

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
114-36 (COR)	Telena Cruz Nelson	AN ACT TO AMEND §73102, §73107, §73109, §73141, and §73142 OF CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO POWERS OF CUSTOMS OFFICERS, DEFINITIONS, GUARD ON VESSELS, PLACE OF INSPECTION, AND RELEASE OF SEALED CARGO AT GUAM'S PORTS OF ENTRY, AND TO FURTHER UPDATING THE PENALTIES IN VIOLATION OF THESE STATUTORY REQUIREMENTS.	4/12/21 4:27 p.m.						

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 Regular Session

Bill No. 114-36 (COR)

Introduced by:

Telena Cruz Nelson 

AN ACT TO AMEND §73102, §73107, §73109, §73141, and §73142 OF CHAPTER 73, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO POWERS OF CUSTOMS OFFICERS, DEFINITIONS, GUARD ON VESSELS, PLACE OF INSPECTION, AND RELEASE OF SEALED CARGO AT GUAM'S PORTS OF ENTRY, AND TO FURTHER UPDATING THE PENALTIES IN VIOLATION OF THESE STATUTORY REQUIREMENTS

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the subsections of 5 Guam Code Annotated Chapter 73 dealing with powers of customs officers, definitions, guard on vessels, place of inspection, and release of sealed cargo at Guam's ports of entry directly affect the effective flow of people and merchandise entering or departing Guam. These statutes also provide the Guam Customs and Quarantine Agency lawful tools to secure the safety of Guam's community. These subsections require amendments to meet the increased demands of Guam's import and export industry and ensure deliberate application of security.

I Liheslaturan Guåhan finds that the Director of the Guam Customs and Quarantine Agency (CQA) and CQA customs officers have been challenged on their power and authority at Guam's ports of entry, at enforcement areas, at Guam's borders, at places that exists as functional equivalents of the border, and

1 places of unlawful arrival and entry. Through this legislation, *I Liheslaturan*
2 *Guåhan* further defines the authority of the Director of CQA and the powers of
3 Customs Officers to ensure the safe and effective fulfillment of CQA’s mandates
4 and mission.

5 *I Liheslaturan Guåhan* finds that historical naval government statutes such
6 as *Guard on Vessels* requires specificity to ensure useful statutory existence. *I*
7 *Liheslaturan Guåhan* expands CQA’s *Guard on Vessels requirement* for
8 conveyances, vessels, aircraft, and contrivances arriving in Guam.

9 *I Liheslaturan Guåhan* finds that Airport and Seaport operators did not
10 honor the authority of the Director of CQA asserted in designating *Places of*
11 *Inspection* and the executive responsibility of the Director to establish controls for
12 persons, conveyances, vehicles, aircraft, vessels, and other contrivances present at
13 Guam’s ports of entry, at customs areas of enforcement, at customs jurisdictions, at
14 Guam’s borders, at places that exist as functional equivalents of the border, and
15 places of unlawful arrival and entry, and places of inspection designated by the
16 Director. *I Liheslaturan Guåhan* incorporates clear language to reinforce their
17 intent to make clear the authority and power of the Director and Customs officers.

18 *I Liheslaturan Guåhan* finds that goods and prohibited contraband are
19 making their way into Guam via United States mail. These items are evading
20 inspection by the customs and Quarantine Agency because Customs officers have
21 limited authority to inspect mail when it arrives at the airport or seaport. When a
22 package or letter is delivered to the U.S. Postal Service it remains under the
23 custody of the United States Postal Service until it is delivered to the rightful
24 addressee. As such, for Customs purposes, a package or letter entering Guam
25 through the United States Postal Service does not officially enter Guam until it is
26 out of United States Postal Service custody. To address this issue, *I Liheslaturan*
27 *Guåhan* designates the United States Post Office as an official Port of Entry.

1 *I Liheslaturan Guåhan* also finds that money laundering and the illicit
2 manufacture, distribution, possession of controlled substances involving the use of
3 the U.S. Mail and the U.S. Postal Service are particularly destructive to the island
4 of Guam. The unimpeded introduction of illicit controlled substances and the
5 inability of the Customs and Quarantine Agency to collect revenue are two of the
6 greatest threats to Guam’s economy, health, and lifestyle of its people.

