

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
185-35 (COR)	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 "Pedro" Terlaje	AN ACT TO AMEND §§ 70.01 THROUGH 70.11 OF ARTICLE 1, CHAPTER 70, TITLE 9 AND § 34111, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND TO AMEND § 3119 (a), CHAPTER 3, TITLE 9, GUAM ADMINISTRATIVE RULES AND REGULATIONS, AND REPEAL §§ 34112, 34120, AND 34205, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND REPEAL §3116 (b) AND (c), AND PART 6, 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.	7/29/19 12:21 p.m.						

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

Bill No. 185-35(COP)

Introduced by:

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AN ACT TO AMEND §§ 70.01 THROUGH 70.11 OF ARTICLE 1, CHAPTER 70, TITLE 9 AND § 34111, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND TO AMEND § 3119 (a), CHAPTER 3, TITLE 9, GUAM ADMINISTRATIVE RULES AND REGULATIONS, AND REPEAL §§ 34112, 34120, AND 34205, CHAPTER 34, TITLE 10, GUAM CODE ANNOTATED, AND REPEAL §3116 (b) AND (c), AND PART 6, 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.

2019 JUL 29 PM 12: 21 *RL*

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**
2 **Section 1. Legislative Findings and Intent.** On September 27, 2018, a
3 pet dog named Pugua was found shot and killed in the carport of a Yigo home. His
4 case galvanized our community to rally against animal abuse. With our island's

1 well-established concern and advocacy for the welfare of animals, our laws must
2 now be updated to reflect our values.

3 *I Liheslaturan Guåhan* finds that it is the intent of the Government of Guam
4 to properly protect and promote the well-being and safety of animals. As such, the
5 PAWS Act reinforces existing standards for animal welfare, and adds best
6 practices to ban previously unaddressed forms of violence, such as bestiality, and
7 improves the ability to enforce these laws. A new distinction between Animal
8 Abuse and Animal Neglect is included, to allow for more nuanced charges. And
9 increased charges are added for animal abusers with a history of family and sexual
10 violence.

11 The PAWS Act further establishes pre-conviction processes regarding rights
12 and procedures for seizing an animal. Reporting requirements for certain types of
13 professionals are added, but veterinarians and animal control are excluded to avoid
14 deterring the public from seeking care for injured animals. The PAWS Act also
15 includes post-conviction procedures for requiring community service, education,
16 registration for felony convictions, and court-ordered mental health evaluation and
17 treatment.

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

22 With these measures, *I Liheslatura* intends to increase protections for the
23 betterment of animal welfare and safety. Once enacted, the PAWS Act shall also
24 be referred to as “Pugua’s Law”, to honor the memory of the pet who spurred
25 Guam’s update of animal welfare laws.

26 **Section 2.** Section 70.01 through 70.11 of Article 1, Chapter 70 of Title 9,
27 Guam Code Annotated, is hereby *amended* to read:

1 **“§ 70.01 Title.**

2 Sections 70.01 through 70.10.17 of this Article may be cited as the
3 “Protecting Animal Welfare and Safety Act” (“PAWS Act”) or “Pugua’s
4 Law”.

5 **§ 70.012. ~~Cruelty to Animals;~~ **Definitions.****

6 For the purposes of this Chapter:

7 (a) ~~“Animal” means a domestic animals, a household pet or~~
8 ~~a wild animal in captivity~~ any nonhuman mammal, bird, reptile,
9 amphibian or fish.

10 (b) “Domestic animal” means any animal, other than
11 livestock, that is owned or possessed by a person.

12 (c) “Good animal husbandry” includes, but is not limited to,
13 the dehorning of cattle, the docking of horses, sheep or swine, and the
14 castration or neutering of livestock, according to accepted practices of
15 veterinary medicine or animal husbandry.

16 (d) “Guardian” means a person who has control, custody,
17 possession, title or other legal interest in an animal.

18 (e) “Minimum care” means care sufficient to preserve the
19 health and well-being of an animal and, except for emergencies or
20 circumstances beyond the reasonable control of the guardian,
21 includes, but is not limited to, the following requirements:

22 (1) Food of sufficient quantity and quality to allow
23 for normal growth or maintenance of body weight;

24 (2) Open or adequate access to potable water of a
25 drinkable temperature in sufficient quantity to satisfy the
26 animal’s needs;

1 (3) aAccess to a barn, house or other enclosed
2 structure sufficient to adequately protect the animal from wind,
3 rain, or sun, and which has adequate bedding to protect against
4 dampness;

5 (4) vVeterinary care deemed necessary by a
6 reasonably prudent person to relieve distress from injury,
7 neglect, suffering or disease;

8 (5) For a domestic animal, continuous access to an
9 area:

10 (A) with adequate space ~~and room~~ for exercise
11 necessary for the health of the animal. Inadequate space
12 may be indicated by evidence of debility, stress or
13 abnormal behavior patterns; and

14 (B) with air temperature suitable for the health
15 of the animal; and

16 (C) with adequate ventilation; and

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

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

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

26 (g) "Person" means an individual, corporation, trust,
27 partnership, association, or any other legal entity.

1 (h) “Physical injury” means physical trauma, impairment of
2 condition, or ~~substantial pain~~ pain inconsistent with reasonable
3 handling or training techniques.

4 (i) “Physical trauma” means fractures, cuts, punctures,
5 bruises, burns or other wounds or illnesses produced by violence or by
6 a thermal or chemical agent.

7 (j) “Possession” means to have physical custody or to
8 exercise dominion with intent of ownership or control over an animal.

9 (k) “Serious physical injury” means physical injury that
10 creates a substantial risk of death or that causes protracted
11 disfigurement, protracted impairment of health or protracted loss or
12 impairment to of the function of a limb or bodily organ.

