEND § 67.502.1(d) OF TITLE 9, TO AMEND § 18108 OF TITLE 16, AND TO AMEND § 69207 OF TITLE 10, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO CREATING THE SPECIAL ASSETS FORFEITURE FUND, AND FOR OTHER RELATED PURPOSES," returned without approval of *I Maga'lahen Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 14th day of August, 2002, to pass said bill notwithstanding the veto of *I Maga'lahen Guåhan* by a vote of fifteen (15) members.

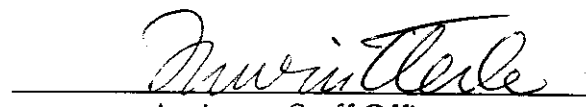


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 15th day of August,
2002, at 1:15 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 206 (COR)

As substituted by the Committee
and amended on the Floor.

Introduced by:

V. C. Pangelinan
L. A. Leon Guerrero
J. F. Ada
T. C. Ada
F. B. Aguon, Jr.
J. M.S. Brown
E. B. Calvo
F. P. Camacho
M. C. Charfauros
Mark Forbes
L. F. Kasperbauer
K. S. Moylan
A. L.G. Santos
A. R. Unpingco
J. T. Won Pat

**AN ACT TO ADD CHAPTER 79 TO PART 2,
DIVISION 3 OF TITLE 10, TO AMEND § 67.502.1(d) OF
TITLE 9, TO AMEND § 18108 OF TITLE 16, AND TO
AMEND § 69207 OF TITLE 10, ALL OF THE GUAM
CODE ANNOTATED, RELATIVE TO CREATING THE
SPECIAL ASSETS FORFEITURE FUND, AND FOR
OTHER RELATED PURPOSES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds the need to provide additional resources for the *exclusive* use of the

1 Guam Police Department ("Department") to meet its need for new vehicles,
2 equipment and training of its officers. This lack of funding for such inhibits
3 the police officers from effectively performing their jobs, and compromises
4 community safety.

5 *I Liheslaturan Guåhan* finds that the funds earned from assets forfeiture
6 goes back to the General Fund, and wishes instead to allow the Department to
7 keep these funds for the Department's use.

8 Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure that the
9 police officers from the Guam Police Department are able to properly perform
10 their duties and responsibilities to the Public, by providing them ways to set
11 aside funds for future purchases of police vehicles, equipment and training of
12 its officers.

13 *I Liheslaturan Guåhan* intends to create a fund, which would set aside
14 proceeds from the sale of forfeited cars, jewelry and other forms of property,
15 as well as tainted cash, to be utilized *specifically* for the purchases of police
16 vehicles, skills enhancement training programs, as well as other needs of the
17 Department.

18 **Section 2.** Chapter 79 is hereby *added* to Part 2, Division 3 of Title 10 of
19 the Guam Code Annotated to read as follows:

20 **"CHAPTER 79.**

21 **Special Assets Forfeiture Fund.**

22 **Section 79100. Creation of Fund.**

23 **Section 79101. Assets Forfeited.**

24 **Section 79102. Deposit.**

1 **Section 79103. Expenditure.**

2 **Section 79104. Report.**

3 **Section 79100. Creation of Fund.** There is hereby created,
4 separate and apart from other funds of the government of Guam, a fund
5 to be known as the '*Special Assets Forfeiture Fund*' ('Fund'), which shall
6 be divided into two (2) accounts; one account to be known as the '*Local*
7 *Assets Forfeiture Account*' ('LAFA'), and the other account to be known
8 as the '*Federal Shared Assets Forfeiture Account*' ('FSAFA').

9 The Fund shall *not* be commingled with the General Fund and
10 shall be kept in a separate bank account, administered by the Chief of
11 Police of the Guam Police Department ('Chief'). Expenditure from the
12 Fund shall be authorized by legislative appropriation *exclusively* for the
13 purposes pursuant to §§ 79103(a) and (b) of this Act.

14 **Section 79101. Assets Forfeited.** Whenever property is
15 forfeited under any local law enforced or administered by the Guam
16 Police Department, the Guam Police Department may:

17 (a) retain the property for official use;

18 (b) subject to any other applicable laws, sell any forfeited
19 property which is *not* required to be destroyed by law and which
20 is *not* harmful to the public; *or*

21 (c) require the property to be taken into custody and
22 removed for disposition in accordance with law.

