



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

01 FEB 2007

The Honorable Mark Forbes
Speaker
Mina' Bente Nuebe Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 322(LS), "AN ACT TO AMEND TITLE 5 G.C.A. §60107 TO REVISE PROCEDURES FOR THE EFFECTIVE PROSECUTION OF VIOLATIONS OF GUAM'S NATURAL RESOURCE LAWS BY THE ISSUANCE OF CITATIONS AND TO PROVIDE THAT FINES AND PENALTIES COLLECTED THEREUNDER SHALL BE DEPOSITED INTO THE WILDLIFE CONSERVATION FUND" which I signed into law on January 29, 2007, as **Public Law 28-174**.

Sinseru yan Magåhet,

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Ray Tenorio
Senator and Secretary of the Legislature



126

Office of the Speaker

MARK FORBES

Date: 2/2/07
Time: 11:00 AM
Rec'd by: Rn
Print Name: Rod B...

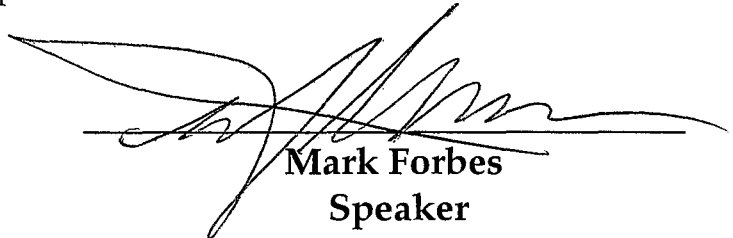
29-07-0126

Handwritten notes: 5:04 PM, 2/5/07

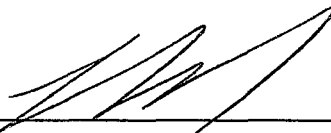
I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN


This is to certify that Bill No. 322 (LS), "AN ACT TO AMEND TITLE 5 G.C.A. §60107 TO REVISE PROCEDURES FOR THE EFFECTIVE PROSECUTION OF VIOLATIONS OF GUAM'S NATURAL RESOURCE LAWS BY THE ISSUANCE OF CITATIONS AND TO PROVIDE THAT FINES AND PENALTIES COLLECTED THEREUNDER SHALL BE DEPOSITED INTO THE WILDLIFE CONSERVATION FUND," as amended, was on the 20th day of December, 2006, duly and regularly passed.


Mark Forbes
Speaker

Attested:


Edward J.B. Calvo
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 30 day of Dec, 2006, at
1:30 o'clock p.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 29 JAN 2007

Public Law No. 28-174

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2006 (SECOND) Regular Session

Bill No. 322 (LS)

As amended on the Floor.

Introduced by:

J. M.S. Brown
J. T. Won Pat
F. B. Aguon, Jr.
Edward J.B. Calvo
B. J.F. Cruz
Mike Cruz
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
J. A. Lujan
A. B. Palacios, Sr.
R. J. Respicio
Ray Tenorio
A. R. Unpingco

**AN ACT TO *AMEND* TITLE 5 G.C.A. §60107 TO REVISE
PROCEDURES FOR THE EFFECTIVE PROSECUTION
OF VIOLATIONS OF GUAM'S NATURAL RESOURCE
LAWS BY THE ISSUANCE OF CITATIONS AND TO
PROVIDE THAT FINES AND PENALTIES
COLLECTED THEREUNDER SHALL BE DEPOSITED
INTO THE WILDLIFE CONSERVATION FUND.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that effective
3 deterrence of violations of Guam's Natural Resource laws requires an amendment of
4 the current statutes on the subject. Therefore, *I Liheslaturan Guåhan* intends to apply
5 §60107 of Chapter 60, Title 5 Guam Code Annotated, to Chapter 63, Title 5 Guam
6 Code Annotated.

1 **Section 2:** §60107 of Article 1, Chapter 60, Division 6 of Title 5 Guam Code
2 Annotated is *amended* to read:

3 **“§60107. Violation.**

4 (a) The Director of the Department of Agriculture, through the
5 Administrative Adjudication Law, is hereby authorized to enact
6 schedules for penalties and citations that:

7 (1) do not exceed One Thousand Dollars (\$1,000.00) per
8 incident; and

9 (2) allow any peace officer on Guam to issue a citation for a
10 violation of Chapters 60 and 63 of Title 5 of the Guam Code
11 Annotated, their supporting regulations and Public Law 24-21 as
12 appropriate.

13 (b) (1) A citation issued pursuant to Chapters 60 and 63 of Title 5 of
14 the Guam Code Annotated, their supporting regulations and Public
15 Law 24-21, shall be accompanied by a notice to appear at the Traffic
16 Court Division of the Superior Court of Guam. Failure of the person
17 cited to appear as directed by the notice may subject him to further
18 penalties for contempt of court.

19 (2) Violations of this Article shall be prosecuted in the Traffic
20 Court Division of the Superior Court of Guam, which shall impose the
21 penalties created herein. Parents and legal guardians shall be
22 responsible for any violations hereof committed by minors under their
23 custody.

24 (c) All monies collected by the court for fines and penalties imposed
25 hereunder shall be transferred to the Wildlife Conservation Fund as
26 described in §63130 of Article 1, Chapter 63, Division 6 of Title 5 of

1 the Guam Code Annotated. The Superior Court shall render a
2 quarterly report to the Department of Agriculture reflecting
3 defendants' names, addresses and other identifying information
4 regarding violators who have been ordered to remit fines and
5 penalties. The Superior Court shall create forms approved by the
6 Director of the Department of Agriculture for citations, record
7 violations, provide for the administration of the prosecution of
8 violators and establish an orderly, secure and efficient procedure for
9 the processing of Natural Resource citations pursuant to Subsections
10 (a) and (b) hereof.

11 (d) The Director of the Department of Agriculture may enter into such
12 written Memoranda of Understanding with the Superior Court of
13 Guam and other government of Guam agencies as are necessary to
14 effectuate the purposes of this Act.

15 (e) The Director of the Department of Agriculture may also enact
16 such regulations to effectuate the purposes of this Act as are
17 appropriate. The existing penalties as described in §63129 of Chapter
18 63 of Title 5 of the Guam Code Annotated, Public Law 28-107, and
19 their supporting regulations to include Public Law 24-21 shall remain
20 in effect until the new schedule of penalties and citations is enacted.

21 (f) Nothing in this Section shall nullify or modify any civil or criminal
22 law enforcement powers, penalties or obligations granted by federal
23 or local law to the Department of Agriculture to punish offenses of the
24 hunting and fishing laws of Guam, including, but not limited to, the
25 right to perform searches and seizures, to make lawful arrests and to
26 seek and recover the forfeiture of items employed by violators.”