13 (l) “Torture” means an action or omission taken for the
14 primary purpose of inflicting or prolonging pain or suffering.

15 **§ 70.10 ~~Cruelty to Animals: Defined; Exceptions; Penalty~~ Animal**
16 **Abuse in the Second Degree.**

17 (a) A person commits the crime of ~~a~~Animal a~~Abuse in the s~~Second
18 ~~d~~Degree if, except as otherwise authorized by law, the person intentionally,
19 knowingly, ~~or~~ recklessly, ~~except as otherwise authorized by law:~~ or with
20 criminal negligence causes physical injury to the animal.

21 (1) ~~causes physical injury to an animal;~~

22 (2) ~~fails to provide minimum care for the animal(s) in such~~
23 ~~person’s custody and control, and the failure to provide such~~
24 ~~minimum care causes physical injury to the animal(s); or~~

25 (3) ~~kills, impounds or injures any animal belonging to~~
26 ~~another without legal authority or consent of the owner.~~

27 (b) Animal abuse in the second degree is a misdemeanor.

1 (c) Each act in violation of subsection (a) shall constitute a separate
2 offense.

3 (d) Notwithstanding subsection (b) of this section, animal abuse in
4 the second degree is a third-degree felony if:

5 (1) The person committing the animal abuse has previously
6 been convicted of any animal protection offense of Guam or
7 comparable animal protection laws of another jurisdiction; or

8 (2) The person knowingly commits the animal abuse in the
9 immediate presence of a minor child. For purposes of this paragraph,
10 a minor child is in the immediate presence of the animal abuse if the
11 abuse is seen or directly perceived in any other manner by the minor
12 child.

13 ~~(e) Subsection (a) shall not be applicable to:~~

14 ~~(1) —accepted veterinary practices and activities carried on for~~
15 ~~scientific research by public or private schools or universities or~~
16 ~~medical institutions;~~

17 ~~(2) —the shooting or taking of game in such manner and at~~
18 ~~such times as is allowed or provided by the laws of Guam;~~

19 ~~(3) —cockfighting in a manner and at such times and places as~~
20 ~~are authorized by law;~~

21 ~~(4) —measures necessary to avert harm by an animal that poses~~
22 ~~a present and immediate danger to the safety of people or other~~
23 ~~animals;~~

24 ~~(5) —the killing of animals for food; or~~

25 ~~(6) —the proper disinfestation of rodents, insects and~~
26 ~~arachnids.~~

27 **§ 70.10.1 Animal Abuse in the First Degree.**

1 (a) A person commits the crime of aAnimal aAbuse in the fFirst
2 dDegree if, except as otherwise authorized by law, the person intentionally,
3 knowingly, ~~or~~ recklessly, ~~except as otherwise authorized by law~~ or with
4 criminal negligence:

5 (1) causes serious physical injury to an animal ~~the animal(s)~~,
6 ~~cruelty causes the death of the animal(s) or tortures the animal(s)~~; or

7 (2) ~~fails to provide minimum care for the animal(s) in the~~
8 ~~person's custody or control, and the failure to provide care results in~~
9 ~~serious physical injury or death to the animal(s)~~.

10 (2) Causes the death of an animal.

11 (b) aAnimal aAbuse in the fFirst dDegree is a third-degree felony.

12 (c) Each act in violation of subsection (a) shall constitute a separate
13 offense.

14 (d) Notwithstanding subsection (b) of this section, Animal Abuse
15 in the First Degree is a second-degree felony if:

16 (1) The person committing the animal abuse has previously
17 been convicted of any animal protection offense of Guam or
18 comparable animal protection laws of another jurisdiction; or

19 (2) The person knowingly commits the animal abuse in the
20 immediate presence of a minor child. For purposes of this paragraph,
21 a minor child is in the immediate presence of the animal abuse if the
22 abuse is seen or directly perceived in any other manner by the minor
23 child.

24 (e) ~~Subsection (a) shall not be applicable to:~~

25 (1) ~~accepted veterinary practices and activities carried on for~~
26 ~~scientific research by public or private schools or universities or~~
27 ~~medical institutions;~~

1 ~~(2) — the shooting or taking of game in such manner and at~~
2 ~~such times as is allowed or provided by the laws of Guam;~~

3 ~~(3) — cockfighting in a manner and at such times and places as~~
4 ~~are authorized by law;~~

5 ~~(4) — measures necessary to avert harm by an animal that poses~~
6 ~~a present and immediate danger to the safety of people or other~~
7 ~~animals;~~

8 ~~(5) — the killing of animals for food; or~~

9 ~~(6) — the proper disinfection of rodents, insects and~~
10 ~~arachnids.~~

11 **§ 70.10.2 Aggravated Animal Abuse.**

12 (a) A person commits the crime of Aggravated Animal Abuse if
13 the person intentionally or knowingly:

14 (1) Tortures an animal; or

15 (2) Kills an animal under circumstances demonstrating
16 malice aforethought.

17 (b) Aggravated Animal Abuse is a felony in the second-degree.

18 (c) Each act in violation of subsection (a) shall constitute a separate
19 offense.

20 (d) Notwithstanding subsection (b) of this section, Aggravated
21 Animal Abuse is a first-degree felony if:

22 (1) The person committing the animal abuse has previously
23 been convicted of one or more of the following offenses:

24 (A) Any animal protection offense of Guam or
25 comparable animal protection laws of another jurisdiction; or

1 (B) Any criminal sexual conduct, family violence,
2 child abuse, or elder abuse offense of Guam or comparable laws
3 of another jurisdiction; or

4 (2) The person knowingly commits the animal abuse in the
5 immediate presence of a minor child. For purposes of this paragraph,
6 a minor child is in the immediate presence of the animal abuse if the
7 abuse is seen or directly perceived in any other manner by the minor
8 child.