23 **Section 79102. Deposit.**

1 (a) There shall be deposited into the LAFA all proceeds
2 from the sale of property forfeited under any local law enforced or
3 administered by the Guam Police Department, including, but *not*
4 limited to, 16 G.C.A. § 18108; 10 G.C.A. § 69207; and 9 G.C.A. §
5 67.502.1.

6 (b) All proceeds from the sale of forfeited property
7 received by the Guam Police Department from any cooperative
8 agreement or memorandum of understanding between the Guam
9 Police Department and any other government of Guam entity
10 shall also be deposited into the LAFA.

11 (c) All proceeds from the sale of forfeited property
12 received by the Guam Police Department from any cooperative
13 agreement or memorandum of understanding between the Guam
14 Police Department and the Federal government shall be deposited
15 into the FSAFA.

16 **Section 79103. Expenditure.**

17 (a) The LAFA, as appropriated by *I Liheslaturan Guåhan*,
18 shall be *exclusively* used for the following purposes:

19 (1) the payment, upon the approval of the Chief, of
20 any expenses necessary to seize, detain, inventory,
21 safeguard, maintain, advertise, sell or dispose of property
22 under seizure, detention or forfeited pursuant to any law
23 enforced or administered by the Guam Police Department,
24 or of any other necessary expense incident to the seizure,
25 detention, forfeiture or disposal of such property;

- 1 (2) for the purchase of new police vehicles;
2 (3) for the purchase of equipment for the Guam
3 Police Department, as deemed necessary by the Chief; *or*
4 (4) for the payment of training expenses for the
5 police officers of the Guam Police Department.

6 (b) The FSAFA shall be expended as authorized by the
7 Federal government guidelines that govern the acquisition, use
8 and reporting of forfeited assets.

9 **Section 79104. Report.** The Chief shall transmit to *I*
10 *Maga'lahaen Guåhan* and to *I Liheslaturan Guåhan*, no later than thirty (30)
11 days after the end of each fiscal year, a detailed report of each account of
12 the Fund as follows:

13 (a) the estimated total value of property forfeited under
14 any law enforced or administered by the Guam Police Department
15 with respect to which funds were *not* deposited into the Fund;

16 (b) each account's beginning balance on October 1 of each
17 year;

18 (c) sources of receipts (seized cash, conveyances and
19 others);

20 (d) the net amount realized from the year's operations,
21 amount of seized cash being held as evidence, and the amount of
22 money legally allowed to be carried over the following year;

23 (e) year-end of each account balance;

24 (f) a report for such fiscal year, containing financial
25 statements, reviewed by the Public Auditor, and an audited report

1 every three (3) years, including profit and loss information with
2 respect to forfeited property (by category), and financial
3 information on forfeited property transactions; *and*

4 (g) any other pertinent information.”

5 **Section 3.** Section 67.502.1(d) of Article 5, Chapter 67 of Title 9 of the
6 Guam Code Annotated is hereby *amended* to read as follows:

7 “(d) Whenever property is forfeited under this Act, GPD may:

8 (1) retain the property for official use;

9 (2) sell any forfeited property which is *not* required to be
10 destroyed by law and which is *not* harmful to the public; all
11 proceeds shall be deposited into the Special Assets Forfeiture
12 Fund, under the Local Assets Forfeiture Account;

13 (3) require the property to be taken into custody and
14 removed for disposition in accordance with law; *or*

15 (4) forward it to the DEA for disposition; such disposition
16 may include delivery for medical or scientific use to any Federal
17 or state agency under regulations of the Attorney General of the
18 United States.”

19 **Section 4.** Section 18108 of Article 1, Chapter 18 of Title 16 of the Guam
20 Code Annotated is hereby *amended* to read as follows:

21 **“Section 18108. Forfeiture of Vehicle.** Any person
22 convicted of violating the provisions of § 18102 of this Chapter three (3)
23 or more times, as provided in § 18107 of this Chapter, shall forfeit the
24 vehicle in which the third offense, or more, was committed. *However, in*

1 those cases where there is a showing of extreme circumstances, or
2 where the vehicle is owned by a person other than the person convicted
3 of three (3) or more violations of said § 18102, and the owner had no
4 knowledge that the vehicle would be driven by an intoxicated person
5 and that the driver had been convicted of prior violations of said §
6 18102, the Court, instead of ordering the forfeiture of the vehicle, shall
7 suspend the convicted person's driving privilege for a *minimum* period
8 of five (5) years, and no limited privilege to operate a motor vehicle
9 shall be granted.

