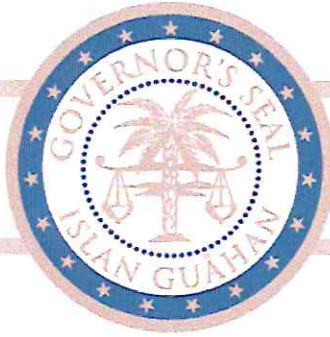


*I Mina'trentai Singko Na Liheslaturan Guåhan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
285-35 (COR) As substituted and amended on the Floor.	Louise B. Muña	Received: 12/11/20 Mess and Comm. Doc. No. 35GL-20-2498+A501:D503	2/10/20 8:41 a.m.	6/16/20	Committee on Health, Tourism, Historic Preservation, Land, and Justice	7/1/20 9:00 a.m.	10/30/20 2:19 p.m.	3/11/20	
				6/17/20	Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response				
	SESSION DATE	TITLE		DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES
11/16/20	AN ACT TO <i>AMEND</i> § 77302(a) OF ARTICLE 3, CHAPTER 77, AND <i>ADD</i> A NEW § 34126 TO ARTICLE 1, CHAPTER 34, BOTH OF TITLE 10, GUAM CODE ANNOTATED; TO <i>ADD</i> A NEW § 60205 TO ARTICLE 2 OF CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED; AND TO <i>REPEAL</i> AND <i>REENACT</i> § 70.10.3 OF ARTICLE 1, CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED, AS A NEW § 34127 OF ARTICLE 1, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING VOLUNTEERS TO ENFORCE ANIMAL ABUSE LAWS.		12/1/20	12/1/20	12/12/20	35-121	12/11/20	Received: 12/11/20 Mess and Comm. Doc. No. 35GL-20-2503	

UFISINAN IMAGA'HĀGA  
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO  
MAGA'HĀGA • GOVERNOR



JOSHUA F. TENORIO  
SIGUNDO MAGA'LĀHI • LIEUTENANT GOVERNOR

December 11, 2020

35 GL-20-2503  
Speaker Tina Rose Muña Barnes

**HONORABLE TINA ROSE MUÑA BARNES**, *Speaker*

*I Mina'trentai Singko Na Liheslaturan Guåhan*

35<sup>th</sup> Guam Legislature  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

DEC 11 2020

Time 5:25 (AM) ✓  
Handwritten: Bn-

**Re: Substitute Bill No. 285-35 (COR) –An Act to Amend § 77302(a) of Article 3, Chapter 77, and Add a New § 34126 to Article 1, Chapter 34, Both of Title 10, Guam Code Annotated; to Add a New § 60205 to Article 2 of Chapter 60, Title 5, Guam Code Annotated; and to Repeal and Reenact § 70.10.3 of Article 1, Chapter 70, Title 9, Guam Code Annotated, as a New § 34127 of Article 1, Chapter 34, Title 10, Guam Code Annotated, Relative to Authorizing Volunteers to Enforce Animal Abuse Laws**

Dear Madame Speaker:

Guam's animal population has grown drastically over the past few decades, and our administration supports efforts to fill the gap addressing our animal population's control and care. Substitute Bill No. 285-35, now known as **Public Law No. 35-121**, is a step in the right direction, empowering volunteers to assist the Department of Agriculture in responding to the community's calls and complaints regarding possible mistreatment and abuse of animals. While Substitute Bill No. 285-35 appears to involve assessments and actions that will ordinarily require law enforcement-level training, skill and authority, I am confident that the Department of Agriculture will identify and appropriately designate actions suitable for volunteers, and provide the necessary training to enable these volunteers to successfully and safely assist the Department as intended in the Bill.

We must do better to ensure that our laws protecting our island's animal population reflect who we are as a compassionate and kind people. It is my hope that this measure helps us fulfil this goal.

*Senseramente,*

**LOURDES A. LEON GUERRERO**

*I Maga'hāgan Guåhan*

Governor of Guam

Enclosure: Substitute Bill No. 285-35 (COR) *nka P.L. 35-121*

cc via email: *Sigundo Maga'lāhen Guåhan*  
*Compiler of Laws*

***I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN***  
**2020 (SECOND) Regular Session**

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

This is to certify that **Substitute Bill No. 285-35 (COR) "AN ACT TO AMEND § 77302(a) OF ARTICLE 3, CHAPTER 77, AND ADD A NEW § 34126 TO ARTICLE 1, CHAPTER 34, BOTH OF TITLE 10, GUAM CODE ANNOTATED; TO ADD A NEW § 60205 TO ARTICLE 2 OF CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED; AND TO REPEAL AND REENACT § 70.10.3 OF ARTICLE 1, CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED, AS A NEW § 34127 OF ARTICLE 1, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING VOLUNTEERS TO ENFORCE ANIMAL ABUSE LAWS,"** was on the 1<sup>st</sup> day of December 2020, duly and regularly passed.

