

*I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN*  
2016 (SECOND) Regular Session

Bill No. 373-33 (COR )

Introduced by:

B. J. F. Cruz 

**AN ACT TO *ADD* A NEW SUBSECTION 19.80 TO CHAPTER 19 AND A NEW SUBSECTION 30.10 (a)(3) TO CHAPTER 30, BOTH OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO THE DEFINITION AND INCLUSION OF STRANGULATION IN GUAM'S ASSAULT AND FAMILY VIOLENCE STATUTES.**

2016 SEP 22 AM 8:20

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

**Section 1.** A new Subsection §19.80 is *added* to Chapter 19, Title 9, Guam Code Annotated, to read:

**“§ 19.80. Strangulation; Defined & Punished.**

(a) A person is guilty of strangulation if he knowingly or intentionally, against the will of another, impedes the normal breathing or circulation of the blood of another by applying pressure to the throat or neck or by blocking the nose or mouth of another.

(b) Strangulation is a felony of the third degree; provided that any person convicted of strangulation shall not be eligible for work release or educational programs outside the confines of prison.”

**Section 2.** A new Subection (a)(3) is *added* to § 30.10 of Chapter 30, Title 9, Guam Code Annotated to read:

**“§ 30.10. Definitions.**

As used in this Chapter:

1 (a) Family violence means the occurrence of one (1) or more of the  
2 following acts by a family or household member, but does not include acts of self-  
3 defense or defense of others:

4 (1) Attempting to cause or causing bodily injury to another family or  
5 household member;

6 (2) Placing a family or household member in fear of bodily injury;

7 (3) Knowingly or intentionally, against the will of another, impeding  
8 the normal breathing or circulation of the blood of a family or household  
9 member by applying pressure to the throat or neck or by blocking the nose  
10 or mouth of a family or household member.

11 (b) Family or household members include:

12 (1) Adults or minors who are current or former spouses;

13 (2) Adults or minors who live together or who have lived together;

14 (3) Adults or minors who are dating or who have dated;

15 (4) Adults or minors who are engaged in or who have engaged in a  
16 sexual relationship;

17 (5) Adults or minors who are related by blood or adoption to the  
18 fourth degree of affinity;

19 (6) Adults or minors who are related or formerly related by marriage;

20 (7) Persons who have a child in common; and

21 (8) Minor children of a person in a relationship described in  
22 paragraphs (1) through (7) above.

23 (c) Bodily injury as used in this Chapter, has the same meaning as  
24 that provided in subsection (b) of § 16.10 of this title;

25 (d) Attempt as used in this Chapter, has the same meaning as that  
26 provided in § 13.10 of this title;

27 (e) Peace officer means any person so defined in 8 GCA § 5.55;

1 (f) Victim means any natural person against whom a crime, as defined  
2 under the laws of Guam, has been committed or attempted to be committed;

3 (g) Witness means any natural person,

4 (1) having knowledge of the existence or nonexistence of facts  
5 relating to any crime, or

6 (2) whose declaration under oath is received or has been received as  
7 evidence for any purpose, or

8 (3) who has reported any crime to any peace officer, or

9 (4) who has been served with a subpoena issued under the authority of  
10 any court in Guam, or

11 (5) who would be believed by any reasonable person to be an  
12 individual described in subparagraphs (1) through (4), above, inclusive;

13 (h) Prosecuting attorney as used in this Chapter means the Attorney  
14 General of Guam and those persons employed by the Attorney General's  
15 office specifically designated by the Attorney General.”

16 **Section 3. Effective Date.** This Act *shall* become effective upon enactment.