



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

SEP 06 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. 292 (COR) "AN ACT TO ADD § 2101(c) TO TITLE 7, TO REPEAL AND REENACT §§ 48001 AND 48002 OF TITLE 17, TO ADD §§ 67.401.1(n), 67.401.21, AND 67.402(c), (d) AND (e) TO TITLE 9, TO AMEND §§ 67.407 (c) AND (d) OF TITLE 9, TO REPEAL §§ 80.33.11, 80.33.12 AND 80.33.13 OF TITLE 9, AND TO ADD DEFINITIONS TO § 67.100 OF TITLE 9, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AND OPERATING A THERAPEUTIC DRUG COURT ON GUAM," which was vetoed by the Governor and subsequently overridden by the Legislature. This legislation is now designated as **Public Law No. 26-125**.

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

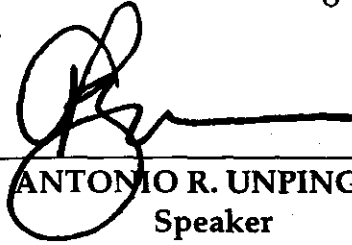
OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	1:03 PM
Date	9/6/02


0914

**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. 292 (COR), "AN ACT TO ADD § 2101(c) TO TITLE 7, TO REPEAL AND REENACT §§ 48001 AND 48002 OF TITLE 17, TO ADD §§ 67.401.4(n), 67.401.21, AND 67.401.2(c), (d) AND (e) TO TITLE 9, TO AMEND §§ 67.407 (c) AND (d) OF TITLE 9, TO REPEAL §§ 80.33.11, 80.33.12 AND 80.33.13 OF TITLE 9, AND TO ADD DEFINITIONS TO § 67.100 OF TITLE 9, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AND OPERATING A THERAPEUTIC DRUG COURT ON GUAM," returned without approval of *I Maga'lahen Guåhan*, was reconsidered by *I Liheslaturan Guåhan* and after such consideration, did agree, on the 4<sup>th</sup> day of September, 2002, to pass said bill notwithstanding the veto of *I Maga'lahen Guåhan* by a vote of fourteen (14) members.

  
ANTONIO R. UNPINGCO  
Speaker

Attested:  
  
JOANNE M.S. BROWN  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahen Guåhan* this 5<sup>th</sup> day of September,  
2002, at 4:20 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahi's Office*

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

**Bill No. 292 (COR)**

As substituted by the Committee  
on Power, Public Safety and  
the Judiciary, and amended in the  
Committee of the Whole.

Introduced by:

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

**AN ACT TO ADD § 2101(c) TO TITLE 7, TO REPEAL  
AND REENACT §§ 48001 AND 48002 OF TITLE 17, TO  
ADD §§ 67.401.4(n), 67.401.21, AND 67.401.2(c), (d) AND  
(e) TO TITLE 9, TO AMEND §§ 67.407 (c) AND (d) OF  
TITLE 9, TO REPEAL §§ 80.33.11, 80.33.12 AND 80.33.13  
OF TITLE 9, AND TO ADD DEFINITIONS TO § 67.100  
OF TITLE 9, ALL OF THE GUAM CODE  
ANNOTATED, RELATIVE TO ESTABLISHING AND  
OPERATING A THERAPEUTIC DRUG COURT ON  
GUAM.**

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

1           **Section 1. Legislative Findings and Intent.**           It is the intent of *I*  
2 *Liheslaturan Guåhan* to support the Judiciary in the establishment of  
3 Therapeutic Drug Courts to provide for integrated drug treatment services to  
4 adult and juvenile offenders who come within the jurisdiction of the Superior  
5 Court of Guam. *I Liheslaturan Guåhan* further supports the adoption by the  
6 Judicial Council of the "Ten (10) Key Components for the establishment of  
7 Drug Courts," as promulgated by the Drug Courts Program Office of the U.S.  
8 Department of Justice's Office of Justice Programs.

9           *I Liheslaturan Guåhan* enacts the following specific *minimum* goals and  
10 objectives for the establishment of a Juvenile Drug Court: (a) to reduce drug  
11 usage by juveniles who come within the jurisdiction of the Family Court; (b)  
12 to reduce criminal activity and recidivism by juveniles on Guam; (c) to  
13 provide early intervention and treatment of juveniles found to be dependent  
14 on illegal controlled substances, alcohol or inhalants; (d) to strengthen family  
15 bonds and relationships; *and* (e) to improve school attendance and  
16 graduation. Finally, *I Liheslaturan Guåhan* seeks to create Therapeutic Drug  
17 Courts for adult and juvenile offenders in accordance with 7 G.C.A. § 2101(c).

18           **Section 2. Creation of a Drug Court Division.**           Section 2101(c) is  
19 hereby *added* to Chapter 2, Division 1 of Title 7 of the Guam Code Annotated  
20 to read as follows:

21           “(c) There is herein established within the Superior Court of  
22 Guam, a Drug Court which shall have jurisdiction over adult and  
23 juvenile offenders charged with drug offenses on Guam. The Drug  
24 Court shall have as its goal to provide therapeutic treatment and

1 counseling to adult and juvenile offenders under its jurisdiction, to the  
2 greatest extent allowed by Guam law.”

3 **Section 3. Defining Drug Free School Zone.**

4 (a) The following definitions are hereby *added* to § 67.100 of  
5 Article 1, Chapter 67 of Title 9 of the Guam Code Annotated to read as  
6 follows, and all Subsections therein are to be renumbered by the  
7 Compiler of Laws accordingly:

8 “‘*Drug Free School Zone*’ means any area within one  
9 thousand (1,000) feet of a public or private elementary, secondary  
10 or post secondary educational institution or its accompanying  
11 grounds; or within the vehicle of any school bus which transports  
12 students while in motion; or within two hundred fifty feet (250’) of  
13 any school bus *not* in motion or a designated school bus stop or  
14 shelter, including any school bus transfer station.  
15 Notwithstanding the provisions of this Section, a *Drug Free School*  
16 *Zone* shall *not* include private real property which is *not* a school  
17 or the accompanying grounds of a school.

18 ‘*School*’ means any establishment, public or private, for the  
19 care and education of students from kindergarten through grade  
20 twelve (12) and any college or university or educational institution  
21 of higher learning.

22 ‘*Accompanying Grounds*’ means the respective campuses,  
23 recreational areas, athletic fields, student housing, or other  
24 property of each school which are owned, used, or operated by

1           their respective governing boards of the schools or chief  
2           administrative officers in the case of a private school.”

3           (b) Section 48001 of Chapter 48, Division 5 of Title 17 of the  
4           Guam Code Annotated is hereby *repealed and reenacted* to read as  
5           follows:

6                   **“Section 48001. Definitions.**     ‘*Drug Free School Zone*’  
7           means any area within one thousand (1,000) feet of a public or  
8           private elementary, secondary or post secondary educational  
9           institution or its accompanying grounds; or within the vehicle of  
10          any school bus which transports students while in motion; or  
11          within two hundred fifty feet (250’) of any school bus *not* in  
12          motion or a designated school bus stop or shelter, including any  
13          school bus transfer station. Notwithstanding the provisions of  
14          this Section, a *Drug Free School Zone* shall *not* include private real  
15          property which is *not* a school or the accompanying grounds of a  
16          school.”

17          (c) Section 48002 of Chapter 48, Division 5 of Title 17 of the  
18          Guam Code Annotated is hereby *repealed and reenacted* to read as  
19          follows:

20                   **“Section 48002. Establishment of a Drug Free School**  
21          **Zone.**       There is hereby established a Drug Free School Zone  
22          as defined in this Chapter. Any person who commits an offense  
23          under Chapter 67 of Title 9 of the Guam Code Annotated within  
24          the Drug Free School Zone shall be in violation of this Chapter

1 and punished in accordance with Article 4, Chapter 67 of Title 9 of  
2 the Guam Code Annotated.”

3 (d) A new ninety (90) day period for re-designation of Drug  
4 Free School Zones is hereby established pursuant to 17 G.C.A. § 48003  
5 commencing the effective date of enactment of this Act.

6 **Section 4. Penalties for Possession and Reporting within the Drug**  
7 **Free School Zone.** Sections 67.401.2(c), (d) and (e) are hereby *added* to  
8 Article 4, Chapter 67 of Title 9 of the Guam Code Annotated to read as  
9 follows:

10 “(c) A person who commits a crime under 9 G.C.A. §§  
11 67.401.2(b)(2) or (3) within the Drug Free School Zone shall be guilty of  
12 a misdemeanor.

13 (d) A person who commits a crime under §§ 67.401.1 or  
14 67.401.2(b)(1) within the Drug Free School Zone shall be guilty of the  
15 same class of felony had the offense been committed outside the Drug  
16 Free School Zone.

17 (e) A person who knowingly fails to report any violation of this  
18 Chapter within the Drug Free School Zone is guilty of a misdemeanor.”

19 **Section 5. Enhanced Sentencing for a Felony Offense Committed**  
20 **within the Drug Free School Zone.** Section 67.401.4(n) is hereby *added* to  
21 Article 4, Chapter 67 of Title 9 of the Guam Code Annotated to read as  
22 follows:

23 “(n) *If* the person is guilty of possession under § 67.401.2(b)(1)  
24 within the Drug Free School Zone, the person may be sentenced to a

1        *maximum* of three (3) years of imprisonment, which sentence shall *not* be  
2        suspended on probation, nor shall the person be eligible for parole until  
3        completion of the mandatory term of incarceration.”

4        **Section 6. Penalties for Distribution within the Drug Free School**  
5 **Zone.**        Sections 67.407 (c) and (d) of Article 4, Chapter 67 of Title 9 of the  
6 Guam Code Annotated are hereby *amended* to read as follows:

7                “(c) An individual shall *not* violate § 67.401.1(a)(1) of this Act by  
8        distributing a substance listed in Schedule I or II as per Appendices A  
9        and B of this Act which is a narcotic drug, in or on a school, or within  
10       the Drug Free School Zone as herein defined. An individual who  
11       violates this Subsection shall be sentenced to serve, in addition to the  
12       minimum sentence prescribed by § 67.401.4 of this Act, a term of five (5)  
13       years of imprisonment. Imposition or execution of such sentence shall  
14       *not* be suspended and probation shall *not* be granted. Parole or work  
15       release shall *not* be granted until the offender has served the additional  
16       five (5) years prescribed by this Subsection.

17                (d) An individual shall *not* violate § 67.401.1(a)(1) of this Act by  
18        distributing any non-narcotic controlled substance listed in Schedule I  
19        or II as per Appendices A and B of this Act or a substance listed in  
20        Schedules III, IV, or V as per Appendices C-E of this Act, in or on a  
21        school, or within the Drug Free School Zone as herein defined. An  
22        individual who violates this Subsection shall be sentenced to serve, in  
23        addition to the *minimum* sentence prescribed by § 67.401.4 of this Act, a  
24        term of three (3) years of imprisonment. Imposition or execution of



1 such sentence shall *not* be suspended and probation shall *not* be granted.  
2 Parole or work release shall *not* be granted until the offender has served  
3 the additional three (3) years prescribed by this Subsection.”

