



Judiciary of Guam

Guam Criminal Law and Procedure Review Commission
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HON. ROBERT J. TORRES
CHIEF JUSTICE

HON. ALBERTO C. LAMORENA, III
PRESIDING JUDGE

HON. JONATHAN R. QUAN
CHAIRMAN

ANDREW SERGE QUENGA
EXECUTIVE DIRECTOR

GUAM CRIMINAL LAW AND PROCEDURE REVIEW COMMISSION (CLRC) PLENARY MEETING | THURSDAY, April 10, 2025 MINUTES

I. CALL TO ORDER

The meeting was called to order by Chairman Jonathan Quan at 12:01 PM.

II. PROOF OF DUE NOTICE OF MEETING

Chairman Quan noted that public notices of the meeting were published pursuant to the Open Government Law and are included in the meeting packet.

III. DETERMINATION OF QUORUM

CLRC Administrative Support Lisa Ibanez called the roll.

CLRC Members:

Hon. Jonathan R. Quan, Present, Judiciary of Guam

Hon. Maria T. Cenzone, Present, Judiciary of Guam

Hon. Anita A. Sukola, Present on Zoom

Atty. William Bucky Brennan, Present, Judiciary of Guam

DOC Director Fred Bordallo, or Designee Antone F. Aguon, (No response during roll call)

Chief of Police Stephen Ignacio or Designee Sgt. Michael Elliott, (No response during roll call)

Atty Joseph B McDonald, Present on Zoom, Agaña

Atty. F. Randall Cunliffe, (No response during roll call)

Mr. Monty McDowell, Present, (No response during roll call)

Public Defender Stephen Hattori or Designee Dep. Dir. John Morrison, Present on Zoom, Sinajana

Attorney General Douglas Moylan or Designee DAG Nathan Tennyson, (No response during roll call)

Atty. Mike Phillips, (No response during roll call)

Ms. Valerie Reyes, (No response during roll call)

Atty. Christine Tenorio, Present on Zoom, Tamuning

Atty. Phillip Tydingco, Present, Judiciary of Guam

Ex-Officio, (Non-Voting Members)

Executive Director Andrew S. Quenga, Present, Judiciary of Guam

Compiler of Laws Geraldine Cepeda, Present, Judiciary of Guam

IV. DISPOSAL OF MINUTES: February 6, 2025

The minutes from the previous Plenary Meeting, February 6, 2025, were tabled without objection.

V. OLD BUSINESS

A. Subcommittee Status Update and Report of the Executive Director.

Director Quenga provided an informational report.

- The 4th Quarter 2024 Report of the CLRC was issued on February 18 and is posted on our web page.
- The Chairman has formed an Ad Hoc Subcommittee to address Title 9's corrections-related chapters. Members are DOC Director Fred Bordallo, DOC Major Antone Aguon, Chief Parole Officer Mike Quinata, Chief Probation Officer Roxanne Villagomez-Aguon, Probation Officer Supervisor Jeremiah Cruz, Deputy Marshal Kennedy Robinson, Deputy Marshal Dodd Mortera, Attorney Christina Baird, Assistant PD Mary Hill. The Executive Director and CLRC legal research attorney Gordon Anderson will assist.
- The Commission's First-quarter 2025 report will be released soon.
- An interim report of recommendations approved by the CLRC will be issued. The Chairman has called for a plenary meeting of May 29, 2025 for approval of the interim report. A draft interim report will be circulated among members two weeks before the meeting.

VI. NEW BUSINESS

A. Subcommittee on Drugs and other Criminal Offenses: Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval

Subcommittee Chair Judge Maria T. Cenzone presented her Subcommittee's recommendations. Judge Cenzone's PowerPoint presentation is included here as Attachment 1.

- 9 GCA Chapter 67. Guam Uniform Controlled Substances Act.
 - § 67.401.2. Illegal Possession; Defined and Punishment. Judge Cenzone clarified recommendations made at the prior meeting and recommended amending the section as shown in Attachment 1. Slide 3.
 - Discussion: Recommend deleting subsection (c) in its entirety and amending subsection (d) to delete § 67.402(b)(1). Section 67.402(b)(1), (2) and (3), referencing cannabis, were repealed by P.L. 35-005:5 (Apr. 4, 2019).
 - 67.401.4. Prison Terms for Drug Offenders.
 - 67.401.5. Fines for Drug Offenses.
 - 67.401.6. Additional Fines in Drug Offenses.
 - Discussion: Review ongoing to include comparisons with other jurisdictions as shown in Attachment 1, Slides 5-20.

- § 67.401.10. Transshipment and In-Transit Shipment Penalties.
 - Discussion: No change as shown in Attachment 1, Slide 21.
- § 67.401.11. Mandatory Sentencing for Persons Convicted of a Third-Degree Felony Relative to the Possession of Methamphetamine.
- § 67.401.12. Mandatory Sentencing for First-Time Offenders of a Third-Degree Felony Relative to the Possession of Methamphetamine.
- § 67.402. Prohibited Acts B; Penalties.
- § 67.403. Prohibited Acts C; Penalties.
- § 67.404. Counterfeit Substance Prohibited; Penalty.
- § 67.405. Imitation Controlled Substances Prohibited; Penalty.
- § 67.406. Conspiracy; Solicitation; Attempt; Penalty.
- § 67.407. Distribution to Persons Under Age Eighteen (18), to Persons Suffering from a Mental Illness, Disease or Defect, or to Pregnant Persons; Distribution Near Schools or Drug Free School Zones; Penalties.
- § 67.408. Employment or Use of Individual Under 18 Years of Age in Drug Operations; Penalties.
- § 67.409. Continuing Criminal Enterprise.
- § 67.410. Money Laundering and Illegal Investment; Penalty.
- § 67.411. Second or Subsequent Offenses; Penalties.
 - Discussion: Tabled as shown in Attachment 1, Slide 22.
- § 67.412. Conditional Discharge and Dismissal for First Offenders; Permitted.
 - § 67.412.1. No Conditional Discharge and Dismissal Permitted for Offenses Involving Methamphetamine.
 - § 67.413. Treatment Option for Violation of Act.
 - Discussion: No change as shown in Attachment 1, Slides 23-26 .
- § 67.414. Assessment for Education and Treatment; Appropriation of Moneys.
 - Discussion: Tabled for further discussion. Attachment 1, Slides 27-31.
- § 67.414.1. Drug Treatment and Enforcement Fund. Add back previously repealed language as shown in Attachment 1, Slide 32.
 - Discussion: This section was repealed by P.L. 36-071(Dec. 27, 2021). Subcommittee recommends restoring the section to continue funding drug treatment and enforcement including treatment courts. However, there are ongoing discussions with Judiciary administration and this recommendation is tabled.

