I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
62-36 (LS) As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor	Clynton E. Ridgell Tina Rose Muña Barnes Telo T. Taitague Jose "Pedo" Terlaje	AN ACT TO *AMEND* §§ 43.10(d) AND 43.70, BOTH OF CHAPTER 43, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PENALTIES AND RESTITUTION FOR THEFT OF LIVESTOCK OR AGRICULTURAL PRODUCTS.	2/19/21 1:37 p.m.	2/23/21	Committee on Health, Land, Justice, and Culture	3/11/21 9:00 a.m.	3/19/21 8:00 a.m. As amended by the Committee on Health, Land, Justice and Culture	Request: 2/23/21 Waiver: 3/3/21	

SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES
3/19/21	AN ACT TO *AMEND* §§ 43.10(d) AND 43.70 OF ARTICLE 1, CHAPTER 43, TITLE 9, GUAM CODE ANNOTATED; AND § 63103 OF ARTICLE 1, CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PENALTIES AND RESTITUTION FOR THEFT OF LIVESTOCK OR AGRICULTURAL PRODUCTS.	3/26/21	3/29/21	4/9/21	36-10	4/9/21	Received: 4/9/21 Mess and Comm. Doc. No. 36GL-21-0413

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

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

April 9, 2021

HONORABLE THERESE M. TERLAJE
Speaker
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

RE: **BILL NO. 62-36 (LS) – An Act to *Amend* §§ 43.10(d) and 43.70 of Article 1, Chapter 43, Title 9, Guam Code Annotated; and § 63103 of Article 1, Chapter 63, Title 5, Guam Code Annotated, Relative to Penalties and Restitution for Theft of Livestock or Agricultural Products**

Buenas yan Hafa Adai Madame Speaker:

Theft deprives property owners of their ability to determine how and by whom the fruits of their labor are enjoyed. Theft of agriculture is particularly offensive because it threatens the rightful owner's food security, which is something that, in the wake of the effects of the current global health pandemic, has become something that has suffered significant destabilization in our community. Bill No. 62-36 includes agricultural product and livestock within the definition of "property" that is protected in our criminal code, provides for a mechanism to assign value to the loss of such property, and equips the Department of Agriculture's conservation officers with necessary enforcement tools to carry out the intent of the bill, which is now known as ***Public Law No. 36-10***.

Senseremente,

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

Enclosure(s): Bill No. 62-36 (LS) *nka P.L. 36-10*

cc: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 62-36 (LS), "AN ACT TO *AMEND* §§ 43.10(d) AND 43.70 OF ARTICLE 1, CHAPTER 43, TITLE 9, GUAM CODE ANNOTATED; AND § 63103 OF ARTICLE 1, CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PENALTIES AND RESTITUTION FOR THEFT OF LIVESTOCK OR AGRICULTURAL PRODUCTS,"** was on the 26th day of March 2021, duly and regularly passed.

Therese M. Terlaje

Therese M. Terlaje
Speaker

Attested:

Amanda L. Shelton

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 29th day of March, 2021, at 5:16 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 4/9/2021

Public Law No. 36-10

2021-13306
RCVD AT CENTRAL FILES
MAR 29 '21 PM5:16

Elaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 62-36 (LS)
As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor.

Introduced by:

Clynton E. Ridgell
Tina Rose Muña Barnes
Telo T. Taitague
Jose "Pedo" Terlaje
V. Anthony Ada
Frank Blas Jr.
Joanne Brown
Christopher M. Dueñas
James C. Moylan
Telena Cruz Nelson
Sabina Flores Perez
Joe S. San Agustin
Amanda L. Shelton
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* §§ 43.10(d) AND 43.70 OF ARTICLE 1, CHAPTER 43, TITLE 9, GUAM CODE ANNOTATED; AND § 63103 OF ARTICLE 1, CHAPTER 63, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO PENALTIES AND RESTITUTION FOR THEFT OF LIVESTOCK OR AGRICULTURAL PRODUCTS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that hundreds of thousands of dollars' worth of agricultural product is lost by farmers annually. This loss in agricultural product represents a loss of revenue for commercial farmers, the costs of which are passed along to consumers in the form

of higher prices or are absorbed by farmers in the form of lower profits. This loss also represents a loss of sustenance for subsistence farmers who grow produce to feed themselves and their families.

