







I Mina'trentai Siette Na Lihelaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
239-37 (COR)	Chris Barnett Jesse A. Lujan Joanne Brown Sabina Flores Perez Dwayne T.D. San Nicolas Telo T. Taitague	AN ACT TO AMEND § 67.401.4 (a) AND (b) AND § 80.39.2(c) OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO SENTENCING AND FINE ENHANCEMENTS BASED ON THE QUANTITIES OF METHAMPHETAMINE OR FENTANYL INVOLVED IN THE TRAFFICKING OR MANUFACTURING OF THESE DRUGS AND TO REMOVE FIRST-TIME OFFENDER CONSIDERATIONS OF THE <i>JUSTICE SAFETY VALVE ACT</i> FOR ILLICIT DRUG TRAFFICKING AND MANUFACTURING CRIMES.	2/6/24 12:38 p.m.						

**I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session**

Bill No. 239-37 (COR)

Introduced by:

Chris Barnett 
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AN ACT TO AMEND § 67.401.4 (a) AND (b) AND § 80.39.2(e) OF TITLE 9 GUAM CODE ANNOTATED RELATIVE TO SENTENCING AND FINE ENHANCEMENTS BASED ON THE QUANTITIES OF METHAMPHETAMINE OR FENTANYL INVOLVED IN THE TRAFFICKING OR MANUFACTURING OF THESE DRUGS AND TO REMOVE FIRST-TIME OFFENDER CONSIDERATIONS OF THE *JUSTICE SAFETY VALVE ACT* FOR ILLICIT DRUG TRAFFICKING AND MANUFACTURING CRIMES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 67.401.4 (a) and (b) of Article 4, Chapter 67, Title 9, Guam Code Annotated are *amended* to read as follows:

“(a) If he is guilty of an offense pursuant § 67.401.1(b)(1) of this Act, he shall be sentenced to imprisonment for not less than twenty (20) nor more than thirty (30) years, and may, in addition, be fined not more than Fifty Thousand Dollars (\$50,000). The sentence shall include a special parole term of not less than three (3) years, in addition to such term of imprisonment. Imposition or execution of such sentence shall not be suspended, and probation shall not be granted. Parole or work release shall not be granted to

1 the offender until he has served at least twenty (20) years of his sentence of
2 imprisonment. § 30.81 of this Title shall not apply to offenders sentenced
3 under this Section.

4 (a).1. If he is guilty of an offense pursuant § 67.401 of this Act
5 involving the possession of any of the following:

6 (1) Fentanyl (Schedule II) Forty (40) – Three hundred
7 ninety-nine (399) grams mixture,

8 (2) Fentanyl Analogue (Schedule I) ten (10) – ninety-nine (99)
9 grams mixture,

10 (3) Methamphetamine five (5) – forty-nine (49) grams pure, or

11 (4) Methamphetamine (Schedule II) fifty (50) – four hundred
12 ninety-nine (499) grams mixture;

13 he shall be sentenced to imprisonment for not less than twenty-five (25)
14 nor more than thirty-five (35) years, and may, in addition, be fined not
15 more than Five Million Dollars (\$5,000,000) or Twenty-five Million
16 Dollars (\$25,000,000) if the violator is a business.

17 The sentence shall include a special parole term of not less than six (6)
18 years, in addition to such term of imprisonment. Imposition or execution of
19 such sentence shall not be suspended, and probation shall not be granted.
20 Parole or work release shall not be granted to the offender until he has served
21 at least twenty (20) years of his sentence of imprisonment. § 80.31 of this Title
22 shall not apply to offenders sentenced under this Section.

23 (a).2. If he is guilty of an offense pursuant § 67.401 of this Act
24 involving the possession of any of the following:

25 (1) Fentanyl (Schedule II) Four hundred (400) grams or
26 more mixture,

1 (2) Fentanyl Analogue (Schedule I) one hundred (100) grams or
2 more mixture,

3 (3) Methamphetamine fifty (50) grams or more pure, or

4 (4) Methamphetamine (Schedule II) five hundred (500) grams or
5 more mixture;

6 he shall be sentenced to imprisonment for not less than thirty (30) years
7 up to life, and may, in addition, be fined not more than Ten Million Dollars
8 (\$10,000,000) or Fifty Million Dollars (\$50,000,000) if the violator is a
9 business.