10 At the time of arrest for an offense under said § 18102, the vehicle
11 in which the offense was committed shall be impounded by GPD and
12 released *only* upon the approval of the Prosecution Division of the
13 Attorney General's Office when it is determined that the vehicle is *not*
14 subject to forfeiture under this Section. The seizure and forfeiture of the
15 vehicle shall be enforced by the GPD and the vehicle shall be disposed
16 of in accordance with those provisions of law relating to assets
17 forfeiture by public sale or auction at such times as GPD may choose to
18 conduct such sale or auction.

19 The profits made from such sale or auction shall be deposited in
20 the Special Assets Forfeiture Fund, under the Local Assets Forfeiture
21 Account. The Chief of Police of GPD shall convey clear title as owner of
22 said confiscated vehicles, *subject* to any perfected security interests in
23 said vehicles."

1 Assets Forfeiture Account. The Chief of Police of GPD shall convey
2 clear title as owner of said confiscated motorboat or vessel, *subject* to
3 any perfected security interests in said motorboat or vessel.”

4 **Section 6. Severability.** *If* any provision of this Law or its
5 application to any person or circumstance is found to be invalid or contrary to
6 law, such invalidity shall *not* affect other provisions or applications of this
7 Law which can be given effect without the invalid provisions or application,
8 and to this end the provisions of this Law are severable.

Overridden

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 8/14/02

VOTING SHEET

Vetoed
3 Bill No. 206 (COR)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

Voting File
8/13/02



Overridden
8/14/02

CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

AUG 06 2002

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Aspal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>1/4h</u>
Date	<u>8/6/02</u>

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 206 (COR) "AN ACT TO ADD CHAPTER 79 TO PART 2, DIVISION 3 OF TITLE 10, TO AMEND § 67.502.1(d) OF TITLE 9, TO AMEND § 18108 OF TITLE 16, AND TO AMEND § 69207 OF TITLE 10, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO CREATING THE SPECIAL ASSETS FORFEITURE FUND, AND FOR OTHER RELATED PURPOSES" which I have vetoed.

This legislation makes it impossible for the Guam Police Department to utilize funds from the sale of assets that are forfeited under local law due to their use in crimes. It ties up the funds by mandating specific legislative appropriation before any of the funds can be spent. While the legislative intent section of the bill states that it is the intent of the legislation to allow the Guam Police Department to keep all of the funds earned from assets forfeiture, this is not what the language of the bill actually states. In this bill, the Department keeps none of the money; the money becomes locked up in a fund under the jurisdiction of the Legislature. Frankly, there is no difference in tying up the money derived from assets forfeiture in the General Fund or in another Special Fund. In neither instance is the money kept within the Guam Police Department for the use of supplies and materials, police vehicles, and training necessary for law enforcement. In both cases, there is a need for special legislative appropriation.

This legislation is an example of false promises. The legislature can appropriate money from either the General Fund or another fund for the purchase of supplies and materials, police vehicles, or training. The setting up of another fund, albeit earmarked for certain purposes, does not bind the legislature to use it for the stated purposes, nor does it allow the Guam Police Department to utilize the money for its needs. On a final note, the creation of yet another account creates administrative overhead and increased costs associated with accounts management in the government.

0875

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 206 (COR)

As substituted by the Committee
and amended on the Floor.

Introduced by:

V. C. Pangelinan
L. A. Leon Guerrero
J. F. Ada
T. C. Ada
F. B. Aguon, Jr.
J. M.S. Brown
E. B. Calvo
F. P. Camacho
M. C. Charfauros
Mark Forbes
L. F. Kasperbauer
K. S. Moylan
A. L.G. Santos
A. R. Unpingco
J. T. Won Pat

AN ACT TO ADD CHAPTER 79 TO PART 2,
DIVISION 3 OF TITLE 10; TO AMEND § 67.502.1(d) OF
TITLE 9, TO AMEND § 18108 OF TITLE 16, AND TO
AMEND § 69207 OF TITLE 10, ALL OF THE GUAM
CODE ANNOTATED, RELATIVE TO CREATING THE
SPECIAL ASSETS FORFEITURE FUND, AND FOR
OTHER RELATED PURPOSES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 finds the need to provide additional resources for the *exclusive* use of the

1 every three (3) years, including profit and loss information with
2 respect to forfeited property (by category), and financial
3 information on forfeited property transactions; *and*
4 (g) any other pertinent information.”

