

EDDIE BAZA CALVO
Governor



RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

March 9, 2011

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina' Trentai Unu na Liheslaturan Guåhan
155 Hesler Place
Hagatna, Guam 96932

Dear Madam Speaker,

Transmitted herewith is Bill No. 9-31 (LS), entitled: "AN ACT TO AMEND §34205(a) OF ARTICLE 2, CHAPTER 34 OF TITLE 10, GUAM CODE ANNOTATED, AND §70.10 OF ARTICLE 1, CHAPTER 70 OF TITLE 9, GUAM CODE ANNOTATED; AND TO ADD NEW §§ 70.01, 70.10.1, 70.10.2 AND 70.10.3 TO ARTICLE 1, CHAPTER 70 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO KEEPING ANIMALS IN GUAM", which I signed into law on March 9, 2011 as **Public Law 31-05**.

I applaud the intent and overall ability of Bill 9-31 to update Guam's laws pertaining to animal care and cruelty, and to combat inhumane acts of cruelty against animals, the measure could be made even better. Though the legislation is now law, I urge *I Mina' Trentai Unu Na Liheslaturan Guåhan* to address this statute's deficiencies.

Section 7 of this statute adds a new §70.10.3 to Article 1, Chapter 70 of Title 9, Guam Code Annotated. This section provides that, if there is probable cause of violation of the animal cruelty law, certain law enforcement officers may under "exigent circumstances" enter "the premises" to impound the animal. As a preliminary matter, it should be noted that the lack of any statutory definition for the subjective term "exigent circumstances" begs the question of what specific situations warrant entry and impoundment. The concern is that this lack of detail may create confusion for those law enforcement officers performing their duties under this statute, and may increase the risk that a criminal case charged under this statute is challenged in court. Similarly, the term "premises" is ambiguous enough to leave a law enforcement officer wondering whether it merely pertains to a yard or fenced outdoor area, or actually authorizes forcible entry into a privately owned building, dwelling or residence. This type of generality also complicates the Attorney General's ability to successfully prosecute animal cruelty cases involving entry into private property and subsequent impoundment.

More importantly, the impoundment procedure in this law stops abruptly at the point of impoundment, while in reality this is only the beginning of the impoundment process. The U.S. Constitution and the Organic Act of Guam both guarantee every Guam citizen's right to procedural due process of law. Thus when the government seizes one's pet or domesticated animal, the government must afford that person notice and an orderly proceeding for the

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opportunity to be heard and to protect one's rights before a tribunal or quasi-adjudicative body with the power to hear the case and render judgment.

While this statute does require an impounding law enforcement official to post notice of the impoundment, what is lacking is any formal process for the pet owner to make a case for the return of the animal. Fundamental prerequisites for procedural due process in this context would include, not only notice of the impoundment, but also notice of and the opportunity to make an informed choice to acquiesce to or contest the impoundment, and to assert before the appropriate decision-making body the reasons why the animal should not be impounded. For example, Guam affords such procedural due process under the Safe Streets Act at 16 GCA §18203 when one's driver's license is confiscated for refusal to submit to a breathalyzer test requested due to suspicion of driving under the influence of alcohol or drugs. More relevant is the procedural due process afforded by 10 GCA §34116 when one's pet is impounded for running at large. That law provides specific notice procedures and it also allows for the owner to reclaim the pet after paying fees, obtaining a pet license (if the pet is unlicensed) and paying for or guaranteeing sterilization of the pet. On the other hand, this animal cruelty statute is severely lacking in procedural due process mechanisms, and this absence threatens the ability to altogether legally impound an abused animal that may be in dire need of rescue. This is why I urge *I Mina' Trentai Unu Na Liheslaturan Guåhan* to revisit this law and address its shortcoming described above.

Finally, it is noteworthy to mention that, while this law calls for an impounded abused animal to be held at the animal care facility designated by 10 GCA §34118, this statute is silent as to what that animal's future will hold. In other words, there is no language to direct what is to be done with an impounded animal. Not only is there no mechanism for a worthy pet owner to retrieve an animal, but the law simply forgets about an impounded animal after it is deposited at the designated animal care facility. Assuming the animal is not released back to its owner; does the animal become available for adoption? Is the animal destroyed if not adopted or returned after a certain period of time? If the impounded animal is a wild animal not appropriate for adoption, what is to become of it? In contrast, the law regarding pets impounded for running at large has a provision for the disposition of those impounded animals, at 10 §34116(d). While this may not be the disposition desired or intended by the spirit of this animal cruelty law, it is cited here merely as an example of a law properly providing for some closure of disposition of an impounded animal. The present law lacks this and it should be revisited and corrected by *I Mina' Trentai Unu Na Liheslaturan Guåhan* for this reason as well.

Again, this legislation is commendable and addresses a worthy cause: the protection of life and prevention of suffering. Thus I hope *I Liheslaturan Guåhan* will work to improve this law as noted above.

Senseramente,



EDDIE BAZA CALVO

Attachment: copy of Bill

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 9-31 (LS), "AN ACT TO AMEND §34205(a) OF ARTICLE 2, CHAPTER 34 OF TITLE 10, GUAM CODE ANNOTATED, AND § 70.10 OF ARTICLE 1, CHAPTER 70 OF TITLE 9, GUAM CODE ANNOTATED; AND TO ADD NEW §§ 70.01 70.10.1, 70.10.2 AND 70.10.3 TO ARTICLE 1, CHAPTER 70 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO KEEPING ANIMALS IN GUAM"**, was on the 24th day of February, 2011, duly and regularly passed.



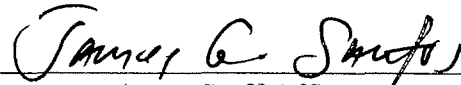
Judith T. Won Pat, Ed.D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 25th day of Feb, 2011, at

7:14 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

Police Sgt / ESS

APPROVED:


EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: MAR 09 2011

Public Law No. 31-05

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 9-31 (LS)

As amended on the Floor.

Introduced by:

Judith P. Guthertz, DPA
T. C. Ada
V. Anthony Ada
F. F. Blas, Jr.
B. J.F. Cruz
Chris M. Duenas
Sam Mabini, Ph.D.
T. R. Muña Barnes
Adolpho B. Palacios, Sr.
v. c. pangelinan
Dennis G. Rodriguez, Jr.
R. J. Respicio
M. Silva Taijeron
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* §34205(a) OF ARTICLE 2, CHAPTER 34 OF TITLE 10, GUAM CODE ANNOTATED, AND § 70.10 OF ARTICLE 1, CHAPTER 70 OF TITLE 9, GUAM CODE ANNOTATED; AND TO *ADD* NEW §§ 70.01 70.10.1, 70.10.2 AND 70.10.3 TO ARTICLE 1, CHAPTER 70 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO KEEPING ANIMALS IN GUAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the existing laws pertaining to animal care and cruelty are antiquated. Current statutes provide little deterrence for persons that inflict physical and serious injury

1 upon animals through negligent and intentional acts of cruelty. Many instances
2 occur wherein owners fail to provide even the most basic of care for animals in
3 their person. Members of the island community are knowledgeable and have seen
4 firsthand instances where animals have suffered a cruel death from starvation,
5 thirst, or were injured or killed through deliberate acts of cruelty.

6 It is the intent of *I Liheslaturan Guåhan* to strengthen punishments against
7 perpetrators and address persons whose actions fall outside legitimate and legally
8 sanctioned conduct, and who intentionally, negligently, or with criminal
9 negligence inflict harm on animals for no valid societal or legally sanctioned
10 reason versus the legitimate activities of hunting, the accepted practices of
11 veterinary care and the necessary actions associated with good animal husbandry.

12 **Section 2.** §34205(a) of Article 2, Chapter 34 of Title 10, Guam Code
13 Annotated, is hereby *amended* to read:

14 “(a) No person who has an animal or animals in his custody or
15 control *shall* fail to provide the animal(s) with sufficient good and
16 wholesome food and water, proper shelter and protection from the weather,
17 space to exercise, an area which is reasonably clean and free of excrement
18 which may be injurious to the health of the animal(s), veterinary care when
19 needed to prevent suffering, and with other humane care and treatment as
20 necessary to preserve the health and well-being of the animal(s).”

21 **Section 3.** A new §70.01 is hereby *added* to Article 1, Chapter 70 of Title
22 9, Guam Code Annotated, to read:

23 **“§70.01. Cruelty to Animals; Definitions.**

24 For purposes of this Chapter:

25 (a) *Animal* means a domestic animal, a household pet or a
26 wild animal in captivity.

1 (b) *Domestic animal* means any animal, other than livestock,
2 that is owned or possessed by a person.

3 (c) *Good animal husbandry* includes, but is *not* limited to,
4 the dehorning of cattle, the docking of horses, sheep or swine, and the
5 castration or neutering of livestock, according to accepted practices of
6 veterinary medicine or animal husbandry.

7 (d) *Minimum* care means care sufficient to preserve the
8 health and well-being of an animal and, except for emergencies or
9 circumstances beyond the reasonable control of the owner, includes,
10 but is *not* limited to, the following requirements:

11 (1) food of sufficient quantity and quality to allow for
12 normal growth or maintenance of body weight;

13 (2) open or adequate access to potable water in sufficient
14 quantity to satisfy the animal's needs;

15 (3) access to a structure sufficient to protect the animal from
16 wind, rain, or sun;

17 (4) veterinary care deemed necessary by a reasonably
18 prudent person to relieve injury, neglect or disease;

19 (5) for a domestic animal, continuous access to an area:

20 (A) with adequate space and room for exercise
21 necessary for the health of the animal, and

22 (B) kept reasonably clean and free from excess waste
23 or other contaminants that could affect the health of the
24 animal(s).

25 (e) *Officer* means a member of the Guam Police Department,
26 a Mayor of Guam, an Animal Control Officer, or any other person

1 authorized by law by the Chief of the Guam Police Department or by
2 the Director of the Department of Agriculture.

3 (f) *Physical injury* means physical trauma, impairment of
4 physical condition or substantial pain.

5 (g) '*Physical trauma*' means fractures, cuts, punctures,
6 bruises, burns or other wounds.

7 (h) *Serious physical injury* means physical injury that creates
8 a substantial risk of death or that causes protracted disfigurement,
9 impairment of health or impairment to the function of a limb or bodily
10 organ.

11 (i) *Torture* means an action taken for the primary purpose of
12 inflicting pain."

13 **Section 4.** §70.10 of Article 1, Chapter 70 of Title 9, Guam Code
14 Annotated, is hereby *amended* to read:

15 "§70.10. **Cruelty to Animals: Defined; Exceptions; Penalty.**

16 (a) A person commits the crime of animal abuse in the second
17 degree if the person intentionally, knowingly or recklessly, *except* as
18 otherwise authorized by law:

19 (1) causes physical injury to an animal;

20 (2) fails to provide minimum care for the animal(s) in such
21 person's custody and control, and the failure to provide such
22 minimum care causes physical injury to the animal(s); or

23 (3) kills, impounds or injures any animal belonging to
24 another without legal authority or consent of the owner.

25 (b) Animal abuse in the second degree is a misdemeanor.

26 (c) Subsection (a) *shall not* be applicable to:

1 (1) accepted veterinary practices and activities carried on for
2 scientific research by public or private schools or universities or
3 medical institutions;

4 (2) the shooting or taking of game in such manner and at
5 such times as is allowed or provided by the laws of Guam ;

6 (3) cockfighting in a manner and at such times and places as
7 are authorized by law;

8 (4) measures necessary to avert harm by an animal that poses
9 a present and immediate danger to the safety of people or other
10 animals;

11 (5) the killing of animals for food; or

12 (6) the proper disinfestation of rodents, insects and
13 arachnids.”

14 **Section 5.** A new § 70.10.1 is hereby *added* to Article 1, Chapter 70 of
15 Title 9, Guam Code Annotated, to read:

16 **“§70.10.1. Animal Abuse in the First Degree.**

17 (a) A person commits the crime of animal abuse in the first degree
18 if the person intentionally, knowingly or recklessly, *except* as otherwise
19 authorized by law:

20 (1) causes serious physical injury to the animal(s), cruelly
21 causes the death of the animal(s) or tortures the animal(s); or

22 (2) fails to provide minimum care for the animal(s) in the
23 person’s custody or control, and the failure to provide care results in
24 serious physical injury or death to the animal(s).

25 (b) Animal abuse in the first degree is a third-degree felony.

26 (c) Subsection (a) of this Section *shall not* be applicable to:

1 (1) accepted veterinary practices and activities carried on for
2 scientific research by public or private schools or universities or
3 medical institutions;

4 (2) the shooting or taking of game in such manner and at
5 such times as is allowed or provided by the laws of Guam;

6 (3) cockfighting in a manner and at such times and places as
7 are authorized by law;

8 (4) measures necessary to avert harm by an animal that poses
9 a present and immediate danger to the safety of people or other
10 animals;

11 (5) the killing of animals for food; or

12 (6) the proper disinfestation of rodents, insects and
13 arachnids.”

14 **Section 6.** A new § 70.10.2 is hereby *added* to Article 1, Chapter 70 of
15 Title 9, Guam Code Annotated, to read:

16 **“§ 70.10.2. Animal Abandonment.**

17 (a) A person commits the crime of animal abandonment if the
18 person intentionally, knowingly, recklessly or with criminal negligence
19 leaves a domestic animal at a location without providing ‘minimum care’ as
20 defined in this Chapter.

21 (b) Animal abandonment is a petty misdemeanor.”

22 **Section 7.** A new §70.10.3 is hereby *added* to Article 1, Chapter 70 of
23 Title 9, Guam Code Annotated, to read:

24 **“§70.10.3. Authority to Enter Premises and Court Proceedings.**

25 (a) If there is probable cause to believe that any animal is being
26 subjected to treatment in violation of §70.10, §70.10.1 or §70.10.2 of this
27 Chapter, any officer under exigent circumstances may enter the premises to

1 impound the animal(s). Notice of said impoundment *shall* be conspicuously
2 posted on the premises.

3 (1) An officer is *not* liable for any damages for an entry
4 under Subsection (a) of this Section *unless* the damages were caused
5 by reckless behavior.