9 **§ 70.10.23 Animal Abandonment.**

10 (a) A person commits the crime of animal abandonment if the
11 person intentionally, knowingly, recklessly or with criminal negligence
12 leaves ~~an~~ domestic owned or possessed animal at a location without
13 providing ~~for the animal's continued care~~ "minimum care" as defined in this
14 Chapter.

15 (b) Animal abandonment is a ~~petty misdemeanor~~ violation that
16 shall be punished by a fine of not more than One Hundred and Fifty Dollars
17 (\$150) per animal for a first offense; however, if the animal suffers serious
18 physical injury or death, said violation shall be punished by a fine of not
19 more than Three Hundred Dollars (\$300) per animal. Any subsequent
20 offense, regardless of injury to or death of the animal, shall be a violation
21 punished by a fine of not more than Five Hundred Dollars (\$500).

22 (c) A person in violation of subsection (a) shall receive information
23 on proper animal care and welfare in accordance with § 70.10.16(c) of this
24 Article.

25 (d) Each act in violation of subsection (a) shall constitute a separate
26 offense.

27 **~~§ 70.10.3 Authority to Enter Premises and Court Proceedings.~~**

1 ~~(a) — If there is probable cause to believe that any animal is being~~
2 ~~subjected to treatment in violation of § 70.10, § 70.10.1 or § 70.10.2 of this~~
3 ~~Chapter, any officer under exigent circumstances may enter the premises to~~
4 ~~impound the animal(s). Notice of said impoundment shall be conspicuously~~
5 ~~posted on the premises.~~

6 ~~(1) — An officer is not liable for any damages for an entry~~
7 ~~under Subsection (a) of this Section unless the damages were caused~~
8 ~~by reckless behavior.~~

9 ~~(2) — Any animal(s) so impounded shall be held at the animal~~
10 ~~care facility designated pursuant to § 34118 of Chapter 34, Title 10~~
11 ~~GCA.~~

12 **§ 70.10.4 Animal Fighting.**

13 ~~(a) — No person shall cause, sponsor, arrange, hold, or encourage any~~
14 ~~animal to fight, menace or injure another animal for the purpose of sport,~~
15 ~~amusement, or pecuniary gain. This section does not apply to Cockfighting~~
16 ~~that is authorized by law.~~

17 ~~(b) — For purposes of this section, a person encourages an animal to~~
18 ~~fight, menace or injure another animal for the purpose of sport, amusement,~~
19 ~~or pecuniary gain, if the person:~~

20 ~~(1) — Is knowingly present at or wagers on such an occurrence~~
21 ~~of fighting, menacing or injuring for the purpose of sport, amusement,~~
22 ~~or pecuniary gain;~~

23 ~~(2) — Owns, trains, transports, possesses, breeds, or equips an~~
24 ~~animal with the intent that such animal will be engaged in such an~~
25 ~~occurrence of fighting, menacing or injuring for the purpose of sport,~~
26 ~~amusement, or pecuniary gain;~~

1 (3) Knowingly allows any such an occurrence of fighting,
2 menacing or injuring for the purpose of sport, amusement, or
3 pecuniary gain to occur on any property owned or controlled by the
4 person;

5 (4) Knowingly allows any animal used for such an
6 occurrence of fighting, menacing or injuring for the purpose of sport,
7 amusement, or pecuniary gain to be kept, boarded, housed, or trained
8 on, or transported in, any property owned or controlled by the person;

9 (5) Knowingly uses any means of communication for the
10 purpose of promoting such an occurrence of fighting, menacing or
11 injuring for the purpose of sport, amusement, or pecuniary gain; or

12 (6) Knowingly possesses any animal used for fighting,
13 menacing or injuring for the purpose of sport, amusement, or
14 pecuniary gain; or any device intended to train or enhance the
15 animal's fighting, menacing or injuring ability for the purpose of
16 sport, amusement, or pecuniary gain.

17 (c) Each act or omission in violation of subsection (a) shall
18 constitute a separate offense.

19 (d) Any violation of subsection (a) or (b) of this section shall
20 constitute Animal Fighting, and is a third-degree felony.

21 (e) Notwithstanding subsection (b) of this section, Animal Fighting
22 is a second-degree felony if:

23 (1) The person committing the animal abuse has previously
24 been convicted of one or more of the following offenses:

25 (A) Any animal protection offense of Guam or
26 comparable animal protection laws of another jurisdiction; or

1 (B) Any criminal sexual conduct, family violence,
2 child abuse, or elder abuse offense of Guam or comparable laws
3 of another jurisdiction; or

4 (2) The person knowingly commits the offense of Animal
5 Fighting in the immediate presence of a minor child. For purposes of
6 this paragraph, a minor child is in the immediate presence of the
7 animal abuse if the abuse is seen or directly perceived in any other
8 manner by the minor child.

9 **~~§ 70.11. Dogfighting: Defined: Penalty.~~**

10 ~~(a) (1) Dogfight means a fight, arranged by any person, between~~
11 ~~two (2) or more dogs the purpose or probable result of which fight is the~~
12 ~~infliction of injury by one (1) dog upon another.~~

13 ~~(2) Baiting means to provoke or to harass an animal with one~~
14 ~~(1) or more animals and/or with drugs or other substances for the~~
15 ~~purpose of training an animal to engage in a dogfight.~~

16 ~~(b) A person commits a third degree felony if he knowingly:~~

17 ~~(1) owns, possesses, keeps, trains, promotes, purchases, or~~
18 ~~sells any dog(s) with the intent that the dog(s) shall be engaged in a~~
19 ~~dogfight;~~

20 ~~(2) gambles or bets on the outcome of a dogfight and/or~~
21 ~~baiting;~~

22 ~~(3) for amusement or gain, causes, allows, or permits any~~
23 ~~dog(s) to fight with another dog or other animal or causes any dog(s)~~
24 ~~to injure each other or other animal; or~~

25 ~~(4) is a spectator at an event involving the fighting of a~~
26 ~~dog(s).~~

27 ~~Notwithstanding any other provision of law, the penalty for violations~~

1 of Items (1), (2), (3) and (4) of this paragraph shall be confinement in a
2 correctional facility in accordance with Article 2 of 9GCA Chapter 80 and a
3 fine of not less than Five Thousand Dollars (\$5,000) and no more than Ten
4 Thousand Dollars (\$10,000) or both per violation.

