

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
239-37 (COR) As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor	Chris Barnett Jesse A. Lujan Joanne M. Brown Sabina Flores Perez Dwayne T.D. San Nicolas Telo T. Taitague Tina Rose Muña Barnes Joe S. San Agustin Therese M. Terlaje Amanda L. Shelton William A. Parkinson Frank Blas, Jr. Roy A. B. Quinata	AN ACT TO AMEND §§ 67.401.4(a) AND (b) OF ARTICLE 4, CHAPTER 67; AND TO ADD A NEW § 80.39.2(e) OF ARTICLE 2, CHAPTER 80, ALL OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO SENTENCING AND FINE ENHANCEMENTS BASED ON THE QUANTITIES OF METHAMPHETAMINE OR FENTANYL INVOLVED IN THE TRAFFICKING OR MANUFACTURING OF THESE DRUGS, AND TO REMOVE FIRST-TIME OFFENDER CONSIDERATIONS OF THE JUSTICE SAFETY VALVE ACT FOR ILLICIT DRUG TRAFFICKING AND MANUFACTURING CRIMES.	2/6/24 12:38 p.m.	2/9/24	Committee on Health, Land, Justice, and Culture	Request: 2/9/24 2/14/24	4/1/24 8:30 a.m.	5/15/24 3:27 p.m. As amended by the Committee on Health, Land, Justice, and Culture	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
	6/24/24	AN ACT TO AMEND §§ 67.401.4(a) AND (b) OF ARTICLE 4, CHAPTER 67; AND TO ADD A NEW § 80.39.2(e) OF ARTICLE 2, CHAPTER 80, ALL OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO SENTENCING AND FINE ENHANCEMENTS BASED ON THE QUANTITIES OF METHAMPHETAMINE OR FENTANYL INVOLVED IN THE TRAFFICKING OR MANUFACTURING OF THESE DRUGS, AND TO REMOVE FIRST-TIME OFFENDER CONSIDERATIONS OF THE JUSTICE SAFETY VALVE ACT FOR ILLICIT DRUG TRAFFICKING AND MANUFACTURING CRIMES.	7/10/24	7/10/24	7/22/24	37-113	7/22/24	Received: 7/22/24 Messages and Communications Doc. No. 37GL-24-2386	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

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

Transmitted via Email to: speaker@guamlegislature.org

July 22, 2024

THE HON. THERESE M. TERLAJE, *Speaker*
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Doc Type: 37GL-24-2386
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

JUL 22 2024
Time: 6:40 pm
Received: [Signature]

Re: Bill No. 239-37 (COR) – AN ACT TO AMEND §§ 67.401.4(a) AND (b) OF ARTICLE 4, CHAPTER 67; AND TO ADD A NEW § 80.39.2(e) OF ARTICLE 2, CHAPTER 80, ALL OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO SENTENCING AND FINE ENHANCEMENTS BASED ON THE QUANTITIES OF METHAMPHETAMINE OR FENTANYL INVOLVED IN THE TRAFFICKING OR MANUFACTURING OF THESE DRUGS, AND TO REMOVE FIRST-TIME OFFENDER CONSIDERATIONS OF THE JUSTICE SAFETY VALVE ACT FOR ILLICIT DRUG TRAFFICKING AND MANUFACTURING CRIMES.

Håfa Adai Madam Speaker,

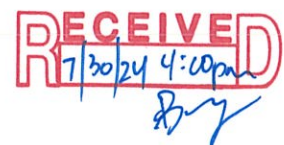
Bill No. 239-37 increases the criminal penalties for the manufacture, distribution, or possession with intent to manufacture or distribute fentanyl and methamphetamine where the amount of the illegal drugs at issue surpasses certain thresholds. The range of increased penalties of up to life sentences without parole and fines of seventy-five million dollars. The bill also removes the ability of judges to determine whether it is appropriate to sentence certain first-time offenders of these crimes to shorter prison terms.

The presence of fentanyl, methamphetamine, and similar narcotics on our island is a horror that tears at our community and destroys lives. I applaud our law enforcement officers who each day fight against this horror. I applaud the doctors, counselors, clergy, and volunteers who fight to save lives and give of themselves to help us heal.

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To: The Hon. Therese M. Terlaje, Speaker
Fr: The Hon. Lourdes A. Leon Guerrero, Governor of Guam
Date: July 22, 2024
Re: Bill No. 239-37 (COR)

Page 2 of 2

While this bill significantly lengthens some prison sentences, no one should believe this will resolve the problem of drugs on our island. As leaders we have a responsibility not only to punish those who sell drugs to our citizens but to also invest in drug treatment and rehabilitation programs to help our people who are addicted to these terrible substances reclaim their lives. We also must address those societal issues which increase the likelihood of individuals turning to drugs. It is only through a holistic approach to the problem of drug use on Guam that we will eliminate this plague on our citizens.

Recognizing the enhancement of the sentences in the bill are only one of the tools to be used to battle against the problem of illegal drugs afflicting our home and our neighbors, I therefore sign Bill No. 239-37 into law as **Public Law 37-113**.