5 **Section 3.** Section 67.502.1(d) of Article 5, Chapter 67 of Title 9 of the
6 Guam Code Annotated is hereby *amended* to read as follows:

7 “(d) Whenever property is forfeited under this Act, GPD may:

8 (1) retain the property for official use;

9 (2) sell any forfeited property which is *not* required to be
10 destroyed by law and which is *not* harmful to the public; all
11 proceeds shall be deposited into the Special Assets Forfeiture
12 Fund, under the Local Assets Forfeiture Account;

13 (3) require the property to be taken into custody and
14 removed for disposition in accordance with law; *or*

15 (4) forward it to the DEA for disposition; such disposition
16 may include delivery for medical or scientific use to any Federal
17 or state agency under regulations of the Attorney General of the
18 United States.”

19 **Section 4.** Section 18108 of Article 1, Chapter 18 of Title 16 of the Guam
20 Code Annotated is hereby *amended* to read as follows:

21 **“Section 18108. Forfeiture of Vehicle.** Any person
22 convicted of violating the provisions of § 18102 of this Chapter three (3)
23 or more times, as provided in § 18107 of this Chapter, shall forfeit the
24 vehicle in which the third offense, or more, was committed. *However, in*

1 those cases where there is a showing of extreme circumstances, or
2 where the vehicle is owned by a person other than the person convicted
3 of three (3) or more violations of said § 18102, and the owner had no
4 knowledge that the vehicle would be driven by an intoxicated person
5 and that the driver had been convicted of prior violations of said §
6 18102, the Court, instead of ordering the forfeiture of the vehicle, shall
7 suspend the convicted person's driving privilege for a *minimum* period
8 of five (5) years, and no limited privilege to operate a motor vehicle
9 shall be granted.

10 At the time of arrest for an offense under said § 18102, the vehicle
11 in which the offense was committed shall be impounded by GPD and
12 released *only* upon the approval of the Prosecution Division of the
13 Attorney General's Office when it is determined that the vehicle is *not*
14 subject to forfeiture under this Section. The seizure and forfeiture of the
15 vehicle shall be enforced by the GPD and the vehicle shall be disposed
16 of in accordance with those provisions of law relating to assets
17 forfeiture by public sale or auction at such times as GPD may choose to
18 conduct such sale or auction.

19 The profits made from such sale or auction shall be deposited in
20 the Special Assets Forfeiture Fund, under the Local Assets Forfeiture
21 Account. The Chief of Police of GPD shall convey clear title as owner of
22 said confiscated vehicles, *subject* to any perfected security interests in
23 said vehicles."

1 Section 5. Section 69207 of Article 2, Chapter 69, Part 2, Division 3 of
2 Title 10 of the Guam Code Annotated is hereby *amended* to read as follows:

3 **"Section 69207. Forfeiture of Motorboat or Vessel.**

4 Any person convicted of violating the provisions of § 69201 of this
5 Chapter three (3) or more times, as provided in § 69206 of this Chapter,
6 shall forfeit the motorboat or vessel in which the third offense, or more,
7 was committed. *However*, in those cases where there is a showing of
8 *extreme* circumstances, or where the motorboat or vessel is owned by a
9 person other than the person convicted of three (3) or more violations of
10 said § 69201, and the owner had no knowledge that the motorboat or
11 vessel would be driven by an intoxicated person *and* that the driver had
12 been convicted of *prior* violations of said § 69201, the court may order
13 that there be no forfeiture of the motorboat or vessel.

14 At the time of arrest for an offense under said § 69201, the
15 motorboat or vessel in which the offense was committed shall be
16 impounded by GPD and released *only* upon the approval of the
17 Prosecution Division of the Attorney General's Office when it is
18 determined that the motorboat or vessel is *not* subject to forfeiture under
19 this Section. The seizure and forfeiture of the motorboat or vessel shall
20 be enforced by GPD, and the motorboat or vessel shall be disposed of in
21 accordance with those provisions of law relating to assets forfeiture by
22 public sale or auction at such times as GPD may choose to conduct such
23 sale or auction. The profits made from such sale or auction shall be
24 deposited into the Special Assets Forfeiture Fund, under the Local

1 Assets Forfeiture Account. The Chief of Police of GPD shall convey
2 clear title as owner of said confiscated motorboat or vessel, *subject* to
3 any perfected security interests in said motorboat or vessel.”

