


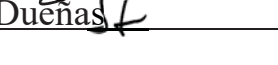



I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 58-37 (COR)

Introduced by:

Roy Anthony Benavente Quinata 
Joe S. San Agustin 
William A. Parkinson 
Dwayne San Nicolas 
Christopher M. Dueñas 

**AN ACT TO REPEAL § 3804 OF ARTICLE 8, CHAPTER
3 OF TITLE 16 OF THE GUAM CODE ANNOTATED,
RELATIVE TO PROHIBITING PANHANDLING
AT INTERSECTIONS.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that persons soliciting money upon government property at and around intersections or nearby roadways is not in the public interest. Persons approaching vehicles awaiting the traffic light distracts drivers and endangers the panhandler, pedestrians and others on the sidewalks, as well as drivers. These activities create income generating transactions that oftentimes are untaxed. They also may be a coordinated financial enterprise seeking donations for purposes not what the panhandlers advertise to secure donations. Tracking and enforcement are difficult if not impossible.

Section 2. Section 3804 is hereby *repealed* from Article 8, Chapter 3 of Title 16 of the Guam Code Annotated.

~~“§ 3804. Lawful Panhandling; Precautions.~~

1 ~~(a) No person shall engage in panhandling on any public roadway, sidewalk,~~
2 ~~or government easement, except that panhandling meeting all of the following~~
3 ~~requirements shall not be prohibited by this Section:~~

4 ~~(1) are made only at intersections with traffic control signals or stop~~
5 ~~signs in place;~~

6 ~~(2) are conducted by individuals no younger than eighteen (18) years~~
7 ~~of age;~~

8 ~~(3) no device to alter or impede the traffic flow is used, except that~~
9 ~~traffic cones may be placed on a sidewalk or adjacent to a roadway to indicate~~
10 ~~or signal the presence of solicitors in the vicinity;~~

11 ~~(4) individual solicitors wear an orange vest with reflective material on~~
12 ~~both front and back;~~

13 ~~(5) individual solicitors may not place on roadways or sidewalks any~~
14 ~~belongings or other items such that they would interfere with vehicular or~~
15 ~~pedestrian traffic;~~

16 ~~(6) individual solicitors place warning signs within one hundred feet~~
17 ~~(100') of oncoming traffic warning drivers of the person's activity; and~~

18 ~~(7) individual solicitors shall notify the Chief of the Guam Police~~
19 ~~Department in writing when and for how long the panhandling shall occur at~~
20 ~~least twenty-four (24) hours prior to its occurrence.~~

21 ~~(8) In no event may panhandling occur after dark.~~

22 ~~(b) For purposes of this Section, the government of Guam does not waive its~~
23 ~~sovereign immunity and shall not be liable for any monetary damages that may arise~~
24 ~~out of this Section.~~

25 ~~(c) This Section does not apply to handbilling regulated by Title 16 GCA,~~
26 ~~Article 7, §§ 3701-3707."~~

1 **Section 3. Severability.** If any provision of this Act or its application to any
2 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
3 *not* affect other provisions or applications of this Act that can be given effect without
4 the invalid provision or application, and to this end the provisions of this Act are
5 severable.

6 **Section 4. Effective Date.** This Act *shall* be effective immediately upon
7 enactment.