

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (Second) Regular Session

Bill No. 389-30 (COR)

2010 MAY -6 AM 8:42

Introduced by:

B.J.F. Cruz



AN ACT TO AMEND ARTICLE 3 OF § 3303, ARTICLE 4 OF § 3419 AND § 3420, AND ARTICLE 6 OF § 3619, OF CHAPTER 3 TITLE 11, AND ARTICLE 1 OF § 18102, AND § 18121 OF CHAPTER 18, TITLE 16, OF THE GUAM CODE ANNOTATED; RELATIVE TO INCREASING THE MINIMUM LEGAL DRINKING AGE.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that among alcohol control policies, the minimum legal drinking age has been the
4 most studied and which, according to the American Medical Association, research
5 shows that a higher minimum legal drinking is effective in preventing alcoholic-
6 related deaths and injuries among youth.

7 *I Liheslaturan Guåhan* finds that after prohibition, nearly all states
8 restricting alcohol to young people designated 21 as the minimum legal drinking
9 age, but with the change in the minimum voting age in the 70's, most states began
10 to lower their minimum drinking age laws. Since then, family advocacy groups

1 and organizations such as the American Medical Association have helped to
2 convince almost all state assemblies to return their minimum legal drinking age to
3 21.

4 *I Liheslaturan Guåhan* further finds that numerous developmental health
5 studies show younger consumers of alcohol may impair their brain development,
6 develop alcoholism, liver problems, and psychological problems. Young drinkers
7 may be less ambitious and engage in risky behavior including promiscuity and the
8 use of illicit drugs.

9 It is therefore the intent of *I Liheslaturan Guåhan* that by following in the
10 example of almost all jurisdictions in the United States by increasing the minimum
11 legal drinking age to 21, we ensure the safety and well-being of our younger
12 people.

13 **Section 2.** Section § 3303. of Article 3, Chapter 3 of Title 11, Guam Code
14 Annotated is hereby *amended* to read:

15 **“§ 3303. Same: Same: Minors.**

16 The Board shall not issue a license of any class to a person under ~~eighteen (18)~~
17 twenty one (21) years of age.”

18 **Section 3.** § 3419. of Article 4, Chapter 3 of Title 11, Guam Code Annotated
19 is hereby *amended* to read:

20 **“§ 3419. Same: To Minor.**

21 A licensee, his agent or employee shall not sell, give nor permit to be sold, given or
22 served any alcoholic beverages to any person under ~~eighteen (18)~~ twenty one (21)
23 years of age. For the purpose of preventing any violation of this section, any
24 licensee or his agent or employee may refuse to sell or serve alcoholic beverages to
25 any person who is unable to produce adequate written evidence that he or she has
26 reached ~~over~~ the age of ~~eighteen (18)~~ twenty one (21) years. In any criminal
27 prosecution or proceeding for the suspension or revocation of any license and

1 based upon a violation of this section, proof that the defendant licensee or his agent
2 or employee demanded and was shown, before furnishing any alcoholic beverage
3 to a minor, an identification card or other bona fide documentary evidence of
4 majority of such person shall be a defense to such prosecution or proceeding for
5 the suspension or revocation of any license. Every person who violates this section
6 shall be guilty of a petty misdemeanor.”

7 **Section 4.** § 3420. of Article 4, Chapter 3 of Title 11, Guam Code Annotated
8 is hereby *amended* to read:

9 **“§ 3420. Same: False Identification by Minor.**

10 Any person, under ~~eighteen (18)~~ twenty one (21) years of age, who exhibits a false
11 identification card or false document for the purpose of purchasing or obtaining
12 alcoholic beverages, shall be guilty of a petty misdemeanor.”

13 **Section 5.** § 3619. of Article 6, Chapter 3 of Title 11, Guam Code Annotated
14 is hereby *amended* to read:

15 **“§ 3619. Same: Minors.**

16 Any person under the age of ~~eighteen (18)~~ twenty one (21) years purchasing
17 alcoholic beverages or in possession thereof shall be guilty of a petty
18 misdemeanor.”

19 **Section 6.** § 18102. of Article 1, Chapter 18 of Title 16, Guam Code
20 Annotated is hereby *amended* to read:

21 **“§ 18102. Influence of Alcohol and Controlled Substances; Causing**
22 **Bodily Injury to Person Other Than Driver; Alcoholic Content in Blood;**
23 **Proof.**

24 (a) It is unlawful for any person, while under the influence of an alcoholic
25 beverage or any controlled substance, or under the combined influence of an
26 alcoholic beverage and any controlled substance, to operate or be in physical
27 control of a motor vehicle.

1 (b) It is unlawful for any person, while having eight one-hundredths of one
2 percent (0.08%) or more, by weight, of alcohol in his or her blood to operate or be
3 in physical control of a motor vehicle.

