



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

01 FEB 2007

The Honorable Mark Forbes
Speaker
Mina' Bente Nuebe Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 322(LS), "AN ACT TO AMEND TITLE 5 G.C.A. §60107 TO REVISE PROCEDURES FOR THE EFFECTIVE PROSECUTION OF VIOLATIONS OF GUAM'S NATURAL RESOURCE LAWS BY THE ISSUANCE OF CITATIONS AND TO PROVIDE THAT FINES AND PENALTIES COLLECTED THEREUNDER SHALL BE DEPOSITED INTO THE WILDLIFE CONSERVATION FUND" which I signed into law on January 29, 2007, as Public Law 28-174.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Ray Tenorio
Senator and Secretary of the Legislature



126

Office of the Speaker
MARK FORBES

Date: 2/2/07
Time: 11:00 am
Rec'd by: [Signature]
Print Name: [Signature]

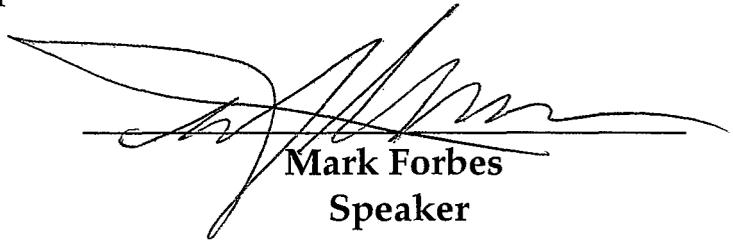
29-07-0126

[Handwritten notes: 5:04 PM, 2/5/07]

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2006 (SECOND) Regular Session

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

This is to certify that Bill No. 322 (LS), "AN ACT TO AMEND TITLE 5 G.C.A. §60107 TO REVISE PROCEDURES FOR THE EFFECTIVE PROSECUTION OF VIOLATIONS OF GUAM'S NATURAL RESOURCE LAWS BY THE ISSUANCE OF CITATIONS AND TO PROVIDE THAT FINES AND PENALTIES COLLECTED THEREUNDER SHALL BE DEPOSITED INTO THE WILDLIFE CONSERVATION FUND," as amended, was on the 20<sup>th</sup> day of December, 2006, duly and regularly passed.

  
Mark Forbes  
Speaker

Attested:

  
Edward J.B. Calvo  
Senator and Secretary of the Legislature

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This Act was received by *I Maga'lahen Guåhan* this 30 day of Dec, 2006, at  
1:30 o'clock p.M.

  
Assistant Staff Officer  
Maga'lahi's Office

APPROVED:  
  
FELIX P. CAMACHO  
*I Maga'lahen Guåhan*

Date: 29 JAN 2007

Public Law No. 28-174

**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN**  
**2006 (SECOND) Regular Session**

**Bill No. 322 (LS)**

As amended on the Floor.

Introduced by:

J. M.S. Brown  
J. T. Won Pat  
F. B. Aguon, Jr.  
Edward J.B. Calvo  
B. J.F. Cruz  
Mike Cruz  
Mark Forbes  
L. F. Kasperbauer  
R. Klitzkie  
J. A. Lujan  
A. B. Palacios, Sr.  
R. J. Respicio  
Ray Tenorio  
A. R. Unpingco

**AN ACT TO *AMEND* TITLE 5 G.C.A. §60107 TO REVISE  
PROCEDURES FOR THE EFFECTIVE PROSECUTION  
OF VIOLATIONS OF GUAM'S NATURAL RESOURCE  
LAWS BY THE ISSUANCE OF CITATIONS AND TO  
PROVIDE THAT FINES AND PENALTIES  
COLLECTED THEREUNDER SHALL BE DEPOSITED  
INTO THE WILDLIFE CONSERVATION FUND.**

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

2           **Section 1. Legislative Findings and Intent.** *I Liheslatura* finds that effective  
3 deterrence of violations of Guam's Natural Resource laws requires an amendment of  
4 the current statutes on the subject. Therefore, *I Liheslaturan Guåhan* intends to apply  
5 §60107 of Chapter 60, Title 5 Guam Code Annotated, to Chapter 63, Title 5 Guam  
6 Code Annotated.

1           **Section 2:** §60107 of Article 1, Chapter 60, Division 6 of Title 5 Guam Code  
2 Annotated is *amended* to read:

3           **“§60107. Violation.**

4           (a)       The Director of the Department of Agriculture, through the  
5                   Administrative Adjudication Law, is hereby authorized to enact  
6                   schedules for penalties and citations that:

7                   (1) do not exceed One Thousand Dollars (\$1,000.00) per  
8                   incident; and

9                   (2) allow any peace officer on Guam to issue a citation for a  
10                   violation of Chapters 60 and 63 of Title 5 of the Guam Code  
11                   Annotated, their supporting regulations and Public Law 24-21 as  
12                   appropriate.

13           (b)       (1) A citation issued pursuant to Chapters 60 and 63 of Title 5 of  
14                   the Guam Code Annotated, their supporting regulations and Public  
15                   Law 24-21, shall be accompanied by a notice to appear at the Traffic  
16                   Court Division of the Superior Court of Guam. Failure of the person  
17                   cited to appear as directed by the notice may subject him to further  
18                   penalties for contempt of court.

19                   (2) Violations of this Article shall be prosecuted in the Traffic  
20                   Court Division of the Superior Court of Guam, which shall impose the  
21                   penalties created herein. Parents and legal guardians shall be  
22                   responsible for any violations hereof committed by minors under their  
23                   custody.

24           (c)       All monies collected by the court for fines and penalties imposed  
25                   hereunder shall be transferred to the Wildlife Conservation Fund as  
26                   described in §63130 of Article 1, Chapter 63, Division 6 of Title 5 of

1 the Guam Code Annotated. The Superior Court shall render a  
2 quarterly report to the Department of Agriculture reflecting  
3 defendants' names, addresses and other identifying information  
4 regarding violators who have been ordered to remit fines and  
5 penalties. The Superior Court shall create forms approved by the  
6 Director of the Department of Agriculture for citations, record  
7 violations, provide for the administration of the prosecution of  
8 violators and establish an orderly, secure and efficient procedure for  
9 the processing of Natural Resource citations pursuant to Subsections  
10 (a) and (b) hereof.

11 (d) The Director of the Department of Agriculture may enter into such  
12 written Memoranda of Understanding with the Superior Court of  
13 Guam and other government of Guam agencies as are necessary to  
14 effectuate the purposes of this Act.

15 (e) The Director of the Department of Agriculture may also enact  
16 such regulations to effectuate the purposes of this Act as are  
17 appropriate. The existing penalties as described in §63129 of Chapter  
18 63 of Title 5 of the Guam Code Annotated, Public Law 28-107, and  
19 their supporting regulations to include Public Law 24-21 shall remain  
20 in effect until the new schedule of penalties and citations is enacted.

21 (f) Nothing in this Section shall nullify or modify any civil or criminal  
22 law enforcement powers, penalties or obligations granted by federal  
23 or local law to the Department of Agriculture to punish offenses of the  
24 hunting and fishing laws of Guam, including, but not limited to, the  
25 right to perform searches and seizures, to make lawful arrests and to  
26 seek and recover the forfeiture of items employed by violators.”