10 The sentence shall include a special parole term of not less than six
11 (6) years, in addition to such term of imprisonment. Imposition or
12 execution of such sentence shall not be suspended, and probation shall not
13 be granted. Parole or work release shall not be granted to the offender until
14 he has served at least twenty (20) years of his sentence of imprisonment.
15 § 80.31 of this Title shall not apply to offenders sentenced under this
16 Section.

17 (b) If he is guilty of an offense pursuant to § 67.401.1(b)(1) of this
18 Act and if he has been convicted on one (1) or more felonies under any
19 provision of this Act, any law of the United States relating to controlled
20 substances, or for any offense under state or foreign law relating to ~~narcotic~~
21 drugs listed in Schedule I as per Appendix A of this Act or Schedule II as per
22 Appendix B of this Act which offense would be a felony under this Act and
23 one (1) or more of the convictions are final, he shall be sentenced to a term of
24 life imprisonment without the possibility of parole, and may, in addition, be
25 fined not more than One Hundred Thousand Dollars (\$100,000). § 80.31 of
26 this Title shall not apply to offenders sentenced under this Section.

1 (b).1. If he is guilty of an offense pursuant to § 67.401 of this Act
2 and if he has been convicted on one (1) or more felonies under any
3 provision of this Act, any law of the United States relating to controlled
4 substances, or for any offense under state or foreign law relating to
5 drugs listed in Schedule I as per Appendix A of this Act or Schedule II
6 as per Appendix B of this Act which offense would be a felony under
7 this Act and one (1) or more of the convictions are final, involving the
8 possession of any of the following:

9 (1) Fentanyl (Schedule II) Forty (40) – Three hundred ninety-
10 nine (399) grams mixture,

11 (2) Fentanyl Analogue (Schedule I) ten (10) – ninety-nine (99)
12 grams mixture,

13 (3) Methamphetamine five (5) – forty-nine (49) grams pure, or

14 (4) Methamphetamine (Schedule II) fifty (50) – four hundred
15 ninety-nine (499) grams mixture;

16 he shall be sentenced to a term of not less than thirty (30) years up to
17 life imprisonment without the possibility of parole, and may, in addition, be
18 fined not more than Eight Million Dollars (\$8,000,000) or Fifty Million
19 Dollars (\$50,000,000) if the violator is a business. § 80.31 of this Title shall
20 not apply to offenders sentenced under this Section.

21 (b).2. If he is guilty of an offense pursuant to § 67.401 of this Act
22 and if he has been convicted on one (1) or more felonies under any
23 provision of this Act, any law of the United States relating to controlled
24 substances, or for any offense under state or foreign law relating to
25 drugs listed in Schedule I as per Appendix A of this Act or Schedule II
26 as per Appendix B of this Act which offense would be a felony under

1 this Act and one (1) or more of the convictions are final, involving the
2 possession of any of the following:

3 (1) Fentanyl (Schedule II) Four hundred (400) grams or
4 more mixture,

5 (2) Fentanyl Analogue (Schedule I) one hundred (100)
6 grams or more mixture,

7 (3) Methamphetamine fifty (50) grams or more pure, or

8 (4) Methamphetamine (Schedule II) five hundred (500)
9 grams or more mixture;

10 he shall be sentenced to a term of not less than forty (40) years up to
11 life imprisonment without the possibility of parole except that any person
12 convicted of two (2) or more prior felonies shall be sentenced to life without
13 the possibility of parole, and may, in addition, be fined not more than Twenty
14 Million Dollars (\$20,000,000) or Seventy-five Million Dollars (\$75,000,000)
15 if the violator is a business. § 30.81 of this Title shall not apply to offenders
16 sentenced under this Section.”

17 **Section 2.** A new § 80.39.2(e) is *added* to Chapter 80, Title 9, Guam Code
18 Annotated to read as follows:

19 “(e) the individual was convicted of any crime involving § 67.401.1(a)
20 of Chapter 67 of this Title.”