I Mina'Trentai Dos Na Liheslaturan Received

Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
	Brant T. McCreadie V. Anthony Ada T.A. Morrison	AN ACT TO AMEND §§ 67.401.4 AND 67.401.9 OF CHAPTER 67, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO PUNISHMENT FOR THE DELIVERY, DISPENSING, MANUFACTURING AND IMPORTATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE "METHAMAPHETAMINE INCARCERATION REFORM ACT OF 2014 ".	3/26/14 10:35 a.m.	03/26/14	Committee on the Guam U. S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary	04/03/14 9 a.m.	5/5/14 9:21 a.m.	**Fiscal Note Request 3/28/14 Fiscal Note Waived 4/22/14**
	DATE PASSED	**TITLE**	**TRANSMITTED**		**DUE DATE**	**DATE SIGNED BY I MAGA'LAHEN GUAHAN**	**PUBLIC LAW NO.**	**NOTES**
298-32 (COR)	5/9/2014	AN ACT TO AMEND SUBSECTIONS (a) AND (b) AND ADD A NEW SUBSECTION (o) TO § 67.401.4 AND TO AMEND SUBSECTION (b) AND ADD A NEW SUBSECTION (e) TO § 67.401.9 OF CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PUNISHMENT FOR THE DELIVERY, DISPENSING, MANUFACTURING, AND IMPORTATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE "METHAMPHETAMINE INCARCERATION REFORM ACT OF 2014.".	5/12/14	2:43 p.m.	5/22/2014			**As amended by the Committee on Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs and Judiciary.**

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

May 12, 2014

The Honorable Edward J.B. Calvo
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 34-32(COR), 78-32 (COR), 131-32 (COR), 203-32 (COR), 216-32 (LS), 220-32 (LS), 227-32 (COR), 264-32 (COR), 267-32 (COR), 275-32 (COR), 279-32 (LS), 282-32 (COR), 296-32 (COR), 297-32 (COR), 298-32 (COR), 308-32 (COR) and 328-32 (COR) which was passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on May 9, 2014.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosure (20)

OFFICE OF THE GOVERNOR
CENTRAL FILES
RECEIVED BY
TIME 2:43 pm DATE 5/12/14

FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

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

This is to certify that **Bill No. 298-32 (COR), "AN ACT TO *AMEND* SUBSECTIONS (a) AND (b) AND *ADD* A NEW SUBSECTION (o) TO § 67.401.4 AND TO AMEND SUBSECTION (b) AND *ADD* A NEW SUBSECTION (e) TO § 67.401.9 OF CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PUNISHMENT FOR THE DELIVERY, DISPENSING, MANUFACTURING, AND IMPORTATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE "*METHAMPHETAMINE INCARCERATION REFORM ACT OF 2014*,"** was on the 9th day of May, 2014, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 12th day of May, 2014, at 2:43 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 298-32 (COR)
As amended by the Committee on Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs and Judiciary.

Introduced by: Brant T. McCreadie
V. Anthony Ada
Tommy Morrison
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* SUBSECTIONS (a) AND (b) AND *ADD* A NEW SUBSECTION (o) TO § 67.401.4 AND TO *AMEND* SUBSECTION (b) AND *ADD* A NEW SUBSECTION (e) TO § 67.401.9 OF CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PUNISHMENT FOR THE DELIVERY, DISPENSING, MANUFACTURING, AND IMPORTATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE "*METHAMPHETAMINE INCARCERATION REFORM ACT OF 2014*."

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Short Title. This Act *shall* be cited as the *"Methamphetamine Incarceration Reform Act of 2014."*

Section 2. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that drugs, and in particular, extremely addictive drugs such as cocaine, heroin and methamphetamine, have had an extremely negative impact on our community. They have destroyed families, increased crime and placed an extreme burden on government services. Many of the crimes committed on Guam, such as burglary, theft, and even assault, have drug use and abuse as a causative circumstance. More must be done to limit, and hopefully eliminate, the importation and distribution of these deadly substances on Guam. Increasing the sentences for individuals who manufacture, distribute or import controlled substances, or attempt to do so, will serve as a deterrent to potential criminals.

Therefore, it is the intent of *I Liheslaturan Guåhan* to set increased sentences for those offenders who choose to import controlled substances into Guam, as well as those who bring in controlled substances with the intent to deliver, dispense or manufacture by amending §67.401.4 and §67.401.9 of Chapter 67, Title 9, Guam Code Annotated.

