

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
39-37 (COR) As amended on the Floor.	William A. Parkinson	AN ACT TO AMEND SUBSECTION (d) OF § 7.112 AND TO ADD A NEW SUBSECTION (e) TO § 7.113, BOTH OF ARTICLE 5, CHAPTER 7, TITLE 9, GUAM CODE ANNOTATED; RELATIVE TO BETTER EFFECTUATING THE INTENT OF GUAM'S CASTLE DOCTRINE ACT BY ELIMINATING THE DUTY TO RETREAT FROM THE CURTLAGE OF ONE'S RESIDENCE; AND TO ENHANCING JUDICIAL ECONOMY BY ADOPTING A PRETRIAL HEARING TO DETERMINE A DEFENDANT'S IMMUNITY FROM CRIMINAL PROSECUTION; AND TO CITE THIS ACT AS THE "CASTLE DOCTRINE REFORM ACT OF 2023."	2/13/23 3:43 p.m.	2/16/23 8:00 a.m.	Committee on Health, Land, Justice, and Culture	Request: 2/16/23 Waiver: 2/20/23			
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
6/24/24	AN ACT TO AMEND § 7.112(d), AND ADD NEW §§ 7.112(a)(3) AND 7.113(e), ALL OF ARTICLE 5, CHAPTER 7, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO BETTER EFFECTUATING THE INTENT OF GUAM'S CASTLE DOCTRINE ACT BY ELIMINATING THE DUTY TO RETREAT FROM THE CURTLAGE OF ONE'S RESIDENCE, AND TO ENHANCING JUDICIAL ECONOMY BY ADOPTING A PRETRIAL HEARING TO DETERMINE A DEFENDANT'S IMMUNITY FROM CRIMINAL PROSECUTION; AND TO CITE THIS ACT AS THE "CASTLE DOCTRINE REFORM ACT OF 2024."	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. 39-37 (COR)**, “AN ACT TO *AMEND* § 7.112(d), AND *ADD* NEW §§ 7.112(a)(3) AND 7.113(e), ALL OF ARTICLE 5, CHAPTER 7, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO BETTER EFFECTUATING THE INTENT OF GUAM’S CASTLE DOCTRINE ACT BY ELIMINATING THE DUTY TO RETREAT FROM THE CURTILAGE OF ONE’S RESIDENCE, AND TO ENHANCING JUDICIAL ECONOMY BY ADOPTING A PRETRIAL HEARING TO DETERMINE A DEFENDANT’S IMMUNITY FROM CRIMINAL PROSECUTION; AND TO CITE THIS ACT AS THE ‘CASTLE DOCTRINE REFORM ACT OF 2024,’” 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 4:28 o'clock p.M.



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
2023 (FIRST) Regular Session

Bill No. 39-37 (COR)

As amended on the Floor.

Introduced by:

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

AN ACT TO AMEND § 7.112(d), AND ADD NEW §§ 7.112(a)(3) AND 7.113(e), ALL OF ARTICLE 5, CHAPTER 7, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO BETTER EFFECTUATING THE INTENT OF GUAM'S CASTLE DOCTRINE ACT BY ELIMINATING THE DUTY TO RETREAT FROM THE CURTILAGE OF ONE'S RESIDENCE, AND TO ENHANCING JUDICIAL ECONOMY BY ADOPTING A PRETRIAL HEARING TO DETERMINE A DEFENDANT'S IMMUNITY FROM CRIMINAL PROSECUTION; AND TO CITE THIS ACT AS THE "CASTLE DOCTRINE REFORM ACT OF 2024."

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

2 **Section 1. Short Title.** This Act may be cited as the "*Castle Doctrine*
3 *Reform Act of 2024.*"

1 **Section 2.** A new Subsection (a)(3) is hereby *added* to § 7.112 of Article 5,
2 Chapter 7, Title 9, Guam Code Annotated, to read as follows:

3 “(3) Provided that the property is enclosed or reasonable notice is placed
4 upon the boundaries of the curtilage, that the property or residence is a no trespassing
5 zone.”

6 **Section 3.** Subsection (d) of § 7.112 of Article 5, Chapter 7, Title 9, Guam
7 Code Annotated, is hereby *amended* to read as follows:

8 “(d) As used in this Section, the term:

9 (1) *Habitable Property* has the meaning provided by § 34.10.
10 Habitable property are limited to business buildings for which the
11 victim has beneficial control and use; and residences, vehicles and
12 house boats for which the victim has a legal right to occupy.

13 Except when used in reference to a residence, habitable property
14 does not include yards or surrounding outdoor spaces. Nothing herein
15 is construed to limit the right of a victim to use defensive force in a
16 manner consistent with Chapter 7 of Title 9, GCA in areas outside of
17 his/her home, business, car or house boat;

18 (2) *Business* means habitable property that is lawfully used to
19 conduct commercial activity by duly licensed corporations, LLCs,
20 partnerships or sole proprietorships;

21 (3) *Residence* means a habitable property, to include the
22 curtilage of the residence, in which a person resides, either temporarily
23 or permanently, or is visiting as an invited guest, or any building or
24 other appurtenance within the curtilage of the residence such as an
25 outdoor kitchen or bathroom;

26 (4) *Vehicle* is defined in § 1102 and § 5101 of Title 16, GCA;

1 (5) *Curtilage* means the area immediately surrounding a
2 residence that is necessary, convenient and habitually used for family
3 purposes and for those activities associated with the sanctity of a
4 person's home;

5 (6) *Defensive Force* has the same meaning as self-defense as
6 used in Chapter 7 of Title 9, GCA, except that a lawful occupant of
7 habitable property has no duty or obligation to retreat."

8 **Section 4.** A new Subsection (e) is *added* to § 7.113 of Article 5, Chapter 7,
9 Title 9, Guam Code Annotated, to read as follows:

10 “(e) In a criminal prosecution, once a prima facie claim of self-defense
11 immunity from criminal prosecution has been raised by the defendant at a pretrial
12 immunity hearing, the burden of proof by clear and convincing evidence is on the
13 party seeking to overcome the immunity from criminal prosecution provided in
14 Subsection (b) of this Section.”

15 **Section 5. Effective Date.** This Act shall be effective upon enactment.

16 **Section 6. 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
19 the invalid provision or application, and to this end the provisions of this Act are
20 severable.