

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

January 22, 2021

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OFFICE OF THE SPEAKER
THERESE M. TERLAJE

HONORABLE THERESE M. TERLAJE

Speaker

I Mina'trentai Sais Na Liheslaturan Guåhan

36th Guam Legislature

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

-01- 22 2021

Time: 5:23 pm

Received: [Signature]

RE: BILL NO. 185-35 (COR) - AN ACT TO AMEND AND RENUMBER SUBSECTIONS 70.01 THROUGH 70.11 OF ARTICLE 1, CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED; TO AMEND SUBSECTION 34111 OF ARTICLE 1, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND SUBSECTION 3119(a) OF PART 3, CHAPTER 3, TITLE 8, GUAM ADMINISTRATIVE RULES AND REGULATIONS; AND TO REPEAL SUBSECTIONS 34112, 34120, AND 34205 OF CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND SUBSECTION 3116(b) AND (c) OF PART 3, AND PART 6, ALL OF CHAPTER 3, TITLE 9, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ESTABLISHING THE PROTECTING ANIMAL WELFARE AND SAFETY (PAWS) ACT, ALSO KNOWN AS PUGUA'S LAW; AND TO INCREASE CIVIL LIABILITIES AND CRIMINAL SENTENCES, CREATING NEW CRIMINAL CHARGES FOR EMPLOYERS AND INDIVIDUALS, AND REPEALING PREVIOUS PROTECTIONS FOR LANDOWNERS FROM TRESPASS; AND AMENDING PREVIOUS PROTECTIONS FROM ANIMAL ATTACKS

Buenas yan Hafa Adai Madame Speaker!

A quote widely attributed to Mahatma Gandhi states that “the greatness of a nation and its moral progress can be judged by the way its animals are treated.” Bill No. 185-35, also known as the Protecting Animal Welfare and Safety (PAWS) Act, seeks to fill critical gaps in local law addressing the humane treatment of Guam's animals. Animal abuse comes in many forms on our island, and our existing statutes were simply not enough to prevent the mistreatment of animals or punish the individuals responsible for such mistreatment. Consequently, news reports and stories on social media frequently detail stories of extreme acts of cruelty against animals, often for sport or entertainment. Many of us have also witnessed more subtle acts of abuse and neglect due to inhumane living conditions in our own communities. It is my sincere hope that implementation of Bill No. 185-35, which is now known as **Public Law No. 35-144**, or *Pugua's Law*, in particular its

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To: Speaker Terlaje
Fr: Governor of Guam
Date: January 22, 2021
Re: Bill No. 185-35 (COR) *nka P.L. 35-144*

Page 2 of 2

enhancements to available penalties for offenders, will help us raise the standard of animal welfare and safety on our island to a level that reflects the compassion and kindness of our people.

Senseremente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

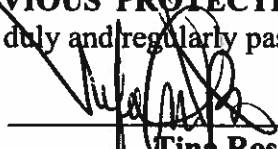
Enclosure(s): Bill No. 185-35 (COR) *nka P.L. 35-144*

cc: *Honorable Joshua F. Tenorio, Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
2020 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÁGAN GUÁHAN*

This is to certify that **Bill No. 185-35 (COR)**, “**AN ACT TO *AMEND AND RENUMBER* §§ 70.01 THROUGH 70.11 OF ARTICLE 1, CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED; TO *AMEND* § 34111 OF ARTICLE 1, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND § 3119(a) OF PART 3, CHAPTER 3, TITLE 9, GUAM ADMINISTRATIVE RULES AND REGULATIONS; AND TO *REPEAL* §§ 34112, 34120, AND 34205 OF CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND § 3116(b) AND (c) OF PART 3, AND PART 6, ALL OF CHAPTER 3, TITLE 9, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ESTABLISHING THE *PROTECTING ANIMAL WELFARE AND SAFETY (PAWS) ACT*, ALSO KNOWN AS *PUGUA'S LAW*; AND TO INCREASE CIVIL LIABILITIES AND CRIMINAL SENTENCES, CREATING NEW CRIMINAL CHARGES FOR EMPLOYERS AND INDIVIDUALS, AND REPEALING PREVIOUS PROTECTIONS FOR LANDOWNERS FROM TRESPASS; AND AMENDING PREVIOUS PROTECTIONS FROM ANIMAL ATTACKS,” was on the 23rd of December 2020, duly and regularly passed.**



Tina Rose Muña Barnes
Speaker

Attested:



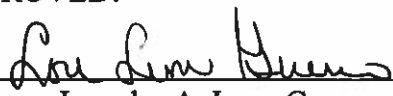
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 23rd day of Dec, 2020, at 2:39 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 1/22/2021

Public Law No. HA 35-144

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 185-35 (COR)

As amended by the Committee on Health,
Tourism, Historic Preservation, Land and Justice;
and substituted and amended on the Floor.

