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. 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.

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

2   **Section 1.   Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds

3   that hundreds of thousands of dollars' worth of agricultural product is lost by

4   farmers, annually. This loss in agricultural product represents a loss of revenue for

5   commercial farmers, the costs of which are passed along to consumers in the form

6   of higher prices or are absorbed by farmers in the form of lower profits. This loss

7   also represents a loss of sustenance for subsistence farmers who grow produce to

8   feed themselves and their families. *I Liheslaturan Guåhan* further finds that bona

9   fide farmers who farm for both subsistence and commercial use have few

10   mechanisms in place to seek damages and restitution when theft occurs.

11   Therefore, it is the intent of *i Liheslaturan Guåhan* to clarify the definition of

12   property to include agricultural products under the definition of property to allow

13   for theft of agricultural products to be considered a crime, and to require

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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 <u>or Agricultural</u>**

15 **<u>Product</u>.**

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 <u>or agricultural</u>

18 <u>product,</u> in addition to a fine or imprisonment imposed, the court shall direct that the

19 defendant pay to owner of the stolen livestock <u>or agricultural product </u>its fair market

20 value as determined by the court<u> through consultation with the Department of</u>

21 <u>Agriculture</u>. Failure to make such payments shall be deemed a failure to pay a fine

22 and punished accordingly. <u>If a defendant is found unable to pay due to financial</u>

23 <u>hardship, the defendant may be authorized by the court to pay the value of the stolen</u>

24 <u>livestock or agricultural product through Alternative Community Service as with</u>

25 <u>fines, pursuant to Chapter 80, Article 6, Title 9, Guam Code Annotated."</u>

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.