



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

06 JUN 2005

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

Dear Mr. Speaker:

Transmitted herewith is Bill No. 038 (EC), "AN ACT TO ADD A NEW §43.31 TO CHAPTER 43 OF ARTICLE 1, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A SPECIAL ALLEGATION TO BE KNOWN AS A "CRIME AGAINST THE COMMUNITY"" which I signed into law on June 2, 2005, as Public Law 28-39.

Sins eru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

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

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Legislative Secretary

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT
Rcv'd by: [Signature]
Print Name & Initial
Time: 3:58pm Date: 6/8/05

Office of the Speaker
MARK FORBES
Date: 6/7/05
Time: 3:15pm
Rec'd by: Janice
Print Name:
28-05-0230



MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
TWENTY-EIGHTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

May 25, 2005

The Honorable Felix P. Camacho
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 71(EC), 81(EC) and 145(LS); and Substitute Bill Nos. 1(LS), 38(EC), 64(EC), 76(EC) and 118(EC) which were passed by *I Mina' Bente Ocho Na Liheslaturan Guåhan* on May 20, 2005.

Sincerely,


EDWARD J.B. CALVO
Senator and Secretary of the Legislature

Enclosures (8)


I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

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

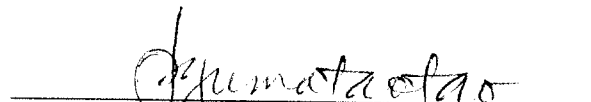
This is to certify that Substitute Bill No. 38 (EC), "AN ACT TO ADD §43.31 TO CHAPTER 43 OF ARTICLE 1, TITLE 9 GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A SPECIAL ALLEGATION TO BE KNOWN AS A 'CRIME AGAINST THE COMMUNITY'," was on the 20th day of May, 2005, duly and regularly passed.


Mark Forbes
Speaker


Attested:


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

This Act was received by *I Maga'lahaen Guåhan* this 25 day of May, 2005,
at 4:10 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 6/2/05

Public Law No. 28-39

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 38 (EC)

As substituted by the Committee on
Criminal Justice, Public Safety,
Youth & Foreign Affairs and
amended.

Introduced by:

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

**AN ACT TO ADD §43.31 TO CHAPTER 43 OF ARTICLE 1,
TITLE 9 GUAM CODE ANNOTATED, RELATIVE TO
ESTABLISHING A SPECIAL ALLEGATION TO BE
KNOWN AS A "CRIME AGAINST THE COMMUNITY".**

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

2 **Section 1. Short Title.** This Act shall be known as the "Crime
3 Against the Community Act".

4 **Section 2.** A new Section 43.31 is hereby *added* to Title 9 GCA to
5 **read:**

1 **"§43.31. Crime Against the Community; Defined and**
2 **Punishment.** (a) A person is guilty of a Crime Against the Community
3 if that person knowingly takes, obtains or exercises unlawful control
4 over government-owned, leased or borrowed property, or interferes
5 with, obstructs, or takes action regarding government services in such a
6 way that: (1) doing so creates a threat to the public health and safety; or
7 (2) doing so results in a deprivation of public services, such as utility
8 services, the education of public or private school students, or any
9 government service intended to benefit the public; or (3) does so for a
10 purpose other than the original purpose for which the property or
11 services were to be provided.

12 (b) A person is guilty of a Crime Against the Community if that
13 person knowingly destroys, defaces, alters, tampers with or damages
14 government-owned, leased or borrowed property.

15 (c) A Crime Against the Community shall be alleged, in an
16 information, complaint or indictment, as a Special Allegation which
17 enhances punishment when the defendant is convicted of another
18 offense. A Crime Against the Community shall be tried to a jury if the
19 underlying crime is tried to a jury.

20 (d) A person convicted of a Crime Against the Community shall
21 be sentenced to:

22 (1) Insofar as is practicable, make restitution to the victim
23 of the crime, including the government of Guam or the Federal
24 government;

1 (2) Insofar as is practicable, perform community service
2 intended to raise community awareness that a crime against the
3 public interest has been committed and is being punished,
4 including, *but not limited to*, repair, painting and cleaning of items
5 which are stolen, damaged or defaced; or

6 (3) Serve one (1) year of incarceration and pay an
7 additional fine of up to Five Thousand Dollars (\$5,000.00) in
8 addition to the sentence imposed for the underlying crime, if the
9 underlying crime is a misdemeanor or felony. The court may
10 suspend said term of incarceration and impose a term of probation
11 instead."