6 (2) Any animal(s) so impounded *shall* be held at the animal
7 care facility designated pursuant to §34118 of Chapter 34, Title 10
8 GCA.”

9 **Section 8. Severability.** *If* any provision of this law or its application to
10 any person or circumstances is found to be invalid or contrary to law, such
11 invalidity *shall not* affect other provisions or applications of this law which can be
12 given effect without the invalid provisions or application, and to this end the
13 provisions of this law are severable.

6

I MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN

2011 (FIRST) Regular Session

Date: 2/24/11

VOTING SHEET

Bill No. 9-31(LS)

Resolution No. _____

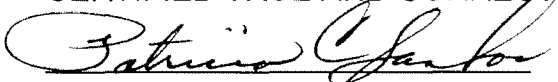
Question: _____

<u>NAME</u>	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>OUT DURING ROLL CALL</u>	<u>ABSENT</u>
ADA, Thomas C.	✓				
ADA, V. Anthony	✓				
BLAS, Frank F., Jr.	✓				
CRUZ, Benjamin J. F.	✓				
DUENAS, Christopher M.	✓				
GUTHERTZ, Judith Paulette	✓				
MABINI, Sam	✓				
MUNA-BARNES, Tina Rose	✓				
PALACIOS, Adolpho Borja, Sr.	✓				
PANGELINAN, vicente (ben) cabrera	✓				
RESPICIO, Rory J.	✓				
RODRIGUEZ, Dennis G., Jr.	✓				
SILVA TAIJERON, Mana	✓				
WON PAT, Judith T.	✓				
YAMASHITA, Aline A.	✓				

TOTAL

15 0 0 0 0

CERTIFIED TRUE AND CORRECT:



Clerk of the Legislature

* 3 Passes = No vote
EA = Excused Absence



Thirty-First
Guam Legislature

Committee Members:

Senator Thomas C. Ada
Vice Chairman

Speaker Judith T. Won Pat, Ph.D.
Member

Senator Tina R. Muña-Barnes
Member

Senator Judith P. Guthertz, DPA
Member

Senator Rory J. Respicio
Member

Senator Dennis G. Rodriguez, Jr.
Member

Senator V. Anthony Ada
Member

Senator Christopher M. Duenas
Member

Senator Mana Silva-Tajerón
Member

Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
Membership:*

Vice Chairman, Committee on
Utilities, Transportation, Public
Works and Veterans Affairs

Vice Chairman, Committee on
Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform

Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources

Member, Committee on
Education and Public Libraries

Member, Committee on Guam
Military Buildup and Homeland
Security

Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

February 10, 2011

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina Trentai Unu na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairman, Committee on Rules


RE : Committee Report – Bill No. 9-31 (LS).

The Committee on Public Safety, Law Enforcement and Judiciary, to which was referred, **BILL NO. 9-31 (LS) "AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10 GUAM CODE ANNOTATED AND §70.10 OF CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2 AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM,"** hereby reports out with the recommendation **TO PASS**.

Committee Votes are as follows:

<u>11</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>0</u>	TO REPORT OUT ONLY
<u>0</u>	ABSTAIN
<u>0</u>	INACTIVE FILE

Sincerely,


ADOLPHO B. PALACIOS, MPA, BS/CJA
Chairman

Attachments

2011 FEB 18 AM 9:17

Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

COMMITTEE REPORT
ON
BILL NO. 9-31 (LS)
By Senator Judith P. Guthertz, DPA

AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10 GUAM CODE ANNOTATED AND §70.10 OF CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2 AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM.



Thirty-First
Guam Legislature

Committee Members:

Senator Thomas C. Ada
Vice Chairman

Speaker Judith T. Won Pat, Ph.D.
Member

Senator Tina R. Muna-Barnes
Member

Senator Judith P. Guthertz, DPA
Member

Senator Rory J. Respicio
Member

Senator Dennis G. Rodriguez, Jr.
Member

Senator V. Anthony Ada
Member

Senator Christopher M. Duenas
Member

Senator Mana Silva-Tarjeron
Member

Senator Aline A. Yamashita, Ph.D.
Member

*Other Committee
Membership:*

Vice Chairman, Committee on
Utilities, Transportation, Public
Works and Veterans Affairs

Vice Chairman, Committee on
Health and Human Services,
Senior Citizens, Economic
Development and Election
Reform

Member, Committee on Rules,
Federal, Foreign & Micronesian
Affairs and Human & Natural
Resources

Member, Committee on
Education and Public Libraries

Member, Committee on Guam
Military Buildup and Homeland
Security

Member, Committee on
Municipal Affairs, Tourism,
Housing and Recreation

COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

February 7, 2011

MEMORANDUM

TO: ALL MEMBERS
Committee on Public Safety, Law Enforcement, & Judiciary

FROM: Senator Adolpho B. Palacios, Sr.
Committee Chairman

SUBJECT: Committee Report on Bill No. 9-31 (LS).

Transmitted herewith for your consideration is the Committee Report on Bill No. 9-31 (LS) – **An act to amend §34205 of Chapter 34, Title 10 Guam Code Annotated and §70.10 of Chapter 70, Title 9 Guam Code Annotated, and to add §70.10.1, §70.10.2 and §70.10.3 to Chapter 70, Title 9 Guam Code Annotated relative to keeping animals in Guam.**– by Senator Judith P. Guthertz, DPA.

This report includes the following:

- Committee Voting Sheet
- Committee Report Digest
- Copy of Bill No. 9-31 (LS) as introduced
- Public Hearing Sign-in Sheets
- Copies of testimony submitted and supporting documents
- Copy of COR Referral of Bill No. 9-31 (LS)
- Notices of Public Hearing
- Copy of the Public Hearing Agenda
- Miscellaneous related documents

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please contact this office.

Si Yu'os ma'åse!

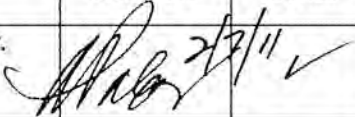
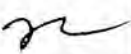


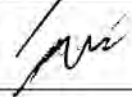





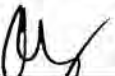


COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

VOTING SHEET ON:

Bill No. 9-31 (LS) – AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10 GUAM CODE ANNOTATED AND §70.10 OF CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2 AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM.

SENATOR	SIGNATURE	TO PASS	NOT TO PASS	TO REPORT OUT ONLY	ABSTAIN	INACTIVE FILE
Adolpho B. Palacios, Sr. Chairman		2/2/11 ✓				
Thomas C. Ada Vice Chairman		✓				
Tina R. Muña-Barnes Member		✓				
Judith P. Guthertz, DPA Member		✓				
Rory J. Respicio Member		✓				
Dennis G. Rodriguez, Jr. Member		2/7/11 ✓				
Judith T. Won Pat, Ed.D. Member		2/8/11				
V. Anthony Ada Member		2/7/11 ✓				
Christopher M. Duenas Member		2/7/11 ✓				
Mana Silva Taijeron Member		2/7/11				
Aline A. Yamashita, Ph.D. Member		2/8/11				



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guahan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

COMMITTEE REPORT DIGEST

Bill No. 9-31 (LS) – “An act to *amend* §34205 of Chapter 34, Title 10 Guam Code Annotated and §70.10 of Chapter 70, Title 9 Guam Code Annotated, and to *add* §70.10.1, §70.10.2 and §70.10.3 to Chapter 70, Title 9 Guam Code Annotated relative to keeping animals in Guam.” – Senator Judith P. Guthertz, DPA.

I. OVERVIEW

The Committee on Public Safety, Law Enforcement and Judiciary convened the public hearing on January 25, 2010 at 9:38 a.m. in *I Liheslatura's* Public Hearing Room. Among the items on the agenda was the consideration of Bill No. 9-31 (LS) - “An act to *amend* §34205 of Chapter 34, Title 10 Guam Code Annotated and §70.10 of Chapter 70, Title 9 Guam Code Annotated, and to *add* §70.10.1, §70.10.2 and §70.10.3 to Chapter 70, Title 9 Guam Code Annotated relative to keeping animals in Guam,” sponsored by Senator Judith P. Guthertz, DPA.

Public Hearing Requirements

Notices of the hearing were disseminated via facsimile and email to all senators and all main media broadcasting outlets on January 14, 2011 (5-day Notice) and on January 21, 2011 (48-Hour notice) pursuant to meeting the requirements of the Open Government Law. Notice of the hearing was also posted on the Guam Legislature's website.

Senators Present

Senator Adolpho B. Palacios, Sr., Chairman
Senator Judith P. Guthertz, DPA, Member
Senator Rory J. Respicio, Member
Senator Dennis Rodriguez, Jr., Member
Senator Anthony V. “Tony” Ada, Member
Senator Christopher Duenas, Member
Senator Mana Silva-Taijeron, Member
Senator Aline A. Yamashita, Ph.D.
Senator Shirley “Sam” Mabini, Ph.D.

Individual(s) Registered for oral or written testimony:

- Karon V. Johnson, Assistant U.S. Attorney, Guam Animals In Need (GAIN) member, oral and written testimony in favor of the bill.

- Cindy Bartels, President, GAIN, oral and written testimony in favor of the bill.
- Dr. Kammy McCoy Dunn, veterinarian, GAIN volunteer, oral testimony in favor of the bill.
- David Crisostomo, oral and written testimony in favor of the bill.
- Dr. Velma Harper, oral testimony in favor of the bill.
- Marissa Collins, oral testimony in favor of the bill.
- Melissa Arnold, oral testimony in favor of the bill.
- Dr. Poole, veterinarian, Department of Agriculture, oral testimony in favor of the bill.
- Julie Grady, Manager, Yigo Animal Shelter, written testimony in favor of the bill.
- Chad N. Grady, written testimony in favor of the bill
- Brett Silk, dog behaviorist, written testimony in favor of the bill.
- Dr. Lisa Silk, Veterinarian, owner of Isla Veterinary Clinic, written testimony in favor of the bill.
- Lily Whitefield, written testimony in favor of the bill.
- Bambi Leone, written testimony in favor of the bill.
- Shirley Miller, GAIN volunteer, written testimony in favor of the bill.
- Kristen Cruz, written testimony in favor of the bill.
- Derek J. Sablan, written testimony in favor of the bill.
- Dr. Vanessa L. Oshiro, Veterinarian, Marianas Vetcare, written testimony in favor of the bill.
- Margaret Murphy Bell, written testimony in favor of the bill.
- Roque Blas, written testimony not in favor of the bill.

II. SUMMARY OF TESTIMONIES

Chairman Adolpho B. Palacios, Sr. convened public hearing for the Committee on Public Safety, Law Enforcement, and Judiciary at 9:38 a.m., read the agenda for the public hearing, introduced the Senators present, explained the operation of the proceedings and recognized the author, Senator Judith P. Guthertz, DPA.

Senator Guthertz thanked all present for their contributions and interest. She shared the title of, history of, contents of and rationale behind the bill. She thanks Chairman Palacios for arranging the public hearing so quickly. Chairman Palacios then calls those who wish to testify to come forward by order of the sign in sheets.

Karon V. Johnson, Assistant U.S. Attorney, said that she is pleased that the bill was introduced. She stated that the existing law is unenforceable because it is unconstitutionally vague. The bill that is proposed provides better definitions. This bill gives the courts better tools for addressing cruelty and mistreatment. She stated that police currently have authority if they have probable cause, so one of the provisions of the bill is unnecessary.

Cindy Bartels, President of GAIN, thanked Senator Guthertz for authoring the bill and Senator Palacios for hearing the bill. She made reference to "Macon", a Dalmatian which was a victim of mistreatment. A member of the community responded and was able to rescue it from its poor living conditions. She said that often GAIN must respond when Animal Control is not available. She stated that there are solid links between animal cruelty and other violent crimes. She says that cruelty degrades our society. She recounted a story of involving the rescue of Macon and asked the Senators to support Bill 9.

Dr. Kammy McCoy Dunn is a licensed veterinarian and volunteer for GAIN. She stated that she has practiced in many countries as a veterinarian. She has never seen the level of abuse anywhere else. She relates a story where three animals came into GAIN and they were emaciated. She had assumed that these animals were living on the streets and was surprised when she heard that they had an owner. She implies that she is shocked that a community made up of such good people could tolerate the level of abuse and neglect that occurs on Guam. She supports this Bill.

Chairman Palacios summarized some of the written testimony submitted for the bill and then recognized David Crisostomo.

David Crisostomo supports the bill, but believes it needs to be strengthened. He stated that he somewhat disagrees with the adequacy of some definitions. He believes that no one, but police or other authorities, should be able to enter private property for probable cause. He is concerned that owners of fighting cocks may react adversely to any person who is not a law enforcement officer but enters their property. He states that some animals which appear thin may be undergoing physical training. He is a member of the 671 Bully Club, which conducts dog shows. He believes that these shows encourage better treatment of dogs.

Chairman Palacios thanked the panel for their testimony and asked that they remain in the room so that they will be available to answer questions. He asked if Rita Jean Smith was available to testify and noted that support of audience members listed on the sign-up sheet. He asked Dr. Velma Harper to commence her testimony.

Dr. Harper stated that she is in full support of the bill. She has lived in Guam her entire life and noted the progress that has been made to fight against animal abuse and neglect. She believes that "Animal Cops Guam" should be started. She related a story about neglect/abuse. She suggested that an owner must pick up an animal after having deposited it with a veterinary clinic or other facility. She has had many animals which were abandoned at her clinic and knows many other veterinarians who have faced similar problems. She stated that animal cruelty is the first step toward criminal activity.

Marissa Collins recently moved to Guam from Utah. She stated that seeing the mistreatment of animals on Guam breaks her heart. She stated that animals should be licensed and micro-chipped, so that an owner which abandons their animal will be identified. She thanked the Committee for the opportunity to testify for the bill.

Melissa Arnold brought in a dog and introduced the panel to her. The dog was rescued through GAIN's Second Chance Program. The dog had numerous medical issues, which have been addressed, and is available for adoption.

Dr. Poole, territorial veterinarian, stated that he agrees with much of the foregoing testimony.

