

I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

Bill No. 151 (cor)

Introduced by:

Adolpho B. Palacios, Sr. 

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MWM

AN ACT TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF PARKS AND RECREATION TO DESIGNATE AREAS WITHIN THE GUAM TERRITORIAL PARK SYSTEM AS "ALCOHOL FREE ZONE" AND TO PROVIDE FOR PENALTIES FOR NON-COMPLIANCE, BY ADDING A NEW SUBSECTION 77101 (d), 77104.(i), 77104.1, 77104.2, 77104.2.1, 77104.2.2 TO CHAPTER 77, TITLE 21 GUAM CODE ANNOTATED.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that
3 there is a need to give the Director of the Department of Parks and Recreation the
4 authority to designate areas within the Guam Territorial Park System (GTPS) as "Alcohol
5 Free Zone" and to establish penalties for individuals who violate the provisions of this
6 Act.

7 *I Liheslaturan Guåhan* finds that there is a trend to designate areas such as
8 schools and bus shelters as alcohol and drug free zones for purposes of public safety to
9 deter criminal activity, litter and loitering, and to promote a wholesome atmosphere in
10 these areas.

1 *I Liheslaturan Guåhan* further finds that the open consumption of alcohol in our
2 parks and its intoxicating effects upon an individual often becomes annoying and
3 disturbing to families who gather to enjoy a nice family outing.

4 On several occasions Territorial Park Patrol officers deal with intoxicated and
5 belligerent individuals in the Guam Territorial Park System with no statutory authority to
6 effectively and safely deal with the situation.

7 It is therefore, the intent of *I Liheslaturan Guåhan* to authorize the Director of the
8 Department of Parks and Recreation to designate “Alcohol Free Zones” and to establish
9 penalties for non-compliance by adding new subsections §77101(d), §77104.(i),
10 §77104.1, §77104.2, 77104.2.1, 77104.2.2 to Chapter 77, Title 21 Guam Code
11 Annotated.

12 **Section 2. A new subsection (d) is added to §77101, Chapter 77, Title 21**
13 **Guam code Annotated, to read as follows:**

14 “(d) *Alcohol Free Zone* means any area within the Guam Territorial Park System
15 (GTPS) as designated by the Director of the Department of Parks and Recreation and as
16 recorded with the Department of Land Management where the possession or
17 consumption of alcohol is prohibited.”

18 **Section 3. A new subsection (i) is added to §77104, Chapter 77, Title 21**
19 **Guam Code Annotated, to read as follows:**

20 “(i) To designate certain beaches and public park areas in the Guam Territorial
21 Park System as an “Alcohol Free Zone.” The Director shall develop policies and
22 procedures for the effective implementation and administration of “Alcohol Free Zones”
23 in accordance with the Administrative Adjudication Act.”

1 **Section 4. A new section 77104.1 is hereby added to, Chapter 77, Title 21**
2 **Guam Code Annotated, to read:**

3 **“77104.1. Establishment of an Alcohol Free Zone.** Notwithstanding any other
4 law, rule or regulation, there is established within the Guam Territorial Park system
5 “Alcohol Free Zone” as defined in this Chapter. Any person who possesses or consumes
6 alcohol in an “Alcohol Free Zone” shall be in violation of this provision and shall be
7 issued a citation and punished in accordance with Section 77104.2 of this Chapter. All
8 Territorial Park Patrol and all Guam Police Officer shall have jurisdiction to enforce this
9 provision of law”

10 **Section 5. A new Section 77104.2, Chapter 77, Title 21 Guam Code**
11 **Annotated is hereby added to read:**

12 **“77104.2. Penalties/Fines for Violation of Alcohol Free Zone.**

13 **(a)** If any person is guilty of a first violation of § 77104.1 of this Chapter, that
14 person shall be guilty of a violation and shall be punished by fine of not less than One
15 Hundred Fifty Dollars (\$150.00) but no more than Five Hundred Dollars (\$500.00). In
16 addition, the judge may impose any additional penalties, including requiring the
17 offenders to pay restitution to persons injured or for property damaged.

18 **(b)** If any person is guilty of a second violation of § 77104.1 of this Chapter, that
19 person shall be guilty of a violation and shall be punished by fine of not less than Two
20 Hundred Fifty Dollars (\$250.00) but no more than Five Hundred Dollars (\$500.00). In
21 addition, the judge may impose any additional penalties, including requiring the
22 offenders to pay restitution to persons injured or for property damaged.

1 (c) If any person is guilty of a third violation of § 77104.1 of this Chapter, that
2 person shall be guilty of a violation and shall be punished by fine of not less than Three
3 Hundred Fifty Dollars (\$350.00) but no more than Five Hundred Dollars (\$500.00). In
4 addition, the judge may impose any additional penalties, including requiring the
5 offenders to pay restitution to persons injured or for property damaged.

6 (d) Any or all fines collected as a result of penalties imposed by this section shall
7 be deposited into the “Public Services Recreation Fund” and administered in accordance
8 with §77114 of this Chapter.

9 **Section 6. A new subsection 77104.2.1 is hereby added to Chapter 77, Title**
10 **21 Guam code Annotated, to read:**

11 **“77104.2.1. Impoundment of Vehicle of Registered Owner Convicted or**
12 **Charged of Violation of § 77104.1; Prior Offenses; Considerations; Exemption.** At
13 the time of arrest for an offense under said § 77104.1, the vehicle in which the offense
14 was committed may be impounded by the Guam Police Department or Territorial Park
15 Patrol officer and released only upon the approval of the Prosecution Division of the
16 Attorney General's Office when it is determined that the vehicle is not subject to
17 forfeiture under this Section.”

18 **Section 7. A new subsection 77104.2.2 is hereby added to Chapter 77, Title**
19 **21 Guam code Annotated, to read:**

20 **“77104.2.2. Forfeiture of Vehicle.**
21 Any person convicted of violating the provisions of § 77104.1 of this Chapter, three (3)
22 or more times with the use of a motor vehicle, shall forfeit the vehicle in which the third
23 offense, or more, was committed and forfeiture shall be conducted in accordance with

1 rules established by the Guam Police Department . However, in those cases where there
2 is a showing of extreme circumstances, or where the vehicle is owned by a person other
3 than the person convicted of three (3) or more violations of said § 77104.1, and the owner
4 had no knowledge that the vehicle would be involved in the violation or that the driver
5 had been convicted of prior violations of said § 77104.1, the Court, instead of ordering
6 the forfeiture of the vehicle, shall suspend the convicted person's driving privilege for a
7 minimum period of one (1) year, and no limited privilege to drive may be allowed.