

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
75-32 (LS), P.L. 32-071	T.R. Muña Barnes, M.F.Q. San Nicolas, B.T. McCreadie	AN ACT TO ADD A NEW ARTICLE 8 TO CHAPTER 3 OF TITLE 16 GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING AGGRESSIVE PANHANDLING AND PANHANDLING AT SPECIFIED LOCATIONS IN GUAM TO BE KNOWN AS THE "AGGRESSIVE PANHANDLING ACT OF 2013"	03/27/13 3:55 p.m.	03/27/13 Re-Referred 05/10/13	Committee on General Governmental Operations and Cultural Affairs (3/28/13 - Committee on Public Safety, Infrastructure, & Maritime Transportation)	05/31/13 1:00 p.m.	10/29/13 10:06 a.m.	Fiscal Note Requested 03/28/13 Fiscal Note Received 04/19/13
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	11/12/2013	AN ACT TO ADD A NEW ARTICLE 8, AND TO REPEAL § 3341 OF ARTICLE 3, ALL OF CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING AGGRESSIVE PANHANDLING AND PANHANDLING AT SPECIFIED LOCATIONS IN GUAM; AND TO BE KNOWN AS THE "AGGRESSIVE PANHANDLING ACT OF 2013".	11/15/13	11:28 a.m.	11/27/2013	11/27/2013	32-071	As substituted by the Committee on General Government Operations & Cultural Affairs; and further substituted and amended on the Floor.



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

NOV 27 2013

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

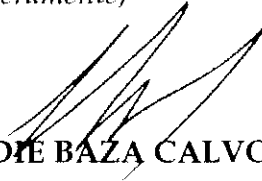
32-13-1042
Office of the Speaker
JUDITH T. WON PAT, Ed.D.
Date: 11/29/13
Time: 7:28am
Received by: [Signature]

2013 NOV 29 AM 11:13

Dear Madame Speaker:

Transmitted herewith is Bill No. 75-32 (LS) "AN ACT TO ADD A NEW ARTICLE 8, AND TO REPEAL § 3341 OF ARTICLE 3, ALL OF CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING AGGRESSIVE PANHANDLING AND PANHANDLING AT SPECIFIED LOCATIONS IN GUAM; AND TO BE KNOWN AS THE "AGGRESSIVE PANHANDLING ACT OF 2013" which I signed into law on November 27, 2013 as **Public Law 32-071**.

Senseramente,


EDDIE BAZA CALVO

1042



I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

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

This is to certify that **Substitute Bill No. 75-32 (LS)**, "AN ACT TO ADD A NEW ARTICLE 8, AND TO REPEAL § 3341 OF ARTICLE 3, ALL OF CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING AGGRESSIVE PANHANDLING AND PANHANDLING AT SPECIFIED LOCATIONS IN GUAM; AND TO BE KNOWN AS THE "AGGRESSIVE PANHANDLING ACT OF 2013", was on the 12th day of November 2013, 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'lahen Guåhan* this 15th day of Nov,
2013, at 11:28 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: NOV 27 2013

Public Law No. 32-071

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 75-32 (LS)

As substituted by the Committee on General Government Operations & Cultural Affairs; and further substituted and amended on the Floor.

Introduced by:

T. R. Muña Barnes
Michael F. Q. San Nicolas
Brant T. McCreadie
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Lintiaco
Tommy Morrison
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO ADD A NEW ARTICLE 8, AND TO REPEAL § 3341 OF ARTICLE 3, ALL OF CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING AGGRESSIVE PANHANDLING AND PANHANDLING AT SPECIFIED LOCATIONS IN GUAM; AND TO BE KNOWN AS THE “AGGRESSIVE PANHANDLING ACT OF 2013”.

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

2 **Section 1.** A new Article 8 is hereby *added* to Chapter 3 of Title 16, Guam

3 Code Annotated, to read:

1 "ARTICLE 8

2 AGGRESSIVE PANHANDLING ACT OF 2013

3 § 3800. Legislative Findings and Intent. Recognizing the
4 public safety hazards posed to both pedestrians and occupants and operators
5 of motor vehicles alike by aggressive forms of panhandling, *I Liheslaturan*
6 *Guåhan* by this Act intends to prohibit such panhandling in and along the
7 public roadways of Guam. *I Liheslaturan Guåhan* finds that this Act is a
8 reasonable time, place, and manner regulation designed to address a specific
9 problem, namely, that individuals seeking handouts from occupants of motor
10 vehicles on public roadways and other places are increasing the likelihood of
11 accidents potentially injurious to both pedestrians and motor vehicle
12 occupants, as well as creating traffic congestion and other similar public
13 safety hazards. This Act properly balances constitutionally protected forms
14 of speech and other communicative acts of individuals and groups on the
15 one hand, and the legitimate content-neutral interests of the government of
16 Guam on the other hand, particularly in view of public safety concerns and
17 the availability of ample alternative methods of non-aggressive forms of
18 panhandling in other more suitable public fora. There are substantial
19 differences in nature between public streets, kept open to and pulsing with
20 vehicular traffic, and other public fora, including, but not limited to, most
21 areas of sidewalks and public parks. This Act *does not* affect other forms of
22 non-aggressive solicitation of funds, such as door-to-door, telephone, and
23 mail solicitations, and does not restrict other types of speech such as oral
24 advocacy, distribution of literature, petitioning, picketing, and other similar
25 communicative acts that do *not* pose public safety hazards in the same
26 manner as panhandling in the form of active solicitation of funds from motor
27 vehicle occupants by persons in and along public roadways.

1 *I Liheslaturan Guåhan* further finds that to the extent that panhandling
2 may in certain circumstances constitute a form of constitutionally protected
3 speech, this Act expressly prohibits only specific actions when they occur in
4 the context of panhandling, and in no way the content of that speech.

5 **§ 3801. Definitions.** For purposes of this Article, the following
6 words and phrases have been defined to mean:

7 (a) *after dark* means any time from 6:30 p.m. to 6:30 a.m.;

8 (b) *aggressive manner* means any of the following:

9 (1) approaching or speaking to a person, or following
10 a person before, during or after panhandling, if that conduct is
11 intended or is likely to cause a reasonable person to (A) fear
12 bodily harm to oneself or to another, or damage to or loss of
13 property, or (B) otherwise be intimidated into giving money or
14 other thing of value;

15 (2) intentionally touching or causing physical contact
16 with another person or an occupied vehicle without that
17 person's consent in the course of panhandling;

18 (3) intentionally blocking or interfering with the safe
19 or free passage of a pedestrian or vehicle by any means,
20 including unreasonably causing a pedestrian or vehicle operator
21 to take evasive action to avoid physical contact;

22 (4) using violent or threatening gestures toward a
23 person solicited either before, during, or after panhandling;

24 (5) persisting in closely following or approaching a
25 person after the person solicited has been solicited and
26 informed the solicitor by words or conduct that such person
27 does not want to be solicited or does not want to give money or

1 any other thing of value to the solicitor; or

2 (6) using profane, offensive or abusive language that
3 is inherently likely to provoke an immediate reaction, either
4 before or after solicitation.

5 (c) *panhandling* means using the spoken, written, or printed
6 word, or bodily gestures, signs or other means with the purpose of
7 obtaining an immediate exchange of money.

8 (d) *public place* means a place to which the public or a
9 substantial group of persons has access, and includes, but is *not*
10 limited to, any street, highway, government easement, sidewalk,
11 parking lot, plaza, transportation facility, school, place of amusement,
12 park, playground, and any doorway, entrance, hallway, lobby and
13 other portion of any business establishment, an apartment house or
14 hotel not constituting a room or apartment designed for actual
15 residence.

16 **§ 3802. Aggressive Panhandling and Panhandling at Specified**
17 **Locations, Prohibited.**

18 (a) *No person shall* engage in panhandling in an aggressive
19 manner in any public place.

20 (b) Motor vehicles; medians.

21 (1) Motor Vehicles.

22 (A) *No person shall* approach an operator or
23 occupant of a motor vehicle, at any time of day or night,
24 for the purpose of panhandling, while such vehicle is in
25 traffic on a public roadway;

26 (B) *No person shall* engage in panhandling in
27 the medians of public roadways.

1 **§ 3803. Lawful Panhandling; Precautions.**

2 (a) *No person shall* engage in panhandling on any public
3 roadway, sidewalk, or government easement, *except* that panhandling
4 meeting all of the following requirements *shall not* be prohibited by
5 this Section:

- 6 (1) are made only at intersections with traffic control signals
7 or stop signs in place;
- 8 (2) are conducted by individuals no younger than eighteen
9 (18) years of age;
- 10 (3) no device to alter or impede the traffic flow is used,
11 *except* that traffic cones may be placed on a sidewalk or
12 adjacent to a roadway to indicate or signal the presence
13 of solicitors in the vicinity;
- 14 (4) individual solicitors wear an orange vest with reflective
15 material on both front and back;
- 16 (5) individual solicitors may *not* place on roadways or
17 sidewalks any belongings or other items such that they
18 would interfere with vehicular or pedestrian traffic;
- 19 (6) individual solicitors place warning signs within one
20 hundred feet (100') of oncoming traffic warning drivers
21 of the person's activity; and
- 22 (7) individual solicitors *shall* notify the Chief of the Guam
23 Police Department in writing when and for how long the
24 panhandling *shall* occur at least twenty-four (24) hours
25 prior to its occurrence.
- 26 (8) In no event may panhandling occur after dark.

1 (b) For purposes of this Section, the government of Guam *does not*
2 waive its sovereign immunity and *shall not* be liable for any monetary
3 damages that may arise out of this Section.

4 (c) This Section *does not* apply to handbilling regulated by Title 16
5 GCA, Article 7, §§ 3701-3707.

6 **§ 3804. Enforcement; Penalty.**

7 (a) Any person engaging in panhandling in violation of any
8 provision of this Article *shall* be subject to a fine of Two Hundred Dollars
9 (\$200.00) for the first offense and Five Hundred Dollars (\$500.00) for any
10 subsequent offense. Each and every such offense is a violation of the traffic
11 code and in turn constitutes a civil violation punishable under the terms of
12 Title 16 GCA, § 9108.

13 (b) The Guam Police Department has the authority to
14 enforce this Act and may, in connection therewith and pursuant to
15 §3401.1(h) of Article 4, Chapter 3 of Title 16, Guam Code Annotated, the
16 Chief of Police is authorized to enlist police reservists or CAPE volunteers
17 to assist the Guam Police Department in the enforcement of this Act, upon
18 the completion of training deemed necessary by the Chief of Police for the
19 enforcement of this Act.”

20 **Section 2.** § 3341 of Chapter 3, Title 16, Guam Code Annotated is hereby
21 *repealed.*

22 **Section 3. Effective Date.** The provisions of this Act *shall* become
23 effective sixty (60) days after enactment into public law.

24 **Section 4. Severability.** The provisions of this Act are declared to be
25 separate and severable. The invalidity of any clause, sentence, paragraph,
26 subdivision, section or portion of this statute, or the invalidity of the application

- 1 thereof to any person or circumstance *shall not* affect the validity of the remainder
- 2 of this statute or the validity of its application to other persons or circumstances.



