



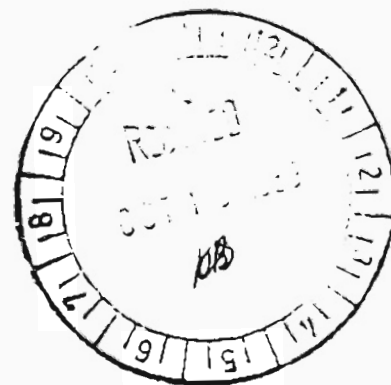
Territory of Guam

Territory of Guam

OFFICE OF THE GOVERNOR
L'ESINAN I MAGA LAHI
AGANA, GUAM 96910-1514

Recy *by* OCT 13 1989

K



The Honorable Joe T. San Agustin
Speaker, Twentieth Guam Legislature
Post Office Box CB-1
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 323, which I have signed into law this date as
Public Law 20-98.

Sincerely,

Joseph F. Ada

JOSEPH F. ADA
Governor

200555

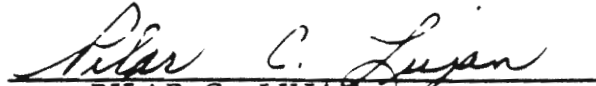
Enclosure

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular SessionCERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR


This is to certify that Substitute Bill No. 323 (CCR), "AN ACT AMENDING §§34.50 AND 34.60 OF TITLE 9, GUAM CODE ANNOTATED, TO MAKE TAMPERING WITH A MOTOR VEHICLE A FELONY," was on the 29th day of September, 1989, duly and regularly passed.


JOE T. SAN ACUSTIN
Speaker

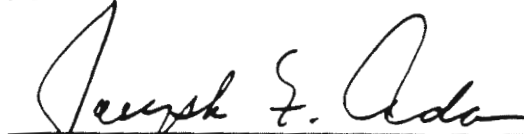
Attested:


PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 5th day of Oct., 1989
at 3:50 o'clock P.m.


Assistant Staff Officer
Governor's Office

APPROVED:


JOSEPH F. ADA
Governor of GuamDate: October 13, 1989Public Law No. 20-98

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

Bill No. 323 (CCR)
Substituted by the
Committee on Rules

Introduced by:

P. C. Lujan
T. S. Nelson
E. P. Arriola

J. T. San Agustin
J. P. Aguon
J. G. Bamba
M. Z. Bordallo
D. F. Brooks
H. D. Dierking
E. R. Duenas
E. M. Espaldon
C. T. C. Gutierrez
G. Mailloux
M. D. A. Manibusan
D. Parkinson
F. J. A. Quitugua
E. D. Reyes
M. C. Ruth
F. R. Santos
T. V. C. Tanaka
A. R. Unpingco

AN ACT AMENDING §§34.50 AND 34.60 OF
TITLE 9, GUAM CODE ANNOTATED, TO
MAKE TAMPERING WITH A MOTOR VEHICLE
A FELONY.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:
2 Section 1. §34.50 of Title 9, Guam Code Annotated, is amended to
3 read:
4 "§34.50. Criminal Mischief; Defined. A person commits criminal
5 mischief if:
6 (a) under circumstances not amounting to arson he damages
7 or destroys property with the intention of defrauding an insurer;
8 or

1 (b) he intentionally tampers with the property of another
2 and thereby:

3 (1) recklessly endangers human life; or

4 (2) recklessly causes or threatens a substantial
5 interruption or impairment of any public utility service; or

6 (c) he intentionally damages the property other than a
7 motor vehicle of another; or

8 (d) he intentionally damages the motor vehicle of another."

9 Section 2. §34.60 of Title 9, Guam Code Annotated, is amended to
10 read:

11 "§34.60 Criminal Mischief; Punished. (a) A violation of
12 subsections (b) or (d) of Section 34.50 is a third degree felony.

