


I Mina'Trentai Kuáttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
324-34 (COR)	Telena C. Nelson	AN ACT TO ADD A NEW § 55.40 TO CHAPTER 55, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINALIZATION OF DISARMING OF PEACE OFFICERS.	7/16/18 1:07 p.m.						


I MINA' TRENTAI KUÁTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

Bill No. 324 -34 (COR)

Introduced by:

Telena Cruz Nelson 

**AN ACT TO *ADD* A NEW § 55.40 TO CHAPTER 55, TITLE 9,
GUAM CODE ANNOTATED, RELATIVE TO THE
CRIMINALIZATION OF DISARMING OF PEACE OFFICERS.**

2018 JUL 16 PM 4:07
FINDS


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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that no Guam law currently exists in regards to the disarming of peace officers. The
4 disarming of peace officers is found to be a felony in other states throughout the
5 nation. The disarming of peace officers is classified as a felony as it results in the
6 inability of a peace officer to properly execute their duties to protect the public.

7 *I Liheslatura* further finds that the disarming of a peace officer typically elicits
8 a response from the peace officer to retrieve the weapon from the disarming
9 individual in order to continue properly executing his or her duties. Such a response,
10 when warranted, could result in the harm of the concerned individuals, or those in
11 surrounding areas. Techniques of these nature are practiced in a controlled
12 environment, in order to ensure the safety of all those involved and to mitigate risk
13 in the community. The retrieval of the weapon by the peace officer also ensures that
14 the weapon is not used to harm others by the disarming individual.

15 *I Liheslatura* further finds that there may be some misunderstandings in the
16 community about disarming a peace officer as no law currently exists and so *I*
17 *Liheslatura* seeks to define what disarming a peace officer entails and to provide for
18 the appropriate punishment when necessary.

1 Therefore, it is the intent of *I Liheslaturan Guåhan* to criminalize the
2 disarming of peace officers in order to create a better community understanding of
3 its harm and to better ensure the safety of the People of Guam.

4 **Section 2. A new § 55.40 is hereby *added* to Chapter 55, Title 9, Guam**
5 **Code Annotated, to read:**

6 “§ 55.40. Disarming of a Peace Officer; Defined & Punished.

7 (a) A person commits the crime of disarming a peace officer, as defined by §
8 51101 of Chapter 51, Title 17, Guam Code Annotated, if such person
9 intentionally:

10 (1) Removes, or attempts to remove, a firearm, deadly weapon, or less-
11 lethal weapon, including any blunt impact, chemical, or conducted
12 energy device, used in the performance of his or her official duties from
13 the person of a peace officer while such officer is acting within the
14 scope of his or her official duties; or

15 (2) Deprives, or attempts to deprive, a peace officer of such officer’s
16 use of a firearm, deadly weapon, or any other equipment described in
17 subsection (1) of this section while the officer is acting within the scope
18 of his or her official duties.

19 (b) The provisions of this section shall not apply when:

20 (1) The defendant does not know or could not reasonably have known
21 that the person he or she disarmed was a peace officer; or

22 (2) The peace officer was engaged in an incident involving felonious
23 conduct by the peace officer at the time the defendant disarmed such
24 officer.

25 (c) An offense under this Section is a felony of the third degree, unless the
26 defendant’s intent is to injure anyone, in which case the offense is a felony of
27 the second degree.”