4 **Section 7. Enactment of Inhalant Offenses.** Section 67.401.21 is  
5 hereby *added* to Article 4, Chapter 67 of Title 9 of the Guam Code Annotated  
6 to read as follows:

7 **“Section 67.401.21. Inhalants.**

8 (a) **Use of Inhalants.** It is unlawful for a person to  
9 inhale, ingest, apply or smell the gases, vapors or fumes of an  
10 aerosol spray product, volatile chemical, substance or other  
11 inhalant, that is *not* used pursuant to the instructions or  
12 prescription of a licensed health care provider, or that is *not* used  
13 pursuant to the manufacturer’s label instructions, for the purpose  
14 of becoming under the influence of such substance, causing  
15 intoxication, euphoria, inebriation, stupefaction or the dulling of  
16 that person’s brain or nervous system.

17 (b) It is unlawful for a person to possess any gas,  
18 hazardous inhalant, aerosol spray product, substance containing a  
19 volatile chemical or substance containing a chemical material  
20 capable of releasing toxic vapors with the intent to violate the  
21 above.

22 (c) Nothing in this Section applies to the inhalation of a  
23 prescription or over-the-counter product for medical or dental  
24 purposes, or the inhalation of the vapors or fumes of an alcoholic

1 beverage, the sale and consumption of which is authorized by  
2 law.

3 (d) Proof that a person intentionally or knowingly  
4 inhaled, ingested, applied or used a substance in a manner  
5 contrary to the directions for use, cautions or warnings on a label  
6 of a container of the substance gives rise to a presumption that the  
7 person violated Subsection (a).

8 (e) For the purposes of this Section, it is presumed that the  
9 ingredients in a container are, in fact, the ingredients listed on the  
10 label of the container or the ingredients listed for that substance in  
11 databases maintained or relied upon by a poison control center  
12 certified by a national association of poison control centers.

13 (f) A person who violates this Section commits a petty  
14 misdemeanor.

15 (g) A juvenile court may require a minor found in  
16 violation of this Section be provided with treatment and  
17 counseling."

18 **Section 8. Repeals.** The following Sections of Title 9 of the Guam  
19 Code Annotated are hereby *repealed* to allow for the effective implementation  
20 of therapeutic drug courts on Guam: §§ 80.33.11, 80.33.12 and 80.33.13. These  
21 Sections are hereby *repealed* effective the date of enactment of this Act.

22 **Section 9. Sunset Provision.** Sections 2, 4 and 5 of this Act  
23 shall expire on September 30, 2004, and shall be deemed repealed *unless* re-  
24 authorized by statute.

1           **Section 10.       Severability.**    *If* any provision of this Law or its  
2 application to any person or circumstance is found to be invalid or contrary to  
3 law, such invalidity shall *not* affect other provisions or applications of this  
4 Law which can be given effect without the invalid provisions or application,  
5 and to this end the provisions of this Law are severable.

*Overridden*

# I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 9/4/02

## VOTING SHEET

*Vetoed*  
Bill No. 292 (COR)

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

Question: \_\_\_\_\_

*20-125*

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.	1 ✓				
CHARFAUROS, Mark C.	1 ✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.	✓				
LEON GUERRERO, Lourdes A.	✓				
MOYLAN, Kaleo S.	✓				
PANGELINAN, Vicente C.	✓				
SANTOS, Angel L.G.	1 ✓				
UNPINGCO, Antonio R.	1 ✓				
WON PAT, Judith T.	✓				

TOTAL

14    1    \_\_\_\_\_

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
Clerk of the Legislature

\* 3 Passes = No vote  
EA = Excused Absence

*Mina Bente*

*Overridden*  
9/4/02

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

**Bill No. 292 (COR)**

As substituted by the Committee  
on Power, Public Safety and  
the Judiciary, and amended in the  
Committee of the Whole.

Introduced by:

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

**AN ACT TO ADD § 2101(c) TO TITLE 7, TO REPEAL AND REENACT §§ 48001 AND 48002 OF TITLE 17, TO ADD §§ 67.401.4(n), 67.401.21, AND 67.401.2(c), (d) AND (e) TO TITLE 9, TO AMEND §§ 67.407 (c) AND (d) OF TITLE 9, TO REPEAL §§ 80.33.11, 80.33.12 AND 80.33.13 OF TITLE 9, AND TO ADD DEFINITIONS TO § 67.100 OF TITLE 9, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AND OPERATING A THERAPEUTIC DRUG COURT ON GUAM.**

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

1           **Section 1. Legislative Findings and Intent.**           It is the intent of *I*  
2 *Liheslaturan Guåhan* to support the Judiciary in the establishment of  
3 Therapeutic Drug Courts to provide for integrated drug treatment services to  
4 adult and juvenile offenders who come within the jurisdiction of the Superior  
5 Court of Guam. *I Liheslaturan Guåhan* further supports the adoption by the  
6 Judicial Council of the “Ten (10) Key Components for the establishment of  
7 Drug Courts,” as promulgated by the Drug Courts Program Office of the U.S.  
8 Department of Justice’s Office of Justice Programs.

9           *I Liheslaturan Guåhan* enacts the following specific *minimum* goals and  
10 objectives for the establishment of a Juvenile Drug Court: (a) to reduce drug  
11 usage by juveniles who come within the jurisdiction of the Family Court; (b)  
12 to reduce criminal activity and recidivism by juveniles on Guam; (c) to  
13 provide early intervention and treatment of juveniles found to be dependent  
14 on illegal controlled substances, alcohol or inhalants; (d) to strengthen family  
15 bonds and relationships; *and* (e) to improve school attendance and  
16 graduation. Finally, *I Liheslaturan Guåhan* seeks to create Therapeutic Drug  
17 Courts for adult and juvenile offenders in accordance with 7 G.C.A. § 2101(c).

18           **Section 2. Creation of a Drug Court Division.**           Section 2101(c) is  
19 hereby *added* to Chapter 2, Division 1 of Title 7 of the Guam Code Annotated  
20 to read as follows:

21           “(c) There is herein established within the Superior Court of  
22 Guam, a Drug Court which shall have jurisdiction over adult and  
23 juvenile offenders charged with drug offenses on Guam. The Drug  
24 Court shall have as its goal to provide therapeutic treatment and

1 counseling to adult and juvenile offenders under its jurisdiction, to the  
2 greatest extent allowed by Guam law.”

3 **Section 3. Defining Drug Free School Zone.**

4 (a) The following definitions are hereby *added* to § 67.100 of  
5 Article 1, Chapter 67 of Title 9 of the Guam Code Annotated to read as  
6 follows, and all Subsections therein are to be renumbered by the  
7 Compiler of Laws accordingly:

8 “‘*Drug Free School Zone*’ means any area within one  
9 thousand (1,000) feet of a public or private elementary, secondary  
10 or post secondary educational institution or its accompanying  
11 grounds; or within the vehicle of any school bus which transports  
12 students while in motion; or within two hundred fifty feet (250’) of  
13 any school bus *not* in motion or a designated school bus stop or  
14 shelter, including any school bus transfer station.  
15 Notwithstanding the provisions of this Section, a *Drug Free School*  
16 *Zone* shall *not* include private real property which is *not* a school  
17 or the accompanying grounds of a school.

18 ‘*School*’ means any establishment, public or private, for the  
19 care and education of students from kindergarten through grade  
20 twelve (12) and any college or university or educational institution  
21 of higher learning.

22 ‘*Accompanying Grounds*’ means the respective campuses,  
23 recreational areas, athletic fields, student housing, or other  
24 property of each school which are owned, used, or operated by

1 their respective governing boards of the schools or chief  
2 administrative officers in the case of a private school."

3 (b) Section 48001 of Chapter 48, Division 5 of Title 17 of the  
4 Guam Code Annotated is hereby *repealed and reenacted* to read as  
5 follows:

6 **"Section 48001. Definitions.** 'Drug Free School Zone'  
7 means any area within one thousand (1,000) feet of a public or  
8 private elementary, secondary or post secondary educational  
9 institution or its accompanying grounds; or within the vehicle of  
10 any school bus which transports students while in motion; or  
11 within two hundred fifty feet (250') of any school bus *not* in  
12 motion or a designated school bus stop or shelter, including any  
13 school bus transfer station. Notwithstanding the provisions of  
14 this Section, a *Drug Free School Zone* shall *not* include private real  
15 property which is *not* a school or the accompanying grounds of a  
16 school."

17 (c) Section 48002 of Chapter 48, Division 5 of Title 17 of the  
18 Guam Code Annotated is hereby *repealed and reenacted* to read as  
19 follows:

20 **"Section 48002. Establishment of a Drug Free School**  
21 **Zone.** There is hereby established a Drug Free School Zone  
22 as defined in this Chapter. Any person who commits an offense  
23 under Chapter 67 of Title 9 of the Guam Code Annotated within  
24 the Drug Free School Zone shall be in violation of this Chapter



1 and punished in accordance with Article 4, Chapter 67 of Title 9 of  
2 the Guam Code Annotated.”

3 (d) A new ninety (90) day period for re-designation of Drug  
4 Free School Zones is hereby established pursuant to 17 G.C.A. § 48003  
5 commencing the effective date of enactment of this Act.

6 **Section 4. Penalties for Possession and Reporting within the Drug**  
7 **Free School Zone.** Sections 67.401.2(c), (d) and (e) are hereby *added* to  
8 Article 4, Chapter 67 of Title 9 of the Guam Code Annotated to read as  
9 follows:

10 “(c) A person who commits a crime under 9 G.C.A. §§  
11 67.401.2(b)(2) or (3) within the Drug Free School Zone shall be guilty of  
12 a misdemeanor.

13 (d) A person who commits a crime under §§ 67.401.1 or  
14 67.401.2(b)(1) within the Drug Free School Zone shall be guilty of the  
15 same class of felony had the offense been committed outside the Drug  
16 Free School Zone.

17 (e) A person who knowingly fails to report any violation of this  
18 Chapter within the Drug Free School Zone is guilty of a misdemeanor.”

19 **Section 5. Enhanced Sentencing for a Felony Offense Committed**  
20 **within the Drug Free School Zone.** Section 67.401.4(n) is hereby *added* to  
21 Article 4, Chapter 67 of Title 9 of the Guam Code Annotated to read as  
22 follows:

23 “(n) *If* the person is guilty of possession under § 67.401.2(b)(1)  
24 within the Drug Free School Zone, the person may be sentenced to a

1        *maximum* of three (3) years of imprisonment, which sentence shall *not* be  
2        suspended on probation, nor shall the person be eligible for parole until  
3        completion of the mandatory term of incarceration.”