Chairman Quan called for a motion to approve the recommendations to amend § 67.401.2 and for no change on §§ 67.401.10, 67.412, 67.412.1, 67.413. Approved without objection.

Sections 67.414, 67.414.1 and §§ 67.401.11-411 were tabled.

B. Subcommittee on Crimes Against Persons: Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval.

Subcommittee Chair, Attorney Joseph B. McDonald discussed prior recommendations for Crimes Against Persons continuing review of 9 GCA Chapters 19, 89 & 93.

- § 19.60. Terrorizing. Previous recommendation to amend this section is withdrawn.
 - Discussion: Recommendations withdrawn. No changes to this section.
- Chapter 89. Crimes Against Minors and Sex Offender Registry. Previous recommendations on this Chapter are withdrawn
 - Discussion: Withdrawn for review by the Ad Hoc Subcommittee.
- Chapter 93. Criminal Sexual Conduct Assessment and Rehabilitation Act. Previous recommendations on this Chapter are withdrawn.
 - Discussion: Withdrawn for review by the Ad Hoc Subcommittee.

Chairman Quan called for a motion to approve the recommendations to withdraw the previous recommendations on § 19.60, Chapter 89 and Chapter 93. Approved without objection.

C. Subcommittee on Criminal Procedure: Continued Discussion of Chapters Previously Presented and Presentation of Additional Recommendations for Discussion and Approval.

Executive Director Quenga presented on behalf of Subcommittee Chair Judge Sukola. Executive Director Quenga presented his Subcommittee's recommendations. His PowerPoint presentation is included as Attachment 2.

- 9 GCA Chapter 52. Perjury and offense against the integrity of official proceedings
 - § 52.10. Definitions. Amend as shown in Attachment 1, Slides 3-5.
 - Discussion: Recommend amendments to clarify and correct section. Definitions of "official function" and "public servant" from § 49.10 added directly into this section. Definition of "public record" deleted as it is not used in this chapter. Definition of "testimony" moved from (f) into a new (g).

- § 52.30. Unsworn Falsifications; Defined & Punished. Amend as shown in Attachment 1, Slide 6.

- Discussion: Recommend amendment to update the section by adding electronic format.

- § 52.15. Perjury; Defined & Punished.
 § 52.20. False Statement Under Oath; Defined & Punished. No change.
 § 52.25. Unavailability of Certain Defenses.
 § 52.40. Intimidation of Witnesses by Extortion; Defined & Punished.
 § 52.45. Witness Bribery: Solicitation: Definitions; Punishment; Affirmative Defenses.
 § 52.50. Tampering with Witnesses: Defined and Punished.

Discussion: No Change as shown in Attachment 1, Slide 9.

- § 52.55. Falsifying Evidence; Defined & Punished. Amend as shown in Attachment 1. Slide 7.

- Discussion: Recommend amendment to reduce this offense to a misdemeanor for consistency with the offense levels in source MPC § 241.7 (on tampering with evidence) and § 52.60 (on destroying evidence).

§ 52.60. Destroying Evidence; Defined & Punished. Amend as shown in Attachment 1. Slide 8.

- Discussion: Recommend amendment to update the section to include any form including written or electronic format.

§ 52.65. Unlawful Communication With Jurors; Defined & Punished.

- Discussion: No change as shown in Attachment 1. Slide 9.

Chairman Quan called for a motion to approve the recommendations on §§ 55.10, 52.30, 52.55, 52.60 and no change for §§ 52.15, 52.20, 52.25, 52.40, 52.45, 52.50, and 52.65. Approved without objection.

- 9 GCA Chapter 55. Interference with Government Operations and Law Enforcement.
 - § 55.10. Tampering With Public Records; Defined & Punished. Amend as shown in Attachment 1, Slide 10.
 - Discussion: Recommend amendments to clarify the definition of “public record” and update it to include electronic format.
 - § 55.15. Hindering Apprehension or Prosecution; Defined & Punished. Amend as shown in Attachment 1, Slide 11.

- Discussion: Recommend amendments to clarify and correct the section.
- § 55.20. False Alarms; Defined & Punished. Amend as shown in Attachment 1, Slide 12.
 - Discussion: Recommend amendments to broaden offenses and strengthen penalties on false alarms. New (b) adds a new offense broadening (a) to include false alarms to cause evacuations or inconvenience. New (c) adds a new felony offense for a false alarm involving life threatening events.
- § 55.25. Making False Reports; Defined & Punished. Amend as shown in Attachment 1. Slide 13.
 - Discussion: Recommend amendments to broaden offenses and strengthen penalties on false criminal reports. Amendment elevates a false criminal offense to a third degree felony. Other false reports kept as misdemeanors.
- § 55.30. Impersonating a Public ~~Officer~~Servant or Law Enforcement Officer; Defined & Punished. Amend as shown in Attachment 1. Slide 14.
 - Discussion: Recommend amendment to broaden offenses and strengthen penalties on impersonating a public servant. New (b) adds the specific offense of impersonating law enforcement as a third degree felony.
- § 55.35. Resisting Arrest of Self or Others; Defined & Punished. Amend as shown in Attachment 1, Slide 15.
 - Discussion: Recommend amendment to clarify section. Replace “9 GCA § 1.70” with “8 GCA § 5.55.” Section 1.70 directly references § 8.55.
- § 55.40. Disarming of a Peace Officer; Defined & Punished. Amend as shown in Attachment 1. Slide 16.
 - Discussion: Recommend amendment for consistency with other sections. Replace “crime” with “offense.”
- § 55.45. Obstructing Governmental Functions; Defined & Punished.
- § 55.50. Damaging, Stealing or Receiving Stolen Government Generators, Telephones, or Emergency or Utility Equipment.
- § 55.51. Receiving Stolen Government Generators, Telephones or Emergency Utility Equipment.

