

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

Bill No. 300-32/0021

Introduced by:

Brant T. McCreadie 

**AN ACT TO REPEAL § 73127 AND TO REPEAL
AND REENACT § 73130 OF CHAPTER 73 TITLE 5
GUAM CODE ANNOTATED RELATIVE TO
ESTABLISHING FINES AND PENALTIES FOR
INDIVIDUALS WHO MAKE FALSE STATEMENTS
TO A GUAM CUSTOMS OFFICER.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 the Guam Customs and Quarantine Agency has been diligently working to ensure that
4 prohibited items, including illegal drugs, do not pass our borders. However, under
5 current Guam law, the Guam Customs and Quarantine Agency does not have the
6 ability to cite individuals who make false declarations or false statement to a Customs
7 officer. Instituting fines will have the primary effect of reducing the number of
8 prohibited things that cross our borders, as well as the secondary effect of increasing
9 revenue for the Customs and Quarantine Agency.

10 Therefore, it is the intent of *I Liheslaturan Guåhan* to discourage and properly
11 punish those who make false declarations and/or false statements to a Customs Officer
12 by instituting graduated fines by repealing §73127 and by repealing and reenacting
13 §73130 of Chapter 73, Title 5 Guam Code Annotated.

14 **Section 2.** §73127 of Chapter 73, Title 5 Guam Code Annotated is hereby
15 *repealed:*

2014 MAR 31 AM 9:48

1 ~~“§ 73127. Declaration.~~

2 ~~Any article not included in the declaration and entry as made, and, before~~
3 ~~examination of the baggage was begun, not mentioned in writing by such~~
4 ~~person, if written declaration and entry was required, or orally if written~~
5 ~~declaration and entry was not required, shall be subject to forfeiture and such~~
6 ~~person shall be liable to a penalty equal to the value of such article.~~

7 **Section 3.** §73130 of Chapter 73, Title 5 Guam Code Annotated is hereby
8 *repealed and reenacted* to read:

9 ~~“§ 73130. False Swearing Statements Prohibited.~~

10 ~~Any person who shall intentionally swear falsely on an examination~~
11 ~~before the Collector of Customs shall be guilty of a misdemeanor; and if he is~~
12 ~~the owner, importer or consignee, the merchandise shall be forfeited or the~~
13 ~~value thereof may be recovered from such person.~~

14 Any person who intentionally makes a false statement, either written or
15 verbal, or who knowingly omits a statement of truth on an examination and
16 questioning before a customs officer shall be guilty of a violation. Violation of
17 this section shall be punishable by seizure and forfeiture of any prohibited
18 merchandise, cargo, or baggage in addition to a fine of five hundred dollars
19 (\$500.00) for the first violation, one thousand dollars (\$1,000.00) for the second
20 violation and ten thousand dollars (\$10,000.00) for the third and all subsequent
21 violations. All fines collected pursuant to this section shall be deposited into the
22 Customs, Agriculture and Quarantine Inspection Services Fund.”

23 **Section 4.** The Director of Customs shall include in a prominent location of
24 the Guam Customs Declaration form the following:

25 **“FALSE WRITTEN AND/OR VERBAL STATEMENTS PROHIBITED.**

1 Pursuant to §73130 of Chapter 73, Title 5 Guam Code Annotated, any person
2 who is found guilty of making a false statement or omits a statement of truth to a
3 Customs officer shall be subject to a fine of \$500.00 for the first offense, \$1,000.00
4 for the second offense and \$10,000.00 for the third and all subsequent offenses in
5 addition to the seizure and forfeiture of prohibited merchandise, cargo or baggage.”

6 **Section 5. Effective Date.** This act shall be effective immediately upon
7 enactment. The Director of Customs shall have one hundred twenty (120) days to
8 comply with Section 4 of this act.

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