7 *I Liheslaturan Guåhan* finds not all containers and cargo entering Guam are
8 affixed with a seal from the port of origin. This condition creates opportunities for
9 compromised security, increased contraband smuggling, and unwanted tampering
10 which cause detriments to the community. *I Liheslaturan Guåhan* through this
11 legislation mandates all containers and cargo entering Guam be affixed with seals
12 at the point of origin.

13 As the “First Line of Defense” for the island of Guam, the CQA is tasked
14 with protecting borders, securing ports of entry, and facilitating trade, commerce,
15 and travel this legislation provides CQA with the legal implements to protect our
16 island, our people, and our resources.

17 **Section 2.** §73102 of Chapter 73, Title 5 Guam Code Annotated is hereby
18 *amended* to read:

19 **§ 73102. Powers of Customs Officers.** Any Customs Officer may:

20 (1) arrest persons who violate a prohibition contained in Article 6 of Title
21 GCA Chapter 67;

22 (2) make seizures of any controlled substance imported into Guam in
23 violation of Article 6 of Title 9 GCA Chapter 67;

24 (3) arrest persons who violate a prohibition contained in Chapter 47 of
25 Title 9 GCA; ~~and~~

26 (4) make seizures of any forged or counterfeit goods imported into Guam
27 in violation of Chapter 47 of Title 9 GCA;:-

1 (5) exercise authority to carry out and enforce the provisions of this
2 chapter, and enforce these same provisions inclusive of making arrests, imposing
3 finer, executing forfeitures, assessing fees, and making seizures, and to enforce
4 other authority mandated by local and federal law, cooperative agreements, or
5 executive orders assigned customs officers;

6 (6) search any person, conveyance, vehicle, aircraft, vessel, and other
7 contrivance present in, entering, and departing Guam's ports of entry, places of
8 inspection designated by the Director, customs areas of enforcement, customs
9 jurisdictions, Guam's borders, places that exist as functional equivalents of the
10 border, and places of unlawful arrival and entry from a place outside of Guam;

11 (7) seize all contraband discovered at Guam's ports of entry, places of
12 inspection designated by the Director, customs areas of enforcement, customs
13 jurisdictions, Guam's borders, places that exist as functional equivalents of the
14 border, and places of unlawful arrival and entry from a place outside of Guam;

15 (8) Exercise their authority to Inspect.

16 (a) The Director is authorized and empowered to designate any
17 Customs Officer or agent to enter upon and search any article, merchandise,
18 vehicle, vessel, aircraft, other conveyance, beast, envelope, container, or
19 person, entering or departing Guam, without a warrant and without suspicion
20 to ensure compliance with the provisions of this chapter and any other
21 applicable law;

22 (9) X-ray, magnetic resonance image, and use other available body
23 scanning and imaging technology for the body of a person, and examine images
24 associated with these procedures for detecting secreted goods when the person has
25 consented to an X-ray of their body or when a search warrant has been obtained to
26 perform these procedures;

1 (10) Arrest a person against whom a reasonable suspicion exists that he has
2 been guilty of an offence under this Act;

3 (11) Obtain a search warrant from a Magistrate;

4 (12) Examine books and witnesses.

5 (a) In any investigation or inquiry conducted for the purpose of
6 ascertaining the correctness of any entry, for determining the liability of any
7 person for fees and taxes due or fees and taxes which may be due Guam, for
8 determining liability for fines and penalties, or for ensuring compliance with
9 the laws of Guam administered by the Guam Customs and Quarantine
10 Agency, the Director or those he designates:

11 (i) may examine records, documents, books, and any record
12 (which for purposes of this section, includes, but is not limited to, any
13 statement, declaration, document, or electronically generated or
14 machine readable data) described in the Director's notice with
15 reasonable specificity, which may be relevant to such investigation or
16 inquiry, except that if such record is required by law or regulation for
17 the entry of the merchandise (whether or not the Agency required its
18 presentation at the time of entry) it shall be provided to the Agency
19 within a reasonable time after demand for its production is made,
20 taking into consideration the number, type, and age of the item
21 demanded; and

22 (ii) summon upon reasonable notice persons who imported,
23 or knowingly caused to be imported, merchandise into the customs
24 jurisdiction of Guam; transported or stored merchandise that was or is
25 carried or held under customs bond, or knowingly caused such
26 transportation or storage, or filed a declaration, entry, or drawback
27 claim with the Agency; importers, brokers, government of Guam

1 issuers of licenses and permits, and General Managers, Senior
2 Executives, and Operators of Guam Airport and Seaports.

