

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
243-37 (COR) As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor.	Dwayne T.D. San Nicolas William A. Parkinson Amanda L. Shelton Joe S. San Agustin Roy A. B. Quinata Tina Rose Muña Barnes Jesse A. Lujan Chris Barnett Frank Blas, Jr. Joanne M. Brown Christopher M. Dueñas Thomas J. Fisher Sabina Flores Perez Telo T. Taitague Therese M. Terlaje	AN ACT TO ADD A NEW § 11318 TO ARTICLE 3 OF CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE STATUTE OF LIMITATIONS FOR FINANCIAL AND PROPERTY EXPLOITATION OF AN ELDERLY PERSON OR INDIVIDUAL WITH DISABILITY.	2/13/24 1:38 p.m.	2/15/24	Committee on Health, Land, Justice, and Culture	Request: 2/15/24 Waiver: 2/20/24	4/1/24 8:30 a.m.	5/29/24 10:44 a.m.	As amended by the Committee on Health, Land, Justice, and Culture
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
6/24/24	AN ACT TO ADD A NEW § 11318 TO ARTICLE 3 OF CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE STATUTE OF LIMITATIONS FOR FINANCIAL AND PROPERTY EXPLOITATION OF AN ELDERLY PERSON OR INDIVIDUAL WITH DISABILITY.	7/10/24	7/10/24	7/22/24					



COPY

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
Thirty-Seventh Guam Legislature

July 10, 2024

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan
Ufisinan I Maga'håga
Hagåtña, Guam 96910

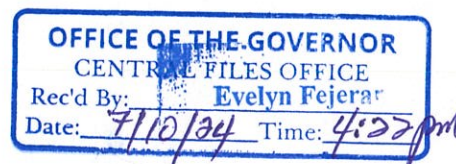
Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are **Bill Nos. 14-37 (COR), 39-37 (COR), 155-37 (LS), 190-37 (COR), 239-37 (COR), 243-37 (COR), 246-37 (COR), 260-37 (COR), 261-37 (LS), 264-37 (COR), 265-37 (COR), 273-37 (COR), 275-37 (COR), 280-37 (LS), 288-37 (LS), 294-37 (COR), 296-37 (COR) and Substitute Bill Nos. 6-37 (COR), 175-37 (COR), and 267-37 (COR)** which were passed by *I Mina'trentai Siette Na Liheslaturan Guåhan* on July 10, 2024.

Sincerely,


AMANDA L. SHELTON
Legislative Secretary

Enclosure (20)



I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'HÅGAN GUÅHAN*

This is to certify that **Bill No. 243-37 (COR)**, “AN ACT TO *ADD A NEW § 11318 TO ARTICLE 3 OF CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO REMOVING THE STATUTE OF LIMITATIONS FOR FINANCIAL AND PROPERTY EXPLOITATION OF AN ELDERLY PERSON OR INDIVIDUAL WITH DISABILITY,*” was on the 10th day of July 2024, duly and regularly passed.



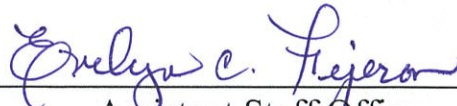
Therese M. Terlaje
Speaker

Attested:



Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 10th day of July,
2024, at 4:22 o'clock P.M.



Evelyn C. Fejeron
Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

Bill No. 243-37 (COR)

As amended by the Committee on
Health, Land, Justice, and Culture;
and further amended on the Floor.

Introduced by:

Dwayne T.D. San Nicolas
William A. Parkinson
Amanda L. Shelton
Joe S. San Agustin
Roy A. B. Quinata
Tina Rose Muña Barnes
Jesse A. Lujan
Chris Barnett
Frank Blas, Jr.
Joanne M. Brown
Christopher M. Dueñas
Thomas J. Fisher
Sabina Flores Perez
Telo T. Taitague
Therese M. Terlaje

**AN ACT TO *ADD* A NEW § 11318 TO ARTICLE 3 OF
CHAPTER 11, TITLE 7, GUAM CODE ANNOTATED,
RELATIVE TO REMOVING THE STATUTE OF
LIMITATIONS FOR FINANCIAL AND PROPERTY
EXPLOITATION OF AN ELDERLY PERSON OR
INDIVIDUAL WITH DISABILITY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the financial exploitation of our *manåmko'* (the elderly) is a heinous crime that
4 should not have a statute of limitations because the physical and mental constitution
5 of the elderly victims severely impacts and hampers their ability to pursue justice,

1 and because the crime deprives the elderly victims of their living allowance and their
2 way of supporting themselves; akin to taking the livelihood of someone who is most
3 likely unable to make a living anymore. According to the National Council on Aging,
4 “Up to five million older Americans are abused every year, and the annual loss by
5 victims of financial abuse is estimated to be at least \$36.5 Billion Dollars.” The
6 number of exploited elderly is astounding and justifies the creation of legislation to
7 combat this issue. The Council also states that, in about sixty percent (60%) of
8 elderly abuse incidents, the perpetrator is a family member, usually the spouses or
9 the children of the victim, a fact that makes this issue a heinous one because these
10 perpetrators are trusted and relied on by the victims. The Council further states that,
11 “Social isolation and mental impairment (such as dementia or Alzheimer’s disease)
12 are two factors” that make the elderly vulnerable to abuse. The elderly with these
13 conditions are especially vulnerable to financial exploitation and abuse in general.
14 All of these findings by the National Council on Aging are astoundingly alarming,
15 something which our *manâmkos* need to be protected from by putting the law on
16 their side.

17 *I Liheslaturan Guåhan* also finds that the burden of protecting our *manâmkos*
18 from financial exploitation and abuse lies on the backs of our island’s legislators.
19 According to the article “Financial Abuse of the Elderly in Domestic Setting” by the
20 National Institutes of Health’s National Center for Biotechnology Information
21 (NCBI), “...elder abuse, like other domestic ills, has generally been considered a
22 state concern rather than a federal concern” and that, “the absence of federal law
23 pertaining to elder abuse has placed on the states the responsibility to define this
24 activity.” As a government entity that serves the people, *I Liheslaturan Guåhan*
25 needs to enact legislation that would protect and help our *manâmkos* find justice in
26 incidents of financial and elderly abuse.

1 Therefore, *I Liheslaturan Guåhan* intends to enact legislation that will remove
2 the statute of limitations in cases of elderly financial or property exploitation and
3 abuse. With this legislation in place, the elderly victims of financial or property
4 exploitation and abuse will be able to pursue justice without the added worry of a
5 deadline to file a lawsuit.

6 **Section 2.** A new § 11318 is hereby *added* to Article 3 of Chapter 11, Title
7 7, Guam Code Annotated, to read as follows:

8 “**§ 11318. No Time Limit for Financial or Property Exploitation of an**
9 **Elderly Person or Individual with Disability.**

10 Notwithstanding any other provision of law, any civil claim or claims arising
11 from an incident of financial or property exploitation of an elderly person or
12 individual with a disability as defined under Chapter 32 of Title 9, Guam Code
13 Annotated, may be commenced against a person, a legal entity, abusers, their
14 enablers, their aiders or abettors, those acting in concert with them, and their
15 institutions, at any time.”

16 **Section 3. Severability.** If any provision of this Act or its application to any
17 person or circumstance is found to be invalid or inorganic, such invalidity shall not
18 affect other provisions or applications of this Act that can be given effect without the
19 invalid provision or application, and to this end the provisions of this Act are
20 severable.

21 **Section 4. Effective Date.** This Act shall be effective upon enactment.