Senseramente,



LOURDES A. LEON GUERRERO

I Maga'hågan Guåhan

Governor of Guam

Enclosure(s): Bill No. 239-37 (COR) nka P.L 37-113

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÅGAN GUÅHAN

This is to certify that **Bill No. 239-37 (COR)**, "AN ACT TO *AMEND* §§ 67.401.4(a) AND (b) OF ARTICLE 4, CHAPTER 67; AND TO *ADD* A NEW § 80.39.2(e) OF ARTICLE 2, CHAPTER 80, ALL OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO SENTENCING AND FINE ENHANCEMENTS BASED ON THE QUANTITIES OF METHAMPHETAMINE OR FENTANYL INVOLVED IN THE TRAFFICKING OR MANUFACTURING OF THESE DRUGS, AND TO REMOVE FIRST-TIME OFFENDER CONSIDERATIONS OF THE *JUSTICE SAFETY VALVE ACT* FOR ILLICIT DRUG TRAFFICKING AND MANUFACTURING CRIMES," was on the 10th day of July 2024, duly and regularly passed.



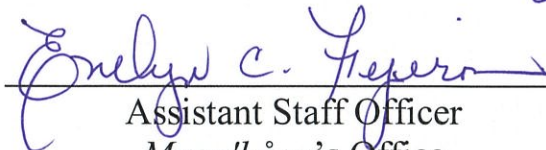
Therese M. Terlaje
Speaker

Attested:



Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 10th day of July, 2024, at 4:22 o'clock p.M.



Assistant Staff Officer
Maga'håga's Office

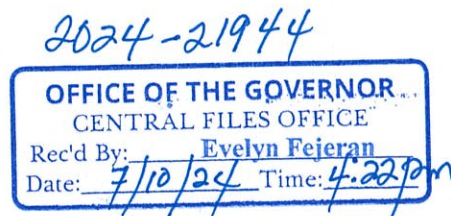
APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: JULY 22, 2024

Public Law No. 37-113



I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÁHAN
2024 (SECOND) Regular Session

Bill No. 239-37 (COR)

As amended by the Committee on
Health, Land, Justice, and Culture;
and further amended on the Floor.

Introduced by:

Chris Barnett
Jesse A. Lujan
Joanne M. Brown
Sabina Flores Perez
Dwayne T.D. San Nicolas
Telo T. Taitague
Tina Rose Muña Barnes
Joe S. San Agustin
Therese M. Terlaje
Amanda L. Shelton
William A. Parkinson
Frank Blas, Jr.
Roy A. B. Quinata
Christopher M. Dueñas
Thomas J. Fisher

AN ACT TO *AMEND* §§ 67.401.4(a) AND (b) OF ARTICLE 4, CHAPTER 67; AND TO *ADD* A NEW § 80.39.2(e) OF ARTICLE 2, CHAPTER 80, ALL OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO SENTENCING AND FINE ENHANCEMENTS BASED ON THE QUANTITIES OF METHAMPHETAMINE OR FENTANYL INVOLVED IN THE TRAFFICKING OR MANUFACTURING OF THESE DRUGS, AND TO REMOVE FIRST-TIME OFFENDER CONSIDERATIONS OF THE *JUSTICE SAFETY VALVE ACT* FOR ILLICIT DRUG TRAFFICKING AND MANUFACTURING CRIMES.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1.** §§ 67.401.4(a) and (b) of Article 4, Chapter 67, Title 9, Guam
3 Code Annotated, are *amended* to read as follows:

1 “(a) If he is guilty of an offense pursuant § 67.401.1(b)(1) of this Act,
2 he shall be sentenced to imprisonment for not less than twenty (20) nor more
3 than thirty (30) years, and may, in addition, be fined not more than Fifty
4 Thousand Dollars (\$50,000). The sentence shall include a special parole term
5 of not less than three (3) years, in addition to such term of imprisonment.
6 Imposition or execution of such sentence shall not be suspended, and
7 probation shall not be granted. Parole or work release shall not be granted to
8 the offender until he has served at least twenty (20) years of his sentence of
9 imprisonment. The prison terms set forth in 9 GCA §80.31 of this Title shall
10 not apply to offenders sentenced under this Section.

11 (1) If he is guilty of an offense pursuant § 67.401.1 of this Act
12 involving the possession of any of the following:

13 (A) fentanyl (Schedule II) forty (40) – three hundred
14 ninety-nine (399) grams gross mixture;

15 (B) fentanyl analogue (Schedule I) ten (10) – ninety-
16 nine (99) grams gross mixture;

17 (C) methamphetamine five (5) – forty-nine (49) grams
18 pure; or

19 (D) methamphetamine (Schedule II) fifty (50) – four
20 hundred ninety-nine (499) grams gross mixture, then he shall be
21 sentenced to imprisonment for not less than twenty-five (25)
22 years nor more than thirty-five (35) years, and may be fined not
23 more than Five Million Dollars (\$5,000,000) or Twenty-five
24 Million Dollars (\$25,000,000) if the violator is a business. The
25 sentence shall include a special parole term of not less than six
26 (6) years, in addition to such term of imprisonment. Imposition
27 or execution of such sentence shall not be suspended, and

1 probation shall not be granted. Parole or work release shall not
2 be granted to the offender until he has served at least twenty (20)
3 years of his sentence of imprisonment. The prison terms set forth
4 in 9 GCA § 80.31 of this Title shall not apply to offenders
5 sentenced under this Section.