3 (b) Penalties.

4 (i) "Information" defined for purposes of this subsection, the
5 term "information" means any record, statement, declaration,
6 document, or electronically stored or transmitted information or data
7 referred to in subsection (a)(i) of this section.

8 (1) If the failure to comply is a result of the willful
9 failure of the person to maintain, store, or retrieve the
10 demanded information, such person shall be subject to a
11 penalty, for each release of merchandise, not to exceed one
12 hundred thousand dollars (\$100,000), or an amount equal to
13 seventy-five percent (75%) of the appraised value of the
14 merchandise, whichever amount is less.

15 (2) If the failure to comply is a result of the negligence
16 of the person in maintaining, storing, or retrieving the
17 demanded information, such person shall be subject to a
18 penalty, for each release of merchandise, not to exceed ten
19 thousand dollars (\$10,000), or an amount equal to forty percent
20 (40%) of the appraised value of the merchandise, whichever
21 amount is less.

22 (ii) Avoidance of penalty. No penalty may be assessed under
23 this subsection if the person can show:

24 (1) that the loss of the demanded information was the
25 result of an act of God or other natural casualty or disaster
26 beyond the fault of such person or an agent of the person;

1 (2) on the basis of other evidence satisfactory to the
2 Agency, that the demand was substantially complied with; or

3 (3) the information demanded was presented to and
4 retained by the Agency at the time of entry or submitted in
5 response to an earlier demand.

6 (iii) Customs summons. Nothing in this subsection shall limit
7 or preclude the Agency from issuing, or seeking the enforcement of a
8 customs summons.

9 **Section 3.** §73107 of Chapter 73, Title 5 Guam Code Annotated is hereby
10 *amended* to read:

11 **§73107. Guard on Vessels.** Every commercial vessel entering a port of
12 Guam or anchoring or lying to in Guam waters shall be placed under guard during
13 her stay.

14 (a) Boarding and Discharging Officers or Agents. The appropriate
15 customs officer in which any vessel, aircraft or conveyance arrives from a port or
16 place outside of Guam may put on board of such vessel, aircraft or conveyance,
17 and if necessary while going from one pier or berthing site, one or more customs
18 officers or agents to examine the cargo and contents of such vessel, aircraft or
19 conveyance and superintend the unloading thereof, and to perform such other duties
20 as may be required by law or the customs regulations. Such customs officer or
21 agent may, if he shall deem the same necessary, secure the hatches or other
22 communications or outlets of such vessel, aircraft or conveyance with customs
23 seals or other proper fastenings while such vessel, aircraft or conveyance is not in
24 the act of unloading and such fastenings shall not be removed without permission of
25 the customs officer or agent. Such customs officer or agent may require any vessel,
26 aircraft or conveyance to discontinue or suspend unloading during the continuance
27 of unfavorable weather or any conditions rendering the discharge of cargo

1 dangerous or detrimental to life or property. Any owner, agent of the owner, or
2 member of the crew of any such vessel who obstructs or hinders any such inspector
3 or other customs officer in the performance of his duties, shall be subject to a
4 penalty of ten thousand dollars (\$10,000). Such Customs Officer may also deem
5 necessary placing a guard on commercial vessels entering a port of Guam or
6 anchoring or lying in Guam waters during her stay.

7 **Section 4.** §73109 of Chapter 73, Title 5 Guam Code Annotated is hereby
8 *amended* to read:

9 **§73109. Definitions.**

10 (a) Vessel — The word *vessel* means a craft used, or capable of being
11 used, for transportation on the water, and includes every description of watercraft
12 or other contrivance used, or capable of being used as a means of transportation on
13 water, but does not include aircraft.

