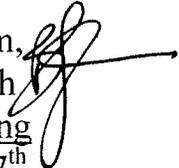


Bill No. 138 (COR)

Introduced by:

Committee on Tourism,
Cultural Affairs, Youth
and Public Broadcasting
at the request of the 27th
Guam Youth Congress



**AN ACT TO AMEND CHAPTER 3 OF TITLE 19 OF THE
GUAM CODE ANNOTATED; RELATIVE TO THE
LEGALIZATION OF SAME SEX CIVIL UNIONS WITHIN
THE TERRITORY OF THE ISLAND OF GUAM.**

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

2 **Section 1. Legislative Findings and Intent.**

3 *I Liheslaturan Guåhan* recognizes that there exists on Guam a large
4 group of disaffected persons who have been denied one of the most basic
5 rights ever given to law abiding citizens; the right to enter into a marriage
6 and to be given the same rights and benefits that have been given to other
7 couples who have entered into a marriage. The people of Guam are widely
8 known for their kindness and their compassion, and with the recent rulings
9 allowing gay marriages in Massachusetts and Connecticut, it is time that
10 Guam afford its sizeable number of same sex couples the right to enter into a
11 union that is recognized by the government of Guam.

12 Therefore, *I Liheslaturan Guåhan* finds that there exists a need to
13 amend the laws of Guam governing marriage contracts and to create a new
14 section to allow for same sex couples who have resided on Guam for no less
15 than five (5) years to be able to enter into a recognized "civil union" that

1 while not being recognized as a marriage, will still enable the couples to
2 receive all the benefits, rights, and responsibilities given to married
3 heterosexual couples.

4 **Section 2. § 3110 (a).** A new §3110 (a) of Chapter 3 of Title 19 of
5 the Guam Code Annotated is hereby *added* to read:

6 “If any same sex couple wishes to enter into a “civil union,” it shall be
7 recognized as such by the Territory of Guam. Those couples wishing to enter
8 into such a union must have resided on Guam for a period of five (5)
9 consecutive years prior to applying for a license from the Department of
10 Revenue and Taxation and must have their own private residence in the
11 Territory. Such a union must be officiated by an authorized official of the
12 Government of Guam as provided for in § 3204 of Chapter 3 of Title 19 of
13 the Guam Code Annotated. Those parties wishing to enter into a union must
14 first obtain a civil union license from the Department of Revenue and
15 Taxation and which must be able to show the following:

16 (a) Identity of the parties;

17 (b) Full names, proof of residences on Guam, place of birth;

18 (c) Date of Birth;

19 (d) Proof of American citizenship;

20 (e) Which surname/maiden name the parties wish to retain;

21 (f) Social Security Numbers of both persons;

22 The Department of Revenue and Taxation shall charge couples applying for
23 a civil union license the same amount as it costs for a marriage license.”

24 **Section 3. § 3110 (b).** A new § 3110 (b) of Chapter 3 of Title 19 of
25 the Guam Code Annotated is hereby *added* to read:

1 “Any religious denomination or group that does not recognize same
2 sex marriages shall not be forced to officiate at such a ceremony; nor shall it
3 be held liable in any way for such a refusal to officiate.”

4 **Section 4. § 3110 (c).** A new § 3110 (c) of Chapter 3 of Title 19 of the
5 Guam Code Annotated is hereby *added* to read:

6 “A(n) official of the government of Guam with the authority to marry
7 couples may, on grounds of religious faith, decline to officiate a civil union;
8 such official shall not be held liable for such declining based on his faith.”

9 **Section 5. § 3102 (b).** A new § 3102 (b) of Chapter 3 of Title 19 of
10 the Guam Code Annotated is hereby *added* to read:

11 “The legal age for minors wishing to enter into a same sex civil union
12 with a person eighteen (18) or over shall be seventeen (17) years and must
13 have the written consent of both parents or legal guardians and must be
14 sworn in person before the Clerk of the Superior Court of Guam.”

15 **Section 6. Severability.**

16 If any provisions of this legislation or its applications to any person or
17 circumstance is found to be invalid or contrary to law, such invalidity shall
18 not affect other provisions or applications of this law which can be given
19 effect without the invalid provisions or applications, and to this end the
20 provisions of this legislation are severable.