**MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN**
TWENTY-NINTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

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March 24, 2008

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The Honorable Felix P. Camacho
*I Maga'lahen Guåhan*
*Ufisinan I Maga'lahi*
*Hagåtña,* Guam 96910

Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 72(EC), 120(EC), 138(EC), 164(LS), 166(EC), 186(EC), 222(LS); and Substitute Bill Nos. 1(LS), 25(EC), 118(EC) & 185(EC) which were passed by *I Mina'Bente Nuebi Na Liheslaturan Guåhan* on March 21, 2008.

Sincerely,

TINA ROSE MUNA BARNES
Senator and Secretary of the Legislature

Enclosures (11)

FILE

*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.

**JUDITH T. WON PAT, Ed.D**
**Speaker**

Attested:

**TINA ROSE MUÑA BARNES**
**Senator and Secretary of the Legislature**

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

Assistant Staff Officer
*Maga'lahi's* Office

APPROVED:

FELIX P. CAMACHO
*I Maga'lahen Guåhan*

Date: _____

Public Law No. _____

*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-

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

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

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

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

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

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

merchandise prior to purchase.

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

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

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

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

GCA as existing prior to the enactment hereof.