Section 3. Subsection (a) of §67.401.4 of Chapter 67, Title 9, Guam Code Annotated, is hereby *amended* to read:

"(a) If he is guilty of an offense pursuant § 67.401.1(b)(1) of this Act, he *shall* be sentenced to imprisonment for *not less than* twenty (20) *nor more than* thirty (30) years, and may, in addition, be fined *not more than* Fifty Thousand Dollars ($50,000). The sentence *shall* include a special parole term of *not less than* three (3) years, in addition to such term 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 to the offender until he has served *at least* twenty (20) years of his sentence of imprisonment."

Section 4. Subsection (b) of §67.401.4 of Chapter 67, Title 9, Guam Code

Annotated, is hereby *amended* to read:

"(b) If he is guilty of an offense pursuant to § 67.401.1(b)(1) of this Act and if he has been convicted on one (1) or more felonies under any provision of this Act, any law of the United States relating to controlled substances, or for any offense under state or foreign law relating to narcotic drugs listed in Schedule I as per Appendix A of this Act or Schedule II as per Appendix B of this Act which offense would be a felony under this Act and one (1) or more of the convictions are final, he *shall* be sentenced to a term of life imprisonment without the possibility of parole, and may, in addition, be fined *not more than* One Hundred Thousand Dollars ($100,000)."

Section 5. Subsection (o) of §67.401.4 of Chapter 67, Title 9, Guam Code Annotated, is hereby *added* to read:

"(o) Sentences in these cases *shall* also include mandatory participation in a drug rehabilitation program at the Department of Corrections."

Section 6. Subsection (b) of § 67.401.9 of Chapter 67, Title 9, Guam Code Annotated, is hereby *amended* to read:

"(b) (1) In the case of an offense under Subsection (a) of this Section involving a controlled substance listed in Schedules I, II, III, IV or V of this Act which is a narcotic, the person guilty of such an offense *shall* be imprisoned *not less than* twenty (20) years *nor more than* thirty (30) years, and may, in addition, be fined *not more than* Fifty Thousand Dollars ($50,000). The sentence *shall* include a special parole term of *not less than* three (3) years, in addition to such terms of imprisonment.

(2) If he is guilty of an offense under Subsection (a) of this

Section, and if he has been convicted on one (1) or more felonies under any provision of this Act, any law of the United States relating to controlled substances, or for any offense under state or foreign law relating to narcotic drugs listed in Schedule I as per Appendix A of this Act, or Schedule II as per Appendix B of this Act, which offense would be a felony under this Act, and one (1) or more of the convictions are final, he *shall* be sentenced to a term of life imprisonment without the possibility of parole, and may, in addition, be fined *not more than* One Hundred Thousand Dollars ($100,000).

(3) In the case of an offense under Subsection (a) of this Section with respect to a controlled substance other than a narcotic drug listed in Schedules I, II, III, IV or V of this Act, the person guilty of such offense *shall* be imprisoned for *not less than* three (3) years *nor more than* ten (10) years, and may, in addition, be fined *not more than* Fifteen Thousand Dollars ($15,000). The sentence *shall*, in addition to such term of imprisonment, include:

(A) a special parole term of *not less than* two (2) years if such controlled substance is listed in Schedules I, II or III of this Act; or

(B) a special parole term of *not less than* one (1) year if such controlled substance is listed in Schedule IV of this Act."

Section 7. Subsection (e) of §67.401.9 of Chapter 67, Title 9, Guam Code Annotated, is hereby *added* to read:

"(e) Sentences in these cases shall also include mandatory participation in a drug rehabilitation program at the Department of Corrections."

Section 8. Effective Date. This Act *shall* be effective upon enactment.

Section 9. Severability. *If* any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall *not* affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2014 (SECOND) Regular Session

Voting Sheet

Bill No. 298-32 (COR)
As amended by the Committee on Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary.

Speaker Antonio R. Unipingco Legislative Session Hall

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓	I			
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓	I			
Senator Aline A. YAMASHITA, Ph.D.	✓				
TOTAL	15				
	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 298-32 (COR)
As amended by the Committee on Guam U.S. Military Relocation, Homeland Security, Veteran's Affairs and Judiciary.
*

Introduced by: Brant T. McCreadie
V. Anthony Ada
Tommy Morrison

AN ACT TO *AMEND* SUBSECTIONS (a) AND (b) AND ADD A NEW SUBSECTION (o) TO § 67.401.4 AND TO AMEND SUBSECTION (b) AND ADD A NEW SUBSECTION (e) TO § 67.401.9 OF CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PUNISHMENT FOR THE DELIVERY, DISPENSING, MANUFACTURING, AND IMPORTATION OF CONTROLLED SUBSTANCES, WHICH MAY BE CITED AS THE "*METHAMPHETAMINE INCARCERATION REFORM ACT OF 2014.*"

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Short Title. This Act *shall* be cited as the *"Methamphetamine Incarceration Reform Act of 2014."*

Section 2. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that drugs, and in particular, extremely addictive drugs such as cocaine, heroin and methamphetamine, have had an extremely negative impact on our community. They have destroyed families, increased crime and placed an extreme burden on government services. Many of the crimes committed on Guam, such as burglary, theft, and even assault, have drug use and abuse as a causative circumstance. More

must be done to limit, and hopefully eliminate, the importation and distribution of these deadly substances on Guam. Increasing the sentences for individuals who manufacture, distribute or import controlled substances, or attempt to do so, will serve as a deterrent to potential criminals.