FILE COPY

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
THIRTY-SECOND GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

November 13, 2013

The Honorable Edward J.B. Calvo
I Maga'lahen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY
J. Dela Rosa
TIME 11:28 AM DATE 11/15/13

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill and Substitute Bill Nos. 35-32(COR), 74-32(LS), 75-32(LS), 91-32(COR), 94-32(COR), 98-32(LS), 99-32(LS), 108-32(COR), 112-32(COR), 116-32(COR), 133-32(COR), 134-32(COR), 140-32(COR), 141-32(COR), 143-32(COR), 145-32(LS), 150-32(COR), 153-32(COR), 154-32(COR), 156-32(COR), 157-32(COR), 158-32(COR), 160-32(COR), 161-32(COR), 162-32(LS), 165-32(COR), 170-32(LS), 176-32(COR), 189-32(COR), 193-32(COR), 194-32(COR), 195-32(COR), 196-32(COR), 200-32(COR), 205-32(COR), 210-32(COR), 211-32(COR) and 217-32(LS) which were passed by *I Mina'Trentai Dos Na Liheslaturan Guåhan* on November 12, 2013.

Sincerely,

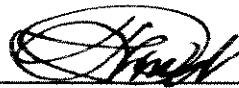
Tina Rose Muña Barnes
Legislative Secretary

Enclosures (38)

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

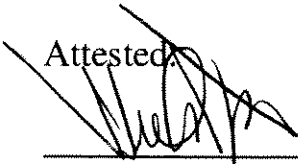
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Substitute Bill No. 75-32 (LS)**, "AN ACT TO ADD A NEW ARTICLE 8, AND TO REPEAL § 3341 OF ARTICLE 3, ALL OF CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING AGGRESSIVE PANHANDLING AND PANHANDLING AT SPECIFIED LOCATIONS IN GUAM; AND TO BE KNOWN AS THE "AGGRESSIVE PANHANDLING ACT OF 2013", was on the 12th day of November 2013, duly and regularly passed.



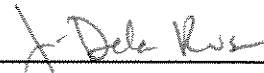
Judith T. Won Pat, Ed.D.
Speaker

Attested



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 15th day of Nov,
2013, at 11:28 o'clock A.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 75-32 (LS)

As substituted by the Committee on General Government Operations & Cultural Affairs; and further substituted and amended on the Floor.

Introduced by:

T. R. Muña Barnes
Michael F. Q. San Nicolas
Brant T. McCreadie
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Lintiaco
Tommy Morrison
Vicente (ben) C. Pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO ADD A NEW ARTICLE 8, AND TO REPEAL § 3341 OF ARTICLE 3, ALL OF CHAPTER 3 OF TITLE 16, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING AGGRESSIVE PANHANDLING AND PANHANDLING AT SPECIFIED LOCATIONS IN GUAM; AND TO BE KNOWN AS THE “AGGRESSIVE PANHANDLING ACT OF 2013”.

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

2 **Section 1.** A new Article 8 is hereby *added* to Chapter 3 of Title 16, Guam

3 Code Annotated, to read:

1 *I Liheslaturan Guåhan* further finds that to the extent that panhandling
2 may in certain circumstances constitute a form of constitutionally protected
3 speech, this Act expressly prohibits only specific actions when they occur in
4 the context of panhandling, and in no way the content of that speech.

5 **§ 3801. Definitions.** For purposes of this Article, the following
6 words and phrases have been defined to mean:

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8 (b) *aggressive manner* means any of the following:

9 (1) approaching or speaking to a person, or following
10 a person before, during or after panhandling, if that conduct is
11 intended or is likely to cause a reasonable person to (A) fear
12 bodily harm to oneself or to another, or damage to or loss of
13 property, or (B) otherwise be intimidated into giving money or
14 other thing of value;

15 (2) intentionally touching or causing physical contact
16 with another person or an occupied vehicle without that
17 person's consent in the course of panhandling;

18 (3) intentionally blocking or interfering with the safe
19 or free passage of a pedestrian or vehicle by any means,
20 including unreasonably causing a pedestrian or vehicle operator
21 to take evasive action to avoid physical contact;

22 (4) using violent or threatening gestures toward a
23 person solicited either before, during, or after panhandling;

24 (5) persisting in closely following or approaching a
25 person after the person solicited has been solicited and
26 informed the solicitor by words or conduct that such person
27 does not want to be solicited or does not want to give money or

1 any other thing of value to the solicitor; or

2 (6) using profane, offensive or abusive language that
3 is inherently likely to provoke an immediate reaction, either
4 before or after solicitation.

5 (c) *panhandling* means using the spoken, written, or printed
6 word, or bodily gestures, signs or other means with the purpose of
7 obtaining an immediate exchange of money.

8 (d) *public place* means a place to which the public or a
9 substantial group of persons has access, and includes, but is *not*
10 limited to, any street, highway, government easement, sidewalk,
11 parking lot, plaza, transportation facility, school, place of amusement,
12 park, playground, and any doorway, entrance, hallway, lobby and
13 other portion of any business establishment, an apartment house or
14 hotel not constituting a room or apartment designed for actual
15 residence.

16 **§ 3802. Aggressive Panhandling and Panhandling at Specified**
17 **Locations, Prohibited.**

18 (a) *No person shall* engage in panhandling in an aggressive
19 manner in any public place.

20 (b) Motor vehicles; medians.

21 (1) Motor Vehicles.

22 (A) *No person shall* approach an operator or
23 occupant of a motor vehicle, at any time of day or night,
24 for the purpose of panhandling, while such vehicle is in
25 traffic on a public roadway;

26 (B) *No person shall* engage in panhandling in
27 the medians of public roadways.

1 **§ 3803. Lawful Panhandling; Precautions.**

2 (a) *No person shall* engage in panhandling on any public
3 roadway, sidewalk, or government easement, *except* that panhandling
4 meeting all of the following requirements *shall not* be prohibited by
5 this Section:

6 (1) are made only at intersections with traffic control signals
7 or stop signs in place;

8 (2) are conducted by individuals no younger than eighteen
9 (18) years of age;

10 (3) no device to alter or impede the traffic flow is used,
11 *except* that traffic cones may be placed on a sidewalk or
12 adjacent to a roadway to indicate or signal the presence
13 of solicitors in the vicinity;

14 (4) individual solicitors wear an orange vest with reflective
15 material on both front and back;

16 (5) individual solicitors may *not* place on roadways or
17 sidewalks any belongings or other items such that they
18 would interfere with vehicular or pedestrian traffic;

19 (6) individual solicitors place warning signs within one
20 hundred feet (100') of oncoming traffic warning drivers
21 of the person's activity; and

22 (7) individual solicitors *shall* notify the Chief of the Guam
23 Police Department in writing when and for how long the
24 panhandling *shall* occur at least twenty-four (24) hours
25 prior to its occurrence.

26 (8) In no event may panhandling occur after dark.

1 (b) For purposes of this Section, the government of Guam *does not*
2 waive its sovereign immunity and *shall not* be liable for any monetary
3 damages that may arise out of this Section.

4 (c) This Section *does not* apply to handbilling regulated by Title 16
5 GCA, Article 7, §§ 3701-3707.

6 **§ 3804. Enforcement; Penalty.**

7 (a) Any person engaging in panhandling in violation of any
8 provision of this Article *shall* be subject to a fine of Two Hundred Dollars
9 (\$200.00) for the first offense and Five Hundred Dollars (\$500.00) for any
10 subsequent offense. Each and every such offense is a violation of the traffic
11 code and in turn constitutes a civil violation punishable under the terms of
12 Title 16 GCA, § 9108.

13 (b) The Guam Police Department has the authority to
14 enforce this Act and may, in connection therewith and pursuant to
15 §3401.1(h) of Article 4, Chapter 3 of Title 16, Guam Code Annotated, the
16 Chief of Police is authorized to enlist police reservists or CAPE volunteers
17 to assist the Guam Police Department in the enforcement of this Act, upon
18 the completion of training deemed necessary by the Chief of Police for the
19 enforcement of this Act.”

20 **Section 2.** § 3341 of Chapter 3, Title 16, Guam Code Annotated is hereby
21 *repealed.*

22 **Section 3. Effective Date.** The provisions of this Act *shall* become
23 effective sixty (60) days after enactment into public law.

24 **Section 4. Severability.** The provisions of this Act are declared to be
25 separate and severable. The invalidity of any clause, sentence, paragraph,
26 subdivision, section or portion of this statute, or the invalidity of the application

- 1 thereof to any person or circumstance *shall not* affect the validity of the remainder
- 2 of this statute or the validity of its application to other persons or circumstances.

LEGISLATIVE SESSION

I MINA'TRENTAI DOS NA LIHESLATURAN

2013 (FIRST) Regular Session

Voting Sheet

Bill No. 75-32 (LS)

Speaker Antonio R. Unipingco Legislative Session Hall

As substituted by the Committee on General Government Operations & Cultural Affairs; and further substituted and amended on the Floor.

November 12, 2013

NAME	Yea	Nay	Not Voting/ Abstained	Out During Roll Call	Absent
Senator Thomas "Tom" C. ADA	✓				
Senator V. Anthony "Tony" ADA	✓				
Senator Frank Blas AGUON Jr.	✓				
Vice-Speaker Benjamin J.F. CRUZ	✓				
Senator Christopher M. DUENAS	✓				
Senator Michael LIMTIACO	✓				
Senator Brant McCREADIE	✓				
Senator Thomas "Tommy" MORRISON	✓				
Senator Tina Rose MUÑA BARNES	✓				
Senator Vicente (ben) Cabrera PANGELINAN	✓				
Senator Rory J. RESPICIO	✓				
Senator Dennis G. RODRIGUEZ, Jr.	✓				
Senator Michael F. Q.SAN NICOLAS	✓				
Speaker Judith T. WON PAT, Ed.D.	✓				
Senator Aline A. YAMASHITA, Ph.D.	✓				

TOTAL

15

Yea

Nay


Not Voting/
Abstained

Out During
Roll Call

Absent

CERTIFIED TRUE AND CORRECT:


I = Pass


 Clerk of the Legislature



October 28, 2013

The Honorable Judith T. Won Pat
Speaker
I Mina' Trentai Dos Na Liheslaturan Guåhan
32nd Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J Respicio
Chairperson, Committee on Rules 

RE: Committee Report on Bill No. 75-32 (LS), as Substituted

Dear Speaker Won Pat:

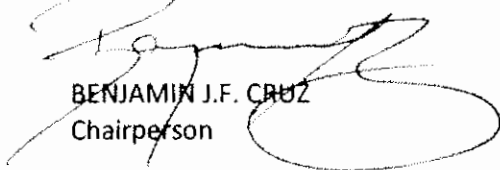
Transmitted herewith is the **Report of the Committee on General Government Operations and Cultural Affairs on Bill No. 75-32 (LS), as Substituted - T.R. Muña Barnes / M.F.Q. San Nicolas / B.T. McCreddie - An act to a new Article 8 to Chapter 3 of Title 16 Guam Code Annotated, relative to prohibiting aggressive panhandling and panhandling at specified locations in Guam to be known as the "Aggressive Panhandling Act of 2013"**

Committee votes are as follows:

- 7 TO DO PASS
- ___ TO NOT PASS
- 1 TO REPORT OUT ONLY
- ___ TO ABSTAIN
- ___ TO PLACE IN INACTIVE FILE

2013 OCT 27 AM 10:06 

Sincerely,


BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE REPORT

ON

Bill No. 75-32 (LS), as Substituted - T.R. Muña Barnes / M.F.Q. San Nicolas / B.T. McCreadie - An act to a new Article 8 to Chapter 3 of Title 16 Guam Code Annotated, relative to prohibiting aggressive panhandling and panhandling at specified locations in Guam to be known as the "Aggressive Panhandling Act of 2013"



October 28, 2013

MEMORANDUM

TO: All Members

FROM: Vice Speaker Benjamin J.F. Cruz

SUBJECT: Committee Report on Bill No. 75-32 (LS), as substituted

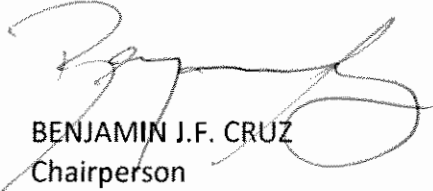
Transmitted herewith for your consideration is the Committee Report on Bill No. 75-32 (LS), as Substituted - T.R. Muña Barnes / M.F.Q. San Nicolas / B.T. McCreadie - An act to a new Article 8 to Chapter 3 of Title 16 Guam Code Annotated, relative to prohibiting aggressive panhandling and panhandling at specified locations in Guam to be known as the "Aggressive Panhandling Act of 2013"

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 75-32 (LS), as Substituted
- Bill No. 75-32 (LS)
- Public Hearing Sign-in Sheet
- COR Referral of Bill No. 75-32 (LS)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda

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 do not hesitate to contact me.