Introduced by:

Sabina Flores Perez
Louise B. Muña
James C. Moylan
Joe S. San Agustin
Amanda L. Shelton
Mary Camacho Torres
Telo T. Taitague
Kelly Marsh (Taitano), PhD
Régine Biscoe Lee
Jose "Pedo" Terlaje
William M. Castro
Tina Rose Muña Barnes
Telena Cruz Nelson
Clynton E. Ridgell
Therese M. Terlaje

AN ACT TO AMEND AND RENUMBER §§ 70.01 THROUGH 70.11 OF ARTICLE 1, CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED; TO AMEND § 34111 OF ARTICLE 1, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND § 3119(a) OF PART 3, CHAPTER 3, TITLE 9, GUAM ADMINISTRATIVE RULES AND REGULATIONS; AND TO REPEAL §§ 34112, 34120, AND 34205 OF CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND § 3116(b) AND (c) OF PART 3, AND PART 6, ALL OF CHAPTER 3, TITLE 9, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO ESTABLISHING THE *PROTECTING ANIMAL WELFARE AND SAFETY (PAWS) ACT*, ALSO KNOWN AS *PUGUA'S LAW*; AND TO INCREASE CIVIL LIABILITIES AND CRIMINAL SENTENCES, CREATING NEW CRIMINAL CHARGES FOR EMPLOYERS AND INDIVIDUALS, AND REPEALING PREVIOUS PROTECTIONS FOR LANDOWNERS FROM TRESPASS; AND AMENDING PREVIOUS PROTECTIONS FROM ANIMAL ATTACKS.

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

2 **Section 1. Legislative Findings and Intent.** On September 27, 2018, a pet
3 dog named Pugua was found shot and killed in the carport of a Yigo home. His case
4 galvanized our community to rally against animal abuse. With our island’s well-
5 established concern and advocacy for the welfare of animals, our laws must now be
6 updated to reflect our values.

7 *I Liheslaturan Guåhan* finds that it is the intent of the government of Guam to
8 properly protect and promote the well-being and safety of animals. As such, the
9 *Protecting Animal Welfare and Safety (PAWS) Act* reinforces existing standards for
10 animal welfare and provides best practices to ban previously unaddressed forms of
11 cruelty to animals, such as bestiality, and improves the ability to enforce these laws.

12 The *PAWS Act* further establishes pre-conviction processes regarding rights
13 and procedures for seizing an animal. The measure also includes post-conviction
14 procedures regarding community service, education, mental health evaluation and
15 treatment, and restitution.

16 Exemptions are maintained for self-defense, hunting of game animals, public
17 health emergencies, animals properly raised and managed for food, accepted
18 veterinarian practices or good animal husbandry, proper eradication of invasive
19 species, disinfestation of pests, and cockfighting.

20 With these measures, *I Liheslaturan Guåhan* intends to increase protections
21 for the betterment of animal welfare and safety. Once enacted, the *PAWS Act* shall
22 also be referred to as *Pugua’s Law*, to honor the memory of the pet who spurred the
23 need to update Guam’s cruelty to animal laws.

24 **Section 2.** §§ 70.01 through 70.11 of Article 1, Chapter 70, Title 9, Guam
25 Code Annotated, are hereby *amended* and *renumbered* to read:

1 **“§ 70. 10. Title.**

2 §§ 70.10 through 70.10.15 of this Article may be cited as the *Protecting*
3 *Animal Welfare and Safety (PAWS) Act* or *Pugua’s Law*.

4 **§ 70.10.1. Definitions.**

5 For the purposes of §§ 70.10 through 70.10.15 of this Article:

6 (a) *Animal* means any nonhuman mammal, bird, reptile,
7 amphibian, or fish, and is inclusive of, but not limited to, livestock and
8 domestic animals.

9 (b) *Caregiving agency* means an animal shelter, humane
10 society, or other animal care agency that has as its principal purpose the
11 humane treatment of animals, and that has temporary custody of an
12 animal after the animal has been seized.

13 (c) *Domestic animal* means any animal, other than livestock,
14 that is owned by a person or in a person’s possession.

15 (d) *Good animal husbandry* includes, but is not limited to, the
16 dehorning of cattle, the docking of horses, sheep or swine, and the
17 castration or neutering of livestock, or the ear cropping and tail docking
18 of dogs, according to accepted practices of veterinary medicine or
19 animal husbandry.

20 (e) *Guardian* means a person who has possession, title,
21 ownership interest, or other legal interest in an animal.

22 (f) *Livestock* means cattle, carabao, swine, deer, sheep, goats,
23 equine, and poultry raised for labor, food, or other purposes.

24 (g) *Minimum care* means care reasonably sufficient to
25 preserve the health and well-being of an animal and, except for
26 emergencies or circumstances beyond the reasonable control of the
27 guardian, includes, but is not limited to, the following requirements:

1 (1) open or adequate access to food of reasonable
2 quantity and quality to allow for normal growth or maintenance
3 of body weight;

4 (2) open or adequate access to potable water of
5 reasonable quality and quantity to satisfy the animal's needs;

6 (3) access to a structure reasonably sufficient to protect
7 the animal from wind, rain, sun, or other environmental or
8 weather conditions;

9 (4) veterinary and other care deemed necessary by a
10 reasonably prudent person to relieve distress from injury,
11 neglect, or disease;

12 (5) for a domestic animal, continuous access to an area:

13 (A) with reasonably adequate space for exercise
14 necessary for the health of the animal;

15 (B) with air temperature reasonably suitable for
16 the health of the domestic animal;

17 (C) with adequate ventilation;

18 (D) with regular diurnal lighting cycles of either
19 natural or artificial light; and

20 (E) kept reasonably clean and free from excess
21 waste or other contaminants that could affect the health of
22 the animal(s).