14 (b) Aircraft — The word *aircraft* means any craft now known or hereafter
15 invented for transportation use in the air, and includes every description of craft or
16 other contrivance used or capable of being used as a means of transportation in
17 flight or in the air.

18 (c) Merchandise — The word *merchandise* means goods, wares and
19 chattels of every description and includes merchandise the importation of which is
20 prohibited.

21 (d) Person — The word *person* includes any individual, firm, co-
22 partnership, joint venture, association, corporation, trust or any group or
23 combination action as a unit and the plural, as well as the singular number as may
24 be appropriate.

25 (e) Master — The word *master* means the person having the command of
26 the aircraft, vessel, or contrivance.

1 (f) Day — The word *day* means the time from 8:00 a.m. to 5:00 p.m. [or
2 from 0800 hours to 1700 hours].

3 (g) Night — The word *night* means the time from 5:00 p.m. to 8:00 a.m.
4 [the next day] [1700 hours to 0800 hours the next day].

5 (h) Collector — The word *Collector* means the Director of Customs,
6 sworn Customs Officers, and any persons authorized to perform the duties of the
7 Collector of Customs.

8 (i) Entry — The word entry and its derivatives has two meanings: first,
9 entering of conveyances into a ship landing or aircraft landing, and second, the
10 word entry means the manner of submitting the required documentation or
11 electronic data required by this Chapter to the appropriate Customs Office to
12 secure the release of imported or exported merchandise, clearance of arriving or
13 departing conveyances, and arriving individuals.

14 (j) Customs Storehouse – A place, facility, location or warehouse
15 designated and authorized by the Collector of Customs for the housing and
16 securing of unladed cargo, baggage, merchandise and property awaiting formal
17 customs entry and permission for release.

18 (k) Border - Refers to the territorial boundaries of Guam which exist on
19 land sea and air.

20 (1) Sea border - The seaward boundary lines of Guam.

21 (2) Air border - The area that extends upward from the sea border.

22 (l) Functional Equivalent of the Border (*inbound*) - is that point at
23 which the following circumstances exist:

24 (1) Reasonable certainty that:

25 (a) There has been NEXUS (Nexus means a special
26 connection with or to the border. The kind of connection
27 contemplated is either:

1 (i) A border crossing; or contact with that which has
2 crossed the border; or

3 (ii) there has been no material change since Nexus, i.e.
4 any merchandise present now was present at the time of Nexus.

5 (2) The seizure occurs at first practicable detention point since
6 Nexus.

7 (m) Functional Equivalent of the Border (*outbound*) - is that point at
8 which the following circumstances exist:

9 (1) Reasonable certainty that:

10 (a) there will be NEXUS:

11 (i) There will be no material change before Nexus, i.e.
12 any merchandise present now will be there at the time of
13 Nexus.

14 (2) Seizure at last practicable detention point since Nexus.

15 (n) Extended Border - is that point at which the following circumstances
16 exist:

17 (1) Reasonable certainty that:

18 (a) there has been NEXUS:

19 (i) There has been no material change since Nexus;
20 i.e. any merchandise present now was present at the time of
21 Nexus.

22 (2) Reasonable suspicion of criminal activity.

23 (o) Ports of Entry - means the Antonio B. Won Pat International Air
24 Terminal (ABWIAT), Agaña Boat Basin, Agat Marina, Andersen Air Force Base,
25 Apra Harbor, U.S. Post Office, and other places designated by the Director.

26 (p) Customs Waters - Customs waters extend twelve (12) nautical miles
27 from the mean low water mark along Guam's coast.

1 (q) Hovering vessel - Any vessel which is found or kept off the coast of
2 Guam within or without the customs waters if, from the history, conduct, character,
3 or the location of the vessel, it is reasonable to believe that such vessel is being
4 used or may be used to introduce or promote or facilitate the introduction or
5 attempted introduction of merchandise into Guam in violation of the laws of the
6 United States and Guam.

7 (r) Guam Customs and Quarantine Agency Jurisdiction – Guam
8 Customs’ jurisdiction encompasses the waters which extend twelve (12) nautical
9 miles from the mean low water mark along Guam’s coasts.

