UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR

LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

HAND-DELIVERED

35GL-20-1414
Speaker Tina Rose Muña Barnes

JAN 15 2020
Time 5:20 ( )AM (YPM
Received By:

January 15, 2020

HONORABLE TINA ROSE MUÑA BARNES
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
35th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

2020 JAN 16 AM 9:04

Re: Safer Guam Initiative

Dear Madame Speaker:

Please find transmitted herewith, seven bills for the legislature's consideration. Taken together, these measures represent the legislative arm of the Safer Guam Initiative I discussed days ago.

These measures would make parents criminally liable for a failure to supervise their children, limit the number of hours alcohol can be sold in stores, stop plea agreements if victims weren't given a chance to speak, and end parole for those who commit sex crimes and violent offenses.

Additional measures I have attached would authorize public private partnerships to ensure 100% digital screening of all cargo entering Guam, and automate traffic enforcement—potentially allowing these benefits without the use of tax dollars up front.

These measures hold parents responsible for the acts of their children, place justice back on the side of the victim, and leverage technology in the private sector to keep us safe.

Moreover, we said we would act where we could. And we have. I have ordered the recruitment of 100 new police officers under my existing budgetary authority and begun the process of identifying federal funds for the construction of a Yigo precinct—a project for which land has already been identified.

1414

RICARDO J. BORDALLO GOVERNOR'S COMPLEX · HAGÅTÑA, GUAM 96910
P.O. BOX 2950 · HAGÅTÑA, GUAM 96932
671.472.8931 · 671.472.8932/6

I have also taken the liberty of transmitting a measure previously brought before the Legislature in my 2020 Executive Budget Request. While this measure was not formally considered by the legislature, it created a Conservation Officer Reserve Corps.

I ask that the legislature act quickly on these measures. While I know that no proposal is perfect, I respectfully remind the People's Branch that these measures reflect the specific desires of our people—communicated to me in six different meetings throughout the island.

Let's work together to Build a Safer Guam.

Senseremente,

Lou Leon Guerrero

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

cc via email: *Sigundo Maga'låhen Guåhan*

Attachments

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

Bill No. _____

Introduced by: *

_____

AN ACT TO ADD §10404.1 AND TO AMEND § 10404 OF ARTICLE 4, CHAPTER 10, TITLE 12 AND RELATIVE TO AUTHORIZING CUSTOMS AND QUARANTINE AGENCY TO ENTER INTO A PUBLIC-PRIVATE PARTNERSHIP TO SCREEN ALL CARGO ENTERING GUAM AT ITS PORTS OF ENTRY.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 10404 of Article 4, Chapter 10, Title 12, Guam Code Annotated is *amended* to read:

"§ 10404. Other Public-Private Partnership through Performance Management Contract.

Notwithstanding any other provisions of law, the Board of Directors and/or the Guam Customs and Quarantine Agency is (are) authorized to enter into a public-private partnership through a performance management contract for other aspects of the Port operations or Customs and Quarantine Agency operations at the Port it deems necessary, provided that the processes outlined in the above sections are complied with. "

Section 2. A new §10404.1 of Article 4, Chapter 10, Title 12, Guam Code Annotated is *added* to read:

"§ 10404.1 Entitlement to Use Tax Collections

Any public-private partnership entered into by the Guam Customs and Quarantine Agency pursuant to this chapter may be funded by a pre-determined percentage of Use Tax Collections not to exceed eleven percent (11%) for the duration of the awarded contract."

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

Bill No. _____

Introduced by: *

_____

AN ACT TO ADD A NEW ARTICLE 3A TO CHAPTER 3 OF TITLE 16 AND A NEW CHAPTER 9.7 TO TITLE 7 BOTH OF THE GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN AUTOMATED TRAFFIC ENFORCEMENT PROGRAM ON DESIGNATED GUAM HIGHWAYS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Automated Traffic Enforcement and Safety Act. A new Article 3A is hereby added to Chapter 3 of Title 16, Guam Code Annotated, to read:

"Article 3A. Automated Traffic Enforcement and Safety Act"

§ 33A001. Definitions.
§ 33A002. Authority to Provide for Civil Penalty
§ 33A003. Installation and Operation of Photographic Traffic Signal
§ 33A004. Report of Accidents.
§ 33A005. Minimum Change Interval.
§ 33A006. General Surveillance Prohibited.
§ 33A007. Amount of Civil Penalty; Late Payment Penalty
§ 33A008. Deposit of Revenue from Certain Traffic Penalties
§ 33A009. Required Ordinance Provisions.
§ 33A010. Effect On Other Enforcement
§ 33A011. Notice of Violations; Contents
§ 33A012. Admission of Liability
§ 33A013. Presumption.
§ 33A014. Administrative Adjudication Hearing.