Very truly yours,


BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE VOTING SHEET

Bill No. 75-32 (LS), as Substituted - T.R. Muña Barnes / M.F.Q. San Nicolas / B.T. McCreadie - An act to a new Article 8 to Chapter 3 of Title 16 Guam Code Annotated, relative to prohibiting aggressive panhandling and panhandling at specified locations in Guam to be known as the "Aggressive Panhandling Act of 2013"

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		✓				
MUÑA BARNES, TINA ROSE Vice-Chairperson		✓				
WON PAT, JUDITH T. Speaker and Ex-Officio Member		✓ 10/28/13				
ADA, THOMAS C. Member		✓ 10/28/13				
PANGELINAN, C. VICENTE Member				✓		
RESPICIO, RORY J. Member		✓ 10/28/13				
RODRIGUEZ, DENNIS G. JR. Member						
SAN NICOLAS, MICHAEL F.Q. Member		✓ 10/28/13				
AGUON, Jr., FRANK B. Member		✓ 10/28/13				
ADA, V. ANTHONY Member						
Morrison, Thomas Member		✓ 10/29				
McCreadie, Brant Member		✓ 10-29-13				
YAMASHITA, ALINE Member						



Committee Report Digest

I. OVERVIEW

The Committee on General Government Operations and Cultural Affairs convened a public hearing on Friday, May 31, 2013, at 1:00 p.m. in the Public Hearing Room of *I Liheslatura*. Among the items on the agenda was the consideration was Bill No. 75-32 (LS) - T.R. Muña Barnes / M.F.Q. San Nicolas / B.T. McCreadie - An act to a new Article 8 to Chapter 3 of Title 16 Guam Code Annotated, relative to prohibiting aggressive panhandling and panhandling at specified locations in Guam to be known as the "Aggressive Panhandling Act of 2013"

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on May 24, 2013, and May 29, 2013 via email. Copies of the hearing notices are appended to the report.

Senators Present

Vice Speaker Benjamin J.F. Cruz
Senator Vicente Pangelinan
Senator Tina Muña Barnes
Senator Dennis Rodriguez, Jr.
Senator Michael Limtiaco
Senator Tony Ada

The public hearing was called to order at 1:05 p.m.

II. SUMMARY OF TESTIMONY AND DISCUSSION

Vice Speaker Benjamin J.F Cruz announced Bill No. 75-32 (LS) then called on Senator Barnes as its main sponsor to make a statement.

Senator Barnes stated that public safety in relation to pedestrians and the operators of motor vehicles and their passengers was a chief consideration in the introduction of Bill No. 75-32 (LS). Senator Barnes said that an individual panhandling aggressively along roadsides is dangerous and that it may harm them or the occupants in a motor vehicle. Senator Barnes noted that panhandling or soliciting near bank ATM machines may pose a separate and distinct public safety hazard while creating a risk of



fraud and duress. Senator Barnes stated that the intent of Bill No. 75-32 (LS) is to prevent aggressive panhandling to protect residents from aggressive solicitation.

Senator Cruz noted that nobody had come to testify, but asserted that the record will be open for ten days so that residents may submit their testimonies.

III. FINDINGS AND RECOMMENDATION

The Committee on General Government Operations and Cultural Affairs notes that while no oral testimony was provided at the measure's public hearing, concerns were raised regarding the potential deletion of existing safety measures presently within the statute. As such, the Committee has made minor changes in consultation with the author and other stakeholders to ensure the greatest amount of safety possible. The substitute version attached hereto reflects these changes.

The Committee on General Government Operations and Cultural Affairs to which was referred Bill No. 75-32 (LS) - T.R. Muña Barnes / M.F.Q. San Nicolas / B.T. McCreadie - An act to a new Article 8 to Chapter 3 of Title 16 Guam Code Annotated, relative to prohibiting aggressive panhandling and panhandling at specified locations in Guam to be known as the "Aggressive Panhandling Act of 2013" hereby submits these findings to *I Mina' Trentai Unu na Liheslaturan Guahan* and reports out Substitute Bill No. 75-32 (COR) with a recommendation TO DO PASS

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 75-32(LS)

Introduced by:

T.R. Muña Barnes
M.F.Q. San Nicolas
B.T. McCreadie

2013 MAR 27 PM 3:55

**AN ACT TO A NEW ARTICLE 8 TO CHAPTER 3 OF TITLE 16
GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING
AGGRESSIVE PANHANDLING AND PANHANDLING AT
SPECIFIED LOCATIONS IN GUAM TO BE KNOWN AS THE
“AGGRESSIVE PANHANDLING ACT OF 2013”.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

**Section 1. A New Article 8 is hereby added to Chapter 3 of Title 16
Guam Code Annotated to read:**

“Article 8

Aggressive Panhandling Act of 2013.

§3800. Legislative Intent. Recognizing the public safety hazards posed to both pedestrians and occupants and operators of motor vehicles alike by aggressive forms of panhandling, *I Liheslaturan Guåhan* by this Act intends to prohibit such panhandling in and along the public roadways of Guam. *I Liheslaturan Guåhan* finds that this Act is a reasonable time, place, and manner regulation designed to address a specific problem, namely, that individuals seeking handouts from occupants of motor vehicles on public roadways and other places are increasing the likelihood of accidents potentially injurious to both pedestrians and motor vehicle occupants, as well as creating traffic congestion and other similar public

1 safety hazards. This Act properly balances constitutionally protected forms
2 of speech and other communicative acts of individuals and groups on the
3 one hand, and the legitimate content-neutral interests of the Government of
4 Guam on the other hand, particularly in view of public safety concerns and
5 the availability of ample alternative methods of non-aggressive forms of
6 panhandling in other more suitable public fora. There are substantial
7 differences in nature between public streets, kept open to and pulsing with
8 vehicular traffic, and other public fora including, but not limited to, most
9 areas of sidewalks and public parks. This Act does not affect other forms of
10 non-aggressive solicitation of funds such as door-to-door, telephone, and
11 mail solicitations, and does not restrict other types of speech such as oral
12 advocacy, distribution of literature, petitioning, picketing, and other similar
13 communicative acts that do not pose public safety hazards in the same
14 manner as panhandling in the form of active solicitation of funds from motor
15 vehicle occupants by persons in and along public roadways.

16 *I Liheslaturan Guåhan* further finds that certain other types of face-to-
17 face solicitation of funds, namely solicitation calling for an immediate
18 donation at specified places, pose a separate and distinct public safety hazard
19 likewise within the ambit of the legislative power to regulate. Recognizing
20 that in-person solicitation of funds, when combined with immediate
21 exchanges of money, creates a risk of fraud and duress, this Act makes it
22 unlawful for persons to panhandle with the purpose of obtaining an
23 immediate donation of money or other thing of value in locales that are
24 particularly threatening or intrusive such as within close proximity to a bank
25 or automated teller machine (“ATM”) or other public places if the
26 solicitation is done in an aggressive manner. Additionally, to the extent that
27 panhandling may in certain circumstances constitute a form of

1 constitutionally protected speech, this Act expressly prohibits only specific
2 actions when they occur in the context of panhandling, and in no way the
3 content of that speech.

4 **§3801. Definitions.** For purposes of this Article, the following
5 words and phrases have been defined to mean:

6 (a) “*After dark*” means any time from one-half hour after
7 sunset to one-half hour before sunrise.

8 (b) “*Aggressive manner*” means any of the following:

9 (1) Approaching or speaking to a person, or following
10 a person before, during or after panhandling, if that conduct is
11 intended or is likely to cause a reasonable person to (i) fear
12 bodily harm to oneself or to another, damage to or loss of
13 property, or (ii) otherwise be intimidated into giving money or
14 other thing of value;

15 (2) Intentionally touching or causing physical contact
16 with another person or an occupied vehicle without that
17 person’s consent in the course of panhandling;

18 (3) Intentionally blocking or interfering with the safe
19 or free passage of a pedestrian or vehicle by any means,
20 including unreasonably causing a pedestrian or vehicle operator
21 to take evasive action to avoid physical contact;

22 (4) Using violent or threatening gestures toward a
23 person solicited either before, during, or after panhandling;

24 (5) Persisting in closely following or approaching a
25 person after the person solicited has been solicited and
26 informed the solicitor by words or conduct that such person
27 does not want to be solicited or does not want to give money or

1 any other thing of value to the solicitor; or

2 (6) Using profane, offensive or abusive language that
3 is inherently likely to provoke an immediate reaction, either
4 before or after solicitation.

5 (c) “*Automated teller machine*” shall mean any electronic
6 information processing device that accepts or dispenses cash in
7 connection with a credit, deposit, or convenience account.

8 (d) “*Automated teller machine facility*” shall mean the area
9 comprised of one or more automated teller machines, and any
10 adjacent space that is made available to banking customers after
11 regular banking hours.

12 (e) “*Bank*” means any member bank of the Federal Reserve
13 System, and any bank, banking association, trust company, savings
14 bank, or other banking institution organized or operated under the
15 laws of the United States, and any bank the deposits of which are
16 insured by the Federal Deposit Insurance Corporation.

17 (f) “*Credit union*” means any federal credit union and any
18 Guam-chartered credit union the accounts of which are insured by the
19 Administrator of the National Credit Union Administration.

20 (g) “*Check cashing business*” means any person duly
21 licensed as a check seller, bill payer, or prorater pursuant to Guam
22 law.

23 (h) “*Panhandling*” means using the spoken, written, or
24 printed word, or bodily gestures, signs or other means with the
25 purpose of obtaining an immediate donation of money or other thing
26 of value.

1 (i) “*Public place*” means a place to which the public or a
2 substantial group of persons has access, and includes, but is not
3 limited to, any street, highway, sidewalk, parking lot, plaza,
4 transportation facility, school, place of amusement, park, playground,
5 and any doorway, entrance, hallway, lobby and other portion of any
6 business establishment, an apartment house or hotel not constituting a
7 room or apartment designed for actual residence.

8 (j) “*Savings and loan association*” means any federal
9 savings and loan association and any “insured institution” as defined
10 in Section 401 of the National Housing Act, as amended, and any
11 federal credit union as defined in Section 2 of the Federal Credit
12 Union Act.

13 **§3802. Aggressive Panhandling and Panhandling at Specified**
14 **Locations, Prohibited.**

15 (a) No person shall engage in panhandling in an aggressive
16 manner in any public place.

17 (b) Banks and ATMs.