13 (b) A violation of subsection (a) or (c) of Section 34.50 is a
14 third degree felony if the defendant's conduct causes or is intended to
15 cause pecuniary loss in excess of Five Hundred Dollars (\$500), a
16 misdemeanor if the defendant's conduct causes or is intended to cause
17 pecuniary loss in excess of Fifty Dollars (\$50), and a petty
18 misdemeanor if the defendant's conduct causes or is intended to cause
19 pecuniary loss in excess of Twenty-Four Dollars (\$24). Otherwise,
20 criminal mischief is a violation."

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) Regular Session

ROLL CALL SHEET

Bill No. 323

Date: 9/29/89

Resolution No. _____

QUESTION: _____

	<u>AYE</u>	<u>NAY</u>	<u>NOT VOTING</u>	<u>ABSENT</u>
J. P. Aguon	✓			
E. P. Arriola	✓			
J. G. Bamba	✓			
M. Z. Bordallo	✓			
D. F. Brooks	✓			
H. D. Dierking	✓			
E. R. Duenas				✓
E. M. Espaldon	✓			
C. T. C. Gutierrez	✓			
P. C. Lujan	✓			
G. Mailloux	✓			
M. D. A. Manibusan	✓			
T. S. Nelson	✓			
D. Parkinson	✓			
F. J. A. Quitugua	✓			
E. D. Reyes	✓			
M. C. Ruth	✓			
J. T. San Agustin	✓			
F. R. Santos	✓			
T. V. C. Tanaka	✓			
A. R. Unpingco	✓			

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) REGULAR SESSION

Introduced

Bill No. 223 (cor)

FEB 14 '89

Introduced by:

P.C. LUJAN *PL*

AN ACT AMENDING THE CRIMINAL CORRECTIONAL CODE
TO MAKE TAMPERING WITH A MOTOR VEHICLE A FELONY.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. 9 GCA Section 34.50 is amended to read:

"Section 34.50. Criminal Mischief; Defined.

A person commits criminal mischief if:

(a) under circumstances not amounting to arson he damages or destroys property with the intention of defrauding an insurer; or

(b) he intentionally tampers with the property of another and thereby:

(1) recklessly endangers human life; or

(2) recklessly causes or threatens a substantial interruption or impairment of any public utility service; or

(c) he intentionally damages the property other than a motor vehicle of another;

or

(d) he intentionally damages the motor vehicle of another.

Section 2.9 GCA Section 34.60 is amended to read:

"Section 35.60 Criminal Mischief; Punished.

(a) A violation of Subsections (b) or (d) of Section 34.50 is a third degree felony.

(b) A violation of Subsection (a) or (c) of Section 34.50 is a third degree felony if the defendant's conduct causes or is intended to cause pecuniary loss in excess of Five Hundred Dollars (\$500.00), a misdemeanor if the defendant's conduct causes or is intended to cause pecuniary loss in excess of Fifty Dollars (\$50.00), and a petty misdemeanor if the defendant's conduct causes or is intended to cause pecuniary loss in excess of Twenty-Four Dollars (\$24.00). Otherwise, criminal mischief is a violation."



PILAR C. LUJAN
SENATOR • LEGISLATIVE SECRETARY
CHAIRMAN — Committee on Judiciary and Criminal Justice

September 15, 1989

The Honorable Joe T. San Agustin
Speaker, Twentieth Guam Legislature
163 Chalan Santo Papa
Agana, Guam 96910

VIA: Chairperson, Committee on Rules

Dear Mr. Speaker:

The Committee on Judiciary and Criminal Justice, to which was referred Bill No. 323, wishes to report its findings and unanimous decision **TO PASS** as introduced.

A copy of the Committee Report and all pertinent documents are attached for your information.