§ 33A015. Untimely Request for Administrative Adjudication Hearing.
§ 33A016. Appeal
§ 33A017. Enforcement.
§ 33A018. Imposition of Civil Penalty Not a Conviction
§ 33A019. Failure to Pay Civil Penalty

§ 33A001. Definitions. Unless context otherwise requires, as used in this Article:

(1) "Department" means the Department of Public Works.

(2) "Owner of a motor vehicle" means the owner of a motor vehicle as shown on the motor vehicle registration records of the Guam Department of Revenue and Taxation.

(3) "Photographic traffic signal enforcement system" means a system that:

a. consists of a camera system and vehicle sensor installed to exclusively work in conjunction with an electrically operated traffic-control signal; and

b. is capable of producing at least two recorded images that depict the license plate attached to the front or the rear of a motor vehicle that is not operated in compliance with the instructions of the traffic-control signal.

(4) "Recorded image" means a photographic or digital image that depicts the front or the rear of a motor vehicle

(5) "Traffic-control signal" means a mechanical light signal by which traffic is alternatively directed to stop and permitted to proceed in a manner consistent with 16 G.C.A. §3339.

§ 33A002. Authority to Provide for Civil Penalty. The Department of Public Works may implement a photographic traffic signal enforcement system and provide that the owner of a motor vehicle is liable to the local authority for a civil penalty if, while facing signal displayed by an electrically operated traffic-control signal located in Guam, the vehicle is operated in violation of:

(1) failure to yield at an intersection left turn pursuant to 16 GCA §3325(c);

(2) failure to obey the requirements of a flashing traffic light pursuant to 16 GCA §3335;

(3) failure to obey the requirements of traffic signals pursuant to 16 GCA §3339;

(4) failure to yield at an intersection left turn pursuant to 16 GCA §3325(c);

(5) failure to obey the requirements of a flashing traffic light pursuant to 16 GCA §3335; and

(6) failure to maintain a license plate pursuant to 16 GCA §7120;

§ 33A003. Installation and Operation of Photographic Traffic Signal Enforcement System.

(1) The Department may:

a. Contract for the administration and enforcement of the system; and

b. Install and operate the system or contract for the installation or operation of the system.

(2) The Department may not agree to pay the contractor a specified percentage of, or dollar amount from, each civil penalty collected.

(3) An intersection approach may be selected for the installation of a photographic traffic signal enforcement system based on traffic volume, the history of accidents at the approach, the number or frequency of red lights at the intersection, and similar traffic engineering and safety criteria, without regard to the ethnic or socioeconomic characteristics of the area in which the approach is located.

(4) The Department may not impose a civil penalty under this Section on the owner of a motor vehicle if the Department violates Subsection (b) or (c).

(5) The Department shall install signs along each roadway that leads to an intersection at which a photographic traffic signal enforcement is in active use. The signs must be at least 100 feet from the intersection or located according to standards established by the Department of Revenue and Taxation, be easily readable to any operator approaching the intersection, and clearly indicate the presence of a photographic monitoring system that records violations that may result in the issuance of a notice of violation and the imposition of a monetary penalty.

(6) The Department or the person with which the Department contracts for the administration and enforcement of a photographic traffic signal enforcement system may not provide information about a civil penalty imposed under this chapter to a credit bureau or consumer reporting agency.

§ 33A004. Report of Violations. Upon one (1) year from the date the Department implements an automated traffic enforcement safety device program, and each year thereafter, the Department shall post on its website a report that includes comparison and analysis of the number of violations issued under the program.

§ 33A005. Minimum Change Interval. At an intersection at which a photographic traffic monitoring system is in use, the minimum change interval for a steady yellow signal must be established in accordance with local and federal laws.

§ 33A006. General Surveillance Prohibited; Offense. The Department shall operate a photographic traffic control signal enforcement system only for the purpose of detecting a violation or suspected violation of a traffic control signal.

