



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

09 APR 2008

2008 APR 10 AM 10:54

The Honorable Judith T. Won Pat
Speaker
Mina' Bente Nuebi Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 186(EC), "AN ACT TO ADD A NEW §43.95 TO CHAPTER 43 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO UNLAWFUL USE OF THEFT DETECTION SHIELDING OR DEACTIVATION DEVICES" which I signed into law on April 4, 2008 as Public Law 29-64.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

cc: The Honorable Tina Rose Muña Barnes,
Senator and Legislative Secretary

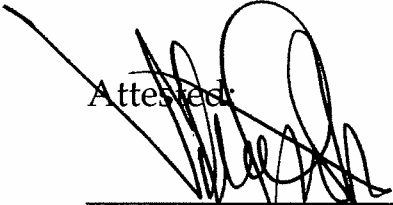
29-08-0266
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 4/09/08
Time
Received by [Signature]


I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

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

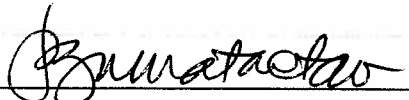
This is to certify that Bill No. 186 (EC), "AN ACT TO ADD A NEW §43.95 TO CHAPTER 43 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO UNLAWFUL USE OF THEFT DETECTION SHIELDING OR DEACTIVATION DEVICES," was on the 21st day of March, 2008, duly and regularly passed.

Attested



TINA ROSE MUÑA BARNES
Senator and Secretary of the Legislature


JUDITH T. WON PAT, Ed.D
Speaker

.....
This Act was received by I Maga'lahaen Guåhan this 25 day of March, 2008, at 10:50 o'clock A.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 4 APRIL 2008

Public Law No. 29-64

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2007 (FIRST) Regular Session

Bill No. 186 (EC)

As amended.

Introduced by:

Ray Tenorio
Frank T. Ishizaki
A. B. Palacios, Sr.
Frank F. Blas, Jr.
Edward J.B. Calvo
B. J.F. Cruz
James V. Espaldon
Mark Forbes
Judith Paulette Guthertz
J. A. Lujan
Tina Rose Muña Barnes
v. c. pangelinan
R. J. Respicio
David L.G. Shimizu
J. T. Won Pat, Ed.D.

AN ACT TO *ADD* A NEW §43.95 TO CHAPTER 43 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO UNLAWFUL USE OF THEFT DETECTION SHIELDING *OR* DEACTIVATION DEVICES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new §43.95 is hereby *added* to Title 9 of the Guam Code Annotated to read:

“§43.95. Unlawful Use of Theft Detection Shielding *or* Deactivation Devices. This Section defines and penalizes the distribution *or* possession of a detection shielding device *or* any tool *or* device designed to remove a theft detection device from merchandise prior to purchase for the intent to commit (*or* aid *or* abet) theft. A person who activates an anti-

1 shoplifting device may be lawfully detained in a reasonable manner for a
2 reasonable period of time.

3 (a) A person is guilty of unlawful distribution of a theft detection
4 shielding device when he knowingly manufactures, sells, offers for sale *or*
5 distributes in any way any laminated *or* coated bag intended to shield
6 merchandise from detection by an electronic *or* magnetic theft detector.

7 (b) A person is guilty of unlawful possession of a theft detection
8 shielding device when he knowingly possesses any laminated *or* coated bag
9 *or* device intended to shield merchandise from detection by an electronic *or*
10 magnetic theft detector, with the intent to commit (*or* aid *or* abet) theft.

11 (c) A person is guilty of unlawful possession of a theft detection
12 device deactivator *or* remover when he knowingly possesses any tool *or*
13 device designed to allow *or* capable of allowing the deactivation *or* removal
14 from any merchandise of any theft detection device with the intent to use
15 such tool *or* device to deactivate any theft detection device on, *or* to remove
16 any theft detection device from, any merchandise without the permission of
17 the merchant *or* person owning *or* lawfully holding said merchandise.

18 (d) A person is guilty of unlawful distribution of a theft detection
19 device deactivator *or* remover when he knowingly manufactures, sells,
20 offers for sale *or* distributes in any way any tool *or* device designed to
21 allow, *or* capable of allowing the deactivation *or* removal from any
22 merchandise of any theft detection device without the permission of the
23 merchant *or* person owning *or* lawfully holding said merchandise.

24 (e) A person is guilty of unlawful deactivation *or* removal of a theft
25 detection device when he intentionally deactivates in a retail establishment a
26 theft detection device on, *or* removes a theft detection device from,

1 merchandise prior to purchase.

2 (f) Any person convicted for violating the provisions of Subsections
3 (a), (b), (c), (d) *or* (e) of this Section where the value of the merchandise is
4 *less than* Five Hundred Dollars (\$500) is guilty of a petty misdemeanor.
5 Any person convicted for violating the provisions of Subsections (a), (b),
6 (c), (d) *or* (e) of this Section where the value of the merchandise is *more*
7 *than* Five Hundred Dollars (\$500) is guilty of a misdemeanor.

8 (g) The activation of an anti-shoplifting *or* inventory control device
9 as a result of a person exiting the establishment *or* a protected security
10 device within the area within the establishment *shall* constitute reasonable
11 cause for the detention of the person so exiting by the owner *or* operator of
12 the establishment *or* by an agent *or* employee of the owner *or* operator,
13 provided notice has been posted to advise the patrons that the establishment
14 utilizes anti-shoplifting *or* inventory control devices. Each such detention
15 *shall* be made only in a reasonable manner and only for a reasonable period
16 of time sufficient for any inquiry into the circumstances surrounding the
17 activation of the device *or* for the recovery of goods.

18 (h) Such taking into custody and detention by a law enforcement
19 officer, security officer, merchant, merchant's employee *or* agent, if done in
20 compliance with all the requirements of the foregoing Subsection, *shall* not
21 render such law enforcement officer, security officer, merchant, merchant's
22 employee *or* agent, criminally *or* civilly liable, including any liability for
23 false arrest, false imprisonment, unlawful detention, malicious prosecution,
24 intentional infliction of emotional distress *or* defamation.”

25 **Section 2. Renumbering of Section.** The Compiler of Laws *shall*
26 renumber the Severability Clause contained in §43.95 of Chapter 43 of Title 9

1 GCA as existing prior to the enactment hereof.