4        **Section 6. Penalties for Distribution within the Drug Free School**  
5 **Zone.**        Sections 67.407 (c) and (d) of Article 4, Chapter 67 of Title 9 of the  
6 Guam Code Annotated are hereby *amended* to read as follows:

7                “(c) An individual shall *not* violate § 67.401.1(a)(1) of this Act by  
8        distributing a substance listed in Schedule I or II as per Appendices A  
9        and B of this Act which is a narcotic drug, in or on a school, or within  
10       the Drug Free School Zone as herein defined. An individual who  
11       violates this Subsection shall be sentenced to serve, in addition to the  
12       minimum sentence prescribed by § 67.401.4 of this Act, a term of five (5)  
13       years of imprisonment. Imposition or execution of such sentence shall  
14       *not* be suspended and probation shall *not* be granted. Parole or work  
15       release shall *not* be granted until the offender has served the additional  
16       five (5) years prescribed by this Subsection.

17                (d) An individual shall *not* violate § 67.401.1(a)(1) of this Act by  
18        distributing any non-narcotic controlled substance listed in Schedule I  
19        or II as per Appendices A and B of this Act or a substance listed in  
20        Schedules III, IV, or V as per Appendices C-E of this Act, in or on a  
21        school, or within the Drug Free School Zone as herein defined. An  
22        individual who violates this Subsection shall be sentenced to serve, in  
23        addition to the *minimum* sentence prescribed by § 67.401.4 of this Act, a  
24        term of three (3) years of imprisonment. Imposition or execution of

1 such sentence shall *not* be suspended and probation shall *not* be granted.  
2 Parole or work release shall *not* be granted until the offender has served  
3 the additional three (3) years prescribed by this Subsection.”

4 **Section 7. Enactment of Inhalant Offenses.** Section 67.401.21 is  
5 hereby *added* to Article 4, Chapter 67 of Title 9 of the Guam Code Annotated  
6 to read as follows:

7 **“Section 67.401.21. Inhalants.**

8 (a) **Use of Inhalants.** It is unlawful for a person to  
9 inhale, ingest, apply or smell the gases, vapors or fumes of an  
10 aerosol spray product, volatile chemical, substance or other  
11 inhalant, that is *not* used pursuant to the instructions or  
12 prescription of a licensed health care provider, or that is *not* used  
13 pursuant to the manufacturer’s label instructions, for the purpose  
14 of becoming under the influence of such substance, causing  
15 intoxication, euphoria, inebriation, stupefaction or the dulling of  
16 that person’s brain or nervous system.

17 (b) It is unlawful for a person to possess any gas,  
18 hazardous inhalant, aerosol spray product, substance containing a  
19 volatile chemical or substance containing a chemical material  
20 capable of releasing toxic vapors with the intent to violate the  
21 above.

22 (c) Nothing in this Section applies to the inhalation of a  
23 prescription or over-the-counter product for medical or dental  
24 purposes, or the inhalation of the vapors or fumes of an alcoholic



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

AUG 27 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

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	
Time	1:01 pm
Date	8/27/02

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 292 (COR) "AN ACT TO ADD § 2101(c) TO TITLE 7, TO REPEAL AND REENACT §§ 48001 AND 48002 OF TITLE 17, TO ADD §§ 67.401.1(n), 67.401.21, AND 67.402(c), (d) AND (e) TO TITLE 9, TO AMEND §§ 67.407 (c) AND (d) OF TITLE 9, TO REPEAL §§ 80.33.11, 80.33.12 AND 80.33.13 OF TITLE 9, AND TO ADD DEFINITIONS TO § 67.100 OF TITLE 9, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AND OPERATING A THERAPEUTIC DRUG COURT ON GUAM," which I have vetoed.

This legislation undermines the original legislation establishing the Supreme Court of Guam, the Frank G. Lujan Memorial Court Reorganization Act of 1992. That law specified that certain existing divisions within the Supreme Court of Guam continue, such as the Family Court, the Traffic Court, and the Small Claims Court. It also specified that any further divisions within the Supreme or Superior Courts shall be created by the Supreme Court itself, by rule.

The Supreme Court of Guam already established a drug court within the Superior Court of Guam. For the Legislature to go behind this action and create a drug court also, is not only superfluous but undermines the authority of the Supreme Court and respect for its actions and decisions.

Bill No. 24-139, previously passed by the Legislature, also undermined the Supreme Court's role. This law was invalidated by process of court decision. We need to uphold the role of our Supreme Court in administering justice and creating a unified system of justice for our island.

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

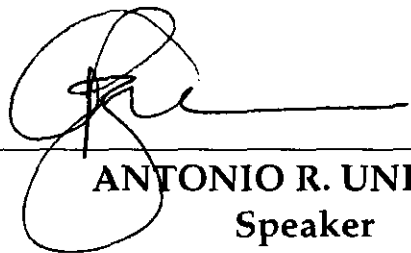
cc: The Honorable Antonio R. Unpingco  
Speaker

0904


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

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

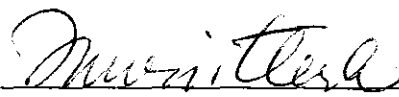
This is to certify that Substitute Bill No. 292 (COR) "AN ACT TO ADD § 2101(c) TO TITLE 7, TO REPEAL AND REENACT §§ 48001 AND 48002 OF TITLE 17, TO ADD §§ 67.401.4(n), 67.401.21, AND 67.401.2(c), (d) AND (e) TO TITLE 9, TO AMEND §§ 67.407 (c) AND (d) OF TITLE 9, TO REPEAL §§ 80.33.11, 80.33.12 AND 80.33.13 OF TITLE 9, AND TO ADD DEFINITIONS TO § 67.100 OF TITLE 9, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AND OPERATING A THERAPEUTIC DRUG COURT ON GUAM," was on the 14<sup>th</sup> day of August, 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 15<sup>th</sup> day of August, 2002,  
at 1:15 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

  
CARL T.C. GUTIERREZ  
*I Maga'lahen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

AUG 27 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	
Time	1:01 pm
Date	8/27/02

Dear Legislative Secretary Brown:

Enclosed please find Substitute Bill No. 292 (COR) "AN ACT TO ADD § 2101(c) TO TITLE 7, TO REPEAL AND REENACT §§ 48001 AND 48002 OF TITLE 17, TO ADD §§ 67.401.1(n), 67.401.21, AND 67.402(c), (d) AND (e) TO TITLE 9, TO AMEND §§ 67.407 (c) AND (d) OF TITLE 9, TO REPEAL §§ 80.33.11, 80.33.12 AND 80.33.13 OF TITLE 9, AND TO ADD DEFINITIONS TO § 67.100 OF TITLE 9, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AND OPERATING A THERAPEUTIC DRUG COURT ON GUAM," which I have vetoed.

This legislation undermines the original legislation establishing the Supreme Court of Guam, the Frank G. Lujan Memorial Court Reorganization Act of 1992. That law specified that certain existing divisions within the Supreme Court of Guam continue, such as the Family Court, the Traffic Court, and the Small Claims Court. It also specified that any further divisions within the Supreme or Superior Courts shall be created by the Supreme Court itself, by rule.

The Supreme Court of Guam already established a drug court within the Superior Court of Guam. For the Legislature to go behind this action and create a drug court also, is not only superfluous but undermines the authority of the Supreme Court and respect for its actions and decisions.

Bill No. 24-139, previously passed by the Legislature, also undermined the Supreme Court's role. This law was invalidated by process of court decision. We need to uphold the role of our Supreme Court in administering justice and creating a unified system of justice for our island.

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

0904


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

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

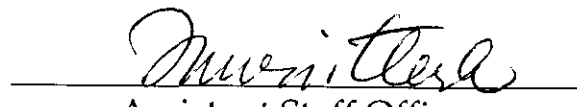
This is to certify that Substitute Bill No. 292 (COR) "AN ACT TO ADD § 2101(c) TO TITLE 7, TO REPEAL AND REENACT §§ 48001 AND 48002 OF TITLE 17, TO ADD §§ 67.401.4(n), 67.401.21, AND 67.401.2(c), (d) AND (e) TO TITLE 9, TO AMEND §§ 67.407 (c) AND (d) OF TITLE 9, TO REPEAL §§ 80.33.11, 80.33.12 AND 80.33.13 OF TITLE 9, AND TO ADD DEFINITIONS TO § 67.100 OF TITLE 9, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AND OPERATING A THERAPEUTIC DRUG COURT ON GUAM," was on the 14<sup>th</sup> day of August, 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'lahaen Guåhan* this 15<sup>th</sup> day of August, 2002,  
at 1:15 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

  
\_\_\_\_\_  
**CARL T. C. GUTIERREZ**  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

**Bill No. 292 (COR)**

As substituted by the Committee  
on Power, Public Safety and  
the Judiciary, and amended in the  
Committee of the Whole.

Introduced by:

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

**AN ACT TO ADD § 2101(c) TO TITLE 7, TO REPEAL AND REENACT §§ 48001 AND 48002 OF TITLE 17, TO ADD §§ 67.401.4(n), 67.401.21, AND 67.401.2(c), (d) AND (e) TO TITLE 9, TO AMEND §§ 67.407 (c) AND (d) OF TITLE 9, TO REPEAL §§ 80.33.11, 80.33.12 AND 80.33.13 OF TITLE 9, AND TO ADD DEFINITIONS TO § 67.100 OF TITLE 9, ALL OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AND OPERATING A THERAPEUTIC DRUG COURT ON GUAM.**

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



1           **Section 1. Legislative Findings and Intent.**           It is the intent of *I*  
2 *Liheslaturan Guåhan* to support the Judiciary in the establishment of  
3 Therapeutic Drug Courts to provide for integrated drug treatment services to  
4 adult and juvenile offenders who come within the jurisdiction of the Superior  
5 Court of Guam. *I Liheslaturan Guåhan* further supports the adoption by the  
6 Judicial Council of the “Ten (10) Key Components for the establishment of  
7 Drug Courts,” as promulgated by the Drug Courts Program Office of the U.S.  
8 Department of Justice’s Office of Justice Programs.

9           *I Liheslaturan Guåhan* enacts the following specific *minimum* goals and  
10 objectives for the establishment of a Juvenile Drug Court: (a) to reduce drug  
11 usage by juveniles who come within the jurisdiction of the Family Court; (b)  
12 to reduce criminal activity and recidivism by juveniles on Guam; (c) to  
13 provide early intervention and treatment of juveniles found to be dependent  
14 on illegal controlled substances, alcohol or inhalants; (d) to strengthen family  
15 bonds and relationships; *and* (e) to improve school attendance and  
16 graduation. Finally, *I Liheslaturan Guåhan* seeks to create Therapeutic Drug  
17 Courts for adult and juvenile offenders in accordance with 7 G.C.A. § 2101(c).

18           **Section 2. Creation of a Drug Court Division.**           Section 2101(c) is  
19 hereby *added* to Chapter 2, Division 1 of Title 7 of the Guam Code Annotated  
20 to read as follows:

21           “(c) There is herein established within the Superior Court of  
22 Guam, a Drug Court which shall have jurisdiction over adult and  
23 juvenile offenders charged with drug offenses on Guam. The Drug  
24 Court shall have as its goal to provide therapeutic treatment and

1 counseling to adult and juvenile offenders under its jurisdiction, to the  
2 greatest extent allowed by Guam law.”