(1) A person commits an offense if the person uses a photographic traffic signal enforcement system to produce a recorded image other than in the manner and for the purpose specified by this chapter.

(2) An offense under this section is a misdemeanor.

§ 33A007. Amount of Civil Penalty; Late Payment Penalty.

(1) the civil or administrative penalty shall be $200; and

(2) a late payment penalty may not exceed $50.

§ 33A008. Deposit of Revenue from Certain Traffic Penalties

(a) The Department shall deposit all funds collected pursuant to this Chapter in the Automated Traffic Enforcement Fund.

(b) The Department may utilize funds from the Automated Traffic Enforcement Fund in an amount necessary to cover the costs of:

(1) Purchasing or leasing equipment that is part of or used in connection with the photographic traffic signal enforcement system;

(2) Installing the photographic traffic enforcement system at other sites in Guam, including the costs of installing cameras, flashes, computer equipment, loop sensors, detectors, utility lines, data lines, poles and mounts, networking equipment, and associated labor costs;

(3) Operating the photographic traffic signal enforcement system, including the costs of creating, distributing, and delivering violation notices, review of violations conducted by employees of the Department, the processing of fine payments and collections, and the costs associated with administrative adjudications and appeals; and

(4) Maintaining the general upkeep and functioning of the photographic traffic signal enforcement system.

§ 33A009. Effect on Other Enforcement.

(a) The implementation of a photographic traffic signal enforcement system by a local authority under this chapter does not:

(1) Preclude the application or enforcement of any other

(2) Prohibit a peace officer from conducting an otherwise lawful arrest or from issuing a citation

(b) The Department may not impose a civil penalty under this chapter on the owner of a motor vehicle if the operator of the vehicle was arrested or issued a citation and notice to appear by a peace officer for the same violation recorded by the photographic traffic signal enforcement system.

§ 33A010. Notice of Violation; Contents.

(a) The imposition of a civil penalty under this chapter is initiated by the mailing of a notice of violation to the owner of the motor vehicle whom the local authority seeks to impose the civil penalty.

(b) Not later than the 60th day after the date the violation is alleged to have occurred, the Department or the entity with which the local authority contracts shall mail the notice of violation to the owner at:

(1) The owner's address as shown on the registration records of the Department of Revenue and Taxation; or

(2) If the vehicle is registered in another state or country, the owner's address as shown on the motor vehicle registration records of the department or agency of the other state or country analogous to the Department of Revenue and Taxation.

(c) The notice of violation must contain:

(1) A description of the violation alleged;

(2) The location of the intersection where the violation occurred;

(3) The date and time of the violation;

(4) The name and address of the owner of the vehicle involved in the violation;

(5) The registration number displayed on the license plate of the vehicle involved in the violation;

(6) A copy of a recorded image of the violation limited solely to a depiction of the area of the registration number displayed on license plate of the vehicle involved in the violation;

(7) The amount of the civil penalty for which the owner is liable;

(8) The number of days the person has in which to pay or contest the imposition of the civil penalty and a statement that the person incurs a late payment penalty if the civil penalty is not paid or imposition of the penalty is not contested within that period;

(9) A statement that the owner of the vehicle in the notice of violation may elect to pay the civil penalty by mail sent to a specified address instead of appearing at the time and place of the administrative adjudicative hearing; and

(10) Information that informs the owner of the vehicle named in the notice of violation:

(A) Of the owner's rights to contest the imposition of the civil penalty against the person in an administrative adjudication hearing;

(B) That the imposition of the civil penalty may be contested by submitting a written request for an administrative adjudication hearing before the expiration of the period specified in Subdivision (8); and

(C) That failure to pay the civil penalty or to contest liability for the penalty in a timely manner is an admission of liability and a waiver of the owner's right to appeal the imposition of the civil penalty.

(d) A notice of violation is presumed to have been received on the fifth day after the date the notice is mailed.

§ 33A009. Entitlement to an Administrative Hearing. All persons against whom the Department seeks to impose a civil penalty is entitled to an administrative adjudicative hearing pursuant to the Administrative Adjudication Law.

