

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN

2024 (SECOND) Regular Session

VOTING RECORD

Bill No. 239-37 (COR) 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 July 10, 2024					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Chris Barnett	✓					
Senator Frank Blas, Jr.	✓					
Senator Joanne Brown	✓					
Senator Christopher M. Dueñas	✓					
Senator Thomas J. Fisher		✓				
Senator Jesse A. Lujan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator William A. Parkinson	✓					
Senator Sabina Flores Perez					✓	✓
Senator Roy A. B. Quinata	✓					
Senator Joe S. San Agustin	✓					
Senator Dwayne T. D. San Nicolas	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Speaker Therese M. Terlaje	✓					

TOTAL

13

1

1

1

Aye

Nay

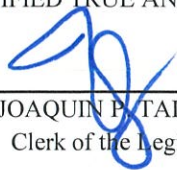
Not
Voting/
Abstained

Out
During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



JOAQUIN P. TAITAGUE
Clerk of the Legislature

1 = Pass

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
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Bill No. 239-37 (COR)

As amended by the Committee on
Health, Land, Justice, and Culture;
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*

Introduced by:

Chris Barnett
Jesse A. Lujan
Joanne M. Brown
Sabina Flores Perez
Dwayne T.D. San Nicolas
Telo T. Taitague
Tina Rose Muña Barnes
Joe S. San Agustin
Therese M. Terlaje
Amanda L. Shelton
William A. Parkinson
Frank Blas, Jr.
Roy A. B. Quinata

AN ACT TO *AMEND* §§ 67.401.4(a) AND (b) OF ARTICLE 4, CHAPTER 67; AND TO *ADD* A NEW § 80.39.2(e) OF ARTICLE 2, CHAPTER 80, ALL 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.

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

2 **Section 1.** §§ 67.401.4(a) and (b) of Article 4, Chapter 67, Title 9, Guam

3 Code Annotated, are *amended* to read as follows:

1 “(a) If he is guilty of an offense pursuant § 67.401.1(b)(1) of this Act,
2 he shall be sentenced to imprisonment for not less than twenty (20) nor more
3 than thirty (30) years, and may, in addition, be fined not more than Fifty
4 Thousand Dollars (\$50,000). The sentence shall include a special parole term
5 of not less than three (3) years, in addition to such term of imprisonment.
6 Imposition or execution of such sentence shall not be suspended, and
7 probation shall not be granted. Parole or work release shall not be granted to
8 the offender until he has served at least twenty (20) years of his sentence of
9 imprisonment. The prison terms set forth in 9 GCA §80.31 of this Title shall
10 not apply to offenders sentenced under this Section.

11 (1) If he is guilty of an offense pursuant § 67.401.1 of this Act
12 involving the possession of any of the following:

13 (A) fentanyl (Schedule II) forty (40) – three hundred
14 ninety-nine (399) grams gross mixture;

15 (B) fentanyl analogue (Schedule I) ten (10) – ninety-
16 nine (99) grams gross mixture;

17 (C) methamphetamine five (5) – forty-nine (49) grams
18 pure; or

19 (D) methamphetamine (Schedule II) fifty (50) – four
20 hundred ninety-nine (499) grams gross mixture, then he shall be
21 sentenced to imprisonment for not less than twenty-five (25)
22 years nor more than thirty-five (35) years, and may be fined not
23 more than Five Million Dollars (\$5,000,000) or Twenty-five
24 Million Dollars (\$25,000,000) if the violator is a business. The
25 sentence shall include a special parole term of not less than six
26 (6) years, in addition to such term of imprisonment. Imposition
27 or execution of such sentence shall not be suspended, and

1 probation shall not be granted. Parole or work release shall not
2 be granted to the offender until he has served at least twenty (20)
3 years of his sentence of imprisonment. The prison terms set forth
4 in 9 GCA § 80.31 of this Title shall not apply to offenders
5 sentenced under this Section.

