

Public Law 23-087

Bill No. 193 (LS)

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AN ACT TO ADD A NEW CHAPTER 48 TO TITLE 17, GUAM CODE ANNOTATED; AND TO ADD NEW §§80.33.01, 80.33.02, AND 80.33.03 TO TITLE 9, GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING "DRUG FREE SCHOOL ZONES" AND PROVIDING FOR RELATED PENALTIES.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. Legislative Statement and Intent. The abuse of drugs by our youth has reached a near state of emergency here on Guam. Drug abuse and its related activities directly threaten the safety of Guam's students; students who abuse drugs are risking serious damage to their health and even risking death; and students who attend schools where drugs are used or sold find themselves surrounded by drug related violence. Drug use in our schools detracts from the efforts of many hardworking school personnel and students to create an atmosphere where a good education is the top priority and the highest achievement.

The Legislature recognizes the efforts of the Department of Education (DOE) and other agencies in fighting the drug problem in schools. DOE's "Just Say No" program, the DARE program, and other anti-drug education programs are examples of how students and adults together are waging the campaign against drugs in schools. These programs, however, could always use further support and further measures to ensure the safety of Guam's students and to fight the war against drugs, against violence, and against crime in general in our educational system.

The Legislature finds that its interests in protecting Guam's students from the drug use epidemic are not isolated. In fact, one of the six main national educational goals adopted in 1989 by the U.S. federal government was that every school in America be free of drugs and violence by the year 2000; the Legislature agrees wholeheartedly with this goal.

The Legislature, then, in an effort to join forces with parents and students, hereby establishes

drug free school zones in or near our schools, their accompanying grounds, and other designated areas. Persons who possess, use, deliver, sell, or transport illegal drugs in or around Guam's schools shall face stricter and harsher penalties including longer prison terms. Minors who violate the drug free school zones policy may be, at the discretion of the courts, subjected to more extensive community service, and they may even be tried as adults if a judge believes that to be in the best interest of the student, the school, and the public in general. Furthermore, school personnel will have a greater responsibility to report drug offenses and violations immediately or face certain penalties.

The intent of the Drug Free School Zones Act is to rid Guam's schools of the drug problems which run rampant in all other facets of our community. The Legislature hopes that, through passage of this Act, Guam's students will enjoy a safer learning environment in their schools, administrators will have a stronger mandate to continue the war against illegal drugs, and parents will be reassured that their children are protected the minute they set foot upon school grounds. In the end, the Legislature intends the stricter penalties to deter the abuse of drugs and its related violence in Guam's educational systems.

Section 2. Drug-Free School Zones. A new Chapter 48 is hereby added to Title 17, Guam Code Annotated, to read:

"Chapter 48 DRUG FREE SCHOOL ZONES

§48000. Title.

§48001. Definitions.

§48002. Establishment of Drug Free School Zones.

§48003. Designation of School Zones: Responsibilities of the Schools.

§48004. Drug Free School Zone Maps.

§48000. Title. This Chapter shall be known as the "Drug Free School Zones Act."

§48001. Definitions. The following terms shall have the following meanings within this chapter unless the definition is manifestly inapplicable within the general context in which it is used.

Drug free school zone means any area within five hundred (500) feet of a school or its accompanying grounds, at a school bus stop or on any school bus or bus which transports pupils to any school.

School means any establishment, public or private, for the care and education of students from kindergarten through grade twelve (12) and any college or university or educational institution of higher learning.

Public School means any school established under the laws of the territory, maintained at the public expense by taxation, and open to the children of the residents of the territory and its respective districts.

Private School means any school maintained by private individuals, religious organizations, or corporations, not at public expense, and open only to pupils selected and admitted by the proprietors or governors, or to pupils possessing certain qualifications, and generally supported, at least in part, by tuition fees or charges.

Accompanying grounds means the respective campuses, recreational areas, athletic fields, student housing, or other property of each school which are owned, used, or operated by their respective governing boards of the schools or chief administrative officers in the case of private schools.

§48002. Establishment of Drug Free School Zones. There is hereby established a drug free school zone within a five hundred (500) foot area of any school or its accompanying grounds,

within a one hundred (100) foot area of a school bus stop, or within any school bus or bus which transports pupils to any school. A person who commits an offense under Chapter 67 of Title 9, Guam Code Annotated, within the drug free school zone shall be in violation of this section.