§ 33A012. Admission of Liability. A person who fails to pay the civil penalty or to contest liability for the penalty in a timely manner or who requests an administrative adjudication hearing for

the penalty in a timely manner or who requests an administrative adjudication hearing to contest the imposition of the civil penalty against the person and fails to appear at the hearing is considered to:

(1) Admit liability for the full amount of the civil penalty stated in the notice of violation mailed to the person; and

(2) Waive the person's right to appeal the imposition of the civil penalty.

§ 33A013. Presumption.

(a) It is presumed that the owner of the motor vehicle committed the violation alleged in the notice of violation mailed to the person if the motor vehicle depicted in a photograph or digital image taken by a photographic traffic signal enforcement system belongs to the owner of the motor vehicle.

(b) If, at the time of the violation alleged in the notice of violation, the motor vehicle depicted in a photograph or digital image taken by a photographic traffic signal enforcement system was owned by a person in the business of selling, renting, or leasing motor vehicles or by a person who was not the same person named in the notice of violation, the presumption under Subsection (a) is rebutted on the presentation of evidence establishing that the vehicle was at the time:

a. Being test driven by another person;

b. Being rented or leased by the vehicle's owner to another person; or

c. Owned by a person who was not the person named in the notice of violation.

(c) Notwithstanding Section 33A014, the presentation of evidence under Subsection (b) by a person who is in the business of selling, renting, or leasing motor vehicles or did not own the vehicle at the time of the violation must be made by affidavit or thorough testimony at the administrative adjudication hearing under Section 33A014. The affidavit may be submitted by mail to the Department or the entity with which the Department contracts.

(d) If the presumption established by Subsection (a) is rebutted under Subsection (b), a civil penalty may not be imposed on the owner of the vehicle or the person named in the notice of violation, as appliable.

(e) If, at the time of the violation alleged in the notice of violation, the motor vehicle depicted in the photograph or digital image taken by the photographic traffic signal system was owned by a person in the business of renting or leasing motor vehicles and the vehicle was

being rented or leased to an individual, the owner of the motor vehicle shall be provided to the Department or the entity with which the Department contracts the name and address of the individual who was renting or leasing the motor vehicle depicted in the photograph or digital image and a statement of the period during which that individual was renting or leasing the vehicle. The owner shall provide the information required by this subsection not later than the 30th day after the date the notice of violation is received. If the owner provides the required information, it is presumed that the individual renting or leasing the motor vehicle committed the violation alleged in the notice of violation and the Department or contractor may send a notice of violation to that individual at the address provided by the owner of the motor vehicle.

§ 33A014. Administrative Adjudication Hearing.

(a) A person who receives a notice of violation under this chapter may contest the imposition of the civil penalty specified in the notice of violation by filing a written request for an administrative adjudication hearing. The request for a hearing must be filed on or before the date specified in the notice of violation, which may not be earlier than the thirtieth (30th) day after the date the notice of violation was mailed.

(b) On receipt of a timely request for an administrative adjudicative hearing, the Department shall notify the person of the date and time of the hearing.

(c) A hearing officer designated by the Department shall conduct the administrative adjudicative hearing.

(d) In an administrative adjudicative hearing, the issues must be proven by a preponderance of the evidence.

(e) The reliability of the photographic traffic signal enforcement system used to produce the recorded image of the motor vehicle involved in the violation may be attested to by affidavit of an officer or employee of the Department or of the entity with which the Department contracts who is responsible for inspecting and maintain the system.

(f) An affidavit of an officer or employee of the Department or entity that alleges a violation based on an inspection of the applicable recorded image is:

a. Admissible in the administrative adjudication hearing and in an appeal under Section 33A017; and

b. Evidence of the facts contained in the affidavit.

(g) At the conclusion of the administrative adjudication hearing, the hearing officer shall enter a finding of liability for the civil penalty or a finding of no liability for the civil penalty. A funding under this subsection must be in writing and be signed and dated by the hearing officer.

(h) A finding of liability for a civil penalty must specify the amount of the civil penalty for which the person is liable. If the hearing officer enters a finding of no liability, a civil penalty for the violation may not be imposed against the person.

§ 33A015. Untimely Request for Administrative Adjudication Hearing. Notwithstanding any other provision of this chapter, a person who receives a notice of violation under this chapter and who fails to timely pay the amount of the civil penalty or fails to timely request an administrative adjudication hearing is entitled to an administrative adjudication hearing if:

(1) The person submits a written request for the hearing to the designated hearing officer, accompanied by an affidavit that attests to the date on which the person received the notice of violation; and

(2) The written request and affidavit are submitted to the hearing officer with the same number of days after the date the person received the notice of violation as specified under Section 33A010(c)(8).