5 (c) ~~A person commits a third degree felony if he:~~

6 (1) ~~keeps, uses, be connected with or interested in the~~
7 ~~management of, or receives money or other consideration for the~~
8 ~~admission of a person to, a place kept or used for the purpose of~~
9 ~~fighting and/or baiting a dog(s);~~

10 (2) ~~permits or suffers a place owned or controlled by him to~~
11 ~~be used as provided in Item (1) of this paragraph;~~

12 (3) ~~permits or suffers a place leased by him to be used as~~
13 ~~provided in Item (1) of this paragraph;~~

14 (4) ~~be present and witness, pay admission to, encourage, aid~~
15 ~~or assist in an activity enumerated in Item (1) of this paragraph; or~~

16 (5) ~~promotes, hosts or sponsors an activity enumerated in~~
17 ~~Item (1) of this paragraph.~~

18 (f) Notwithstanding any other provision of law, the penalty for
19 violations of Items (1), (2), (3), (4) and (5) of this paragraph subsection (a)
20 or (b) shall be confinement in a correctional facility in accordance with
21 Article 2 of 9GCA Chapter 80 and a fine of not less than ~~Ten Thousand~~
22 ~~Dollars (\$10,000)~~ Five Thousand Dollars (\$5,000) and no more than Fifteen
23 Thousand Dollars (\$15,000) or both per violation. Additionally, any person
24 convicted of any violation of this paragraph may be subject to seizure of any
25 personal property, including vehicles, and real property at which the
26 ~~dogfight~~ animal fight was staged.

27 (d) ~~Seizure of Dogs.~~

1 (1) ~~A judge may order the seizure of alleged fighting dogs~~
2 ~~owned, possessed or kept by any person.~~

3 (2) ~~The judge issuing an order for the seizure of a dog(s) as~~
4 ~~provided in Item (1) of this paragraph may require the dog(s) to be~~
5 ~~impounded at an animal shelter or veterinary clinic or hospital. The~~
6 ~~government unit which executes the seizure shall be responsible for~~
7 ~~the cost of impoundment at the animal shelter, but the governmental~~
8 ~~unit is entitled to receive reimbursement of those costs from the~~
9 ~~owner, possessor or keeper of the impounded dog(s). If the owner,~~
10 ~~possessor or keeper of the dog(s) is subsequently convicted of~~
11 ~~dogfighting under this Section, the Court may order the defendant to~~
12 ~~pay the costs as restitution in the case.~~

13 (eg) 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 (fh) Veterinarians and/or physicians and/or health professionals are
17 required to report suspected ~~dogfighting~~ animal fighting incidents, excluding
18 cockfighting, that come to their attention through the provision of medical
19 services to ~~dogs~~ an animal to the Guam Police Department within five (5)
20 days of learning of ~~dogfighting~~ animal fighting incidents. Failure to do so
21 shall result in potential loss of licensure if deemed appropriate by the
22 appropriate licensure agencies.

23 **§ 70.10.5 Animal Neglect in the Second Degree.**

24 (a) A person commits the crime of Animal Neglect in the Second
25 Degree if, except as otherwise authorized by law, the person intentionally,
26 knowingly, recklessly or with criminal negligence fails to provide minimum
27 care for an animal in the person's possession.

1 (b) Animal Neglect in the Second Degree is a violation punished
2 with a fine of not more than Five Hundred Dollars (\$500) per offense.

3 (c) A person in violation of subsection (a) shall receive information
4 on proper animal care and welfare in accordance with § 70.10.16(c) of this
5 Article.

6 (d) Each act or omission in violation of subsection (a) shall
7 constitute a separate offense.

8 **§ 70.10.6 Animal Neglect in the First Degree.**

9 (a) A person commits the crime of Animal Neglect in the First
10 Degree if, except as otherwise authorized by law, the person intentionally,
11 knowingly, recklessly or with criminal negligence:

12 (1) Fails to provide minimum care for an animal in the
13 person's possession; and

14 (2) The failure to provide care results in serious physical
15 injury to the animal.

16 (b) Animal Neglect in the First Degree is a misdemeanor.

17 (c) Each act or omission in violation of subsection (a) shall
18 constitute a separate offense.

19 **§ 70.10.7 Aggravated Animal Neglect.**

20 (a) A person commits the crime of Aggravated Animal Neglect if,
21 except as otherwise authorized by law, the person intentionally, knowingly,
22 recklessly or with criminal negligence:

23 (1) Fails to provide minimum care for an animal in the
24 person's possession; and

25 (2) The failure to provide care results in the death of the
26 animal.

27 (b) Aggravated Animal Neglect is a third-degree felony.

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

3 **§ 70.10.8 Sexual Assault of an Animal.**

4 (a) A person commits the crime of Sexual Assault of an Animal if
5 the person:

6 (1) Touches or contacts, or causes an object or another
7 person to touch or contact, the mouth, anus or sex organs of an animal
8 or animal carcass for the purpose of arousing or gratifying the sexual
9 desire of a person; or

10 (2) Causes an animal or animal carcass to touch or contact,
11 the mouth, anus or sex organs of a person for the purpose of arousing
12 or gratifying the sexual desire of a person.