- Discussion: No change as shown in Attachment 1. Slide 17.
- § 55.60. Public Water, Unlawful Use During Period of Emergency. Amend as shown in Attachment 1. Slide 16.
 - Discussion: Recommend amendment to update section. Replace “Public Utility Agency of Guam” with “Guam Waterworks Authority.”
- § 55.65. Failure to File a Complete Partial-Birth Abortion and Abortion Report. No change.
 - Discussion: No change as shown in Attachment 1. Slide 17.

Chairman Quan called for a motion to approve the recommendations on §§ 55.10, 55.15, 55.20, 55.25, 55.30, 55.35, 55.40, 55.60 and no change for §§ 55.45, 55.50, 55.51, 55.60, and 55.65. Approved without objection.

D. Notice of next meeting: Thursday, May 29, 2025, Noon (Tentative)

Chairman Quan informed Members that the next Plenary meeting is tentatively scheduled for Thursday, May 29, 2025, at 12:00.

VII. Communications

None.

VIII. Public Comment

None.

IX. Adjournment

Chairman Quan adjourned the meeting without objection.

Respectfully submitted this 29th day of May 2025.



Andrew S. Quenga, Executive Director

As set out above, the minutes of the April 10, 2025, meeting were approved by the CLRC at the May 29, 2025, meeting.



Magistrate Judge Jonathan R. Quan, Chairman

Date: 5/29/25

ATTACHMENT 1

SUBCOMMISSION ON DRUGS & OTHER
CRIMINAL OFFENSES

PRESENTATION

APRIL 10, 2025



REPORT OF THE SUBCOMMISSION ON DRUGS AND OTHER CRIMINAL OFFENSES

April 10, 2025

Continued Discussion of Chapters Previously Presented and Presentation of
Additional Recommendations for Discussion and Approval

Members: Hon. Maria T. Cenzone (Chair), DOC Director Fred Bordallo; Atty Mike Phillips; Ms. Valerie Reyes; Geraldine A. Cepeda, Compiler of Laws (ex-officio); Hon. Elizabeth Barrett-Anderson (ex-officio); Atty Kat Siguenza (ex-officio); Atty Kristine Borja (ex-officio); Atty Zachary Taimanglo (ex-officio); Atty Valerie Nuesa (ex-officio)

Slide 1



Chapter 67 Article 4 Offenses and Penalties

- Reviewed during last meeting: §§ 67.401.1 to 67.401.9
- Amended recommendation to § 67.401.1
- Presentation on additional research on
 - § 67.401.4. Prison Terms for Drug Offenders.
 - § 67.401.5. Fines for Drug Offenses.
 - § 67.401.6. Additional Fines in Drug Offenses.
 - § 67.401.9. Importation and Exportation Penalties.
- Continued with review of §§ 67.401.10 to 67.414.1

Slide 2



§ 67.401.2. Illegal Possession; Defined and Punishment. **Amended Recommendation**

§ 67.401.2. Illegal Possession; Defined and Punishment .

(a) It is unlawful for any person knowingly or intentionally to possess a controlled substance, unless such substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Act.

(b) Any person who violates Subsection (a) with respect to any controlled substance shall be guilty of a felony of the third degree.

~~(c) A person who commits a crime under 9 CCA §§ 67.401.2(b)(2) or (3) within the Drug-Free School Zone shall be guilty of a misdemeanor.~~

(d) A person who commits a crime under §§ 67.401.1 ~~or 67.401.2(b)(1)~~ within the Drug-Free School Zone shall be guilty of the same class of felony had the offense been committed outside the Drug-Free School Zone.

(e) A person who knowingly fails to report any violation of this Chapter within the Drug-Free-School Zone is guilty of a misdemeanor.

Slide 3



Reason for recommendation

- P.L. 35-005:5 (Apr. 4, 2019) amended subsection (b), which repealed subsections (1), (2), and (3) that had referred to marijuana
- Recommendation removes references to cannabis

Slide 4



Additional research: comparison and analysis with other state laws

- § 67.401.4. Prison Terms for Drug Offenders.
- § 67.401.5. Fines for Drug Offenses.
- § 67.401.6. Additional Fines in Drug Offenses.

Slide 5



Maximum Fines for the Common Drug Offenses Under Current GCA

Offense	Amount	GCA provision(s)
First-time offense of possessing methamphetamine or fentanyl	\$5000 or \$15,000*	§ 67.402 for offense § 67.401.4(e) / § 67.401.11) for fine
Second+ offense of possessing meth/fentanyl	\$15,000 or \$30,000	§ 67.402 for offense § 67.401.4(f) for fine
First-time offense of distributing a small amount of meth/fentanyl	\$50,000	§ 67.401.1(a) for offense § 67.401.4(a) for fine
Second+ offense of distributing a small amount of meth/fentanyl	\$100,000	§ 67.401.1(a) for offense § 67.401.4(b) for fine
Distributing a large amount of meth/fentanyl	\$5,000,000	§ 67.401.1(a) for offense § 67.401.4(a)(1)(D) for fine
Has a prior drug conviction plus Distributing a large amount of meth/fentanyl	\$8,000,000	§ 67.401.1(a) for offense § 67.401.4(b)(1)(D) for fine
Distributing a very large amount of meth/fentanyl	\$10,000,000	§ 67.401.1(a) for offense § 67.401.4(a)(2)(D) for fine
Has a prior drug conviction plus Distributing a very large amount of meth/fentanyl	\$20,000,000	§ 67.401.1(a) for offense § 67.401.4(b)(2)(D) for fine

Slide 6



Maximum Fines for the Common Drug Offenses (Proposed draft)

Offense	Amount	GCA provision(s)
First-time offense of possessing methamphetamine or fentanyl	\$5000 or \$15,000*	§ 67.404(e) for fine § 67.401.12 for fine
Second+ offense of possessing meth/fentanyl	\$15,000 or \$30,000	§ 67.401.4(f) for fine § 67.401.11 for fine
First-time offense of distributing a small amount of meth/fentanyl	\$50,000	§ 67.401.4(a) for fine
Second+ offense of distributing a small amount of meth/fentanyl	\$100,000	§ 67.401.4(b) for fine
Distributing a large amount of meth/fentanyl	\$5,000,000	§ 67.401.1(a) for offense § 67.401.4(a)(1)(D) for fine
First-time drug offense, distributing a large amount of meth/fentanyl	\$50,000	Repeal § 67.401.1(a)
Second+ drug offense, distributing a large amount of meth/fentanyl	\$100,000	Repeal § 67.401.1(b)(1)

Slide 7



§ 67.402. Prohibited Acts B; Penalties.