4 (c) It is unlawful for any person, while under the influence of an alcoholic
5 beverage or any controlled substance, or under the combined influence of an
6 alcoholic beverage and any controlled substance, to operate or be in physical
7 control of a motor vehicle and, when doing so, do any act forbidden by law or
8 neglect any duty imposed by law in the driving of the vehicle or who negligently
9 drives a vehicle, which act or neglect or negligence proximately causes bodily
10 injury to any person other than the driver.

11 (d) It is unlawful for any person, while having eight one-hundredths of one
12 percent (0.08%) or more, by weight, of alcohol in his or her blood to operate or be
13 in physical control of a motor vehicle and, when doing so, do any act forbidden by
14 law or neglect any duty imposed by law in the driving of the vehicle, which act or
15 neglect proximately causes bodily injury to any person other than the driver.

16 (e) In any prosecution under this section, it is a rebuttable presumption that
17 the person with eight one-hundredths of one percent (0.08%) or more, by weight,
18 of alcohol in his or her blood at the time of operating or in actual physical control
19 of a motor vehicle is under the influence of alcohol if the person had eight one-
20 hundredths of one percent (0.08%) or more, by weight, of alcohol in his or her
21 blood at the time of the performance of a blood or breath test within three (3) hours
22 after the driving.

23 (f) In proving the person neglected any duty imposed by law in the driving
24 of the vehicle, it is not necessary to prove that any specific section of this title was
25 violated.

26 (g) (1) Notwithstanding the other provisions of this section, a person under
27 the age of ~~eighteen (18)~~ twenty one (21) shall be guilty of a violation of

1 subsections (b) or (d) of this section if such person shall be found within three (3)
2 hours of his or her arrest for a violation of this section to have four one-hundredths
3 of one percent (0.04%) or more, by weight, of alcohol in his or her blood.

4 (2) A person convicted for the first time of a violation of item (1) of this
5 subsection shall be guilty of a misdemeanor and shall have his or her license or
6 permit to operate a motor vehicle suspended for six (6) months. Upon any
7 subsequent conviction of the person while under the age of ~~eighteen (18)~~ twenty
8 one (21), the person's license or permit to operate a motor vehicle shall be
9 suspended for one (1) year with no exception for occupational driving privileges.
10 Upon any conviction the court shall notify the Department of Revenue and
11 Taxation of such suspension of the person's privilege to drive and confiscate the
12 person's license or permit to operate a motor vehicle. In addition to the required
13 mandatory suspension of a person's license or permit to operate a motor vehicle,
14 the court may impose such additional penalty as may be permitted by law for
15 conviction of a misdemeanor.”

16 **Section 7.** § 18121. of Article 1, Chapter 18 of Title 16, Guam Code
17 Annotated is hereby *amended* to read:

18 **“§ 18121. Possession of Opened Container in a Motor Vehicle.**

19 (a) It shall be a misdemeanor for any person to transport or possess in any
20 moving vehicle upon a public highway, street or alley any alcoholic beverage, or
21 any intoxicating beverage, except in the original container which shall not have
22 been opened and from which the original cap or seal shall not have been removed,
23 unless the opened container be in a sealed, secured or rear compartment not
24 accessible to the driver or any other person in the vehicle while it is in motion. Any
25 person violating the provisions of this Section and its Subsections shall be deemed
26 guilty of a misdemeanor.

1 (b) The provisions of Subsection (a) of this Section shall not apply to the
2 passenger area of a bus or limousine provided the operator is enclosed within a
3 driver's compartment not accessible to passengers, clients or customers where
4 alcohol is present while the vehicle is in motion.

5 (c) No employee, driver or agent of any limousine or bus company shall
6 consume, nor be permitted to consume, any alcoholic beverage while on duty.

7 (d) Unless authorized by license and as prescribed by the Alcoholic
8 Beverage Control Board by regulation, no alcoholic beverage shall be sold, offered
9 or consumed by any person within the premises of any limousine or bus. Each
10 limousine and bus authorized by this Act to sell, offer or allow alcoholic beverage
11 within the premises of the limousine or bus shall be individually licensed and shall
12 be required to display such license within the limousine or bus. The license shall
13 include the vehicle identification number of the vehicle.

14 (e) No alcoholic beverages shall be sold, offered or consumed by any person
15 within the premises of any limousine or bus, except during hours prescribed by the
16 Alcoholic Beverage Control Board.

17 (f) The exemption in Subsection (b) of this Section shall not apply if any
18 passenger is a minor below the age of ~~eighteen (18)~~ twenty one (21)
19 unaccompanied by a parent or legal guardian. It shall be the duty of the driver of
20 the vehicle to verify the age of all passengers.

21 (g) As used in this Section:

22 (1) 'Bus' means a vehicle chartered for transportation of persons for
23 hire. It shall not mean a school bus transporting children, open vehicles
24 resembling trolleys, or a vehicle operated pursuant to a public or private
25 franchise operating over a regularly scheduled route; and

1 (2) ‘Limousine’ means a chauffeur-driven motor vehicle, other than a
2 bus or taxicab, designed and used for transportation of persons for
3 compensation.”