23 (h) *Officer* means a member of the Guam Police Department,
24 a Mayor of Guam, an Animal Control Officer, a Conservation Officer,
25 or any other person authorized by law by the Chief of the Guam Police
26 Department or by the Director of the Department of Agriculture.

1 (i) *Person* means an individual, corporation, trust,
2 partnership, association, or any other legal entity.

3 (j) *Physical injury* means physical trauma, impairment of
4 condition, or pain or illness produced by violence or by a thermal or
5 chemical agent, and includes, but is not limited to, starvation,
6 dehydration, hypothermia, hyperthermia, muscle atrophy, restriction of
7 blood flow to a limb or organ, mange or other skin disease, or parasitic
8 infestation.

9 (k) *Physical trauma* means fractures, cuts, punctures, bruises,
10 burns, or other wounds.

11 (l) *Possession* means to have physical custody or to exercise
12 dominion with intent of ownership or control over an animal.

13 (m) *Serious physical injury* means physical injury that creates
14 a substantial risk of death or that causes protracted disfigurement,
15 protracted impairment of health, or protracted loss or impairment of the
16 function of a limb, body part, or bodily organ.

17 (n) *Torture* means an action taken with the intent of inflicting
18 or prolonging pain or suffering.

19 (o) *Suffering* means fear, agitation, severe depression or
20 stress, or other forms of severe emotional or mental distress.

21 **§ 70.10.2. Animal Neglect (Violation).**

22 (a) A person commits the offense of Animal Neglect if, except as
23 otherwise authorized by § 70.10.11 of this Article, the person intentionally,
24 knowingly, or recklessly fails to provide minimum care for an animal in the
25 person's possession.

26 (b) Animal Neglect is an offense punishable by a fine of not more
27 than Five Hundred Dollars (\$500) per offense.

1 (c) Each act or omission in violation of Subsection (a) of this Section
2 shall constitute a separate offense.

3 **§ 70.10.3. Animal Abuse.**

4 (a) A person commits the crime of Animal Abuse if, except as
5 otherwise authorized by § 70.10.11 of this Article, the person intentionally,
6 knowingly, recklessly, or with criminal negligence:

7 (1) causes physical injury to an animal;

8 (2) causes serious physical injury to an animal; or

9 (3) causes the death of an animal.

10 (b) Animal Abuse under Subsection (a)(1) of this Section is a
11 misdemeanor. Animal Abuse under Subsection (a)(2) or (a)(3) of this Section
12 is a third degree felony.

13 (c) Each act or omission in violation of Subsection (a) of this Section
14 shall constitute a separate offense.

15 **§ 70.10.4. Aggravated Animal Abuse.**

16 (a) A person commits the crime of Aggravated Animal Abuse if,
17 except as otherwise authorized by § 70.10.11 of this Article, the person
18 intentionally, knowingly, recklessly, or with criminal negligence:

19 (1) tortures an animal; or

20 (2) causes the death of an animal under circumstances
21 demonstrating malice aforethought.

22 (b) Aggravated Animal Abuse is a second degree felony.

23 (c) Each act or omission in violation of Subsection (a) of this Section
24 shall constitute a separate offense.

25 **§ 70.10.5. Animal Fighting.**

26 (a) No person shall cause, sponsor, aid, abet, arrange, hold, or
27 encourage any animal to fight, menace, or injure another animal for the

1 purpose of sport, amusement, or pecuniary gain. This Section does not apply
2 to cockfighting that is authorized by law.

3 (b) For the purposes of this Section, a person encourages an animal
4 to fight, menace or injure another animal for the purpose of sport, amusement,
5 or pecuniary gain, if the person:

6 (1) is knowingly present at or wagers on such an occurrence
7 of fighting, menacing, or injuring for the purpose of sport, amusement,
8 or pecuniary gain;

9 (2) owns, trains, transports, possesses, has custody or control
10 of, breeds, or equips an animal with the intent that such animal will be
11 engaged in such an occurrence of fighting, menacing, or injuring for the
12 purpose of sport, amusement, or pecuniary gain;

13 (3) knowingly allows any such occurrence of fighting,
14 menacing, or injuring for the purpose of sport, amusement, or pecuniary
15 gain to occur on any property owned or controlled by the person;

16 (4) knowingly allows any animal to be used for such an
17 occurrence of fighting, menacing, or injuring for the purpose of sport,
18 amusement, or pecuniary gain to be kept, boarded, housed, or trained
19 on, or transported in, any property owned or controlled by the person;

20 (5) knowingly advertises or uses any means of
21 communication for the purpose of promoting such an occurrence of
22 fighting, menacing, or injuring for the purpose of sport, amusement, or
23 pecuniary gain; or

24 (6) knowingly possesses, owns, buys, sells, transfers, or
25 manufactures any animal used for fighting, menacing, or injuring for
26 the purpose of sport, amusement, or pecuniary gain; or any device

1 intended to train or enhance the animal's fighting, menacing or injuring
2 ability for the purpose of sport, amusement, or pecuniary gain.

