EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam

DEC 13 2018

Hon. Speaker Therese M. Terlaje
34GL-18-2674
DEC 19 2018
Time: 15:34
Received by:

2018 DEC 19 PM 3:55

Honorable Therese M. Terlaje
Acting Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Dear Madam Speaker:

Transmitted herewith is Bill No. 324-34 (COR), **"AN ACT TO ADD A NEW § 55.40 TO CHAPTER 55 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINALIZATION OF DISARMING OF PEACE OFFICERS,"** which lapsed on December 13, 2018, as **Public Law 34-149.**

Senseramente,

EDDIE BAZA CALVO

2674

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

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

This is to certify that **Bill No. 324-34 (COR), "AN ACT TO *ADD* A NEW § 55.40 TO CHAPTER 55 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINALIZATION OF DISARMING OF PEACE OFFICERS,"** was on the 30th day of November 2018, duly and regularly passed.

Therese M. Terlaje
Acting Speaker

Attested:

Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 30 day of Nov., 2018, at 7:55 o'clock P.M.

Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: DEC 13 2018

Public Law No. 34-149

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

Bill No. 324-34 (COR)

Introduced by: Telena Cruz Nelson
Thomas C. Ada
FRANK B. AGUON, JR.
William M. Castro
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Michael F.Q. San Nicolas
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *ADD* A NEW § 55.40 TO CHAPTER 55 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINALIZATION OF DISARMING OF PEACE OFFICERS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that no Guam law currently exists in regard to the disarming of peace officers. The disarming of peace officers is found to be a felony in other states throughout the nation. The disarming of peace officers is classified as a felony as it results in the inability of a peace officer to properly execute his or her duties to protect the public.

I Liheslatura further finds that the disarming of a peace officer typically elicits a response from the peace officer to retrieve the weapon from the individual who disarmed the officer in order to continue properly executing his or her duties. Such a response, when warranted, could result in the harm of the individual or those in surrounding areas. Techniques of this nature are practiced in a controlled environment in order to ensure the safety of all those involved and to mitigate risk in the community. The retrieval of the weapon by the peace officer also ensures that the weapon is not used to harm others by the individual who disarmed the officer.

I Liheslatura further finds that there may be some misunderstanding in the community about disarming a peace officer as no law currently exists. *I Liheslatura* seeks to define what disarming a peace officer entails, and to provide for the appropriate punishment when necessary.

Therefore, it is the intent of *I Liheslaturan Guåhan* to criminalize the disarming of peace officers in order to create a better understanding within the community of such harm and to better ensure the safety of the people of Guam.

Section 2. A new § 55.40 is hereby *added* to Chapter 55 of Title 9, Guam Code Annotated, to read:

"**§ 55.40. Disarming of a Peace Officer; Defined & Punished.**

(a) A person commits the crime of disarming a peace officer, as defined by 17 GCA § 51101 if such person intentionally:

(1) removes, or attempts to remove, a firearm, deadly weapon, or less-lethal weapon, including any blunt impact, chemical, or conducted energy device, used in the performance of his or her official duties from the person of a peace officer while said officer is acting within the scope of his or her official duties; or

(2) deprives, or attempts to deprive, a peace officer of said officer's use of a firearm, deadly weapon, or any other equipment

described in Subsection (a)(1) of this Section while the officer is acting within the scope of his or her official duties.

(b) The provisions of this Section *shall not* apply when:

(1) the defendant does not know or could not reasonably have known that the person he or she disarmed was a peace officer; or

(2) the peace officer was engaged in an incident involving felonious conduct by the peace officer at the time the defendant disarmed said officer.

(c) An offense under this Section is a felony of the third degree, unless the defendant's intent is to injure anyone, in which case the offense is a felony of the second degree."