Senator Guthertz thanked those who have testified for sharing their feelings and ideas. Senator Guthertz asked Dr. Harper and Dr. Poole if they are aware of dog-fighting on Guam. Dr. Poole stated that an FBI agent told him about dog-fighting on Guam. Dog carcasses occasionally show up along Route 15. Senator Guthertz stated that some have called her and told her that there is dog-fighting occurring and that some off-duty local law enforcement officers attend the fights. She asked whether there are four animal control officers. Dr. Poole stated that there used to be twenty-one and are now four. Senator Guthertz ascertained that Animal Control Officers are not able to work a 24-hour schedule. She stated that she wants to empower Animal Control Officers. Senator Guthertz remembered a Chihuahua that was abandoned at Dr. Harper's clinic and Senator Guthertz adopted it. She said there ought to be a legal remedy to people

abandoning animals in veterinary clinics. Dr. Harper has adopted many dogs which are abandoned at her clinic.

Senator Rory Respicio stated that this is a pet-friendly legislature. He related a story about MaryLou Wheeler and her dog Whitey. He said that his wife is also a pet-lover and shared a sad story about his own pet dog, Jelly. He stated that solving Guam's problems should not stop just because there may be financial issues for the government of Guam.

Senator Chris Duenas stated that a baby, who is in the public hearing room, is in full support of the bill. He said that he has a family member who has many dogs which she rescued. He supports Bill 9 and hopes that there could be a similar turnout for the children at the Department of Youth Affairs.

Senator Rodriguez supports Bill 9. His mother has 10 dogs and 13 cats. He stated that when a typhoon is coming, his mother and father stock up with dog-food and cat-food. He hopes that a similar outpouring from the public can come in support of peoples' health.

Senator Anthony V. "Tony" Ada stated that he believes many people are not informed about how to take proper care of their pets. He said that pets are part of the family. He thinks that it is about education of the people. He thanked everyone who testified for the bill.

Senator Aline A. Yamashita, Ph.D., stated that often she has participated in public hearings where she was the only person who testified. She fears dog and said that outreach and training is needed. She has a dog. She commented about Dr. Harper's pet cop idea. She believes that there is a need for therapy with children employing pets.

Senator Sam Mabini, Ph.D., supports Bill 9. She has been a former veterinary assistant and is currently on the GAIN board. She wants to hear statistics regarding dogs that are admitted to the shelter that are "abused." She commended Mr. Crisostomo and the Bully Club for the shows that they have held. She hopes that schools can incorporate service learning that includes the ethics and care of pets. She is hoping that the picture board can be taken as evidence.

Senator Mana-Silva Taijeron supports the bill and commends GAIN for their work. She has adopted several animals from GAIN. She is concerned that not enough dogs are

registered. She appreciates Marissa's idea about microchipping. She further believes that dogs should be leashed when in public, to protect themselves and others.

Chairman Palacios asked Mr. Crisostomo and Dr. Poole if there could be a credential issued by Animal Control to enforce the law. He believes that more people need to be involved. Mr. Crisostomo stated that allowing more people to get involved in enforcement will enhance the current capabilities, but that entry should require the presence of an officer if some sort. Dr. Poole states that under existing law, one may enter the yard, but not the home. Officers are uniformed and he feels that the credential idea may be appropriate. He stated that it has not posed much of a problem. Chairman Palacios suggested that credentialing following training would relieve the enforcement agencies, while improving enforcement. Dr. Poole stated that entering a home is accompanied by notification about what will happen to the animal. When there is any confrontation, the police become involved. Chairman Palacios suggested that there should be sworn statements that be entered to pursue a seizure action. Dr. Poole stated that unless there is a clinical issue, a warning is always issued to the owner as a first step. Chairman Palacios asked whether there are any rabies cases on Guam and Dr. Poole said that there are not.

Senator Guthertz stated that this issue should not be short-changed merely because there are other problems on Guam. She believes that addressing problems ends up complementing each other.

Chairman Palacios asked if there were any more comments or if anyone else wanted to testify and there were not, except an urging by an audience member that people consider adopting a pet. He declared that Bill No. 9-31(LS) is duly heard. Chairman Palacios concluded the hearing and requested that written testimony be submitted within the next ten (10) days. He adjourned the hearing at 12:42 a.m.

III. WRITTEN TESTIMONIES

Julie Grady, Manager, Yigo Animal Shelter (January 20, 2011)

Mrs. Grady relates a story of her adopted dog, Macon, a Dalmatian. The dog suffered from inadequate food, water and shelter. Several delays occur before the dog was finally rescued by the Animal Control officers at the Department of Agriculture. The dog was severely dehydrated, starving, and had mange, dermatitis and open sores. She recounts his return to health under her care.

She believes that the mistreatment and neglect the dog had endured is unconscionable and should not be tolerated in our society. She states that Guam's laws protecting animals are inadequate and outdated, and urges Senators to support Bill 9. (*See attached written testimony.*)

Chad N. Grady

Mr. Grady believes that Bill 9 is long overdue. He writes, "The approval of Bill 9 is a small step that the government can take to advance toward a more advanced and modernized society." He states that animal neglect cases are unacceptable and that pets should be treated with care and compassion. He cites that 70 percent of animal abusers have records for committing other crimes. (*See attached written testimony.*)

Brett Silk, dog behaviorist

Mr. Silk has been a dog behaviorist for over thirty (30) years. He feels that neglect and cruelty to animals comes from a deficit in education. He believes that Guam's animal laws are behind the times by about thirty (30) years. He states that cruelty to animals leads to cruelty to people. (*See attached written testimony.*)

Dr. Lisa Silk, Veterinarian, owner of Isla Veterinary Clinic

Dr. Silk believes that Bill 9 should be passed. She states that laws regarding animal abuse are not sufficient and that the definitions of abuse and neglect need to be better defined so they are more enforceable. She implies that neglect and improper treatment are commonplace on Guam and states that this effects the well-being of people, as well. She states that there are several communicable diseases which can pass from animals to human beings. (*See attached written testimony.*)

David Crisostomo

Mr. Crisostomo states his feeling that those who enforce Guam's animal laws must receive adequate training. He believes that the bill is a launching pad for the desired results proclaimed by animal rights groups like PETA. He states that GAIN and SPCA should not be permitted to enter property on probable cause and that property and privacy rights of individuals must be of foremost concern. He writes, "I am a pet owner and take my animal care very seriously. I also however, believe my rights as a human being and a property owner far exceed those of animals." He does not support the bill in its current form. (*See attached written testimony.*)

Cindy Bartels, President, GAIN

Ms. Bartels relates a story about Macon, a Dalmatian. She states that studies show that people who perpetrate cruelty to animals often escalate to violent crimes. She asks that the community come together to support Bill 9. *(See attached written testimony.)*

Lily Whitefield

Mrs. Whitefield and her husband adopted a GAIN Second Chance Dog, Sunny. The dog was underweight, suffered from mange and heartworms, and had marks from a tight collar which the dog had worn. She believes that the mistreatment which the animal received should be punished. *(See attached written testimony.)*

Bambi Leone

Ms. Leone has worked at the animal shelter and various veterinary clinics. She has trapped stray animals and brought them to the shelter to assure their well-being. She supports Bill 9 and believes that something must be done to end the mistreatment of animals. *(See attached written testimony.)*

Shirley Miller, GAIN volunteer

Ms. Miller believes that the legislature should establish stricter penalties for animal abuse and neglect. She writes that GAIN has established a fund to care for abused and neglected animals, rather than euthanizing them. The Second Chance Boonie Rescue Program takes animals with health problems, provides veterinary care and finds a home for them. She recounts the story of Macon, the Dalmatian, which suffered from extreme abuse and neglect. She urges the legislature to pass Bill 9. *(See attached written testimony.)*

Kristen Cruz

Ms. Cruz writes, "It breaks my heart to see so many animals suffer at the hands of heartless human beings who don't see the extreme pain that they inflict on these animals who have so much love to share." She believes that owners who abuse or neglect their animals should be punished. *(See attached written testimony.)*

Derek J. Sablan

Mr. Sablan writes that he supports Bill 9, but feels that the majority of pet-owners would not harm their pets. He was a member of the Twenty-Seventh (27th) Guam Youth Congress and introduced legislation that would have significantly increased

finer for people who are cruel to animals. He is pleased that the legislation does not interfere with legitimate hunting activities. (*See attached written testimony.*)

Karon V. Johnson, Assistant U.S. Attorney, GAIN member

Ms. Johnson supports Bill 9. She feels that the present law is unconstitutionally vague and fails to adequately define illegal conduct. Furthermore, the crime is classified as a petty misdemeanor, which she feels is insufficient for the severity of the crime. She states that cruelty to animals is often committed by people with mental health problems or those unable to control their anger. With the most aggravated forms of cruelty classified as a felony, the court will be allowed to include mental health treatment into the sentence. (*See attached written testimony.*)

Dr. Vanessa L. Oshiro, Veterinarian, Marianas Vetcare

Dr. Oshiro supports Bill 9. She states that there has been insufficient progress in the treatment of animals on Guam since her graduation from Simon Sanchez High School in 1988. She believes that a major factor is that Guam law does not have an adequate penalty for abuse or neglect. She writes, "Ultimately, our stewardship of those weaker than ourselves is a reflection of our values." (*See attached written testimony.*)

Margaret Murphy Bell

Ms. Bell states that she is embarrassed that Guam protection for animals that are abused or neglected. She believes that the existing law is difficult to enforce and cites the 1% conviction rate from animal abuse complaints. She writes, "Animal abuse may be a warning sign of a violent home." The American Psychiatric Association considers animal cruelty a diagnostic criteria for conduct disorders. The Federal Bureau of Investigation (FBI) uses reported animal cruelty as an indicator of the potential threat from suspected or known criminals. (*See attached written testimony.*)

Julie Grady, Manager, Yigo Animal Shelter (January 26, 2011)

Mrs. Grady states that she is pleased with the outcome of the public hearing on Bill 9. She cites Senator Mabini's question about the number of animals showing signs of abuse and/or neglect at the Yigo Animal Shelter. Viewing the intake records from October 1, 2010 to January 26, 2011, there were 347 which showed obvious signs of abuse or neglect, including "[p]artial or total hairloss, orthopedic injuries to the head, legs or back, embedded collars, scarring to the face or body, foreign bodies protruding from the body, emaciation, extreme fear aggression, infection, or even infestation of parasites." These figures include animals turned in by owners or brought by the

Department of Agriculture, but does not include strays found in the “Drop Box,” which are considered strays. She is horrified by these facts. In a recently concluded petition called, “Justice for Macon,” over 2,500 signatures were gathered of on and off-island signatures. *(See attached written testimony.)*

Roque Blas

Mr. Blas questions the justification for the bill. He states that many of the dogs which are very thin are not owned, but boonie dogs. He implies that animals which are abandoned at a veterinarian are primarily military or “stateside” because local owners could leave them with their family. He suggests disallowing recipients of public assistance the privilege of owning a pet. He writes, “Maybe we should amend this bill to look into sexual abuse of animals especially those living in their homes.” Finally, Mr. Blas suggests that all imported animals be registered with the Department of Revenue and Taxation. *(See attached written testimony.)*

No further written testimony received within the ten (10) day period after the public hearing.

IV. FINDINGS AND RECOMMENDATIONS

The Committee on Public Safety, Law Enforcement and Judiciary hereby reports out **Bill No. 9-31 (LS), as introduced**, with the recommendation **TO PASS**.

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 9-31(LS)

Introduced by:

Judi P. Guthertz, DPA

AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10 GUAM
CODE ANNOTATED AND §70.10 OF CHAPTER 70, TITLE 9
GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2
AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE
ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM.

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

2 **Section 1: Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the existing
3 laws pertaining to animal care and cruelty are antiquated. Current statutes provide little
4 deterrence for persons that inflict physical and serious injury upon animals through
5 negligent and intentional acts of cruelty. Many instances occur wherein owners fail to
6 provide even the most basic of care for animals in their person. Members of the island
7 community are knowledgeable and have seen firsthand instances where animals have
8 suffered a cruel death from starvation, thirst, or were injured or killed through
9 deliberate acts of cruelty.

10 It is the intent of *I Liheslaturan Guåhan* to strengthen punishments against
11 perpetrators and address persons whose actions fall outside legitimate and legally
12 sanctioned conduct, and who intentionally, negligently, or with criminal negligence
13 inflict harm on animals for no valid societal or legally sanctioned reason versus the
14 legitimate activities of hunting, the accepted practices of veterinary care and the
15 necessary actions associated with good animal husbandry.

16 **Section 2:** §34205 of Chapter 34, Title 10 Guam Code Annotated is hereby
17 amended to read:

1 §34205. Animal Care

2 (a) No ~~owner~~ person who has an animal or animals in his custody or control
3 shall fail to provide ~~his~~ the animal(s) with sufficient good and wholesome food and
4 water, proper shelter and protection from the weather, adequate space to exercise, an
5 area which is reasonably clean and free of excrement which may be injurious to the
6 health of the animal(s), veterinary care when need to prevent suffering, and with other
7 humane care and treatment as necessary to preserve the health and well-being of the
8 animal(s).

9 Section 3: §70.01 is hereby *added* to Article 1, Chapter 70 of Title 9 Guam Code
10 Annotated to read:

11 70.01 Cruelty to Animals; Definitions.

12 For purposes of this Chapter:

- 13 (a) "Animal" means a domestic animal, a household pet or a wild animal in captivity.
14 (b) "Domestic animal" means any animal, other than livestock, that is owned or possessed
15 by a person.
16 (c) "Good animal husbandry" includes, but is not limited to, the dehorning of cattle, the
17 docking of horses, sheep or swine, and the castration or neutering of livestock,
18 according to accepted practices of veterinary medicine or animal husbandry.
19 (d) "Minimum care" means care sufficient to preserve the health and well-being of an
20 animal and, except for emergencies or circumstances beyond the reasonable control of
21 the owner, includes but is not limited to, the following requirements:
22 (1) Food of sufficient quantity and quality to allow for normal growth or maintenance of
23 body weight;
24 (2) Open or adequate access to potable water in sufficient quantity to satisfy the animal's
25 needs.
26 (3) Access to a enclosed structure sufficient to protect the animal from wind, rain, or sun.
27 (4) Veterinary care deemed necessary by a reasonably prudent person to relieve injury,
28 neglect or disease.