§ 33A016. Appeal.

(a) The owner of a motor vehicle determined by a hearing officer to be liable for a civil penalty may appeal that determination to a judge by filing an appeal petition with the clerk of the court. The petition must be filed with the clerk of the Superior Court of Guam.

(b) The petition must be:

a. Filed before the 31st day after the date on which the administrative adjudication hearing officer entered the finding of liability for the civil penalty; and

b. Accompanied by payment of the costs required by the court.

(c) The court clerk shall schedule a hearing and notify the owner of the motor vehicle and the appropriate department, agency or office of the Government of Guam of the date, time, and place of hearing.

(d) An appeal stays the enforcement and collection of the civil penalty imposed against the owner of the motor vehicle. The owner shall file a notarized statement of personal financial obligation to perfect the owner's appeal.

(e) An appeal under this section shall be determined by the court by trial de novo.

§ 33A017. Enforcement. If the owner of a motor vehicle is delinquent in the payment of a civil penalty imposed under this chapter, the Department of Revenue and Taxation may refuse to register a motor vehicle alleged to have been involved in the violation.

§ 33A018. Imposition of Civil Penalty Not a Conviction. The imposition of a civil penalty under this chapter is not a conviction and may not be considered a conviction for any purpose.

§ 33A019. Failure to Pay Civil Penalty.

(a) If the owner of the motor vehicle fails to timely pay the amount of the civil penalty imposed against the owner:

a. An arrest warrant many not be issued for the owner; and

b. The imposition of the civil penalty may not be recorded on the owner's driving record.

(b) Notice of the Subsection (a) must be included in the notice of violation required by Section 33A011.

§ 33A020. Elimination of Recorded Images. Unless otherwise ordered by a court of competent jurisdiction, the recorded images and videos produced by a device shall be destroyed within ninety (90) days of the final disposition of the case to which it pertains, including any appeals. In addition, all recorded images and videos produced by a device that do not identify a civil violation would need to be destroyed by the Department or an agent within ninety (90) days of the date the image was recorded, unless otherwise ordered by a court.

§ 33A021. Rules and Regulations. The Department, in consultation with the Guam Police Department, may promulgate such rules and regulations as are necessary to carry out the implementation of this Act. Such rules and regulations shall be adopted pursuant to the Administrative Adjudication Law.

Section 2. Authorization to Request for Interest. The Department of Public Works is hereby authorized to issue a Request for Interest (RFI) to implement the Program described in Section 2 of this Act. The RFI shall include a reference to the National Highway Traffic Safety Administration

standards for "across the road radar," stating that "If the ATR device is to be considered for unattended operation, the manufacturer shall provide a secondary method for verifying that the evidential recorded image properly identifies the target vehicle and reflects this vehicle's location within the roadway. This may be accomplished by means of a second, appropriately delayed image showing the target vehicle crossing a specified reference line. After a review of responses to the RFI, the department shall prepare a report on the estimated costs to implement the program, proposed methods of financing the startup costs and the annual operating costs of the program, and any other information pertinent to the successful implementation of the proposed program. Copies of the report shall be transmitted to *I Maga'haga Guåhan* and the Speaker of *I Liheslaturan Guåhan.*

Section 3. Establishment of Traffic Camera Violations Fund. A new Chapter 9.7 is added to Title 7, Guam Code Annotated, to read:

"Chapter 9.7 Automated Traffic Enforcement Fund."

§ 9700. Automated Traffic Enforcement Fund.

§ 9701. Fund Sources.

§ 9702. Separation of Accounts.

§ 9703. Reporting Requirements.

§ 9700. Automated Traffic Enforcement Fund. There is hereby created an Automated Traffic Enforcement Fund (ATEF) which shall be maintained separate and apart from other funds of the government of Guam. The ATEF shall be under the control of the Department of Public Works and the Director of Administration. The Director of Administration shall administer the ATEF and release the necessary monies upon request by the Director of the Department of Public Works for expenditures authorized by this Section. All money collected for the Fund shall be deposited in interest-earning bank accounts as provided in § 9702 and § 9704 of this Chapter. Interest and investment earnings credited to the assets of the Automated Traffic Fund shall become part of the Automated Traffic Fund. Any remaining balance at the end of the fiscal year shall be carried over to the next fiscal year and be continuously appropriated for the purposes provided in § 9704 of this Chapter.

