

I Mina Trentai Kuáttro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
324-34 (COR)	Telena C. Nelson	AN ACT TO ADD A NEW § 55.40 TO CHAPTER 55, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINALIZATION OF DISARMING OF PEACE OFFICERS.	7/16/18 1:07 p.m.	7/25/18	Committee on Housing, Utilities, Public Safety, and Homeland Security	10/10/18 1:00 p.m.	10/15/18 9:09 a.m.	Fiscal Note Request 8/30/18 Fiscal Note 9/18/18	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW	LAPSED	NOTES	
	11/28/18	AN ACT TO ADD A NEW § 55.40 TO CHAPTER 55 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINALIZATION OF DISARMING OF PEACE OFFICERS.	11/30/18	11/30/18 7:55 p.m.	12/12/18	34-149	12/13/2018	Received: 12/19/18 Mess and Comm. Doc. No. 34GL-18-2674.	



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam.

DEC 13 2018

Honorable Therese M. Terlaje
Acting Speaker
I Mina'trentai Kuáttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Via Speaker Therese M. Terlaje

34GL-18-2674

DEC 19 2018

Time: 15:34

Received by: *[Signature]*

2018 DEC 19 PM 3:55

Dear Madam Speaker:

Transmitted herewith is Bill No. 324-34 (COR), "AN ACT TO ADD A NEW § 55.40 TO CHAPTER 55 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINALIZATION OF DISARMING OF PEACE OFFICERS," which lapsed on December 13, 2018, as Public Law 34-149.

[Handwritten mark]

Senseramente,

EDDIE BAZA CALVO

2674



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

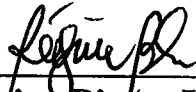
CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÁHEN GUÁHAN*

This is to certify that **Bill No. 324-34 (COR)**, “**AN ACT TO ADD A NEW § 55.40 TO CHAPTER 55 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE CRIMINALIZATION OF DISARMING OF PEACE OFFICERS,**” was on the 30th day of November 2018, duly and regularly passed.



Therese M. Terlaje
Acting Speaker

Attested:



Régine Biscoe Lee
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 30 day of NOV,
2018, at 7:55 o'clock 2.M.



Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: DEC 13 2018^{PM}

Public Law No. 34-149

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

Bill No. 324-34 (COR)

Introduced by:

Telena Cruz Nelson
Thomas C. Ada
FRANK B. AGUON, JR.
William M. Castro
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Dennis G. Rodriguez, Jr.
Joe S. San Agustin
Michael F.Q. San Nicolas
Therese M. Terlaje
Mary Camacho Torres

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

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

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

1 *I Liheslatura* further finds that the disarming of a peace officer typically elicits
2 a response from the peace officer to retrieve the weapon from the individual who
3 disarmed the officer in order to continue properly executing his or her duties. Such
4 a response, when warranted, could result in the harm of the individual or those in
5 surrounding areas. Techniques of this nature are practiced in a controlled
6 environment in order to ensure the safety of all those involved and to mitigate risk
7 in the community. The retrieval of the weapon by the peace officer also ensures that
8 the weapon is not used to harm others by the individual who disarmed the officer.

9 *I Liheslatura* further finds that there may be some misunderstanding in the
10 community about disarming a peace officer as no law currently exists. *I Liheslatura*
11 seeks to define what disarming a peace officer entails, and to provide for the
12 appropriate punishment when necessary.

13 Therefore, it is the intent of *I Liheslaturan Guåhan* to criminalize the
14 disarming of peace officers in order to create a better understanding within the
15 community of such harm and to better ensure the safety of the people of Guam.

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

18 **“§ 55.40. Disarming of a Peace Officer; Defined & Punished.**

19 (a) A person commits the crime of disarming a peace officer, as
20 defined by 17 GCA § 51101 if such person intentionally:

21 (1) removes, or attempts to remove, a firearm, deadly weapon,
22 or less-lethal weapon, including any blunt impact, chemical, or
23 conducted energy device, used in the performance of his or her official
24 duties from the person of a peace officer while said officer is acting
25 within the scope of his or her official duties; or

26 (2) deprives, or attempts to deprive, a peace officer of said
27 officer’s use of a firearm, deadly weapon, or any other equipment

1 described in Subsection (a)(1) of this Section while the officer is acting
2 within the scope of his or her official duties.

3 (b) The provisions of this Section *shall not* apply when:

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

6 (2) the peace officer was engaged in an incident involving
7 felonious conduct by the peace officer at the time the defendant
8 disarmed said officer.

9 (c) An offense under this Section is a felony of the third degree,
10 unless the defendant's intent is to injure anyone, in which case the offense is
11 a felony of the second degree."