



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

FEB 16 1998

OFFICE OF THE LEGISLATIVE SECRETARY

ACKNOWLEDGMENT RECEIPT

Received By Panning Garcia

Time 2:25 p.m.

Date 2-17-98

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

Refer to
Legislative Secretary

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 374 (COR), "AN ACT TO AMEND §18201(d) OF ARTICLE 2, CHAPTER 18 OF TITLE 16 OF THE GUAM CODE ANNOTATED RELATIVE TO PROVIDING THE RESULTS OF BLOOD ALCOHOL OR TESTS TO POLICE OR PROSECUTOR", which I have signed into law today as **Public Law No. 24-125**.

This legislation, like Bill Nos. 369, 371, 372, and 373, is the result of work done by Senator Elizabeth Barrett-Anderson on the problem of unsafe driving due to drinking or placing oneself under the influence of other drugs affecting the ability to drive safely.

Currently, blood or urine tests done on persons involved in traffic accidents must be subpoenaed by law enforcement officials in preparing cases against unsafe drivers. This legislation would make it easier for tests done to detect the presence and level of alcohol as well as other substances can be forwarded to the police or prosecutor without time-consuming paperwork.

Very truly yours,

Carl T. C. Gutierrez

Attachment

00646

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

Office of the Speaker
ANTONIO R. UNPINGCO

Date: 2-17-98

Time: 10:25

Rec'd by: [Signature]

Print Name: Charlene Dharma

TWENTY-FOURTH GUAM LEGISLATURE
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 374 (COR), "AN ACT TO AMEND §18201(d) OF ARTICLE 2, CHAPTER 18 OF TITLE 16 OF THE GUAM CODE ANNOTATED RELATIVE TO PROVIDING THE RESULTS OF BLOOD ALCOHOL OR TESTS TO POLICE OR PROSECUTOR," was on the 5th day of February, 1998, duly and regularly passed.



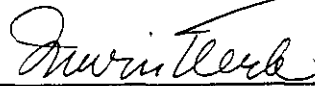
ANTONIO R. UNPINGCO
Speaker

Attested:



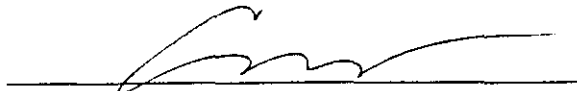
JOANNE M.S. BROWN
Senator and Legislative Secretary

.....
This Act was received by the Governor this 6th day of February, 1998, at
11:10 o'clock a.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 2-16-98

Public Law No. 24-125

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 374 (COR)

As substituted on the Floor.

Introduced by:

E. Barrett-Anderson

T. C. Ada

F. B. Aguon, Jr.

A. C. Blaz

J. M.S. Brown

Felix P. Camacho

Francisco P. Camacho

M. C. Charfauros

E. J. Cruz

W. B.S.M. Flores

Mark Forbes

L. F. Kasperbauer

A. C. Lamorena, V

C. A. Leon Guerrero

L. Leon Guerrero

V. C. Pangelinan

J. C. Salas

A. L.G. Santos

F. E. Santos

A. R. Unpingco

J. Won Pat-Borja

AN ACT TO AMEND §18201(d) OF ARTICLE 2,
CHAPTER 18 OF TITLE 16 OF THE GUAM CODE
ANNOTATED RELATIVE TO PROVIDING THE
RESULTS OF BLOOD ALCOHOL OR TESTS TO
POLICE OR PROSECUTOR.

1

BE IT ENACTED BY THE PEOPLE OF GUAM:



Committee on Judiciary, Public Safety and Consumer Protection

Twenty-Fourth Guam Legislature

Senator
Elizabeth Barrett-Anderson
Chairperson

January 20, 1998

Senator
John C. Salas
Vice-Chairman

SPEAKER ANTONIO R. UNPINGCO
Twenty-Fourth Guam Legislature
155 Hesler St.
Agana, Guam 96910

Senator
Anthony C. Blaz
Member

Dear Mr. Speaker:

Senator
Joanne M.S. Brown
Member

The Committee on Judiciary, Public Safety and Consumer Protection, to which was referred **BILL NO. 374**, wishes to report back to the Legislature with its recommendation **TO DO PASS BILL NO. 374**.

Senator
Mark Forbes
Member

The voting record is as follows:

Senator
Edwardo J. Cruz, M.D.
Member

8

TO PASS

0

NOT TO PASS

0

ABSTAIN

0

TO PLACE IN INACTIVE FILE

Senator
Vicente C. Pangelinan
Member

Senator
Frank Blas Aguon, Jr.
Member

Copies of the Committee Report and other pertinent documents are attached.

Your attention to this matter is greatly appreciated.