(a) A person shall not knowingly or intentionally:

(1) Distribute or dispense a controlled substance in violation of §§ 67.308.1 and 67.308.2, if said person is subject to Article 3.

(2) Manufacture a controlled substance not authorized by that person's registration, or distribute or dispense a controlled substance not authorized by that person's registration to another registrant or other authorized person, if the said manufacturer, distributor or dispenser is a registrant.

(3) Refuse or fail to make, keep or furnish any record, notification, order form, statement, invoice or information required under this Act.

(4) Refuse entry into any premises for an inspection authorized by this Act.

(5) Who is a manufacturer or distributor, or agent or employee of a manufacturer or distributor, to deliver a controlled substance to a person who will possess or distribute a controlled substance in violation of this Act.

(6) Keep, maintain, manage, control, rent, lease or make available for use any store, shop, warehouse, dwelling, building, vehicle, vessel, aircraft, room, enclosure, or other structure or place, which the person knows is resorted to for the purpose of keeping for distribution, transporting for distribution, or distributing controlled substances in violation of this Act.

(b) Any person who violates this Section is guilty of a felony of the third degree.

Slide 8



§ 67.401.5. Fines for Drug Offenses

Any person who is guilty of an offense pursuant to **§ 67.402(a)*** of this Act may, in addition to imprisonment for felony of the third degree, be fined not more than Twenty-five Thousand Dollars (\$25,000.00), except that if any person commits such offense after previously being convicted of one (1) or more prior offenses involving § 67.402(a) of this Act, or for a felony under any other provision of this Act or other law of the United States, state or foreign jurisdiction relating to narcotic drugs or depressant or stimulant substances, and one (1) or more of the convictions have become final, such person may, in addition to imprisonment for felony of the third degree, be fined not more than Fifty Thousand Dollars (\$50,000.00)).

To be considered:

- **§ 67.402(a)** are offenses related to illegal manufacture/distribution by businesses; it does not apply to simple possession [§ 67.401.2] or street distribution [§ 67.401.1(a)(1)]
- Offenses under § 67.402(a) Prohibited Acts B; Penalties are subject to this provision
- Should the title of the provision be amended (is it misleading/inaccurate?)

Slide 9



Overview: Methamphetamine Possession Fines Across Jurisdictions

Current Guam	California	Florida	Texas	New Guam Draft
\$5,000 or \$15,000	\$300 - \$10,000	Up to \$5,000	Up to \$10,000 or up to \$100,000	\$5,000 - \$15,000
9 GCA §§ 67.401.11 and 401.12	Cal. Pen. Code § 1202.4(b)(1)	Fla. Stat. § 893.13(6)(a) Fla. Stat. § 775.083(1)(c)	Tex. H&S § 481.112 Tex. Pen. Code § 12.32-35	Working Draft of 9 GCA §§ 67.401.11 and 401.12

Slide 10



Overview: Methamphetamine Manufacturing/Distribution Fines Across Jurisdictions

Current Guam	Hawaii	California	Florida	Texas	New Draft
\$50,000 - \$20,000,000	Up to \$20,000,000	\$300 - \$10,000	Up to \$250,000	Up to \$250,000	\$50,000 - \$100,000
9 GCA §§ 67.401.11 and 401.12	HI Rev. Stat 712-1240.7	Cal. Pen. Code § 1202.4(b)(1)	Fla. Stat. § 893.135(f)	Tex. H&S § 481.112	Working Draft of 9 GCA §§ 67.401.11 and 401.12

Slide 11



California: Generally, No Elevated Fines

California **does not** appear to have special elevated fines for drug possession. Instead, with the exception of heroin (addressed later), California's drug possession fines are pursuant to the general criminal fine statute, Cal. Pen. Code § 1202.4:

(b) In every case where a person is convicted of a crime, the court **shall** impose a separate and additional restitution fine, unless it finds compelling and extraordinary reasons for not doing so and states those reasons on the record.

(1) The restitution fine shall be set at the discretion of the court and commensurate with the seriousness of the offense. If the person is convicted of a **felony**, the fine shall not be less than three hundred dollars (\$300) and not more than ten thousand dollars (\$10,000). If the person is convicted of a **misdemeanor**, the fine shall not be less than one hundred fifty dollars (\$150) and not more than one thousand dollars (\$1,000).

Slide 12



California

Meth Possession

Felony possession of methamphetamine would yield a fine between \$300.00 - \$10,000.00 (Cal. Pen. Code § 1202.4)

Meth Distribution

Felony distribution of methamphetamine appears to have no special escalator, so it would yield a fine between \$300.00 - \$10,000 (Cal. Pen. Code § 1202.4)

Guam

Meth Possession

For a first-time possession charge, a fine of \$5,000.00 (9 GCA § 67.401.12).
For a second+ possession charge, a fine of \$15,000.00 (9 GCA § 67.401.11)

Meth Distribution

Current: Up to \$20,000,000

- Base fine for distributing meth is \$50,000 under § 67.401.4(a) or \$100,000 under § 67.401.4(b)
- Up to \$5,000,000 or \$10,000,000 depending on amount under § 67.401.4(a)(1) or (a)(2); up to \$8,000,000 or \$20,000,000 with prior conviction under § 67.401.4(b)(1) or (b)(2).

Draft: Up to \$100,000

- With the elimination of subsections under (a) and (b), the base fines govern.

Slide 13



California Exception: Large-Volume Heroin Sale (Cal. HSC § 11352.5)

The court shall impose a **fine not exceeding fifty thousand dollars (\$50,000)**, in the absence of a finding that the defendant would be incapable of paying such a fine, in addition to any term of imprisonment provided by law for any of the following persons:

- 1) Any person who is convicted of violating Section 11351 of the Health and Safety Code by possessing for sale 14.25 grams or more of a substance containing heroin.
- 2) Any person who is convicted of violating Section 11352 of the Health and Safety Code by selling or offering to sell 14.25 grams or more of a substance containing heroin.
- 3) Any person convicted of violating Section 11351 of the Health and Safety Code by possessing heroin for sale or convicted of violating Section 11352 of the Health and Safety Code by selling or offering to sell heroin, and who has one or more prior convictions for violating Section 11351 or Section 11352 of the Health and Safety Code.

