

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

Bill No. 202-32(COR)

Introduced by:

V. Anthony Ada
Chris M. Dueñas



**AN ADD A NEW ARTICLE 3 TO CHAPTER 37 OF 9GCA
RELATIVE TO CARJACKING.**

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

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3 **Section 1.** . A new Article 3 is added to Chapter 37 of 9GCA to read:

4

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Article 3

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Carjacking

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8 **§37.301. Carjacking.** A person is guilty of carjacking when such person commits a
9 crime of burglary, as defined by this Chapter, in a vehicle, while a person other than a
10 participant in the crime is actually present in such vehicle, with intent to commit a
11 crime therein, and, in the course of committing the offense: (1) Acting either alone or
12 with one or more persons, such person or another participant in the crime commits or
13 attempts to commit a violent crime against the person of another person other than a
14 participant in the crime who is actually present in such vehicle, or (2) if any of the acts
15 of a participant at any time during the burglary, or while attempting a burglary or while
16 fleeing from a burglary/attempted burglary, directly or indirectly, cause the mental or
17 emotional trauma, bodily injury, serious bodily injury or the death of an occupant of
18 the vehicle who is not a participant in the burglary.

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§37.302. Armed Carjacking. Whoever commits the offense of carjacking while armed with or having readily available any pistol or other firearm or imitation thereof or other dangerous or deadly weapon, including a firearm, dirk, knife, switchblade, razor, blackjack, billy, or metallic or other false knuckles, or any object capable of inflicting death or serious bodily injury, shall be guilty of armed carjacking.

§37.303. In the Course of Committing Carjacking or Armed Carjacking. An act shall be deemed "in the course of committing" the offense if it occurs in an attempt to commit the offense or flight after the attempt or commission.

§37.304. Knowledge of occupancy is not a defense. It is no defense the defendant reasonably believed that the vehicle was unoccupied, by a person who was not a participant in the crime, at the time the Carjacking or Armed Carjacking occurred.

§37.305. Carjacking Punished. (a) Carjacking is a first degree felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which at least ten (10) years may not be suspended or reduced by the court.

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

§37.306. Armed Carjacking Punished. (a) Armed Carjacking is a first degree felony and any person found guilty under this section shall be sentenced to a term of imprisonment of which at least fifteen (15) years may not be suspended or reduced by the court.

(b) The sentence imposed for armed carjacking shall run consecutively to any sentence for other crimes committed in conjunction with the Carjacking.