Sincerely,

Pilar C. Lujan
PILAR C. LUJAN

Attachment



Twentieth Guam Legislature

163 Chalan Santo Papa Street
Agana, Guam 96910

Committee on Judiciary and Criminal Justice

VOTE SHEET ON: BILL NO. 323

COMMITTEE MEMBER	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	TO PLACE IN INACTIVE FILE
<u>Pilar C. Lujan</u> Senator Pilar C. Lujan Chairman	✓	_____	_____	_____
<u>F.R. Santos</u> Senator Francisco R. Santos Vice Chairman	✓	_____	_____	_____
<u>E. Arriola</u> Senator Elizabeth P. Arriola	✓	_____	_____	_____
<u>Madeleine Z. Bordallo</u> Senator Madeleine Z. Bordallo	✓	_____	_____	_____
<u>H. Dierking</u> Senator Herminia D. Dierking	✓	_____	_____	_____
<u>G. Malloux</u> Senator Gordon Malloux	✓	_____	_____	_____
<u>Ted S. Nelson</u> Senator Ted S. Nelson	✓	_____	_____	_____
<u>E. Reyes</u> Senator Edward D. Reyes	✓	_____	_____	_____
<u>Joe T. San Agustin</u> Speaker Joe T. San Agustin	✓	_____	_____	_____
<u>E. Duenas</u> Senator Edward R. Duenas	✓	_____	_____	_____
<u>Martha C. Ruth</u> Senator Martha C. Ruth	9/14/89 ✓	_____	_____	_____
<u>Antonio R. Unpingco</u> Senator Antonio R. Unpingco	✓	_____	_____	_____

REPORT ON BILL 323

An act amending the Criminal Correctional Code
to make tampering with a motor vehicle a felony.

COMMITTEE ON JUDICIARY & CRIMINAL JUSTICE

INTRODUCED BY GOVERNMENT DEFENSE

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COMMITTEE ON JUDICIARY & CRIMINAL JUSTICE
REPORT
ON

BILL 323- An act amending the Criminal Correctional Code
to make tampering with a motor vehicle a felony.

PREFACE

The Judiciary and Criminal Justice Committee convened at 9:00 a.m., Tuesday, May 16, 1989 in the Legislative Session Hall at Agana, Guam to hear testimony on Bill 323. Committee members in attendance, alongside with Chairwoman Pilar C. Lujan were Ted S. Nelson, Martha C. Ruth, and Edward R. Duenas.

OVERVIEW

Over the past 4 1/2 years, an alarming number of motor vehicle tampering incidents have been reported to the Guam Police Department. Ranging from theft of parts ("stripping") to damage of vehicles, 1,446 types of motor vehicle crimes have been committed and recorded at the Guam Police Department. The value of the cars tampered with amounts to \$6.6 million.

In efforts to clamp down and curb such crimes, Judiciary and Criminal Justice Committee Chairwoman Pilar C. Lujan introduced Bill 323.

The measure amends existing statutes governing damage to property by redefining criminal mischief to include motor vehicle tampering. Additionally, the measure provides such criminal mischief to be classified as a third degree felony.

COMMITTEE FINDINGS

Bill 323 - An act amending the Criminal Correctional Code to make tampering with a motor vehicle a felony.

Despite extending invitations to government officials, no witnesses appeared before the Committee to testify on the measure. However, Acting Chief-of-Police Adolf Sgambelluri submitted written testimony in support of Bill 323. (ATTACHMENT I)

The Acting Police Chief recommended the measure be slightly modified to include impoundment of vehicles involved and forfeiture upon conviction.

COMMITTEE RECOMMENDATIONS

In ensuring that the property of Territorial residents is protected, the Committee finds that Bill 323 appropriately strengthens existing statutes by broadening the definition of criminal mischief to include motor vehicles.

By classifying motor vehicle tampering as a third degree felony, the Committee recommends that the measure be passed, in an effort to both deter and provide punishment to violators.