18 (1) No person shall panhandle within fifteen (15) feet
19 of any entrance or exit of any bank, savings and loan
20 association, or credit union, during its business hours, or within
21 fifteen (15) feet of any automated teller machine during the
22 time it is available for customers’ use. Provided, however, that
23 when an automated teller machine is located within an
24 automated teller machine facility, such distance shall be
25 measured from the entrance or exit of the automated teller
26 machine facility. Provided further that no person shall engage
27 in panhandling within an automated teller machine facility

1 where a reasonable person would or should know that he or she
2 does not have the permission to do so from the owner or other
3 person lawfully in possession of such facility. Nothing in this
4 paragraph shall be construed to prohibit the lawful vending of
5 goods and services within such areas.

6 (2) Exemptions. Section 3802(b)(1) shall not apply to
7 any unenclosed automated teller machine located within any
8 building, structure or space whose primary purpose or function
9 is unrelated to banking activities, including but not limited to
10 supermarkets, airports and school buildings, provided that such
11 automated teller machine shall be available for use only during
12 the regular hours of operation of the building, structure or space
13 in which such machine is located.

14 (c) Motor vehicles; Parking lots.

15 (1) Motor Vehicles.

16 (i) No person shall approach an operator or
17 occupant of a motor vehicle, at any time of day or night,
18 for the purpose of panhandling, while such vehicle is in
19 traffic on a public roadway;

20 (ii) No person shall engage in panhandling in
21 the medians of public roadways.

22 (2) Parking lots. No person shall engage in
23 panhandling in any public parking lot or structure any time after
24 dark.

25 (3) Exemptions. Section 3802(c)(2) shall not apply to
26 any of the following:

27 (i) Solicitations related to business that is being

1 conducted on the subject premises by the owner or lawful
2 tenants;

3 (ii) Solicitations related to the lawful towing of
4 a vehicle; or

5 (iii) Solicitations related to emergency repairs
6 requested by the operator or other occupant of a vehicle.

7 (d) Restaurants. Any person who panhandles in any outdoor
8 or indoor dining area of a restaurant or other establishment serving
9 food for immediate consumption is guilty of a violation of this section
10 if:

11 (1) He or she remains there after being asked to leave
12 by the owner, manager or supervisor of the restaurant or other
13 food establishment; the agent of the owner, manager or
14 supervisor of the restaurant; or a member of a security force
15 employed by the restaurant; or

16 (2) Within the immediately preceding thirty (30) days,
17 he or she engaged in solicitation at that location and had been
18 asked to leave by a person specified in Section 3802(d)(1).

19 (3) Exemption. Section 3802(d)(2) is not violated if a
20 person who has been requested to leave enters the property
21 within the designated period and engages in panhandling with
22 the express authorization of a person specified in Section
23 3802(d)(1).

24 **§3803. Enforcement; Penalty.** Any person engaging in
25 panhandling in violation of any provision of this Article shall be subject to a
26 fine of Two Hundred Dollars (\$200.00) for the first offense and Five
27 Hundred Dollars (\$500.00) for any subsequent offense.”

1 **Section 2. §3341. of Chapter 3, Title 16 Guam Code Annotated is**
2 **hereby repealed.**

3 **Section 3. Effective Date.** The provisions outlined in this Act shall
4 become effective sixty (60) days after enactment into public law.

5 **Section 4. Severability.** The provisions outlined in this Act are declared
6 to be separate and severable. The invalidity of any clause, sentence, paragraph,
7 subdivision, section or portion of this statute, or the invalidity of the application
8 thereof to any person or circumstance shall not affect the validity of the remainder
9 of this statute or the validity of its application to other persons or circumstances.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. B-32 (LS)

Introduced by:

***As Substituted by the Committee**

On General Government Operations & Cultural Affairs

T.R. Muña Barnes

M.F.Q. San Nicolas

B.T. McCreadie

**AN ACT TO A NEW ARTICLE 8 TO CHAPTER 3 OF TITLE 16
GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING
AGGRESSIVE PANHANDLING AND PANHANDLING AT
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1 occupants, as well as creating traffic congestion and other similar public
2 safety hazards. This Act properly balances constitutionally protected forms
3 of speech and other communicative acts of individuals and groups on the
4 one hand, and the legitimate content-neutral interests of the Government of
5 Guam on the other hand, particularly in view of public safety concerns and
6 the availability of ample alternative methods of non-aggressive forms of
7 panhandling in other more suitable public fora. There are substantial
8 differences in nature between public streets, kept open to and pulsing with
9 vehicular traffic, and other public fora including, but not limited to, most
10 areas of sidewalks and public parks. This Act does not affect other forms of
11 non-aggressive solicitation of funds such as door-to-door, telephone, and
12 mail solicitations, and does not restrict other types of speech such as oral
13 advocacy, distribution of literature, petitioning, picketing, and other similar
14 communicative acts that do not pose public safety hazards in the same
15 manner as panhandling in the form of active solicitation of funds from motor
16 vehicle occupants by persons in and along public roadways.

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18 face solicitation of funds, namely solicitation calling for an immediate
19 donation at specified places, pose a separate and distinct public safety hazard
20 likewise within the ambit of the legislative power to regulate. Recognizing
21 that in-person solicitation of funds, when combined with immediate
22 exchanges of money, creates a risk of fraud and duress, this Act makes it
23 unlawful for persons to panhandle with the purpose of obtaining an
24 immediate donation of money or other thing of value in locales that are
25 particularly threatening or intrusive such as within close proximity to a bank
26 or automated teller machine (“ATM”) or other public places if the
27 solicitation is done in an aggressive manner. Additionally, to the extent that

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11 a person before, during or after panhandling, if that conduct is
12 intended or is likely to cause a reasonable person to (i) fear
13 bodily harm to oneself or to another, damage to or loss of
14 property, or (ii) otherwise be intimidated into giving money or
15 other thing of value;

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17 with another person or an occupied vehicle without that
18 person’s consent in the course of panhandling;

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20 or free passage of a pedestrian or vehicle by any means,
21 including unreasonably causing a pedestrian or vehicle operator
22 to take evasive action to avoid physical contact;

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24 person solicited either before, during, or after panhandling;

25 (5) Persisting in closely following or approaching a
26 person after the person solicited has been solicited and
27 informed the solicitor by words or conduct that such person

1 does not want to be solicited or does not want to give money or
2 any other thing of value to the solicitor; or

3 (6) Using profane, offensive or abusive language that
4 is inherently likely to provoke an immediate reaction, either
5 before or after solicitation.

6 (c) “*Automated teller machine*” shall mean any electronic
7 information processing device that accepts or dispenses cash in
8 connection with a credit, deposit, or convenience account.

9 (d) “*Automated teller machine facility*” shall mean the area
10 comprised of one or more automated teller machines, and any
11 adjacent space that is made available to banking customers after
12 regular banking hours.

13 (e) “*Bank*” means any member bank of the Federal Reserve
14 System, and any bank, banking association, trust company, savings
15 bank, or other banking institution organized or operated under the
16 laws of the United States, and any bank the deposits of which are
17 insured by the Federal Deposit Insurance Corporation.

18 (f) “*Credit union*” means any federal credit union and any
19 Guam-chartered credit union the accounts of which are insured by the
20 Administrator of the National Credit Union Administration.

21 (g) “*Check cashing business*” means any person duly
22 licensed as a check seller, bill payer, or prorater pursuant to Guam
23 law.

24 (h) “*Panhandling*” means using the spoken, written, or
25 printed word, or bodily gestures, signs or other means with the
26 purpose of obtaining an immediate donation of money or other thing
27 of value.

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2 substantial group of persons has access, and includes, but is not
3 limited to, any street, highway, sidewalk, parking lot, plaza,
4 transportation facility, school, place of amusement, park, playground,
5 and any doorway, entrance, hallway, lobby and other portion of any
6 business establishment, an apartment house or hotel not constituting a
7 room or apartment designed for actual residence.

8 (j) “*Savings and loan association*” means any federal
9 savings and loan association and any “insured institution” as defined
10 in Section 401 of the National Housing Act, as amended, and any
11 federal credit union as defined in Section 2 of the Federal Credit
12 Union Act.

13 **§3802. Aggressive Panhandling and Panhandling at Specified**
14 **Locations, Prohibited.**

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16 manner in any public place.

17 (b) Banks and ATMs.

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20 association, or credit union, during its business hours, or within
21 fifteen (15) feet of any automated teller machine during the
22 time it is available for customers’ use. Provided, however, that
23 when an automated teller machine is located within an
24 automated teller machine facility, such distance shall be
25 measured from the entrance or exit of the automated teller
26 machine facility. Provided further that no person shall engage
27 in panhandling within an automated teller machine facility

1 where a reasonable person would or should know that he or she
2 does not have the permission to do so from the owner or other
3 person lawfully in possession of such facility. Nothing in this
4 paragraph shall be construed to prohibit the lawful vending of
5 goods and services within such areas.

6 (2) Exemptions. Section 3802(b)(1) shall not apply to
7 any unenclosed automated teller machine located within any
8 building, structure or space whose primary purpose or function
9 is unrelated to banking activities, including but not limited to
10 supermarkets, airports and school buildings, provided that such
11 automated teller machine shall be available for use only during
12 the regular hours of operation of the building, structure or space
13 in which such machine is located.

14 (c) Motor vehicles; Parking lots.

15 (1) Motor Vehicles.

16 (i) No person shall approach an operator or
17 occupant of a motor vehicle, at any time of day or night,
18 for the purpose of panhandling, while such vehicle is in
19 traffic on a public roadway;

20 (ii) No person shall engage in panhandling in
21 the medians of public roadways.

22 (2) Parking lots. No person shall engage in
23 panhandling in any public parking lot or structure any time after
24 dark.

25 (3) Exemptions. Section 3802(c)(2) shall not apply to
26 any of the following:

27 (i) Solicitations related to business that is being

1 conducted on the subject premises by the owner or lawful
2 tenants;

3 (ii) Solicitations related to the lawful towing of
4 a vehicle; or

5 (iii) Solicitations related to emergency repairs
6 requested by the operator or other occupant of a vehicle.

7 (d) Restaurants. Any person who panhandles in any outdoor
8 or indoor dining area of a restaurant or other establishment serving
9 food for immediate consumption is guilty of a violation of this section
10 if:

11 (1) He or she remains there after being asked to leave
12 by the owner, manager or supervisor of the restaurant or other
13 food establishment; the agent of the owner, manager or
14 supervisor of the restaurant; or a member of a security force
15 employed by the restaurant; or

16 (2) Within the immediately preceding thirty (30) days,
17 he or she engaged in solicitation at that location and had been
18 asked to leave by a person specified in Section 3802(d)(1).

19 (3) Exemption. Section 3802(d)(2) is not violated if a
20 person who has been requested to leave enters the property
21 within the designated period and engages in panhandling with
22 the express authorization of a person specified in Section
23 3802(d)(1).

24 **§3803. Lawful panhandling, Precautions.**

25 (a) No person shall engage in panhandling on any public
26 roadway or sidewalk, except that panhandling meeting all of the
27 following requirements shall not be prohibited by this Section:

- 1 (1) are made only at intersections with traffic control
2 signals or stop signs in place;
- 3 (2) are conducted by individuals no younger than
4 eighteen (18) years of age;
- 5 (3) no device to alter or impede the traffic flow is used,
6 except that traffic cones may be placed on a sidewalk
7 or adjacent to a roadway to indicate or signal the
8 presence of solicitors in the vicinity;
- 9 (4) individual solicitors wear an orange vest with
10 reflective material on both front and back;
- 11 (5) individual solicitors may not place on roadways or
12 sidewalks any belongings or other items such that they
13 would interfere with vehicular or pedestrian traffic;
- 14 (6) individual solicitors place warning signs within one
15 hundred feet (100') of oncoming traffic warning
16 drivers of the person's activity; and
- 17 (7) individual solicitors shall notify the Chief of the
18 Guam Police Department in writing when and for how
19 long the panhandling shall occur at least twenty-four
20 (24) hours prior to its occurrence.