§ 9701. Fund Sources. All penalties assessed on violations as a result of the Automated Traffic Enforcement Program established by Article 3A of 16 GCA, Chapter 3 shall be deposited into the Automated Traffic Enforcement Fund.

§ 9702. Authorized Uses of Funds.

(a) The new account or accounts established for the Fund together with the interest earned thereon shall be made available for the purposes outlined in 16 GCA § 33A008.

(b) All remaining funds shall be made available to and for the benefit of the Guam Police Department, Guam Fire Department, Guam Customs & Quarantine Agency, Department of Corrections, and the Department of Youth affairs for public safety purposes including, but not limited to: procurement of services and supplies; recruitment and retention of additional public safety personnel; and for the construction and maintenance of public safety facilities.

§ 9703. Reporting Requirements. The Department of Administration shall prepare, or cause to be prepared, full statements of accounts of all money received and expended out of the account or accounts of the ATEF, and shall transmit such report to *I Liheslatura* on a quarterly basis. Such report shall also be posted on the Department of Administration's website.

Section 4. Severability. If any provision of this Act 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 Act which can be given effect without the invalid provisions or applications, and to this end the provisions of this Act are severable."

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

Bill No. _____

Introduced by: *

_____

AN ACT TO ADD A NEW § 77203.1 IS TO ARTICLE 2, CHAPTER 77, DIVISION 2, TITLE 21, **GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE CIVILIAN VOLUNTEER TERRITORIAL PARK PATROL OFFICER RESERVE.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Civilian Volunteer Territorial Park Patrol Officer Reserve. A new § 77203.1 is hereby *added* to Article 2, Chapter 77, Division 2, Title 21 of the Guam Code Annotated to read:

"§ 77203.1 Civilian Territorial Park Patrol Officer Reserve

(1) Creation.
(2) Functions and Duties.
(3) Recruitment.
(4) Training, Equipment, and Maintenance Records.
(5) Territorial Park Patrol Officer Reservist: Authority.
(6) Same: Allowance.
(7) Same: Eligibility and Oath.
(8) Rules and Regulations: Recommendations.
(9) Effective Date.

(1) Creation. There is hereby created within the Department of Parks and Recreation of the territory of Guam the Civilian Territorial Park Patrol Officer Reserve, which shall be headed by the Director. The Director, subject to the advice and control of the Commission, shall be responsible for carrying out the purpose of this Chapter and shall have such additional duties as authorized herein, or as may be prescribed by the Commission.

(2) Functions and Duties. The general function and duties of the Civilian Territorial Park Patrol Officer Reserve shall be to provide back-up, supplemental manpower for the provision of the park protecion duties and services of the Department. The Director shall formulate a program whereby members of the Territorial Park Patrol Officer Reserve

program shall adhere to the functions and duties herein prescribed. From time to time, the Director, with the consent of the Commission, shall review and revise the functions of the Territorial Park Patrol Officer Reservist to ensure an amicable discharge of responsibilities and duties knowing the fact that their roles are the extension of duties of the regular personnel.

(3) Recruitment. The Director shall recruit, on an entirely volunteer basis, local residents who desire to make available their services to assist the Department of Parks and Recreation in carrying out its law enforcement duties and emergency functions. The Director, with the concurrence of the Commission, shall further promulgate rules and regulations consistent with requirements of hiring regular Territorial Park Patrol Officers.

(4) Training, Equipment, and Maintenance Records. The Director shall devise a program whereby the Park Protection Section in the Department of Parks and Recreation and the Civil Defense Office provide the members of the Territorial Park Patrol Officer Reserve training in crime prevention and operational techniques and procedures for natural man made emergencies. The Territorial Park Patrol Officer Reserve shall maintain a roster of volunteers who have received the training prescribed herein. In order to maintain membership in the Reserve, each member must keep up with his or her scheduled training and no reservist may remain in the Reserve if he or she is unable to keep up with or otherwise absorb the training. Additionally, basic supplies and equipment shall be provided to ensure a constant operability of the Territorial Park Patrol Officer Reserve, including a continuing program for replacement.

