

MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 282-32(00R)

Introduced by:

Brant T. McCreadie



**AN ACT TO AMEND §§ 37.10 AND 37.20 OF
CHAPTER 37, TITLE 9 GUAM CODE ANNOTATED
RELATIVE TO THE CRIME OF BURGLARY IN
SCHOOLS, WHICH MAY BE CITED AS THE
“SAFER SCHOOLS ACT OF 2014”**

2014 FEB 28 AM 10:25

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

2 **Section 1. Short Title.** This act shall be cited as the “*Safer Schools Act of*
3 *2014*”.

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
5 Guam’s schools have been the unfortunate target of burglary, and while past
6 Legislatures have made great efforts to properly secure our schools and their property,
7 brazen criminals continue to burglarize school grounds.

8 Therefore, it is the intent of *I Liheslaturan Guåhan* to establish appropriate
9 punishment for those who burglarize schools by amending §37.10 and §37.20 of
10 Chapter 37, Title 9 Guam Code Annotated.

11 **Section 3.** A new subsection (e) is hereby *added* to §37.10 of Chapter 37, Title
12 9 Guam Code Annotated to read:

13 **“§ 37.10. Definitions: Ref. to § 16.10.**

14 As used in this Chapter:

15 (a) Habitable Property has the meaning provided by § 34.10 and includes
16 any such property whether or not a person is actually present therein.

1 (b) Night means the period between thirty (30) minutes past sunset and
2 thirty (30) minutes before sunrise.

3 (c) Deadly Weapon has the meaning provided by §16.10, Title 9, Guam
4 Code Annotated.

5 (d) Motor Vehicle, Semi-Trailer, Trailer, Truck, Truck-Tractor, Vehicle,
6 and Vehicle Combination are defined by §5101, Title 16, Guam Code
7 Annotated; and Motor Vehicle, Motor Bus, Motor Truck, Semi-Trailer, Trailer,
8 and Vehicle are also defined by §1102, Title 16, Guam Code Annotated.

9 (e) School means any public or private educational facility, including
10 institutions of higher learning, which shall encompass all instructional, non-
11 instructional, sports and extra curricular buildings and facilities.”

12 **Section 4.** A new subsection (c) is hereby *added* to §37.20 of Chapter 37, Title
13 9 Guam Code Annotated to read:

14 **“§ 37.20. Burglary: Defined, Punishment Classified.**

15 (a) A person is guilty of burglary if he enters or surreptitiously remains in
16 any habitable property, building, or a separately secured or occupied portion
17 thereof, with intent to commit a crime therein, unless the premises are at the
18 time open to the public or the defendant is licensed or privileged to enter, or a
19 person is guilty of burglary if he enters or surreptitiously remains in any motor
20 vehicle, semi-trailer, trailer, truck tractor, vehicle combination, motor bus,
21 motor truck, or vehicle, with intent to commit a crime therein. It is an
22 affirmative defense to prosecution for burglary that the property, or building, or
23 motor vehicle was abandoned.

24 (b) Burglary is a felony of the second degree. In the case of burglary as a
25 felony of the second degree, the court shall impose a sentence of imprisonment
26 of a minimum term of five (5) years and may impose a maximum term of up to

1 ten (10) years; the minimum term imposed shall not be suspended nor may
2 probation be imposed in lieu of the minimum term nor shall parole or work
3 release be granted before completion of the minimum term. The sentence shall
4 include a special parole term of not less than three (3) years in addition to such
5 term of imprisonment. Provided, however, that in the case of an offender not
6 previously convicted of a felony, the court may sentence the offender to not
7 more than five (5) years imprisonment and the provisions of this Subsection
8 prohibiting probation, suspension, parole or work release shall not be applicable
9 to such offender.

10 (c) Burglary committed at a school, as defined in §37.10 of this Chapter,
11 is a felony of the first degree. In the case of burglary committed at a school as a
12 felony of the first degree, the court shall impose a sentence of imprisonment of
13 a minimum term of ten (10) years and may impose a maximum term of up to
14 twenty (20) years; the minimum term imposed shall not be suspended nor may
15 probation be imposed in lieu of the minimum term nor shall parole or work
16 release be granted before completion of the minimum term. The sentence shall
17 include a special parole term of not less than three (3) years in addition to such
18 term of imprisonment.”

19 **Section 5. Effective Date.** This act shall be effective immediately upon
20 enactment.

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