Slide 14



Guam vs California: Selling Large Quantity of Heroin

California: Fine of **\$50,000** (Cal. HSC § 11352.5).

Current Guam: Fine of **\$50,000 / \$100,000**

- Heroin is a Schedule I Controlled Substance. § 67.203 / App'x A
- Selling heroin is thus illegal under § 67.401.1(b)(1)
- Heroin is not methamphetamine or fentanyl, so the special fine escalators provided by § 67.401.4(a)(1)-(2) or § 67.401.4(b)(1)-(2)) do not apply.
- Therefore, \$50,000 (or \$100,000 with prior conviction) under § 67.401.4(a).

New Draft: Fine of **\$50,000 / \$100,000**

- Because heroin was not subject to the special fine escalators mentioned above, the new draft's removal of these escalators has no effect on heroin sales.

Slide 15



Possessing Meth in Florida

- Per Fla. Stat. § 893.003(2)(c)(5), methamphetamine is a controlled substance.
- Per Fla. Stat. § 893.113(6)(a), a person who unlawfully possesses a controlled substance commits a Third Degree Felony punishable under § 775.083.
- Per Fla. Stat. § 775.083(1)(c), a Third Degree Felony merits a fine of up to \$5,000.

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Florida

Meth Possession

Per Fla. Stat. §§ 893.13(6)(a), possession is a Third Degree Felony punishable under § 775.083

Per Fla. § 775.083(1)(c), a Third Degree Felony carries a fine up to \$5,000

Meth Distribution

Felony distribution of methamphetamine appears to have no special escalator, so it would yield a fine between \$300.00 - \$10,000 (Cal. Pen. Code § 1202.4)

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Guam

Meth Possession

For a first-time possession charge, a fine of \$5,000.00 (9 GCA § 67.401.12).

For a second+ possession charge, a fine of \$15,000.00 (9 GCA § 67.401.11)

Meth Distribution

Current: Up to \$20,000,000

- Base fine for distributing meth is \$50,000 under § 67.401.4(a) or \$100,000 under § 67.401.4(b)
- Up to \$5,000,000 or \$10,000,000 depending on amount under § 67.401.4(a)(1) or (a)(2); up to \$8,000,000 or \$20,000,000 with prior conviction under § 67.401.4(b)(1) or (b)(2).

Draft: Up to \$100,000

- With the elimination of subsections under (a) and (b), the base fines govern.



Distribution in Florida (Fla. Stat. § 893.135) Opiates

In Florida, the fine for distributing controlled substances escalates based on the amount distributed. For example:

(c)(1) A person who knowingly sells, purchases, manufactures, delivers, or brings into this state . . . 4 grams or more of any morphine, opium, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, . . . If the quantity involved:

- Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to **pay a fine of \$50,000.**
- Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to **pay a fine of \$100,000.**
- Is 28 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to **pay a fine of \$500,000.**

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Distribution in Florida (Fla. Stat. § 893.135) Amphetamines

In Florida, the fine for distributing controlled substances escalates based on the amount distributed. For example:

(f)(1) Any person who knowingly sells, purchases, manufactures, delivers, or brings into this state . . . **14 grams or more of amphetamine** . . . If the quantity involved:

- Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to **pay a fine of \$50,000.**
- Is 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to **pay a fine of \$100,000.**
- Is 200 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and **pay a fine of \$250,000.**

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Guam vs Florida: Maximum Fine for Selling Methamphetamine

Amount of Methamphetamine	Florida	Current Guam	New Draft
1 gram	\$5,000 § 775.083(1)(B)	Up to \$50,000/\$100,000 § 67.401.4(a) / (b)	\$50,000 for first offense \$100,000 for second+ § 67.401.4(a) / (b)
20 grams	\$50,000 § 893.135(f)(1)(A)	Up to \$5,000,000 § 67.401.4(a)(1)	Same as above
50 grams	\$100,000 § 893.135(f)(1)(B)	Up to \$10,000,000 § 67.401.4(a)(2)	Same as above
100 grams	\$100,000 § 893.135(f)(1)(B)	Up to \$10,000,000 § 67.401.4(a)(2)	Same as above
200 grams	\$250,000 § 893.135(f)(1)(C)	Up to \$10,000,000 § 67.401.4(a)(2)	Same as above
500 grams	\$250,000 § 893.135(f)(1)(D)	Up to \$10,000,000 § 67.401.4(a)(2)	Same as above

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§ 67.401.10. Transshipment and In-Transit Shipment Penalties. – **NO CHANGE**

Any person who is guilty of an offense pursuant to § 67.603 of this Act shall be subject to the following penalties:

(a) Except as provided in § 67.401.10 (b), any such person shall, with respect to any such offense, be fined not more than Twenty-five Thousand Dollars (\$25,000.00).

(b) If such an offense is prosecuted by an information or indictment which alleges and the trier of fact specifically finds that the offense was committed knowingly or intentionally, the defendant shall be sentenced to imprisonment for not more than one (1) year or a fine of not more than Twenty-five Thousand Dollars (\$25,000.00), or both.

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Tabled provisions

- § 67.401.11. Mandatory Sentencing for Persons Convicted of a Third-Degree Felony Relative to the Possession of Methamphetamine.
- § 67.401.12. Mandatory Sentencing for First-Time Offenders of a Third-Degree Felony Relative to the Possession of Methamphetamine.
- § 67.402. Prohibited Acts B; Penalties.
- § 67.403. Prohibited Acts C; Penalties.
- § 67.404. Counterfeit Substance Prohibited; Penalty.
- § 67.405. Imitation Controlled Substances Prohibited; Penalty.
- § 67.406. Conspiracy; Solicitation; Attempt; Penalty.
- § 67.407. Distribution to Persons Under Age Eighteen (18), to Persons Suffering from a Mental Illness, Disease or Defect, or to Pregnant Persons; Distribution Near Schools or Drug Free School Zones; Penalties.
- § 67.408. Employment or Use of Individual Under 18 Years of Age in Drug Operations; Penalties.
- § 67.409. Continuing Criminal Enterprise.
- § 67.410. Money Laundering and Illegal Investment; Penalty.
- § 67.411. Second or Subsequent Offenses; Penalties.

