

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
271-36 (COR)	James C. Moylan	AN ACT TO ADD A NEW § 61.75 TO CHAPTER 61, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DEFINING PUNISHMENTS FOR ANY MINOR CONVICTED OF A CRIME ASSOCIATED WITH RIOTS, DISORDERLY CONDUCT, AND RELATED OFFENSES.	3/14/22 8:20 a.m.						

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

**Bill No. 271-36 (COR)**

Introduced by:

James C. Moylan 

**AN ACT TO ADD A NEW § 61.75 TO CHAPTER 61,  
TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO  
DEFINING PUNISHMENTS FOR ANY MINOR  
CONVICTED OF A CRIME ASSOCIATED WITH  
RIOTS, DISORDERLY CONDUCT, AND RELATED  
OFFENSES.**

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

**Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that Chapter 61 of Title 9, Guam Code Annotated addresses the following crimes; riot, disorderly conduct, harassment, public drunkenness, loitering, prowling, obstructing the public ways, and disrupting public gatherings; basically, it represents certain crimes that have the propensity to attract juveniles. In recent months there has been an escalating concern on riots in public schools that has created a community uproar that more needs to be done by all stakeholders, from the government to the school system and even households.

While incarceration is a reasonable punishment for certain crimes, it is important to allow for alternative options of punishment to be placed on the table, one that will engage parental involvement in the process. Nationally all 50 states have some type of statute that mandates civil parental liabilities or a “vicarious liability” that may require parents or legal guardians to be jointly and severally liable for any damages created by their minor children during a crime. Courts have

1 routinely held that jurisdictions have a compelling interest in promoting the public  
2 welfare by holding parents accountable when it is proven that they failed to fulfill  
3 that duty. This is the basis upon which courts have upheld parental responsibility  
4 laws.

5 By allowing households to be liable for any monetary fines or damages,  
6 would generate additional domestic involvement, which studies have shown can  
7 help deter future criminal activity by minors. Further, by allowing punishment to  
8 include physical labor where the minor would have to clean restrooms, yards or  
9 conduct other forms of community service, especially in the schools where the  
10 crime may have been conducted, may create humility and a resistance in the  
11 juvenile recommitting the crime.

12 **Section 2.** a new § 61.75 is hereby *added* to Chapter 61, Title 9, Guam  
13 Code Annotated, to read as follows:

14 **“§ 61.75. Crimes Committed by Minors. Defined & Punished.**

15 (a) For the purposes of this Chapter, a minor *shall be* defined as any  
16 individual under the age of eighteen (18) years.

17 (b) Notwithstanding any other provisions of the law, rule, or  
18 regulation to the contrary, any minor who is convicted of a crime pursuant to  
19 § 61.10, § 61.15, § 61.20, § 61.25, § 61.30, § 61.35, § 61.40, § 61.45, or §  
20 61.50 of this Chapter, other than any other punishment as defined by the  
21 statute of the specific crime, *shall* also be required to complete the  
22 following:

23 (1) Pay a fine of up to one thousand dollars (\$1,000) for the  
24 first offense, up to two thousand five hundred dollars (\$2,500) for the  
25 second offense, and up to five thousand dollars (\$5,000) for each  
26 subsequent offense. The parents or the legal guardian *may* be jointly  
27 and severally liable with the minor for the payment of all fines.

1 Failure of the parents or legal guardian to make payment *may* result in  
2 the filing of a lien on the parents' or legal guardian's property to  
3 include the fine and court costs; and

4 (2) The court *shall* order any violator to make restitution to the  
5 victim, if such exist, for damages or loss caused directly or indirectly  
6 by the defendant's offense in the amount or manner determined by the  
7 court. Furthermore, the person or if a minor, his or her parents or  
8 legal guardians, *may be* jointly and severally liable with the minor to  
9 refurbish or replace the property so damaged, destroyed, removed, or  
10 defaced at such person's expense, under the supervision of the affected  
11 property owner or a court representative. Parents or legal guardians of  
12 any minor found to have violated this subsection *may* also be  
13 responsible for providing supervision; and

14 (3) The minor convicted of the crime pursuant to this Chapter,  
15 *shall* also perform a minimum of one hundred eighty (180) hours but  
16 not to exceed three hundred sixty (360) hours of community service.  
17 Parents or legal guardians of any minor found to have violated this  
18 subsection *may* also be responsible for providing supervision. If the  
19 crime was conducted in any school, the community service, if  
20 possible, *shall be* completed at that respective school. If any  
21 sentencing is imposed, the community service *shall* be completed  
22 before the minor serves their sentence.”

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

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