3 **Section 3. Defining Drug Free School Zone.**

4 (a) The following definitions are hereby *added* to § 67.100 of  
5 Article 1, Chapter 67 of Title 9 of the Guam Code Annotated to read as  
6 follows, and all Subsections therein are to be renumbered by the  
7 Compiler of Laws accordingly:

8 “‘*Drug Free School Zone*’ means any area within one  
9 thousand (1,000) feet of a public or private elementary, secondary  
10 or post secondary educational institution or its accompanying  
11 grounds; or within the vehicle of any school bus which transports  
12 students while in motion; or within two hundred fifty feet (250’) of  
13 any school bus *not* in motion or a designated school bus stop or  
14 shelter, including any school bus transfer station.  
15 Notwithstanding the provisions of this Section, a *Drug Free School*  
16 *Zone* shall *not* include private real property which is *not* a school  
17 or the accompanying grounds of a school.

18 ‘*School*’ means any establishment, public or private, for the  
19 care and education of students from kindergarten through grade  
20 twelve (12) and any college or university or educational institution  
21 of higher learning.

22 ‘*Accompanying Grounds*’ means the respective campuses,  
23 recreational areas, athletic fields, student housing, or other  
24 property of each school which are owned, used, or operated by

1           their respective governing boards of the schools or chief  
2           administrative officers in the case of a private school.”

3           (b) Section 48001 of Chapter 48, Division 5 of Title 17 of the  
4           Guam Code Annotated is hereby *repealed and reenacted* to read as  
5           follows:

6                   **“Section 48001. Definitions.**     ‘Drug Free School Zone’  
7           means any area within one thousand (1,000) feet of a public or  
8           private elementary, secondary or post secondary educational  
9           institution or its accompanying grounds; or within the vehicle of  
10          any school bus which transports students while in motion; or  
11          within two hundred fifty feet (250’) of any school bus *not* in  
12          motion or a designated school bus stop or shelter, including any  
13          school bus transfer station. Notwithstanding the provisions of  
14          this Section, a *Drug Free School Zone* shall *not* include private real  
15          property which is *not* a school or the accompanying grounds of a  
16          school.”

17          (c) Section 48002 of Chapter 48, Division 5 of Title 17 of the  
18          Guam Code Annotated is hereby *repealed and reenacted* to read as  
19          follows:

20                   **“Section 48002. Establishment of a Drug Free School**  
21          **Zone.**       There is hereby established a Drug Free School Zone  
22          as defined in this Chapter. Any person who commits an offense  
23          under Chapter 67 of Title 9 of the Guam Code Annotated within  
24          the Drug Free School Zone shall be in violation of this Chapter

1 and punished in accordance with Article 4, Chapter 67 of Title 9 of  
2 the Guam Code Annotated.”

3 (d) A new ninety (90) day period for re-designation of Drug  
4 Free School Zones is hereby established pursuant to 17 G.C.A. § 48003  
5 commencing the effective date of enactment of this Act.

6 **Section 4. Penalties for Possession and Reporting within the Drug**  
7 **Free School Zone.** Sections 67.401.2(c), (d) and (e) are hereby *added* to  
8 Article 4, Chapter 67 of Title 9 of the Guam Code Annotated to read as  
9 follows:

10 “(c) A person who commits a crime under 9 G.C.A. §§  
11 67.401.2(b)(2) or (3) within the Drug Free School Zone shall be guilty of  
12 a misdemeanor.

13 (d) A person who commits a crime under §§ 67.401.1 or  
14 67.401.2(b)(1) within the Drug Free School Zone shall be guilty of the  
15 same class of felony had the offense been committed outside the Drug  
16 Free School Zone.

17 (e) A person who knowingly fails to report any violation of this  
18 Chapter within the Drug Free School Zone is guilty of a misdemeanor.”

19 **Section 5. Enhanced Sentencing for a Felony Offense Committed**  
20 **within the Drug Free School Zone.** Section 67.401.4(n) is hereby *added* to  
21 Article 4, Chapter 67 of Title 9 of the Guam Code Annotated to read as  
22 follows:

23 “(n) *If* the person is guilty of possession under § 67.401.2(b)(1)  
24 within the Drug Free School Zone, the person may be sentenced to a

1        *maximum* of three (3) years of imprisonment, which sentence shall *not* be  
2        suspended on probation, nor shall the person be eligible for parole until  
3        completion of the mandatory term of incarceration.”

4        **Section 6. Penalties for Distribution within the Drug Free School**  
5 **Zone.**        Sections 67.407 (c) and (d) of Article 4, Chapter 67 of Title 9 of the  
6 Guam Code Annotated are hereby *amended* to read as follows:

7                “(c) An individual shall *not* violate § 67.401.1(a)(1) of this Act by  
8        distributing a substance listed in Schedule I or II as per Appendices A  
9        and B of this Act which is a narcotic drug, in or on a school, or within  
10       the Drug Free School Zone as herein defined. An individual who  
11       violates this Subsection shall be sentenced to serve, in addition to the  
12       minimum sentence prescribed by § 67.401.4 of this Act, a term of five (5)  
13       years of imprisonment. Imposition or execution of such sentence shall  
14       *not* be suspended and probation shall *not* be granted. Parole or work  
15       release shall *not* be granted until the offender has served the additional  
16       five (5) years prescribed by this Subsection.

17                (d) An individual shall *not* violate § 67.401.1(a)(1) of this Act by  
18        distributing any non-narcotic controlled substance listed in Schedule I  
19        or II as per Appendices A and B of this Act or a substance listed in  
20        Schedules III, IV, or V as per Appendices C-E of this Act, in or on a  
21        school, or within the Drug Free School Zone as herein defined. An  
22        individual who violates this Subsection shall be sentenced to serve, in  
23        addition to the *minimum* sentence prescribed by § 67.401.4 of this Act, a  
24        term of three (3) years of imprisonment. Imposition or execution of

1           **Section 10.       Severability.**    *If* any provision of this Law or its  
2 application to any person or circumstance is found to be invalid or contrary to  
3 law, such invalidity shall *not* affect other provisions or applications of this  
4 Law which can be given effect without the invalid provisions or application,  
5 and to this end the provisions of this Law are severable.

6

# I MINA' BENTE SAIS NA LIHESLATURAN GUAHAN

2002 (SECOND) Regular Session

Date: 8/14/02

## VOTING SHEET

Bill No. 292 (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



Chairman:  
**Committee on Power,  
Public Safety and  
the Judiciary**

Suite 5A • Sinajana Shopping Mall II  
777 Route 4 • Sinajana, Guam 96926

Phone 1.671.472-3431  
Fax 1.671.472-3433

16 May 2002

The Honorable Antonio R. Unpingco  
Speaker  
I Mina' Bente Sais Na Liheslaturan Guahan  
155 Hesler Street  
Hagatna, Guam 96910

Dear Mr. Speaker:

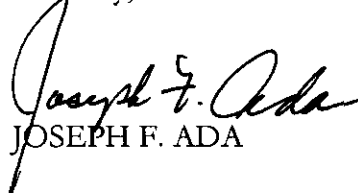
The Committee on Power, Public Safety and Judiciary, to which was referred **Bill No. 292 (COR)**, "AN ACT RELATIVE TO THE ESTABLISHMENT AND OPERATION OF THERAPEUTIC DRUG COURTS," does hereby report back with the recommendation **TO DO PASS AS SUBSTITUTED BY THE COMMITTEE**.

The Committee votes are as follows:

- To Pass
- Not To Pass
- To The Inactive File
- Abstained
- Off-Island
- Not Available

A copy of the Committee Report and all pertinent documents are attached for your information and file.

Sincerely,

  
JOSEPH F. ADA



# VOTING SHEET

## BILL 292 (COR)

Committee on Power, Public Safety and the Judiciary

COMMITTEE MEMBER	RECOMMEND: TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE	Signature
Senator Joseph F. Ada, Chairman	✓					<i>Joseph F. Ada</i>
Senator Kaleo S. Moylan, Vice Chairman	✓					<i>Kaleo S. Moylan</i>
Speaker Antonio R. Unpingco						
Vice Speaker Larry F. Kasperbauer	X					<i>Larry Kasperbauer</i>
Senator Tom C. Ada	✓					<i>T.C. Ada</i>
Senator Eddie B. Calvo						
Senator Felix P. Camacho	✓					<i>F. Camacho</i>
Senator Mark C. Charfauros	✓					<i>Mark C. Charfauros</i>
Senator Mark Forbes	✓					<i>Mark Forbes</i>
Senator Angel L.G. Santos						

COMMITTEE REPORT

ON

BILL NO. 292 (COR)

COMMITTEE ON POWER, PUBLIC SAFETY AND THE JUDICIARY

“AN ACT RELATIVE TO THE ESTABLISHMENT AND OPERATION OF  
THERAPEUTIC DRUG COURTS.”

COMMITTEE MEMBERS

Chairman: Joseph F. Ada

Vice Chairman: Kaleo S. Moylan

Ex-Officio Member: Antonio R. Unpingco

Lawrence F. Kasperbauer, Member

Thomas C. Ada, Member

Eddie B. Calvo, Member

Felix P. Camacho, Member

Mark C. Charfauros, Member

Mark Forbes, Member

Angel L.G. Santos, Member

COMMITTEE REPORT  
COMMITTEE ON POWER, PUBLIC SAFETY AND THE JUDICIARY

**BILL NO. 292 (COR)**

**“AN ACT RELATIVE TO THE ESTABLISHMENT AND OPERATION OF THERAPEUTIC DRUG COURTS.”**

**I. PUBLIC HEARING**

The Committee on Power, Public Safety and Judiciary held a public hearing on May 15, 2002 AT 10:00 a.m. to hear testimony on Bill No. 292 (LS) “AN ACT RELATIVE TO THE ESTABLISHMENT AND OPERATION OF THERAPEUTIC DRUG COURTS.”

Senator Joseph F. Ada, Chairman of the Committee on Power, Public Safety and Judiciary, called the hearing to order. Committee member Senator Mark Forbes was also present.

Oral testimony was offered by:

Hon. Judge Elizabeth Barrett-Anderson, Superior Court of Guam.

Dr. James Kiffer, Psychologist for the Superior Court of Guam.

Jeannette M. Quintanilla, Juvenile Drug Court Coordinator, Superior Court of Guam.

Jackie Zahnen, Superior Court of Guam.

Peter Naval, School Resource Officer, Juvenile Drug Court.

Daniel J. Tydingco, Executive Officer, Supreme Court of Guam.

**II. TESTIMONY**

Hon. Judge Elizabeth Barrett-Anderson testified in support of Bill 292. Judge Barrett-Anderson stated drug courts represent a collaborative effort of all branches of government to deal with drug abuse and related problems. The Judge testified that drug courts have been proven to work to reduce drug use and associated criminal activity and that Bill 292 is necessary for Guam to continue a drug court program beyond an initial two year program. The Judge outlined findings from surveys done by the University of Guam that show more young people are using marijuana than using alcohol.

Dr. James Kiffer testified in support for Bill 292. As the Superior Court psychologist, Dr. Kiffer testified to the importance of treatment for drug offenders and to the success of drug court programs.

