

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
270-36 (COR)	James C. Moylan	AN ACT TO AMEND § 3419 AND § 3420 OF CHAPTER 3, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO PUNISHMENTS ASSOCIATED WITH SELLING, GIVING, OR SERVING ALCOHOL TO MINORS AND FALSE IDENTIFICATIONS.	3/14/22 8:20 a.m.						

***I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2022 (SECOND) Regular Session**

**Bill No. 270-36 (COR)**

Introduced by:

James C. Moylan 

**AN ACT TO AMEND § 3419 AND § 3420 OF CHAPTER 3,  
TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO  
PUNISHMENTS ASSOCIATED WITH SELLING,  
GIVING, OR SERVING ALCOHOL TO MINORS AND  
FALSE IDENTIFICATIONS.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that while the current statute associated with serving alcohol to minors and possession of a false identification, classifies the crime as a petty misdemeanor, it does not stipulate minimum penalties which would add more teeth confirming the severity of the crime. With crime associated with underage drinking become more prevalent these days, it is vital to highlight this issue and modernize the statute to include monetary fines and community service as part of the punishment. This Act further places more responsibilities with the parents or guardians.

**Section 2.** § 3419 of Chapter 3, Title 11, Guam Code Annotated, is hereby *amended* to read as follows:

**§ 3419. Same: To Minor.**

(a) A licensee, his agent or employee shall not sell, give, nor permit to be sold, given or served any alcoholic beverages to any person under twenty-one (21) years of age, who pursuant to this subsection shall be defined as a

1        'minor'. For the purpose of preventing any violation of this Section, any  
2        licensee, or his agent or employee, may refuse to sell or serve alcoholic  
3        beverages to any person who is unable to produce adequate written evidence  
4        that he or she has reached the age of twenty-one (21) years. In any criminal  
5        prosecution or proceeding for the suspension or revocation of any license  
6        and based upon a violation of this Section, proof that the defendant licensee,  
7        or his agent or employee, demanded and was shown, before furnishing any  
8        alcoholic beverage to a minor, an identification card or other bona fide  
9        documentary evidence of majority of such person shall be a defense to such  
10       prosecution or proceeding for the suspension or revocation of any license.

11       (b) Every person who violates this Section *shall* be guilty of a petty  
12       misdemeanor, and if convicted, shall pay a fine of up to one thousand dollars  
13       (\$1,000) for the first offense, up to two thousand five hundred dollars  
14       (\$2,500) for the second offense, and up to five thousand dollars (\$5,000) for  
15       each subsequent offense. They shall also be required to perform a minimum  
16       of one hundred eighty (180) hours but not to exceed three hundred sixty  
17       (360) hours of community service. The minor, as defined pursuant to this  
18       subsection, who obtains the alcohol, shall also be guilty of a violation, and if  
19       convicted, shall be required to perform a minimum of one hundred eighty  
20       (180) hours but not to exceed three hundred sixty (360) hours of community  
21       service. Parents or legal guardians of any minor, pursuant to this subsection,  
22       found to have violated this subsection may also be responsible for providing  
23       supervision.

24       **Section 3.** § 3420 of Chapter 3, Title 11, Guam Code Annotated is hereby  
25       amended to read as follows:

26       **§ 3420. Same: False Identification by Minor.**

1 Any person under twenty-one (21) years of age who exhibits a false  
2 identification card or false document for the purpose of purchasing or obtaining  
3 alcoholic beverages shall be guilty of a petty misdemeanor. Other than any other  
4 punishment defined in statute, if convicted, the individual *shall* also be required to  
5 perform a minimum of one hundred eighty (180) hours but not to exceed three  
6 hundred sixty (360) hours of community service. Parents or legal guardians of any  
7 minor, pursuant to this subsection, found to have violated this subsection *may* also  
8 be responsible for providing supervision.

9 **Section 4. Severability.** If any provision of this Act or its application to  
10 any person or circumstance is found to be invalid or contrary to law, such  
11 invalidity *shall not* affect other provisions or applications of this Act that can be  
12 given effect without the invalid provision or application, and to this end the  
13 provisions of this Act are severable.

14 **Section 5. Effective Date.** The Act *shall* be effective upon enactment.