21 (b) For purposes of this Section, the Government of Guam
22 does not waive its sovereign immunity and shall not be liable for any
23 monetary damages that may arise out of this Section.

24 (c) This Section does not apply to handbilling regulated by
25 16 GCA §§ 3701-3707.

26 **§3804. Enforcement; Penalty.** Any person engaging in
27 panhandling in violation of any provision of this Article shall be subject to a

1 fine of Two Hundred Dollars (\$200.00) for the first offense and Five
2 Hundred Dollars (\$500.00) for any subsequent offense. Each and every such
3 offense is a violation of the traffic code and in turn constitutes a civil
4 violation punishable under the terms of 16 GCA § 9108.”

5 **Section 2. §3341 of Chapter 3, Title 16, Guam Code Annotated is**
6 **hereby repealed.**

7 **Section 3. Effective Date.** The provisions outlined in this Act shall
8 become effective sixty (60) days after enactment into public law.

9 **Section 4. Severability.** The provisions outlined in this Act are declared
10 to be separate and severable. The invalidity of any clause, sentence, paragraph,
11 subdivision, section or portion of this statute, or the invalidity of the application
12 thereof to any person or circumstance shall not affect the validity of the remainder
13 of this statute or the validity of its application to other persons or circumstances.

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
 Chairman, Committee on General Government Operations
 and Cultural Affairs
 Web Address: www.senatorbjcruz.com



I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
 The 32nd Guam Legislature • senator@senatorbjcruz.com
 155 Hesler Place, Hagatna, Guam 96910
 Telephone: (671) 477-2520/1 • Fax: (671) 477-2522

I Mina'trentai Dos Na Liheslaturan Guåhan
 Public Hearing Sign-in Sheet
 Friday, May 31, 2013 – 1:00 p.m.
 I Liheslatura-Public Hearing – Room- Hagatna, Guam

Bill No. 75-32 (LS) – T.R. Muna Barnes / M.F.Q. San Nicolas / B.T. McCreadie – AN ACT TO A NEW ARTICLE 8 TO CHAPTER 3 OF TITLE 16 GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING AGGRESSIVE PANHANDLING AND PANDHANDLING AT SPECIFIED LOCATIONS IN GUAM TO BE KNOWN AS THE “AGGRESSIVE PANHANDLING ACT OF 2013”.

NAME	AGENCY OR ORGANIZATION (IF ANY)	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	CONTACT NUMBER	EMAIL ADDRESS

Guam Legislature Clerks Office

From: John Blas [jblas@tinamunabarnes.com]
Sent: Friday, March 29, 2013 11:00 AM
To: Guam Legislature Clerks Office
Subject: Transmittal of Corrected Pg 1 of Bill No. 75-32 (LS)
Attachments: 2013 0328 Bill No. 75-32 (LS) Corrected Pg 1.doc

Hafa Adai,

Attached as per Velma is the corrected page 1 of Bill No. 75-32 (LS).

Title as introduced: An Act to a New Article 8 to Chapter 3 of Title 16 Guam Code Annotated, relative to Prohibiting Aggressive Panhandling and Panhandling at Specified Locations in Guam to be known as the “Aggressive Panhandling Act of 2013”.

Corrected Title: An Act to **add** a New Article 8 to Chapter 3 of Title 16 Guam Code Annotated, relative to Prohibiting Aggressive Panhandling and Panhandling at Specified Locations in Guam to be known as the “Aggressive Panhandling Act of 2013”.

Thank you for your assistance.

John

--

John F. Blas
Senior Policy Analyst
Office of Senator Tina Rose Muña Barnes
Committee on Municipal Affairs, Tourism, Housing and
Hagatna Restoration & Redevelopment Authority
155 Hessler Place
Hagåtña, Guam 96910
(Tel) 671.472.3455/6
(Fax) 671.472.3400
email:jblas@tinamunabarnes.com



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd 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
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Senator
Vicente (Ben) C. Pangelinan
Member

Speaker
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Member

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Benjamin J.F. Cruz
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Legislative Secretary
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Member

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Member

Senator
Michael E.Q. San Nicolas
Member

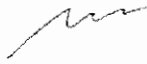
Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

April 19, 2013

Memorandum

To: **Rennae Meno**
Clerk of the Legislature

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

Subject: **Fiscal Notes**

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below. Please note that the fiscal notes, or waivers, are issued on the bills as introduced.

FISCAL NOTES:

Bill Nos.: 02-32 (LS), 28-32 (COR), 52-32 (LS), 64-32 (COR), 75-32 (LS), and 77-32 (COR)

WAIVERS:

Bill Nos.: 70-32 (COR), and 72-32 (LS)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2013 APR 19 AM 10:38


Bureau of Budget & Management Research
 Fiscal Note of Bill No. 75-32 (COR)(CS) *OK*

AN ACT TO A NEW ARTICLE 8 TO CHAPTER 3 OF TITLE 16 AGGRESSIVE PANHANDLING AND PANHANDLING AT SPECIFIED LOCATIONS IN GUAM TO BE KNOWN AS THE "AGGRESSIVE PANHANDLING ACT OF 2013".

Department/Agency Appropriation Information	
Dept./Agency Affected: Department of Revenue & Taxation	Dept./Agency Head: John P. Camacho
Department's General Fund (GF) appropriation(s) to date:	9,164,180
Department's Other Fund (Specify) appropriation(s) to date: Tax Collection Enhancement Fund (\$686,717) / Better Public Service Fund (\$1,390,554)	2,077,271
Total Department/Agency Appropriation(s) to date:	\$11,241,451

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2013 Adopted Revenues	\$561,985,725	\$0	\$561,985,725
FY 2013 Appro. (P.L. 31-233)	(\$548,971,874)	\$0	(\$548,971,874)
Sub-total:	\$13,013,851	\$0	\$13,013,851
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$13,013,851	\$0	\$13,013,851

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2013 (if applicable)	FY 2014	FY 2015	FY 2016	FY 2017
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? Yes No
 If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? N/A Yes No
 If no, what is the additional amount required? \$ _____ N/A
- Does the Bill establish a new program/agency? Yes No
 If yes, will the program duplicate existing programs/agencies? N/A Yes No
 Is there a federal mandate to establish the program/agency? Yes No
- Will the enactment of this Bill require new physical facilities? Yes No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: Yes No
 / Requested agency comments not received as of the due date / Other:

4/15/13

Analyst: Michael M. Aflague, B&M Analyst IV Date: 4/9/13 Director: John A. Rios, Director **APR 16 2013**

Footnotes: see attachment for revenue generating provisions.

Bureau of Budget & Management Research *LS*
Attachment to Fiscal Note Bill No. 75-32 (COR) *RAUL*
 (for revenue generating provisions)

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	1/	\$0	\$0	\$0	\$0
Special Fund	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Total	1/	\$0	\$0	\$0	\$0

Comments:

1/ The Bill imposes a \$200 fine for first offenders and \$500 for the second and all subsequent offenses. The anticipated revenue is based upon the number of panhandling offenses and the frequency of such offense by the same individual. It should be noted that the Bureau has requested data from the Department of Revenue and Taxation; however, information has not been provided at the time of these comments.



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Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

May 10, 2013

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Rory J. Respicio**
Majority Leader & Rules Chair

Subject: **Re-Referral of Bill No. 75-32(LS)**

As the Chairperson of the Committee on Rules, I am forwarding my re-referral of **Bill No. 75-32(LS)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

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

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
75-32 (LS)	T.R. Muña Barnes, M.F.Q. San Nicolas, B.T. McCreadie	AN ACT TO ADD A NEW ARTICLE 8 TO CHAPTER 3 OF TITLE 16 GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING AGGRESSIVE PANHANDLING AND PANHANDLING AT SPECIFIED LOCATIONS IN GUAM TO BE KNOWN AS THE "AGGRESSIVE PANHANDLING ACT OF 2013"	3/27/2013, 3:55 PM	3/27/2013 Re-Referred 5/10/13	Committee on General Governmental Operations and Cultural Affairs (3/28/13 - Committee on Public Safety, Infrastructure, & Maritime Transportation)			Fiscal Note Requested 03/28/13 Fiscal Note Received 04/19/13



Carlo Branch <carlo.branch@gmail.com>

Fwd: Edited Panhandling Bill

2 messages

Jessy Gogue <ocp.mayor@gmail.com>

Thu, Jul 25, 2013 at 4:56 PM

To: julianaguon@gmail.com

Cc: Tina Rose Muna-Barnes <senator@tinamunabarnes.com>, "B. J. Cruz" <senator@senatorbjcruz.com>, Carlo Branch <carlo.branch@gmail.com>, John Blas <jblas@tinamunabarnes.com>, Charissa Tenorio <charissa.tenorio@senatorbjcruz.com>

Hafa Adai Julian,

As requested, I'm confirming the receipt of this email. And, likewise, I enjoyed our conversation and Welcome any future visits to my office.


Because of my familiarity with this Bill, I have read through this "edited" version and **I am now in full support** of its inclusion on the the Agenda for August's Session. I have **NO** additional changes to recommend. That, based on these edits you have made, I firmly believe that should this bill be signed into law, it is clear as to what panhandlers can or cannot do and it also allows GPD and those deputized to enforce our traffic laws (e.g. CAPE & GPD Reservists) to issue citations when these panhandlers violate the rules outlined in this bill.

Sincerely,
Mayor Gogue

On Thu, Jul 25, 2013 at 2:48 PM, julian aguon <julianaguon@gmail.com> wrote:
Buenas Mayor Gogue,

It was a pleasure speaking with you yesterday. An edited panhandling bill is attached, which I believe sufficiently addresses the concerns you raised regarding the earlier version. Can you please confirm receipt? Thank you again, and I hope to hear back from you soon so I can take the edited bill back to the Committee. Have a good one,

julian

 **Edited Bill 75-32 (LS).doc**
71K

Carlo Branch <carlo.branch@gmail.com>


Fri, Oct 25, 2013 at 12:02 PM

To: "sgflores@tinamunabarnes.com" <sgflores@tinamunabarnes.com>

Yes I have it. Trying to see what Mike dis with it now

~ Carlo

[Quoted text hidden]