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67.412. Conditional Discharge and Dismissal for First Offenders; Permitted – **NO CHANGE**

(a) Whenever any person who has not previously been convicted of an offense under this Act or under any statute of the United States or of any state relating to narcotic drugs or stimulant, depressant or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled substance under § 67.401.2(a), the Court, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. Upon violation of a term or condition, the Court may enter an adjudication of guilty and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the Court shall discharge such person and dismiss the proceedings against him. Discharge and dismissal under this Section shall be without Court adjudication of guilt and shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Discharge and dismissal under this Section may occur only once with respect to any person.

(b) Upon the dismissal of such person and discharge of the proceedings against him under Subsection (a), such person may apply to the Court for an order to expunge from all official records, other than the nonpublic records to be retained by the Court solely for the purposes of use by the Courts in determining whether or not, in subsequent proceedings, such person qualifies under this Section, all recordation relating to his arrest, indictment or information, trial, finding of guilty and dismissal and discharge pursuant to this Section. If the Court determines after hearing, that such person was dismissed and the proceedings against him discharged, it shall enter such order.

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67.412. Conditional Discharge and Dismissal for First Offenders; Permitted – **NO CHANGE**

The effect of such order shall be to restore such person, in the contemplation of the law, to the status he occupied before such arrest or indictment or information. No person as to whom such order has been entered shall be held thereafter under any provision of any law to be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or acknowledge such arrest, or indictment or information, or trial in response to any inquiry made of him for any purpose.

(c) (1) A person may seek expungement if he or she has successfully completed drug treatment consistent with the treatment in the drug court program set forth in this Section and § 67.413 and sustained a conviction under this Chapter from the Superior Court between January 1, 1995 and December 31, 2005. Such persons must not have been previously convicted of an offense under this Title 9, and otherwise meet all criteria for participation in the current drug court program as set forth in this Section and § 67.413, and must not have been convicted since the drug conviction of a felony or a misdemeanor involving violence.

(2) Any application for expungement pursuant to the participation in the drug treatment options between January 1, 1995 and December 31, 2005, shall be filed in the original criminal case file number in the same way as adjudications pursuant to Subsection (b) of this Section are currently handled, and all such requests for expungement shall be assigned to the Presiding Judge of the Superior Court of Guam.

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§ 67.412.1. No Conditional Discharge and Dismissal Permitted for Offenses Involving Methamphetamine. – **NO CHANGE**

The provisions of § 67.412 shall not apply in the case of a violation defined as third degree felony in § 67.401.2 that involves the controlled substance known as methamphetamine.

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§ 67.413. Treatment Option for Violation of Act. – **NO CHANGE**

If an individual is adjudicated guilty of a violation of this Act for which the individual is eligible for probation, the Court may impose a sentence authorized by this Act, may place the individual on probation as authorized by this Section, or may impose a combination of a sentence and probation as authorized by this Section. The Court, with the consent of the individual and with the consent of a treatment facility having inpatient or outpatient programs for the treatment of drug dependent individuals, may place the individual, if found by the Court to be in need of treatment, on probation upon terms and conditions, including participation in a treatment program of the facility. The Court shall order treatment for the period the treatment facility considers necessary. Treatment or a combination of a sentence and probation, including treatment may not exceed the maximum sentence allowable unless the convicted individual consents to continued treatment. Upon violation of a term or condition, including failure to participate in the treatment program, the Court may revoke the probation and proceed as otherwise provided. Upon fulfillment of the terms and conditions, including attendance and successful completion of the treatment program, the Court shall terminate the probation.

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§ 67.414. Assessment for Education and Treatment; Appropriation of Moneys. – Research requested

(a) A person convicted of a violation of this Act, and every individual placed on probation under § 67.412, must be assessed for each offense a sum of not less than Five Hundred Dollars (\$500.00) nor more than Three Thousand Dollars (\$3,000.00). The assessment is in addition to and not in lieu of any fine, restitution, other assessment, or forfeiture authorized or required by law.

(b) The assessment provided for in this Section must be collected as provided for collection of restitution and must be forwarded to the Probation Department as provided in Subsection (c).

(c) Moneys collected under this Section must be forwarded to the Probation Department for deposit in the Drug Treatment and Enforcement Fund. Moneys in the fund are appropriated on a continuing basis and are not subject to lapsing and related appropriations restraints.

(d) The Probation Department shall administer expenditures from the fund. Expenditures may be made only for drug abuse education, prevention and treatment services. Moneys from the fund may not supplant other local, state or Federal funds.

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Compare § 80.52. Standards for Imposing Fines and/or Restitution.

(a) The court shall not sentence an offender only to pay a fine or to make restitution, when any other disposition is authorized by law, unless having regard to the nature and circumstances of the offense and to the history and character of the offender, it is of the opinion that the fine or restitution alone is appropriate and suffices for the protection of the public.

(b) The court shall not sentence an offender to pay a fine or make restitution in addition to a sentence of imprisonment or probation unless:

(1) the offender has derived a pecuniary gain from the offense; or

(2) the court believes that a fine or restitution is specially adapted to deterrence of the type of offense involved or to the correction of the offender.

(c) The court shall not sentence an offender to pay a fine or make restitution unless the offender is or, given a fair opportunity to do so, will be able to pay the fine or restitution. The court shall not sentence an offender to pay a fine unless the fine will not prevent the offender from making restitution to the victim of the offense.

(d) In determining the amount and method of payment of a fine or restitution, the court shall take into account the financial resources of the offender and the nature of the burden that its payment will impose.

(e) When an offender is sentenced to pay a fine or to make restitution, the court shall not impose at the same time an alternative sentence to be served in the event that the fine is not paid. The response of the court to non-payment shall be determined only after the fine has not been paid and as provided in § 80.56.

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Authority to revoke a fine.

§ 80.56. Consequences of Non-Payment.