I MINA' BENTE OCHO NA LIHESLATURAN GUAHAN

2005 (FIRST) Regular Session

Date: 5/20/05
Friday

VOTING SHEET

S Bill No. 38 (ec)

Resolution No. _____

Question: _____

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	OUT DURING ROLL CALL	ABSEN
AGUON, Frank B., Jr.	✓				
BROWN, Joanne M.S.	✓				
CALVO, Eddie J.B.	✓				
CRUZ, Benjamin J.F.	✓				
CRUZ, Mike (Dr.)	✓				
FORBES, Mark	✓				
KASPERBAUER, Lawrence F.					EA ✓
KLITZKIE, Robert	✓				
LEON GUERRERO, Lourdes A.	✓				
LUJAN, Jesse A.	✓				
PALACIOS, Adolpho B.	✓				
RESPICIO, Rory J.	✓				
TENORIO, Ray	✓				
UNPINGCO, Antonio R.	✓				
WON PAT, Judith T.	✓				

TOTAL

14 0 0 0 1

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence

P.L. 28-39



Office of
SENATOR RAY TENORIO
MAJORITY LEADER
CHAIRMAN
 COMMITTEE ON CRIMINAL JUSTICE,
 PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building
 167 East Marine Corps Drive
 Hagåtña, Guam 96910
 671.479.GUAM
 671.479.1FAX
 raytenorio.com

April 5, 2005

The Honorable Mark Forbes
 Speaker
I Mina' Bente Ocho na Liheslaturan Guåhan
 155 Hesler Street
 Hagåtña, Guam 96910

Dear Speaker Forbes:

The Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs, to which was referred, **Bill No. 38(EC)**, as substituted: **“An Act To Add A New §43.31 To Chapter 43 Of Article 1, Title 9, Guam Code Annotated, Relative To Establishing A Special Allegation To Be Known As A “Crime Against The Community”** now wishes to report back with the recommendation **TO PASS**.

The voting record is as follows:

TO PASS	<u>10</u>
NOT TO PASS	<u>0</u>
TO REPORT OUT ONLY	<u>0</u>
ABSTAIN	<u>0</u>
TO PLACE IN INACTIVE FILE	<u>0</u>

A copy of the Committee report and other pertinent documents are attached for your information and file.


 Ray Tenorio





Office of
SENATOR RAY TENORIO
MAJORITY LEADER
CHAIRMAN
COMMITTEE ON CRIMINAL JUSTICE,
PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building
167 East Marine Corps Drive
Hagåtña, Guam 96910
671.479.GUAM
671.479.1FAX
raytenorio.com

April 5, 2005

MEMORANDUM

TO: Committee Members

FROM: Chairman

SUBJECT: Committee Report – BILL NO. 38(EC), as substituted: “An Act To Add A New §43.31 To Chapter 43 Of Article 1, Title 9, Guam Code Annotated, Relative To Establishing A Special Allegation To Be Known As A “Crime Against The Community”.

Transmitted, herewith, for your information and action is the report on BILL NO. 3(EC), as substituted by the author, from the Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill No. 38(EC), as substituted
4. Written Testimony
5. Public Hearing Sign-in Sheet
6. Notice of Public Hearing
7. Bill No. 38(EC)

Please take appropriate action on the attached voting sheet. Your attention and cooperation in this matter is greatly appreciated. Should you have any questions regarding this report or accompanying documents, please do not hesitate to contact me at 479-4825/26.


RAY TENORIO





Office of
SENATOR RAY TENORIO
MAJORITY LEADER
CHAIRMAN
 COMMITTEE ON CRIMINAL JUSTICE,
 PUBLIC SAFETY, YOUTH & FOREIGN AFFAIRS

Suite 104, De La Corte Building
 167 East Marine Corps Drive
 Hagåtña, Guam 96910
 671.479.GUAM
 671.479.1FAX
 raytenorio.com

VOTING RECORD

BILL NO. 38(EC), as substituted: "An Act To Add A New §43.31 To Chapter 43 Of Article 1, Title 9, Guam Code Annotated, Relative To Establishing A Special Allegation To Be Known As A "Crime Against The Community".

