



*Office of Senator James C. Moylan*

I MINA TRENTAI SINGKO NA LIHESLATURAN GUÅHAN | 35TH GUAM LEGISLATURE

**APRIL 8, 2020**

## **STATEMENT FROM SENATOR JAMES C. MOYLAN**

### **REASONABLE PENALTIES AND ENFORCEMENT – YES / JAIL TIME – NO**

(Hagåtña, Guam). As the 35th Guam Legislature prepares to go into an emergency session on Thursday, April 9, 2020, one of the measures that may be introduced will be Bill 334-35, which proposes that any individual who violates the Governor’s Executive Order (E.O.), if convicted shall be guilty of a misdemeanor, and will be fined up to \$5,000 and/or jailed for up to one year. While I absolutely agree that we need to establish penalties for such consequences during this emergency health pandemic, absurd monetary fines and/or jail time should not add to the hysteria already circulating within our community.

This is why if this measure is introduced during session, I will be proposing an amendment as follows:

If one violates the Governor’s E.O. they shall be issued a citation with a fine of \$500. If they commit a second offense, they shall be charged with a 4<sup>th</sup> degree misdemeanor with a fine of \$1,000. Any subsequent violations shall result in a charge of a 3<sup>rd</sup> degree misdemeanor, with a fine of \$2,500. Jail time should not be an option.

Almost 13,000 island residents have had their employment impacted by this pandemic as of yesterday, and with E.O.’s changing daily, it is easy for an individual to realize that they have not been updated on the latest prohibitions. Which is why the initial fines should not be absurd. Likewise, we don’t need to be adding to our already full prison system or exposing our law enforcement officers to additional risks.

I agree that we need to starve this virus, and it begins with increasing the enforcement of existing E.O. provisions. This includes assuring more village patrolling by both the Guam Police Department and the National Guard, as well as increasing regulatory enforcement of businesses whose actions may be in violation. Even the speed traps and DWI checkpoints have a great potential of deterrence.

What I don’t agree with is a police state, or curfews, which will unfortunately add to our already limited and drained resources. History has proven that during a period of a depressing economy, criminal activity increases, hence we need our law enforcement officials ensuring the community is safe. There are people who still need to work or provide for their families, that enhancing

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additional stress during this tumultuous period is unnecessary. Likewise, if current enforcement efforts are not effective, there are no guarantees that additional layers will be beneficial. So, our recommendation to the administration is simple, focus on what you currently have and let's make it work.

Lastly, for the people of Guam...stay home and let's save lives. If you need to leave your premises, it should be for essential purposes, and if they aren't, I agree with many in the community that there needs to be some consequences for your actions. We can do this, and God Bless Guam.

**END OF STATEMENT**

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