I Liheslaturan Guåhan further finds that bona fide farmers who farm for both subsistence and commercial use have few mechanisms in place to seek damages and restitution when theft occurs.

Therefore, it is the intent of *I Liheslaturan Guåhan* to clarify the definition of property to include agricultural products under the definition of property to allow for theft of agricultural products to be considered a crime, and to require reimbursement to the owner of agricultural products as is already in law with stolen livestock.

Section 2. § 43.10(d) of Article 1, Chapter 43, Title 9, Guam Code Annotated, is *amended* to read:

"(d) *Property* means anything of value, including real estate, tangible and intangible personal property, contract rights, choses in action and other interests in or claims to wealth, admission or transportation tickets, captured or domestic animals, food and drink, electric or other power, trade secrets, or agricultural product, which includes floriculture, horticulture, viticulture, aquaculture, forestry products and commodities, shrubbery, nuts, coffee, seeds, or other farm or plantation products or commodities grown by or raised by a bona fide farmer as defined by 5 GCA§ 60354(f)."

Section 3. § 43.70 of Article 1, Chapter 43, Title 9, Guam Code Annotated, is *amended* to read:

"§ 43.70. Reimbursement to Owner of Stolen Livestock or Agricultural Products.

In any case where there is a conviction under the provisions of Chapter 43 of this Code and the property stolen by the defendant was livestock or

agricultural product, as that term is used in § 43.10(d) of this Article, in addition to a fine or imprisonment imposed, the court shall direct that the defendant pay to the owner of the stolen livestock its fair market value, or to the owner of the stolen agricultural product the production costs and fair market value as determined by the court upon consultation with the Department of Agriculture. Failure to make such payments shall be deemed a failure to pay a fine and punished accordingly, which may include, but shall not be limited to, the confiscation of a defendant's personal property such as the vehicle, or vehicles, or any equipment used in the theft. If a defendant is found unable to pay due to financial hardship, the court may require, but not be limited to: the auctioning of all personal property confiscated in accordance with this Section, or the performing of Alternative Community Service hours credited against the fine, or reimbursement imposed, or both, pursuant to Article 6 of Chapter 80, Title 9, Guam Code Annotated."

Section 4. § 63103 of Article 1, Chapter 63, Title 5, Guam Code Annotated, is hereby *amended* to read:

"**§ 63103. Chief Conservation Officer: Deputies.**

The provisions of this Article shall be enforced by the Director, who shall be an ex officio Chief Conservation Officer, and suitable employees of the Department, who the Director may appoint as Deputy Conservation Officers, as well as by peace officers, as defined in 8 GCA § 5.55. The Chief Conservation Officer and Deputy Conservation Officers acting hereunder shall have the powers of peace officers to carry arms, to make arrests, and to issue citations for violations, as well as to investigate, detain, or arrest in regard to the theft of agricultural products as that term is used in 9 GCA § 43.10(d)."

Section 5. Effective Date. This Act shall be effective upon enactment.

Section 6. 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.

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

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

April 9, 2021

Doc Type: 36GL-21-0413
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
04 09 2021
Time: 4:11 pm
Received:

HONORABLE THERESE M. TERLAJE
Speaker
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

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Senseremente,

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

COMMITTEE ON RULES
RECEIVED:
April 9, 2021
5:27 P.M.

Enclosure(s): Bill No. 62-36 (LS) *nka P.L. 36-10*

cc: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session
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Therese M. Terlaje
Speaker

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Amanda L. Shelton

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 29th day of March, 2021, at 5:16 o'clock P.M.

V. B.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lou Leon Guerrero

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 4/9/2021

Public Law No. 36-10

2021-13306
RCVD AT CENTRAL FILES
MAR 29 '21 PM5:16

Elaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 62-36 (LS)
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Introduced by:

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