Therefore, it is the intent of *I Liheslaturan Guåhan* to set increased sentences for those offenders who choose to import controlled substances into Guam, as well as those who bring in controlled substances with the intent to deliver, dispense or manufacture by amending §67.401.4 and §67.401.9 of Chapter 67, Title 9, Guam Code Annotated.

Section 3. Subsection (a) of §67.401.4 of Chapter 67, Title 9, Guam Code Annotated, is hereby *amended* to read:

"(a) If he is guilty of an offense pursuant § 67.401.1(b)(1) of this Act, he *shall* be sentenced to imprisonment for *not less than* twenty (20) *nor more than* thirty (30) years, and may, in addition, be fined *not more than* Fifty Thousand Dollars ($50,000). The sentence *shall* include a special parole term of *not less than* three (3) years, in addition to such term 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 to the offender until he has served *at least* twenty (20) years of his sentence of imprisonment."

Section 4. Subsection (b) of §67.401.4 of Chapter 67, Title 9, Guam Code Annotated, is hereby *amended* to read:

"(b) If he is guilty of an offense pursuant to § 67.401.1(b)(1) of this Act and if he has been convicted on one (1) or more felonies under any provision of this Act, any law of the United States relating to controlled substances, or for any offense under state or foreign law relating to narcotic drugs listed in Schedule I as per Appendix A of this Act or Schedule II as

per Appendix B of this Act which offense would be a felony under this Act and one (1) or more of the convictions are final, he *shall* be sentenced to a term of life imprisonment without the possibility of parole, and may, in addition, be fined *not more than* One Hundred Thousand Dollars ($100,000)."

Section 5. Subsection (o) of §67.401.4 of Chapter 67, Title 9, Guam Code Annotated, is hereby *added* to read:

"(o) Sentences in these cases *shall* also include mandatory participation in a drug rehabilitation program at the Department of Corrections."

Section 6. Subsection (b) of § 67.401.9 of Chapter 67, Title 9, Guam Code Annotated, is hereby *amended* to read:

"(b) (1) In the case of an offense under Subsection (a) of this Section involving a controlled substance listed in Schedules I, II, III, IV or V of this Act which is a narcotic, the person guilty of such an offense *shall* be imprisoned *not less than* twenty (20) years *nor more than* thirty (30) years, and may, in addition, be fined *not more than* Fifty Thousand Dollars ($50,000). The sentence *shall* include a special parole term of *not less than* three (3) years, in addition to such terms of imprisonment.

(2) If he is guilty of an offense under Subsection (a) of this Section, and if he has been convicted on one (1) or more felonies under any provision of this Act, any law of the United States relating to controlled substances, or for any offense under state or foreign law relating to narcotic drugs listed in Schedule I as per Appendix A of this Act, or Schedule II as per Appendix B of this Act, which offense would be a felony under this Act, and one (1) or more of the

convictions are final, he *shall* be sentenced to a term of life imprisonment without the possibility of parole, and may, in addition, be fined *not more than* One Hundred Thousand Dollars ($100,000).

(3) In the case of an offense under Subsection (a) of this Section with respect to a controlled substance other than a narcotic drug listed in Schedules I, II, III, IV or V of this Act, the person guilty of such offense *shall* be imprisoned for *not less than* three (3) years *nor more than* ten (10) years, and may, in addition, be fined *not more than* Fifteen Thousand Dollars ($15,000). The sentence *shall*, in addition to such term of imprisonment, include:

(A) a special parole term of *not less than* two (2) years if such controlled substance is listed in Schedules I, II or III of this Act; or

(B) a special parole term of *not less than* one (1) year if such controlled substance is listed in Schedule IV of this Act."

Section 7. Subsection (e) of §67.401.9 of Chapter 67, Title 9, Guam Code Annotated, is hereby *added* to read:

"(e) Sentences in these cases shall also include mandatory participation in a drug rehabilitation program at the Department of Corrections."

Section 8. Effective Date. This Act *shall* be effective upon enactment.

Section 9. Severability. *If* any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall *not* affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.