

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

Bill No. 243-37 (COR)

Introduced by:

Dwayne T.D. San Nicolas
William A. Parkinson

AN ACT TO *ADD* A NEW § 11318 TO ARTICLE 3, 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.

BE IT ENACTED BY THE PEOPLE OF GUAM.

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the financial exploitation of our *manåmko'* is a heinous crime that should not have a statute of limitations because the physical and mental constitution of the elderly victims severely impacts and hampers their ability to pursue justice, and because the crime deprives the elderly victims of their living allowance and their way of supporting themselves; akin to taking the livelihood of someone who is most likely unable to make a living anymore. According to the National Council on Aging, “Up to five million older Americans are abused every year, and the annual loss by victims of financial abuse is estimated to be at least \$36.5 billion”. The number of exploited elderly is astounding and justifies the creation of legislation to combat this issue. The Council also states that, in about 60% of elderly abuse incidents, the perpetrator is a family member, usually the spouses or the children of the victim; a fact that makes this issue a heinous one because these perpetrators are trusted and relied on

1 by the victims. The Council further states that, “Social isolation and mental
2 impairment (such as dementia or Alzheimer’s disease) are two factors” that make
3 the elderly vulnerable to abuse. Elderlies with these conditions are especially
4 vulnerable to financial exploitation and abuse in general. All of these findings by the
5 National Council on Aging are astoundingly alarming, something which our
6 *manåmkos* need to be protected from by putting the Law on their side.

7 *I Liheslaturan Guåhan* also finds that the burden of protecting our *manåmkos*
8 from financial exploitation and abuse lie on the backs of our island’s legislators.
9 According to the article “Financial Abuse of the Elderly in Domestic Setting” by the
10 National Institutes of Health’s National Center for Biotechnology Information
11 (NCBI), “...elder abuse, like other domestic ills, has generally been considered a
12 state concern rather than a federal concern” and that, “the absence of federal law
13 pertaining to elder abuse has placed on the states the responsibility to define this
14 activity”. As a government entity that serves the people, *I Liheslaturan Guåhan*
15 needs to enact legislation that would protect and help our *manåmkos* find justice in
16 incidents of financial and elderly abuse.

17 Therefore, *I Liheslaturan Guåhan* intends to enact a legislation that will
18 remove the statute of limitations in cases of elderly financial exploitation and abuse.
19 With this legislation in place, the elderly victims of financial exploitation and abuse
20 will be able to pursue justice without the added worry of a deadline to file a lawsuit.

21 **Section 2.** A new § 11318 *shall* be added to Article 3 of Chapter 11, Title 7,
22 Guam Code Annotated, to read as follows:

23 **“§ 11318. No Limit for Elderly Financial Exploitation.**

24 Notwithstanding any other provision of law, any claim arising from an
25 incident of elderly financial exploitation defined under Chapter 32 of Title 9,
26 Guam Code Annotated may be commenced against a person, a legal entity,

1 abusers, their enablers, their aiders or abettors, those acting in concert with
2 them and their institutions at any time.”

3 **Section 3. Severability.** *If* any of the provisions of this Act or the application
4 thereof to any person or circumstance is held invalid, such invalidity *shall not* affect
5 any other provision or application of this Act which can be given effect without the
6 invalid provision or application, and to this end the provisions of this Act are
7 severable.

8 **Section 4. Effective Date.** This Act shall become effective upon enactment.