	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>TO REPORT OUT ONLY</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
 RAY TENORIO, Chairman	✓	_____	_____	_____	_____
 LAWRENCE F. KASPERBAUER Vice Chair	X	_____	_____	_____	_____
 JOANNE BROWN, Member	✓	_____	_____	_____	_____
 ROBERT KLITZKIE, Member	_____	_____	_____	_____	_____
 JESSE ALUJAN, Member	4/7/05 ✓	_____	_____	_____	_____
ANTONIO R. UNPINGCO, Member	_____	_____	_____	_____	_____
FRANK B. AGUON, Member	_____	_____	_____	_____	_____
 BENJAMIN J. CRUZ, Member	✓	_____	_____	_____	_____
 ADOLPHO PALACIOS, Member	✓	_____	_____	_____	_____
 JUDI WON PAT, Member	✓	_____	_____	_____	_____
 RORY J. RESPECIO, Member	✓	_____	_____	_____	_____
 Mark Forbes, Ex-Officio	✓	_____	_____	_____	_____



I. OVERVIEW

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs conducted a public hearing on February 10, 2005 in the Legislative Public Hearing Room, *Liheslaturan Guåhan*. Public notice was printed in the Pacific Daily News on February 3 and February 8, 2005.

Senators present:

1. Senator Ray Tenorio, Chairman
2. Senator Lawrence Kasperbauer, Vice-Chairman
3. Vice Speaker Joanne Brown, Member
4. Senator Robert Klitzkie, Member
5. Senator Antonio Unpingco, Member
6. Senator Frank B. Aguon, Jr., Member
7. Senator Adolpho Palacios, Member
8. Senator Rory Respecio, Member

II. SUMMARY OF TESTIMONY

Douglas Moylan, Attorney General of Guam, submitted written testimony (see attached) in general support of Bill No. 38 but did note that there were several problems. Mr. Moylan pointed out that the Bill is too ambiguous and no clear definitions are given.

David R. Craddick, General Manager, Guam Waterworks Authority, provided oral and written (see attached) testimony in support of Bill No. 38. Mr. Craddick pointed out that GWA has experienced problems with persons tampering and disabling with the water meter backflow devices. He stated that while nothing is stolen it is a crime against the community when contamination is allowed to backflow into the water system.

III. FINDINGS

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs finds that most crimes, in general, affect one or more persons within the community but there are certain crimes that affect the community as a whole. These types of crimes such as stealing a generator used to operate a water pump or cutting open a water bladder used for providing water to a school has adverse effects on the community.

The Committee has drafted a substitute Bill No. 38(EC) to deal with the concerns raised by the Attorney General. Bill No. 38(EC), as substituted addresses the

ambiguity created in the original bill by describing what is considered to be a government service. Also, Bill No. 38(EC), as substituted allows for the court to suspend the term of incarceration and impose a term of probation.

IV. RECOMMENDATION

The Committee on Criminal Justice, Public Safety, Youth & Foreign Affairs hereby reports out Bill No. 38, as substituted: "An act to add a new §43.31 to Chapter 43 of Article 1, Title 9, Guam Code Annotated, relative to establishing a special allegation to be known as a Crime Against The Community" to *I Mina Bente Ocho Na Liheslaturan Guåhan* with the recommendation **TO PASS**.

- Attachments:
1. Bill No. 38(EC), as substituted
 2. Written Testimony
 - a. Douglas Moylan
 - b. David Craddick
 3. Witness Sign-in Sheet
 4. Notice of Hearing
 5. Bill No. 38(EC)

2nd 3rd
5/19/05 5/20/05

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 38(EC)
As Substituted by the
Committee on Criminal Justice, Public Safety,
Youth & Foreign Affairs

Introduced by:

Ray Tenorio
B.J. Cruz
J.M.S. Brown
Judi Won Pat
Adolpho Palacios
L. Kasperbauer

AN ACT TO ADD A NEW §43.31 TO CHAPTER 43 OF ARTICLE
1, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO
ESTABLISHING A SPECIAL ALLEGATION TO BE KNOWN AS
A "CRIME AGAINST THE COMMUNITY".