3 (c) Any violation of Subsection (a) of this Section shall constitute
4 Animal Fighting, which is a third degree felony.

5 (d) Notwithstanding any other provision of law, the penalty for a
6 violation of Subsection (a) of this Section shall be confinement in a
7 correctional facility in accordance with Article 2 of 9 GCA Chapter 80 and a
8 fine of not less than Five Thousand Dollars (\$5,000) and no more than Fifteen
9 Thousand Dollars (\$15,000), or both, per violation. Additionally, any person
10 convicted of any violation of this Section may be subject to seizure of any
11 personal property, including vehicles, and real property at which the animal
12 fight was staged.

13 (e) Nothing in this Section shall constitute a prohibition or ban on
14 the possession, lawful importation/exportation, breeding, or selling of any
15 breed of dog.

16 (f) Veterinarians and/or physicians and/or health professionals are
17 required to report suspected animal fighting incidents, excluding cockfighting
18 as authorized by law, that come to their attention through the provision of
19 medical services to an animal to the Guam Police Department within five (5)
20 days of learning of animal fighting incidents. Failure to do so shall result in
21 potential loss of licensure if deemed appropriate by the appropriate licensure
22 agencies. Any veterinarians, physicians, or health professionals making a
23 report under this Subsection shall be immune from any civil or criminal
24 liability by reason of making the report, unless the report was made in bad
25 faith.

26 **§ 70.10.6. Sexual Assault of an Animal.**

1 (a) A person commits the crime of Sexual Assault of an Animal if
2 the person knowingly:

3 (1) touches or contacts, or causes an object or another person
4 to touch or contact, the mouth, anus, or sex organs of an animal or
5 animal carcass for the purpose of arousing or gratifying the sexual
6 desire of a person; or

7 (2) causes an animal or animal carcass to touch or contact, the
8 mouth, anus, or sex organs of a person for the purpose of arousing or
9 gratifying the sexual desire of a person.

10 (b) Sexual Assault of an Animal is a third degree felony.

11 (c) Each act in violation of Subsection (a) of this Section shall
12 constitute a separate offense.

13 **§ 70.10.7. Bodily Alterations, Disablements, or Removals.**

14 (a) It is unlawful for any person to remove or permanently alter or
15 disable, or cause or procure to be removed or permanently altered or disabled,
16 any part or organ, or the function of any part or organ, of an animal, except as
17 necessary for proper and lawful veterinary care, population control, or good
18 animal husbandry; provided, that population control or good animal
19 husbandry is under the supervision or instruction of a licensed veterinarian,
20 and:

21 (1) all surgical procedures must be performed or supervised
22 by a licensed veterinarian in accordance with the American
23 Veterinarian Medical Association policy, and the veterinarian shall
24 counsel pet owners about the matter before agreeing to perform these
25 surgeries and shall record said consultation in the pet's record; and

26 (2) any person performing procedures for population control
27 of livestock or good animal husbandry for livestock may do so without

1 direct supervision of a licensed veterinarian; provided, that said person
2 has been properly trained by a licensed veterinarian and properly
3 conducts said procedures in accordance with generally accepted
4 industry standards.

5 (b) A violation of Subsection (a) of this Section is a misdemeanor.

6 (c) Each act in violation of Subsection (a) of this Section shall
7 constitute a separate offense.

8 **§ 70.10.8. Animal Abandonment.**

9 (a) A person commits the offense of Animal Abandonment if the
10 person intentionally, knowingly, or recklessly leaves a domestic animal at a
11 location without providing for the animal's minimum care as defined in §
12 70.10.1(g) of this Article.

13 (b) Animal Abandonment is a violation that shall be subject to a fine
14 of not more than Five Hundred Dollars (\$500).

15 (c) Each act in violation of Subsection (a) of this Section shall
16 constitute a separate offense.

17 **§ 70.10.9. Failure of a Motorist to Render Aid to an Injured**
18 **Animal.**

19 (a) A person who, while operating a motor vehicle, knowingly
20 injures or kills a cat, dog, or livestock, excluding chickens, shall stop and
21 render such assistance as may be possible and safe to provide, and shall
22 immediately report such injury or death to the animal's owner. In the event
23 the owner cannot be ascertained and located, or it is unsafe to make contact
24 with the animal's owner, the operator of the motor vehicle shall immediately
25 report the accident and location to a peace officer or animal control officer.

26 (b) A violation of Subsection (a) of this Section shall be punishable
27 by a fine of not more than Three Hundred Dollars (\$300) per offense.