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

14 (c) Each act in violation of subsection (a) shall constitute a separate
15 offense.

16 **§ 70.10.9 Bodily Alterations, Disablements, or Removals.**

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

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

1 (2) Any person performing procedures for population control
2 of livestock or good animal husbandry for livestock may do so
3 without direct supervision of a licensed veterinarian provided that said
4 person has been properly trained by a licensed veterinarian and
5 properly conducts said procedures in accordance with generally
6 accepted industry standards.

7 (b) A violation of subsection (a) is a misdemeanor.

8 (c) Each act in violation of subsection (1) shall constitute a separate
9 offense.

10 **§ 70.10.10 Dyeing or Coloring of an Animal.**

11 (a) It is unlawful for any person to:

12 (1) Dye or artificially color any animal that is under twelve
13 (12) months of age.

14 (2) Use any substance that is found to be toxic to dye or
15 artificially color any animal.

16 (b) This section does not apply to actions that are in accordance
17 with good animal husbandry practices.

18 (c) A violation of subsection (a) shall be punished by a fine of not
19 more than One Hundred and Fifty Dollars (\$150) per animal for a first
20 offense; however, if the animal suffers physical injury or death, said
21 violation shall be punished by a fine of not more than Three Hundred
22 Dollars (\$300) per animal. Any subsequent offense, regardless of injury to or
23 death of the animal, shall be a violation punished by a fine of not more than
24 Five Hundred Dollars (\$500).

25 (d) A person in violation of subsection (a) shall receive information
26 on proper animal care and welfare in accordance with § 70.10.16(c) of this
27 Article.

1 (e) Each act in violation of subsection (a) shall constitute a separate
2 offense.

3 **§ 70.10.11 Failure of a Motorist to Render Aid to an Injured Animal.**

4 (a) A person who, while operating a motor vehicle, knowingly
5 injures or kills a cat, dog or livestock, excluding chickens, shall stop and
6 render such assistance as may be possible and safe to provide, and shall
7 immediately report such injury or death to the animal’s owner. In the event
8 the owner cannot be ascertained and located, such operator shall at once
9 report the accident to a peace officer or animal control officer.

10 (b) A violation of subsection (a) shall be punished by a fine of not
11 more than Three Hundred Dollars (\$300) per offense.

12 (d) A person in violation of subsection (a) shall receive information
13 on proper animal care and welfare in accordance with § 70.10.16(c) of this
14 Article.

15 **§ 70.10.12 Leaving Animals Unattended in Motor Vehicles; Penalty;**

16 **Authority of Officers.**

17 (a) For the purposes of this section:

18 (1) “Vehicle” means car, truck, camper, trailer, or other
19 form of transportation in which an animal can be transported.

20 (2) “Extreme temperature” means an extremely cold or high
21 temperature, inside or outside of a vehicle, that could endanger an
22 animal’s health or well-being.

23 (b) A person shall not confine an animal in a vehicle in a manner
24 that could reasonably be expected to threaten the health and well-being of
25 the animal due to conditions that include, but are not limited to, extreme
26 temperatures, lack of adequate ventilation, lack of food or water, or
27 confinement with a vicious or dangerous animal, or other circumstances that

1 could reasonably be expected to cause suffering, disability, physical injury,
2 or death to the animal.

3 (c) After making reasonable efforts to locate the vehicle's owner,
4 an animal control officer, peace officer, law enforcement officer, or
5 firefighter may enter a vehicle by any reasonable means to protect the health
6 and safety of an animal who is endangered by confinement in a vehicle. A
7 law enforcement officer, animal control officer, or firefighter may enter the
8 vehicle for the sole purpose of assisting the animal and may not search the
9 vehicle or seize items found in the vehicle unless otherwise permitted by
10 law.

11 (d) An animal control officer, peace officer, law enforcement
12 officer, or firefighter who removes or otherwise retrieves an animal under
13 this section shall:

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

17 (2) Take the animal to a veterinary clinic or animal shelter
18 for a health screening and treatment.

19 (e) An animal control officer, peace officer, law enforcement
20 officer, or firefighter who removes or otherwise retrieves an animal from a
21 vehicle under this subsection (b) is immune from criminal or civil liability
22 that might otherwise result from the removal.

23 (f) Penalties

24 (1) A violation of subsection (b) shall be punished by a fine
25 of not more than One Hundred and Fifty Dollars (\$150) per animal for
26 a first offense; however, if the animal suffers physical injury or death,
27 said violation shall be punished by a fine of not more than Three

1 Hundred Dollars (\$300) per animal. Any subsequent offense,
2 regardless of injury to or death of the animal, shall be a violation
3 punished by a fine of not more than Five Hundred Dollars (\$500).

4 (2) The owner may retrieve the animal removed by law
5 enforcement only after payment of all charges that have accrued for
6 the maintenance, care, medical treatment, and impoundment of the
7 animal.

8 (3) A person in violation of subsection (b) shall receive
9 information on proper animal care and welfare in accordance with §
10 70.10.16(c) of this Article.

11 **§ 70.10.13 Defenses. Exceptions.**

12 (a) It is an affirmative defense in a prosecution for violation of
13 Animal Abuse in the First Degree that the defendant reasonably and
14 humanely caused the death of an animal to end the immediate and
15 intractable suffering of the animal.

16 (b) It is an affirmative defense in a prosecution for violation of
17 Animal Abuse in the Second Degree and Animal Abuse in the First Degree
18 if the harm results from reasonable measures necessary to avert harm by an
19 animal that poses a present and immediate danger to the safety of people or
20 other animals.

21 (c) Ownership shall not be a defense.

22 (d) Guardianship shall not be a defense.

23 (e) Trespass by an animal shall not be a defense.

