

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN
2021 (FIRST) Regular Session
VOTING RECORD

Bill No. 62-36 (LS) As amended by the Committee on Health, Land, Justice and Culture; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building March 26, 2021					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada	✓					
Senator Frank Blas Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator Telena Cruz Nelson		✓				
Senator Sabina Flores Perez	✓					
Senator Clynton E. Ridgell	✓					
Senator Joe S. San Agustin	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Senator Jose "Pedo" Terlaje	✓					
Speaker Therese M. Terlaje	✓					
Senator Mary Camacho Torres	✓					

TOTAL

14

1

Aye

Nay

Not Voting/
Abstained

Out During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

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2021 (FIRST) Regular Session

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Introduced by:

Clynton E. Ridgell
Tina Rose Muña Barnes
Telo T. Taitague
Jose "Pedo" Terlaje

**AN ACT TO *AMEND* §§ 43.10(d) AND 43.70 OF ARTICLE
1, CHAPTER 43, TITLE 9, GUAM CODE ANNOTATED;
AND § 63103 OF ARTICLE 1, CHAPTER 63, TITLE 5,
GUAM CODE ANNOTATED, RELATIVE TO
PENALTIES AND RESTITUTION FOR THEFT OF
LIVESTOCK OR AGRICULTURAL PRODUCTS.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that hundreds of thousands of dollars' worth of agricultural product is lost by farmers
4 annually. This loss in agricultural product represents a loss of revenue for
5 commercial farmers, the costs of which are passed along to consumers in the form
6 of higher prices or are absorbed by farmers in the form of lower profits. This loss
7 also represents a loss of sustenance for subsistence farmers who grow produce to
8 feed themselves and their families.

9 *I Liheslaturan Guåhan* further finds that bona fide farmers who farm for both
10 subsistence and commercial use have few mechanisms in place to seek damages and
11 restitution when theft occurs.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to clarify the definition of
2 property to include agricultural products under the definition of property to allow
3 for theft of agricultural products to be considered a crime, and to require
4 reimbursement to the owner of agricultural products as is already in law with stolen
5 livestock.

6 **Section 2.** § 43.10(d) of Article 1, Chapter 43, Title 9, Guam Code
7 Annotated, is *amended* to read:

8 “(d) *Property* means anything of value, including real estate, tangible
9 and intangible personal property, contract rights, choses in action and other
10 interests in or claims to wealth, admission or transportation tickets, captured
11 or domestic animals, food and drink, electric or other power, trade secrets, or
12 agricultural product, which includes floriculture, horticulture, viticulture,
13 aquaculture, forestry products and commodities, shrubbery, nuts, coffee,
14 seeds, or other farm or plantation products or commodities grown by or raised
15 by a bona fide farmer as defined by 5 GCA§ 60354(f).”

16 **Section 3.** § 43.70 of Article 1, Chapter 43, Title 9, Guam Code Annotated,
17 is *amended* to read:

18 “**§ 43.70. Reimbursement to Owner of Stolen Livestock or**
19 **Agricultural Products.**

20 In any case where there is a conviction under the provisions of Chapter
21 43 of this Code and the property stolen by the defendant was livestock or
22 agricultural product, as that term is used in § 43.10(d) of this Article, in
23 addition to a fine or imprisonment imposed, the court shall direct that the
24 defendant pay to the owner of the stolen livestock its fair market value, or to
25 the owner of the stolen agricultural product the production costs and fair
26 market value as determined by the court upon consultation with the
27 Department of Agriculture. Failure to make such payments shall be deemed a

1 failure to pay a fine and punished accordingly, which may include, but shall
2 not be limited to, the confiscation of a defendant’s personal property such as
3 the vehicle, or vehicles, or any equipment used in the theft. If a defendant is
4 found unable to pay due to financial hardship, the court may require, but not
5 be limited to: the auctioning of all personal property confiscated in accordance
6 with this Section, or the performing of Alternative Community Service hours
7 credited against the fine, or reimbursement imposed, or both, pursuant to
8 Article 6 of Chapter 80, Title 9, Guam Code Annotated.”

9 **Section 4.** § 63103 of Article 1, Chapter 63, Title 5, Guam Code Annotated,
10 is hereby *amended* to read:

11 **“§ 63103. Chief Conservation Officer: Deputies.**

12 The provisions of this Article shall be enforced by the Director, who
13 shall be an ex officio Chief Conservation Officer, and suitable employees of
14 the Department, who the Director may appoint as Deputy Conservation
15 Officers, as well as by peace officers, as defined in 8 GCA § 5.55. The Chief
16 Conservation Officer and Deputy Conservation Officers acting hereunder
17 shall have the powers of peace officers to carry arms, to make arrests, and to
18 issue citations for violations, as well as to investigate, detain, or arrest in
19 regard to the theft of agricultural products as that term is used in 9 GCA §
20 43.10(d).”

21 **Section 5. Effective Date.** This Act shall be effective upon enactment.

22 **Section 6. Severability.** If any provision of this Act or its application to any
23 person or circumstance is found to be invalid or contrary to law, such invalidity shall
24 not affect other provisions or applications of this Act that can be given effect without
25 the invalid provision or application, and to this end the provisions of this Act are
26 severable.