1 **§ 70.10.10. Leaving Animals Unattended in Motor Vehicles;**
2 **Penalty; Authority of Officers.**

3 (a) For the purposes of this Section:

4 (1) *Vehicle* means a car, truck, camper, trailer, or other form
5 of transportation in which an animal can be transported.

6 (2) *Extreme temperature* means an extremely cold or high
7 temperature, inside or outside of a vehicle, that could endanger an
8 animal's health, safety, or well-being.

9 (b) A person shall not confine an animal in a vehicle in a manner that
10 could reasonably be expected to threaten the health, safety, and well-being of
11 the animal due to conditions that include, but are not limited to, extreme
12 temperatures, lack of adequate ventilation, lack of food or water, or
13 confinement with a vicious or dangerous animal, or other circumstances that
14 could reasonably be expected to cause suffering, disability, physical injury, or
15 death to the animal.

16 (c) After making reasonable efforts to locate the vehicle's owner, an
17 animal control officer, peace officer, law enforcement officer, or firefighter
18 may enter a vehicle by any reasonable means to protect the health, safety and
19 well-being of an animal who is endangered by confinement in a vehicle. A
20 peace officer, law enforcement officer, animal control officer, or firefighter
21 may enter the vehicle for the sole purpose of assisting the animal and may not
22 search the vehicle or seize items found in the vehicle unless otherwise
23 permitted by law.

24 (d) An animal control officer, peace officer, law enforcement
25 officer, or firefighter who removes or otherwise retrieves an animal under this
26 Section shall:

1 (1) leave written notice in a secure and conspicuous location
2 on or in the vehicle bearing the officer's or firefighter's name and title,
3 and the address of the location where the animal may be retrieved; and

4 (2) take the animal to a veterinary clinic or animal shelter for
5 a health screening and treatment.

6 (e) An animal control officer, peace officer, law enforcement
7 officer, or firefighter who removes or otherwise retrieves an animal from a
8 vehicle under this Section shall be immune from criminal or civil liability that
9 might otherwise result from the removal.

10 (f) Penalties.

11 (1) A person in violation of Subsection (b) of this Section
12 shall be subject to a fine of not more than Five Hundred Dollars (\$500).

13 (2) The owner may retrieve the animal removed by an officer
14 or firefighter only after payment of all charges that have accrued for the
15 maintenance, care, medical treatment, and impoundment of the animal.

16 **§ 70.10.11. Defenses; Exceptions.**

17 (a) It is an affirmative defense in a prosecution for violation of
18 animal abuse under § 70.10.3(a) of this Article if:

19 (1) the defendant reasonably and humanely caused the death
20 of the animal to end its immediate and intractable suffering; or

21 (2) the animal posed a present and immediate danger to the
22 safety of people, and the defendant took reasonable measures necessary
23 to protect against serious bodily harm, or death, to themselves or other
24 people, livestock, or domestic animals.

25 (b) Ownership shall not be a defense.

26 (c) Guardianship shall not be a defense.

27 (d) Trespass by an animal shall not be a defense.

1 (e) Corporations and other nonhuman legal entities may be
2 concurrently charged for acts in violation of any animal protection offense
3 committed by their employees or agents when the act is committed in the
4 normal course and scope of the employment or agency.

5 (f) It is no defense to the crime of animal abandonment that the
6 defendant abandoned the animal at or near an animal shelter, veterinary clinic,
7 or other place of shelter if the defendant did not make reasonable
8 arrangements for the care of the animal.

9 (g) §§ 70.10 to 70.10.15 of this Article shall not apply to:

10 (1) the proper shooting or taking of game in such manner and
11 at such times as is allowed or provided by the laws of Guam;

12 (2) cockfighting in a manner and at such times and places as
13 are authorized by law;

14 (3) the proper killing of animals used for food, except for dogs
15 and cats, in accordance with the law;

16 (4) the proper disinfestation of rodents and brown tree snakes;

17 (5) animals properly used for education or research purposes
18 by, or under the oversight of, the Guam Community College or the
19 University of Guam; provided, that proper Institutional Review Board
20 procedures and all applicable local and federal laws are followed;

21 (6) euthanasia as properly conducted by a licensed
22 veterinarian, or individual authorized by § 70.10.12 of this Article, and
23 done in accordance with local law and generally accepted industry
24 practice;

25 (7) the proper disinfestation of animals deemed a disease
26 vector and threat to public health by the Department of Public and

1 Social Services; provided, that disinfestation is done in accordance with
2 established procedures approved by said Department;

3 (8) the proper disinfestation of species deemed invasive to
4 Guam by the Guam Invasive Species Council; provided, that
5 disinfestation is done in accordance with established procedures
6 approved by said Council.

7 (A) Subsection (g)(8) of this Section shall not pertain to
8 cats or dogs, except as authorized by the Director of the
9 Department of Agriculture, and such disinfestation efforts are
10 done in accordance with accepted practices of veterinary
11 medicine and procedures approved by the Council.

