

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

Bill No. 119-32 (COR)

Introduced by:

V. Anthony Ada
Chris M. Duenas



**AN ADD A NEW ARTICLE 2 TO CHAPTER 37 OF 9GCA
RELATIVE TO HOME INVASION.**

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

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3 **Section 1.** The Title of Chapter 37 of 9GCA is *amended* to read as follows:

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"Chapter 37

6

BURGLARY AND HOME INVASION"

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8 **Section 2.** A new Article 2 is added to Chapter 37 of 9GCA to read:

9

10

Article 2

11

Home Invasion

12

13 **§37.201. Home Invasion.** A person is guilty of home invasion when such person
14 enters or remains unlawfully in a dwelling, while a person other than a participant in
15 the crime is actually present in such dwelling, with intent to commit a crime therein,
16 and, in the course of committing the offense: (1) Acting either alone or with one or
17 more persons, such person or another participant in the crime commits or attempts to
18 commit a felony against the person of another person other than a participant in the

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1 crime who is actually present in such dwelling, or (2) such person is armed with
2 explosives or a deadly weapon or dangerous instrument.

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4 **§37.202. In the Course of Committing Home Invasion.** An act shall be deemed "in
5 the course of committing" the offense if it occurs in an attempt to commit the offense
6 or flight after the attempt or commission.

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8 **§37.203. Knowledge of occupancy is not a defense.** It is no defense the defendant
9 reasonably believed that the dwelling was unoccupied, by a person who was not a
10 participant in the crime, at the time the home invasion occurred.

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12 **§37.204. Home Invasion Punished.** (a) Home invasion is a first degree felony and
13 any person found guilty under this section shall be sentenced to a term of
14 imprisonment of which at least ten (10) years may not be suspended or reduced by the
15 court.

16 (b) The sentence imposed for home invasion shall run consecutively to any sentence
17 for other crimes committed in conjunction with the home invasion.