




I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (First) Regular Session

Bill No. 40-32 (COR)

Introduced by:

T. C. Ada 
B. J. Cruz 
R. J. Respicio 

**AN ACT TO AMEND §58111, CHAPTER 58, TITLE 10 GCA
AND §73110, CHAPTER 73, TITLE 10 GCA, RELATIVE TO
THE PENALTY CLASSIFICATION FOR VIOLATIONS OF
THE FIRE CODE, AND TO AMEND §58112, CHAPTER 58,
TITLE 10 GCA.**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 §58111 (Penalty), Ch 58 (Fire Prevention), 10 GCA and §73110 (Penalty), Ch 73 (Fire
4 Prevention), 10 GCA state that “*Violation of any provision of this Chapter is a*
5 *misdemeanor.*”

6 *I Liheslaturan Guåhan* further finds that §30109(a), Ch 30, 5 GCA states: “*The*
7 *Attorney General is the public prosecutor and, by himself, a deputy or assistant shall: (a)*
8 *Conduct on behalf of the Government of Guam the prosecution of offenses against the*
9 *laws of Guam which are prosecuted in any of the courts of Guam, the District Court of*
10 *Guam, and any appeals therefrom.*”

11 *I Liheslatura Guåhan* also finds that on January 10, 2013, the Superior Court of
12 Guam issued a Decision and Order that in the absence of representation from the
13 Attorney General’s Office, citations issued under Ch 58 and Ch 73, 10 GCA that the
14 “*Traffic Violations Bureau (TVB), Courts and Ministerial Division of the Superior Court*
15 *of Guam cease and desist from accepting Uniform Summons and Citation complaints*
16 *based on violations of any section of the [Guam] Fire Code until such time as the*
17 *inconsistencies between statute and rule are resolved.*”

1 It is therefore the goal of *Ilhieslatura* to rectify this situation by reclassifying the
2 violations of the Fire Code as Civil offenses, with increasing penalties for each
3 recurrence.

4 **Section 2.** §58111, Chapter 58, 10 GCA is hereby amended to read:

5 **§ 58111. Penalty.**

- 6 a. Violation of any provision of this Chapter is a ~~misdemeanor~~ civil
7 violation.
- 8 b. Each violation shall be subject to the following penalties:
- 9 i. First Offense _____ up to \$100
- 10 ii. Second Offense _____ up to \$400 but not less than \$100
- 11 iii. Third Offense _____ no less than \$1,000
- 12 c. All fines shall be deposited into the Fire, Life and Medical Emergency
13 Fund ('FLAME') pursuant to §72106, Ch 72, 10 GCA.

14
15 **Section 3.** §73110, Chapter 73, 10 GCA is hereby amended to read:

16 **§ 73110. Penalty.**

- 17 a. Violation of any provision of this Chapter is a ~~misdemeanor~~ civil
18 violation.
- 19 b. Each violation shall be subject to the following penalties:
- 20 i. First Offense _____ up to \$100
- 21 ii. Second Offense _____ up to \$400 but not less than \$100
- 22 iii. Third Offense _____ no less than \$1,000
- 23 c. All fines shall be deposited into the Fire, Life and Medical Emergency
24 Fund ('FLAME') pursuant to §72106, Ch 72, 10 GCA.

25
26 **Section 4.** §58112, Chapter 58, 10 GCA is hereby amended to read:

27 **“§ 58112. Fire Prevention Code.**

28 Inspection of premises and areas authorized by this Chapter shall be in accordance
29 with §73111, Chapter 73, 10 GCA. ~~the Fire Prevention Code issued by the~~
30 ~~American Insurance Association. Standards and requirements for fire prevention~~

1 ~~as set out in said Fire Prevention Code shall apply in Guam in the absence of~~
2 ~~specific provisions of this Chapter.”~~

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

9 **Section 6. Effective Date.** This Act shall become effective upon enactment.