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

2

3 **Section 1. Short Title.** This Act shall be known as the "Crime Against the
4 Community Act".

5 **Section 2.** A new Section 43.31 is added to Title 9 G.C.A. to read:

6 **§43.31 Crime Against the Community; Defined and Punishment.** (a) A
7 person is guilty of a Crime Against the Community if he knowingly takes, obtains or
8 exercises unlawful control over government owned, leased or borrowed property or
9 interferes with, obstructs, or takes action regarding government services in such a
10 way that: (1) doing so creates a threat to the public health and safety; or (2) doing
11 so results in a deprivation of public services such as utility services, education of
12 public or private school students, or any government service intended to benefit the

1 public; (3) he does so for a purpose other than the original purpose for which the
2 property or services were to be provided.

3 (b) A person is guilty of a Crime Against the Community if he knowingly
4 destroys, defaces, alters, tampers with or damages government owned, leased or
5 borrowed property.

6 (c) A Crime Against the Community shall be alleged, in an information,
7 complaint or indictment as a Special Allegation which enhances punishment when
8 the defendant is convicted of another offense. A Crime Against the Community
9 shall be tried to a jury if the underlying crime is tried to a jury.

10 (d) A person convicted of a Crime Against the Community shall be
11 sentenced to:

12 (1) Insofar as is practicable, make restitution to the victim of the crime,
13 including the Government of Guam or the federal government;

14 (2) Insofar as is practicable, perform community service intended to raise
15 community awareness that a crime against the public interest has been committed
16 and is being punished, including, but not limited to, repair, painting and cleaning of
17 items which are stolen, damaged or defaced;

18 (3) Serve a year of incarceration and pay an additional fine of up to Five
19 Thousand Dollars (\$5,000.00) in addition to the sentence imposed for the underlying
20 crime, if the underlying crime is a misdemeanor or felony. The court may suspend
21 said term of incarceration and impose a term of probation instead.



Office of the Attorney General

Douglas B. Moylan

Attorney General of Guam

Guam Judicial Center, Suite 2-200E

120 West O'Brien Drive

Hagåtña, Guam 96910 • USA

(671) 475-3324 • (671) 472-2493 (Fax)

www.guamattorneygeneral.com • law@mail.justice.gov.gu

LEGISLATIVE TESTIMONY

Bill Number 38

(Public Hearing on Thursday, February 10, 2005)

The Office of the Attorney General currently is in general support as to the above identified legislation as drafted, but it has several problems. The reasons are set forth below.

The Bill creates ambiguity which will be attacked by the defense as to what is “necessary for the delivery of public services.” No definition is provided, and this point will be unnecessarily litigated in a trial.

The Bill also does not state the degree of culpability (mental state), which should be specified. Also, § 43.31(c) may unconstitutionally ambiguous because the accused may not know what the original intent was.

Section 43.31(d) is too ambiguous and does not give an accused notice of what may be illegal.

The Bill does not provide for a lesser included misdemeanor charge because it requires a minimum mandatory one (1) year in jail.

The Bill provides that a sentence shall not be suspended, nor parole or work release for the 3rd degree felony. The Legislature has in the past reserved such punishment to 1st and 2nd degree felonies. The Bill must also exempt itself from 9 G.C.A. § 80.31, which allows the Court to suspend a sentence for 1st time offenders.

(The Office's testimony provided herein is intended to help the Committee evaluate the legislation. Since our time and staff resources remain scant and this testimony reflects our voluntary assistance, the testimony provided herein shall not be binding upon us, and is subject to our changing position in the event that facts or law are discovered which were not considered at the time of submitting this testimony.)

Finally, this Bill affects government corruption and creates very harsh mandatory penalties. We recommend that the AG's Office be afforded the discretion to negotiate plea agreements by not requiring mandatory jail time. Our Office is currently securing plea agreements with a commitment of never working for the Government of Guam again, which the Bill with its mandatory jail time will cause accused's to go to trial and not have that option if found guilty.

