


I Mina'trentai Singko 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
285-35 (COR)	Louise B. Muña	AN ACT TO AMEND § 77302(a) OF ARTICLE 3, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED AND TO ADD A NEW § 34126 TO ARTICLE 1, CHAPTER 34, TITLE 10, GUAM CODE AND TO ADD A NEW § 60205 TO ARTICLE 2, CHAPTER 60, TITLE 5, GUAM CODE AND TO REPEALED AND REENACT § 70.10.3 ARTICLE 1, CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED AS § 34127 OF ARTICLE 1, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING VOLUNTEERS TO ENFORCE ANIMAL ABUSE LAWS.	2/10/20 8:41 a.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 285-35 (COR)
Introduced by:

Louise B. Muña 

AN ACT TO *AMEND* § 77302(a) OF ARTICLE 3, CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED AND TO *ADD* A NEW § 34126 TO ARTICLE 1, CHAPTER 34, TITLE 10, GUAM CODE AND TO *ADD* A NEW § 60205 TO ARTICLE 2, CHAPTER 60, TITLE 5, GUAM CODE AND TO *REPEALED AND REENACT* § 70.10.3 ARTICLE 1, CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED AS § 34127 OF ARTICLE 1, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED RELATIVE TO AUTHORIZING VOLUNTEERS TO ENFORCE ANIMAL ABUSE LAWS.

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

2 **Section 1. Expansion of authority for CAPE volunteers to include animal**
3 **abuse and cruelty citations.** § 77302(a) of Article 3, Chapter 77, Title 10, Guam
4 Code Annotated is *amended* to read as follows:

5 “(a) Pursuant to § 3401.1(h) of Article 4, Chapter 3 of Title 16, Guam Code
6 Annotated, the Chief of Police is authorized to recruit volunteers to assist the
7 Guam Police Department in the enforcement of the accessible parking and littering
8 laws, and the Natasha Protection Act of 2005 relative to the regulation of smoking
9 activities pursuant to Chapter 90 of Title 10, Guam Code Annotated. In addition to
10 these duties, the Chief of Police shall authorize the use of volunteers to patrol the
11 school campuses of the Guam Department of Education during non-school hours.
12 The volunteers shall take no enforcement action during their patrol of the school
13 campuses, and shall notify the police of suspicious activity or crimes in progress.

1 The Superintendent of Education shall cooperate with the Chief of Police to
2 implement this Section. The volunteers are authorized to issue summons, notices
3 to appear, citations and notices of violation for offenses committed under the
4 provisions of §§ 70.10 et. seq. of Article 1, Chapter 70, Title 9, Guam Code
5 Annotated. The volunteers are also authorized to impound animals subject to §
6 34127 of Article 1, Chapter 34, Title 10, Guam Code Annotated if exigent
7 circumstances are established by plain view.”

8
9 **Section 2. Summons, Citation or Notices of Violation.** A new § 34126 is added
10 to Article 1, Chapter 34, Title 10, Guam Code to read as follows:

11 **§ 34126 Arrests, Summons, Notices to Appear, Citations or Notices of**
12 **Violation for Crimes Involving Animal Abuse.**

13 (a) Peace officers, and others authorized by law to issue summons, notices to
14 appear, citations and notices of violation for violations of §§ 70.10 et. seq. of
15 Article 1, Chapter 70, Title 9, Guam Code Annotated, may use the “Guam Uniform
16 Complaint and Citation” form or any other form authorized by the Director of
17 Agriculture for citing any violation of §§ 70.10 et. seq. of Article 1, Chapter 70,
18 Title 9, Guam Code Annotated.

19 (b) Summons, notice to appear and citation forms in section (a) supra, shall
20 comply with the provision of Public Law, the Guam Administrative Rules and
21 Regulations or the Rules of the Unified Judiciary.

22 (c) Notices of violation may be issued to allow residents time to remedy violations.
23 Such violations must be remedied within five (5) calendar days (or longer if an
24 extension is expressly approved by the Director of Agriculture). Any violation not
25 remedied with in the time allotted may be cited or the violator may be summoned

1 to appear in court to answer for said violation. Notices of violations shall be in
2 form approved by Director of Agriculture and include, but not be limited to, the
3 nature of the violation, the citation in the Guam Code for the Violation, the time
4 limit to remedy the violation and the procedures to file an extension for remedy.