Jeannette Quintanilla testified in support of Bill 292 and cited the purpose and goals of the program. Quintanilla cited a national study showing “drug use and criminal

behavior substantially reduced while offenders are participating in drug court.” She also cited evidence of the success of drug courts in other jurisdictions: 50% reduction in recidivism in Orange County, California over two years; 30% reduction in recidivism in Portland, Oregon over seven years; court costs in Washington, D.C. of \$1,800 to \$4,000 per participant, compared to at least \$20,000 per year for jail.

Jackie Zahnen testified in support of Bill 292.

Peter Naval testified in support of Bill 292. Officer Naval testified that 52 minors have been investigated for drug use in schools in the first ninety days of the program. 32 were charged with offenses, ranging in age from 11 to 19. Naval said penalties for minors using drugs are less severe than for using alcohol, and stressed the need for the inhalants section of Bill 292 as there is currently no statutory language on inhalants.

Daniel Tydingco testified in opposition to Bill 292. Tydingco stated Bill 292 is unnecessary and that the intent is already provided for in statute. Tydingco stated that an appeals court ruling re-established the right of the Supreme Court alone to establish courts of record. Tydingco, speaking for the Supreme Court, challenged the motives of the authors, “We certainly hope that Section 2 of Bill 292 is not another attempt by this Legislature to erode the authority of the Supreme Court.”

### **III. FINDINGS**

The Committee finds that Bill No. 292 (COR), as amended by the committee, will benefit the people of Guam by statutorily establishing the Guam Drug Court as a court of record, thus ensuring the court will be able to operate with or without federal funding in the future. The Committee finds the court can potentially have great success in curbing drug abuse, criminal drug cases and the costs, both financial and societal, associated with drugs. The Committee agrees with the Legislature as a whole which unanimously passed Resolution 26-78 in praise of the Juvenile Drug Court, wherein the Legislature commended the drug court and resolved to “commit to support all efforts to achieve the goals of reducing drug and substance abuse among juveniles.” The Committee finds the evidentiary testimonies of Judge Elizabeth Barrett-Anderson and others who have labored to establish Guam’s Drug Courts, and the advantages they have described, outweigh the concerns of detractors such as the Supreme Court of Guam, who the Committee finds to be more concerned with protocol and politics than solving Guam’s drug crisis.

### **IV. RECOMMENDATIONS**

The Committee on Power, Public Safety and Judiciary hereby reports Bill No. 292 (COR), as substituted by the committee, with the recommendation ***TO DO PASS AS SUBSTITUTED BY THE COMMITTEE.***



UNIVERSITY OF GUAM  
UNIBETSEDĀT GUAHAN  
COLLEGE OF AGRICULTURE & LIFE SCIENCES  
COMMUNITY RESOURCE DEVELOPMENT  
GUAM COOPERATIVE EXTENSION

---

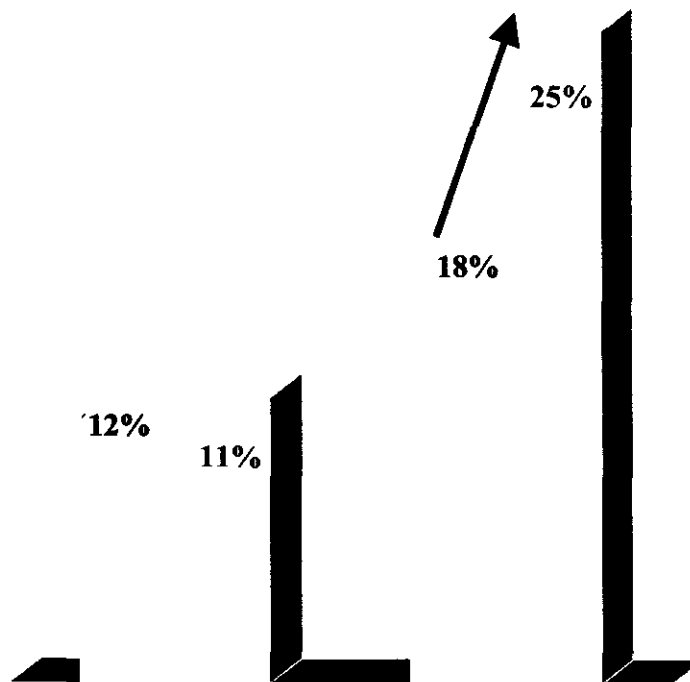
**Guam Health Behavior Factsheet**  
*A Summary of Findings From the  
Safe & Drug Free Schools & Communities  
Youth Risk Behavior Surveys*

---

CHART I

**EVER USE INHALANTS BY MENTAL HEALTH STRESS**

**Inhalant use and experimentation has increased among youth high in mental health stress (reported depression and suicidal ideation).**



*Source: 2001 Guam Youth Risk Behavior Survey. Prepared by R. Workman, Guam Cooperative Extension, CALS, University of Guam: Guam Juvenile Drug Count Conference, January 30, 2002*



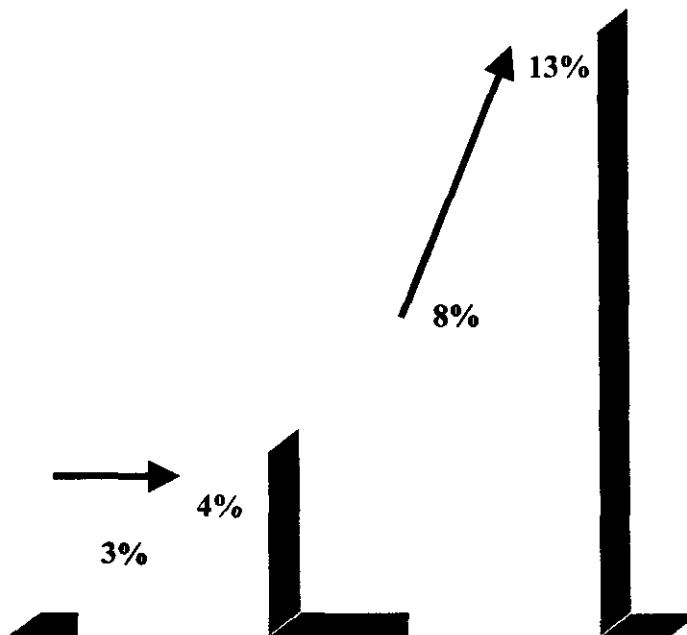
UNIVERSITY OF GUAM  
UNIBETSEDAT GUAHAN  
COLLEGE OF AGRICULTURE & LIFE SCIENCES  
COMMUNITY RESOURCE DEVELOPMENT  
GUAM COOPERATIVE EXTENSION

**Guam Health Behavior Factsheet**  
*A Summary of Findings From the  
Safe & Drug Free Schools & Communities  
Youth Risk Behavior Surveys*

CHART J

**CURRENT INHALANT USE BY VIOLENT RISK BEHAVIOR**

**Inhalant use (within prior 30 days) increased among youth defined as high risk (fighters) but has remained low, (No change) among low risk youth (nonfighters)**



Source: 2001 Guam Youth Risk Behavior Survey. Prepared by R. Workman, Guam Cooperative Extension, CALS, University of Guam: Guam Juvenile Drug Count Conference, January 30, 2002

Section 2. Creation of a Drug Court Division as a Court of Record. A new Subsection "c" is added to 7 G.C.A. §2101 to read:

"(c) In addition to such courts of record as may be created pursuant to Subsection (a) herein, there is established within the Superior Court of Guam a Drug Court Division, which shall be a court of record, and shall have jurisdiction over adult and juvenile offenders charged with drug offenses within the territory of Guam.

Prev: [Chapter 558 §2383-B](#)

Next: [Chapter 558 §2384](#)

Download [Chapter 558](#)

[Statute Search](#)

[List of Titles](#)

[Maine Law](#)

**Title 22: HEALTH AND WELFARE**

**Subtitle 2: HEALTH**

**Part 5: FOODS AND DRUGS**

**Chapter 558: MARIJUANA, SCHEDULED DRUGS,**

**IMITATION SCHEDULED DRUGS AND HYPODERMIC**

**APPARATUSES (HEADING: PL 1989, c. 384, @7 (rpr); PL**

**1997, c. 340, @4 (rpr))**

[Disclaimer](#)

**§2383-C. Unlawful use or possession of inhalants**

[Revisor's Office](#)

[Maine Legislature](#)

**1. Prohibited acts.** A person may not intentionally or knowingly:

A. Inhale, ingest, apply or smell the gases, vapors or fumes of any gas, hazardous inhalant, substance containing a volatile chemical or substance containing a chemical material capable of releasing toxic vapors or fumes for the purpose of causing intoxication, euphoria, inebriation, excitement, stupefaction or the dulling of that person's brain or nervous system; or [1997, c. 325, §1 (new).]

B. Possess any gas, hazardous inhalant, substance containing a volatile chemical or substance containing a chemical material capable of releasing toxic vapors with the intent to violate paragraph A. [1997, c. 325, §1 (new).]

[1997, c. 325, §1 (new).]

**2. Exclusions.** Nothing in this section applies to the inhalation of anesthesia for medical or dental purposes or the inhalation of the vapors or fumes of an alcoholic beverage, the sale and consumption of which is authorized by law. [1997, c. 325, §1 (new).]

**3. Presumption regarding violations.** Proof that a person intentionally or knowingly inhaled, ingested, applied or used a substance in a manner contrary to the directions for use, cautions or warnings on a label of a container of the substance gives rise to a presumption that the person violated subsection 1. [1997, c. 325, §1 (new).]

**4. Presumption regarding ingredients.** For the purposes of this section, it is presumed that the ingredients in a container are, in fact, the ingredients listed on a label of the container or the ingredients listed for that substance in databases maintained or relied upon by a poison control center certified by a national association of poison control centers. [1997, c. 325, §1 (new).]



# Testimony on Bill 292

## Page 1 of 1

Hafa Adai, Senator Joseph Ada, Chairperson of the Committee on Power, Public Safety and the Judiciary, Senator Mark Forbes and legislative committee members. I present this testimony on behalf of Bill 292, relative to the establishment of therapeutic drug courts.

My name is Peter J. Naval, the School Resource Officer of the Juvenile Drug Court. My role in Juvenile Drug Court is to handle the drug cases in the high school and middle schools of the Guam Public School System. Which means first conducting a preliminary investigation into any suspected drug incidents reported by school officials to determine if there is a criminal offense. Testing and confiscation of evidence. Interviewing of witnesses and suspects(s). Conducting any necessary follow-up investigations. And if warranted, charging the suspect(s).

In the Juvenile Drug Court's first ninety days (February-March-April 2002) I have investigated a total of 52 minors for suspected drug use in the Guam Public School system. Of the 52 minors investigated, 32 of them were charged with various drug offenses, primarily Possession of a Controlled Substance (marijuana) and Violation of the Drug Free School Zone. These clients have ranged from the ages of 11 to 19. The statistics shown are just the tip of iceberg. As an Assistant School Principal once told me, a marijuana joint is so easy to conceal that only the stupid ones or the ones that have no regards to the consequences get caught.