Author: Government Corruption Division



GUAM WATERWORKS AUTHORITY

"Good Water Always"

Post Office Box 3010, Hagatna, Guam 96932

Phone: (671) 647-2603 Fax: (671) 646-2335

TESTIMONY ON BILL 038

Introduced By: R. Tenorio, B. J. Cruz, J. M.S Brown, J. T. Won Pat, A. B. Palacios, L. F. Kasperbauer

AN ACT TO ADD A NEW §43.31 TO CHAPTER 43 OF ARTICLE 1, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING A SPECIAL ALLEGATION TO BE KNOWN AS A "CRIME AGAINST THE COMMUNITY".

GWA is very much in support of this bill.

Tampering with and disabling water meter backflow devices is also a major system vulnerability issue. Although nothing may be stolen it is a crime against the community when contamination is allowed to backflow into the water system because protection devices have been disabled. There will be a concern over how the disabler is identified so we suggest would be the responsibility of the property owner when this occurs.

The law should be clarified that activity of this nature is also covered under this law.

Backflow requirements under current GWA rules and regulation, that have the force and effect of law, are rarely prosecuted. I suspect this is because of the lack of understand of the great risk the community is subjected to when backflow devices are disabled.

GWA will be installing backflow prevention devices on all meters. Commercial accounts and agricultural accounts are currently required to have backflow prevention. So legislation of this type is timely and warranted.

Thank you for your efforts in this critical matter.

DAVID R. CRADDICK
General Manager
Guam Waterworks Authority
2/10/05

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 Felix P. Camacho
 Governor of Guam
 Kaleo S. Moylan
 Lieutenant Governor
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 For **Diesel Fueled Generator**
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 Date: **February 10, 2005** Time
 PRE-BID CONFERENCE: February 9, 2005
 Place: Port Authority of Guam Procurement Office
INTERESTED PARTIES
FORMS/SPECIFICATIONS
 A NON-REFUNDABLE FEE OF \$200 FOR EACH BID

NOTICE OF JOB OPENING
 By authority from the U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services is making a determination process that will determine the employment of the aliens(s) will not be in the public interest. The employment of similarly employed United States workers that are qualified and meet the conditions of similarly employed United States workers shall be at least equal to the Prevailing Wage and workers shall be offered the same benefits and conditions as those offered to alien workers.
2 - Masseur (1 yr. exp.)
 Massage customers & guests & administer massages, aromatherapy, herbal wraps, alcohol, lubricants & other rubbing compounds. Massage body using such techniques as stimulate blood circulation, relax contracted muscles. Administers steam or dry heat, ultraviolet light, request of customer. Gives directions to remedial exercise. Examines client & records treatments. Records treatment furnished to customer.
 Benefits: Roundtrip transportation to/from job site. Worker's Compensation Insurance. Interested applicants should apply to the One-Stop Career Center located at the Hagåtña. The job offer is open to all qualified persons regardless of Race, Color, National Origin, Age, Sex, or Disability who are qualified, willing to accept the terms and conditions of the job offer. (Ref. No. 2005-025).

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The Planet
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 Duties: Conducts audits for management to assess effectiveness of controls, accuracy of financial records, and efficiency of operations; Examines records of departments and interviews workers to ensure recording of transactions and compliance with applicable laws and regulations. Inspects accounting systems to determine their efficiency and protective value. Reviews records pertaining to material assets, such as equipment and buildings, and staff to determine degree to which they are utilized. Analyzes data obtained for evidence of deficiencies on controls, duplication of effort, extravagance, fraud, or lack of compliance with laws, government regulations, and management policies and procedures. Prepares reports of findings and recommendations for management. May conduct special studies for management, such as those required to discover mechanics of detected fraud and to develop controls for fraud prevention. Requirements: Minimum 2 years experience in the job described in the duties above. 4-year College Graduate with a degree of B.S.B.A. in Accounting. Benefits: One-way airfare from point of hire. Apply at Faith Corporation, POB 10629, Tamuning, Guam 96931.