(5) Territorial Park Patrol Officer Reservist: Authority. Whenever the Territorial Park Patrol Officer Reserve and the members thereof are rendering assistance to the Territoral Park Patrol Officers, such volunteers shall have the same powers, duties, rights (including coverage under the Worker's Compensation Act), privileges and immunities, as if they were paid, full-time members of the Department of Parks and Recreation, except that they shall earn recruitment credit for services performed as reservists.

(6) Same: Allowance. Each member of the Territorial Park Patrol Officer Reserve who successfully completes probationary requirements as established by the Director and who contributes a minimum of forty-two hours or more per month, shall receive an allowance of Two Hundred Fifty Dollars ($250) per month, to defray the costs of maintenance of their

equipment and uniforms. The Department of Parks and Recreation shall identify funds within department appropriations to satisfy the intent of this Section.

(7) Same: Eligibility and Oath. No person shall be a volunteer member of the Territorial Park Patrol Officer Reserve established under this Chapter who advocates a change by force or violence in the constitutional form of the Government of the United States or in this Territory or the overthrow of any government in the United States by force, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Every reservist shall, entering upon his or her duties, take an oath, in writing, before a person authorized to administer oaths in this Territory, which oath shall be substantially as follows:

'I_____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the laws of the territory of Guam, against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter and I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the Government of the United States or of this Territory by force or violence; and that during such time as I am a member of any political party or organization that advocates the overthrow of the Government of the United States or of this Territory by force or violence.'

(8) Rules and Regulations: Recommendations. The Director is authorized and empowered to recommend, with the concurrence of the Commission, to the Governor for issuance as executive orders the making, amendment and recession of such orders, rules and regulations as may be necessary to carry out the provisions of this Chapter. The Director also shall have the authority to amend and create rules and regulations to implement and maintain the Territorial Park Patrol Officer Reserve through the Administrative Adjudication Process.

(9) Effective Date. This Act *shall* become effective on October 1, 2019. "

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

Bill No. _____

Introduced by: *

_____

AN ACT TO ADD A NEW ARTICLE 5 TO CHAPTER 4, TITLE 19 OF THE GUAM CODE ANNOTATED AND TO RECODIFY 18 GCA §90113 AS A NEW §4502 THEREOF, RELATIVE TO ESTABLISHING CRIMINAL LIABILITY FOR FAILURE OF A PARENT OR LEGAL GUARDIAN TO EXERCISE REASONABLE CARE, SUPERVISION, PROTECTION, AND CONTROL OVER THEIR MINOR CHILD WHEN SUCH ACT OR OMISSION PERMITS OR ENCOURAGES THE MINOR CHILD TO COMMIT A FELONY OR MISDEMEANOR CRIME.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Duties and Obligations of a Parent to a Child. A new Article 5 is hereby added to Chapter 4, Title 19 of the Guam Code Annotated, is hereby amended, to read:

"**ARTICLE 5**

DUTIES AND OBLIGATIONS OF A PARENT TO A CHILD

§ 4501. Criminal Liability for Failure of a Parent or Legal Guardian to Exercise Reasonable Care, Supervision, Protection, and Control Over Their Minor Child.

(a) A parent or legal guardian to any person under the eighteen (18) years of age shall have the duty to exercise reasonable care, supervision, protection, and control over their minor child.

(b) It shall be a violation for a parent or legal guardian to by act or omission contrary to their duties under subsection (a) of this section permit or encourage their minor child to commit any felony or misdemeanor crime. A violation of the provisions of this subjection shall be a misdemeanor punishable by a fine of up to two thousand five hundred dollars ($2,500) or a term of imprisonment of up to one (1) year) or both."

Section 2. Compiler of Laws. The Compiler of Laws shall recodify 18 GCA §90113 (Parental Liability for Willful Acts of Minor Children) as a new §4502 of Article 5, Chapter 4, Title 19 of the Guam Code Annotated.