10 (s) Organization –

11 (1) The Director may establish divisions or organizational units as
12 he deems necessary for the efficient and effective administration and
13 operation of the agency. Each division or organizational unit shall be
14 subject to the supervision and direction of the Director, and shall have
15 jurisdiction of such matters, exercise such powers, and perform such duties
16 as may be assigned to it by the Director or otherwise by applicable law.

17 (2) The Director may appoint and remove officers and other
18 employees within the Agency in accordance with the provisions of the
19 Personnel and Compensation Laws (Title 4 of the Guam Code Annotated).

20 (3) The Director may delegate authority for the performance of any
21 of his powers or duties to any officer, or employee under his direction or
22 supervision, or any other person he may designate subject to the approval of
23 *I Maga’hågan Guahan.*

24 **Section 5.** §73141 of Chapter 73, Title 5 Guam Code Annotated is hereby
25 *amended* to read:

26 **§73141. Place of Inspection.** Inspections of baggage, passengers and cargo
27 shall be performed only at the designated ports of Guam, except that inspections of

1 cargo may also be performed at such places as the Director of the Customs &
2 Quarantine Agency shall from time to time designate. The Director has the
3 authority to control entry and exit of persons, conveyances, vehicles, aircraft,
4 vessels, and other contrivance present in, entering, and departing all places of
5 inspection designated by the Director of Customs, at Guam's Ports of Entry, places
6 of inspection designated by the Director, customs areas of enforcement, customs
7 jurisdictions, Guam's borders, places that exist as functional equivalents of the
8 border, and places of unlawful arrival and entry from a place outside of Guam.

9 Customs officers shall enforce all laws applicable by statute at all places of
10 inspection designated by the Director of Customs, at Guam's Ports of Entry, places
11 of inspection designated by the Director, customs areas of enforcement, customs
12 jurisdictions, Guam's borders, places that exist as functional equivalents of the
13 border, and places of unlawful arrival and entry from a place outside of Guam.
14 Violations and offenses of this chapter shall result in fines, penalties, and/or
15 forfeitures of conveyance, vehicle, aircraft, vessel, and other contrivance, and/or
16 merchandise as specified herein.

17 (a) Enforcement Areas. Guam Customs' enforcement areas include
18 all designated Ports of Entry, Sea Border, Air Border, Functional Equivalent
19 of the Border (FEB), the Extended Border, Customs waters or any area
20 within the Customs jurisdiction which causes the provisions of this chapter
21 to become applicable.

22 (1) The United States Post Offices in Guam are official ports
23 of entry for packages and other mail matter entering Guam through
24 the United States Postal Service (USPS). The Customs and Quarantine
25 Agency shall have the authority to inspect packages and other mail
26 matter reasonably suspected of containing taxable goods or
27 contraband at the Post Offices after they are released from the custody

1 of the USPS. The ability of the Customs and Quarantine Agency to
2 carry out inspection on USPS premises, shall be subject to
3 authorization from the USPS.

4 (2) When the Customs and Quarantine Agency discovers or
5 has probable cause to believe that contraband or articles violating:

6 (i) a prohibition contained in Article 6 of Title 9 GCA
7 Chapter 67;

8 (ii) importation of controlled substance into Guam in
9 violation of Article 6 of Title 9 GCA Chapter 67;

10 (iii) a prohibition contained in Chapter 47 of Title 9
11 GCA; or

12 (iv) importation of any forged or counterfeit goods into
13 Guam in Chapter 47 of Title 9 GCA has entered Guam, the
14 jurisdiction of the Guam Customs and Quarantine Agency shall
15 extend inside Guam to the destination(s) where the person
16 importing the contraband travels to deliver, consume, and/or
17 distribute the contraband; provided, however, that the duration
18 of such jurisdiction outside the points of entry shall be limited
19 to seventy-two (72) hours after the arrival into Guam of the
20 suspected contraband; and further provided that the person
21 carrying the suspected contraband or the vehicle or container in
22 which the suspected contraband is contained is subjected to
23 constant surveillance by the Guam Customs and Quarantine
24 Agency from the point of entry.