COMMITTEE ON CRIMINAL JUSTICE, PUBLIC SAFETY, YOUTH AND FOREIGN AFFAIRS
Senator Ray Tenorio, Chairman & Majority Leader
 Public Hearing, Thursday, February 10, 2005 at 9:00a.m.
 Public Hearing Room; Temporary Legislature, 155 Hesler Place, Hagåtña, Guam
 Guam Parole Board Member Nominees: Ms. Soledad H. Chargualaf & Mr. Michael D. Carey
Bill No.:
 38(EC) Establishing a special allegation to be known as "Crime Against the Community."
 33(EC) Requiring persons, entities or corporations buying copper wire to maintain a log of purchases made from on-island sources.
 32(EC) Regulations for the control of handbilling within Tumon or other economic tourism zones.
 27(EC) Allowing the consumption of alcohol restrictively within limousines and chartered vehicles traveling on public roadways.
 9(LS) Providing exceptions for prior licenses.
 6(LS) Regulating the sale of butane, propane and other inhalants to minors.
 For ADA Assistance call ADA Coordinator Francis Toves at 479-4826. Please fax written testimony to 479-1329, if you are unable to personally attend the public hearing, or e-mail jessica@raytenorio.com.
 This ad is paid for by government funds.

IT&E, Guam's Telecommunications Leader,
 is looking to hire outgoing, hardworking and experienced individuals to work in our organization.

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 Responsible for the development and implementation of marketing plans for the sales of the company's products and services. Supervises Account Executives to ensure sales goals are achieved. Positive attitude and flexibility in work schedule is a must.

ACCOUNT EXECUTIVE - SALES
 Primarily develops and maintains relationships with business customers by introducing a variety of telecommunication products and services, including Long Distance, Talaya Internet, Wireless Digital PCS and Customer Premise Equipment.

ADVERTISING COORDINATOR
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I Mina' Bente Ocho Na Liheslaturan Guåhan

Committee on Criminal Justice, Public Safety, Youth and Foreign Affairs

Senator Ray Tenorio, *Chairman & Majority Leader*

Public Hearing, Thursday, February 10, 2005 at 9:00a.m.

Public Hearing Room: Temporary Legislature, 155 Hesler Place, Hagåtña, Guam

Guam Parole Board Member Nominees: Ms. Soledad H. Chargualaf & Mr. Michael D. Carey

Bill No.:

- 38(EC) Establishing a special allegation to be known as "Crime Against the Community."
- 33(EC) Requiring persons, entities or corporations buying copper wire to maintain a log of purchases made from on-island sources.
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- 6(LS) Regulating the sale of butane, propane and other inhalants to minors.

For ADA Assistance call ADA Coordinator Francis Toves at 479-4826. Please fax written testimony to 479-1329, if you are unable to personally attend the public hearing, or e-mail jessica@raytenorio.com.

This ad is paid for by government funds.

49 Pacific Daily News, Thursday, February 3, 2005 guampdn.com

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We are currently searching for experienced candidates for the following positions:

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- Must be proficient in MS Word, Excel; Networking
- Working knowledge of either RDP or Fidelio 7.11 reservation systems
- Knowledgeable in Web Design is a must
- Hotel industry experience is plus but not requirement

Assistant Front Office Manager

- 3 years experience in the hotel industry;
- Must be proficient in MS Word, Excel;
- Working knowledge of either RDP, ASI, or Fidelio 7.11 reservation systems
- Japanese speaking preferred

Guest Service Attendant

- Must have a valid D or G license
- Posses a positive; team-oriented attitude
- Able to work flexible hours

Applications are available at the Front Office in Alupang Beach Tower.
Current police and court clearances must be submitted with employment application.
No Phone Calls Please
We are an Equal Opportunity Employer

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Department of Public Works
(DIPATTAMENTON CHE'CHO PUPBLEKO)
 542 North marine Dr. Upper Tumon, Guam 96913 Telephone: (671) 646-3131/3232
 The Honorable Felix P. Camacho Governor of Guam The Honorable Kaleo S. Moylan Lt. Governor of Guam

REQUEST FOR PROPOSALS

The Department of Public Works is soliciting proposals from Engineering Firms to provide professional engineering services for the following projects:

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MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 39 (EC)

Introduced by:

R. Tenorio
B. J. Cruz
J.M.S Brown
Judy Won Pat
Adolpho Palacios
L. Kasperbauer

AN ACT TO ADD A NEW §43.31 TO CHAPTER 43
OF ARTICLE 1, TITLE 9, GUAM CODE
ANNOTATED, RELATIVE TO ESTABLISHING A
SPECIAL ALLEGATION TO BE KNOWN AS A
"CRIME AGAINST THE COMMUNITY".