1 (5) For a domestic animal, continuous access to an area:

2 (i) With adequate space and room for exercise necessary for the health
3 of the animal, and

4 (ii) Kept reasonably clean and free from excess waste or other contaminants that
5 could affect the health of the animal(s).

6 (e) "Officer" means a member of the Guam Police Department, a Mayor of Guam, an
7 Animal Control Officer, or any other person authorized by law, by the Chief of the
8 Guam Police Department or by the Director of the Department of Agriculture.

9 (f) "Physical injury" means physical trauma, impairment of physical condition or
10 substantial pain.

11 (g) "Physical trauma" means fractures, cuts, punctures, bruises, burns or other wounds.

12 (h) "Serious physical injury" means physical injury that creates a substantial risk of death
13 or that causes protracted disfigurement, impairment of health or impairment to the
14 function of a limb or bodily organ.

15 (i) "Torture" means an action taken for the primary purpose of inflicting pain.

16 **Section 4.** §70.10 of Chapter 70, Title 9 Guam Code Annotated is hereby *amended*
17 to read:

18 **70.10 Cruelty to Animals: Defined; Exceptions; Penalty.**

19 (a) A person commits a ~~petty misdemeanor if he~~ the crime of animal abuse in the
20 second degree if the person intentionally, knowingly or recklessly, except as otherwise
21 authorized by law:

22 (1) causes physical injury to an animal, or

23 (2) fails to provide minimum care for the animal(s) in such person's custody and
24 control, and the failure to provide such minimum care causes physical injury to the
25 animal(s).

26 (3) ~~kills or injures any animal belonging to another without legal privilege or~~
27 ~~consent of the owner.~~

28 (b) Animal abuse in the second degree is a Class A misdemeanor.

1
2 ~~(1) subjects any animal to cruel mistreatment;~~

3
4 ~~(2) subjects any animal in his custody to cruel neglect; or~~

5
6 (c) Subsection (a) shall not be applicable to:

7 (1) accepted veterinary practices and activities carried on for scientific research by
8 public or private schools or universities or medical institutions;

9 (2) the shooting or taking of game in such manner and at such times as is allowed or
10 provided by the laws of this Territory; or

11 (3) cockfighting in a manner and at such times and places as are authorized by law.

12 **Section 5.** §70.10.1 is hereby *added* to Chapter 70, Title 9 Guam Code Annotated
13 to read:

14 §70.10.1 Animal Abuse in the First Degree.

15 (a) A person commits the crime of animal abuse in the first degree if the person
16 intentionally, knowingly or recklessly, except as otherwise authorized by law:

17 (1) causes serious physical injury to the animal(s), cruelly causes the death of the
18 animal(s) or tortures the animal(s); or

19 (2) fails to provide minimum care for the animal(s) in the person's custody or
20 control, and the failure to provide care results in serious physical injury or death to the
21 animal(s).

22 (b) Animal abuse in the first degree is a third-degree felony.

23 (c) Subsection (a) of this Section shall not be applicable to:

24 (1) accepted veterinary practices and activities carried on for scientific research by
25 public or private schools or universities or medical institutions;

26 (2) the shooting or taking of game in such manner and at such times as is allowed or
27 provided by the laws of this Territory; or

28 (3) cockfighting in a manner and at such times and places as are authorized by law.

29 **Section 6.** §70.10.2 is hereby *added* to Chapter 70, Title 9 Guam Code Annotated
30 to read:

1 §70.10.2 Animal Abandonment.

2 (a) A person commits the crime of animal abandonment if the person intentionally,
3 knowingly, recklessly or with criminal negligence leaves a domestic animal at a location
4 without providing 'minimum care' as defined in this Chapter.

5 (b) Animal abandonment is a Class B misdemeanor.

6 **Section 7.** §70.10.3 is hereby *added* to Chapter 70, Title 9 Guam Code Annotated
7 to read:

8 §70.10.3 Authority to Enter Premises and Court Proceedings.

9 (a) If there is probable cause to believe that any animal is being subjected to treatment in
10 violation of §70.10, §70.10.1 or §70.10.2 of this Chapter, any officer may enter the
11 premises to impound the animal(s). Notice of said impoundment shall be
12 conspicuously posted on the premises.

13 (1) An officer is not liable for any damages for an entry under subsection (a) of this
14 section unless the damages were caused by reckless behavior.

15 (2) Any animal(s) so impounded shall be held at the animal care facility designated
16 pursuant to §34118 of Chapter 34, Title 10 GCA.

17 **Section 8. Severability.** If any provision of this law or its application to any
18 person or circumstance is found to be invalid or contrary to law, such invalidity shall
19 not affect other provisions or applications of this law which can be given effect without
20 the invalid provisions or application, and to this end the provisions of this law are
21 severable.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
CHAIRMAN

Tuesday, January 25, 2011

Bill No. 9-31 (COR) – An act to amend §34205 of Chapter 34, Title 10, Guam Code Annotated, and §70.10 of Chapter 70, Title 9 Guam Code Annotated, and to add §70.10.1, §70.10.2 and §70.10.3 to Chapter 70, Title 9, Guam Code Annotated relative to **keeping animals on Guam.** – by Senator Judith P. Guthertz, DPA.

NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
✓ KAREN JOHNSON	GAIN	479-4146	✓	✓	✓	
✓ Cindy Bartels	GAIN	727-4269	✓	✓	✓	
✓ J. Kanny McCoy Dume	CONCERNED CITIZEN	969-5410	✓		✓	
✓ David Crisostomo	CITIZEN	727-5655	✓			✓
RITA JEAN SMITH	CITIZEN	969-7034	✓		✓	



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

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NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
Dianne Strong	GAIN	789-7500	✓		✓	
Velma Harper DVM	Harper Vet Hosp.	6874331	✓		✓	
Danielle Westfall	citizen	565-5340			✓	
Tina Grant	citizen	969-1965			✓	
Ashley Keil	citizen				✓	
Helene Alterio	citizen				✓	
Adonis Mendick	Voter/Citizen	482-5564		✓	✓	
Aaron Hill	Citizen	969-1183			✓	
Jennifer Hill	Citizen	969-1183			✓	



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

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NAME (Please Print)	AGENCY/ORGANIZATION	CONTACT NUMBER	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR
AMBER BONGATO	VET TECH EUTHANASIA TECH	777-2466			✓	
SHIRLEY MILLER	GAIN	789-2358		✓	✓	
Eileen Guevara	Guam Customs	488-8429			✓	
✓ MARISSA COLLINS	CITIZEN	988-5420	✓		✓	
Paulina Fojtikova	citizen	477-8371			✓	
Melissa Arnold	citizen	969-3195	✓		✓	
A. Poole	DOAg		✓		✓	

20 January 2011

To: The 31st Guam Legislature

155 Hesler St.

Hagatna, GU 96910

CC: The Attorney General Office of Guam

287 W. O'Brien Dr.

Hagatna, GU 96910

To whom it may concern,

I am the adoptive parent of Macon, the severely abused and neglected Dalmatian that has been in my custody since he was impounded on 26 August 2010. This is my testimony in support of Bill 9. Portions of this memorandum have been submitted previously to the Guam Legislature.

Macon suffered for weeks, maybe even months without even the bare minimum of his needs met. He was literally locked in a cage without adequate food, water or shelter from the intense heat or rain. Thank God for him, someone was brave enough to make a call for help. Someone who had observed the dog dying alone in that cage, called The Department of Agriculture Animal Control Unit, who consequently did nothing. After several more calls, and still nothing, finally, GAIN received the complaint, weeks later. Two volunteers set out to determine if this was in fact a legitimate animal abuse case. They did not expect to find Macon in such dreadful conditions. GPD and Animal Control were contacted immediately and the Animal Control Officers were able to confiscate him. The owners were not cited by either organization.

Macon was then taken to the Yigo Animal Shelter. The veterinarian who examined him stated he would not have suffered much longer and would have likely succumbed to his atrocious physical condition within a few more days.

When Macon came home with us, he was suffering from severe dehydration, Demodectic Mange, grossly complicated by dermatitis, open sores and the obvious pain of extreme starvation. His skin was cracked, red, and riddled with infection. He was in such incredible pain, I could only watch with tears in my eyes as he would desperately try to sit or lay down only to struggle to stand again, because the pain of his bones and his skin touching anything was far too much for him to bear. He would scream! Yes, *scream* and whimper while attempting to sleep standing up as he must have been utterly exhausted... but no sleep came for him—the pain was too much. He was so starved, any fleck of dirt or

debris he came across he would quickly gobble up as if this was the first and only bit of sustenance he would be receiving... as this is all he has known. He would immediately ingest any wholesome food given to him as if he hadn't eaten in months...and perhaps he had not. Not only did he suffer horrifying physical affliction from blatant and heinous neglect, it was also determined that he is deaf as well. The whole time he suffered, he was unable to hear his negligent owners coming and going from work every day, not even glimpsing over to see if he was still struggling to sustain life.

I watched him struggle to merely walk the first few days. With nearly no body fat or muscle left on his body, I could only watch the tendons move with each step until he would topple over, although he weighed a measly 29 pounds, his weight was too much for his legs to hold. I stayed up with him during the night, carefully laying him on my chest to be sure he was as comfortable as possible. Surely I would be awakened if he stopped breathing; my anxiety that he would die in my care was too much for me to manage. Every day I would apply diaper rash cream to his body to attempt to soothe the irritation and burning of his skin. He couldn't even bare for me to touch him at first, maneuvering away from me even though I was only trying to help. Simply touching my hand to his skin inflicted too much anguish on his poor broken body. It was a long emotional recovery for my whole family and certainly for Macon. He slowly gained weight, learned to trust that we were indeed coming back after work to love him and take care of him and he needn't worry again that he would be left alone, locked up and tortured.

It's been over four months now. I watched him transform gracefully into a healthy, happy dog that undoubtedly has learned to enjoy life as a beloved pet. He's gained over 25 pounds, all his hair has grown back and he has beautiful "spots". He has a sparkling personality and makes me laugh everyday particularly when I have to chase him around the yard to retrieve some essential items of mine that he has stolen. Simply put, I love him unconditionally. I Thank God everyday that not only did he survive, but also that there appears to be no physical or psychological damages from the torture he suffered. Every night when we get ready for bed together, I watch him scratch up a comfy spot right next to me. He routinely dives down into the covers, lets out an audible sigh and rests easy and will for the rest of his life as a valuable member of my family and a true gift to me. It gives me comfort to know that I did everything I could for him.... I only hope that he does not remember that awful place or those horrible people. Unfortunately, my world is still not "right". Thoughts of how he must have suffered so horribly still taunt me every day. I am reminded that the perpetrators STILL have not been cited for their crime and likely they will not. This makes me physically sick.

Obviously, it is personal to me to see some sort of Justice for Macon—for these people to pay for what they did. In fact I would challenge anyone to take on an animal in a condition such as Macon's and to NOT feel the same way! Unfortunately, it is not only Macon that deserves justice. Too many other animals on Guam are suffering and have suffered far too long. It is apparent that the current cruelty laws and the lack of enforcement are more than what I consider an injustice. When researching other state laws, it's even more so evident that Guam law is inadequate and outdated. It's time for a change. I will not stand by and watch other animals suffer like Macon did. I will not allow the lack of enforcement of these laws be the excuse to "turn a blind eye" like so many others do every day

Have you taken a moment to read the comments on the petition that is currently circulating? People all over the world are watching to see "What happens to those poor animals on Guam!" "What is going on, on Guam?" Will you support Bill 9? Will you help us help animals like Macon and help us put an end to animal cruelty on Guam? There are far too many animals suffering right now all over this island. It is long overdue and please know that there are plenty of others who have long awaited a much needed change. What a shame it would be if we are expected to keep waiting another 10, 20, 50 years. We will not wait any longer.

Sincerely,

Julie Grady

21 January 2011

MEMORANDUM FOR 31ST GUAM LEGISLATURE

FROM: CHAD N. GRADY

SUBJECT: BILL 9 CRUELTY AND NEGLECT

1. The proposal of Bill 9, Cruelty and Neglect is a long overdue transformation that is a must for the island of Guam. While it is understood that there is a need to adhere to certain cultural traditions, there are certain adaptations that are necessary for a society to become acceptable. Animal cruelty is not accepted in the United States, nor should it be on the Island of Guam.
2. Guam continues to strive to become more a part of the United States. Continually the US provides monetary aid for numerous reasons, Gov Guam continues to demand and accept these aid efforts. One way to reciprocate this aid is to continue to transform to a more modernized territory. An example of showing such signs of maturity is to change laws similar to this one. Guam has taken a giant step in this adaptation over the past 10 years. The recent ban on dog racing is one example; this is one step that shows the growing of a civilization. The cleanliness of the island is another; drastic steps were taken since 2004 to improve the appearance of the island, now it has become even more attractive to tourist. The approval of Bill 9 is a small step that the government can take to advance towards a more advanced and modernized society.
3. The United States was once a very un-industrialized country, however; as time has passed technology has become cheaper and more readily available adaptations have taken place. This has led to various updates and changes in the US. Traditions have changed for numerous ethnicities in the US, the Amish have adapted to more modernized approaches, Native Americans have ceased to practice certain rituals that are no longer considered to be socially acceptable, many religious activities were altered to accommodate the changes to society. There are too many examples to list, but the importance of the message is that part of the ever-changing world around us, is that we also learn to adapt and change with it.
4. Animal neglect cases are unacceptable and must be taken more seriously. Punishment in the US could result in up to a \$100,000 fine and up to 7 years imprisonment. While animal cruelty and neglect still occur, the strictness of the laws that have been implemented continues to be a great deterrence toward future acts. Any pet owner, true pet owner, can attest to the fact that losing a pet can sometimes have more effect on them than losing a person in their lives. Animals

have become an acceptable part of our lifestyle, a necessity for many, and should be treated with care and compassion. They are no longer required for security, safety, or labor and they should not be allowed to be treated that way any longer either. Individuals that commit these heinous crimes should be severely punished on the first offense; there is no room in the modern world for people who continue to treat animals in such a horrendous manner.