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

Bill No. _____

Introduced by: *

_____

AN ACT TO AMEND §3417 OF ARTICLE 4, CHAPTER 3, TITLE 11 OF THE GUAM CODE ANNOTATED, RELATIVE TO LIMITING THE HOURS OF THE DAY WITHIN WHICH ALCOHOLIC BEVERAGES MAY BE SOLD BY OFF-SALE LICENSEES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Hours of Sale: Off-Sale. §3417 of Article 4, Chapter 3, Title 11 of the Guam Code Annotated, is hereby amended, to read:

"**§ 3417. Same: Off-Sale.**

(a) Except as otherwise provided in subsection (b) of this section, an ~~An~~ off-sale licensee shall not sell alcoholic beverages between the hours of 12:00 a.m. and 2:00 p.m. ~~9:00 a.m.~~ of any day.

(b) An off-sale licensee shall not sell alcoholic beverages between the hours of 2:00 a.m. and 9:00 a.m. of any of the following:

(1) Saturdays and Sundays,

(2) holidays, as provided in 1 GCA §1000 (a) and (b), and

(3) any holidays declared by I Maga'haga or I Maga'lahen Guåhan as provided in 1 GCA §1000 (c)."

Section 2. Effective Date. This Act shall be effective on the first (1st) day or the first (1st) calendar month following the enactment of this Act.

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

Bill No. _____

Introduced by: *

_____

AN ACT TO AMEND SUBSECTION (a) OF §80.70, CHAPTER 80, TITLE 9 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING PAROLE FOR VIOLENT AND SEXUAL OFFENSES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. When Parole Permitted. Subsection (a) of §80.70, Chapter 80, Title 9 of the Guam Code Annotated, is hereby amended, to read:

"(a) When Parole Permitted. An offender sentenced to a term of imprisonment may be released conditionally on parole upon completion of two-thirds (2/3) of his fixed sentence or thereafter in accordance with the provisions of this Article, provided that in the case of an offender sentenced to a term of imprisonment for the commission of a violent crime, such offender may not be released conditionally on parole ~~upon completion of eighty five percent (85%) of his fixed sentence or thereafter in accordance with the provisions of this Article~~.

(1) Nothing in this Section shall be construed as limiting or mitigating in any fashion the discretionary or mandatory imposition of a sentence of life imprisonment without parole for any offense, as may be detailed elsewhere in this Title or the laws of Guam.

(2) For the purposes of this Section, a violent crime is defined as one (1) or more of the following:

(A) aggravated murder, as defined in 9 GCA § 16.30;

(B) murder, as defined in 9 GCA § 16.40;

(C) manslaughter, as defined in 9 GCA § 16.50, and when such manslaughter is not involuntary;

(D) aggravated assault, as defined in 9 GCA § 19.20, and when it is a felony in the first degree;

(E) kidnapping, as defined in 9 GCA § 22.20, and when it is a felony in the first degree;

(F) first degree criminal sexual conduct, as defined in 9 GCA § 25.15;

(G) second degree criminal sexual conduct, as defined in 9 GCA § 25.20;

(H) third degree criminal sexual conduct when force or coercion is used to accomplish the sexual penetration, as defined in 9 GCA §25.25(a)(2);

(I) fourth degree criminal sexual conduct as a felony of the third degree when force or coercion is used to accomplish the sexual contact, as defined in 9 GCA §25.30(a)(1);

(J) aggravated arson, as defined in 9 GCA § 34.20;

(K)~~(I)~~ first degree robbery, as defined in 9 GCA § 40.10; or

(L)~~(J)~~ second degree robbery, as defined in 9 GCA § 40.20."

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

Bill No. _____

Introduced by: *

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AN ACT TO AMEND SUBSECTION (b) OF §60.80, CHAPTER 60, TITLE 8 OF THE GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING PLEA DEALS WITHOUT REASONABLE PROOF OF VICTIM NOTIFICATION.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Plea Bargaining Regulated. Subsection (b) of §60.70 of Chapter 60, Title 8 of the Guam Code Annotated, is hereby amended, to read:

"(b) If a plea agreement has been reached by the parties which contemplates entry of a plea of guilty or nolo contendere in the expectation that a specified sentence will be imposed or that other charges before the court will be dismissed, the court shall require the disclosure of the agreement in open court at the time the plea is offered. Thereupon the court may accept or reject the agreement, or may defer its decision as to acceptance or rejection until there has been an opportunity to consider the presentence report. No plea agreement shall be accepted *unless* the prosecution can provide evidence that applicable victim, if any, has been notified of his or her rights and has been consulted and advised, as required by §160.45 of Chapter 160, Title 8, Guam Code Annotated, about the plea bargaining entered into pursuant to this section."