Sincerely,


ELIZABETH BARRETT-ANDERSON
Chairperson

Attachments

**COMMITTEE ON JUDICIARY, PUBLIC SAFETY AND
C O N S U M E R P R O T E C T I O N
T W E N T Y - F O U R T H G U A M L E G I S L A T U R E**

173 ASPINALL AVENUE, ADA PLAZA CENTER SUITE 108A, AGANA, GUAM 96910







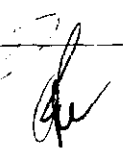

SENATOR ELIZABETH BARRETT-ANDERSON
Chairperson

SENATOR JOHN C. SALAS
Vice-Chairperson

SPEAKER ANTONIO R. UNPINGCO
Ex-Officio Member

VOTING SHEET

Bill No. 374: An Act to amend 16 GCA §18201(d), relative to providing the results of blood alcohol or test to the police or prosecutor.

<u>COMMITTEE MEMBERS</u>	<u>INITIALS</u>	<u>TO DO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>
1). Sen. Elizabeth Barrett-Anderson Chairperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2). Sen. John C. Salas Vice-Chairperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3). Sen. Frank B. Aguon, Jr. Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4). Sen. Anthony C. Blaz Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5). Sen. Joanne M.S. Brown Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6). Sen. Edwardo J. Cruz M.D. Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7). Sen. Mark Forbes Member	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8). Sen. Vicente C. Pangelinan Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9). Speaker Antonio Unpingco Ex-Officio Member		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**COMMITTEE ON JUDICIARY, PUBLIC SAFETY AND
CONSUMER PROTECTION**

**ELIZABETH BARRETT-ANDERSON
CHAIRPERSON**

Twenty-Fourth Guam Legislature

REPORT

on

**Bill 374. An act to amend 16 GCA §18201(d),
relative to providing the results of blood alcohol
or test to the police or prosecutor.**

I. SUMMARY

The Committee on Judiciary, Public Safety and Consumer Protection held a public hearing on Bill No. 374 at the Legislative Public Hearing Room at 2:00 PM, Tuesday, October 21, 1997. Public Notice was published in the October 14 and October 21, 1997 editions of the Pacific Daily News.

Committee Members Present:

Senator Elizabeth Barrett-Anderson, Chairperson
Senator Vicente C. Pangelinan

Providing Public Testimony on the Bill:

James Marques, Chief of Police, Acting
Leny Rapadas, Chief Prosecutor
Don Weakley, Guam Memorial Hospital
John D. Manibusan, GPD, Traffic Investigation, Assigned Supervisor
Henry Fornas, GMH, Lab
Cynthia Henson, Biopath Lab/ FHP Lab

Purpose:

The purpose of the bill is to require that the results of blood alcohol or drug tests performed by a physician or other authorized person pursuant to the implied consent statutes be provided without subpoena to the police or prosecutors. This is intended to eliminate unnecessary paperwork in obtaining results needed to make prosecutorial decisions regarding DUI cases and to speed up the handling of such cases.

Relationship to Existing Law:

The bill amends 16 GCA §18201(d), adding new provisions to require the release of the blood test information without demand, and providing immunity to physicians, nurses and others from any civil liability for compliance with the statute.

Bill 374 was developed with the cooperation of the Attorney General's Office and the Guam Police Department as a result of the Spring DUI conference.

II. Summary of Testimony

MR. JAMES MARQUES CHIEF OF POLICE, ACTING

Mr. Marques testified in support of Bill No. 374. There were three recommendations that the Chief suggested, recommendation number one proposed amending Bill 374 to include urine samples, recommendation two suggested providing more guidance with regard to when a blood test should be conducted and under what conditions and recommendation three requires blood or urine test for accident victims.

MR. LENY RAPADAS CHIEF PROSECUTOR

Mr. Rapadas testified in favor of Bill No. 374. Mr. Rapadas stated that the present system requires the prosecutors to subpoena blood draws which slows the system down.

MR. DON WEAKLEY GUAM MEMORIAL HOSPITAL

Mr. Weakley testified in favor of Bill 374. Mr. Weakley testified that GMH has no objections to drawing the blood but they (GMH) suggest that the blood samples be turned over to the Police Department, mainly because they are not a forensic lab and their personnel are not trained for "chain of custody" legal matters. Mr. Weakley suggested that the current law be amended to delete the requirement for clinical laboratory personnel to be licensed to withdraw blood or the term "person licensed" be changed to "medical technologist."

MR. JOHN D. MANIBUSAN GPD, TRAFFIC INVESTIGATION, ASSIGNED SUPERVISOR

Mr. Manibusan testified that some of the problems GPD encounters with GMH is the physicians refusal to release the blood analysis. Mr. Manibusan testified that police officers are told that the information requested can be obtained through a subpoena process.

MR. HENRY FORNAS GMH, LAB

Mr. Fornas testified for Bill 374; however, he stated that the results that his lab produces is for clinical use to make treatment decisions and not to determine if a person is under the influence.

