



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

DEC 01 2009

2009 DEC -2 PM 2:31 me

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 151-30(COR) "AN ACT TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION TO DESIGNATE AREAS WITHIN THE GUAM TERRITORIAL PARK SYSTEM AS "ALCOHOL FREE ZONES", AND TO PROVIDE FOR PENALTIES FOR NON-COMPLIANCE, BY ADDING NEW SUBSECTIONS 77101(d) AND 77104(i), AND §§77104.1 AND 77104.2 TO CHAPTER 77, ARTICLE 1, TITLE 21 GUAM CODE ANNOTATED" which I signed into law on November 27, 2009 as **Public Law 30-65**.

Sinseru yan Magåhet,

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


Attachment: copy of Bill

30-09-1419


I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

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

This is to certify that Bill No. 151-30 (COR), "AN ACT TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION TO DESIGNATE AREAS WITHIN THE GUAM TERRITORIAL PARK SYSTEM AS "ALCOHOL FREE ZONES", AND TO PROVIDE FOR PENALTIES FOR NON-COMPLIANCE, BY ADDING NEW SUBSECTIONS 77101(d) AND 77104(i), AND §§77104.1 AND 77104.2 TO CHAPTER 77, ARTICLE 1, TITLE 21, GUAM CODE ANNOTATED," was on the 13th day of November, 2009, duly and regularly passed.


Benjamin J.F. Cruz
Acting Speaker


Attested:


Rory J. Respicio
Acting Legislative Secretary

This Act was received by I Maga'lahaen Guåhan this 18 day of Nov., 2009, at
2:10 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 27 Nov 2009

Public Law No. 30-65

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 151-30 (COR)

As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.

T. C. Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

Judith P. Guthertz, DPA

T. R. Muña Barnes

v. c. pangelinan

M. J. Rector

R. J. Respicio

Ray Tenorio

Telo Taitague

Judith T. Won Pat, Ed.D.

AN ACT TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION TO DESIGNATE AREAS WITHIN THE GUAM TERRITORIAL PARK SYSTEM AS “ALCOHOL FREE ZONES”, AND TO PROVIDE FOR PENALTIES FOR NON-COMPLIANCE, BY *ADDING* NEW SUBSECTIONS 77101(d) AND 77104(i), AND §§77104.1 AND 77104.2 TO CHAPTER 77, ARTICLE 1, TITLE 21, GUAM CODE ANNOTATED.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that there is a need to give the Director of the Department of Parks and Recreation
4 the authority to designate areas within the Guam Territorial Park System (GTPS)

1 as “Alcohol Free Zones”, and to establish penalties for individuals who violate the
2 provisions of this Act.

3 *I Liheslaturan Guåhan* finds that there is a trend to designate areas such as
4 schools and bus shelters as alcohol and drug free zones for purposes of public
5 safety, to deter criminal activity, litter and loitering, and to promote a wholesome
6 atmosphere in these areas.

7 *I Liheslaturan Guåhan* further finds that the open consumption of alcohol in
8 our parks and its intoxicating effects upon an individual often becomes annoying
9 and disturbing to families who gather to enjoy a nice family outing.

10 On several occasions, Territorial Park Patrol officers deal with intoxicated
11 and belligerent individuals in the Guam Territorial Park System with no statutory
12 authority to effectively and safely deal with the situation.

13 It is, therefore, the intent of *I Liheslaturan Guåhan* to authorize the Director
14 of the Department of Parks and Recreation to designate “Alcohol Free Zones” and
15 to establish penalties for non-compliance by adding new subsections 77101(d) and
16 77104(i), and §§77104.1 and 77104.2 to Chapter 77, Article 1 Title 21 Guam Code
17 Annotated.

18 **Section 2.** A new subsection (d) is *added* to §77101, Chapter 77, Article 1,
19 Title 21, Guam Code Annotated, to read as follows:

20 “(d) *Alcohol Free Zone* means children’s playgrounds and the twenty-
21 five (25) feet from the perimeter of the playgrounds, and any other area
22 within the Guam Territorial Park System (GTPS), as designated by the
23 Director of the Department of Parks and Recreation and as recorded with the
24 Department of Land Management, where the possession *or* consumption of
25 alcohol is prohibited.”

26 **Section 3.** A new subsection (i) is *added* to §77104, Chapter 77, Article 1,
27 Title 21, Guam Code Annotated, to read as follows:

1 “(i) Guam Territorial Park System as an “Alcohol Free Zone.” The
2 Director *shall* develop policies and procedures for the effective designation,
3 implementation and administration of “Alcohol Free Zones” in accordance
4 with the Administrative Adjudication Act. “Alcohol Free Zone” designation
5 shall *not exceed more than* fifteen percent (15%) of the combined total
6 number of beaches and parks, *not* inclusive of playground-only parks under
7 the jurisdiction of the Department of Parks and Recreation.”

8 **Section 4.** A new §77104.1 is hereby *added* to Chapter 77, Article 1, Title
9 21, Guam Code Annotated, to read:

10 **“§77104.1. Establishment of an Alcohol Free Zone.**

11 Notwithstanding any other law, rule *or* regulation, there is established within
12 the Guam Territorial Park system “Alcohol Free Zones”, as defined in this
13 Chapter. Any person who possesses *or* consumes alcohol in an “Alcohol
14 Free Zone” *shall* be in violation of this provision and *shall* be issued a
15 citation and punished in accordance with §77104.2 of this Chapter. All
16 Territorial Park Patrol and Guam Police officers *shall* have jurisdiction to
17 enforce this provision of law.”

18 **Section 5.** A new §77104.2 is hereby *added* to Chapter 77, Article 1, Title
19 21, Guam Code Annotated, to read:

20 **“77104.2. Penalties/Fines for Violation of Alcohol Free Zone.**

21 (a) *If* any person is guilty of a first violation of §77104.1 of
22 this Chapter, that person *shall* be punished by a fine of *not less than*
23 One Hundred Fifty Dollars (\$150.00), but *no more than* Five Hundred
24 Dollars (\$500.00). In addition, the judge may impose any additional
25 penalties, including requiring the offenders to pay restitution to
26 persons injured *or* for property damaged. Any credit for community

1 service against the fine imposed *shall* be given at an hourly rate
2 that equals the minimum wage prevailing in Guam.

3 (b) *If* any person is guilty of a second violation of §77104.1
4 of this Chapter, that person *shall* be punished by a fine of *not less than*
5 Two Hundred Fifty Dollars (\$250.00), but *no more than* Five Hundred
6 Dollars (\$500.00). In addition, the judge may impose any additional
7 penalties, including requiring the offenders to pay restitution to
8 persons injured *or* for property damaged. Any credit for community
9 service against the fine imposed *shall* be given at an hourly rate
10 that equals the minimum wage prevailing in Guam.

11 (c) *If* any person is guilty of a third violation of §77104.1 of
12 this Chapter, that person *shall* be punished by a fine of *not less than*
13 Three Hundred Fifty Dollars (\$350.00), but *no more than* Five
14 Hundred Dollars (\$500.00). In addition, the judge may impose any
15 additional penalties, including requiring the offenders to pay
16 restitution to persons injured *or* for property damaged. Any credit for
17 community service against the fine imposed *shall* be given at an
18 hourly rate that equals the minimum wage prevailing in Guam.

19 (d) All fines collected as a result of penalties imposed by this
20 Section *shall* be deposited in the “Public Recreation Services Fund”
21 and administered in accordance with §77114 of this Chapter.”