24 (f) Corporations and other nonhuman legal entities may be
25 concurrently charged for acts in violation of any animal protection offense
26 committed by their employees or agents when the act is committed in the
27 normal course and scope of the employment or agency.

1 (g) It is no defense to the crime of Animal Abandonment that the
2 defendant abandoned the animal at or near an animal shelter, veterinary
3 clinic or other place of shelter if the defendant did not make reasonable
4 arrangements for the care of the animal.

5 (h) Section 70.01 to 70.10.17 of this Article shall not apply to:

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

8 (2) cockfighting in a manner and at such times and places as
9 are authorized by law; or

10 (3) the proper killing of animals for food, except for dogs
11 and cats, in accordance with the law; or

12 (4) the proper disinfection of rodents; or

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

17 (6) Euthanasia as properly conducted in accordance with §
18 70.10.14 of this Article; or

19 (7) the proper disinfection of animals deemed a disease
20 vector and threat to public health by the Department of Public and
21 Social Services provided disinfection is done in accordance with
22 established procedures approved by said Department; or

23 (8) the proper disinfection of species deemed invasive to
24 Guam by the Guam Invasive Species Council provided disinfection
25 is done in accordance with established procedures approved by said
26 Council.

1 (A) Subsection (h)(8) of this section shall not pertain to
2 cats or dogs, except during such time as the Governor declares a
3 public health emergency in relation to cats or dogs, and such
4 efforts are done in accordance with established procedures
5 approved by the Council.

6 **§70.10.14 Euthanasia Procedures.**

7 (a) Unless otherwise authorized by law, sodium pentobarbital and
8 such other agents as may be specifically approved by the rules of the board
9 of veterinary medicine shall be the only methods used for euthanasia of an
10 animal. A lethal solution shall be used in the following order of preference:

11 (1) Intravenous injection by hypodermic needle;

12 (2) Intraperitoneal injection by hypodermic needle;

13 (3) Intracardial injection by hypodermic needle, but only if
14 performed on heavily sedated, anesthetized or comatose animals; or

15 (4) Solution or powder added to food.

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

18 (c) Succinylcholine chloride, curare, curariform mixtures,
19 strychnine, nicotine, chloral hydrate, magnesium or potassium or any
20 substance which acts as a neuromuscular blocking agent, or any chamber
21 which causes a change in body oxygen may not be used on any animal for
22 the purpose of euthanasia.

23 (d) Euthanasia shall be performed only by a licensed veterinarian,
24 or an employee or agent in accordance with § 121906, Chapter 12, Article
25 19, Title 10, Guam Code Annotated.

1 (e) An animal may not be left unattended between the time
2 euthanasia procedures are first begun and the time that death occurs, nor
3 may its body be disposed of until a qualified person confirms death.

4 (f) Notwithstanding the provisions of this section or any other law
5 to the contrary, whenever an emergency situation exists which requires the
6 immediate euthanasia of an seriously injured, dangerous or severely diseased
7 animal, a peace officer or veterinarian may humanely destroy the animal.

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

10 (h) Any violation of this act is a misdemeanor.

11 (i) Each act or omission in violation of this act shall constitute a
12 separate offense.

13 **§ 70.10.15 Pre-Conviction Provisions.**

14 (a) Costs-of-Care Bonds.

15 (1) The guardian of an animal that has been impounded
16 pending outcome of a criminal action charging a violation of the
17 PAWS Act may prevent disposition of the animal by an animal
18 shelter, humane society or other animal care agency that has
19 temporary custody of the animal, by posting a bond with the court in
20 an amount the court determines is sufficient to provide for the
21 animal's minimum care for at least thirty (30) days, including the day
22 on which the animal was taken into custody. Such bond shall be filed
23 with the court within ten (10) days after the animal is impounded. If a
24 bond is not so posted, the animal shall be deemed abandoned and the
25 custodial animal care agency shall determine final disposition of the
26 animal in accordance with reasonable practices for the humane
27 treatment of animals. At the end of the time for which expenses are

1 covered by the bond, if the guardian desires to prevent disposition of
2 the animal by the custodial animal care agency, the guardian shall post
3 a new bond with the court within ten (10) days following the prior
4 bond's expiration. If a new bond is not so posted, the animal shall be
5 deemed abandoned and the custodial animal care agency shall
6 determine final disposition of the animal in accordance with
7 reasonable practices for the humane treatment of animals. However,
8 nothing in this subsection shall prohibit the immediate disposition of
9 the animal by euthanasia if, in the opinion of a licensed veterinarian,
10 the animal is experiencing intractable extreme pain or suffering. The
11 guardian shall be liable for all costs of providing minimum care, or
12 disposal of the animal.

13 (2) If a bond has been posted in accordance with subsection
14 (1) of this section, the custodial animal care agency may draw from
15 the bond the actual reasonable costs incurred by the agency in
16 providing minimum care to the impounded animal from the date of
17 initial impoundment to the date of final disposition of the animal in
18 the criminal action.

19 (b) Law Enforcement Policies.

20 (1) All peace officers and animal control officers shall have
21 the duty and responsibility to enforce the PAWS Act.

22 (c) Liens.

23 (1) Any expense incurred in providing minimum care to an
24 impounded animal shall become a lien on the animal and must be
25 discharged before the animal is released to the guardian following the
26 acquittal of the guardian or withdrawal of the criminal complaint. If
27 the lien is not satisfied within seven (7) days following the resolution

1 of the criminal case, the guardian's legal interest in the impounded
2 animal shall immediately transfer to the custodial agency or person for
3 further disposition in accordance with reasonable practices for the
4 humane treatment of animals. The custodial agency or person in a
5 civil action may recover any additional expense above the value of the
6 transferred interest in the animal.

7 (d) Reporting and Immunity.