5. While some people may not believe that pets have feelings, many others do. Any human being with an ounce of compassion can see in an animal's face, eyes, and emotion that they feel love, pain, and most importantly, abuse. Animals can provide comfort, love, and companionship to people who otherwise may never experience these feelings. For those that do not believe animals process these types of feeling, then consider this...studies show that 70 percent of animal abusers also have records for committing other crimes. It does not take a college degree to figure out the meaning of that statistic. Please take all these comments into careful consideration in the passing of Bill 9, Cruelty and Neglect.

Sincerely,
CHAD N. GRADY

January 20, 2011

To whom it may concern,

Hello my name is Brett Silk. I've been a dog behaviorist for over 30 years. In my experience neglect and cruelty to animals is an education problem. And in order for that to be changed it is important that it should be brought in as a law. Education is the best way to show the people of Guam how important animals are and how helpless they can be. Guam animal cruelty laws are thirty year behind the changing times. It has been proven that the cruelty of animals leads to the cruelty of people. There is no such thing as a bad dog just a poorly educated owner. Dogs are followers. We are their pack leader. We are the ones who should show them the way to good behavior. Hence the education starts with the people. I feel that part of the reason animal neglect and cruelty got so bad on this island because the laws were simply not there or enforced.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brett Silk', with a stylized flourish at the end.

Brett Silk
Dog Training Squad
(671) 488-3648

From: Lisa <drLisa@ureach.com>
Date: Sat, Jan 22, 2011 at 4:12 PM
Subject: animal abuse
To: Cin <cbart15356@gmail.com>

Jan 22, 2010

To the senators of the Guam legislature:

I am Lisa Silk, DVM , owner and veterinarian of Isla Veterinary Clinic in Asan. It was recently brought to my attention that there was a bill being proposed which would change the definitions of animal abuse, as well as make such actions a criminal offense. I cannot agree more heartily that this bill needs to be passed. I have worked in over 5 states on the mainland, and can testify to the fact that the laws regarding animal abuse and neglect in Guam are not sufficient. The definitions of abuse and neglect need to be better defined for the officers upholding the laws, and the punishment and consequences of such offenses need to be updated to parallel the standards in the states. AND the judicial system needs to follow through with punishment once a conviction is in place. Guam is severely lacking as far as what is considered acceptable for the treatment of animals, in the legal and veterinary communities. There is no excuse for the way animals are being abused on the island and the way nothing is done about it in the judicial system. Everyone has seen dogs tied in yards, with no water, no shelter, on chains or with collars too tight. Some of these dogs are starving or are bald and sick from lack of veterinary care. It is ignorant to think that this does not affect the lives and well being of the people of Guam, not just the animals. These animals are often sick and harboring diseases that are transmittable to people. In this respect, there needs to be a priority on the Dept of Agriculture to do their job and pick up the strays as well as the abused and neglected animals. They receive appropriation by the legislature for these duties which are NOT being done. These animals are carrying and spreading diseases such as giardia, coccidia, hookworms, tick disease, mange.. all of which are potentially contagious to humans. Not to mention the diseases that are contagious to other animals such as parvo and heartworm. The leash laws need to also be more strict and enforced. Pets as well as stray dogs are freely wandering the streets of the villages, with dogs running in packs, destroying property, spreading disease and attacking humans. I am sorry to say, but watching this play out in the streets of Guam makes this island look like a third world country and the saddest part of it all is that is preventable and fixable, but no one is doing a thing to stop it.

sincerely,
dr lisa silk
477-7879

Cindy S. Bartels
\671-969-7822 (Direct)
671-727-4269 (Cell)
Cbart15356@gmail.com



Adolpho Palacios <senabpalacios@gmail.com>

Bill 9-31 LS

David Crisostomo <irondog_671@yahoo.com>**Fri, Jan 21, 2011 at 11:17 PM**

To: Judith Won Pat <speaker@judiwonpat.com>

Cc: tinamunabames@gmail.com, roryforguam@gmail.com, senatordrodriguez@gmail.com, Adolfo Palacios <senabpalacios@gmail.com>, senbenp@guam.net, Frank Blas <frank.blasjr@gmail.com>, Aline4families@gmail.com, Tony Ada <senatortonyada@guamlegislature.org>, duenasenator@gmail.com, senatormabini@gmail.com, BJ Cruz <senadotbjcruz@gmail.com>

Dear Ms. Speaker,

I had heard about bill 9-31 relative to the keeping of animals. As I read thru it I could picture the forceful style of entry that this law could be misused by persons authorized by mayors, The Director of Agriculture, Guam Police Department and others with authorizations from well meaning lawmakers, but without the due diligence of having these "authorized" persons become certified or trained with a minimum number of hours of training to recognize an animal that is being abused or not. In our culture it is not acceptable that people be given cart blanche approval to enter private property with a "probable cause" badge. Many people are very protective of private property in Guam and people with valuable animals....chickens, dogs and other livestock will be willing to protect their valuable items against a government agent. This bill strikes me as a copycat idea of what Sen Guthertz sees on television on animal planet. Those cases on tv are truly cases needing intervention, but there are probably many more cases not shown where an animal is taken unjustly and destroyed. I am always watchful of the dreaded BSL (breed specific legislation) that is sweeping the country and the countless thousands of innocent dogs that have been annihilated because of media frenzy. Our very own territorial veterinarian, Dr. Poole is one, I believe, who will push strongly behind the scenes for just such legislation. This bill is a launching pad for this kind of desired result by such proclaimed animal rights groups as PETA. PETA's only real goal is completely different than the image they portray and have successfully used. Guam Gain and The Guam SPCA are more realistic groups, but none of them, nor the aforementioned government agencies should be permitted to enter private property on a probable cause scenario for the purpose of confiscating an animal(s) that they believe is being abused. Private property rights and privacy rights of the people of Guam MUST be the foremost concern. In cases where animal abuse is suspected, the property owner must be made aware of the concern and asked to respond. I know of far too many people that would never let a government official trespass with the intention of removing their pet, without putting up a fight. Police intervention and possible serious altercations may erupt and lead to unnecessary injury.

I am a pet owner and take my animal care very seriously. I also however, believe my rights as a human being and a property owner, far exceed those of animals. This is not to say that I would not try to rescue an animal being abused. I certainly would, but this bill approaches it in a cowboy fashion and is too mainland american to suit this island man. Senator Guthertz has good intentions, but is far too easily swayed with mainland attitudes and, I believe, listens to other mainland professionals here with only her same attitudes. Although I believe many of her past legislation have been good for Guam, I cannot support this bill. I pray it is not too late to stop passage of this bill in its current form. If you have any questions, please feel free to contact me.

David Crisostomo



Adolpho Palacios <senabpalacios@gmail.com>

Written Testimony for Bill 9

Cin <cbart15356@gmail.com>

Fri, Jan 21, 2011 at 11:12 AM

To: judiguthertz@pticom.com, senabpalacios@gmail.com

Cc: Robert Tupaz <rob.tupaz@gmail.com>

Dear Senator Guthertz and Senator Palacios:

Listed below you will find my written testimony for the Public Hearing on Bill 9. I would also like to give this testimony verbally so please list me as a resident that would like to give testimony. I have also included this in the attached Word document.

Best Regards,
Cindy Bartels
GAIN, President

'I stayed up with him during the night, carefully laying him on my chest to be sure he was as comfortable as possible. Surely I would be awakened if he stopped breathing: my anxiety that he would die in my care was to much for manage.....' How many of us have placed a dog on our chest while we slept to ensure that we would be alerted should he/she stop breathing? Macon's foster Mom did this because her fear was that he would die in her care..... his condition was so bad. She cared so much about his life and the value of it she would do anything to save him and yet his 'owners' had such disregard for Macon's life and I believe a disregard for life in general that they drove by the cage they held him in every day and watched him starve daily – wasting away to a skeleton barely able to move. This goes beyond cruel – beyond what most of us can fathom This is why GAIN has petitioned that our laws for cruelty/neglect be strengthened. Some will say 'it's only an animal and we don't have time to be dealing with issues like this we have more important things on our plate.' I would ask those that would say this the following question 'if Macon's owners could do this to him what might they do to their children, spouse, neighbors etc.' The actions they inflicted upon Macon are the cruelest I have seen working with Guam Animals In Need. Studies show conclusively that someone who would do this type of cruelty to an animal will escalate to other violent crimes.... This is why we as a community have to take this seriously – this is the where domestic abuse starts; this is where murderers get their foundation by abusing a defenseless animal. Let us stand together and say clearly and united that we as a community support Bill 9. We as a community will not tolerate abuse in our neighborhoods, we will not tolerate it in our villages and we will not tolerate on our island. Macon suffered alone in his cage dying slowly and painfully until someone cared enough to call and kept calling until they got him help. It starts with each one of us caring enough to get the abused in our community help. It starts with each senator in the 31st Legislature. Macon stands before you today a healthy, happy dog. Look into his eyes before you cast your vote and remember that he is alive today because someone cared enough to stand up to the abuse. Remember Macon as you ponder your vote and realize there are more out there just like him suffering and dying in silence. Pass this bill and stand by the hundreds of Guam residents who have signed Macon's petition. By signing this bill into law you, you are acknowledging you have heard their voices and that you will honor their request and pass Bill 9. Do this for the abused in our community that are voiceless. Lastly pass Bill 9 to show that our community is built on a foundation of kindness and not cruelty. Will each one of you cast your vote in favor of this bill and stand up to abuse/cruelty?

--

Cindy S. Bartels
\\671-969-7822 (Direct)
671-727-4269 (Cell)
Cbart15356@gmail.com

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 **Bill 9.doc**
28K

'I stayed up with him during the night, carefully laying him on my chest to be sure he was as comfortable as possible. Surely I would be awakened if he stopped breathing: my anxiety that he would die in my care was too much for me to manage..... How many of us have placed a dog on our chest while we slept to ensure that we would be alerted should he/she stop breathing. Macon's foster Mom did this because her fear was that he would die in her care..... his condition was so bad. She cared so much about his life and the value of it she would do anything to save him and yet his 'owners' had such disregard for Macon's life and I believe a disregard for life in general that they drove by the cage they held him in every day and watched him starve daily – wasting away to a skeleton barely able to move. This goes beyond cruel – beyond what most of us can fathom This is why GAIN has petitioned that our laws for cruelty/neglect be strengthened. Some will say 'it's only an animal and we don't have time to be dealing with issues like this we have more important things on our plate. ' I would ask those that would say this the following question 'if Macon's owners could do this to him what might they do to their children, spouse, neighbors etc.' The actions they inflicted upon Macon are the cruelest I have seen working with Guam Animals In Need. Studies show conclusively that someone who would do this type of cruelty to an animal will escalate to other violent crimes.... This is why we as a community have to take this seriously – this is where domestic abuse starts; this is where murderers get their foundation by abusing a defenseless animal. Let us stand together and say clearly and united that we as a community support Bill 9. We as a community will not tolerate abuse in our neighborhoods, we will not tolerate it in our villages and we will not tolerate it on our island. Macon suffered alone in his cage dying slowly and painfully until someone cared enough to call and kept calling until they got him help. It starts with each one of us caring enough to get the abused in our community help. It starts with each senator in the 31st Legislature. Macon stands before you today a healthy, happy dog. Look into his eyes before you cast your vote and remember that he is alive today because someone cared enough to stand up to the abuse. Remember Macon as you ponder your vote and realize there are more out there just like him suffering and dying in silence. Pass this bill and stand by the hundreds of Guam residents who have signed Macon's petition. By signing this bill into law you, you are acknowledging you have heard their voices and that you will honor their request and pass Bill 9. Do this for the abused in our community that are voiceless. Lastly pass Bill 9 to show that our community is built on a foundation of kindness and not cruelty.



Lily Whitfield's Testimony in support of Bill 9:

Lily and her husband Ben have fostered a GAIN Second Chance Dog, Sunny, after presumably her owners dumped her in the GAIN after hours drop box in terrible condition. She was grossly underweight, had a terrible mange infection and what appeared to be remnants of a very tight collar for far too long.

"We are fostering a second chance dog named Sunny. When we got her, she was malnourished, heartworm positive and had mange. Now she is gaining weight, mange free and heartworm free. She still has the scars that her mange left behind on her. There are some spots where she doesn't have hair and will probably never grow back. Here are before and after pictures of her."

"Secondly, I came across these old pics on my old computer. In May 2009, I was driving my husband to work. He works at NW Field, on the way to Ritidian. On the road we saw something blue on the road. I thought it was a dead little wild piglet. After I dropped him off, I was driving back and I decided to move the carcass off of the road. As I got closer, I noticed that it wasn't a piglet. It was a puppy. It didn't look like this puppy was starving or hit by a car. It looked like a healthy puppy. I don't know how long it was dead. Someone did something bad to this little angel and spray painted it's corpse. I don't know if it was spray painted before or after it was dead. Looking at the picture closer, I noticed that the eyes did not have spray paint, so therefore it could have not been spray painted after it died, otherwise the eye would have spray paint in it.

How disgusting! I was so shocked! It saddens me that someone could do this to a little puppy! I shed tears just looking at the photos. I keep the photos in hopes that they will do some good even though they are gruesome.

Luckily I had a camera in my car. I took pictures of it to post to an animal rights group and on my Myspace account so people can see that animal abuse occurs in Guam too. Please use these pictures of this puppy to make a case for this bill to pass. I know that this little angel is no longer hurting and I wish the culprits would pay for their evil deed. So much time has passed and justice will not be served for this little guy but it can be served for other animals suffering at the hands of cruel humans that don't deserve to be called human."

Thank you,
-Lily Whitfield

Submitted by Bambi Leone. Bambi is an avid animal advocate for many years. She's worked at the shelter and various Vet clinics over the years helping thousands of animals in need. Bambi has made it her mission to trap stray animals and bring them into the shelter when they were starved and mistreated, left alone to fend for themselves. She was there.

"I am very much for the animal abuse and cruelty bill. Something must be done to end it and make people responsible for their actions against animals that have feelings and deserve better. As Ghandi said you can judge a nation by the way they treat their animals, what does this have to say about Guam...."

**Testimony on Bill 9-31
Shirley Miller
GAIN volunteer**

The time is now for the Legislature to establish stricter penalties and punishment for animal abuse and/or neglect. The Department of Agriculture (Animal Control), the Mayors, and Guam Police Department must take responsibility and start citing owners that abuse or neglect their animals. The Judiciary also must hold these owners accountable.