**MS. CYNTHIA HENSON
BIOPATH LAB/ FHP LAB**

Ms. Henson stated that currently it is against the profession's ethics to release results to any non-medical personnel. Ms. Henson stated that *if the law were changed to require her to release test results to police officer or prosecutors then it would not violate her professional ethics.*

III. FINDINGS and RECOMMENDATIONS

The Committee on Judiciary, Public Safety and Consumer Protection finds support for the passage of Bill No. 374, Senator Barrett-Anderson and the Committee presents this report to the Twenty-Fourth Guam Legislature with its recommendation **TO DO PASS.**



Guam Police Department



Government of Guam

Bldg. No. 233, Central Avenue, Tiyan, Guam 96913
Tel: (671) 475-8473 (Switchboard) • (671) 475-8509/8512/8514
Fax: (671) 472-4036

**CARL T.C.
GUTIERREZ**
Governor of Guam

OCT 21 1997

Chief of Police

**MADELEINE Z.
BORDALLO**
Lieutenant Governor

The Honorable Senator Elizabeth Barrett-Anderson
Chairperson, Committee on Judiciary, Public Safety
& Consumer Protection
Twenty-Fourth Guam Legislature
Ada Plaza Center
Suite 108A
173 Aspinall Avenue
Agana, Guam 96932

RECEIVED

24th Guam Legislature
Committee on Judiciary, Public
Safety and Consumer Protection
Date: 10/21/97 *hjs*

Dear Madame Chairperson:

On behalf of the men and women of the Guam Police Department, I would like to take this opportunity to express my sincerest Si Yuus Maase to you and your committee for your untiring and continuous efforts aimed at improving the quality of life for the people of Guam through meaningful, just and comprehensive legislation.

Copies of Bill Nos. 370, 371, 372, 373, and 374 have been staffed by management team members of the Guam Police Department and with the exception of just some very minor adjustments, it is the consensus of management that we are in concurrence with the overall context of the bills and endorse it fully, as to form.

The recommended changes are as follows:

AN ACT TO AMEND 16 GCA §§18121 and 18122, RELATING TO POSSESSION OR STORAGE OF MARIJUANA IN A MOTOR VEHICLE

COMMENTS:

Section 1. §§18121

Possession of marijuana is already a misdemeanor. Including it is not necessary.

Section 2. §§18122

Drug Free Guam Para Todos

Need to provide definition of usable quantity - amounts over one ounce are still usable.

AN ACT TO ADD NEW SECTIONS TO 16 GCA, RELATIVE TO ELUDING A POLICE OFFICER

COMMENTS:

Section 1. "§3301.2. Definitions

Visual command could mean hand signals when approaching a vehicle on foot such as when conducting stationary radar enforcement, etc.

Section 3. "§3301.3.

If included, sub-section (m) may allow those persons who are drugged or intoxicated a means of avoiding an otherwise valid charge.

AN ACT TO AMEND 16 GCA §181201(d), RELATIVE TO PROVIDING THE RESULTS OF BLOOD ALCOHOL OR TESTS TO POLICE OR PROSECUTORS

COMMENTS:

1. As a consideration, it may be helpful if the proposed legislation include urine samples.
2. There is no guidance as to when the blood test shall be conducted, at whose request or under what conditions, and whether doctors may refuse. Mandatory blood or urine testing for all victims of accidents would certainly bolster efforts at prosecuting repeat offenders who realize the implications of the tests.

Again on behalf of the Guam Police Department, to you and your fine committee, Dangkulu na Si Yu'us Ma'ase yan agradecimiento!

Sincerely,


J.M. MARQUES
Acting

cc: Sen. John C. Salas
Sen. Anthony C. Blaz
Sen. Joanne M.S. Brown
Sen. Mark Forbes
Sen. Edwardo J. Cruz, M.D.
Sen. Vicente C. Pangelinan
Sen. Frank Blas Aguon, Jr.

TWENTY-FOURTH GUAM LEGISLATURE

Committee on Judiciary, Public Safety and Consumer Protection

SENATOR ELIZABETH BARRETT-ANDERSON, CHAIRPERSON

PUBLIC HEARING

WITNESS SIGN-IN SHEET

BILL NO. 374

Please Print Name:	Organization (if any)	Testimony		I am	
		Oral	Written	For	Against
1.					
2. Cynthia Henson	BioPath Lab	✓			
3. Don Weasley	GMH	-	✓	-	
4. Penny Forness	GMH LAB	-	-	-	
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TWENTY-FOURTH GUAM LEGISLATURE

Committee on Judiciary, Public Safety and Consumer Protection

SENATOR ELIZABETH BARRETT-ANDERSON, CHAIRPERSON

PUBLIC HEARING

GOVERNMENT OFFICIALS SIGN-IN SHEET

BILL NO. 374

Please Print Name:	AGENCY	Testimony		I am	
		Oral	Written	For	Against
1. JAMES M. MARQUESS COP	GPD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
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