8 (1) The following designees, having probable cause to
9 believe that any animal with whom the designee comes in contact has
10 suffered a violation of the PAWS Act or that any person with whom
11 the designee comes in contact has committed a violation of the PAWS
12 Act shall immediately report or cause a report to be made to the
13 Animal Control Division of the Department of Agriculture:

14 (A) Psychologist;

15 (B) Licensed clinical social worker;

16 (C) Attorney;

17 (D) Licensed professional counselor or marriage and
18 family therapist.

19 (2) Any designee making a report under this section shall not
20 be required to report such information communicated by a person if
21 the communication is privileged under Guam law.

22 (3) Any designee making a report under this section is
23 immune from any civil or criminal liability by reason of making the
24 report, unless the report was made in bad faith.

25 (4) A violation of this section is a petty misdemeanor.

26 (e) Impoundment.

1 (1) Impoundment With a Warrant. If there is probable cause
2 to believe that an animal is being subjected to treatment in violation of
3 the PAWS Act, a peace officer, after obtaining a search warrant, shall
4 enter the premises where the animal is located and impound the
5 animal.

6 (2) Impoundment Without a Warrant. If a peace officer
7 witnesses a situation in which the peace officer determines that an
8 animal's life is in jeopardy and immediate action is required to protect
9 the animal's health of safety, the peace officer may impound the
10 animal without a warrant. The peace officer shall immediately take an
11 animal impounded under this section to a licensed veterinarian or
12 animal shelter for medical attention to stabilize the animal's condition
13 and to assess the health of the animal.

14 (3) Any person or facility receiving an animal impounded
15 pursuant to this section shall provide the animal with minimum care.

16 (4) A peace officer is not liable for any damages for an entry
17 under this section.

18 (5) Any guardian of an animal that is impounded pursuant to
19 this section shall, within seventy-two (72) hours following the
20 impoundment, be given written notice of the impoundment and legal
21 remedies available to the guardian. The notice shall be given by
22 posting at the place of impoundment, by delivery to a person residing
23 at the place of impoundment, or by registered mail if the guardian is
24 unknown.

25 (f) Termination of Unfit Guardian's Interest in an Animal.

26 (1) If an animal is in the custody of an animal care agency as
27 a result of alleged conduct in violation of the PAWS Act, exigent

1 circumstances, or for any other reason authorized by law, the custodial
2 agency may file a petition for termination of the guardian's legal
3 interest in the animal.

4 (2) The petitioner shall serve a true copy of the petition upon
5 the guardian of the animal, and to the prosecuting attorney if a
6 prosecution pursuant to the PAWS Act arising out of the same facts is
7 currently pending.

8 (3) Upon receipt of the petition pursuant to subsection (1),
9 the court shall set a hearing on the petition. The hearing shall be
10 conducted within fourteen (14) days of the filing of the petition. The
11 animal is not subject to any other civil action pending the final
12 judgment of the court under this section.

13 (4) The guardian's interest in the animal shall be terminated
14 if the court finds the petitioner has established, by a preponderance of
15 the evidence, that the guardian is unfit to possess the animal by reason
16 of a single or recurrent incident of conduct or condition detrimental to
17 the animal. In making such determination, the court shall consider, but
18 is not limited to, the following:

19 (A) Emotional illness, mental illness or mental
20 deficiency of the guardian of such nature and duration as to
21 render the guardian incapable of providing minimum care to the
22 animal for extended periods of time.

23 (B) Conduct toward any animal of an abusive,
24 neglectful, or sexual nature.

25 (C) Addictive or habitual use of intoxicating or
26 controlled substances to the extent that the guardian's ability to
27 provide minimum care has been impaired.

1 (D) Failure of the guardian to provide minimum care to
2 the animal.

3 (E) Criminal conduct that impairs the guardian's
4 ability to provide minimum care to the animal.

5 (F) Abuse, neglect, abandonment or the sexual assault
6 of the animal by the guardian.

7 (G) Conduct by the guardian to aid or abet another
8 person in the abuse, neglect, abandonment or sexual assault of
9 the animal.

10 (H) A conviction under the PAWS Act resulting from
11 the treatment of the animal is prima facie evidence that the
12 guardian is unfit to possess the animal.

13 (5) Upon a finding by the court that the petitioner has
14 established by a preponderance of the evidence that the guardian of
15 the animal is unfit to possess the animal, the court, in consideration of
16 the best interest of the animal:

17 (A) Shall immediately terminate the guardian's legal
18 interest in the animal and transfer such interest to the petitioner
19 for further disposition in accordance with reasonable practices
20 for the humane treatment of animals. A transfer of legal interest
21 under this subsection constitutes a transfer of ownership.

22 (B) Shall enjoin the guardian's possession of any
23 animal for a period of not less than three (3) years from the date
24 the petition was granted.

25 (C) Shall order the guardian to repay the reasonable
26 costs incurred by any person or agency in providing minimum
27 care to the animal.

1 (D) May order that other animals that are in the
2 possession of the guardian and that were not taken into actual or
3 constructive custody by the petitioner be transferred to the
4 permanent custody of the petitioner or an appropriate person or
5 animal care agency for further disposition in accordance with
6 reasonable practices for the humane treatment of animals.

7 (6) In placing an animal with a new guardian, the petitioner
8 may give placement preference to any person who had prior contact
9 with the animal, including but not limited to family members and
10 friends of the former guardian whom the petitioner determines are
11 capable of providing necessary, adequate and appropriate levels of
12 care to the animal.

13 (g) Protective Orders.

14 (1) A mandatory restraining order is created against any
15 person charged with a violation of this section.

16 (2) The order shall remain in effect from the time that the
17 defendant is advised of their rights at arraignment or the defendant's
18 first appearance before the court and informed of such order, until
19 final disposition of the action.