2010 was an amazing year at Guam Animals In Need. For the first time in 20 years, we had established a fund to care for abused and neglected animals. Prior to this if animals were received at the shelter and were “not adoptable” they were euthanized. With the 2nd Chance Boonie Rescue Program, GAIN was now able to take animals with mange, broken bones, or any other problems that needed veterinary and short-to-long term care, treat them and find a forever home.

What was shocking was the sheer number of animals on Guam that are being neglected and abused every day. More and more people began calling the shelter to report neglect and abuse. The community has become involved in animal care and responsible pet ownership and they want to see something done with people that do not care for their animals.

In August when GAIN received word of a dog being neglected, we drove to the location and verified that a Dalmatian was padlocked inside a kennel. The dog had no water, no shade and no food. The temperature was over 100 degrees. We called Animal Control and the GPD. Officer White from the Dededo precinct was first to arrive. When he saw the dog, lying in the kennel he thought it was dead. We didn't know at that time that Macon was deaf. Officer White took our statements and filed a Police Report. Animal Control confirmed that it was a case of extreme cruelty and impounded Macon. They left a notice for the owner, but a citation was never issued. We have no evidence that the owner ever responded. He never came to the shelter to claim his dog. To our knowledge he has not received any punishment for the extreme abuse he caused this dog.

The time is now! Please pass this legislation and end the suffering of Guam's animals.

Submitted by:


Shirley Miller

Email: guamdoxies@gmail.com

Home Phone: 789-2358





Adolpho Palacios <senabpalacios@gmail.com>

Please vote 'YES' on Bill 9-31 & help end animal cruelty

Kristen Cruz <klc210@gmail.com>

Mon, Jan 24, 2011 at 11:56 PM

Dearest and Honorable Senators,

I ask that you all find it in your hearts to be the voice and guardian to those animals that neither asked nor deserve the horrible acts of man that they are subjected to. It breaks my heart to see so many animals suffer at the hands of heartless human beings who don't see the extreme pain that they inflict on these animals who have so much love to share. I am not one who openly advocates for causes, however this is one cause that I feel compelled to personally appeal to each one you, our leaders and voices of Guam, to save the lives of those animals that deserve better circumstances. And to bring their mindless and soul-less owners to justice's full extent so that tomorrow will bring a brighter future for man and their best friends.

Thank you and wish you all the best in your endeavors to serve the people of Guam.

God Bless,
Kristen

January 24, 2011

**The Honorable Adolpho B. Palacios, Sr.
Senator
Chairperson; Committee on Public Safety,
Law Enforcement and Judiciary
I Mina'trentai Unu Na Liheslaturan Guahan
Suite 104
155 Hesler St.
Hagatna, Guam 96910**

Subject: TESTIMONY- BILL NO. B009-31(LS)

Buenas yan Hafa Adai! I am writing in support of Bill No. B009-31(LS), authored by Senator Judith P. Guthertz, DPA. Even though I am in support of this legislation, I feel it important to point out that the absolute majority of island residents who own pets do not harm their animals or would even consider the idea of harming their animals. On Guam, as in most places across the United States; a pet animal is most often considered a member of the immediate family and is treated as such.

I applaud Senator Guthertz for introducing this legislation, in order try to address the actions of the very few people on this island who brutalize their animals for whatever reason. As a member of the Twenty-Seventh Guam Youth Congress (2008-2010), I had the opportunity to introduce legislation which would have significantly increased fines for those individuals who are cruel to their pets and other animals.

I also applaud Senator Guthertz for ensuring that this legislation does not restrict in any way or prevent our local hunters from legitimately hunting.

Thank you for allowing me to provide testimony on this legislation and I respectfully urge you and your colleagues vote in favor of this bill.

Sincerely,

DEREK J. SABLAN

TESTIMONY IN FAVOR OF BILL 9-31 RELATING TO
ANIMAL CRUELTY

The Honorable Senator Judith Guthertz
31st Guam Legislature

I strongly support the passage of Bill 9-31 concerning the laws related to animal cruelty. I speak from the position of a criminal prosecutor, who has prosecuted criminal cases for more than 34 years.

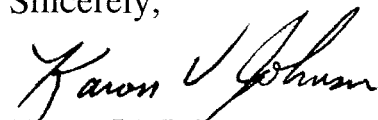
In my opinion, the present animal cruelty law, 9 GCA 70.10, is unconstitutionally vague: it fails to put a reasonable person on notice as to what specific acts constitute illegal conduct. It is unenforceable because it lacks such specificity. For example, it provides that one commits a petty misdemeanor if one subjects an animal to cruel "mistreatment" or cruel "neglect," or kills or injures an animal without legal privilege. But it fails to define what precise conduct constitutes mistreatment or neglect.

As well, the punishment is only a petty misdemeanor. The Attorney General is unlikely to commit his limited resources to the prosecution of a case with such an insignificant penalty, when there are so many felonies and serious misdemeanors demanding his attention.

Members of Guam Animals In Need, Inc., drafted this bill after a careful analysis of the animal cruelty laws which obtain in the States and other territories. By clearly defining "minimum care" in terms of food, water, shelter and veterinary care, by clearly defining physical injury, physical trauma, serious physical injury and torture, the bill leaves no doubt as to what conduct is illegal.

The punishment provided for animal cruelty is appropriate. It is important to identify those people in society who are cruel to animals. It is well settled that such persons frequently have mental health problems, or are unable to control their anger, and abuse children and spouses as well. It is particularly important to make the most aggravated form of cruelty a felony. This would allow a sentencing court to fashion a sentence incorporating conditions such as mental health treatment, and to keep a person under the jurisdiction of the court long enough to ensure that the treatment is effective.

Sincerely,

A handwritten signature in black ink, appearing to read "Karon V. Johnson". The signature is fluid and cursive, with a large, stylized "K" and "J".

Karon V. Johnson
GAIN member

To: Members of the 31st Legislature of Guam

From: Vanessa L. Oshiro, DVM, Marianas Vetcare

Re: Support of Bill 9- Increasing the Penalty for Animal Neglect or Abuse

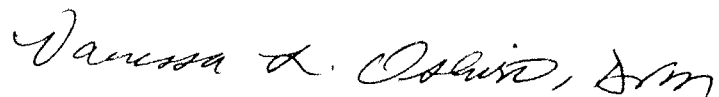
January 25, 2011

To the Honorable Senators of the 31st Legislature:

This letter is in support of Bill 9, which aims to hold our citizens to a higher degree of responsibility for the care and welfare of their animals. I am a locally born veterinarian who grew up on Guam. I graduated from Simon Sanchez High School in 1988 and left the island to pursue my education, returning to work here again at Marianas Vetcare only last year. Though I have since been witness to some changes in the attitudes of our community toward animal welfare, I am surprised that in the rough equivalent of a generation, there has not been a greater sea-change in the day to day realities for animals on Guam. I suspect that a major factor limiting progress on this issue is the lack of a significant penalty for people who neglect or abuse their animal wards. It is thus not uncommon to see, for example, dogs that have literally broken their chains to obtain basic sustenance wherever they can find it.

From my perspective, Guam has seen much progress in the last 22 years. Having my roots in this community, I know that its heart is centered in the general good. I would propose that we look at our animals as an extension of that community. Ultimately, our stewardship of those weaker than ourselves is a reflection of our values. By enacting Bill 9, we hold ourselves at large accountable for our own ideals, and give our posterity an example to follow.

Sincerely,

A handwritten signature in black ink that reads "Vanessa L. Oshiro, DVM". The signature is written in a cursive, flowing style.

Vanessa L. Oshiro, DVM



Adolpho Palacios <senabpalacios@gmail.com>

Bill 31-9

Margaret Bell <kitty4mom@gmail.com>

Tue, Jan 25, 2011 at 9:03 PM

To: senabpalacios@gmail.com

Cc: judiguthertz@pticom.com

To: The 30th Guam Legislature

155 Hesler St.

Hagatna, GU 96910

CC: The Attorney General Office of Guam

287 W. O'Brien Dr.

Hagatna, GU 96910

Dear Senator

As a concerned constituent, I am writing to urge you to take bold and compassionate leadership to strengthen the animal cruelty laws and allow for consistent and meaningful protection for animals across Guam.

I am embarrassed that Guam provides practically no protection for animals that are suffering from neglect, and provides virtually no protection for wild and stray animals from acts of cruelty.

The biggest problem with our current legislation is that it is difficult to enforce. In fact less than 1% of animal cruelty complaints lead to successful convictions. We need new legislation that will repair these inadequacies and close the existing loopholes that result in animal abusers continuing to get away with their crimes.

We read many articles about violence, including family violence. But too often, one of the victims of family violence is overlooked. And that's the family pet. Animals who live in violent homes often become victims too and may be injured by the abuser to intimidate and control other members of the household. Animal abuse may be a warning sign of a violent home. And victims may delay leaving their abusers out of fear that their pets will be harmed if left behind.

As you are already aware, law-enforcement officials and mental health professionals consider cruelty to animals a precursor to violent crimes against humans. The American Psychiatric Association identifies animal cruelty as one of the diagnostic criteria for conduct disorders, and the Federal Bureau of Investigation (FBI) uses reports of animal cruelty in analyzing the threat potential of suspected and known criminals.

1/31/2011

Gmail - Bill 31-9

It is time to send a clear message to people capable of intentionally inflicting serious injury or death to helpless animals. As a society we must call a halt to the acceptance of animal cruelty and adopt a zero tolerance policy to such an activity. In order to identify persons capable of violent acts against helpless animals and people, I ask for your immediate and dedicated support in strengthening the punishment for animal cruelty in Guam. In addition, I would ask that law enforcement hear from you that the investigation and enforcement of animal cruelty laws in Guam is an important method of alleviating suffering in animals and people.

As a voter I feel that it is important that you represent my views. I am requesting that you represent me as your constituent and support modern and effective legislation that addresses the core problems and truly protects animals from cruelty.

Sincerely,

Maggie Murphy Bell

124 Chalan Ping Pago

Chalan Pago

Email: kitty4mom@gmail.com

26 January 2011

To: The 31st Guam Legislature

Re: Last Quarter Statistics; intake of animals at the Yigo Animal Shelter with typical signs of abuse or neglect

As Requested:

I would like to thank you again for introducing Bill 9 and for expeditiously setting a public hearing. I was very pleased to see so many individuals present to show their support and provide their testimony. I am also very happy to hear the majority of the panel does not oppose it.

During the public hearing Senator Shirley (Sam) Mabini posed the question: "Approximately how many animals are received at the shelter showing signs of abuse and/or neglect?" I wanted to give a more accurate answer than what I could have provided at the hearing.

I reviewed our intake records from 01 October 2010 until today, 26 January 2011. Only calculating, unwanted animals either turned in by their owners or brought in by Guam Department of Agriculture, I was able to identify 347 animals (both cats and dogs) that showed obvious signs of abuse or neglect. The physical symptoms of this include but are not limited to: Partial or total hairloss, orthopedic injuries to the head, legs or back, embedded collars, scarring to the face or body, foreign bodies protruding from the body, emaciation, extreme fear aggression, infection, or even infestation of parasites.

These do not include the animals that are brought into the shelter as "strays" or are found in the afterhours "Drop Box" as these are also considered "stray animals". Of course, most of the "stray animals" may have some of these symptoms as well and very well may have an "owner" but these were not included in this calculation.

I hope that you are as horrified as I am. Those of us that work at the shelter are forced to see these kinds of animals nearly every day. In fact, just yesterday four of the animals that were relinquished to the shelter showed signs of abuse or neglect, including two dogs from the same family, one is extremely underweight and fearful while the other is underweight and very social, however, had advanced infection to his penis as it protruded out of the body from a previous injury leaving a hole at the base. He did not receive any type of medical care for his injury or infection. The owners reported that he had suffered in this condition for "I don't know, maybe six months." Another dog was brought to the shelter on the same day by Animal Control Officers with a tumor larger than his entire head, was vomiting and extremely fear aggressive. He had owners that no longer "wanted to deal with him." Regardless of what some may think, cruelty and neglect is a very serious problem and happens much too frequently on our beautiful island.

As you can see, the petition reached a wide variety of people from all over the world. Many people chimed in with their thoughts and feelings or information on what “happens” to animal abusers in their states or countries. I do firmly believe it is Guam’s time to step up and join the rest of the world in the fight against animal cruelty and abuse!

Again, I would like to thank you for your time and consideration. It was a pleasure to have Macon present at the hearing as well. He is a very important animal advocate himself and is truly a survivor!

