Guam Legislature Clerks <clerks@guamlegislature.org>

Messages and Communications

1 message

Speaker's Office <speaker@guamlegislature.org> Tue, Dec 29, 2020 at 7:25 PM
To: Clerks Office <clerks@guamlegislature.org>
Cc: Rennae Meno <rennae@guamlegislature.org>

12/29/20	6:11 PM	12/29/20	Bill No. 415-35 (COR), signed into law as Public Law No. 35-125.	Office of the Governor of Guam	35GL-20-2552
12/29/20	6:11 PM	12/29/20	Bill No. 353-35 (COR), signed into law as Public Law No. 35-126.	Office of the Governor of Guam	35GL-20-2553
12/29/20	6:11 PM	12/29/20	Bill No. 396-35 (COR), signed into law as Public Law No. 35-127.	Office of the Governor of Guam	35GL-20-2554
12/29/20	6:11 PM	12/29/20	Bill No. 302-35 (COR), signed into law as Public Law No. 35-128.	Office of the Governor of Guam	35GL-20-2555
12/29/20	6:11 PM	12/29/20	Bill No. 368-35 (LS), signed into law as Public Law No. 35-129.	Office of the Governor of Guam	35GL-20-2556
12/29/20	6:11 PM	12/29/20	Bill No. 373-35 (COR), signed into law as Public Law No. 35-130.	Office of the Governor of Guam	35GL-20-2557
12/29/20	6:11 PM	12/29/20	Bill No. 417-35 (COR), signed into law as Public Law No. 35-131.	Office of the Governor of Guam	35GL-20-2558
12/29/20	6:11 PM	12/29/20	Substitute Bill No. 56-35 (COR), signed into law as Public Law No. 35-132.	Office of the Governor of Guam	35GL-20-2559
12/29/20	6:11 PM	12/29/20	Substitute Bill No. 62-35 (COR), signed into law as Public Law No. 35-133.	Office of the Governor of Guam	35GL-20-2560
12/29/20	6:11 PM	12/29/20	Bill No. 314-35 (COR), signed into law as Public Law No. 35-134.	Office of the Governor of Guam	35GL-20-2561
12/29/20	6:11 PM	12/29/20	Bill No. 402-35 (COR), signed into law as Public Law No. 35-135.	Office of the Governor of Guam	35GL-20-2562
12/29/20	6:11 PM	12/29/20	Substitute Bill No. 340-35 (COR), lapsed into law as Public Law No. 35-136.	Office of the Governor of Guam	35GL-20-2563
12/29/20	6:11 PM	12/29/20	Bill No. 304-35 (COR), Vetoed.	Office of the Governor of Guam	35GL-20-2564

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

13 attachments

- **GoG-Bill No. 415-35 (COR), nka PL. 35-125.pdf** 875K
- **GoG-Bill No. 353-35 (COR), nka PL. 35-126.pdf** 757K
- **GoG-Bill No. 396-35 (COR), nka PL. 35-127.pdf** 1573K
- **GoG-Bill No. 302-35 (COR), nka PL. 35-128.pdf** 1001K
- **GoG-Bill No. 368-35 (LS), nka PL. 35-129.pdf** 2715K
- **GoG-Bill No. 373-35 (COR), nka PL. 35-130.pdf** 699K
- **GoG-Bill No. 417-35 (COR), nka PL. 35-131.pdf** 1803K
- **GoG-SBill No. 56-35 (COR), nka PL. 35-132.pdf** 1098K
- **GoG-SBill No. 62-35 (COR), nka PL. 35-133.pdf** 2151K
- **GoG-Bill No. 314-35 (LS), nka PL. 35-134.pdf** 1325K
- **GoG-Bill No. 402-35 (COR), nka PL. 35-135.pdf** 1646K
- **GoG-SBill No. 340-35 (COR), lapsed as PL. 35-136.pdf** 2381K
- **GoG-Bill No. 304-35 (COR), Vetoed.pdf** 2887K

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

December 29, 2020

35GL-20-2561
Speaker Tina Rose Muña Barnes

DEC 2 9 2020
Time 6:11 ( )AM (X)PM
Received By: [signature]

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

Re: **Bill No. 314-35 (LS) – An Act to Add a New § 34.10(d) and Amend §§ 34.30, 34.40, and 34.50, All of Chapter 34, Title 9, Guam Code Annotated, Relative to the Prevention of Wildfires and Prosecution of Individuals who set Wildfires, Which are a Threat to Persons, Property, and the Environment**

Dear Madame Speaker:

Our island has suffered serious damage to our natural environment due to fires in our jungles and grasslands. Fires destroy trees and grass that hold our soil surfaces in place. Once loose, soil and dirt runs off in heavy rains into our streams and eventually empties into our oceans where they can cause damage to the coral reef that protects our coastline. While some of our fires occur naturally or accidentally, many of our fires occur as a result of intentional burning or as a result of failure to take reasonable precautions to guard against them. Bill 314 expands the definitions of arson and criminal mischief to include destruction and damage to forest lands. A community's values are reflected in the types of behaviors it chooses to punish in its criminal code; Bill No. 314, now ***Public Law No. 35-134*** makes it clear that our community understands the importance of preserving our land for generations of future use.

Senseramente,

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

Enclosure: Bill No. 314-35 (COR) *nka P.L. 35-134*

cc via email: *Sigundo Maga'låhen 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 **Bill No. 314-35 (LS), "AN ACT TO *ADD* A NEW § 34.10(d) AND *AMEND* §§ 34.30, 34.40, AND 34.50, ALL OF CHAPTER 34, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE PREVENTION OF WILDFIRES AND PROSECUTION OF INDIVIDUALS WHO SET WILDFIRES, WHICH ARE A THREAT TO PERSONS, PROPERTY, AND THE ENVIRONMENT,"** was on the 17th day of December 2020, duly and regularly passed.