12 **§ 70.10.12. Euthanasia Procedures.**

13 (a) Unless otherwise authorized by law, sodium pentobarbital and
14 such other agents as may be specifically approved by the Guam Board of
15 Allied Health Examiners shall be the only methods used for euthanasia of an
16 animal. A lethal solution shall be used in the following order of preference:

17 (1) intravenous injection by hypodermic needle;

18 (2) intraperitoneal injection by hypodermic needle;

19 (3) intracardial injection by hypodermic needle, but only if
20 performed on heavily sedated, anesthetized, or comatose animals; or

21 (4) solution or powder added to food.

22 (b) An animal may be tranquilized with an approved and humane
23 substance before euthanasia is performed.

24 (c) Succinylcholine chloride, curare, curariform mixtures,
25 strychnine, nicotine, chloral hydrate, magnesium, potassium, or any substance
26 which acts as a neuromuscular blocking agent, or any chamber which causes

1 a change in body oxygen, may not be used on any animal for the purpose of
2 euthanasia.

3 (d) Euthanasia shall be performed only by a licensed veterinarian,
4 trained animal control officers, or an employee or agent, in accordance with §
5 121906 of Article 19, Part 2, Chapter 12, Title 10, Guam Code Annotated.

6 (e) An animal may not be left unattended between the time
7 euthanasia procedures are first begun and the time that death occurs, and the
8 animal's body may not be disposed of until a licensed veterinarian, or person,
9 as authorized by § 121906 of Article 19, Part 2, Chapter 12, Title 10, Guam
10 Code Annotated, confirms death.

11 (f) Notwithstanding the provisions of this Section or any other law
12 to the contrary, whenever an emergency situation exists which requires the
13 immediate euthanasia of a seriously injured, dangerous, or severely diseased
14 animal, a peace officer or veterinarian may humanely destroy the animal.

15 (g) The remains of the euthanized animal shall be properly disposed
16 of in accordance with Guam law.

17 (h) Any violation of this Section is a misdemeanor.

18 (i) Each act or omission in violation of this Section shall constitute
19 a separate offense.

20 **§ 70.10.13. Pre-Trial Provisions.**

21 (a) Reporting and Immunity.

22 (1) The following designees, having a good-faith belief that
23 any animal with whom the designee comes in contact has suffered a
24 violation of this Article or that any person with whom the designee
25 comes in contact has committed a violation of this Article, may report,
26 or cause a report to be made to the Animal Control Division of the
27 Department of Agriculture:

1 (A) a police officer; or

2 (B) a licensed social worker.

3 (2) Any designee making a report under this Subsection shall
4 not be required to report such information communicated by a person
5 if the communication is privileged under Guam law.

6 (3) Any designee making a report under this Subsection shall
7 be immune from any civil or criminal liability by reason of making the
8 report, unless the report was made in bad faith.

9 (b) Law Enforcement Policies.

10 (1) All officers as defined in § 70.10.1(h) of this Article have
11 the duty and responsibility to enforce this Article to the extent
12 authorized by law.

13 (2) All volunteer animal control officers, volunteer
14 conservation officers, or similar volunteer law enforcement officers,
15 whose positions are established by the government of Guam, have the
16 duty and responsibility to enforce this Article to the extent authorized
17 by law.

18 (c) Seizure.

19 (1) Search and Seizure With a Warrant. If there is probable
20 cause to believe that an animal is being subjected to treatment in
21 violation of this Article, an officer, after obtaining a search warrant,
22 shall enter the premises where the animal is located and seize the
23 animal.

24 (2) Search and Seizure Without a Warrant. If an officer
25 witnesses a situation in which the officer determines that an animal's
26 life is in jeopardy and immediate action is required to protect the
27 animal's health or safety, the officer may seize the animal without a

1 warrant. The officer shall immediately take an animal seized under this
2 Subsection to a licensed veterinarian or animal shelter for medical
3 attention to stabilize the animal's condition and to assess the health of
4 the animal.

5 (3) Any person or facility receiving an animal seized pursuant
6 to this Subsection shall provide the animal with minimum care.

7 (4) An officer shall not be liable for any damages for an entry
8 under this Subsection.

9 (5) Any guardian of an animal that is impounded pursuant to
10 this Subsection shall, within seventy-two (72) hours following the
11 seizure, be given written notice of the seizure and legal remedies
12 available to the guardian. The written notice shall be posted at the place
13 of seizure, or delivered to an employee at the place of impoundment,
14 or by registered mail if the guardian is known.

15 (4) The guardian from whom an animal is seized pursuant to
16 this Subsection shall, within seventy-two (72) hours following the
17 seizure, be given written notice of the seizure and legal remedies
18 available to the guardian. The notice shall, at a minimum, be given by
19 posting at the place of seizure, or by delivery to a person residing or
20 working at the place of seizure, or by certified mail. Such notice shall
21 include:

22 (A) the name, business address, and telephone number
23 of the law enforcement entity responsible for seizing the animal;

24 (B) a description of the seized animal;

25 (C) the authority and purpose for the seizure, including
26 the time, place, and circumstance under which the animal was
27 seized; and

1 (D) a statement that the guardian is responsible for the
2 cost of care for an animal who was lawfully seized, and that the
3 guardian will be required to post a bond with the court to defray
4 the cost of care or the animal will be deemed forfeited.