6 (3) If he is guilty of an offense pursuant § 67.401.1 of this Act
7 involving the possession of any of the following:

8 (A) fentanyl (Schedule II) four hundred (400) grams or
9 more gross mixture;

10 (B) fentanyl analogue (Schedule I) one hundred (100)
11 grams or more gross mixture;

12 (C) methamphetamine fifty (50) grams or more pure; or

13 (D) methamphetamine (Schedule II) five hundred (500)
14 grams or more gross mixture, then he shall be sentenced to
15 imprisonment for not less than thirty (30) years up to life, and
16 may be fined not more than Ten Million Dollars (\$10,000,000)
17 or Fifty Million Dollars (\$50,000,000) if the violator is a
18 business. The sentence shall include a special parole term of not
19 less than six (6) years, in addition to such term of imprisonment.
20 Imposition or execution of such sentence shall not be suspended,
21 and probation shall not be granted. Parole or work release shall
22 not be granted to the offender until he has served at least twenty
23 (20) years of his sentence of imprisonment. The prison terms set
24 forth in 9 GCA § 80.31 of this Title shall not apply to offenders
25 sentenced under this Section.

26 (b) If he is guilty of an offense pursuant to § 67.401.1(b)(1) of this
27 Act and if he has been convicted on one (1) or more felonies under any

1 provision of this Act, any law of the United States relating to controlled
2 substances, or for any offense under state or foreign law relating to drugs listed
3 in Schedule I as per Appendix A of this Act or Schedule II as per Appendix B
4 of this Act which offense would be a felony under this Act and one (1) or more
5 of the convictions are final, he shall be sentenced to a term of life
6 imprisonment without the possibility of parole, and may, in addition, be fined
7 not more than One Hundred Thousand Dollars (\$100,000). The prison terms
8 set forth in 9 GCA § 80.31 of this Title shall not apply to offenders sentenced
9 under this Section.

10 (1) If he is guilty of an offense pursuant to § 67.401.1 of this
11 Act and if he has been convicted on one (1) or more felonies under any
12 provision of this Act, any law of the United States relating to controlled
13 substances, or for any offense under state or foreign law relating to
14 drugs listed in Schedule I as per Appendix A of this Act or Schedule II
15 as per Appendix B of this Act which offense would be a felony under
16 this Act and one (1) or more of the convictions are final, involving the
17 possession of any of the following:

18 (A) fentanyl (Schedule II) forty (40) – Three hundred
19 ninety-nine (399) grams gross mixture,

20 (B) fentanyl analogue (Schedule I) ten (10) – ninety-
21 nine (99) grams gross mixture,

22 (C) methamphetamine five (5) – forty-nine (49) grams
23 pure, or

24 (D) methamphetamine (Schedule II) fifty (50) – four
25 hundred ninety-nine (499) grams gross mixture, then he shall be
26 sentenced to a term of life imprisonment without the possibility
27 of parole, and may be fined not more than Eight Million Dollars

1 (\$8,000,000) or Fifty Million Dollars (\$50,000,000) if the
2 violator is a business. The prison terms set forth in 9 GCA §
3 80.31 of this Title shall not apply to offenders sentenced under
4 this Section.

5 (2) If he is guilty of an offense pursuant to § 67.401.1 of this
6 Act and if he has been convicted on one (1) or more felonies under any
7 provision of this Act, any law of the United States relating to controlled
8 substances, or for any offense under state or foreign law relating to
9 drugs listed in Schedule I as per Appendix A of this Act or Schedule II
10 as per Appendix B of this Act which offense would be a felony under
11 this Act and one (1) or more of the convictions are final, involving the
12 possession of any of the following:

13 (A) fentanyl (Schedule II) four hundred (400) grams or
14 more gross mixture,

15 (B) fentanyl analogue (Schedule I) one hundred (100)
16 grams or more gross mixture,

17 (C) methamphetamine fifty (50) grams or more pure; or

18 (D) methamphetamine (Schedule II) five hundred (500)
19 grams or more gross mixture, then he shall be sentenced to a term

20 of life imprisonment without the possibility of parole except that
21 any person convicted of two (2) or more prior felonies shall be

22 sentenced to life without the possibility of parole, and may be
23 fined not more than Twenty Million Dollars (\$20,000,000) or

24 Seventy-five Million Dollars (\$75,000,000) if the violator is a
25 business. The prison terms set forth in 9 GCA §80.31 of this Title

26 shall not apply to offenders sentenced under this Section.”

1 **Section 2.** A new § 80.39.2(e) is *added* to Article 2 of Chapter 80, Title 9,
2 Guam Code Annotated, to read as follows:

3 “(e) the individual was convicted of any crime involving § 67.401.1(a) of
4 Article 4, Chapter 67 of this Title.”