25 (b) Controlling Place of Inspection. The Director is authorized to
26 implement and enforce controls at all places of inspection designated by the
27 Director of Customs, at Guam's Ports of Entry, places of inspection

1 designated by the Director, customs areas of enforcement, customs
2 jurisdictions, Guam's borders, places that exist as functional equivalents of
3 the border, and places of unlawful arrival and entry from a place outside of
4 Guam.

5 (1) The Director authorizes, regulates, and denies, by
6 issuance of the Guam Customs and Quarantine Agency Seal, the entry
7 of persons, conveyances, vehicles, trailers, armed persons, weapons,
8 and articles into and within all places of inspection designated by the
9 Director of Customs, at Guam's Ports of Entry, places of inspection
10 designated by the Director, customs areas of enforcement, customs
11 jurisdictions, Guam's borders, places that exist as functional
12 equivalents of the border, and places of unlawful arrival and entry
13 from a place outside of Guam.

14 (2) The authority to control at all places of inspection
15 designated by the Director of Customs, at Guam's Ports of Entry,
16 places of inspection designated by the Director, customs areas of
17 enforcement, customs jurisdictions, Guam's borders, places that exist
18 as functional equivalents of the border, and places of unlawful arrival
19 and entry from a place outside of Guam supersedes all conflicting
20 authorizations by other agencies with authorized operations involving
21 the employment or contract hire of persons at all places of inspection
22 designated by the Director of Customs, at Guam's Ports of Entry,
23 places of inspection designated by the Director, customs areas of
24 enforcement, customs jurisdictions, Guam's borders, places that exist
25 as functional equivalents of the border, and places of unlawful arrival
26 and entry from a place outside of Guam.

1 (3) Persons whose employment causes their presence at all
2 places of inspection designated by the Director of Customs, at Guam's
3 Ports of Entry, places of inspection designated by the Director,
4 customs areas of enforcement, customs jurisdictions, Guam's borders,
5 places that exist as functional equivalents of the border, and places of
6 unlawful arrival and entry from a place outside of Guam shall be
7 subject to authorities and powers vested in customs officers and their
8 deputies by the laws of Guam.

9 (c) Obstruction of Customs Officers, General. It shall be unlawful
10 for any person to obstruct or hinder, or to intentionally cause any obstruction
11 or hindrance to any officer in lawfully fulfilling their duties and
12 responsibilities for the purpose of carrying into effect any of the customs or
13 other laws applicable in Guam, they shall for every such offense be subject
14 to a penalty of ten thousand dollars (\$10,000) nor less than five thousand
15 dollars (\$5,000).

16 (d) Obstruction of Customs Officers by Masters or Crew of Vessels
17 or Pilots or Crew of Aircraft or their Agents. It shall be unlawful for the
18 master or crew of any vessel, or pilot or crew of any aircraft, or their Agents,
19 to obstruct or hinder, or to intentionally cause any obstruction or hindrance
20 to any officer in lawfully going on board such vessel, aircraft or conveyance
21 vessel or aircraft, for the purpose of carrying into effect any of the laws
22 applicable in Guam they shall for every such offense be subject to a penalty
23 of ten thousand dollars (\$10,000) nor less than five thousand dollars
24 (\$5,000).

25 (e) Destruction or Removal of Property to Prevent Seizure.

26 (1) Physical Interference with Search. Whoever, before,
27 during, or after seizure of any property by any person authorized to

1 make searches and seizures, in order to prevent the seizure or securing
2 of any goods, wares, or merchandise by such person, staves,
3 swallows, flushes down a toilet, breaks, throws overboard, destroys,
4 or removes the same, shall be fined ten thousand dollars (\$10,000)
5 under this chapter or imprisoned not more than five (5) years, or both.

6 (2) Notice of Search. Whoever, having knowledge that any
7 person authorized to make searches and seizures has been authorized
8 or is otherwise likely to make a search or seizure, in order to prevent
9 the authorized seizing or securing of any person, goods, wares,
10 merchandise or other property, gives notice or attempts to give notice
11 of the possible search or seizure to any person shall be fined ten
12 thousand dollars (\$10,000) under this chapter or imprisoned not more
13 than five (5) years, or both.

