

*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)	Clynton E. Ridgell Tina Rose Muña Barnes	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.						

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

**Bill No. 62-36 (LS)**

Introduced by:

Clynton E. Ridgel  
Tina Rose Muña Barnes



**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.**

**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

1 reimbursement to the owner of agricultural product as is already in law with stolen  
2 livestock.

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

5 “(d) *Property* means anything of value, including real estate, tangible  
6 and intangible personal property, contract rights, choses in action and other  
7 interests in or claims to wealth, admission or transportation tickets, captured  
8 or domestic animals, food and drink, electric or other power, trade secrets,  
9 agricultural product which includes floriculture, horticulture, viticulture,  
10 aquaculture, forestry products and commodities, and other farm or plantation  
11 products or commodities grown by or raised by a bona fide farmer.”

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

14 “**§ 43.70. Reimbursement to Owner of Stolen Livestock or Agricultural**  
15 **Product.**

16 In any case where there is conviction under the provisions of Chapter 43 of  
17 this Code and the property stolen by the defendant was livestock or agricultural  
18 product, in addition to a fine or imprisonment imposed, the court shall direct that the  
19 defendant pay to owner of the stolen livestock or agricultural product its fair market  
20 value as determined by the court through consultation with the Department of  
21 Agriculture. Failure to make such payments shall be deemed a failure to pay a fine  
22 and punished accordingly. If a defendant is found unable to pay due to financial  
23 hardship, the defendant may be authorized by the court to pay the value of the stolen  
24 livestock or agricultural product through Alternative Community Service as with  
25 fines, pursuant to Chapter 80, Article 6, Title 9, Guam Code Annotated.”

26 **Section 4. Effective Date.** This Act shall be effective upon enactment.

1           **Section 5. Severability.** If any provision of this Act or its application to any  
2 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*  
3 *not* affect other provisions or applications of this Act that can be given effect without  
4 the invalid provision or application, and to this end the provisions of this Act are  
5 severable.