As a prime example of those having no regards to the consequences of getting caught. A recent middle school case had two 7<sup>th</sup> graders caught smoking marijuana in the back of the classroom while class was in session! The two students even brought along a can of "Glade" air freshener spray to try to hide the smell of burning marijuana!

In my capacity as School Resource Officer, I have worked with almost every Assistant Principal of Discipline for every school. They are crying out for resources for their students. Ten-day suspensions for drug possession and /or use in a school does not even begin to address the problem.

As Judge Anderson mentioned in her testimony, drugs are easy to get in school. There is talk about cases of suspected drug use at the elementary school level. In my opinion as a law enforcement officer and as a parent, 10 year olds should be playing with "GI-Joes" or "Barbie" dolls, and not smoking marijuana.

In the Pacific Juvenile Drug Court conference in January 2002, Dr. Randall Workman presented that in Youth Risk Behaviors Surveys for 1999 and 2001, marijuana is the drug of choice for high school and middle school students.

Ref. Youth Risk Behavior Surveys by Dr. Workman, University of Guam.

**Testimony on Bill 292**  
**Page 2 of 2**

There is an inequity in regards to the penalties for marijuana use by minors and the use of alcohol by minors. The penalty for consumption of alcohol by a minor is a petty misdemeanor. The penalty for smoking or possessing marijuana by a minor is a violation. Being a parent myself, I ask what type of message is this inequity sending to our students of Guam? That based upon penalties, drinking alcohol is worse than smoking marijuana? And we wonder why marijuana is the drug of choice of students in our schools.


Presently there are no criminal violations for use of inhalants. Dr. Workman's survey on Youth Risk Behaviors indicates the use of inhalants to be on an increase from 1991 to 2001. With the largest percentage of youths admitting to using inhalants coming from the 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> grade levels.

Surely there must be something more that can be done to prevent youths in this age group from incurring permanent damage to themselves through the use of inhalants. I have received reports from middle school administrators that they have caught students bringing inhalants onto the schools and getting high on campus.

As I have learned since being on the Juvenile Drug Court Team. Juvenile Drug Court is not about incarceration, it is about treatment. It is about getting treatment to the ones that need it the most and can help themselves the least. Because many of them are the kids next door, some of them are our nieces and nephews, one or two of them might even be our own children.

In closing, I would like to thank you for this opportunity to present testimony in behalf of Bill 292, relative to the establishment of therapeutic drug courts.

Sincerely,

  
Peter J. Naval  
School Resource Officer  
Juvenile Drug Court



## SUPERIOR COURT OF GUAM

Guam Judicial Center · 120 West O'Brien Drive · Hågatña, Guam 96910

**Jeannette M. Quintanilla**  
**Juvenile Drug Court Coordinator**

Telephone (671) 475-3205

Fax (671) 477-4944

May 15, 2002

Honorable Senator Joseph F. Ada  
Chairman on the Judiciary  
26<sup>th</sup> Guam Legislature  
155 Hesler Street  
Hagatna, GU 96910

**Subject: Testimony in Support of Bill 292**

Dear Mr. Chairman:

I hereby support Bill 292, An Act Relative To The Establishment And Operation Of Therapeutic Drug Courts.

A drug court is a special court that is given the responsibility to handle cases involving drug-using offenders through comprehensive supervision, drug testing, treatment services, judicial monitoring, and immediate sanctions and incentives. Drug court programs bring the full weight of all intervenors (judges, prosecutors, defense counsel, substance abuse treatment specialists, probation officers, law enforcement and correctional personnel, educational and vocational experts, community leaders and others) to bear, forcing offenders to deal with their substance abuse problems.

The Guam Juvenile Drug Court will: integrate drug treatment services with the juvenile justice system, provide access to a continuum of prompt, intensive, holistic substance abuse treatment to adolescents and their families, and assess family needs and engage the family in the juvenile's recovery.

The Juvenile Drug Court goals include: to enroll one hundred twenty (120) juveniles and their families by August 2003, achieve a seventy percent (70%) graduation rate of juveniles who have completed the program, implement a non-adversarial process, improve family communication / activities (where appropriate), to reduce drug usage by adolescents between the ages of 13 and 17 who have successfully completed the JDC Program by eighty percent (80%); increase school participation, school attendance and improve grades by juveniles who are engaged in the JDC Program by ninety percent (90%); decrease high school drop out rates by juveniles in the JDC Program by ninety percent (90%); and provide early intervention with adolescents relating to drug usage and addiction through admission into the program and receive treatment no more than ten (10) days from the time of referral into the Juvenile Drug Court Program.

JDC will work towards targeting specific objectives involving: frequent drug and / or alcohol testing to assure abstinence; frequent appearances before, and interaction, with the Judge; achieve a high level of parental involvement; collateral services to program participants and their families, including referrals for job training and placement, education, health, recreation and social activities, transportation, public assistance, housing assistance, counseling, and self-help groups (AA, NA, Parenting classes (where applicable) as well as to provide periodic on-island education and training to all individuals essential to the program's success.

The Superior Court has partnered with Guam Police Department and the Department of Education (DOE) to establish a School Resource Officer (SRO) Program. Since February 1, 2002, the SRO reports that fifty-three (53) minors have been investigated for substance abuse related cases at DOE schools and thirty-two (32) minors were charged as of April 30, 2002.

Do Drug Courts Work? Absolutely! The recently updated study from Columbia University's prestigious National Center on Addiction and Substance Abuse (CASA) is the first to look at the effectiveness of the drug court model on offenders while in a program, as compared to other forms of community supervision. (*Research of Drug Courts: A Critical Review, 2001 Update*, The National Center on Addiction and Substance Abuse (CASA) at Columbia University, June, 2001).

The study concludes that *"drug courts provide closer, more comprehensive supervision and much more frequent drug testing and monitoring during the program, than other forms of community supervision.* In addition, it found that *drug use and criminal behavior are substantially reduced while offenders are participating in drug court.*" (CASA, 2001)

Compared to a matched sample of offenders sentenced to probation, clients admitted in 1997 and 1998 to the Orange County, California drug court had lower re-arrest rates while in the program (17% vs.35%).

In Portland, Oregon, re-arrest rates were lower for drug court participants overall for the 1991-1997 period: 37% vs. 53%.

In Washington, DC, a year of drug court costs \$1,800 to \$4,000 per participant. This compares to at least \$20,000 per year to jail an offender. (*Notre Dame Law Review*, "Therapeutic Jurisprudence and the Drug Treatment Court Movement: Revolutionizing the Criminal Justice System's Response to Drug Abuse and Crime in America," Vol. 72, Issue 2, January, 1999).

Drug court is a unique, community-based approach that builds strong community partnerships and enhances the ability of these partners to rehabilitate substance-abusing offenders.

Thank you for the opportunity to support Bill 292.

Sincerely,



JEANNETTE M. QUINTANILLA

**TESTIMONY**  
by  
**DANIEL J. TYDINGCO**  
**EXECUTIVE OFFICER**  
**SUPREME COURT OF GUAM**  
on  
**BILL NO. 283 and NO. 292**  
**JUDICIARY COMMITTEE**  
**GUAM LEGISLATURE**  
**WEDNESDAY, MAY 15, 2002**

**Hafa Adai and good morning Mr. Chairman and Committee Members.**

**Let me note at the outset that the Supreme Court was not provided timely notice of today's hearing on Bill No. 283 and Bill No. 292. Having received notification via fax at 1:00 p.m. yesterday, May 14, 2002, we respectfully request that in order to adequately address issues which affect the Supreme Court and the Judicial Branch as a whole, as a matter of courtesy, that we be provided with adequate, reasonable notice of any bills which may affect the Judiciary.**

**The merits of Bill No. 283 are good. There is no question that Guam needs adequate forensic laboratory facilities. However, there are questions raised on the propriety of involving the Judiciary with what appears to be a traditional executive branch function.**

- FIRST, SERIOUS CONFLICTS OF INTEREST MAY ARISE IF THE JUDICIARY PAYS FOR THE OPERATION OF SUCH A LAB WHICH ANALYZES EVIDENCE FOR USE AT CRIMINAL TRIALS. SPECIFICALLY, CRIMINAL TRIAL COURTS OFTEN ENCOUNTER ADMISSIBILITY OF EVIDENCE CHALLENGES FROM CRIMINAL DEFENDANTS. A COURT'S IMPARTIALITY MAY BE QUESTIONED IF, IN ADDITION TO DECIDING THE ADMISSIBILITY OF CERTAIN EVIDENCE, IT IS ALSO RESPONSIBLE FOR FUNDING THE ANALYSIS OF THE VERY EVIDENCE WHICH IS INTRODUCED AT TRIAL.**
  
- SECOND, BILL 283 PROVIDES THAT THE FORENSIC LABORATORY WILL BE OPERATED BY THE GUAM COMMUNITY COLLEGE. ASSUMING FOR THE SAKE OF ARGUMENT THAT THERE ARE NO POSSIBLE CONFLICTS WITH EVIDENTIARY ISSUES AS PREVIOUSLY SUGGESTED, IS IT PROPER FOR THE JUDICIAL BRANCH TO FUND AND REMAIN LIABLE ON THE LOAN FOR THE LABORATORY AND HAVE ABSOLUTELY NO CONTROL OVER THE OPERATION OF THE LAB? THIS MAY RAISE QUESTIONS AND ISSUES OVER THE PROPER EXPENDITURE OF PUBLIC FUNDS. WE ASSUME THAT AS THE DEBTORS, IT WOULD BE OBLIGATORY ON OUR PART TO ENSURE THAT THE LAB AND FACILITY IS EFFICIENT AND EFFECTIVE; AGAIN, REQUIRING OUR OVERSIGHT OF THE OPERATIONS.**

- **THIRD, IN THE LAST JUDICIAL COUNCIL MEETING THAT TOOK PLACE A COUPLE OF WEEKS AGO, FOR THE FIRST TIME IN SEVERAL YEARS, PUBLIC DISCUSSION AND INQUIRIES ON THE STATUS OF THE JUDICIAL BUILDING FUND TOOK PLACE. BECAUSE DATA AND INFORMATION PERTAINING TO THE STATUS OF THE FUND HAS NOT YET BEEN FULLY EXAMINED BY SOME MEMBERS OF THE COUNCIL, IT IS REQUESTED THAT INITIATIVES SUCH AS THIS BILL BE HELD IN ABEYANCE UNTIL QUESTIONS HAVE BEEN FULLY AND COMPLETELY ANSWERED.**

**On BILL 292, WE MUST NOTE THAT IT IS ATTEMPTING TO DO WHAT IS ALREADY BEING DONE AND ALREADY PROVIDED FOR IN STATUTE. UNCERTAIN IF THIS MEASURE WAS INTRODUCED PRIOR TO THE NINTH CIRCUIT COURT OF APPEALS' DECISION THIS PAST JANUARY, IT MUST BE NOTED THAT SUCH AUTHORITY TO CREATE AND ESTABLISH COURTS OF RECORD AND NOT OF RECORD IS VESTED WITH THE SUPREME COURT OF GUAM. LEGISLATION TO EFFECTUATE THIS IS UNNECESSARY.**