 **Edited Bill 75-32 (LS).doc**
71K



Carlo Branch <carlo.branch@gmail.com>

First Notice of Public Hearing – Five Day Notice – May 31, 2013

1 message

Mike Lidia <mike.lidia@senatorbjcruz.com>

Fri, May 24, 2013 at 10:36 AM

To: phnotice@guamlegislature.org, jose.sanagustin@doc.guam.gov, Dean Taitague <dean.taitague@doc.guam.gov>, mpqute@yahoo.com, Lisa.castro@doc.guam.gov, Ronald Santos <ron.santos@doc.guam.gov>, riaka.mccormick@doc.guam.gov, Mark Fleming <mark.fleming@doc.guam.gov>, ricardo.leonguerrero@doc.guam.gov, Chief Fred Bordallo <fred.bordallo@gpd.guam.gov>, Joseph Verga <joseph.verga@gmha.org>, ovita perez <perezovita@gmail.com>, jp9901@guam.net, Mayor Paul McDonald <mayormcdonald@hotmail.com>, Mayor Carol Tayama <agatmayorsoffice@hotmail.com>, dinga1@live.com, asanmainamayorsoffice@yahoo.com, bmomayor@teleguam.net, Jessie Gogue <ocp.mayor@gmail.com>, msavares@teleguam.net, peter_daigo@hotmail.com, Mayor John Cruz <hagatnamayor@hotmail.com>, Doris Lujan <mayordorisfloreslujan@gmail.com>, Mayor Nito Blas <nblas_mangilaomayor@yahoo.com>, Vice Mayor Allan Ungacta <vicemayor_allan.ungacta@yahoo.com>, mayoerernestc@yahoo.com, Mayor Andrew Villagomez <mtm_mayors_office@yahoo.com>, pitimayor@yahoo.com, daleealvarez@gmail.com, Robert Hofmann <guammayor@gmail.com>, rudyiriarte@gmail.com, talofofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, kones.r@gmail.com, arleens81@gmail.com, kenjoeada@yahoo.com, Jon Nathan Denight <nathan.denight@visitguam.org>, karl.pangelinan@visitguam.org, Charissa Tenorio <charissatenorio@gmail.com>, Carlo Branch <carlo.branch@gmail.com>, Carlos Pangelinan <carlospguam@yahoo.com>, Joshua Tenorio <joshuatenarios@yahoo.com>, Matthew Santos <matthew.santos@senatorbjcruz.com>

May 24, 2013

MEMORANDUM

To: All Members/All Senators
From: Chairman, Committee on General Government Operations and Cultural Affairs
Re: First Notice of Public Hearing – Five Day Notice – May 31, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on **Friday, May 31, 2013, beginning at 1:00PM in I Liheslatura's Public Hearing Room** with the following agenda:

- Appointment of Mr. John T. Palomo, Member, Guam Parole Board
- Bill No. 75-32 (LS) - T.R. Muña Barnes / M.F.Q. San Nicolas / B.T. McCreadie - An act to a new

Article 8 to Chapter 3 of Title 16 Guam Code Annotated, relative to prohibiting aggressive panhandling and panhandling at specified locations in Guam to be known as the "Aggressive Panhandling Act of 2013".

BillNo. 111-32 (COR) - D.G. Rodriguez, Jr. / M.T. Lintiaico - An act to authorize government employees to utilize annual leave to pay debts to Guam Memorial Hospital Authority, by adding a new §4109.6 to Chapter 4, Title 4, Guam Code Annotated.

BillNo. 117-32 (COR) - T.R. Muña Barnes / J.T. Won Pat, Ed.D. / B.T. McCreadie - An act to amend §§ 3705 and 3707 of Article 7, Chapter 3, Title 16 GCA, relative to expanding the duties of the Guam Police Department Community Assisted Policing Effort (CAPE) volunteers to include enforcement of the Handbilling Act, and for other purposes.

Please provide written testimonies at least one day prior to the hearing to the Office of Vice Speaker Benjamin J.F Cruz, 155 Hesler Place, Hagåtña Guam 96910. They may be sent via facsimile to 477-2522, or via email to mike.lidia@senatorbjcruz.com.

We comply with Title II of the Americans with Disabilities Act (ADA). Should you require assistance or special accommodations, please contact Mike Lidia at the Office of the Vice Speaker Benjamin J.F Cruz at 477-2521 or via email at mike.lidia@senatorbjcruz.com.

Senseramente,

Mike Lidia

Committee Director

Office of Vice Speaker Cruz
477-2520



Carlo Branch <carlo.branch@gmail.com>

Second Notice of Public Hearing – Two Day Notice – May 31, 2013

1 message

Mike Lidia <mike.lidia@senatorbjcruz.com>

Wed, May 29, 2013 at 8:52 AM

To: phnotice@guamlegislature.org, jose.sanagustin@doc.guam.gov, Dean Taitague <dean.taitague@doc.guam.gov>, mpqute@yahoo.com, Lisa.castro@doc.guam.gov, Ronald Santos <ron.santos@doc.guam.gov>, riaka.mccormick@doc.guam.gov, Mark Fleming <mark.fleming@doc.guam.gov>, ricardo.leonguerrero@doc.guam.gov, Chief Fred Bordallo <fred.bordallo@gpd.guam.gov>, Joseph Verga <joseph.verga@gmha.org>, ovita perez <perezovita@gmail.com>, jp9901@guam.net, Mayor Paul McDonald <mayormcdonald@hotmail.com>, Mayor Carol Tayama <agatmayorsoffice@hotmail.com>, dinga1@live.com, asanmainamayorsoffice@yahoo.com, bmomayor@teleguam.net, Jessie Gogue <ocp.mayor@gmail.com>, msavares@teleguam.net, peter_daigo@hotmail.com, Mayor John Cruz <hagatnamayor@hotmail.com>, Doris Lujan <mayordorisfloreslujan@gmail.com>, Mayor Nito Blas <nblas_mangilaomayor@yahoo.com>, Vice Mayor Allan Ungacta <vicemayor_allan.ungacta@yahoo.com>, mayoernerestc@yahoo.com, Mayor Andrew Villagomez <mtm_mayors_office@yahoo.com>, pitimayor@yahoo.com, daleealvarez@gmail.com, Robert Hofmann <guammayor@gmail.com>, rudyiriarte@gmail.com, talofofomayor@gmail.com, "Mayor Louise C. Rivera" <mayorlcrivera.tatuha@gmail.com>, "Vice Mayor Ken C. Santos" <vicemayorksantos.tatuha@gmail.com>, Umatac Mayor <umatacmo@gmail.com>, kones.r@gmail.com, arleens81@gmail.com, kenjoeada@yahoo.com, Jon Nathan Denight <nathan.denight@visitguam.org>, karl.pangelinan@visitguam.org, Charissa Tenorio <charissatenorio@gmail.com>, Carlo Branch <carlo.branch@gmail.com>, Carlos Pangelinan <carlospguam@yahoo.com>, Joshua Tenorio <joshuatenarios@yahoo.com>, Matthew Santos <matthew.santos@senatorbjcruz.com>

May 29, 2013

MEMORANDUM

To: All Members/All Senators
From: Chairman, Committee on General Government Operations and Cultural Affairs
Re: Second Notice of Public Hearing – Two Day Notice – May 31, 2013

Hafa Adai! Please be advised that the Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing on **Friday, May 31, 2013, beginning at 10:00AM in I Liheslatura's Public Hearing Room** with the following agenda:

Appointment of Mr. John T. Palomo, Member, Guam Parole Board

BillNo. 75-32 (LS) - T.R. Muña Barnes / M.F.Q. San Nicolas / B.T. McCreadie - An act to a new Article 8 to Chapter 3 of Title 16 Guam Code Annotated, relative to prohibiting aggressive panhandling and panhandling at specified locations in Guam to be known as the "Aggressive Panhandling Act of 2013".

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Senseramente,

Mike Lidia

Committee Director

Office of Vice Speaker Cruz
477-2520

**Listserv: phnotice@guamlegislature.org
As of May 15, 2013**

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As of May 15, 2013**

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zita@mvguam.com



PUBLIC HEARING AGENDA

Friday, May 31, 2013 – 1:00PM

I Liheslatura • Public Hearing Room • Hagåtña, Guam

Appointment of Mr. John T. Palomo, Member, Guam Parole Board

Bill No. 75-32 (LS) - T.R. Muña Barnes / M.F.Q. San Nicolas / B.T. McCreadie - An act to add a new Article 8 to Chapter 3 of Title 16 Guam Code Annotated, relative to prohibiting aggressive panhandling and panhandling at specified locations in Guam to be known as the "Aggressive Panhandling Act of 2013".

Bill No. 111-32 (COR) - D.G. Rodriguez, Jr. / M.T. Limtiaco - An act to authorize government employees to utilize annual leave to pay debts to Guam Memorial Hospital Authority, by adding a new §4109.6 to Chapter 4, Title 4, Guam Code Annotated.

Bill No. 117-32 (COR) - T.R. Muña Barnes / J.T. Won Pat, Ed.D. / B.T. McCreadie - An act to amend §§ 3705 and 3707 of Article 7, Chapter 3, Title 16 GCA, relative to expanding the duties of the Guam Police Department Community Assisted Policing Effort (CAPE) volunteers to include enforcement of the Handbilling Act, and for other purposes.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd 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

May 10, 2013

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

MEMORANDUM

Senator
Vicente (Ben) C. Pangelinan
Member

To: Rennae Meno
Clerk of the Legislature

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Attorney Therese M. Terlaje
Legislative Legal Counsel

Senator
Dennis G. Rodriguez, Jr.
Member

From: Senator Rory J. Respicio
Majority Leader & Rules Chair

Vice-Speaker
Benjamin J.F. Cruz
Member

Subject: Re-Referral of Bill No. 75-32(LS)

Legislative Secretary
Tina Rose Muña Barnes
Member

As the Chairperson of the Committee on Rules, I am forwarding my re-referral of **Bill No. 75-32(LS)**.

Senator
Frank Blas Aguon, Jr.
Member

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Senator
Michael F.Q. San Nicolas
Member

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

Senator
V. Anthony Ada
Member
MINORITY LEADER

Si Yu'os Ma'åse!

Senator
Aline Yamashita
Member

Attachment

Guam Legislature Clerks Office

From: John Blas [jblas@tinamunabarnes.com]
Sent: Friday, March 29, 2013 11:00 AM
To: Guam Legislature Clerks Office
Subject: Transmittal of Corrected Pg 1 of Bill No. 75-32 (LS)
Attachments: 2013 0328 Bill No. 75-32 (LS) Corrected Pg 1.doc

Hafa Adai,

Attached as per Velma is the corrected page 1 of Bill No. 75-32 (LS).

Title as introduced: An Act to a New Article 8 to Chapter 3 of Title 16 Guam Code Annotated, relative to Prohibiting Aggressive Panhandling and Panhandling at Specified Locations in Guam to be known as the “Aggressive Panhandling Act of 2013”.

Corrected Title: An Act to **add** a New Article 8 to Chapter 3 of Title 16 Guam Code Annotated, relative to Prohibiting Aggressive Panhandling and Panhandling at Specified Locations in Guam to be known as the “Aggressive Panhandling Act of 2013”.

Thank you for your assistance.

John

--

John F. Blas
Senior Policy Analyst
Office of Senator Tina Rose Muña Barnes
Committee on Municipal Affairs, Tourism, Housing and
Hagatna Restoration & Redevelopment Authority
155 Hessler Place
Hagåtña, Guam 96910
(Tel) 671.472.3455/6
(Fax) 671.472.3400
email: jblas@tinamunabarnes.com

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 75-32(1S)

Introduced by:

T.R. Muña Barnes
M.F.Q. San Nicolas
B.T. McCreadie

AN ACT TO ADD A NEW ARTICLE 8 TO CHAPTER 3 OF TITLE 16 GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING AGGRESSIVE PANHANDLING AND PANHANDLING AT SPECIFIED LOCATIONS IN GUAM TO BE KNOWN AS THE "AGGRESSIVE PANHANDLING ACT OF 2013".

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A New Article 8 is hereby added to Chapter 3 of Title 16 Guam Code Annotated to read:

"Article 8

Aggressive Panhandling Act of 2013.