Taking into account the Acting Police Chief's recommendations, the Committee views that such suggestions are worthy but unnecessary for incorporation. Currently, vehicles are seized and impounded for evidence when such violations take place. Moreover, the Committee maintains that the discretionary authority of Judges on disposal of such evidence remain intact, upon conviction of a violator.

In conclusion, the Committee recommends that Bill 323 be passed as is.



GUAM POLICE DEPARTMENT
287 West O'Brien Drive
Agana, Guam 96910



JOSEPH F. ADA
Governor
FRANK F. BLAS
Lt. Governor

MAY 16 1989

A.P. SGAMBELLUR
Chief of Police

Senator Pilar C. Lujan
Chairperson, Committee on Judiciary
and Criminal Justice
Twentieth Guam Legislature
Agana, Guam 96910

Dear Senator Lujan:

The Guam Police Department supports Bill Nos. 184 and 323.

However, the department's position on Bill No 286 is twofold:

1. The provision of Bill No. 286 requiring licensing of operators of mopeds and motor scooters of not more than two horsepower is favorable. The bill should further address incorporating a temporary license for tourist who are on island for vacation only.
2. The provision of Bill No. 286 to repeal Section 23116.5 of the Government Code (16 GCA 3305) which requires the operators of motorcycles to wear safety helmets is opposed. The rationale that safety helmets present hazards to the operators of motorcycles since it may interfere with their hearing and vision is absolutely false. It has been proven that safety helmets do save lives of motorcycle accident victims throughout the nation. Police departments on the national and international level do require safety helmets for their officers assigned to motorcycle detail for safety reasons. Furthermore, there are no statistics or research available to prove that safety helmets present hazards to the operators of motorcycles since it may interfere with their hearing and their vision. It is recommended that safety helmets with dark-tint facial shields be made illegal to wear.

OFFICE OF THE LEGISLATIVE SECRETARY

ACKNOWLEDGMENT RECEIPT

By L

Date 9:30 AM

File # 200943

Senator Pilar C. Lujan
Chairperson, Committee on Judiciary
and Criminal Justice
Page 2

Lastly, the Guam Police Department also supports Bill No. 320 with a minor modification. It is recommended that violation of this Act will result in the impoundment of the vehicles involved and when the operators are found guilty of the violation, the vehicles will subsequently be forfeited.



A. P. SGAMBELLURI
Interim Appointee for Police Chief

TWENTIETH GUAM LEGISLATURE
1989 (FIRST) REGULAR SESSION

Introduced

Bill No. 323 (con)

FEB 14 '89

Introduced by:

P.C. LUJAN

AN ACT AMENDING THE CRIMINAL CORRECTIONAL CODE
TO MAKE TAMPERING WITH A MOTOR VEHICLE A FELONY.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. 9 GCA Section 34.50 is amended to read:

"Section 34.50. Criminal Mischief; Defined.

A person commits criminal mischief if:

(a) under circumstances not amounting to arson he damages or destroys property with the intention of defrauding an insurer; or

(b) he intentionally tampers with the property of another and thereby:

(1) recklessly endangers human life; or

(2) recklessly causes or threatens a substantial interruption or impairment of any public utility service; or

(c) he intentionally damages the property other than a motor vehicle of another;

or

(d) he intentionally damages the motor vehicle of another.

Section 2.9 GCA Section 34.60 is amended to read:

"Section 35.60 Criminal Mischief; Punished.

(a) A violation of Subsections (b) or (d) of Section 34.50 is a third degree felony.

(b) A violation of Subsection (a) or (c) of Section 34.50 is a third degree felony if the defendant's conduct causes or is intended to cause pecuniary loss in excess of Five Hundred Dollars (\$500.00), a misdemeanor if the defendant's conduct causes or is intended to cause pecuniary loss in excess of Fifty Dollars (\$50.00), and a petty misdemeanor if the defendant's conduct causes or is intended to cause pecuniary loss in excess of Twenty-Four Dollars (\$24.00). Otherwise, criminal mischief is a violation."