

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via email to: speaker@guamlegislature.org

August 11, 2023

HONORABLE THERESE M. TERLAJE, Speaker
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Bill No. 79-37 (COR) - AN ACT TO AMEND § 80.37(a)(1) OF ARTICLE 2, CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO A SPECIAL ALLEGATION OF POSSESSION AND USE OF A DEADLY WEAPON IN THE COMMISSION OF A FELONY

Håfa Adai Madame Speaker,

Bill No. 79-37 (COR) amends Guam's Criminal Correctional Code by mandating imprisonment of no less than ten (10) years and no more than twenty-five (25) years when a firearm is unlawfully possessed or used during the commission of a felony in addition to the punishment imposed for the commission of the felony. The current law contains a sentencing enhancement of five (5) to twenty-five (25) years for unlawfully possessing or using a deadly weapon in commission of a felony, in addition to the punishment imposed for the commission of the felony.

Our Administration supports preventing and deterring violent crimes in our community, and we recognize that firearms cause severe injury to victims of crime. For this reason, I am signing Bill No. 79-37 (COR) into law as ***Public Law No. 37-37***.

Senseramente,

A handwritten signature in black ink, reading "Lourdes A. Leon Guerrero".

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

Enclosure: Bill No. 79-37 (COR) nka P.L. 37-37

cc via email: *Honorable Joshua F. Tenorio, Sigundo Maga'låhen Guåhan, Lt. Governor of Guam*
Compiler of Laws

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

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

This is to certify that **Bill No. 79-37 (COR), "AN ACT TO AMEND § 80.37(a)(1) OF ARTICLE 2, CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO A SPECIAL ALLEGATION OF POSSESSION AND USE OF A DEADLY WEAPON IN THE COMMISSION OF A FELONY,"** was on the 28th day of July 2023, duly and regularly passed.



Therese M. Terlaje
Speaker

Attested:



Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 31st day of July,
2023, at 1:09 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 8/11/2023

Public Law No. 31-37

2023-19654
OFFICE OF THE GOVERNOR
CENTRAL FILES
Elaine Tajalla
RECEIVED BY
TIME 1:09 pm

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2023 (FIRST) Regular Session

Bill No. 79-37 (COR)

As amended on the Floor.

Introduced by:

Thomas J. Fisher
Jesse A. Lujan
Roy A. B. Quinata
Chris Barnett
Tina Rose Muña Barnes
Christopher M. Dueñas
Dwayne T.D. San Nicolas
Frank Blas, Jr.
Joanne Brown
Sabina Flores Perez
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje
William A. Parkinson

**AN ACT TO *AMEND* § 80.37(a)(1) OF ARTICLE 2,
CHAPTER 80, TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO A SPECIAL ALLEGATION OF
POSSESSION AND USE OF A DEADLY WEAPON IN
THE COMMISSION OF A FELONY.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* has taken note of the increased use of firearms in the commission of felonies, as well as in crimes related to controlled substances. Within a very short time prior to the introduction of this bill, violent crimes have occurred in two (2) of our southern villages involving firearms, one (1) of which resulted in a death. *I Liheslaturan*

1 *Guåhan* further finds that those criminals who will use lethal force in the
2 commission of a felony represent a particular danger to the people of Guam and
3 those who would use a particularly dangerous instrument, such as a firearm, merit
4 an increased punishment which removes them as a source of danger to Guam.

5 **Section 2.** § 80.37(a)(1) of Article 2, Chapter 80, Title 9, Guam Code
6 Annotated, is *amended* to read:

7 **“§ 80.37. Deadly Weapons Used in Felonies; Sentence.**

8 (a) Whoever unlawfully possesses or uses a deadly weapon in the
9 commission of a felony punishable under the laws of Guam shall,

10 (1) in addition to the punishment imposed for the commission
11 of such felony, be imprisoned for a term of not less than five (5) years
12 nor more than twenty-five (25) years; and whoever unlawfully
13 possesses or uses a firearm, as that term is defined in Title 10 Guam
14 Code Annotated § 60100(a), in the commission of a felony punishable
15 under the laws of Guam shall, in addition to the punishment imposed
16 for the commission of such felony, be imprisoned for a term of not less
17 than ten (10) years nor more than twenty-five (25) years; and”

18 **Section 3. Severability.** If any provision of this Act or its application to any
19 person or circumstance is found to be invalid or inorganic, such invalidity shall not
20 affect other provisions or applications of this Act that can be given effect without
21 the invalid provision or application, and to this end the provisions of this Act are
22 severable.