§3800. Legislative Intent. Recognizing the public safety hazards posed to both pedestrians and occupants and operators of motor vehicles alike by aggressive forms of panhandling, *I Liheslaturan Guåhan* by this Act intends to prohibit such panhandling in and along the public roadways of Guam. *I Liheslaturan Guåhan* finds that this Act is a reasonable time, place, and manner regulation designed to address a specific problem, namely, that individuals seeking handouts from occupants of motor vehicles on public roadways and other places are increasing the likelihood of accidents potentially injurious to both pedestrians and motor vehicle

1 occupants, as well as creating traffic congestion and other similar public
2 safety hazards. This Act properly balances constitutionally protected forms
3 of speech and other communicative acts of individuals and groups on the
4 one hand, and the legitimate content-neutral interests of the Government of
5 Guam on the other hand, particularly in view of public safety concerns and
6 the availability of ample alternative methods of non-aggressive forms of
7 panhandling in other more suitable public fora. There are substantial
8 differences in nature between public streets, kept open to and pulsing with
9 vehicular traffic, and other public fora including, but not limited to, most
10 areas of sidewalks and public parks. This Act does not affect other forms of
11 non-aggressive solicitation of funds such as door-to-door, telephone, and
12 mail solicitations, and does not restrict other types of speech such as oral
13 advocacy, distribution of literature, petitioning, picketing, and other similar
14 communicative acts that do not pose public safety hazards in the same
15 manner as panhandling in the form of active solicitation of funds from motor
16 vehicle occupants by persons in and along public roadways.

17 *I Liheslaturan Guåhan* further finds that certain other types of face-to-
18 face solicitation of funds, namely solicitation calling for an immediate
19 donation at specified places, pose a separate and distinct public safety hazard
20 likewise within the ambit of the legislative power to regulate. Recognizing
21 that in-person solicitation of funds, when combined with immediate
22 exchanges of money, creates a risk of fraud and duress, this Act makes it
23 unlawful for persons to panhandle with the purpose of obtaining an
24 immediate donation of money or other thing of value in locales that are
25 particularly threatening or intrusive such as within close proximity to a bank
26 or automated teller machine (“ATM”) or other public places if the
27 solicitation is done in an aggressive manner. Additionally, to the extent that

1 panhandling may in certain circumstances constitute a form of
2 constitutionally protected speech, this Act expressly prohibits only specific
3 actions when they occur in the context of panhandling, and in no way the
4 content of that speech.

5 **§3801. Definitions.** For purposes of this Article, the following
6 words and phrases have been defined to mean:

7 (a) “*After dark*” means any time from one-half hour after
8 sunset to one-half hour before sunrise.

9 (b) “*Aggressive manner*” means any of the following:

10 (1) Approaching or speaking to a person, or following
11 a person before, during or after panhandling, if that conduct is
12 intended or is likely to cause a reasonable person to (i) fear
13 bodily harm to oneself or to another, damage to or loss of
14 property, or (ii) otherwise be intimidated into giving money or
15 other thing of value;

16 (2) Intentionally touching or causing physical contact
17 with another person or an occupied vehicle without that
18 person’s consent in the course of panhandling;

19 (3) Intentionally blocking or interfering with the safe
20 or free passage of a pedestrian or vehicle by any means,
21 including unreasonably causing a pedestrian or vehicle operator
22 to take evasive action to avoid physical contact;

23 (4) Using violent or threatening gestures toward a
24 person solicited either before, during, or after panhandling;

25 (5) Persisting in closely following or approaching a
26 person after the person solicited has been solicited and
27 informed the solicitor by words or conduct that such person

1 does not want to be solicited or does not want to give money or
2 any other thing of value to the solicitor; or

3 (6) Using profane, offensive or abusive language that
4 is inherently likely to provoke an immediate reaction, either
5 before or after solicitation.

6 (c) “*Automated teller machine*” shall mean any electronic
7 information processing device that accepts or dispenses cash in
8 connection with a credit, deposit, or convenience account.

9 (d) “*Automated teller machine facility*” shall mean the area
10 comprised of one or more automated teller machines, and any
11 adjacent space that is made available to banking customers after
12 regular banking hours.

13 (e) “*Bank*” means any member bank of the Federal Reserve
14 System, and any bank, banking association, trust company, savings
15 bank, or other banking institution organized or operated under the
16 laws of the United States, and any bank the deposits of which are
17 insured by the Federal Deposit Insurance Corporation.

18 (f) “*Credit union*” means any federal credit union and any
19 Guam-chartered credit union the accounts of which are insured by the
20 Administrator of the National Credit Union Administration.

21 (g) “*Check cashing business*” means any person duly
22 licensed as a check seller, bill payer, or prorater pursuant to Guam
23 law.

24 (h) “*Panhandling*” means using the spoken, written, or
25 printed word, or bodily gestures, signs or other means with the
26 purpose of obtaining an immediate donation of money or other thing
27 of value.

1 (i) “*Public place*” means a place to which the public or a
2 substantial group of persons has access, and includes, but is not
3 limited to, any street, highway, sidewalk, parking lot, plaza,
4 transportation facility, school, place of amusement, park, playground,
5 and any doorway, entrance, hallway, lobby and other portion of any
6 business establishment, an apartment house or hotel not constituting a
7 room or apartment designed for actual residence.

8 (j) “*Savings and loan association*” means any federal
9 savings and loan association and any “insured institution” as defined
10 in Section 401 of the National Housing Act, as amended, and any
11 federal credit union as defined in Section 2 of the Federal Credit
12 Union Act.

13 **§3802. Aggressive Panhandling and Panhandling at Specified**
14 **Locations, Prohibited.**

15 (a) No person shall engage in panhandling in an aggressive
16 manner in any public place.

17 (b) Banks and ATMs.

18 (1) No person shall panhandle within fifteen (15) feet
19 of any entrance or exit of any bank, savings and loan
20 association, or credit union, during its business hours, or within
21 fifteen (15) feet of any automated teller machine during the
22 time it is available for customers’ use. Provided, however, that
23 when an automated teller machine is located within an
24 automated teller machine facility, such distance shall be
25 measured from the entrance or exit of the automated teller
26 machine facility. Provided further that no person shall engage
27 in panhandling within an automated teller machine facility

1 where a reasonable person would or should know that he or she
2 does not have the permission to do so from the owner or other
3 person lawfully in possession of such facility. Nothing in this
4 paragraph shall be construed to prohibit the lawful vending of
5 goods and services within such areas.

6 (2) Exemptions. Section 3802(b)(1) shall not apply to
7 any unenclosed automated teller machine located within any
8 building, structure or space whose primary purpose or function
9 is unrelated to banking activities, including but not limited to
10 supermarkets, airports and school buildings, provided that such
11 automated teller machine shall be available for use only during
12 the regular hours of operation of the building, structure or space
13 in which such machine is located.

14 (c) Motor vehicles; Parking lots.

15 (1) Motor Vehicles.

16 (i) No person shall approach an operator or
17 occupant of a motor vehicle, at any time of day or night,
18 for the purpose of panhandling, while such vehicle is in
19 traffic on a public roadway;

20 (ii) No person shall engage in panhandling in
21 the medians of public roadways.

22 (2) Parking lots. No person shall engage in
23 panhandling in any public parking lot or structure any time after
24 dark.

25 (3) Exemptions. Section 3802(c)(2) shall not apply to
26 any of the following:

27 (i) Solicitations related to business that is being

1 conducted on the subject premises by the owner or lawful
2 tenants;

3 (ii) Solicitations related to the lawful towing of
4 a vehicle; or

5 (iii) Solicitations related to emergency repairs
6 requested by the operator or other occupant of a vehicle.

7 (d) Restaurants. Any person who panhandles in any outdoor
8 or indoor dining area of a restaurant or other establishment serving
9 food for immediate consumption is guilty of a violation of this section
10 if:

11 (1) He or she remains there after being asked to leave
12 by the owner, manager or supervisor of the restaurant or other
13 food establishment; the agent of the owner, manager or
14 supervisor of the restaurant; or a member of a security force
15 employed by the restaurant; or

16 (2) Within the immediately preceding thirty (30) days,
17 he or she engaged in solicitation at that location and had been
18 asked to leave by a person specified in Section 3802(d)(1).

19 (3) Exemption. Section 3802(d)(2) is not violated if a
20 person who has been requested to leave enters the property
21 within the designated period and engages in panhandling with
22 the express authorization of a person specified in Section
23 3802(d)(1).

24 **§3803. Enforcement; Penalty.** Any person engaging in
25 panhandling in violation of any provision of this Article shall be subject to a
26 fine of Two Hundred Dollars (\$200.00) for the first offense and Five
27 Hundred Dollars (\$500.00) for any subsequent offense.”

1 **Section 2. §3341. of Chapter 3, Title 16 Guam Code Annotated is**
2 **hereby repealed.**

3 **Section 3. Effective Date.** The provisions outlined in this Act shall
4 become effective sixty (60) days after enactment into public law.

5 **Section 4. Severability.** The provisions outlined in this Act are declared
6 to be separate and severable. The invalidity of any clause, sentence, paragraph,
7 subdivision, section or portion of this statute, or the invalidity of the application
8 thereof to any person or circumstance shall not affect the validity of the remainder
9 of this statute or the validity of its application to other persons or circumstances.

I Mina'Trentai Dos Na Liheslaturan Guahan
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	STATUS
75-32 (LS)	T.R. Muña Barnes, M.F.Q. San Nicolas, B.T. McCreadie	AN ACT TO A NEW ARTICLE 8 TO CHAPTER 3 OF TITLE 16 GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING AGGRESSIVE PANHANDLING AND PANHANDLING AT SPECIFIED LOCATIONS IN GUAM TO BE KNOWN AS THE "AGGRESSIVE PANHANDLING ACT OF 2013".	3/27/13					Fiscal Note Requested 3/28/13 8:49 a.m.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
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2013 MAR 28 AM 8:49
WR

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

March 29, 2013

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

VIA FACSIMILE
(671) 472-2825

Senator
Vicente (Ben) C. Pangelinan
Member

John A. Rios
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

Speaker
Judith T.P. Won Pat, Ed.D.
Member

RE: Request for Fiscal Note – Bill Nos. 70-32(COR), 71-32(COR), 72-32(LS), 73-32(LS), 74-32(LS), and 75-32(LS)

Senator
Dennis G. Rodriguez, Jr.
Member

Håfa Adai Mr. Rios:

Vice-Speaker
Benjamin J.F. Cruz
Member

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bill. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bill.

Legislative Secretary
Tina Rose Muña Barnes
Member

Si Yu'os ma'åse' for your attention to this matter.