(a) When an offender sentenced to pay a fine or make restitution defaults in the payment thereof or of any installment, the court, upon the motion of the Attorney General or upon its own motion, may require him to show cause why his default should not be treated as contumacious and may issue a summons or a warrant of arrest for his appearance. Unless the offender shows that his default was excusable, the court shall find that his default was contumacious and may order him committed until the fine or restitution or a specified part thereof is paid. The term of imprisonment for such contumacious non-payment of the fine or restitution shall be specified in the order of commitment and shall not exceed one day for each Ten Dollars (\$10.00) of the fine or restitution, thirty (30) days if the fine or restitution was imposed upon conviction of a violation or a petty misdemeanor or one (1) year in any other case, whichever is the shorter period. When a fine or restitution is imposed on a corporation or an unincorporated association it is the duty of the person or persons authorized to make disbursements from the assets of the corporation or association to pay it from such assets and their failure so to do may be held contumacious under this Subsection. **A person committed for non-payment of a fine or restitution shall be given credit towards its payment for each day of imprisonment, at the rate specified in the order of commitment.**

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Authority to revoke a fine.

§ 80.56. Consequences of Non-Payment.

(b) **If it appears that the offender's default in the payment of a fine or restitution is not contumacious, the court may make an order** allowing the offender additional time for payment, reducing the amount thereof or of each installment, or **revoking the fine or restitution or the unpaid portion thereof in whole or in part.**

(c) Upon any default in the payment of a fine or restitution or any installment thereof, execution may be levied and such other measures may be taken for the collection of the fine or restitution or the unpaid balance thereof as are authorized for the collection of an unpaid civil judgment entered against the offender in an action on a debt. The levy of execution for the collection of a fine or restitution shall not discharge an offender committed to imprisonment for non-payment until the amount of the fine or restitution has actually been collected.

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§ 80.58. Petition for Revocation of Fine: Conditions.

An offender who has been sentenced to pay a fine and who is not in contumacious default in the payment thereof may at any time petition the court which sentenced him for a revocation of the fine or of any unpaid portion thereof. If it appears to the satisfaction of the court that the circumstances which warranted the imposition of the fine have changed, or **that it would otherwise be unjust to require payment**, the court may revoke the fine or the unpaid portion thereof in whole or in part.

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§ 67.414.1. Drug Treatment and Enforcement Fund.

All fines collected by the Superior Court of Guam for violation of this Act shall be placed in a special fund maintained by the Superior Court of Guam for the sole use by Superior Court of Guam. Said fund shall be maintained separately by the Superior Court of Guam from the General Fund to be called the "Drug Treatment and Enforcement Fund." Funds so placed shall be used exclusively for the support of drug treatment, education and enforcement efforts, including supervision of participants in the Adult Drug Court.

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ATTACHMENT 2

SUBCOMMISSION ON CRIMINAL
PROCEDURE

PRESENTATION

APRIL 10, 2025



Report of the Subcommittee on Criminal Procedure

April 10, 2025

Continued Discussion of Chapters Previously Presented and Presentation of Additional
Recommendations for Discussion and Approval

Members: Hon. Anita A. Sukola (Chair); DAG Nathan Tennyson; Atty Leonardo Rapadas
(ex-officio), Executive Director Serge Quenga (ex-officio)

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Presented Today

9 Guam Code Annotated

Chapter 52 – Perjury and Offense Against the Integrity of
Official Proceedings

Chapter 55 – Interference with Government Operations and
Law Enforcement

Slide 2



CHAPTER 52 PERJURY AND OFFENSE AGAINST THE INTEGRITY OF OFFICIAL PROCEEDINGS

§ 52.10. Definitions.

As used in this Chapter:

~~(a) official-function and public-servant have the meanings provided for those terms by § 49.10. [Cmt: Definitions added directly below.]~~

~~(ba) material statement~~ means a statement which affected or could have affected the course or outcome of a proceeding, regardless of its admissibility under rules of evidence.

~~(b) official function~~ means the decision, opinion, recommendation, vote or other exercise of discretion or performance of duty of a public servant in a lawful or unlawful manner. [Cmt. From § 49.10]

~~(c) official proceeding~~ means a proceeding before any court, body, agency, public servant or other person authorized by law to conduct such proceeding and to administer an oath or cause it to be administered, including any referee, hearing officer, commissioner, notary or other person taking testimony or deposition in connection with any such proceeding.

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§ 52.10. Definitions. [continued]

~~(d) public record~~ means any record, document, thing belonging to, or received or kept by the Government of Guam or any governmental instrumentality within the Territory. [Cmt. Term "public record" is not used in this chapter]

~~(d) public servant~~ means any officer, member, or employee of the legislative, executive, or judicial branches of Guam or of any governmental instrumentality within Guam, any juror, any persons exercising the functions of any such position, or any referee, arbitrator, hearing officer, or other person authorized by law to hear or determine any question or controversy. It includes a person who has been elected, appointed or designated to become a public servant, and, in the case of a juror, a person who has been drawn, empaneled, or designated to attend as a prospective grand or petit juror. [Cmt. From § 49.10]

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§ 52.10. Definitions. [continued]

(f) *statement under oath* means

(1) a statement made pursuant to a swearing, an affirmation, or any other mode authorized by law of attesting to the truth of that which is stated; and

(2) a statement made on a form bearing notice, authorized by law, to the effect that false statements made therein are punishable.

~~(3) testimony means oral or written statements, documents or any other material which may be offered by a witness in an official proceeding. [Cmt. Moved to (g)]~~

~~(g) testimony means oral or written statements, documents or any other material which may be offered by a witness in an official proceeding.~~

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§ 52.30. Unsworn Falsifications; Defined & Punished.

A person is guilty of a misdemeanor if, with intent to mislead a public servant in performing his official function, he makes, submits or uses:

(a) any ~~written~~ false statement, ~~in written or electronic format, of his own~~ which he does not then believe to be true; or [Cmt. Update/modernize]

(b) any physical object, exhibit, writing or drawing which he knows to be either false or not what it purports to be in the circumstances in which it is made, submitted or used.

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§ 52.55. Falsifying Evidence; Defined & Punished.

A person is guilty of a ~~felony of the third-degree misdemeanor~~ if, believing that an official proceeding has been or is about to be instituted, he prepares, offers in evidence or uses any record, document or thing ~~in any form, including written or electronic format~~, knowing it to be false and with intent to mislead a public servant who is or may be engaged in the proceeding. [Cmt. Reduce offense level to misdemeanor for consistency with MPC 241.7 (Tampering with or Fabricating Physical Evidence) and § 52.60 (Destroying Evidence). Felony level appears to have been kept from the original Guam Penal Code sections. Update to include electronic format.]