**WE CERTAINLY HOPE THAT SECTION 2 OF BILL 292 IS NOT ANOTHER ATTEMPT BY THIS LEGISLATURE TO ERODE THE AUTHORITY OF THE SUPREME COURT. SECTION 2101 OF TITLE 7 GUAM CODE ANNOTATED AS ENACTED BY THE FRANK G. LUJAN MEMORIAL COURT REORGANIZATION ACT OF 1992 PROVIDES THAT THE SUPREME COURT MAY CREATE DIVISIONS OF THE SUPERIOR AND SUPREME COURTS AS MAY BE DESIRABLE AND MAY DESIGNATE WHICH DIVISIONS OF THE SUPERIOR COURT ARE COURTS OF RECORD. BILL 292 ATTEMPTS TO DO WHAT THE INVALIDATED PUBLIC LAW 24-139 ATTEMPTED TO DO AND MORE. BILL 292 STRIPS THE SUPREME COURT OF EVEN THE POWER TO CREATE DIVISIONS WITHIN ITSELF.**

**THANK YOU.**

Rules Resolution No. 78

Introduced by:

J. F. Ada  
F. P. Camacho  
K. S. Moylan

T. C. Ada  
M. C. Charfauros  
Mark Forbes  
L. F. Kasperbauer  
J. M.S. Brown

E. B. Calvo  
L. A. Leon Guerrero  
V. C. Pangelinan  
A. R. Unpingco



**Relative to congratulating the Superior Court of Guam and the Guam Judicial Council on the Inauguration of the Guam Juvenile Drug Court.**

**BE IT RESOLVED BY THE COMMITTEE ON RULES OF I MINA' BENTE SAIS NA LIHESLATURAN GUÅHAN:**

**WHEREAS**, on February 1, 2002, the Superior Court of Guam will officially inaugurate the opening of the Guam Juvenile Drug Court; and

**WHEREAS**, this Guam Juvenile Drug Court is funded under a grant from the U.S. Department of Justice, Office of Drug Court Programs to set up the full operation and implementation of a Juvenile Drug Court Program; and

**WHEREAS**, the goals and objectives of the Guam Juvenile Drug Court are to implement an alternative non-adversarial process to reduce drug usage by students in the school system; and

**WHEREAS**, the program is designed to keep students in school, decrease the number of students who drop out because of drugs, and provide early intervention with adolescents relating to drug usage and addiction by admission into a treatment program; and

**WHEREAS**, the program will establish effective adolescent drug treatment programs that provide for a continuum of alcohol, drug, and related treatment and/or rehabilitation services to program participants and their families; and

**WHEREAS**, the Guam Juvenile Drug Court intends to accomplish these goals by including the family as an integral part of the program; and

**WHEREAS**, drug and substance abuse among juveniles ages thirteen (13) through seventeen (17) is at an alarming high level; and

**WHEREAS**, drug courts have been proven an effective program for monitored treatment of juveniles who come within the juvenile justice system who are charged with drug possession and usage; and

**WHEREAS**, the Superior Court of Guam, the Guam Police Department and the Department of Education have partnered in the development of a "School Resource Officer Program" in the Secondary schools to assist administrators with drug enforcement on campus; and

**WHEREAS**, the Guam Chamber of Commerce has also partnered with the Guam Juvenile Drug Court in the development of an incentive tool and academic training courses for juveniles who enter the juvenile drug court program and who remain drug free throughout treatment; and

**WHEREAS**, the commitment of the criminal justice system, education, mental health professionals and the community to provide monitored treatment for juveniles using illegal substances, alcohol and other forms of substance abuse through the Juvenile Drug Court is unprecedented for Guam; now therefore, be it

**RESOLVED**, that the Speaker and the Chairman of the Committee on Rules of I Mina' Bente Sais Na Liheslaturan Guåhan do hereby, on behalf of the people of Guam, commend the Superior Court of Guam on the inauguration of the Guam Juvenile Drug Court, and commit to support all its efforts to achieve the goals of reducing drug and substance abuse among juveniles; and be it further

**RESOLVED**, that the Speaker and the Chairman of the Committee on Rules certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Presiding Judge and Chairman of the Judicial Council of Guam; to the members of the Judicial Council; to the Chief of Police of the Guam Police Department; to the Director of the Department of Education; to the Department of Youth Affairs; to the Attorney General of Guam; to the Public Defender Corporation; to the Guam Juvenile Drug Court; to the Director of the Office of Drug Court Programs; to the United States Department of Justice; and to the Attorney General of the United States.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES ON THE 30<sup>TH</sup> DAY OF JANUARY, 2002.**

ANTONIO R. UNPINGCO  
Speaker

MARK FORBES  
Chairperson, Committee on Rules

JOANNE M.S. BROWN  
Senator and Legislative Secretary

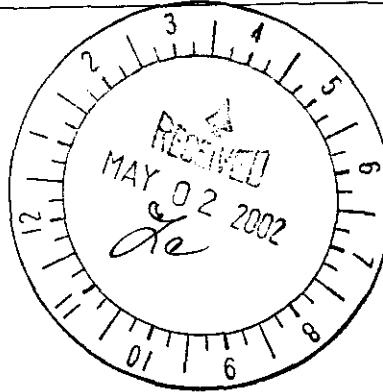


# MINA' ENTE SAIS NA LIHESLATURAN GUÅHAN

Kumitehan Areklamento, Hinanao Gubetnamenton Hiniråt, Rifotma yan Rinueba,  
yan Asunton Fidiråt, Taotao Hiyong yan Hiniråt

*Senadot Mark Forbes, Gebilu  
Kabisiyon Mayuråt*

02 MAY 2002



## MEMORANDUM

TO: Chairman  
Committee on Power, Public Safety and the Judiciary

FROM: Chairman  
Committee on Rules, General Governmental Operations, Reorganization and  
Reform, and Federal, Foreign and General Affairs

SUBJECT: Principal Referral - Bill No. 292 (COR)

The above bill is referred to your Committee as the Principal Committee, in accordance with Section 6.04.05.01. of the Standing Rules. Your Committee is the Committee authorized to perform the public hearing on this bill and to amend or substitute the bill, as well as report the bill out to the Body. It is recommended that you schedule a public hearing at your earliest convenience.

Thank you for your attention to this matter.

**MARK FORBES**

Attachment



TWENTY-SIXTH GUAM LEGISLATURE  
SECOND REGULAR SESSION

APR 03 2002

BILL NO. 292 (COR)

Introduced by:

A.R. Unpingco

J.F. Ada

**AN ACT RELATIVE TO THE ESTABLISHMENT  
AND OPERATION OF THERAPEUTIC DRUG COURTS**

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

**Section 1. Therapeutic Drug Courts.** It is the intent of the I *Legislaturan Guahan* to support the Judiciary in the establishment of Therapeutic Drug Courts to provide for integrated drug treatment services to adult and juvenile offenders who come within the jurisdiction of the Superior Court of Guam.

The I *Legislaturan Guahan* further supports the adoption by the Judicial Council of the Ten (10) Key Components for the establishment of Drug Courts as promulgated by the Drug Courts Program Office of the Office of Justice Programs of the U.S. Department of Justice.

The I *Legislaturan Guahan* enacts the following specific minimum goals and objectives for the establishment of a Juvenile Drug Court:

- a). To reduce drug usage by juveniles who come within the jurisdiction of the Family Court;
- b). To reduce criminal activity and recidivism by juveniles in the Territory of Guam;
- c). To provide early intervention and treatment of juveniles found to be dependent on illegal controlled substances, alcohol or inhalants;

- d). To strengthen family bonds and relationships;
- e). To improve school attendance and graduation.

**Section 2. Creation of a Drug Court Division as a Court of Record.** The I *Legislaturan Guahan* authorizes the Judicial Council to establish therapeutic Drug Courts for adult and juvenile offenders. In accordance therewith, Section 2101(a) of Chapter 2, Title 7 Guam Code Annotated is hereby repealed and reenacted to create the Drug Court Division as a Court of Record for the Superior Court of Guam:

"§2101(a). Courts of Justice In General. The courts of justice within Guam shall consist of the Supreme Court of Guam and the Superior Court of Guam. The Superior Court of Guam, by and through the Judicial Council of Guam, may create such courts of record for the Superior Court as may be desirable. In addition to any courts of record that may be created by the Judicial Council of Guam there are four (4) courts of record within the Superior Court: the Civil Division, the Criminal Division, the Family Division, and the Drug Court Division. There are two (2) divisions that are not courts of record: the Small Claims Division and the Traffic Division.

(b) The Drug Court Division shall have jurisdiction as may be conferred upon it by the Judicial Council of Guam over adult and juvenile offenders.

(c) Whenever the term courts of Guam is used elsewhere in this Title, it shall refer only to courts established by the laws of Guam, unless the District Court of Guam is specifically mentioned in connection therewith.

**Section 3. Defining Drug Free School Zone.**

**Subsection(a).** New Definitions are added to Chapter 4, Title 9 GCA §67.100 as follows, and all Subsections therein are renumbered accordingly:

"§67.100. Definitions.

( ) *Drug Free School Zone* means any area within one thousand (1,000) feet of a public or private elementary, secondary or post secondary educational institution or its accompanying grounds, a school bus or school bus stop including any school bus transfer station."

( ) *School* means any establishment, public or private, for the care and education of students from kindergarten through grade twelve (12) and any college or university or educational institution of higher learning.

( ) *Accompanying Grounds* means the respective campuses, recreational areas, athletic fields, student housing, or other property of each school which are owned, used, or operated by their respective governing boards of the schools or chief administrative officers in the case of a private school.

**Subsection(b).** Chapter 48, Title 17 GCA, §48001 and §48002 are repealed and reenacted to read:

"§48001. *Definitions. Drug Free School Zone* means any area within one thousand (1,000) feet of a public or private elementary, secondary or post secondary educational institution or its accompanying grounds, a school bus or school bus stop including any school bus transfer station."

"§48002. *Establishment of a Drug Free School Zone.* There is hereby established a Drug Free School Zone as defined in this Chapter. Any person who commits an offense

under Title 9, Chapter 67 within the Drug Free School Zone shall be in violation of this Chapter and punished in accordance with Article 4, Chapter 67 of Title 9 GCA."

**Subsection(c).** A new ninety (90) day period for re-designation of Drug Free School Zones is established pursuant to Title 17 GCA §48003 commencing the effective date of this Act.

**Section 4. Penalties for Possession and Reporting within the Drug Free School Zone.** New Sections 67.401.2(c), (d) and (e) are added to Chapter 4, Title 9 GCA to read:

"§67.401.2. Illegal Possession; Defined and Punished; Reporting.

...(c) A person who commits a crime under 9 GCA §67.401.2(b)(2) or (3) within the Drug Free School Zone shall be guilty of a misdemeanor.

(d) A person who commits a crime under §67.401.1 or §67.401.2(b)(1) within the Drug Free School Zone shall be guilty of the same class of felony had the offense been committed outside the Drug Free School Zone."

