

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

Bill No. 301-32(012)

Introduced by:

Brant T. McCreadie 

**AN ACT TO AMEND § 52.30 OF CHAPTER 52 TITLE
9 GUAM CODE ANNOTATED RELATIVE TO THE
CRIME OF UNSWORN FALSIFICATION.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 Police officers, Customs officers and a whole range of other public servants rely on
4 interviews and verbal questioning to obtain needed information in the performance of
5 their official duties. However, it is an inevitable reality that government officials
6 discover that persons knowingly mislead public servants in the course of an interview
7 or interrogation. As it stands under current Guam law however, the crime of Unsworn
8 Falsification does not include a provision for a person who verbally misleads a public
9 servant while performing official duties. By adding a provision that sets a punishment
10 for verbal Unsworn Falsifications, Guam peace officers will have the ability to arrest
11 those who verbally mislead them with the intent of committing an action against the
12 welfare of the people of Guam.

13 Therefore, it is the intent of *I Liheslaturan Guåhan* to add a provision to
14 establish a penalty for individuals who make verbal Unsworn Falsifications by
15 amending § 52.30 of Chapter 52, Title 9 Guam Code Annotated.

16 **Section 2.** § 52.30 of Chapter 52, Title 9 Guam Code Annotated is hereby
17 *amended* to read:

1 **“§ 52.30. Unsworn Falsifications; Defined & Punished.**

2 A person is guilty of a misdemeanor if, with intent to mislead a public
3 servant in performing his official function, he makes, submits or uses:

4 (a) any written false statement of his own which he does not then believe
5 to be true; ~~or~~

6 **(b) any verbally provided false statement of his own which he does not**
7 **then believe to be true; or**

8 ~~(b)~~ (c) any physical object, exhibit, writing or drawing which he knows to
9 be either false or not what it purports to be in the circumstances in which it is
10 made, submitted or used.”

11 **Section 3. Effective Date.** This act shall be effective immediately upon
12 enactment.

13 **Section 4. Severability.** *If* any provision of this Law or its application to any
14 person or circumstance is found to be invalid or contrary to law, such invalidity shall
15 *not* affect other provisions or applications of this Law which can be given effect
16 without the invalid provisions or application, and to this end the provisions of this
17 Law are severable.