20 (3) The order shall restrain the defendant from contacting,
21 harassing, molesting, intimidating, retaliating against, or tampering
22 with:

23 (A) Any animal(s) victimized by the acts charged; and

24 (B) Any guardian or owner, other than the defendant,
25 of such animal(s); and

26 (C) Any witness to the acts charged.

1 (4) The restraining order issued pursuant to this section shall
2 be on a standardized form prescribed by the Superior Court of Guam.

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

5 (6) The court may include an animal in any protective order
6 authorized by this code.

7 **§ 70.10.16 Post-Conviction Provisions.**

8 (a) Community Service. In addition to any other sentence it may
9 impose, the court may order the defendant to participate in community
10 service. If the court does order community service participation, no such
11 participation shall occur at any humane society, animal shelter, or other
12 facility where an animal is present, unless first approved by said
13 organization.

14 (b) Evaluation & Treatment.

15 (1) In addition to any other sentence it may impose, a court
16 shall order the defendant convicted of a petty misdemeanor,
17 misdemeanor, or felony to undergo a psychiatric, psychological or
18 mental health evaluation, and if warranted by the condition of the
19 defendant, shall order the defendant to undergo appropriate care or
20 treatment.

21 (2) All costs of the evaluation, care and treatment shall be
22 borne by the defendant.

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 and any person receiving a violation under the
26 PAWS Act.

1 (d) Forfeiture. In addition to any other sentence it may impose, a
2 court shall require a defendant convicted under the PAWS Act to forfeit all
3 legal interest of the defendant in the animal subjected to the violation. The
4 court shall award all such interest to the animal to a humane society, animal
5 shelter or other organization that has as its principal purpose the humane
6 treatment of animals.

7 (e) Offender Registration.

8 (1) For purposes of this section, an “animal abuser” means a
9 person over eighteen years of age who has been convicted of a felony
10 violation of the PAWS Act or of the comparable laws of another
11 jurisdiction.

12 (2) Any animal abuser physically within the boundaries of
13 Guam for more than ten (10) consecutive days shall register with the
14 PAWS Act Offender Registry as managed by the Judiciary of Guam.

15 (3) Intentional or knowing failure to comply with the
16 registration requirements as an animal abuser is a felony of the third
17 degree.

18 (4) Intentionally and knowingly providing false information
19 when complying with the registration requirements set forth in this
20 section is a felony of the second degree.

21 (5) Within ten (10) days of receiving initial registration
22 information from an animal abuser, the Judiciary of Guam shall
23 contact every humane society and animal shelter on Guam and
24 provide them with the animal abuser’s registration information, with
25 the exception of the animal abuser’s social security number.

26 (6) The PAWS Act Offender Registry shall be made
27 accessible to the relevant divisions of the Department of Agriculture,

1 Department of Public Health and Social Services, Guam Police
2 Enforcement, and every humane society and animal shelter on Guam.

3 (f) Contact with Animals.

4 (1) In addition to any other penalty imposed by law, the
5 Court may require that a person convicted of a felony violation of the
6 PAWS Act, shall not own, possess, or have custody of any animal for
7 a period between one (1) to five (5) years on a first offense; and for a
8 period between fifteen (15) years and the lifetime of the offender on a
9 second or subsequent offense. In determining the length of such
10 period of time, the Court may take into account said person's
11 willingness and efforts toward seeking rehabilitation through
12 counseling and education.

13 (2) A violation of this section is a misdemeanor punishable
14 by a fine not exceeding Five Thousand Dollars (\$5,000) and forfeiture
15 of the offender's interest in the animal.

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

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

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

3 **§ 70.10.17 Civil Right of Action for the Wrongful Injury or Death of**
4 **an Animal.**

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

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
22 occur within three (3) years from the date on which injuries or death were
23 first identified by the guardian.

24 **Section 3.** All fines and penalties collected from Sections 70.01 through
25 70.10.17, Chapter 70, Title 9, Guam Code Annotated, shall be deposited into the
26 Rabies Prevention Fund as established by §34307, Chapter 34, Title 10, Guam
27 Code Annotated.

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

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

4 Any person who is attacked by a pet or animal or any person
5 witnessing any such attack may kill such pet or animal ~~while so attacking or~~
6 ~~thereafter~~ in accordance with the provisions of Chapter 70, Title 9, Guam
7 Code Annotated. Such person shall notify the Department immediately of
8 such killing and remain with the carcass until an officer takes possession of
9 the carcass. The carcass shall be immediately delivered to the Department
10 for examination.”

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

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

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 ~~while so attacking~~
16 ~~or thereafter~~ in accordance with the provisions of Chapter 70, Title 9, Guam
17 Code Annotated, if deemed necessary to prevent further attack by the pet or
18 animal or to prevent otherwise unavoidable escape of the pet or animal
19 without incurring any financial liability to the pet or animal owner. Such
20 person killing a pet or animal shall notify the Department immediately, and
21 shall remain with the pet or animal until an officer takes possession of the
22 carcass, or other arrangements acceptable to the Department are made for
23 the recovery of the carcass. Upon taking possession of the carcass, the
24 officer shall immediately deliver it to the Department for examination.”

25 **Section 6.** §§34112, 34120, and 34205, of Chapter 34, Title 10, Guam
26 Code Annotated is hereby repealed.

1 **Section 7.** §3116 (b) and (c), and Part 6, of Chapter 3, Title 9, Guam
2 Administrative Rules and Regulations is hereby repealed.

3 **Section 8. Effective Date.** This Act shall be effective upon enactment
4 into law.

5 **Section 9. Severability.** If any provisions of this Act or its application to
6 any person or circumstance is found to be invalid or contrary to law, such
7 invalidity *shall not* affect other provisions or applications of this Act that can be
8 given effect without the invalid provision or application, and to this end the
9 provisions of this Act are severable.