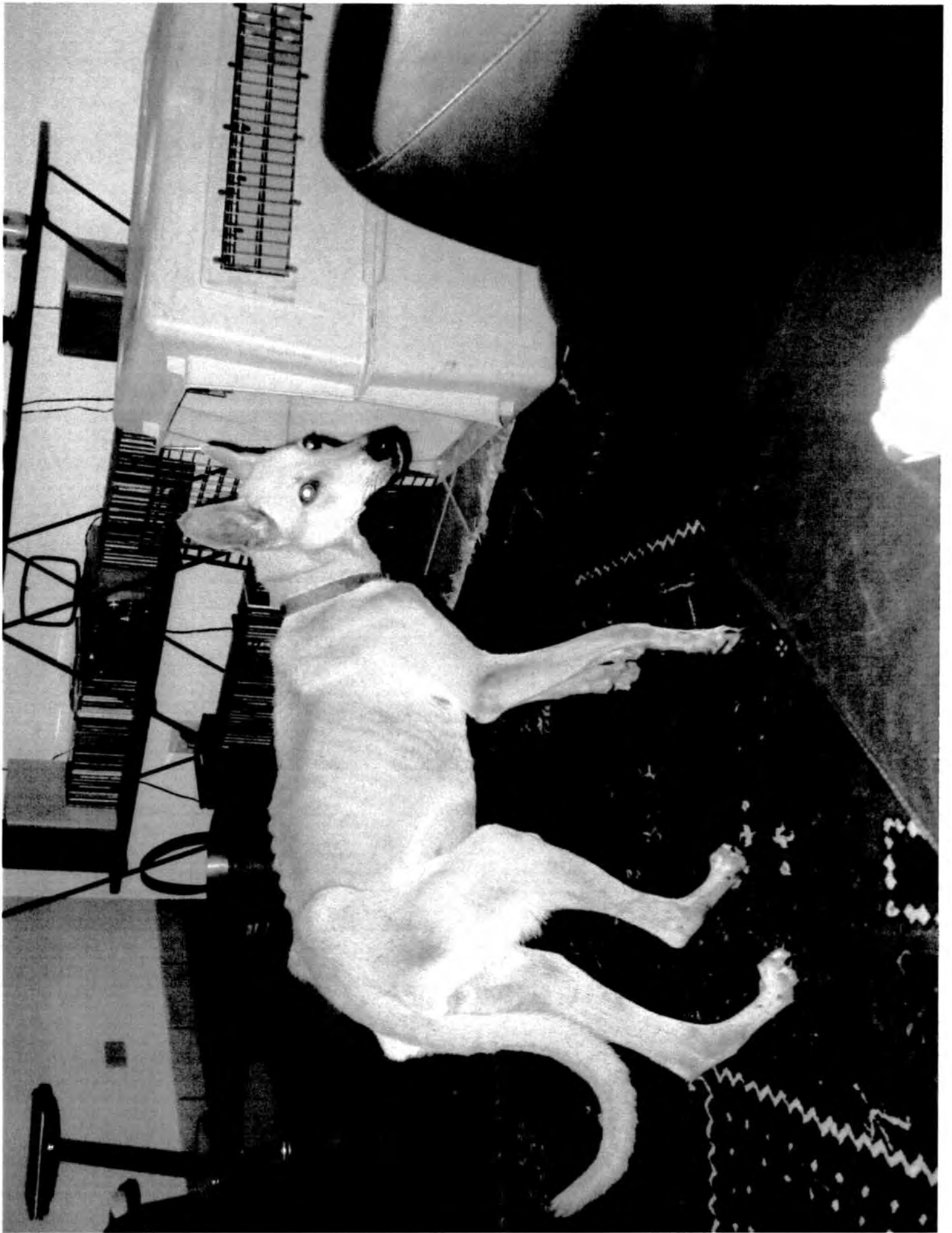
Sincerely,

Julie Grady (and Macon)

Manager, Yigo Animal Shelter









**you don't have to be a
big dog to suffer abuse**



SAVE A LIFE



**LEGISLATE
ENFORCE
PROSECUTE**



Adolpho Palacios <senabpalacios@gmail.com>

Bill 9-31

RGB Photography <rgbphoto@ite.net>

Wed, Feb 2, 2011 at 12:59 PM

To: "Christopher M. Duenas" <duenasenator@gmail.com>, "Dennis G Rodriguez Jr (D)" <senatorrodriguez@gmail.com>, "DPA Senator Judith P. Guthertz" <judiguthertz@pticom.com>, "Senator Adolpho B. Palacios Sr." <senabpalacios@gmail.com>, "Senator Frank F. Blas Jr." <frank.blasjr@gmail.com>

Bill 9-31 (LS)

This Bill it is supposedly for the prevention of animal cruelty. The Public Hearing in which we heard wasn't clarified to what extend animal cruelty specifically really means. Some testified that a dog that is tied up and skinny is cruelty, I've seen dogs that are so fat they couldn't hardly walk would you consider that to be cruelty? On this island we got dogs that are call boonie dogs these dogs are immune to weather and worms they practically take care of themselves, that's why we call them boonie dogs. They are abundance at northwest field living wild and chasing dears for survival.

A lot of us here in our Island of Guam who could afford to own an animal do take care of our animals.

Dr. Harper said that her biggest problem is people leaving their animals behind and not returning to pick them up. I wonder who these people are, most likely military or stateside folks because if it was Chamorro they will give it up to one of their families. The lady who brought her dogs here from the states in which it cost her \$3000.00 just to bring in her dogs these are the same people that would abandon their dogs to the vets when they leave.

One solution for the prevention of animal cruelty is anyone who is under public assistance shouldn't be allowed to own any animals. The way I see this issue is if you can't afford to buy your own food or shelter let alone owning an animal would be just an extension of animal cruelty, and that would be one issue that will disqualify any one from public assistance.

Just recently in the national news a man in the states married his female dog. Maybe we should amend this bill to look into sexual abuse of animals especially those living in their homes. I remember when I was repairing phones on a resident of Guam the dog started humping on my legs the owner had to

pull her dog away. Makes you wonder what their teaching their dog.
Remember how AIDS begun in Africa.

The Greyhounds that once race on this Island for money was brought in by the Australians and instead of shipping those dogs to where they came from they were left abandon by their owners and we allowed it to happen. Solution to this problem, hold the owners accountable by registering all imported animals at the **Department of Revenue and Tax**. By registration we would provide revenue for the appropriations towards this kennels.

Thank-you.

Roque Blas

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

BENITA A. MANGLONA
ACTING DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

JAN 20 2011

The Bureau requests that Bill No(s). 9-31 (LS) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 9-31 (LS) appears to be administrative in nature and poses no fiscal impact upon any funds of the Government of Guam.

A handwritten signature in cursive script that reads "Benita A. Manglona".
BENITA A. MANGLONA
Acting Director



COMMITTEE ON RULES

I Mina'trentai Unu na Liheslaturan Guåhan • The 31st Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Judith P. Guthertz
VICE CHAIRPERSON
ASST. MAJORITY LEADER

MAJORITY MEMBERS:

Speaker
Judith T. Won Pat

Vice Speaker
Benjamin J. F. Cruz

Senator
Tina Rose Muña Barnes
LEGISLATIVE SECRETARY
MAJORITY WHIP

Senator
Dennis G. Rodriguez, Jr.
ASST. MAJORITY WHIP

Senator
Thomas C. Ada

Senator
Adolpho B. Palacios, Sr.

Senator
vicente c. pangelinan

MINORITY MEMBERS:

Senator
Frank F. Blas, Jr.
MINORITY LEADER

Attachment Senator
Christopher M. Duenas

January 4, 2011

MEMORANDUM

To: **Pat Santos**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Chairperson, Committee on Rules

Subject: **Referral of Bill Nos. 1-31 (LS) through B11-31 (LS)**

As Chairperson of the Committee on Rules, I am forwarding my referral of Bill Nos. 1-31 (LS) through B11-31 (LS).

Please ensure that the subject bills are referred, in my name, to the respective committees, as shown on the attachment. I also request that the same be forwarded to all Senators of *I Mina' Trenta Na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact me at 472-7679.

Si Yu'os Ma'åse'!

2011 JAN 10 AM 8:44

B7-31 (LS)	Judith P. Guthertz, DPA	An act to add a new Subitem (E) to § 3112(a)(16), of Chapter 3, of Title 17, Guam Code Annotated, relative to authorizing the Guam Education Policy Board to provide in-house cafeteria services in all Department of Education Schools in lieu of privatized food services.	1/03/11 10:58 a.m	1/04/11		Committee on Education			
B8-31 (LS)	Judith P. Guthertz, DPA	An act to add a new Subitem (E) to § 3112(a)(16), of Chapter 3, of Title 17, Guam Code Annotated, relative to lifting the hiring freeze of maintenance and custodial/janitorial personnel at the Department of Education and authorizing the Guam Education Policy Board to permit in-house maintenance, custodial and janitorial services for facilities maintenance services in all Department of Education Schools.	1/03/11 10:58 a.m	1/04/11		Committee on Youth, Cultural Affairs, Procurement, General Governmental Operations and Public Broadcasting			
B9-31 (LS)	Judith P. Guthertz, DPA	An act to <i>amend</i> §34205 of Chapter 34, Title 10 Guam Code Annotated and §70.10 of Chapter 70, Title 9 Guam Code Annotated, and to <i>add</i> §70.10.1, §70.10.2 and §70.10.3 to Chapter 70, Title 9 Guam Code Annotated relative to keeping animals in Guam.	1/03/11 10:59 a.m	1/04/11		Committee on Public Safety, Law Enforcement and Judiciary			
B10-31 (LS)	Judith P. Guthertz, DPA	An act to add Sub Items (A)(1)(2)(3)(4)(5)(6)(7) to Sub Section 12027 of Chapter 12 of Title 12 Guam Code Annotated relative to the back billing of consumer/ratepayers by the Guam Waterworks Authority.	1/03/11 10:59 a.m	1/04/11		Committee on Utilities, Transportation, Public Works and Veterans Affairs			



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

January 18, 2011

MEMORANDUM

TO: ALL SENATORS

FROM: Chairman, Committee on Public Safety, Law Enforcement & Judiciary

SUBJECT: First Notice of Public Hearing scheduled for Tuesday, January 25, 2011.

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:30 am, Tuesday, January 25, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- Bill No. 9-31 (COR) – AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND §70.10 OF CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2 AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM. – by Senator Judith P. Guthertz, DPA
- Bill No. 16-31 (COR) – AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND POWERS OF THE TERRITORIAL PAROLE BOARD. – by Senator Adolpho B. Palacios, Sr.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Priscilla Cruz at 472-5047/5048.

GUAM LEGISLATURE REPRODUCTION/MAIL ROOM	
DATE:	1-18-11
TIME:	10:53 [AM] [PM]
RECEIVED BY:	AD

Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

FACSIMILE TRANSMITTAL SHEET

DATE: January 14, 2011

TO:

Pacific Daily News	477-3079 (Attention: Government Meetings)
Marianas Variety	648-2007 (Attention: Community Page)
Guam News Watch	478-6402
KUAM/Isla 630	637-9865/9870
Pacific News Center	477-0793
Marianas Media	477-2240
K-57/Power 98	477-3982
Hit Radio 100	472-7663
KStereo/KISH	477-6411
Glimpses	649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *FIRST Notice of Public Hearing scheduled for January 25, 2011*

PAGES: 1 (including this sheet)

January 14, 2011

(Pursuant to §8107, Title 5 GCA – 5 days prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:30 am, Tuesday, January 25, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 9-31 (COR) – AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND §70.10 OF CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2 AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM.**
- **Bill No. 16-31 (COR) – AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND POWERS OF THE TERRITORIAL PAROLE BOARD.**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Priscilla Cruz at 472-5047/5048.

Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

BROADCAST REPORT

TIME : 01/14/2011 17:28
 NAME : SEN. PALACIOS
 FAX : 671-472-5022
 TEL :
 SER.# : G9N282826

PAGE(S)

01

DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
01/14	17:12	4773079	26	01	OK	ECM
01/14	17:14	6482007	25	01	OK	ECM
01/14	17:15	6379865	25	01	OK	ECM
01/14	17:16	4770793	25	01	OK	ECM
01/14	17:17	4772240	01:46	01	OK	ECM
01/14	17:20	4773982	28	01	OK	ECM
01/14	17:21	4727663	25	01	OK	ECM
01/14	17:22	4776411	25	01	OK	ECM
01/14	17:23	6498883	25	01	OK	ECM
01/14	17:28	4786402	00	00	BUSY	

BUSY : BUSY/NO RESPONSE
 NG : POOR LINE CONDITION
 CV : COVERPAGE
 PC : PC-FAX



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan


SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

January 21, 2011

MEMORANDUM

TO: ALL SENATORS

FROM: Chairman, Committee on Public Safety, Law Enforcement & Judiciary 

SUBJECT: *Second* Notice of Public Hearing scheduled for Tuesday, January 25, 2011.

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:30 am, Tuesday, January 25, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 9-31 (COR) – AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND §70.10 OF CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2 AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM. – by Senator Judith P. Guthertz, DPA**
- **Bill No. 16-31 (COR) – AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND POWERS OF THE TERRITORIAL PAROLE BOARD. – by Senator Adolpho B. Palacios, Sr.**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Priscilla Cruz at 472-5047/5048.

Office/Mailing Address: 155 Hesler Place, Hagatña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com



Adolpho Palacios <senabpalacios@gmail.com>

2nd Notice of Public Hearing scheduled for 1/25/2011

1 message

Adolpho Palacios <senabpalacios@gmail.com>

Fri, Jan 21, 2011 at 9:29 AM

To: speaker@judiwonpat.com, "Sen. BJ Cruz" <senadotbjcruz@gmail.com>, Secretary Tina Rose Muna-Barnes <tinamunabarnes@gmail.com>, "Majority Leader Rory J. Respicio" <roryforguam@gmail.com>, "Asst. Majority Leader Judith P. Guthertz, DPA" <judiguthertz@pticom.com>, senatordrodriguez@gmail.com, office@senatorada.org, "Senator Ben C. Pangelinan" <senbenp@guam.net>, "Senator Frank F. Blas, Jr." <frank.blasjr@gmail.com>, Aline4families@gmail.com, senatortonyada@guamlegislature.org, senatormana@gmail.com, duenasenator@gmail.com, senatormabini@gmail.com

January 21, 2011

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:30 am, Tuesday, January 25, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 9-31 (COR) – AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND §70.10 OF CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2 AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM.**
- **Bill No. 16-31 (COR) – AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND POWERS OF THE TERRITORIAL PAROLE BOARD.**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Priscilla Cruz at 472-5047/5048.



Adolpho Palacios <senabpalacios@gmail.com>

2nd Notice of Public Hearing scheduled for 1/25/2011

2 messages

Adolpho Palacios <senabpalacios@gmail.com>

Fri, Jan 21, 2011 at 9:20 AM

To: mindy@kuam.com, jason@kuam.com, sabrina@kuam.com, news@guampdn.com, news@spbgum.com, Catriona Melyan <cmelyan@guampdn.com>, amier@mvguam.com, marvic@mvguam.com, therese@mvguam.com, advertise@mvguam.com, clynt@spbgum.com, kstone@ite.net, jeff@marianasmedia.com, jontalk@k57.com

January 21, 2011

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at 9:30 am, Tuesday, January 25, 2011, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- Bill No. 9-31 (COR) – AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND §70.10 OF CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2 AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM.
- Bill No. 16-31 (COR) – AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND POWERS OF THE TERRITORIAL PAROLE BOARD.

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Priscilla Cruz at 472-5047/5048.



COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY
I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.
Chairman

FACSIMILE TRANSMITTAL SHEET

DATE: January 21, 2011

TO:

Pacific Daily News	477-3079 (Attention: Government Meetings)
Marianas Variety	648-2007 (Attention: Community Page)
Guam News Watch	478-6402
KUAM/Isla 630	637-9865/9870
Pacific News Center	477-0793
Marianas Media	477-2240
K-57/Power 98	477-3982
Hit Radio 100	472-7663
KStereo/KISH	477-6411
Glimpses	649-8883

FROM: Office of Senator Adolpho B. Palacios, Sr.

SUBJECT: *SECOND Notice of Public Hearing scheduled for January 25, 2011*

PAGES: 1 (including this sheet)

January 21, 2011

(Pursuant to §8107, Title 5 GCA – 48 hours prior to hearing date)

PUBLIC HEARING NOTICE

The Committee on Public Safety, Law Enforcement, and Judiciary has scheduled a public hearing starting at **9:30 am, Tuesday, January 25, 2011**, at *I Liheslaturan Guåhan's* Public Hearing Room in Hagåtña, on the following:

- **Bill No. 9-31 (COR) – AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND §70.10 OF CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2 AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM.**
- **Bill No. 16-31 (COR) – AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND POWERS OF THE TERRITORIAL PAROLE BOARD.**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Priscilla Cruz at 472-5047/5048.

Office/Mailing Address: 155 Hesler Place, Hagåtña Guam 96910

Telephone No. (671) 472-5047/5048 • Fax No. (671) 472-5022 • Email: SenABPalacios@gmail.com

BROADCAST REPORT

TIME : 01/21/2011 09:04
 NAME : SEN. PALACIOS
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01/21	08:55	4773982	25	01	OK	ECM
01/21	08:56	4727663	25	01	OK	ECM
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COMMITTEE ON PUBLIC SAFETY, LAW ENFORCEMENT & JUDICIARY

I Mina'Trentai Uno Na Liheslaturan Guåhan

SENATOR ADOLPHO B. PALACIOS, SR.

Chairman

PUBLIC HEARING

9:30 a.m.

Tuesday, January 25, 2011

I Liheslaturan Guåhan's Public Hearing Room, Hagåtña

AGENDA

- **Bill No. 9-31 (COR) – AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND §70.10 OF CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2 AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM. – by Senator Judith P. Guthertz, DPA**
- **Bill No. 16-31 (COR) – AN ACT TO AMEND §§85.10, 85.14 AND 85.26 OF CHAPTER 85, TITLE 9, GCA, RELATIVE TO THE COMPOSITION AND POWERS OF THE TERRITORIAL PAROLE BOARD. – by Senator Adolpho B. Palacios, Sr.**

The Committee requests that, if written testimonies are to be presented at the hearing, copies be submitted one day prior to the public hearing date, to the Office of Senator Adolpho B. Palacios, Sr., or via fax to 472-5022, or via email to SenABPalacios@gmail.com. Copies of the aforementioned Bill(s) may be obtained at *I Liheslaturan Guåhan's* website at www.guamlegislature.com. Individuals requiring special accommodations or services, please contact Julian Janssen or Priscilla Cruz at 472-5047/5048.

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Animal cruelty fines supported

WEDNESDAY, 26 JANUARY 2011 01:37 BY JANELA BUHAIN | VARIETY NEWS STAFF



ANIMAL rights activists all agreed yesterday that Guam is heading in the right direction in proposing stricter fines and

penalties for those caught abusing animals.

Dozens gathered at the Legislature in support of Bill 9-31, authored by Sen. Judi Guthertz, and brought their pets as well. Several expressed their support for the measure including local veterinarians, Guam Animals In Need representatives, attorneys, and local pet owners.

Bill 9, introduced last Monday, imposes heavier fines for those caught abusing animals and also classifies "animal abuse in the first degree" as a third degree felony.

Assistant U.S. Attorney Karon Johnson said she is in full support of the bill but also suggested psychological counseling for convicted animal abusers.

"It's pretty well established that the people who abuse animals have, sometimes, mental health issues, anger control issues or drug and alcohol issues and they're abusing their children and beating their spouses," said Johnson.

Dr. Kathy McCoy provided testimony in support of the bill but offered her opinion from an outsider's perspective as well.

McCoy said, although licensed to practice veterinary medicine on Guam, she had chosen not to practice and instead volunteer her time at GAIN during her short stay on island.

Having practiced as a veterinarian in several other states and countries, McCoy said she found that the people of Guam were the friendliest and warmest people she'd ever met. However, she said the animal cruelty she has seen on Guam contradicts her beliefs. "I have never seen the level of abuse that I've seen here. I talked to friends and I say I cannot understand it how people here, such good people with families and such a devotion to family, can let what I feel is a member of their family reach this state," McCoy said.

Local resident David Crisostomo recommended that parts of the bill be amended to avoid possible altercations between property owners and non-uniformed civilians "authorized" to intervene when animal cruelty is suspected.

Crisostomo believes that because of the way locals protect their properties, non-uniformed, authorized personnel who believe an animal is being abused may be met with resistance when attempting to retrieve an animal from a pet owner.



Dr. Kathy McCoy holds up a photo of a dog during yesterday's public hearing on Bill 9-31, which seeks to impose heavier fines for those caught abusing animals. Photo by Matt Weiss

Dog fighting

During the public hearing, Guthertz questioned veterinarian Dr. Velma Harper and territorial veterinarian Dr. Thomas Poole if they were aware of dog fighting occurring on Guam.

Poole stated that as recently as six months ago an FBI agent by the name of "Bowman" had "quite a lot of details."

"This wasn't something of particular FBI interest, it was of his interest and he was perhaps the most reliable witnesses I've heard from. I've heard from many witnesses, some who have attended fights and others who have heard people talk about fights they attended. Occasionally, in that back road to Andersen along Route 15 on Sunday mornings, there are occasionally a number of dog carcasses out there. I don't know if the dog fighting occurs near there or where it's happening, but it's my belief that dog fighting still exists," Poole told Guthertz.

Guthertz said she was concerned because of anonymous calls made to her office about dog fighting rings and that law enforcement officers themselves participate in dog fighting. Poole added that "Agent Bowman" also believes that local law enforcement officers participate in dog fighting.

Guthertz said she will ask the U.S. Attorney's Office to dig deeper into the alleged dog fighting occurring on island.

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I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 9-31(LS)

Introduced by:

Judi P. Guthertz, DPA

AN ACT TO AMEND §34205 OF CHAPTER 34, TITLE 10 GUAM
CODE ANNOTATED AND §70.10 OF CHAPTER 70, TITLE 9
GUAM CODE ANNOTATED, AND TO ADD §70.10.1, §70.10.2
AND §70.10.3 TO CHAPTER 70, TITLE 9 GUAM CODE
ANNOTATED RELATIVE TO KEEPING ANIMALS IN GUAM.

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

2 **Section 1: Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the existing
3 laws pertaining to animal care and cruelty are antiquated. Current statutes provide little
4 deterrence for persons that inflict physical and serious injury upon animals through
5 negligent and intentional acts of cruelty. Many instances occur wherein owners fail to
6 provide even the most basic of care for animals in their person. Members of the island
7 community are knowledgeable and have seen firsthand instances where animals have
8 suffered a cruel death from starvation, thirst, or were injured or killed through
9 deliberate acts of cruelty.

10 It is the intent of *I Liheslaturan Guåhan* to strengthen punishments against
11 perpetrators and address persons whose actions fall outside legitimate and legally
12 sanctioned conduct, and who intentionally, negligently, or with criminal negligence
13 inflict harm on animals for no valid societal or legally sanctioned reason versus the
14 legitimate activities of hunting, the accepted practices of veterinary care and the
15 necessary actions associated with good animal husbandry.

16 **Section 2:** §34205 of Chapter 34, Title 10 Guam Code Annotated is hereby
17 amended to read:

1 §34205. Animal Care

2 (a) No ~~owner~~ person who has an animal or animals in his custody or control
3 shall fail to provide ~~his~~ the animal(s) with sufficient good and wholesome food and
4 water, proper shelter and protection from the weather, adequate space to exercise, an
5 area which is reasonably clean and free of excrement which may be injurious to the
6 health of the animal(s), veterinary care when need to prevent suffering, and with other
7 humane care and treatment as necessary to preserve the health and well-being of the
8 animal(s).

9 **Section 3:** §70.01 is hereby *added* to Article 1, Chapter 70 of Title 9 Guam Code
10 Annotated to read:

11 **70.01 Cruelty to Animals; Definitions.**

12 For purposes of this Chapter:

- 13 (a) "Animal" means a domestic animal, a household pet or a wild animal in captivity.
14 (b) "Domestic animal" means any animal, other than livestock, that is owned or possessed
15 by a person.
16 (c) "Good animal husbandry" includes, but is not limited to, the dehorning of cattle, the
17 docking of horses, sheep or swine, and the castration or neutering of livestock,
18 according to accepted practices of veterinary medicine or animal husbandry.
19 (d) "Minimum care" means care sufficient to preserve the health and well-being of an
20 animal and, except for emergencies or circumstances beyond the reasonable control of
21 the owner, includes but is not limited to, the following requirements:
22 (1) Food of sufficient quantity and quality to allow for normal growth or maintenance of
23 body weight;
24 (2) Open or adequate access to potable water in sufficient quantity to satisfy the animal's
25 needs.
26 (3) Access to a enclosed structure sufficient to protect the animal from wind, rain, or sun.
27 (4) Veterinary care deemed necessary by a reasonably prudent person to relieve injury,
28 neglect or disease.

- 1 (5) For a domestic animal, continuous access to an area:
2 (i) With adequate space and room for exercise necessary for the health
3 of the animal, and
4 (ii) Kept reasonably clean and free from excess waste or other contaminants that
5 could affect the health of the animal(s).
- 6 (e) "Officer" means a member of the Guam Police Department, a Mayor of Guam, an
7 Animal Control Officer, or any other person authorized by law, by the Chief of the
8 Guam Police Department or by the Director of the Department of Agriculture.
- 9 (f) "Physical injury" means physical trauma, impairment of physical condition or
10 substantial pain.
- 11 (g) "Physical trauma" means fractures, cuts, punctures, bruises, burns or other wounds.
- 12 (h) "Serious physical injury" means physical injury that creates a substantial risk of death
13 or that causes protracted disfigurement, impairment of health or impairment to the
14 function of a limb or bodily organ.
- 15 (i) "Torture" means an action taken for the primary purpose of inflicting pain.

16 **Section 4.** §70.10 of Chapter 70, Title 9 Guam Code Annotated is hereby *amended*
17 to read:

18 **70.10 Cruelty to Animals: Defined; Exceptions; Penalty.**

19 (a) A person commits ~~a petty misdemeanor if he~~ the crime of animal abuse in the
20 second degree if the person intentionally, knowingly or recklessly, except as otherwise
21 authorized by law:

22 (1) causes physical injury to an animal, or

23 (2) fails to provide minimum care for the animal(s) in such person's custody and
24 control, and the failure to provide such minimum care causes physical injury to the
25 animal(s).

26 ~~(3) kills or injures any animal belonging to another without legal privilege or~~
27 ~~consent of the owner.~~

28 (b) Animal abuse in the second degree is a Class A misdemeanor.

1
2 ~~(1) subjects any animal to cruel mistreatment;~~

3
4 ~~(2) subjects any animal in his custody to cruel neglect; or~~

5
6 (c) Subsection (a) shall not be applicable to:

7 (1) accepted veterinary practices and activities carried on for scientific research by
8 public or private schools or universities or medical institutions;

9 (2) the shooting or taking of game in such manner and at such times as is allowed or
10 provided by the laws of this Territory; or

11 (3) cockfighting in a manner and at such times and places as are authorized by law.

12 **Section 5.** §70.10.1 is hereby *added* to Chapter 70, Title 9 Guam Code Annotated
13 to read:

14 §70.10.1 Animal Abuse in the First Degree.

15 (a) A person commits the crime of animal abuse in the first degree if the person
16 intentionally, knowingly or recklessly, except as otherwise authorized by law:

17 (1) causes serious physical injury to the animal(s), cruelly causes the death of the
18 animal(s) or tortures the animal(s); or

19 (2) fails to provide minimum care for the animal(s) in the person's custody or
20 control, and the failure to provide care results in serious physical injury or death to the
21 animal(s).

22 (b) Animal abuse in the first degree is a third-degree felony.

23 (c) Subsection (a) of this Section shall not be applicable to:

24 (1) accepted veterinary practices and activities carried on for scientific research by
25 public or private schools or universities or medical institutions;

26 (2) the shooting or taking of game in such manner and at such times as is allowed or
27 provided by the laws of this Territory; or

28 (3) cockfighting in a manner and at such times and places as are authorized by law.

29 **Section 6.** §70.10.2 is hereby *added* to Chapter 70, Title 9 Guam Code Annotated
30 to read:

1 §70.10.2 Animal Abandonment.

2 (a) A person commits the crime of animal abandonment if the person intentionally,
3 knowingly, recklessly or with criminal negligence leaves a domestic animal at a location
4 without providing 'minimum care' as defined in this Chapter.

5 (b) Animal abandonment is a Class B misdemeanor.

6 **Section 7.** §70.10.3 is hereby *added* to Chapter 70, Title 9 Guam Code Annotated
7 to read:

8 §70.10.3 Authority to Enter Premises and Court Proceedings.

9 (a) If there is probable cause to believe that any animal is being subjected to treatment in
10 violation of §70.10, §70.10.1 or §70.10.2 of this Chapter, any officer may enter the
11 premises to impound the animal(s). Notice of said impoundment shall be
12 conspicuously posted on the premises.

13 (1) An officer is not liable for any damages for an entry under subsection (a) of this
14 section unless the damages were caused by reckless behavior.

15 (2) Any animal(s) so impounded shall be held at the animal care facility designated
16 pursuant to §34118 of Chapter 34, Title 10 GCA.

17 **Section 8.** Severability. If any provision of this law or its application to any
18 person or circumstance is found to be invalid or contrary to law, such invalidity shall
19 not affect other provisions or applications of this law which can be given effect without
20 the invalid provisions or application, and to this end the provisions of this law are
21 severable.