4 **Section 6. Severability.** *If* any provision of this Law or its
5 application to any person or circumstance is found to be invalid or contrary to
6 law, such invalidity shall *not* affect other provisions or applications of this
7 Law which can be given effect without the invalid provisions or application,
8 and to this end the provisions of this Law are severable.



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

AUG 06 2002

The Honorable Joanne M. S. Brown
Legislative Secretary
I Mina'Bente Sais na Liheslaturan Guåhan
Twenty-Sixth Guam Legislature
Suite 200
130 Aspal Street
Hagåtña, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGEMENT RECEIPT	
Received By	<u>[Signature]</u>
Time	<u>1:46</u>
Date	<u>8/6/02</u>

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 206 (COR) "AN ACT TO ADD CHAPTER 79 TO PART 2, DIVISION 3 OF TITLE 10, TO AMEND § 67.502.1(d) OF TITLE 9, TO AMEND § 18108 OF TITLE 16, AND TO AMEND § 69207 OF TITLE 10, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO CREATING THE SPECIAL ASSETS FORFEITURE FUND, AND FOR OTHER RELATED PURPOSES" which I have vetoed.

This legislation makes it impossible for the Guam Police Department to utilize funds from the sale of assets that are forfeited under local law due to their use in crimes. It ties up the funds by mandating specific legislative appropriation before any of the funds can be spent. While the legislative intent section of the bill states that it is the intent of the legislation to allow the Guam Police Department to keep all of the funds earned from assets forfeiture, this is not what the language of the bill actually states. In this bill, the Department keeps none of the money; the money becomes locked up in a fund under the jurisdiction of the Legislature. Frankly, there is no difference in tying up the money derived from assets forfeiture in the General Fund or in another Special Fund. In neither instance is the money kept within the Guam Police Department for the use of supplies and materials, police vehicles, and training necessary for law enforcement. In both cases, there is a need for special legislative appropriation.

This legislation is an example of false promises. The legislature can appropriate money from either the General Fund or another fund for the purchase of supplies and materials, police vehicles, or training. The setting up of another fund, albeit earmarked for certain purposes, does not bind the legislature to use it for the stated purposes, nor does it allow the Guam Police Department to utilize the money for its needs. On a final note, the creation of yet another account creates administrative overhead and increased costs associated with accounts management in the government.

0875

Legislative Secretary
SB206;veto
August, 2002
Page 2

Should the legislature desire to assist the Guam Police Department, appropriations to match the level required to maintain an adequate police force on Guam for the population that resides here would be more constructive. Allowing the Guam Police Department to keep all of the proceeds from local assets forfeiture and to utilize the proceeds as needed would also be welcome.

Very truly yours,



Carl T. C. Gutierrez
I Maga'Lahen Guåhan
Governor of Guam

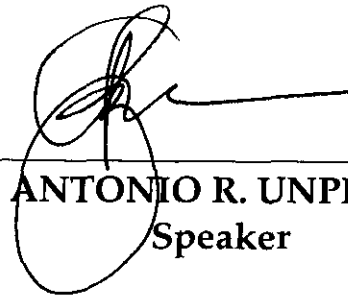
Attachments: original bill for vetoed legislation or
copy of bill for signed or overridden legislation
and legislation enacted without signature

cc: The Honorable Antonio R. Unpingco
Speaker

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2002 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN


This is to certify that Substitute Bill No. 206 (COR), "AN ACT TO ADD CHAPTER 79 TO PART 2, DIVISION 3 OF TITLE 10; TO AMEND § 67.502.1(d) OF TITLE 9, TO AMEND § 18108 OF TITLE 16, AND TO AMEND § 69207 OF TITLE 10, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO CREATING THE SPECIAL ASSETS FORFEITURE FUND, AND FOR OTHER RELATED PURPOSES," was on the 24th day of July, 2002, duly and regularly passed.