2005 JUN 23 PM 12:39
H. Brown

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Short Title. This Act shall be known as the "Crime Against
3 the Community Act".

4 Section 2. Legislative Statement of Intent. Most crimes adversely
5 affect one or more persons within our community and are not to be tolerated.
6 However, committing crimes that affect the community as a whole are
7 particularly heinous. These types of crimes may include the theft of
8 government property or services that result in a threat to the public health or
9 public safety. The theft of government property (i.e.: a generator used to
10 sustain the operation of a water pump after a typhoon), damaging property
11 (i.e.: cutting open a water bladder placed at a school) or using services for
12 purposes not related to the original intent for which the property or services

1 were provided and any other action(s) that result in a denial of government
2 property or services necessary to sustain life, can cause far-reaching negative
3 consequences. It is the intent of *I Liheslaturan Guåhan* that any person who is
4 charged with the theft of any government property or services whether
5 owned, leased, or borrowed, or the denial of the same, shall have the special
6 allegation "*Crime Against the Community*" added to the charge sheet.

7 Section 3. A new §43.31 is added to Chapter 43 of Article 1, Title 9,
8 Guam Code Annotated. A new §43.31 is added to Chapter 43 of Article 1,
9 Title 9, Guam Code Annotated to read:

10 "§43.31. Crime against the Community; Defined and Punishment
11 Classified. (a) A person is guilty of *a crime against the community* if he
12 ~~unlawfully~~ ^{knowingly} takes or obtains or exercises unlawful control over government-
13 owned, leased, or borrowed property ~~necessary for the delivery of public~~
14 ~~services~~;

15 (b) ~~A person is guilty of a crime against the community if he unlawfully~~
16 ~~takes or obtains or exercises unlawful control over government-owned,~~
17 ~~leased, or borrowed property or services that result in a~~ ^{(1) doing so creates a} ~~threat to the public~~
18 ~~health and safety~~;

19 (c) ~~A person is guilty of a crime against the community if he unlawfully~~
20 ~~takes or obtains or exercises unlawful control over government-owned,~~
21 ~~leased, or borrowed property or services~~ ^{(3) he does so} ~~for purposes not related to the~~
22 ~~original intent~~ ^{other than the} ~~for which the property or services were~~ ^{to be} ~~provided~~;



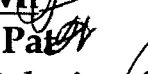



1 (d) A person is guilty of a *crime against the community* if he unlawfully
2 performs any other action(s) that result in a denial of government property or
3 services.”

4 (e) A *crime against the community* constitutes a felony of the third
5 degree and the court shall impose a sentence of imprisonment of a minimum
6 term of one (1) year and may impose a maximum sentence of imprisonment of
7 up to three (3) years; the minimum term imposed shall not be suspended nor
8 may probation be imposed in lieu of the minimum term nor shall parole or
9 work release be granted before completion of the minimum term. In addition
10 to imprisonment, the court shall include, as part of the penalty, a mandatory
11 sentence of five hundred (500) hours of community service to be performed
12 upon completion of the prison sentence.”

MINA' BENTE OCHO NA LIHESLATURAN GUÅHAN
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OF ARTICLE 1, TITLE 9, GUAM CODE
ANNOTATED, RELATIVE TO ESTABLISHING A
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"CRIME AGAINST THE COMMUNITY".**

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14 services;

15 **(b)** A person is guilty of a *crime against the community* if he unlawfully
16 takes or obtains or exercises unlawful control over government-owned,
17 leased, or borrowed property or services that result in a threat to the public
18 health and safety;

19 **(c)** A person is guilty of a *crime against the community* if he unlawfully
20 takes or obtains or exercises unlawful control over government-owned,
21 leased, or borrowed property or services for purposes not related to the
22 original intent for which the property or services were provided;

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