6 (3) If he is guilty of an offense pursuant § 67.401.1 of this Act
7 involving the possession of any of the following:

8 (A) fentanyl (Schedule II) four hundred (400) grams or
9 more gross mixture;

10 (B) fentanyl analogue (Schedule I) one hundred (100)
11 grams or more gross mixture;

12 (C) methamphetamine fifty (50) grams or more pure; or

13 (D) methamphetamine (Schedule II) five hundred (500)
14 grams or more gross mixture, then he shall be sentenced to
15 imprisonment for not less than thirty (30) years up to life, and
16 may be fined not more than Ten Million Dollars (\$10,000,000)
17 or Fifty Million Dollars (\$50,000,000) if the violator is a
18 business. The sentence shall include a special parole term of not
19 less than six (6) years, in addition to such term of imprisonment.
20 Imposition or execution of such sentence shall not be suspended,
21 and probation shall not be granted. Parole or work release shall
22 not be granted to the offender until he has served at least twenty
23 (20) years of his sentence of imprisonment. The prison terms set
24 forth in 9 GCA § 80.31 of this Title shall not apply to offenders
25 sentenced under this Section.

26 (b) If he is guilty of an offense pursuant to § 67.401.1(b)(1) of this
27 Act and if he has been convicted on one (1) or more felonies under any

1 provision of this Act, any law of the United States relating to controlled
2 substances, or for any offense under state or foreign law relating to drugs listed
3 in Schedule I as per Appendix A of this Act or Schedule II as per Appendix B
4 of this Act which offense would be a felony under this Act and one (1) or more
5 of the convictions are final, he shall be sentenced to a term of life
6 imprisonment without the possibility of parole, and may, in addition, be fined
7 not more than One Hundred Thousand Dollars (\$100,000). The prison terms
8 set forth in 9 GCA § 80.31 of this Title shall not apply to offenders sentenced
9 under this Section.

10 (1) If he is guilty of an offense pursuant to § 67.401.1 of this
11 Act and if he has been convicted on one (1) or more felonies under any
12 provision of this Act, any law of the United States relating to controlled
13 substances, or for any offense under state or foreign law relating to
14 drugs listed in Schedule I as per Appendix A of this Act or Schedule II
15 as per Appendix B of this Act which offense would be a felony under
16 this Act and one (1) or more of the convictions are final, involving the
17 possession of any of the following:

18 (A) fentanyl (Schedule II) forty (40) – Three hundred
19 ninety-nine (399) grams gross mixture,

20 (B) fentanyl analogue (Schedule I) ten (10) – ninety-
21 nine (99) grams gross mixture,

22 (C) methamphetamine five (5) – forty-nine (49) grams
23 pure, or

24 (D) methamphetamine (Schedule II) fifty (50) – four
25 hundred ninety-nine (499) grams gross mixture, then he shall be
26 sentenced to a term of life imprisonment without the possibility
27 of parole, and may be fined not more than Eight Million Dollars

1 (\$8,000,000) or Fifty Million Dollars (\$50,000,000) if the
2 violator is a business. The prison terms set forth in 9 GCA §
3 80.31 of this Title shall not apply to offenders sentenced under
4 this Section.

5 (2) If he is guilty of an offense pursuant to § 67.401.1 of this
6 Act and if he has been convicted on one (1) or more felonies under any
7 provision of this Act, any law of the United States relating to controlled
8 substances, or for any offense under state or foreign law relating to
9 drugs listed in Schedule I as per Appendix A of this Act or Schedule II
10 as per Appendix B of this Act which offense would be a felony under
11 this Act and one (1) or more of the convictions are final, involving the
12 possession of any of the following:

13 (A) fentanyl (Schedule II) four hundred (400) grams or
14 more gross mixture,

15 (B) fentanyl analogue (Schedule I) one hundred (100)
16 grams or more gross mixture,

17 (C) methamphetamine fifty (50) grams or more pure; or

18 (D) methamphetamine (Schedule II) five hundred (500)
19 grams or more gross mixture, then he shall be sentenced to a term

20 of life imprisonment without the possibility of parole except that
21 any person convicted of two (2) or more prior felonies shall be

22 sentenced to life without the possibility of parole, and may be
23 fined not more than Twenty Million Dollars (\$20,000,000) or

24 Seventy-five Million Dollars (\$75,000,000) if the violator is a
25 business. The prison terms set forth in 9 GCA §80.31 of this Title

26 shall not apply to offenders sentenced under this Section.”

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

3 “(e) the individual was convicted of any crime involving § 67.401.1(a) of
4 Article 4, Chapter 67 of this Title.”