5 (d) Summons, citations and notices of violation shall be posted on the front door or
6 another conspicuous area of a home or building including walls and fences.

7 (e) Nothing herein is intended to prevent a peace officer from making arrests for a
8 violation of §§ 70.10 *et. seq.* of Article 1, Chapter 70, Title 9, Guam Code
9 Annotated consistent with the provisions of Chapter 20 of Title 8, Guam Code
10 Annotated.

11

12 **Section 3. Volunteers.** A new § 60205 is *added* to Article 2, Chapter 60, Title 5,
13 Guam Code to read as follows:

14 **“§ 60205. PAWS Volunteers.**

15 The Director of Agriculture is authorized to recruit PAWS (Protecting Animal
16 Welfare and Safety) volunteers to assist the Guam Department of Agriculture in
17 the enforcement of the Animal Cruelty laws in Article 1, Chapter 70, Title 9, Guam
18 Code Annotated. The volunteers are authorized to issue citations and notices of
19 violation for offenses committed under the provisions of §§ 70.10 *et. seq.* of
20 Article 1, Chapter 70, Title 9, Guam Code Annotated. The volunteers are also
21 authorized to impound animals subject to § 34127. of Article 1, Chapter 34, Title
22 10, Guam Code Annotated if exigent circumstances are established by plain view.
23 The Director shall establish identifying credentials including, but not limited to,
24 identification (ID) cards and badges and the appropriate use thereof. The Director
25 shall establish procedures for recruitment and termination of volunteers and may

1 require certification, training or education programs to be completed. No person
2 required to register under Chapter 89 of Title 9, Guam Code Annotated is eligible
3 to be a volunteer under this section.

4 The Director may outsource the coordination and supervision of PAWS volunteers
5 to the non-governmental organization that operates the animal shelter or other not-
6 for-profit animal protection organization. The agreement with the non-
7 governmental organization to coordinate and supervise the PAWS volunteers may
8 include, but not be limited to, provisions for waivers of liability, a code of
9 standards, ethics and conduct; limitations of authority and training. The Director
10 may revoke a volunteer’s authority, granted by this section, at any time and for any
11 reason. The Department is not liable for any torts committed by a non-
12 governmental organization, supra, its directors, members, employees or
13 volunteers.”

14 Nothing herein is construed to limit the Department’s ability to administer this
15 program consistent with the laws of Guam the Guam Administrative Rules and
16 Regulations (G.A.R.R.), including but not limited to, the provisions of Chapter 9 of
17 5 GCA or Chapter 6 of 4 GCA.

18

19 **Section 4.** § 70.10.3 Article 1, Chapter 70, Title 9, Guam Code Annotated is
20 *repealed and reenacted* as § 34127 of Article 1, Chapter 34, Title 10, Guam Code
21 Annotated to read as follows:

22 **~~“§ 70.10.3. Authority to Enter Premises and Court Proceedings.~~**

23 ~~(a) If there is probable cause to believe that any animal is being subjected to~~
24 ~~treatment in violation of § 70.10, § 70.10.1 or § 70.10.2 of this Chapter, any officer~~

1 ~~under exigent circumstances may enter the premises to impound the animal(s).~~
2 ~~Notice of said impoundment shall be conspicuously posted on the premises.~~

3 ~~(1) An officer is not liable for any damages for an entry under Subsection (a)~~
4 ~~of this Section unless the damages were caused by reckless behavior.~~

5 ~~(2) Any animal(s) so impounded shall be held at the animal care facility~~
6 ~~designated pursuant to § 34118 of Chapter 34, Title 10 GCA.~~

7
8 **§ 34127. Authority to Enter Premises and Court Proceedings for Crimes**
9 **Involving Animal Abuse.**

10 If there is probable cause to believe that any animal is being subjected to treatment
11 in violation of § 70.10 et. seq. of Article 1, Chapter 70, Title 9, Guam Code
12 Annotated, any peace officer or volunteer, under exigent circumstances, may enter
13 the premises to impound the animal. Notice of said impoundment shall be
14 conspicuously posted on the premises.

15 (a) A peace officer or volunteer is not liable for any damages for an entry
16 under this Section unless the damages were caused by reckless behavior.

17 (b) Any animal so impounded shall be held at the animal care facility
18 designated pursuant to § 34118 of Chapter 34, Title 10 Guam Code
19 Annotated.”