Senator
Frank Blas Aguon, Jr.
Member

Very Truly Yours,

Senator
Michael F.Q. San Nicolas
Member

Senator Rory J. Respicio
Chairperson, Committee on Rules

Senator
V. Anthony Ada
Member
MINORITY LEADER

Attachments

Senator
Aline Yamashita
Member

Cc: Clerk of the Legislature

Bill Nos.	Sponsor	Title
70-32 (COR)	V.A. Ada	AN ACT TO ADD A NEW ARTICLE 8 TO CHAPTER 32 OF 5GCA RELATIVE TO GIFT CARDS AND GIFT CERTIFICATES.
71-32 (COR)	V.A. Ada	AN ACT TO REPEAL PARAGRAPH (34) OF §26203 OF CHAPTER 26 OF 11GCA RELATIVE TO BUSINESS PRIVILEGE TAX EXEMPTIONS.
72-32 (LS)	V. Anthony Ada	AN ACT TO ADD A NEW §2228 TO CHAPTER 22 OF 15GCA RELATIVE TO INCLUDING DIGITAL ASSETS IN A DECEDENT'S ESTATE.
73-32 (LS)	D.G. RODRIGUEZ, JR. B.J.F. CRUZ A. YAMASHITA, Ph.D M. LIMTIACO	AN ACT TO RENAME THE DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE (DMHSA), TO THE "GUAM BEHAVIORAL HEALTH CENTER" (GBHC), BY AMENDING CHAPTER 86 OF TITLE 10, GUAM ANNOTATED, AND TO ALLOW FOR CHANGES TO OTHER RELEVANT LAWS AS NECESSARY SOLELY FOR CONSISTENCY WITH THE AGENCY'S NAME CHANGE.
74-32 (LS)	Judith T. Won Pat, Ed.D., Aline A. Yamashita, Ph.D., Tina Rose Muña Barnes	AN ACT TO AUTHORIZE THE DEPARTMENT OF EDUCATION TO ENTER INTO A PUBLICPRIVATE RENEWABLE ENERGY PURCHASE AGREEMENT WITH A QUALIFIED PROVIDER, BY ADDING A NEW §7120 TO CHAPTER 7 OF DIVISION 2, TITLE 17, GUAM CODE ANNOTATED.
75-32 (LS)	T.R. Muña Barnes, M.F.Q. San Nicolas, B.T. McCreadie	AN ACT TO A NEW ARTICLE 8 TO CHAPTER 3 OF TITLE 16 GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING AGGRESSIVE PANHANDLING AND PANHANDLING AT SPECIFIED LOCATIONS IN GUAM TO BE KNOWN AS THE "AGGRESSIVE PANHANDLING ACT OF 2013".

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

2013 MAR 27 PM 3:55
[Handwritten signature]

Bill No. 75-32(LS)

Introduced by:

T.R. Muña Barnes
M.F.Q. San Nicolas
B.T. McCreadie

**AN ACT TO A NEW ARTICLE 8 TO CHAPTER 3 OF TITLE 16
GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING
AGGRESSIVE PANHANDLING AND PANHANDLING AT
SPECIFIED LOCATIONS IN GUAM TO BE KNOWN AS THE
“AGGRESSIVE PANHANDLING ACT OF 2013”.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

**Section 1. A New Article 8 is hereby added to Chapter 3 of Title 16
Guam Code Annotated to read:**

“Article 8

Aggressive Panhandling Act of 2013.

§3800. Legislative Intent. Recognizing the public safety hazards posed to both pedestrians and occupants and operators of motor vehicles alike by aggressive forms of panhandling, *I Liheslaturan Guåhan* by this Act intends to prohibit such panhandling in and along the public roadways of Guam. *I Liheslaturan Guåhan* finds that this Act is a reasonable time, place, and manner regulation designed to address a specific problem, namely, that individuals seeking handouts from occupants of motor vehicles on public roadways and other places are increasing the likelihood of accidents potentially injurious to both pedestrians and motor vehicle occupants, as well as creating traffic congestion and other similar public

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1 safety hazards. This Act properly balances constitutionally protected forms
2 of speech and other communicative acts of individuals and groups on the
3 one hand, and the legitimate content-neutral interests of the Government of
4 Guam on the other hand, particularly in view of public safety concerns and
5 the availability of ample alternative methods of non-aggressive forms of
6 panhandling in other more suitable public fora. There are substantial
7 differences in nature between public streets, kept open to and pulsing with
8 vehicular traffic, and other public fora including, but not limited to, most
9 areas of sidewalks and public parks. This Act does not affect other forms of
10 non-aggressive solicitation of funds such as door-to-door, telephone, and
11 mail solicitations, and does not restrict other types of speech such as oral
12 advocacy, distribution of literature, petitioning, picketing, and other similar
13 communicative acts that do not pose public safety hazards in the same
14 manner as panhandling in the form of active solicitation of funds from motor
15 vehicle occupants by persons in and along public roadways.

16 *I Liheslaturan Guåhan* further finds that certain other types of face-to-
17 face solicitation of funds, namely solicitation calling for an immediate
18 donation at specified places, pose a separate and distinct public safety hazard
19 likewise within the ambit of the legislative power to regulate. Recognizing
20 that in-person solicitation of funds, when combined with immediate
21 exchanges of money, creates a risk of fraud and duress, this Act makes it
22 unlawful for persons to panhandle with the purpose of obtaining an
23 immediate donation of money or other thing of value in locales that are
24 particularly threatening or intrusive such as within close proximity to a bank
25 or automated teller machine (“ATM”) or other public places if the
26 solicitation is done in an aggressive manner. Additionally, to the extent that
27 panhandling may in certain circumstances constitute a form of

1 constitutionally protected speech, this Act expressly prohibits only specific
2 actions when they occur in the context of panhandling, and in no way the
3 content of that speech.

4 **§3801. Definitions.** For purposes of this Article, the following
5 words and phrases have been defined to mean:

6 (a) “*After dark*” means any time from one-half hour after
7 sunset to one-half hour before sunrise.

8 (b) “*Aggressive manner*” means any of the following:

9 (1) Approaching or speaking to a person, or following
10 a person before, during or after panhandling, if that conduct is
11 intended or is likely to cause a reasonable person to (i) fear
12 bodily harm to oneself or to another, damage to or loss of
13 property, or (ii) otherwise be intimidated into giving money or
14 other thing of value;

15 (2) Intentionally touching or causing physical contact
16 with another person or an occupied vehicle without that
17 person’s consent in the course of panhandling;

18 (3) Intentionally blocking or interfering with the safe
19 or free passage of a pedestrian or vehicle by any means,
20 including unreasonably causing a pedestrian or vehicle operator
21 to take evasive action to avoid physical contact;

22 (4) Using violent or threatening gestures toward a
23 person solicited either before, during, or after panhandling;

24 (5) Persisting in closely following or approaching a
25 person after the person solicited has been solicited and
26 informed the solicitor by words or conduct that such person
27 does not want to be solicited or does not want to give money or

1 any other thing of value to the solicitor; or

2 (6) Using profane, offensive or abusive language that
3 is inherently likely to provoke an immediate reaction, either
4 before or after solicitation.

5 (c) “*Automated teller machine*” shall mean any electronic
6 information processing device that accepts or dispenses cash in
7 connection with a credit, deposit, or convenience account.

8 (d) “*Automated teller machine facility*” shall mean the area
9 comprised of one or more automated teller machines, and any
10 adjacent space that is made available to banking customers after
11 regular banking hours.

12 (e) “*Bank*” means any member bank of the Federal Reserve
13 System, and any bank, banking association, trust company, savings
14 bank, or other banking institution organized or operated under the
15 laws of the United States, and any bank the deposits of which are
16 insured by the Federal Deposit Insurance Corporation.

17 (f) “*Credit union*” means any federal credit union and any
18 Guam-chartered credit union the accounts of which are insured by the
19 Administrator of the National Credit Union Administration.

20 (g) “*Check cashing business*” means any person duly
21 licensed as a check seller, bill payer, or prorater pursuant to Guam
22 law.

23 (h) “*Panhandling*” means using the spoken, written, or
24 printed word, or bodily gestures, signs or other means with the
25 purpose of obtaining an immediate donation of money or other thing
26 of value.

1 (i) “*Public place*” means a place to which the public or a
2 substantial group of persons has access, and includes, but is not
3 limited to, any street, highway, sidewalk, parking lot, plaza,
4 transportation facility, school, place of amusement, park, playground,
5 and any doorway, entrance, hallway, lobby and other portion of any
6 business establishment, an apartment house or hotel not constituting a
7 room or apartment designed for actual residence.

8 (j) “*Savings and loan association*” means any federal
9 savings and loan association and any “insured institution” as defined
10 in Section 401 of the National Housing Act, as amended, and any
11 federal credit union as defined in Section 2 of the Federal Credit
12 Union Act.

13 **§3802. Aggressive Panhandling and Panhandling at Specified**
14 **Locations, Prohibited.**

15 (a) No person shall engage in panhandling in an aggressive
16 manner in any public place.

17 (b) Banks and ATMs.

18 (1) No person shall panhandle within fifteen (15) feet
19 of any entrance or exit of any bank, savings and loan
20 association, or credit union, during its business hours, or within
21 fifteen (15) feet of any automated teller machine during the
22 time it is available for customers’ use. Provided, however, that
23 when an automated teller machine is located within an
24 automated teller machine facility, such distance shall be
25 measured from the entrance or exit of the automated teller
26 machine facility. Provided further that no person shall engage
27 in panhandling within an automated teller machine facility

1 where a reasonable person would or should know that he or she
2 does not have the permission to do so from the owner or other
3 person lawfully in possession of such facility. Nothing in this
4 paragraph shall be construed to prohibit the lawful vending of
5 goods and services within such areas.

6 (2) Exemptions. Section 3802(b)(1) shall not apply to
7 any unenclosed automated teller machine located within any
8 building, structure or space whose primary purpose or function
9 is unrelated to banking activities, including but not limited to
10 supermarkets, airports and school buildings, provided that such
11 automated teller machine shall be available for use only during
12 the regular hours of operation of the building, structure or space
13 in which such machine is located.

14 (c) Motor vehicles; Parking lots.

15 (1) Motor Vehicles.

16 (i) No person shall approach an operator or
17 occupant of a motor vehicle, at any time of day or night,
18 for the purpose of panhandling, while such vehicle is in
19 traffic on a public roadway;

20 (ii) No person shall engage in panhandling in
21 the medians of public roadways.

22 (2) Parking lots. No person shall engage in
23 panhandling in any public parking lot or structure any time after
24 dark.

25 (3) Exemptions. Section 3802(c)(2) shall not apply to
26 any of the following:

27 (i) Solicitations related to business that is being

1 conducted on the subject premises by the owner or lawful
2 tenants;

3 (ii) Solicitations related to the lawful towing of
4 a vehicle; or

5 (iii) Solicitations related to emergency repairs
6 requested by the operator or other occupant of a vehicle.

7 (d) Restaurants. Any person who panhandles in any outdoor
8 or indoor dining area of a restaurant or other establishment serving
9 food for immediate consumption is guilty of a violation of this section
10 if:

11 (1) He or she remains there after being asked to leave
12 by the owner, manager or supervisor of the restaurant or other
13 food establishment; the agent of the owner, manager or
14 supervisor of the restaurant; or a member of a security force
15 employed by the restaurant; or

16 (2) Within the immediately preceding thirty (30) days,
17 he or she engaged in solicitation at that location and had been
18 asked to leave by a person specified in Section 3802(d)(1).

19 (3) Exemption. Section 3802(d)(2) is not violated if a
20 person who has been requested to leave enters the property
21 within the designated period and engages in panhandling with
22 the express authorization of a person specified in Section
23 3802(d)(1).

24 **§3803. Enforcement; Penalty.** Any person engaging in
25 panhandling in violation of any provision of this Article shall be subject to a
26 fine of Two Hundred Dollars (\$200.00) for the first offense and Five
27 Hundred Dollars (\$500.00) for any subsequent offense.”

1 **Section 2. §3341. of Chapter 3, Title 16 Guam Code Annotated is**
2 **hereby repealed.**

3 **Section 3. Effective Date.** The provisions outlined in this Act shall
4 become effective sixty (60) days after enactment into public law.

5 **Section 4. Severability.** The provisions outlined in this Act are declared
6 to be separate and severable. The invalidity of any clause, sentence, paragraph,
7 subdivision, section or portion of this statute, or the invalidity of the application
8 thereof to any person or circumstance shall not affect the validity of the remainder
9 of this statute or the validity of its application to other persons or circumstances.