ANTONIO R. UNPINGCO
Speaker

Attested:


JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 25th day of July, 2002,
at 4:10 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


CARL T. C. GUTIERREZ
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

6

I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 7/24/02

VOTING SHEET

Bill No. 206

Resolution No. _____

Question: _____

TO DO

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSENT
ADA, Joseph F.	✓				
ADA, Thomas C.	✓				
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M. S.	✓				
CALVO, Eddie B.	✓				
CAMACHO, Felix P.	✓				
CHARFAUROS, Mark C.	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

MINA'BENTE SAIS NA LIHESLATURAN GUÅHAN
2001 (FIRST) Regular Session

Bill No. 206 (CIR)

Introduced by:

v.c. pangelinan 
L.A. Leon Guerrero 

AN ACT TO CREATE THE GUAM POLICE
DEPARTMENT ASSETS FORFIETURE FUND FOR
THE EXCLUSIVE USE OF THE GUAM POLICE
DEPARTMENT THROUGH THE ESTABLISHMENT
OF A NEW CHAPTER 79 OF PART II OF DIVISION 3
OF TITLE 10, GUAM CODE ANNOTATED AND
OTHER PURPOSES.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan*
3 finds the need to provide additional resources for the exclusive use of the
4 Guam Police Department to meet its need for new vehicles, equipment and
5 training of its officers. This lack of funding for such inhibits the police officers
6 from effectively performing their jobs, and compromises community safety.

7 *I Liheslaturan Guåhan* finds that the funds earned from assets forfeiture
8 goes back to the general fund, and wishes instead to allow the Department to
9 keep these funds for the Department's use.

10 Therefore, it is the intent of *I Liheslaturan Guåhan* to ensure that the
11 police officers from the Guam Police Department are able to properly perform
12 their duties and responsibilities to the public, by providing them ways to set

- 1 (f) a report for such fiscal year, containing audited financial statements,
2 including profit and loss information with respect to forfeited
3 property (by category), and financial information on forfeited
4 property transactions; and
5 (g) any other pertinent information.”

6 Section 3. A new subsection (c) of §82.15 of Chapter 82 of Title 9, Guam
7 Code Annotated is hereby added to read as follows:

8 “(c) The office forfeited shall be either retained for official
9 use or sold pursuant to §79101 of Chapter 79 of Part II of Division 3
10 of Title 10, Guam Code Annotated. If sold, the money from the sale
11 shall be deposited in the Special Assets Forfeiture Fund.”

12 Section 4. Subsection (d) of §67.502.1 of Article 5 of Chapter 76 of Title 9,
13 Guam Code Annotated is hereby amended to read as follows:

14 “(d) Whenever property is forfeited under this Act GPD ~~or DPHSS~~
15 may:

- 16 (1) retain the property for official use;
- 17 (2) sell any forfeited property which is not required to be
18 destroyed by law and which is not harmful to the public shall be
19 deposited in the Special Assets Forfeiture Fund; ~~the proceeds shall be~~
20 ~~used for payment of all property expenses of the proceedings for~~
21 ~~forfeiture and sale, including expenses of seizure, maintenance of~~
22 ~~custody, advertising and Court costs;~~
- 23 (3) require the property to be taken into custody and
24 removed for disposition in accordance with law; or

1 (4) forward it to DEA for disposition; such disposition may
2 include delivery for medical or scientific use to any Federal or state
3 agency under regulations of the Attorney General of the United
4 States.”

5 Section 5. § 18108 of Article 1 of Chapter 18 of Title 16, Guam Code
6 Annotated is hereby amended to read as follows:

7 “Any person convicted of violating the provisions of § 18102
8 of this Chapter three (3) or more times, as provided in § 18107 of this
9 Chapter, shall forfeit the vehicle in which the third offense, or more,
10 was committed. However, in those cases where there is a showing of
11 extreme circumstances or where the vehicle is owned by a person
12 other than the person convicted of three (3) or more violations of said
13 § 18102, and the owner had no knowledge that the vehicle would be
14 driven by an intoxicated person and that the driver had been
15 convicted of prior violations of said § 18102, the court, instead of
16 ordering the forfeiture of the vehicle, shall suspend the convicted
17 person's driving privilege for a minimum period of five (5) years, and
18 no limited privilege to operate a motor vehicle shall be granted. At
19 the time of arrest for an offense under said § 18102, the vehicle in
20 which the offense was committed shall be impounded by the GPD
21 and released only upon the approval of the Prosecution Division of
22 the Attorney General's Office when it is determined that the vehicle
23 is not subject to forfeiture under this section. The seizure and
24 forfeiture of the vehicle shall be enforced by the GPD and the vehicle