§48003. Designation of School Zones: Responsibilities of the Schools. The following provisions shall apply relative to the coordination, establishment, and designation of drug free school zones:

It shall be the responsibility of schools, both public and private, and their respective governing boards or their designees, or the chief administrative officer in the case of private schools, to coordinate the establishment and designation of the drug free school zones.

The respective governing boards of the schools, or the chief administrative officer in the case of private schools, shall place and maintain permanently affixed and plainly visible signs at the main entrances of each school which identify the school and its accompanying grounds as a drug free school zone and which outline the penalties associated with violations of the Drug Free School Zones Act. The respective governing boards of the schools, or the chief administrative officer in the case of private schools, shall determine the actual size of such signs.

Upon enactment, a copy of the Drug Free School Zones Act shall be transmitted to the respective governing boards, or the chief administrative officers in the case of private schools, and it shall be their responsibility, at their discretion, to disseminate the information to parent groups and to the community.

The respective governing boards of the schools, or the chief administrative officer in the case of private schools, shall transmit to the Legislature, within ninety (90) days, a status report on the establishment and designation of the drug free school zones within their respective jurisdictions.

§48004. Drug Free School Zone Maps. The respective governing boards of the schools or their designees, or the chief administrative officer in the case of any private school, shall prepare drug free school zone maps for their respective jurisdictions and shall submit copies of the original maps to the Office of the Attorney General as well as to the Department of Land Management for the purposes of record-keeping. These shall constitute the official record as to the location and boundaries of each drug free school zone. The respective governing boards of the schools or their designees, or the chief administrative officer in the case of any private school, shall notify the Office of the Attorney General and the Department of Land Management whenever there are changes in the location and boundaries of any school property and drug free school zone."

Section 3. Penalties for Violations of Drug Free School Zones Act. A §80.33.01 is hereby added to Chapter 80 of Title 9, Guam Code Annotated, to read:

"§80.33.01. Penalties for Violations of Drug Free School Zones Act. A person who violates the provisions of §48002 of Chapter 48, Title 17, GCA, is guilty of the same class of felony as set out in Article 2, Chapter 80, Title 9, GCA that the person would otherwise be guilty of had the violation not occurred within a drug free school zone, but the minimum, maximum, and presumptive sentence for that violation shall be increased by no less than five (5) years. A person convicted of violating §48002 of Chapter 48, Title 17, GCA, shall not be eligible for suspension of sentence, probation, pardon or release from confinement on any basis until the sentence imposed by the court has been served or commuted. The additional sentence imposed under this section shall not run concurrently with the original sentence nor any other additional sentence which may otherwise be applicable."

Section 4. Penalties for Failure to Report Violations of the Drug Free School Zones Act. A new §80.33.02 is hereby added to Chapter 80 of Title 9, Guam Code Annotated, to read:
"§80.33.02. **Failure to Report Violations of the Drug Free School Zones Act.** Any school personnel who observe a violation of the Drug Free School Zones Act shall immediately report the violation to a school administrator. The administrator shall immediately report the violation to a peace officer. It is unlawful for any school personnel or school administrator to knowingly fail to report a violation as prescribed in this section. A person who violates this section is guilty of a misdemeanor."

Section 5. Penalties for Minors in Violation of the Drug Free School Zones Act. A new §80.33.03 is hereby added to Chapter 80 of Title 9, Guam Code Annotated, to read:
"§80.33.03. **Penalties for Minors in Violation of the Drug Free School Zones Act.** It is the intent of the Drug Free School Zones Act ("the Act") to penalize any person, including minors, determined by the courts to be in violation of the provisions of §48002, Chapter 48, Title 17, Guam Code Annotated. Any minor who commits an offense under the Act is guilty of the same or similar offense that he would have been guilty of if the offense had taken place outside of a drug free school zone. It is hereby recommended, at the discretion of the individual judge in cases involving juveniles who violate the Act, that a minimum sentence of one hundred (100) hours of community service be rendered in addition to the basic sentence which would otherwise have been issued if the violation had occurred outside a drug free school zone."

Section 6. Effective Date. The provisions of this Act shall become effective immediately upon enactment.