(e) A person who knowingly fails to report any violation of this Chapter within the Drug Free School Zone is guilty of a misdemeanor."

**Section 5. Enhanced Sentencing for a Felony Offense Committed within the Drug Free School Zone.** A new §67.401.4(n) is added to Chapter 67, Title 9 to read:

"(n) If he is guilty of possession under §67.401.2(b)(1) within the Drug Free School Zone he shall

real property comprising a public playground, a public or private elementary or secondary school, a public vocational school, or public or private college or university. ]. An individual who violates this Subsection shall be sentenced to serve, in addition to the minimum sentence prescribed by §67.401.4 of this Act, a term of three (3) years of imprisonment. Imposition or execution of such sentence shall not be suspended and probation shall not be granted. Parole or work release shall not be granted until the offender has served the additional three (3) years prescribed by this Subsection.

**Section 7. Enactment of Inhalant Offenses.** A new Section is added to Title 9 Guam Code Annotated to read as follows:

"§\_\_\_\_. **Use of Inhalants.** It is unlawful for a minor to use any type of petroleum product, butane, glue or any other product as an inhalant. A minor who violates this Section is guilty of a petty misdemeanor."

**Section 8. Repeals.** The following Sections of Title 9 GCA are repealed to allow for the effective implementation of therapeutic drug courts on Guam: §80.33.11, §80.33.12, §80.33.13 are repealed effective date of enactment this Act.



*Chairman:*  
**Committee on Power,  
Public Safety and  
the Judiciary**

Suite 5A • Sinajana Shopping Mall II  
777 Route 4 • Sinajana, Guam 96926

Phone 1.671 472-3431  
Fax 1.671 472-3433

**AGENDA**  
**May 15, 2002**

- Bill 292**     **An Act relative to the establishment and operation of therapeutic drug courts.**
- Bill 283**     **An Act relative to authorizing the construction of a Forensic Science Laboratory**
- Bill 294**     **An Act relative to requiring twenty-four hour notice to the Attorney General before a hearing on bail re-determination.**
- Bill 315**     **An Act relative to the application for a firearms identification card.**



Home

News

Entertainment

Communities

Classifieds

Funerals

Guam Time: 10:16 AM  
5/16/2002

**SOMETHING DIFFERENT.**  
**AN ELECTED INDEPENDENT AG.**  
 M. FORJA, TREASURER  
 P.O. BOX 24842 • BARRIGADA, GUAM 96921



**PHIL TYDINGCO**  
 FOR ATTORNEY GENERAL

News

- ✧ Guam News
- ✧ Lifestyle
- ✧ Local Sports
- ✧ Opinion
- ✧ Weather
- ✧ Technology
- ✧ Nation/World
- ✧ Government
- Meetings
- ✧ Police Blotter

News Products

- ✧ Island Style
- ✧ Vibe
- ✧ Vibe Extreme
- ✧ Malla Hatom  
A guide to living on Guam
- ✧ 2001 Year in Review


Entertainment

Communities

Classifieds

Funerals

Customer Service

 Email this story  
Thursday, May 16, 2002

# Senators discuss bills for drug court, forensic science facility

By Odessa McCarty  
Pacific Daily News

Senators and court officials yesterday discussed four bills, including one that would establish a drug court and another to build a forensic science laboratory.

During a legislative public hearing, several court officials testified in favor of Bill 292, which would establish a therapeutic drug court on Guam for adult and juvenile offenders.

The officials also addressed Bill 283, which would establish a \$5.9 million, state-of-the-art forensic science laboratory by the end of the year.

That facility would save the island costs and delays in examining and evaluating forensic evidence, said Sen. Joseph Ada, chairman of the committee on public safety and the judiciary.

He said the island's current evidence facility is dilapidated, to the point where "termites (are) eating evidence."

The new laboratory would provide a full range

of technical services for law enforcement agencies here and in the Pacific region, said Guam Community College President Herominiano delos Santos during his testimony at the hearing. The college would operate the laboratory, which would be built at GCC's Mangilao campus.

The Superior Court's Judicial Building Fund would repay the building loan. The fund was created to pay off an \$11 million loan taken in 1989 to construct the judicial building, officials said.

Dan Tydingco, Supreme Court executive officer, said conflicts of interest could arise if the judiciary pays to operate the laboratory, which would analyze evidence used in criminal trials.

He also asked if it was proper for the judiciary to fund the laboratory, without having control of its operations.

In a heated response, Ada said he sees no conflict of interest.

### Drug court

Jeannette Quintanilla, juvenile drug court coordinator, outlined the therapeutic drug court's objectives, which include giving offenders frequent drug tests, and job training and placement.

"Do drug courts work? Absolutely," she said. Quintanilla also told of several drug courts in the mainland that have been successful.

Tydingco said the Supreme Court already has the authority to establish drug courts, and he sees no need to pass a bill transferring that authority to the Superior Court and the Judicial Council.



"We ask that the Legislature allow the Supreme Court to work in conjunction with the Superior Court in setting and establishing a court of records," he said.

Ada said the bills have nothing to do with a power struggle between the Superior and Supreme courts.

--- "The committee will do what it deems necessary," said Ada, R-Tamuning.

A 1998 bill separated the administration of the Superior Court of Guam and the Supreme Court of Guam, but a 9th Circuit Court decision negated the bill's provisions earlier this year, restoring the Supreme Court as the head of Guam's judiciary.



[Home](#)

[News](#)

[Entertainment](#)

[Communities](#)

[Classifieds](#)

[Funerals](#)

[Contact Us](#) | [Subscribe](#) | [Place an ad](#)

Copyright © 2002 Guam Pacific Daily News. All Rights Reserved.

Use of this site indicates your agreement to the [Terms of Service](#) (updated 08/10/2001)

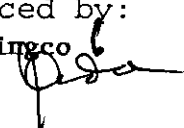
TWENTY-SIXTH GUAM LEGISLATURE  
SECOND REGULAR SESSION

BILL NO. 292(COR)

Introduced by:

A.R. Unpingco

J.F. Ada



**AN ACT RELATIVE TO THE ESTABLISHMENT  
AND OPERATION OF THERAPEUTIC DRUG COURTS**

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

**Section 1. Therapeutic Drug Courts.** It is the intent of the I *Legislaturan Guahan* to support the Judiciary in the establishment of Therapeutic Drug Courts to provide for integrated drug treatment services to adult and juvenile offenders who come within the jurisdiction of the Superior Court of Guam.

The I *Legislaturan Guahan* further supports the adoption by the Judicial Council of the Ten (10) Key Components for the establishment of Drug Courts as promulgated by the Drug Courts Program Office of the Office of Justice Programs of the U.S. Department of Justice.

The I *Legislaturan Guahan* enacts the following specific minimum goals and objectives for the establishment of a Juvenile Drug Court:

- a). To reduce drug usage by juveniles who come within the jurisdiction of the Family Court;
- b). To reduce criminal activity and recidivism by juveniles in the Territory of Guam;
- c). To provide early intervention and treatment of juveniles found to be dependent on illegal controlled substances, alcohol or inhalants;

- d). To strengthen family bonds and relationships;
- e). To improve school attendance and graduation.

**Section 2. Creation of a Drug Court Division as a Court of Record.** The I *Legislaturan Guahan* authorizes the Judicial Council to establish therapeutic Drug Courts for adult and juvenile offenders. In accordance therewith, Section 2101(a) of Chapter 2, Title 7 Guam Code Annotated is hereby repealed and reenacted to create the Drug Court Division as a Court of Record for the Superior Court of Guam:

"§2101(a). Courts of Justice In General. The courts of justice within Guam shall consist of the Supreme Court of Guam and the Superior Court of Guam. The Superior Court of Guam, by and through the Judicial Council of Guam, may create such courts of record for the Superior Court as may be desirable. In addition to any courts of record that may be created by the Judicial Council of Guam there are four (4) courts of record within the Superior Court: the Civil Division, the Criminal Division, the Family Division, and the Drug Court Division. There are two (2) divisions that are not courts of record: the Small Claims Division and the Traffic Division.

(b) The Drug Court Division shall have jurisdiction as may be conferred upon it by the Judicial Council of Guam over adult and juvenile offenders.

(c) Whenever the term courts of Guam is used elsewhere in this Title, it shall refer only to courts established by the laws of Guam, unless the District Court of Guam is specifically mentioned in connection therewith.

under Title 9, Chapter 67 within the Drug Free School Zone shall be in violation of this Chapter and punished in accordance with Article 4, Chapter 67 of Title 9 GCA."

**Subsection(c).** A new ninety (90) day period for re-designation of Drug Free School Zones is established pursuant to Title 17 GCA §48003 commencing the effective date of this Act.

**Section 4. Penalties for Possession and Reporting within the Drug Free School Zone.** New Sections 67.401.2(c), (d) and (e) are added to Chapter 4, Title 9 GCA to read:

"§67.401.2. Illegal Possession; Defined and Punished; Reporting.

...(c) A person who commits a crime under 9 GCA §67.401.2(b)(2) or (3) within the Drug Free School Zone shall be guilty of a misdemeanor.

(d) A person who commits a crime under §67.401.1 or §67.401.2(b)(1) within the Drug Free School Zone shall be guilty of the same class of felony had the offense been committed outside the Drug Free School Zone."

(e) A person who knowingly fails to report any violation of this Chapter within the Drug Free School Zone is guilty of a misdemeanor."

**Section 5. Enhanced Sentencing for a Felony Offense Committed within the Drug Free School Zone.** A new §67.401.4(n) is added to Chapter 67, Title 9 to read:

"(n) If he is guilty of possession under §67.401.2(b)(1) within the Drug Free School Zone he shall

be sentenced to a mandatory three (3) years of imprisonment, which sentence shall not be suspended on probation, nor shall he be eligible for parole until completion of the mandatory term of incarceration.

**Section 6. Penalties for Distribution within the Drug Free School Zone.** Sections 67.407(c) and (d) of Chapter 67, Title 9 GCA are amended to read:

"(c) An individual may not violate §67.401.1(a)(1) of this Act by distributing a substance listed in Schedule I or II as per Appendices A and B of this Act which is a narcotic drug, in or on a school, or within the Drug Free School Zone as herein defined [, or within one thousand feet (1,000') of, the real property comprising a public playground, a public or private elementary or secondary school, a public vocational school, or public or private college or university. ]. An individual who violates this Subsection shall be sentenced to serve, in addition to the minimum sentence prescribed by §67.401.4 of this Act, a term of five (5) years of imprisonment. Imposition or execution of such sentence shall not be suspended and probation shall not be granted. Parole or work release shall not be granted until the offender has served the additional five (5) years prescribed by this Subsection.

(d) An individual may not violate §67.401.1(a)(1) of this Act by distributing any non-narcotic controlled substance listed in Schedule I or II as per Appendices A and B of this Act or a substance listed in Schedules III, IV, or V as per Appendices C-E of this Act, in or on a school, or within the Drug Free School Zone as herein defined [, or within one thousand feet (1,000') of, the