14 (3) Notice of Certain Electronic Surveillance. - Whoever,
15 having knowledge that a law enforcement officer has been authorized
16 or has applied for authorization to intercept a wire, oral, or electronic
17 communication, in order to obstruct, impede, or prevent such
18 interception, gives notice or attempts to give notice of the possible
19 interception to any person shall be fined ten thousand dollars
20 (\$10,000) under this chapter or imprisoned not more than five (5)
21 years, or both. Whoever, having knowledge that an officer has been
22 authorized or has applied for authorization to conduct electronic
23 surveillance, in order to obstruct, impede, or prevent such activity,
24 gives notice or attempts to give notice of the possible activity to any
25 person shall be fined ten thousand dollars (\$10,000) under this chapter
26 or imprisoned not more than five (5) years, or both.

1 (f) Rescue of Seized Property. Whoever forcibly rescues,
2 dispossesses, or attempts to rescue or dispossess any property, articles, or
3 objects after the same shall have been taken, detained, or seized by any
4 officer or other person under the authority of any customs law of Guam, or
5 by any person authorized to make searches and seizures, shall be fined ten
6 thousand dollars (\$10,000) under this chapter or imprisoned not more than
7 two (2) years, or both.

8 (g) Causing Injury to an Officer. Conspiracy To Impede Or Injure
9 Officer. If any person prevents, by force, intimidation, or threat, any person
10 from accepting or holding any office, trust, or place of confidence under the
11 Customs and Quarantine Agency, Government of Guam, or from
12 discharging any duties thereof, or to induce by like means any officer to
13 leave the place, where his duties as an officer are required to be performed,
14 or to injure him in his person or property on account of his lawful discharge
15 of the duties of his office, or while engaged in the lawful discharge thereof,
16 or to injure his property so as to molest, interrupt, hinder, or impede him in
17 the discharge of his official duties, each of such persons shall be fined ten
18 thousand dollars (\$10,000) or imprisoned not more than ten (10) years, or
19 both. For this statute, the term “Officer” also includes canines owned by the
20 Agency used for customs enforcement

21 (h) Conspiracy To Impede Or Injure Officer. If two or more
22 persons conspire to prevent, by force, intimidation, or threat, any person
23 from accepting or holding any office, trust, or place of confidence under the
24 Customs and Quarantine Agency, Government of Guam, or from
25 discharging any duties thereof, or to induce by like means any officer to
26 leave the place, where his duties as an officer are required to be performed,
27 or to injure him in his person or property on account of his lawful discharge

1 of the duties of his office, or while engaged in the lawful discharge thereof,
2 or to injure his property so as to molest, interrupt, hinder, or impede him in
3 the discharge of his official duties, each of such persons shall be fined ten
4 thousand dollars (\$10,000) or imprisoned not more than ten (10) years, or
5 both.

6 (i) Failure to Halt at Customs Command. Any person, vessel,
7 aircraft, or vehicle which, at any authorized place is directed to come to a
8 halt by a customs officer or is directed to come to a halt by signal made by
9 any vessel aircraft or conveyance employed in the service of customs and
10 displaying proper insignia shall come to a halt, and upon failure to comply, a
11 person, vessel, aircraft or vehicle so directed to come to a halt shall become
12 subject to pursuit and the master, pilot, owner, operator, or person in charge
13 thereof shall be subject to a penalty of ten thousand dollars (\$10,000) nor
14 less than five thousand dollars (\$5,000).

15 **Section 6.** §73142 of Chapter 73, Title 5 Guam Code Annotated is hereby
16 *amended* to read:

17 **§73142. Release of Sealed Cargo.** All containers and cargo entering Guam
18 shall be affixed with a seal at the port of origin and shall be removed only under
19 Customs supervision. The seal on a container or cargo shall neither be broken nor
20 tampered with, except under the direction of a Customs Inspector or until such
21 container or cargo has otherwise been officially released from Customs' custody.

22 **Section 7. Effective Date.** This Act *shall* become effective immediately
23 upon enactment.