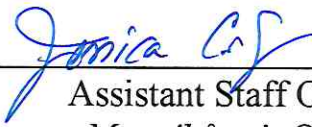
  
\_\_\_\_\_  
**Tina Rose Muña Barnes**  
**Speaker**

Attested:

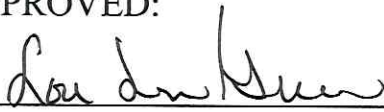
  
\_\_\_\_\_  
**Amanda L. Shelton**  
**Legislative Secretary**

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This Act was received by *I Maga'hågan Guåhan* this 1<sup>st</sup> day of December, 2020, at 4:34 o'clock P.M.

  
\_\_\_\_\_  
**Jessica Cruz**  
**Assistant Staff Officer**  
***Maga'håga's Office***

APPROVED:

  
\_\_\_\_\_  
**Lourdes A. Leon Guerrero**  
***I Maga'hågan Guåhan***

Date: 12/11/2020

Public Law No. 35-121

**Jessica Cruz**

RCUD AT CENTRAL FILE:  
DEC 1 '20 PM4:34



***I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN***  
**2020 (SECOND) Regular Session**

**Bill No. 285-35 (COR)**

As substituted and amended on the Floor.

Introduced by:

Louise B. Muña  
Kelly Marsh (Taitano), PhD  
William M. Castro  
Régine Biscoe Lee  
James C. Moylan  
Tina Rose Muña Barnes  
Telena Cruz Nelson  
Sabina Flores Perez  
Clynton E. Ridgell  
Joe S. San Agustin  
Amanda L. Shelton  
Telo T. Taitague  
Jose “Pedro” Terlaje  
Therese M. Terlaje  
Mary Camacho Torres

**AN ACT TO *AMEND* § 77302(a) OF ARTICLE 3, CHAPTER 77, AND *ADD* A NEW § 34126 TO ARTICLE 1, CHAPTER 34, BOTH OF TITLE 10, GUAM CODE ANNOTATED; TO *ADD* A NEW § 60205 TO ARTICLE 2 OF CHAPTER 60, TITLE 5, GUAM CODE ANNOTATED; AND TO *REPEAL* AND *REENACT* § 70.10.3 OF ARTICLE 1, CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED, AS A NEW § 34127 OF ARTICLE 1, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING VOLUNTEERS TO ENFORCE ANIMAL ABUSE LAWS.**

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

**Section 1. Expansion of Authority for CAPE Volunteers to Include Animal Abuse and Cruelty Citations.** § 77302(a) of Article 3, Chapter 77, Title 10, Guam Code Annotated, is *amended* to read as follows:

“(a) Pursuant to § 3401.1(h) of Article 4, Chapter 3, Title 16, Guam Code Annotated, the Chief of Police is authorized to recruit volunteers to assist the Guam Police Department in the enforcement of the accessible parking and littering laws, and the Natasha Protection Act of 2005 relative to the regulation of smoking activities pursuant to Chapter 90 of Title 10, Guam Code Annotated. In addition to these duties, the Chief of Police shall authorize the use of volunteers to patrol the school campuses of the Guam Department of Education during non-school hours. The volunteers shall take no enforcement action during their patrol of the school campuses and shall notify the police of suspicious activity or crimes in progress. The Superintendent of Education shall cooperate with the Chief of Police to implement this Section. The volunteers are authorized to issue summons, notices to appear, citations, and notices of violation for offenses committed under the provisions of §§ 70.10 through 70.10.2 of Article 1, Chapter 70, Title 9, Guam Code Annotated. The volunteers are also authorized to impound animals subject to § 34127 of Article 1 of Chapter 34, Title 10, Guam Code Annotated if exigent circumstances are established by plain view.”

