

**8 GCA CRIMINAL PROCEDURE
CH. 30 “STOP AND FRISK” ACT**

**CHAPTER 30
“STOP AND FRISK” ACT**

- § 30.10. Detention Permitted; Standards.
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§ 30.10. Detention Permitted; Standards.

Whenever a peace officer encounters any person under circumstances which reasonably indicate that such person has committed, is committing or is about to commit a criminal offense, the peace officer may detain such person.

COMMENT: Chapter 30, the *Stop and Frisk Act*, has been transferred directly from §§ 735 through 736.4 of the Penal Code -- with only minor, non-substantive changes to fit with the structure of the Code.

§ 30.20. Detention; Purpose Defined, Limited.

Detention pursuant to § 30.10 shall be for the purpose of ascertaining the identity of the person detained and the circumstances surrounding his presence abroad which lead the officer to believe that he had committed, was committing, or was about to commit a criminal offense, but such person shall not be compelled to answer any inquiry of the peace officer.

§ 30.30. Time and Place Limitations Upon Detention.

No person shall be detained under the provisions of § 30.10 longer than is reasonably necessary to effect the purposes of that section, and in no event longer than fifteen (15) minutes. Such detention shall not extend beyond the place where it was first effected or the immediate vicinity thereof.

§ 30.40. When Arrest Permitted; Release Required.

If at any time after the onset of the detention authorized by § 30.10, probable cause for arrest of the person shall appear, the person shall be arrested. If after an inquiry into the circumstances which prompted the detention, no probable cause for the arrest of the person shall appear, he shall be released.

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§ 30.50. Weapons Search Permitted.

Whenever a peace officer authorized to detain any person under the provisions of § 30.10 reasonably believes that a person whom he has detained, or is about to detain, is armed with a dangerous weapon and therefore offers a threat to the safety of the officer or another, the peace officer may search such person to the extent necessary to disclose, and for the purpose of disclosing, the presence of such weapon. If such a search discloses a weapon or any evidence of a criminal offense, it may be seized.

COURT DECISIONS: DISTRICT COURT, APP. DIV. 1979, No search is authorized under the *Stop and Frisk Act* unless a peace officer reasonably believes that the person detained may be armed with a dangerous weapon and therefore appears to be a threat to the safety of the officer or another person. *People v. Quitugua*, D.C. Guam, App. Div., Cr. #78-042A

§ 30.60. Limitations Upon Admissibility of Seized Evidence.

Nothing seized by a peace officer in the search authorized by § 30.50 shall be admissible against any person in any court of this Territory unless both the detention and the search which disclosed its existence was authorized by, and conducted in compliance with, the provisions of this Chapter.