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§ 52.60. Destroying Evidence; Defined & Punished.

A person is guilty of a misdemeanor if, believing that an official proceeding has been or is about to be instituted, he destroys, conceals or removes any record, document or thing ~~in any form, including written or electronic format~~, with intent to impair its availability in the proceeding. [Cmt. Update to include electronic format.]

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No change:

- § 52.15. Perjury; Defined & Punished.
- § 52.20. False Statement Under Oath; Defined & Punished.
- § 52.25. Unavailability of Certain Defenses.
- § 52.40. Intimidation of Witnesses by Extortion; Defined & Punished.
- § 52.45. Witness Bribery: Solicitation; Definitions; Punishment; Affirmative Defenses.
- § 52.50. Tampering with Witnesses: Defined and Punished.
- § 52.65. Unlawful Communication With Jurors; Defined & Punished.

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**CHAPTER 55
INTERFERENCE WITH GOVERNMENT OPERATIONS
AND LAW ENFORCEMENT**

§ 55.10. Tampering With Public Records; Defined & Punished.

(a) Public record means any record, document or thing in any form, including written or electronic format, belonging to, or received or kept by, the government for information or record, or required by law to be kept by others for information of the government. [Cmt. Provides clarity to the definition of "public record" with original language updated]

(ab) A person commits ~~an~~ the offense of tampering with public records if he:

(1) knowingly makes a false entry in, or false alteration of a public record ~~any record, document or thing belonging to, or received or kept by, the government for information or record, or required by law to be kept by others for information of the government;~~ [Cmt. Language moved to (a)]

(2) makes, presents or uses any record, document or thing knowing it to be false, and with intent that it be taken as a genuine part of information or records referred to in ~~Paragraph (1)~~ Subsection (a); or

(3) intentionally and unlawfully destroys, conceals, removes or otherwise impairs the verity or availability of a public record ~~any such record, document or thing.~~

(bc) An offense under this Section is a misdemeanor unless the defendant's intent is to defraud or injure anyone, in which case the offense is a felony of the third degree.

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§ 55.15. Hindering Apprehension or Prosecution; Defined & Punished.

(a) A person is guilty of the offense of hindering apprehension or prosecution if, with intent to hinder, prevent or delay the discovery, apprehension, prosecution, conviction or punishment of another person for the commission of an offense, he:

...

(3) conceals, alters or destroys ~~and~~ any physical evidence that might aid in the discovery, apprehension or conviction of such person;

...

[Cmt. Clarification and correction]

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§ 55.20. False Alarms; Defined & Punished.

(a) A person is guilty of a misdemeanor when, with knowledge of its falsity, he causes a false alarm of fire or other emergency to be transmitted to any organization that responds to emergencies involving danger to life or property.

(b) A person is guilty of a misdemeanor when, with knowledge of its falsity, he initiates or circulates a false alarm of fire or other emergency knowing that the alarm is likely to cause evacuation of a building, place of assembly, or facility of public transport, or to cause public inconvenience or alarm. [Cmt. From NJ 2C:33-3 (False public alarms). Broadens (a)]

(c) A person is guilty of a felony of the third degree if the false alarm involves a report or warning of an impending bombing, hostage situation, person armed with a deadly weapon as defined by 9 GCA § 16.10, or any other incident that elicits an immediate or heightened response by law enforcement or emergency services. [Cmt. From NJ 2C:33-3. Elevates false reports involving life threatening events to felony level]

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§ 55.25. Making False Reports; Defined & Punished.

(a) A person commits a ~~misdemeanor~~ felony of the third degree who: ~~(a)~~ knowingly gives false information to any law enforcement officer with intent to induce such officer to believe that another person has committed an offense. [Cmt. Elevates false reports of commission of a crime by another to a felony. Consistent with NJ 2C:28-4 (Falsely incriminating another)]

(b) A person commits a misdemeanor who:

(1) reports to law enforcement authorities an offense or other incident within their concern knowing that it did not occur, or

(2) makes a report which purports to furnish law enforcement authorities with information relating to an offense or incident when he knows that he has no such information.

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§ 55.30. Impersonating a Public ~~Officer~~ Servant or Law Enforcement Officer; Defined & Punished.

(a) A person commits a misdemeanor if he falsely pretends to hold a position in the public service with intent to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense to his prejudice.

(b) A person commits a felony of the third degree if he falsely pretends to hold a position as an officer or member or employee or agent of any organization or association of law enforcement officers with purpose to induce another to submit to such pretended official authority or otherwise to act in reliance upon that pretense. [Cmt. Impersonating a law enforcement officer added as a specific offense. From NJ 2C:28-8 (Impersonating a public servant or law enforcement officer)].

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§ 55.35. Resisting Arrest of Self or Others; Defined & Punished.

A person is guilty of a misdemeanor when, with intent to prevent or delay the arrest of himself of another person by one whom he knows or reasonably should know to be a peace officer acting in an official capacity, he prevents or delays that arrest by the use or threat of force or by physical obstruction. For purposes of this Section, a peace officer shall include apprehending officers designated under Article 2 of 10 GCA Chapter 51, as well as peace officers as defined under ~~9 GCA § 1.70~~ 8 GCA § 5.55. [Cmt. For clarification. 9 GCA § 1.70 states: "As used in this Code, peace officer has the meaning provided by 8 GCA § 5.55 of the Criminal Procedure Code."]

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

(a) A person commits the ~~crime~~ offense of disarming a peace officer, as defined by 17 GCA § 51101 if such person intentionally: [Cmt. For consistency with (c)]

...

(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.

§ 55.60. Public Water, Unlawful Use During Period of Emergency.

(a) Upon the declaration by the Governor of a state of emergency as the result of a disaster that threatens the public water supply, it shall be a petty misdemeanor for any person to use water supplied by the ~~Public Utility Agency of Guam~~ Guam Waterworks Authority for any unauthorized use. [Cmt. PUAG is now GWA]

...

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No change:

§ 55.45. Obstructing Governmental Functions; Defined & Punished.

§ 55.50. Damaging, Stealing or Receiving Stolen Government Generators, Telephones, or Emergency or Utility Equipment.

§ 55.51. Receiving Stolen Government Generators, Telephones or Emergency Utility Equipment.

§ 55.65. Failure to File a Complete Partial-Birth Abortion and Abortion Report.