**Section 2. Summons, Citations, or Notices of Violation.** A new § 34126 is *added* to Article 1 of Chapter 34, Title 10, Guam Code Annotated, to read as follows:

**“§ 34126. Arrests, Summons, Notices to Appear, Citations, or Notices of Violation for Crimes Involving Animal Abuse.**

(a) Peace officers, and others authorized by law to issue summons, notices to appear, citations, and notices of violation for violations of 9 GCA §§ 70.10 through 70.10.2 may use the “Guam Uniform Complaint and Citation” form or any other form authorized by the Director of Agriculture for citing any violation of 9 GCA §§ 70.10 through 70.10.2.

(b) Summons, notices to appear, and citation forms in Subsection (a) shall comply with the provisions of law, the Guam Administrative Rules and Regulations, or the rules of the Unified Judiciary.

(c) Notices of violation may be issued to allow residents time to remedy violations. Such violations must be remedied within five (5) calendar days (or longer if an extension is expressly approved by the Director of Agriculture). Any violation not remedied within the time allotted may be cited or the violator may be summoned to appear in court to answer for said violation. Notices of violations shall be in a form approved by the Director of Agriculture and include, but not be limited to, the nature of the violation, the citation in the Guam Code for the violation, the time limit to remedy the violation, and the procedures to file an extension for remedy.

(d) Summons, citations, and notices of violation shall be posted on the front door or any other conspicuous area of a home or building, including walls and fences.

(e) Nothing herein is intended to prevent a peace officer from making arrests for a violation of 9 GCA §§ 70.10 through 70.10.2, consistent with the provisions of 8 GCA Chapter 20.”

**Section 3. Volunteers.** A new § 60205 is *added* to Article 2 of Chapter 60, Title 5, Guam Code Annotated, to read as follows:

**“§ 60205. PAWS Volunteers.**

The Director of Agriculture is authorized to recruit PAWS (Protecting Animal Welfare and Safety) volunteers to assist the Guam Department of Agriculture in the enforcement of the animal cruelty laws in Article 1 of Chapter 70, Title 9, Guam Code Annotated. The Director shall determine the types of circumstances in which volunteers are authorized to impound free-roaming, unleashed, or forfeited animals. The volunteers are authorized to



1 issue citations and notices of violation for offenses committed under 9 GCA  
2 §§ 70.10 through 70.10.2. The volunteers are also authorized to impound  
3 animals subject to 10 GCA § 34127, if exigent circumstances are established  
4 by plain view. The Director shall establish identifying credentials, including,  
5 but not limited to, identification (ID) cards and badges, and the appropriate  
6 use thereof. The Director shall establish procedures for recruitment and  
7 termination of volunteers and shall require certification, training, or education  
8 programs to be completed. No person required to register under 9 GCA  
9 Chapter 89, is eligible to be a volunteer under this Section.

10 The Director may outsource the coordination and supervision of PAWS  
11 volunteers to the non-governmental organization that operates the animal  
12 shelter, or other not-for-profit animal protection organization. The agreement  
13 with said non-governmental organization to coordinate and supervise the  
14 PAWS volunteers may include, but not be limited to, provisions for waivers  
15 of liability, a code of standards, ethics and conduct, limitations of authority,  
16 and training. The Director may revoke a volunteer's authority granted by this  
17 Section at any time and for any reason. The Department is not liable for any  
18 torts committed by said non-governmental organization, its directors,  
19 members, employees, or volunteers.

20 Nothing herein is construed to limit the Department's ability to  
21 administer this program consistent with the laws of Guam, or the Guam  
22 Administrative Rules and Regulations (GARR), including, but not limited to,  
23 the provisions of 5 GCA Chapter 9 or 4 GCA Chapter 6."

24 **Section 4.** § 70.10.3 of Article 1, Chapter 70, Title 9, Guam Code  
25 Annotated, is *repealed*, and *reenacted* as a new § 34127 of Article 1, Chapter 34,  
26 Title 10, Guam Code Annotated, to read as follows:

1           **“§ 34127. Authority to Enter Premises and Court Proceedings**  
2           **for Crimes Involving Animal Abuse.**

3           If there is probable cause to believe that any animal is being subjected  
4           to treatment in violation of 9 GCA §§ 70.10 through 70.10.2, a peace officer  
5           or volunteer, under exigent circumstances, may enter the premises to impound  
6           the animal. Notice of said impoundment shall be conspicuously posted on the  
7           premises.

8                   (a) A peace officer or volunteer is not liable for any damages  
9                   for an entry under this Section unless the damages were caused by  
10                  reckless behavior.

11                  (b) Any animal so impounded shall be held at the animal care  
12                  facility designated pursuant to 10 GCA § 34118.”