

MINA' TRENTAI DOS NA LIHESLATURAN GUÅHAN
2013 (FIRST) Regular Session

Bill No. 107-32 ^{LS} (~~44~~) *OK*

Introduced by:

Brant T. McCreadie *[Signature]*
Dennis G. Rodriguez Jr. *[Signature]*
~~Judith T. Won Pat~~
Tina Rose Muna Barnes *[Signature]*
Michael F. Q. San Nicolas *[Signature]*
V. Anthony Ada *[Signature]*
Michael Lintiaco *[Signature]*

**AN ACT TO ADD A NEW SECTION TO CHAPTER
80, TITLE 9, GUAM CODE ANNOTATED,
RELATIVE TO CREATING A “TWO STRIKES”
PROVISION FOR HABITUAL OFFENDERS OF
SERIOUS CRIMES.**

2013 MAY - 3 PM 3:45 *OK*

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that
3 there has been a sharp increase in violent and serious crimes. *I Liheslaturan Guåhan*
4 further finds that many of these violent crimes are committed again and again by
5 persons previously convicted of other serious crimes. These habitual offenders have
6 shown that rehabilitation for them is not an option. As such, it is in the people’s best
7 interest that habitual offenders be incarcerated for a significant period of time.

8 Therefore, it is the intent of *I Liheslaturan Guåhan* to implement a habitual
9 offender statute by adding a new Section to Chapter 80, Title 9, Guam Code
10 Annotated.

11 Section 2. The new Section to be added shall read as follows:

1 Habitual Offenders

2 A. Notwithstanding any provision that establishes a shorter term of
3 imprisonment, a person who has been convicted of committing or attempting or
4 conspiring to commit any violent or aggravated felony and who has previously
5 been convicted of a violent or aggravated felony not committed on the same
6 occasion and separated by intervening arrest shall be sentenced to imprisonment
7 for life and is not eligible for suspension of sentence, probation, or parole or
8 release .

9 B. In order for this penalty under this section to apply, both of the
10 following must occur:

11 1. Judgment for the aggravated or violent felony that comprises the
12 prior conviction shall have been entered within fifteen (15) years of the
13 conviction for the current offense, however time spent in custody or on
14 probation for an offense or while the person is an absconder shall not be
15 excluded from the calculation of the fifteen (15) years.

16 C. For the purposes of this section:

17 1. "Violent or Aggravated Felony" means any of the following
18 offenses if committed in this territory or any offense committed outside
19 this Territory that if committed in this Territory would constitute one of
20 the following offenses:

21 (a) Criminal Homicide, 9 G.C.A. §16.

22 (b) Aggravated Assault and Assault, 9 G.C.A. §§19.20 & 19.30.

23 (c) Terroristic Conduct, 9 G.C.A. §19.50

24 (d) Kidnapping, 9 G.C.A. § 22.20

25 (e) Felonious Restraint, 9 G.C.A. §22.30

26 (f) Child Stealing, 9 G.C.A. §22.40

1 (g) Criminal Sexual Conduct in the 1st, 2nd, & 3rd Degrees, 9
2 G.C.A. §§25.15, 25.20, & 25.25.

3 (h) Criminal Sexual Conduct in the 4th Degree as it defined in 9
4 G.C.A. §25.30 as a Felony in the 3rd Degree.

5 (i) Assault with Intent to Commit Criminal Sexual Conduct, 9
6 G.C.A. §25.35

7 (j) Compelling Prostitution, 9 G.C.A. §28.30 as defined involving a
8 child.

9 (k) Indecent Electronic Display to a Child, 9 G.C.A. §25.01.10

10 (l) Electronic Enticement of a Child as a 1st, 2nd, & 3rd Degree
11 Felony, 9 G.C.A. §§25.01.40, 25.01.30, & 25.01.20

12 (m) Crimes Involving Obscenity & Related Offenses Involving
13 Children, 9 G.C.A. §§1628.51 & 28.52.

14 (n) Photography of Minors' Sexual Acts, 9 G.C.A. §28.80

15 (o) Possession of Child Pornography, 9 G.C.A. §25.01.60.

16 (p) Dissemination of Child Pornography, 9 G.C.A. §25.01.70

17 (q) Family Violence, as a Felony, 9 G.C.A. §30.20

18 (r) Child Abuse, 9 G.C.A. §31.30

19 (s) Aggravated Arson, 9 G.C.A. §34.20

20 (t) Negligent Burning, 9 G.C.A. §34.40

21 (u) Burglary, 9 G.C.A. §37.20.

22 (v) Robbery in the 1st, 2nd, & 3rd, 9 G.C.A. §1640.10, 40.20, &
23 40.30.

24 (w) Felony Escape, 9 G.C.A. §58.20.

25 (x) Riot, Failure to Disperse, 9 G.C.A. §61.10.

1 (y)Violation of the Guam Gun Free School Zone Act of 2004, 9
2 G.C.A. §71

3 **Section 3. Effective Date.** This Act shall be effective upon enactment.

4 **Section 4. Severability.** *If* any provision of this Law or its application to any
5 person or circumstance is found to be invalid or contrary to law, such invalidity shall
6 *not* affect other provisions or applications of this Law which can be given effect
7 without the invalid provisions or application, and to this end the provisions of this
8 Law are severable.