5 (d) Costs-of-Care Bonds.

6 (1) An animal that has been impounded pending outcome of a
7 criminal case, including charges under this Article, may prevent
8 disposition of the animal by a caregiving agency that has temporary
9 custody of the animal by posting a bond with the court in an amount the
10 court determines is sufficient to provide for the animal's minimum care
11 for at least thirty (30) days, including the day on which the animal was
12 taken into custody. Such bond shall be filed with the court within ten
13 (10) days after the animal is impounded. If a bond is not so posted, the
14 animal shall be deemed forfeited and the custodial caregiving agency
15 shall determine final disposition of the animal in accordance with
16 reasonable practices for the humane treatment of animals. At the end of
17 the time for which expenses are covered by the bond, if the owner,
18 guardian, or person in possession of an animal, desires to prevent
19 disposition of the animal by the custodial caregiving agency, a new
20 bond shall be posted with the court within ten (10) days following the
21 prior bond's expiration. If a new bond is not so posted, the animal shall
22 be deemed forfeited and the custodial caregiving agency shall
23 determine final disposition of the animal in accordance with reasonable
24 practices for the humane treatment of animals. However, nothing in this
25 Subsection shall prohibit the immediate disposition of the animal by
26 euthanasia if, in the opinion of a licensed veterinarian, the animal is
27 experiencing intractable extreme pain or suffering. The guardian shall

1 be liable for all costs of providing minimum care, or disposal of the
2 animal.

3 (2) If a bond has been posted in accordance with Subsection
4 (d)(1) of this Section, the custodial caregiving agency may draw from
5 the bond the actual reasonable costs incurred by the agency in providing
6 minimum care to the seized animal from the date of initial seizure to
7 the date of final disposition of the animal in the criminal action.

8 (e) Protective Orders.

9 (1) A mandatory restraining order is created against any
10 person charged with a felony under this Article.

11 (2) The order may remain in effect from the time that the
12 defendant is advised of their rights at arraignment or the defendant's
13 first appearance before the court and informed of such order, until final
14 disposition of the action.

15 (3) The order may restrain the defendant from contacting,
16 harassing, molesting, intimidating, retaliating against, or tampering
17 with:

18 (A) any animal(s) victimized by the acts charged;

19 (B) any guardian or owner, other than the defendant, of
20 such animal(s); or

21 (C) any witness to the acts charged.

22 (4) Any restraining order issued pursuant to Subsection (e) of
23 this Section, shall be on a standardized form prescribed by the Superior
24 Court of Guam.

25 (5) A copy of the restraining order shall be provided to the
26 protected parties.

1 (6) The court may include an animal in any protective order
2 authorized by this Article.

3 **§ 70.10.14. Sentencing Provisions.**

4 (a) Community Service. In addition to any other sentence it may
5 impose, the court may order the defendant to participate in community
6 service. No such participation shall occur at any humane society, animal
7 shelter, or other facility where an animal is present, unless first approved by
8 said organization.

9 (b) Evaluation & Treatment.

10 (1) In addition to any other sentence it may impose, the court
11 shall order the defendant convicted of a felony crime under this Article
12 to undergo a psychiatric, psychological, or mental health evaluation,
13 and if warranted by the condition of the defendant, shall order the
14 defendant to undergo appropriate care or treatment.

15 (3) Treatment may include, but is not limited to, counseling
16 and humane education classes.

17 (4) Treatment may be conducted in-person or online.

18 (5) All costs of the evaluation, care and treatment shall be
19 borne by the defendant. However, if the court determines that the
20 defendant is indigent, the government of Guam may provide access to
21 government funded or government contracted service providers, if
22 available.

23 (c) Education. The Department of Agriculture shall make available
24 educational material and information regarding proper animal care and
25 welfare to the defendant. At a minimum, such information shall be made
26 available in printed form or online, as deemed appropriate by the Department
27 of Agriculture.

1 (d) Forfeiture. In addition to any other sentence it may impose, the
2 court shall require a defendant convicted under this Article to forfeit all legal
3 interest of the defendant in the animal subjected to the violation. The court
4 shall award all such interest to the animal to a caregiving agency.

5 (e) Contact with Animals.

6 (1) In addition to any other penalty imposed by law, a court
7 may require a defendant convicted of a felony under this Article to not
8 own, possess, or have custody or control of any animal for a minimum
9 period of five (5) years on a first offense; and for a minimum period of
10 fifteen (15) years on a second or subsequent offense.

11 (2) A violation of this Subsection is a petty misdemeanor and
12 shall result in the forfeiture of the offender's interest in the animal.

13 (3) Notwithstanding any other provision of law, an officer
14 may immediately seize any animal found to be kept in violation of this
15 Subsection.

16 (f) Reimbursement of Costs to Caregiving Agency. In addition to
17 any other sentence it may impose, the court shall require a defendant
18 convicted under this Article to repay all reasonable costs incurred by any
19 person or organization prior to judgment in seizing and providing minimum
20 care for each animal subjected to mistreatment in violation of this Article.