Tina Rose Muña Barnes
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 17th day of Dec, 2020, at 10:26 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 12/29/2020

Public Law No. 35-134

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

Bill No. 314-35 (LS)
As amended by the Committee on Health,
Tourism, Historic Preservation, Land, and Justice; and
further amended on the Floor.

Introduced by:

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

AN ACT TO *ADD* A NEW § 34.10(d) AND *AMEND* §§ 34.30, 34.40, AND 34.50, ALL OF CHAPTER 34, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE PREVENTION OF WILDFIRES AND PROSECUTION OF INDIVIDUALS WHO SET WILDFIRES, WHICH ARE A THREAT TO PERSONS, PROPERTY, AND THE ENVIRONMENT.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that purposefully set wildfires pose a significant threat to life, homes, businesses,

and property of the people of Guam, in addition to Guam's wildlife and environment. As such, the illegal burning of "forest land" must be added as an additional prohibited action under Guam's arson statute in order to prevent and prosecute this dangerous practice. The language for the definition of "forest land" as proposed in this measure is derived from the California Penal Code and has been in use in California since 1979. California added "forest land" to its arson statute in 1979 because of the severe risk of forest fires and "…in many instances a person who sets fire to a wildland area creates a greater threat to life and property than many of the single building unoccupied structures that are the subject of arson." (Cal. Dept. of Forestry, Analysis of Sen. Bill No. 116 (1979 Gen. Sess.) (June 26, 1979). Guam's residents have similarly had several close brushes with forest fires in recent months and years, and Guam, like California, has a population living in close proximity to brush and forested areas.

I Liheslatura further finds that California has successfully prosecuted arsonists causing forest fires under California's arson statute since 1979, and three (3) recent cases have upheld the "forest land" provisions within California's statutes. *See People v. Costella*, 11 Cal. App. 5th 1, 5–7, (Ct. App. 2017), *review denied* (Aug. 9, 2017), *cert. denied*, 138 S. Ct. 693 (2018); and *In re J.W.*, No. F076382, 2018 WL 5869651, at *2–5 (Cal. Ct. App. 2018). California previously changed its arson statutes to include "forest land" to "…make the statutes more consistent, more understandable, and easier to prosecute." *See* David A. Roberti, Chairman, Joint Com. for Revision of the Pen. Code, letter to Governor Edmund G. Brown, Jr., June 25, 1979, Sen. Bill No. 116, Ch. 145. Likewise, it is proposed that "forest land" be added to the Guam arson statutes to make the statutes more consistent and easier to apply. By protecting "forest land," which includes local jungle and grasslands, *I Liheslatura* aims to keep Guam's residents, property, and the environment more secure from the dangerous threat of arson. The measure also clarifies that restorative

justice, through the Alternative Service Restitution option that is enabled in current law, exists as an option for those convicted of wildfire arson to work directly in reforesting and healing the lands damaged by their actions.

Section 2. A new § 34.10(d) is hereby *added* to Chapter 34 of Title 9, Guam Code Annotated, to read:

"(d) *Forest land* means any brush covered land, cut-over land, forest, grasslands, jungle, or woods."

Section 3. § 34.30 of Chapter 34, Title 9, Guam Code Annotated, is *amended* to read:

"**§ 34.30. Arson; Defined & Punished.**

(a) A person is guilty of *arson* if under circumstances not amounting to aggravated arson he starts a fire or causes an explosion, whether on his own property, another's property, or forest land:

(1) with the intention of defrauding an insurer; or

(2) in reckless disregard of a risk that his conduct will damage or destroy the property of another; or

(3) in reckless disregard of a risk that his conduct will damage or destroy forest land.

(b) Arson is a third degree felony."

Section 4. § 34.40 of Chapter 34, Title 9, Guam Code Annotated, is *amended* to read:

"**§ 34.40. Negligent Burning; Defined & Punished.**

(a) A person is guilty of *negligent burning* if he:

(1) negligently starts a fire or causes an explosion whether on his own property, another's property, or forest land, and thereby negligently endangers human life, or negligently places the property of another, or forest land, in danger of damage or destruction; or

(2) having started a fire, whether negligently or not, and knowing that its spread will endanger the life or property of another, or forest land, either fails to take reasonable measures to put out or control the fire, or fails to give a prompt fire alarm.

(b) Negligent burning is a misdemeanor. If a person guilty of negligent burning is offered Alternative Service Restitution in accordance with Article 6 of Chapter 80, 9 GCA, the restoration of forest lands is an allowable form of restitution or alternative community service."

Section 5. § 34.50 of Chapter 34, Title 9, Guam Code Annotated, is *amended* to read:

"**§ 34.50. Criminal Mischief; Defined.**

A person commits *criminal mischief* if:

(a) under circumstances not amounting to arson he damages or destroys property with the intention of defrauding an insurer; or

(b) he intentionally tampers with the property of another or forest land and thereby:

(1) recklessly endangers human life; or

(2) recklessly causes or threatens a substantial interruption or impairment of any public utility service; or

(c) he intentionally damages the property of another or forest land; or

(d) he intentionally damages the motor vehicle of another."

Section 6. Effective Date. This Act shall be effective upon enactment.

Section 7. 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 that can be given effect without

the invalid provision or application, and to this end the provisions of this Act are severable.