

EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

APR 07 2015

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Tres Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

Dear Madame Speaker:

Transmitted herewith is Bill No. 42-33 (COR) "AN ACT TO REPEAL AND REENACT § 58.60 OF CHAPTER 58, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF PROMOTING PRISON CONTRABAND; WHICH SHALL BE CITED AS THE "CONTRABAND REFORM ACT OF 2015" which was signed into law on April 1, 2015, as **Public Law 33-08.**

Senseramente,

RAYMOND S. TENORIO
I Maga'låhen Guåhan, para pa'go
Acting Governor of Guam

33-15-0310
Office of the Speaker
Judith T. Won Pat LD

Date: 04-08-15
Time: 10:42 AM
Received By: [Signature]

2015 APR -8 AM 11:28

0310

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

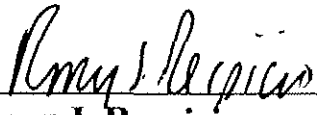
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 42-33 (COR)**, "AN ACT TO REPEAL AND REENACT §58.60 OF CHAPTER 58, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIME OF PROMOTING PRISON CONTRABAND; WHICH SHALL BE CITED AS THE "CONTRABAND REFORM ACT OF 2015," was on the 20th day of March, 2015, duly and regularly passed.



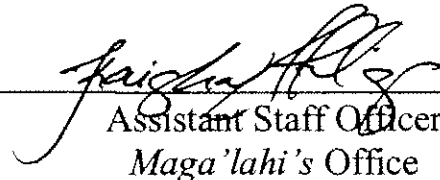
Judith T. Won Pat, Ed.D.
Speaker

Attested:



Rory J. Respicio
Acting Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 23rd day of March, 2015, at 5:05 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:



EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: APR 01 2015

Public Law No. 33-08

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 42-33 (COR)

As substituted by the Committee
on the Guam U.S. Military Relocation,
Public Safety and Judiciary; and
amended on the Floor.

Introduced by:

Brant T. McCreadie
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
B. J.F. Cruz
James V. Espaldon
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO REPEAL AND REENACT §58.60 OF
CHAPTER 58, TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO THE CRIME OF PROMOTING PRISON
CONTRABAND; WHICH SHALL BE CITED AS THE
“CONTRABAND REFORM ACT OF 2015.”**

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

2 **Section 1. Short Title.** This Act *shall* be cited as the “*Contraband*
3 *Reform Act of 2015.*”

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
5 that correctional facilities require more stringent regulations regarding what items

1 can and cannot be brought into the facility. Unfortunately, current Guam law
2 regarding prison contraband is quite antiquated, and does not take into account the
3 current needs of the Department of Corrections to properly secure its facilities.
4 Clarification in the law is needed to properly define what items are prohibited,
5 along with appropriate penalties for those who introduce, possess and promote
6 contraband in correctional facilities. *I Liheslaturan Guåhan* further finds that
7 repealing and reenacting the prison contraband statute will provide the Department
8 of Corrections with a more enforceable mandate that can deter inmates, detainees
9 and the general public from possessing contraband in Guam’s correctional
10 facilities.

11 Therefore, it is the intent of *I Liheslaturan Guåhan* to repeal and reenact
12 §58.60 of Chapter 58, Title 9, Guam Code Annotated, relative to the crime of
13 promoting prison contraband.

14 **Section 3.** §58.60 of Chapter 58, Title 9, Guam Code Annotated, is hereby
15 *repealed* and *reenacted* to read:

16 **“§ 58.60. Promoting Prison Contraband.**

17 (a) As used in this Section:

18 (1) *Contraband* means any article or item that a person in
19 custody who is confined in a correctional facility is prohibited by
20 statute, rule, or policy from obtaining or possessing, and is not defined
21 as “major contraband” in §58.60(a)(2).

22 (2) *Major contraband* means:

23 (A) any controlled substance as defined by any
24 provision of Guam law;

25 (B) any firearm or dangerous weapon, including
26 explosives or combustibles, or any plans or materials that may

1 be used in the making or manufacturing of such weapons,
2 explosives or devices;

3 (C) any telecommunication or digital equipment
4 prohibited by statute, rule, or policy that provides
5 communication, either in written or verbal messages, or through
6 the transmission of electronic data via the internet. Excluded
7 from this definition is any device having communication
8 capabilities that has been approved by the facility head for
9 investigative or institutional security purposes, or for
10 conducting other official business; and

11 (D) any object or instrument intended or reasonably
12 likely to be used in the planning or aiding in an escape or
13 attempted escape from a correctional facility.

14 (b) No person, including a person in custody as defined by this
15 Chapter, *except* as authorized by law or with permission of the facility head,
16 shall knowingly:

17 (1) introduce, or attempt to introduce, contraband into a
18 detention facility or the grounds of a detention facility; or

19 (2) convey, or attempt to convey, contraband to a prisoner
20 confined in a detention facility; or

21 (3) possess, or attempt to possess, contraband within a
22 detention facility; or

23 (4) receive, obtain, or remove, or attempt to receive, obtain,
24 or remove, contraband from a detention facility.

25 Any person, including a person in custody, who violates any provision
26 of this Subsection (b) *shall* be guilty of a misdemeanor, and upon conviction
27 thereof *shall* be punished by a sentence of imprisonment for a period of *no*

1 *less than* thirty (30) days, or by a fine of *no less than* Five Hundred Dollars
2 (\$500.00), or by both such minimum sentence of imprisonment and fine.

3 (c) No person, including a person in custody as defined by this
4 Chapter, *except* as authorized by law or with permission of the facility head,
5 shall knowingly:

6 (1) introduce, or attempt to introduce, major contraband into
7 a correctional facility or the grounds of a detention facility; or

8 (2) convey, or attempt to convey, major contraband to a
9 prisoner confined in a detention facility; or

10 (3) possess, or attempt to possess, major contraband within a
11 detention facility; or

12 (4) receive, obtain, or remove, or attempt to receive, obtain,
13 or remove, major contraband from a detention facility.

14 Any person, including a person in custody, who violates any provision
15 of this Subsection (c) *shall* be guilty of a felony in the second degree, and
16 upon conviction *shall* be punished by a sentence of imprisonment for a
17 period of *no less than* three (3) years, or by a fine of *no less than* Five
18 Thousand Dollars (\$5,000), or by both such minimum sentence of
19 imprisonment and fine.”

20 **Section 4. Severability Clause.** If any provision of this law or its
21 application to any person or circumstance is found to be invalid or contrary to law,
22 such invalidity *shall not* affect other provisions or applications of this law which
23 can be given effect without the invalid provisions or application, and to this end the
24 provisions of this law are severable.