21 (g) Restitution to Guardian. In addition to any other sentence it may
22 impose, the court shall order that restitution be made by a defendant convicted
23 under this Article to the guardian of any animal subjected to mistreatment by
24 the defendant in violation of this Article. The measure for restitution shall be
25 the actual pecuniary value of such loss, including, but not limited to, the actual
26 veterinary expenses, special supplies, and other costs incurred by the animal's

1 guardian in treating the animal and in attempting to restore the animal to good
2 health or to otherwise ameliorate the effects of the criminal violation.

3 **§ 70.10.15. Civil Right of Action for the Wrongful Injury or Death**
4 **of an Animal.**

5 (a) Any person who, with no lawful authority, intentionally,
6 knowingly, recklessly, or with criminal negligence causes physical injury to,
7 or the death of, an animal shall be liable to the animal's guardian for the
8 damages sustained by the guardian. The guardian of the animal may bring a
9 civil action to recover such damages. Damages may include the pecuniary
10 value of the animal; veterinary expenses incurred on behalf of the animal; any
11 other expenses incurred by the guardian in attempting to ameliorate the effects
12 of, or as a consequence of, the pain, suffering or injuries of the animal; any
13 emotional distress and loss of companionship suffered by the guardian; all
14 court costs and reasonable attorney's fees incurred in the prosecution of any
15 action under this Section; and any other reasonable damages resulting from
16 the physical injury or death of the animal.

17 (b) Restraining orders and other injunctive relief may be issued by
18 the Superior Court of Guam as appropriate.

19 (c) The remedies provided in this Section are in addition to, and do
20 not replace or supplant, any other remedies allowed by law.

21 (d) Commencement of a cause of action under this Section shall be
22 brought within three (3) years from the date on which damages were first
23 identified by the guardian.”

24 **Section 3.** All fines and penalties collected for violations pursuant to §§
25 70.10 through 70.10.15 of Article 1, Chapter 70, Title 9, Guam Code Annotated,
26 shall be deposited in the “Rabies Prevention Fund” as established in § 34307 of
27 Article 3, Chapter 34, Title 10, Guam Code Annotated.

1 **Section 4.** § 34111 of Article 1, Chapter 34, Title 10, Guam Code
2 Annotated, is hereby *amended* to read:

3 **“§ 34111. Persons Attacked by Animal.**

4 Any person who is attacked by a pet or animal, or any person witnessing
5 any such attack, may kill such pet or animal in self-defense or defense of
6 others; provided, that it is done in accordance with the provisions in §§ 70.10
7 through 70.10.15 of Article 1, Chapter 70, Title 9, Guam Code Annotated.
8 Such person shall notify the Department immediately of such killing and
9 remain with the carcass until an officer takes possession of the carcass. The
10 carcass shall be immediately delivered to the Department for examination.”

11 **Section 5.** § 3119(a) of Part 3, Chapter 3, Title 9, Guam Administrative
12 Rules and Regulations, is hereby *amended* to read:

13 **“§ 3119. Persons Attacked by Pets or Animals.**

14 (a) Any person who is being attacked by a pet or animal, or any
15 person witnessing such attack, may kill such pet or animal in self-defense or
16 defense of others; provided, that it is done in accordance with the provisions
17 in §§ 70.10 through 70.10.15 of Article 1, Chapter 70, Title 9, Guam Code
18 Annotated, if deemed necessary to prevent further attack by the pet or animal
19 or to prevent otherwise unavoidable escape of the pet or animal without
20 incurring any financial liability to the pet or animal owner. Such person killing
21 a pet or animal shall notify the Department immediately and shall remain with
22 the pet or animal until an officer takes possession of the carcass, or other
23 arrangements acceptable to the Department are made for the recovery of the
24 carcass. Upon taking possession of the carcass, the officer shall immediately
25 deliver it to the Department for examination.”

26 **Section 6.** § 34112 of Article 1, Chapter 34, Title 10, Guam Code
27 Annotated, is hereby *repealed*.

1 **Section 7.** § 34120 of Article 1, Chapter 34, Title 10, Guam Code
2 Annotated, is hereby *repealed*.

3 **Section 8.** § 34205 of Article 2, Chapter 34, Title 10, Guam Code
4 Annotated, is hereby *repealed*.

5 **Section 9.** Subsections (b) and (c) of § 3116, Part 3, Chapter 3, Title 9,
6 Guam Administrative Rules and Regulations, are hereby *repealed*.

7 **Section 10.** Part 6 of Chapter 3, Title 9, Guam Administrative Rules and
8 Regulations, is hereby *repealed*.

9 **Section 11. Cockfighting is Officially Recognized as a Cultural Practice.**
10 Nothing herein shall be interpreted to criminalize, punish, or prevent cockfighting
11 as a cultural practice under the laws of Guam.

12 **Section 12. Effective Date.** This Act shall be effective upon enactment.

13 **Section 13. Severability.** If any provision of this Act or its application to any
14 person or circumstance is found to be invalid or contrary to law, such invalidity shall
15 not affect other provisions or applications of this Act that can be given effect without
16 the invalid provision or application, and to this end the provisions of this Act are
17 severable.