

*I Mina'Trentai Dos Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
407-32 (COR)	Brant T. McCreadie	AN ACT TO REPEAL AND REENACT §58.60 OF CHAPTER 58, TITLE 9 GUAM CODE ANNOTATED RELATIVE TO THE CRIME OF PROMOTING PRISON CONTRABAND.	10/09/14 11:00 a.m.	10/10/14	Committee on the Guam U. S. Military Relocation, Homeland Security, Veteran's Affairs, and Judiciary			



## COMMITTEE ON RULES

*I Mina'trentai Dos na Liheslaturan Guåhan* • The 32nd Guam Legislature  
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October 10, 2014

### MEMORANDUM

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

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

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

**Subject: Referral of Bill No. 407-32(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 407-32(COR)**.

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

**MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN**  
**2014 (SECOND) Regular Session**

Bill No. 407-32 (COR)

Introduced by:

Brant McCreadie

**AN ACT TO REPEAL AND REENACT §58.60 OF  
CHAPTER 58, TITLE 9 GUAM CODE ANNOTATED  
RELATIVE TO THE CRIME OF PROMOTING  
PRISON CONTRABAND; WHICH MAY BE CITED  
AS THE CONTRABAND REFORM ACT OF 2014.**

2014 OCT -9 AM 11:00  
FAM

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

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that  
3 correctional facilities require more stringent regulations regarding what items can and  
4 cannot be brought into the facility. Unfortunately, current Guam law regarding prison  
5 contraband is quite antiquated, and does not take into account the current needs of the  
6 Department of Corrections to properly secure its facilities. Clarification in the law is  
7 needed to properly define what items are prohibited along with appropriate penalties  
8 for those who introduce, possess and promote contraband in correctional facilities. *I*  
9 *Liheslaturan Guåhan* further finds that repealing and reenacting the prison contraband  
10 statute will provide the Department of Corrections a more enforceable mandate that  
11 can deter inmates, detainees and the general public from possessing contraband in  
12 Guam's correctional facilities.

13       Therefore, it is the intent of *I Liheslaturan Guåhan* to repeal and reenact  
14 §58.60 of Chapter 58, Title 9 Guam Code Annotated relative to the crime of  
15 promoting prison contraband.

16       **Section 2.** §58.60 of Chapter 58, Title 9 Guam Code Annotated is hereby  
17 *repealed and reenacted* to read:

1 **“§58.60. Promoting Prison Contraband.**

2 (a) As used in this section:

3 (1) "Contraband" means any article or thing that a person in custody who  
4 is confined in a correctional facility is prohibited by statute, rule or policy from  
5 obtaining or possessing and the use of which could endanger the safety or  
6 security of the detention facility, any person therein, or the public.

7 (2) "Major contraband" means:

8 (A) Any controlled substance as defined by any provision of  
9 Guam law;

10 (B) Any firearm or dangerous weapon including explosives or  
11 combustibles or any plans or materials that may be used in the making or  
12 manufacturing of such weapons, explosives or devices;

13 (C) Any telecommunication or digital equipment prohibited by  
14 statute, rule or policy that provides communication, either in written or  
15 verbal messages or through the transmission of electronic data via the  
16 internet. Excluded from this definition is any device having  
17 communication capabilities that has been approved by the facility head  
18 for investigative or institutional security purposes or for conducting other  
19 official business;

20 (D) Any object or instrument intended or reasonably likely to be  
21 used in the planning or aiding in an escape or attempted escape from a  
22 correctional facility.

23 (b) No person, including a person in custody as defined by this  
24 Chapter, except as authorized by law or with permission of the facility head,  
25 shall knowingly:

1                   (A) Introduce, or attempt to introduce, contraband into a detention  
2                   facility or the grounds of a detention facility; or

3                   (B) Convey, or attempt to convey, contraband to a prisoner  
4                   confined in a detention facility; or

5                   (C) Possess, or attempt to possess, contraband within a detention  
6                   facility; or

7                   (D) Receive, obtain or remove, or attempt to receive, obtain or  
8                   remove, contraband from a detention facility.

9                   Any person, including a person in custody, who violates any provision of  
10                  this subsection shall be guilty of a misdemeanor, and on conviction thereof shall  
11                  be punished by a sentence of imprisonment for a period of no less than thirty  
12                  (30) days and or by a fine of no less than five hundred dollars (\$500.00), or by  
13                  both such minimum sentence of imprisonment and fine.

14                  (c) No person, including a person in custody as defined by this  
15                  Chapter, except as authorized by law or with permission of the facility head,  
16                  shall knowingly:

17                   (A) Introduce, or attempt to introduce, major contraband into a  
18                   correctional facility or the grounds of a detention facility; or

19                   (B) Convey, or attempt to convey, major contraband to a prisoner  
20                   confined in a detention facility; or

21                   (C) Possess, or attempt to possess, major contraband within a  
22                   detention facility; or

23                   (D) Receive, obtain or remove, or attempt to receive, obtain or  
24                   remove, major contraband from a detention facility.

25                  Any person, including a person in custody, who violates any provision of  
26                  subsection (c) of this section shall be guilty of a felony in the second degree and

1        on conviction shall be punished by a sentence of imprisonment for a period of  
2        no less than three (3) years or by a fine of no less than five thousand dollars  
3        (\$5,000), or by both such minimum sentence of imprisonment and fine.”

4        **Section 3. Effective Date.** This Act shall be effective immediately upon  
5 enactment.

6        **Section 4. Severability.** *If* any provision of this Law or its application to any  
7 person or circumstance is found to be invalid or contrary to law, such invalidity shall  
8 *not* affect other provisions or applications of this Law which can be given effect  
9 without the invalid provisions or application, and to this end the provisions of this  
10 Law are severable.